

IN THE SUPREME COURT OF NORTH CAROLINA

No. 522A97

FILED: 3 APRIL 1998

ANNIE C. SWANN and CAROLYN D. SMITH

v.

LEN-CARE REST HOME, INC., ANDREW STEWART, and SHELBYA NORRIS

Appeal by defendants pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 490 S.E.2d 572 (1997), affirming in part and reversing in part a judgment, entered by Brewer, J., 29 May 1996 in Superior Court, Cumberland County, directing a verdict for defendants on plaintiff Smith's claim for negligent infliction of emotional distress and on plaintiff Swann's claim for negligence. Heard in the Supreme Court 11 March 1998.

The Lee Law Firm, P.A., by C. Leon Lee, II, for plaintiff-appellee Swann.

Wishart, Norris, Henninger & Pittman, P.A., by Jim H. Joyner, Jr., for defendant-appellants.

PER CURIAM.

For the reasons stated in the dissenting opinion by Judge John C. Martin, *Swann v. Len-Care Rest Home*, ___ N.C. App. ___, ___, 490 S.E.2d 572, 575-76 (1997), the decision of the Court of Appeals reversing the directed verdict as to plaintiff Swann's claim is reversed; and the case is remanded to the Court of Appeals for further remand to the Superior Court, Cumberland County, for reinstatement of the trial court's judgment.

REVERSED AND REMANDED.