

JAYE DAY, Plaintiff, v. TIMOTHY A. NORDGREN, Executor of the
Estate of EDMUND A. RASMUSSEN, Defendant

NO. COA05-1317

Filed: 6 June 2006

No headnotes.

Appeal by plaintiff from an order entered 13 June 2005 by
Judge James C. Spencer, Jr., in Wake County Superior Court. Heard
in the Court of Appeals 20 April 2006.

*Randolph M. James, P.C., by Randolph M. James, for plaintiff
appellant.*

*Brady, Nordgren, Morton & Malone, PLLC, by Travis K. Morton,
for defendant appellee.*

MCCULLOUGH, Judge.

Plaintiff Day filed a companion case in Wake County Superior
Court and has appealed therefrom in which the facts and legal
issues are identical, with the only difference being the named
defendants. Therefore, the decision of *Day v. Rasmussen*, 177 N.C.
App. ___, ___ S.E.2d ___ (filed 6 June 2006), is controlling in the
instant case, and we therefore

Affirm.

Judges CALABRIA and STEELMAN concur.