

IN THE SUPREME COURT OF NORTH CAROLINA

No. 53A11

(FILED 7 OCTOBER 2011)

HULIN K. TREADWAY

v.

SUSANNA KRAMMER DIEZ; GENE LUMMUS; GENE LUMMUS HARLEY DAVIDSON, INC.; MIKE CALLOWAY, individually and officially; JOHN DOE, individually and officially; COUNTY OF BUNCOMBE; and BUNCOMBE COUNTY SHERIFF'S DEPARTMENT

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. \_\_\_, 703 S.E.2d 832 (2011), affirming an order entered on 8 October 2009 by Judge Bradley B. Letts in Superior Court, Buncombe County. On 11 March 2011, the Supreme Court allowed defendant's petition for discretionary review of additional issues. Heard in the Supreme Court 8 September 2011.

*Hylar & Lopez, P.A., by Robert J. Lopez, for plaintiff-appellee.*

*Doughton & Hart PLLC, by Thomas J. Doughton and Amy L. Rich, for defendant-appellant Buncombe County Sheriff's Department.*

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed. Further, we conclude that the petition for discretionary review as to additional issues was improvidently allowed. This case is remanded to the Court of

Appeals for further remand to the trial court for further proceedings not inconsistent with this opinion.

REVERSED AND REMANDED; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.

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