

IN THE SUPREME COURT OF NORTH CAROLINA

No. 218A13

FILED 20 DECEMBER 2013

ALBERT H. SAMOST and TIMOTHY E. SHAUGHNESSY

v.

DUKE UNIVERSITY

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. ___, 742 S.E.2d 257 (2013), affirming an order granting judgment on the pleadings for defendant entered on 12 January 2012 by Judge Orlando F. Hudson, Jr. in Superior Court, Durham County. Heard in the Supreme Court on 19 November 2013.

Ekstrand & Ekstrand LLP, by Robert Ekstrand, for plaintiff-appellants.

Ellis & Winters LLP, by Paul K. Sun, Jr., Nora F. Warren, and Kelly Margolis Dagger, for defendant-appellee.

PER CURIAM.

Justice JACKSON 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., Amward Homes, Inc. v. Town of Cary*, 365 N.C. 305, 716 S.E.2d 849 (2011); *State v. Pastuer*, 365 N.C. 287, 715 S.E.2d 850 (2011).

@CASE NAME SHORT TITLE

Opinion of the Court

AFFIRMED.