

IN THE SUPREME COURT OF NORTH CAROLINA

No. 415PA12

FILED 8 NOVEMBER 2013

AMOS TYNDALL, as Guardian ad Litem for CHE-VAL BATTS

v.

FORD MOTOR COMPANY and ALEJANDRO ORTIZ RIOS

On writ of certiorari pursuant to N.C.G.S. § 7A-32(b) to review orders entered by the Court of Appeals on 28 August 2012 dismissing defendant Ford Motor Company's appeal from and denying defendant Ford Motor Company's petition for writ of certiorari to review an order denying this defendant's motion to dismiss entered by Judge Thomas H. Lock on 25 January 2012 in Superior Court, Nash County. Heard in the Supreme Court on 15 October 2013.

*Martin & Jones, PLLC, by Hoyt G. Tessener; Langdon & Emison, by J. Kent Emison, pro hac vice, and Jessica M. Agnelly, pro hac vice; and Womble Carlyle Sandridge & Rice, PLLC, by Burley B. Mitchell, Jr. and Pressly M. Millen, for plaintiff-appellee.*

*Kilpatrick Townsend & Stockton LLP, by Adam H. Charnes and Richard D. Dietz; Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan L.L.P., by Kirk G. Warner and Christopher R. Kiger; and Bowman and Brooke LLP, by Robert L. Wise, pro hac vice, for defendant-appellant Ford Motor Company.*

*Pinto Coates Kyre & Brown, PLLC, by Kenneth Kyre, Jr., for North Carolina Association of Defense Attorneys and North Carolina Chamber, amici curiae.*

*Carlton Fields, P.A., by Wendy F. Lumish, pro hac vice, and Alina Alonso Rodriguez, pro hac vice; and Smith Moore Leatherwood LLP, by Jon Berkelhammer, for Product Liability Advisory Council, amicus curiae.*

PER CURIAM.

TYNDALL V. FORD

*Opinion of the Court*

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 orders of the Court of Appeals. Accordingly, the orders of the Court of Appeals are left undisturbed.

AFFIRMED.