

DAVID LLOYD HOFHECKER v. JONATHAN COOPER CASPERSON and GARY JAY CASPERSON

No. 92A05

FILED: 16 DECEMBER 2005

Motor Vehicles--motorist-pedestrian accident--last clear chance

The decision of the Court of Appeals is reversed for the reason stated in the dissenting opinion that the trial court properly entered summary judgment for defendant driver on the issue of last clear chance because plaintiff pedestrian failed to forecast any evidence that defendant was speeding, not paying attention, failed to maintain a proper lookout, or could reasonably have discovered plaintiff's perilous position.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 168 N.C. App. 341, 607 S.E.2d 664 (2005), affirming in part and reversing in part an order entered on 10 November 2003 by Judge Donald W. Stephens in Superior Court, Wake County. Heard in the Supreme Court 12 September 2005.

Harris & Associates, PLLC, by Robert J. Harris, for plaintiff-appellee.

Brown, Crump, Vanore & Tierney, L.L.P., by O. Craig Tierney, Jr., for defendant-appellants.

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed.

REVERSED.