

DUKE ENERGY CORPORATION, a North Carolina Corporation, Tax Identification No. 56-0205520 v. WENDELL COREY MALCOLM and CALLABRIDGE/GRANITE, LLC

No. 379A06

FILED: 15 DECEMBER 2006

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 178 N.C. App. ___, 630 S.E.2d 693 (2006), affirming in part and reversing in part a judgment entered 14 December 2004 by Judge James E. Lanning in Superior Court, Mecklenburg County. Heard in the Supreme Court 22 November 2006.

Parker Poe Adams & Bernstein LLP, by Irvin W. Hankins III and John W. Francisco, for plaintiff-appellee.

Ferguson, Scarbrough & Hayes, P.A., by James E. Scarbrough, for defendant-appellant Malcolm.

Kilpatrick Stockton LLP, by James H. Kelly, Jr. and Noelle E. Wooten, for defendant-appellant Callabridge/Granite, LLC.

PER CURIAM.

AFFIRMED.