IN THE SUPREME COURT OF NORTH CAROLINA

No. 116PA13

FILED 7 MARCH 2014

SHEILA GREGORY, Administratrix of the Estate of TRAVIS BRYAN KIDD

v.

BARRY BLAINE PEARSON, in his individual capacity

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SHEILA GREGORY, Administratrix of the Estate of TRAVIS BRYAN KIDD

v.

CLEVELAND COUNTY, Self-McNeilly Solid Waste Management Facility

On discretionary review pursuant to N.C.G.S. § 7A-31 from the decision of a unanimous panel of the Court of Appeals, ___ N.C. App. ___, 736 S.E.2d 577 (2012), reversing an order entered on 23 March 2012 by Judge Richard Doughton in Superior Court, Cleveland County. Heard in the Supreme Court on 18 February 2014.

James M. Roane III for plaintiff-appellee.

Teague Campbell Dennis & Gorham, L.L.P., by William A. Bulfer and Rebecca Rausch; and Womble Carlyle Sandridge & Rice, LLP, by Sean F. Perrin and Jackson Price, for defendant-appellants.

Patterson Harkavy LLP, by Narendra K. Ghosh; and Sumwalt Law Firm, by Vernon Sumwalt, for North Carolina Advocates for Justice, amicus curiae.

Amy Bason, General Counsel, for North Carolina Association of County Commissioners; and Paul Cranfill for North Carolina Association of Self Insurers, amici curiae.

Hedrick Gardner Kincheloe & Garofalo, LLP, by M. Duane Jones, for North Carolina Association of Defense Attorneys, amicus curiae.

Womble Carlyle Sandridge & Rice, LLP, by Jillian M. Benson, for North Carolina Association of Staffing Professionals, amicus curiae.

K&L Gates LLP, by A. Lee Hogewood, III, for North Carolina Chamber, amicus curiae.

PER CURIAM.

Justice BEASLEY took no part in the consideration or decision of this case. The remaining members of the Court are equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. *See, e.g.*, *Goldston v. State*, 364 N.C. 416, 700 S.E.2d 223 (2010).

AFFIRMED.