

IN THE SUPREME COURT OF NORTH CAROLINA

No. 172A13

FILED 20 DECEMBER 2013

DAVID B. WIND

v.

THE CITY OF GASTONIA, NORTH CAROLINA, A Municipal Corporation

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 738 S.E.2d 780 (2013), affirming an order granting summary judgment for plaintiff and denying summary judgment for defendant entered on 1 November 2011 by Judge Forrest Donald Bridges in Superior Court, Gaston County, and remanding for further proceedings. Heard in the Supreme Court on 18 November 2013.

*The McGuinness Law Firm, by J. Michael McGuinness, for plaintiff-appellee.*

*Cranfill Sumner & Hartzog LLP, by Jaye E. Bingham-Hinch, Patrick H. Flanagan, and Bradley P. Kline, for defendant-appellant.*

*Fred P. Baggett for North Carolina Association of Chiefs of Police; and Edmond W. Caldwell, Jr., General Counsel, and Julie B. Smith, Associate General Counsel, for North Carolina Sheriffs' Association, amici curiae.*

*Richard Hattendorf, General Counsel; and Bailey & Dixon, LLP, by Jeffrey P. Gray, for North Carolina State Lodge of the Fraternal Order of Police, amicus curiae.*

*Edelstein and Payne, by M. Travis Payne, for Professional Fire Fighters and Paramedics of North Carolina, amicus curiae.*

PER CURIAM.

AFFIRMED.