

IN THE SUPREME COURT OF NORTH CAROLINA

No. 471A97

FILED: 6 MARCH 1998

PATRICIA NOURSE

v.

FOOD LION, INC.

Appeal by defendant pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 488 S.E.2d 608 (1997), reversing the superior court's order entered by LaBarre, J., on 1 July 1996, in Superior Court, Wake County, granting summary judgment in favor of the defendant. Heard in the Supreme Court 12 February 1998.

J.B. Rouse III & Associates, by Ginger L. Crosby and Graham F. Gurnee, for plaintiff-appellee.

Womble Carlyle Sandridge & Rice, by Mark Davis, for defendant-appellant.

PER CURIAM.

Justices Frye, Webb, Whichard, and Lake voted to affirm the decision of the Court of Appeals for the reasons stated in the majority opinion by Greene, J. Chief Justice Mitchell, and Justices Parker and Orr voted to reverse the decision of the Court of Appeals for the reasons stated in the dissenting opinion by John, J. Accordingly, the decision of the Court of Appeals is affirmed.

AFFIRMED.