

KENNETH L. MARAMAN, SR. and MILDRED MARAMAN, Administrators of
the ESTATE OF KENNETH L. MARAMAN, JR. v. COOPER STEEL FABRICATORS
and JAMES N. GRAY COMPANY

No. 662A01

Filed 10 May 2002

1. Workers' Compensation--Woodson claims--insufficient evidence

Plaintiffs' evidence was insufficient to support Woodson claims against a general contractor and a subcontractor-employer for the death of a steel erector who was performing steel construction work.

2. Appeal and Error--Court of Appeals opinion--inappropriate format

A Court of Appeals opinion was confusing and inappropriate where a portion of the majority opinion was erroneously designated a dissent and a portion of the dissent was found in what purported to be the majority opinion.

Appeal by plaintiffs and defendant Cooper Steel Fabricators pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 146 N.C. App. 613, 555 S.E.2d 309 (2001), finding no error in part and ordering a new trial in part on orders for directed verdict entered in open court by Lanning, J., on 27 October 1999 in Superior Court, Mecklenburg County; these orders were subsequently reduced to writing and entered on 22 and 23 March 2000. Plaintiffs appeal from the part of the decision finding no error as to directed verdict for defendant James N. Gray. Defendant Cooper Steel Fabricators appeals from the part of the decision holding that the trial court erred in directing a verdict against plaintiffs and ordering a new trial. Heard in the Supreme Court 15 April 2002.

Price, Smith, Hargett, Petho & Anderson, by Wm. Benjamin Smith, for plaintiff-appellants and -appellees.

Jones, Hewson & Woolard, by Lawrence J. Goldman, for defendant-appellant Cooper Steel Fabricators.

Hedrick, Eatman, Gardner & Kincheloe, L.L.P., by Hatcher Kincheloe, Neil P. Andrews, and Shannon P. Herndon, for defendant-appellee James N. Gray Company.

PER CURIAM.

[1] We reverse that portion of the Court of Appeals' opinion that found error in the trial court's entry of directed verdict for defendant Cooper Steel Fabricators.

We affirm that portion of the Court of Appeals' opinion that affirmed the trial court's entry of directed verdict for defendant James N. Gray Company.

[2] The Court of Appeals is once again reminded of its responsibility to issue opinions in which the holding is readily understandable to the bench and bar. *Knight Pub'g Co. v. Chase Manhattan Bank, N.A.*, 131 N.C. App. 257, 506 S.E.2d 728 (1998), *remanded for modification*, 351 N.C. 98, 540 S.E.2d 36 (1999); *Jones v. Asheville Radiological Grp., P.A.*, 129 N.C. App. 449, 500 S.E.2d 740 (1998), *remanded with instructions*, 350 N.C. 654, 517 S.E.2d 380 (1999). The Court of Appeals' opinion in this case, in which a portion of the majority opinion was erroneously designated a dissent, while a portion of the dissent was found in what purported to be the majority opinion, was confusing and inappropriate.

REVERSED IN PART; AFFIRMED IN PART.