

IN THE SUPREME COURT OF NORTH CAROLINA

No. 426A18-2

Filed 13 December 2024

ELIZABETH ZANDER and EVAN GALLOWAY

v.

ORANGE COUNTY, NC and the TOWN OF CHAPEL HILL

Appeal pursuant to N.C.G.S. § 7A-30(2) (2023) from the decision of a divided panel of the Court of Appeals, 289 N.C. App. 591, 890 S.E.2d 793 (2023), affirming in part and reversing in part an order entered on 17 June 2022 by Judge Allen Baddour in Superior Court, Orange County, and remanding the case. This matter was calendared for argument in the Supreme Court on 30 October 2024 but determined on the record and brief without oral argument pursuant to Rule 30(f) of the North Carolina Rules of Appellate Procedure.

*Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by William A. Robertson, Robert J. King III, Daniel F.E. Smith, and Matthew B. Tynan, for plaintiff-appellants.*

*No brief for defendant-appellees.*

PER CURIAM.

For the reasons stated in the dissenting opinion at the Court of Appeals, the decision of the Court of Appeals is reversed. This case is remanded to the Court of Appeals with instructions to remand to the trial court for further proceedings.

REVERSED AND REMANDED.

ZANDER V. ORANGE COUNTY

*Opinion of the Court*

Justice RIGGS did not participate in the consideration or decision of this case.

Justice EARLS dissenting.

I would affirm the decision of the Court of Appeals for the reasons stated in the majority opinion of the Court of Appeals. Therefore, I respectfully dissent.