

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA06-464

NORTH CAROLINA COURT OF APPEALS

Filed: 3 April 2007

DIANNE C. EDMONDSON,  
Plaintiff,

v.

Edgecombe County  
No. 03 CVS 596

MACCLESFIELD L-P GAS COMPANY,  
INC., and EMPIRE COMFORT  
SYSTEMS, INC., a/k/a ECS, INC.,  
Defendants.

Appeal by Dianne C. Edmondson (Plaintiff) and Macclesfield L-P Gas Company, Inc. (Macclesfield) from order entered 12 December 2005 and order entered 29 December 2005 by Judge Frank R. Brown in Superior Court, Edgecombe County. Heard in the Court of Appeals 13 December 2006.

*Taylor Law Office, by W. Earl Taylor, Jr.; Battle, Winslow, Scott & Wiley, P.A., by M. Greg Crumpler, for Plaintiff-Appellant-Appellee.*

*Valentine Adams Lamar Murray Lewis & Daughtry, L.L.P., by Ernie K. Murray and Kevin N. Lewis, for Defendant-Appellant Macclesfield L-P Gas Company, Inc.*

*Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P., by James K. Dorsett, III and Christopher R. Kiger, for Defendant-Appellee Empire Comfort Systems, Inc.*

McGEE, Judge.

For the reasons stated in a companion case, *Linwood Edmondson, Jr. v. Macclesfield L-P Gas Company, Inc., and Empire Comfort Systems, Inc., a/k/a ECS, Inc.*, (No. COA06-665) \_\_\_ N.C. App. \_\_\_,

\_\_\_ S.E.2d \_\_\_ (filed 3 April 2007), we deny Plaintiff's motion to dismiss, grant Macclesfield's petition for writ of certiorari as to appeal of the order denying summary judgment in its favor, and allow Empire's and Plaintiff's motions to strike Macclesfield's memorandum of additional authorities. As to the merits, we affirm the trial court's orders granting summary judgment in favor of Empire and denying summary judgment in Macclesfield's favor.

Affirmed.

Judges BRYANT and ELMORE concur.

Report per Rule 30(e).