

IN THE SUPREME COURT OF NORTH CAROLINA

No. 269PA98

FILED: 5 February 1999

PORTIA REESE, Individually and as Administratrix of the  
Estate of CARLO REESE

v.

LEE TODD BARBEE

On discretionary review pursuant to N.C.G.S. § 7A-31 to review a unanimous decision of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 501 S.E.2d 698 (1998), affirming an order entered on 17 June 1997 by Bullock, J., in Superior Court, Wake County. Heard in the Supreme Court 13 January 1999.

*Pipkin, Knott, Clark & Berger, L.L.P., by Michael W. Clark and Ashmead P. Pipkin; and Currie, Becton & Stewart, by Elwood Becton, for plaintiff-appellant.*

*Bailey & Dixon, L.L.P., by Kenyann Brown Stanford, for unnamed defendant-appellee Nationwide Mutual Insurance Company.*

*Cranfill, Sumner & Hartzog, L.L.P., by Stephanie Hutchins Autry, for unnamed defendant-appellee North Carolina Farm Bureau Insurance Company, Inc.*

PER CURIAM.

Chief Justice Mitchell and Associate Justices Parker and Wainwright voted to affirm and Associate Justices Frye, Lake and Orr voted 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 *Nesbit v. Howard*, 333 N.C. 782, 429 S.E.2d 730 (1993); *Kempson v. N.C. Dep't of Human Resources*, 328 N.C. 722, 403 S.E.2d 279 (1991).

AFFIRMED.

Associate Justice MARTIN did not participate in the consideration or decision of this case.