## IN THE SUPREME COURT OF NORTH CAROLINA

## No. 3PA99

NIECA TIMOUR

v.

PITT COUNTY MEMORIAL HOSPITAL, INC., a North Carolina Corporation

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 131 N.C. App. 548, 508 S.E.2d 329 (1998), reversing and remanding an order entered 9 April 1997 by Duke, J., in Superior Court, Pitt County. Heard in the Supreme Court 13 September 1999.

Anne K. O'Connell and Jeffrey S. Miller for plaintiffappellee.

Harris, Shields, Creech and Ward, P.A,. by R. Brittain Blackerby and Mary V. Ringwalt, for defendant-appellant.

Elizabeth F. Kuniholm, President, North Carolina Academy of Trial Lawyers, amicus curiae.

PER CURIAM.

AFFIRMED.

Justices MARTIN and WAINWRIGHT did not participate in the consideration or decision of this case.