

IN THE SUPREME COURT OF NORTH CAROLINA

No. 242A98-2

FILED: 3 MARCH 2000

MARGARET K. JONES

v.

ASHEVILLE RADIOLOGICAL GROUP, P.A., NATHAN WILLIAMS, M.D.,
TIMOTHY GALLAGHER, M.D., MEDICAL MUTUAL INSURANCE COMPANY OF
NORTH CAROLINA, and LUCI A. LAYTON

On appeal pursuant to N.C.G.S. § 7A-30(2) from a decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 518 S.E.2d 528 (1999), on remand from this Court, 350 N.C. 654, 517 S.E.2d 380 (1999), affirming in part, reversing in part, and remanding summary judgments for defendants entered by Ferrell, J., 25 February 1997 and 4 March 1997 in Superior Court, Buncombe County. Heard in the Supreme Court 15 February 2000.

Hylar & Lopez, P.A., by George B. Hylar, Jr., and Robert J. Lopez, for plaintiff-appellee.

Dameron, Burgin & Parker, P.A., by Charles E. Burgin and Sharon L. Parker, for defendant-appellants Asheville Radiological Group, P.A., and Timothy Gallagher, M.D.

Kennedy Covington Lobdell & Hickman, L.L.P., by James P. Cooney III, for defendant-appellant Nathan Williams, M.D.

Wilson & Iseman, L.L.P., by G. Gray Wilson and Elizabeth Horton, on behalf of the North Carolina Association of Defense Attorneys, amicus curiae.

PER CURIAM.

For the reasons stated in Judge Walker's dissenting opinion, the decision of the Court of Appeals is reversed in part.

REVERSED IN PART.