

RALPH LINDSEY, JR. v. BODDIE-NOELL ENTERPRISES, INC., d/b/a  
HARDEE'S SKAT-THRU

No. 679A01

Filed 10 May 2002

No Headnotes.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 147 N.C. App. 166, 555 S.E.2d 369 (2001), ordering a new trial after appeal from a judgment entered 21 July 1999 and an order signed 22 February 2000 by Klass, J., in Superior Court, Guilford County. Heard in the Supreme Court 15 April 2002.

*Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by L.P. McLendon, Jr.; John W. Ormand III; and Teresa DeLoatch Bryant, for plaintiff-appellee.*

*Cranfill, Sumner & Hartzog, L.L.P., by H. Lee Evans, for defendant-appellant.*

PER CURIAM.

The decision of the Court of Appeals is reversed for the reasons stated in the dissenting opinion.

REVERSED.