No. 411A06

FILED: 9 MARCH 2007

Appeal pursuant to N.C.G.S. § 7A-30(2) from the

decision of a divided panel of the Court of Appeals, 175 N.C. App. 680, 633 S.E.2d 682 (2006), affirming an order entered on 24 January 2005 by Judge James M. Webb in Superior Court, Wilkes County. Heard in the Supreme Court 14 February 2007.

> Willardson, Lipscomb & Miller, LLP, by John S. Willardson, for plaintiff-appellee.

McElwee Firm, PLLC, by John M. Logsdon, for defendantappellant.

Robinson, Bradshaw & Hinson, P.A., by Mark W. Merritt and Blake W. Thomas, for The Charlotte-Mecklenburg Hospital Authority, amicus curiae.

The Bussian Law Firm, PLLC, by John A. Bussian, for the North Carolina Press Association, amicus curiae.

PER CURIAM.

AFFIRMED.

Chief Justice PARKER and Justice HUDSON did not participate in the consideration or decision of this case.