

DARVELLA JONES v. HARRELSON AND SMITH CONTRACTORS, LLC, a North Carolina Corporation, and RODNEY S. TURNER d/b/a RODNEY S. TURNER HOUSEMOVERS

No. 36A07

FILED: 7 MARCH 2008

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 180 N.C. App. 478, 638 S.E.2d 222 (2006), dismissing plaintiff's appeal from a judgment entered on 10 May 2005 by Judge Jerry Braswell in Superior Court, Pamlico County. Heard in the Supreme Court 10 December 2007.

*Smith Moore LLP, by J. Donald Cowan, Jr. and Elizabeth Brooks Scherer, for plaintiff-appellant.*

*Hopf & Higley, P.A., by Donald S. Higley, II, for defendant-appellee Harrelson and Smith Contractors, LLC.*

*Troutman Sanders, LLP, by Hannah G. Styron and D. Martin Warf, for North Carolina Association of Defense Attorneys; and Elliot Pishko Morgan, P.A., by David C. Pishko, for North Carolina Academy of Trial Lawyers, amici curiae.*

PER CURIAM.

The decision of the Court of Appeals is reversed, and this case is remanded to that court for reconsideration in light of *Dogwood Development & Management Co. v. White Oak Transport Co.*, 362 N.C. \_\_\_, \_\_\_ S.E.2d \_\_\_ (2008) (303A07), and *State v. Hart*, 361 N.C. 309, 644 S.E.2d 201 (2007).

REVERSED AND REMANDED.