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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-368

Filed 3 September 2025

N.C. Industrial Commission, I.C. No. 196013

KENNETH M. SMYTH, Special Administrator of the Estate of LEOPOLD
TAPERREK, Deceased, Employee,

Plaintiff,

v.

CONTINENTAL TIRE THE AMERICAS, Employer, self-insured,

Defendant.

Appeal by Plaintiff from the Opinion and Award entered 13 November 2023 by
the North Carolina Industrial Commission. Heard in the Court of Appeals 5
November 2024.

Wallace and Graham, P.A., by Edward L. Pauley, for Plaintiff-Appellant.

*Fox Rothschild LLP, by Kip David Nelson and Patrick M. Kane, for Defendant-
Appellee Continental Tire the Americas.*

HAMPSON, Judge.

For the reasons stated in our opinion in *Funderburk v. Continental Tire the
Americas*, ___ N.C. App. ___, ___ S.E.2d ___ (No. COA 24-192, 2025), filed

SMYTH V. CONT'L TIRE THE AMERICAS

Opinion of the Court

simultaneously with this opinion, we reverse the order of the Full Commission dismissing Plaintiff's claim and remand for further proceedings to consider that claim.

REVERSED AND REMANDED.

Judge WOOD concurs.

Chief Judge DILLON dissents for the reasons stated in his dissenting opinion in *Funderburk*.

Report per Rule 30(e).