

IN THE SUPREME COURT OF NORTH CAROLINA

No. 312A12

FILED 12 APRIL 2013

JOSE CLEMENTE HERNANDEZ GONZALEZ, Employee

v.

JIMMY WORRELL d/b/a WORRELL CONSTRUCTION, NONINSURED, and
PATRICK LAMM AND CO., LLC,
Employer,

TRAVELERS INDEMNITY CO., BUILDERS MUTUAL INSURANCE CO., SCOTT
INSURANCE AGENCY, SWISS REINSURANCE COMPANY, and CINCINNATI
INSURANCE CO.,
Carriers

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 728 S.E.2d 13 (2012), affirming an opinion and award filed on 5 August 2011 by the North Carolina Industrial Commission. On 12 December 2012, the Supreme Court allowed a petition by defendant Cincinnati Insurance Company for discretionary review of additional issues. Heard in the Supreme Court on 11 March 2013.

Thomas and Farris, P.A., by Albert S. Thomas, Jr. and Allen G. Thomas, Sr.; Paul N. Blake, III; and Morrison Law Firm, PLLC, by B. Perry Morrison, Jr., for plaintiff-appellee.

Lewis & Roberts, PLLC, by Jeffrey A. Misenheimer, Sarah C. Blair, and Melissa K. Walker, for defendant-appellants/appellees Patrick W. Lamm & Company, LLC and Builders Mutual Insurance Company.

Manning Fulton & Skinner P.A., by William S. Cherry III and Michael T. Medford, for defendant-appellee Scott Insurance Agency.

GONZALEZ V. WORRELL

Opinion of the Court

Womble Carlyle Sandridge & Rice, PLLC, by Burley B. Mitchell, Jr. and Garth A. Gersten, for defendant-appellant/appellee Cincinnati Insurance Company.

Sumwalt Law Firm, by Vernon Sumwalt; and Jay Gervasi, PA, by Jay A. Gervasi, Jr., for North Carolina Advocates for Justice, amicus curiae.

Orbock Ruark & Dillard, PC, by Mark A. Leach, for North Carolina Association of Defense Attorneys, amicus curiae.

PER CURIAM.

Justice BEASLEY took no part in the consideration or decision of this case. The remaining members of the Court are equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. *See, e.g., Amward Homes, Inc. v. Town of Cary*, 365 N.C. 305, 716 S.E.2d 849 (2011); *Goldston v. State*, 364 N.C. 416, 700 S.E.2d 223 (2010).

AFFIRMED.