

IN THE SUPREME COURT OF NORTH CAROLINA

No. 323A09

FILED: 17 JUNE 2010

DOUGLAS J. MARTINI

v.

COMPANION PROPERTY & CASUALTY INSURANCE COMPANY

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. ___, 679 S.E.2d 156 (2009), affirming in part and reversing and remanding in part an order of summary judgment entered on 12 May 2008 by Judge Leon J. Stanback, Jr. in Superior Court, Wake County. Heard in the Supreme Court 10 May 2010.

Brown, Crump, Vanore & Tierney, L.L.P., by R. Scott Brown and W. John Cathcart, Jr., for plaintiff-appellee.

Womble, Carlyle, Sandridge & Rice, PLLC, by Burley B. Mitchell, Jr. and Michael T. Henry, for defendant-appellant.

PER CURIAM.

For the reasons stated in the dissenting opinion in the Court of Appeals, we reverse the decision of that court as to the appealable issue of right and hold that summary judgment was improperly entered on the issue of whether the insurance coverage provided in defendant's policy applied to plaintiff's vehicle at the time of the accident. The remaining issues addressed by the Court of Appeals are not properly before this Court, and the decision as to those issues remains undisturbed. This case is remanded to the Court of Appeals for further remand to the

Superior Court, Wake County for further proceedings not inconsistent with this opinion.

REVERSED IN PART AND REMANDED.