

IN THE SUPREME COURT OF NORTH CAROLINA

No. 606A04

FILED: 5 MAY 2005

TINYA CHERNEY

v.

NORTH CAROLINA ZOOLOGICAL PARK

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. ___, 603 S.E.2d 842 (2004), affirming a decision and order entered by the North Carolina Industrial Commission on 28 July 2003. Heard in the Supreme Court 19 April 2005.

Knott, Clark & Berger, L.L.P., by Michael W. Clark, Kenneth R. Murphy, III, and Joe Thomas Knott, for plaintiff-appellant.

Roy Cooper, Attorney General, by William H. Borden, Special Deputy Attorney General, for defendant-appellee.

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed.

REVERSED.

Justice NEWBY did not participate in the consideration or decision of this case.