

IN THE SUPREME COURT OF NORTH CAROLINA

No. 444PA04

FILED: 5 MAY 2005

HARLEYSVILLE MUTUAL INSURANCE COMPANY

v.

NATIONWIDE MUTUAL INSURANCE COMPANY and ATLANTIC INDEMNITY  
COMPANY

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, 165 N.C. App. 543, 600 S.E.2d 901 (2004), affirming an order granting summary judgment entered 27 June 2003 by Judge Howard E. Manning, Jr. in Superior Court, Wake County. Heard in the Supreme Court 18 April 2005.

*McDaniel & Anderson, L.L.P., by John M. Kirby and William E. Anderson, for plaintiff-appellee.*

*George L. Simpson, III for defendant-appellant Nationwide Mutual Insurance Company.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.