

IN THE SUPREME COURT OF NORTH CAROLINA

No. 640A03

FILED: 2 APRIL 2004

FANNY LEE BROWN, Individually and as Guardian Ad Litem for
SCOTTIE NOBLES, a minor

v.

FLOYD TRAVIS MILLSAP

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. ___, 588 S.E.2d 71 (2003), reversing a judgment signed 28 September 2002 *nunc pro tunc* by Judge Wiley F. Bowen in Superior Court, Columbus County. Heard in the Supreme Court 17 March 2004.

T. Craig Wright for plaintiff-appellee.

Russ, Worth, Cheatwood & Hancox, by Philip H. Cheatwood, for defendant-appellant.

Cranfill, Sumner & Hartzog, L.L.P., by Robert H. Griffin and Jaye E. Bingham, on behalf of Nationwide Insurance Company, amicus curiae.

PER CURIAM.

For the reasons stated in the dissenting opinion, we reverse the decision of the Court of Appeals.

REVERSED.