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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-467

Filed 3 September 2025

N.C. Industrial Commission, I.C. No. W11597

CHARLES E. GIBSON, JR., Personal Representative of the Estate of Charles E. Gibson, Sr., Deceased Employee,

Plaintiff,

v.

CONTINENTAL TIRE THE AMERICAS, Employer, self-insured, and GENERAL TIRE, INC./GENCORP, INC., Employer, LIBERTY MUTUAL INSURANCE COMPANY, Carrier,

Defendants.

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 Jeri L. Whitfield, Kip David Nelson, and Patrick M. Kane, for Defendant-Appellee Continental Tire the Americas.

Mullen Holland & Cooper, P.A., by John H. Russell, Jr., for Defendant-Appellee Liberty Mutual Insurance Company.

HAMPSON, Judge.

GIBSON V. CONT'L TIRE THE AMERICAS

Opinion of the Court

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 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).