

Affirmed  
Bolch, Chair  
Concurring,  
Bunn  
Ballance

NO. COA99-1624

NORTH CAROLINA COURT OF APPEALS

FILED: 6 February 2001

ROSS L. LIPE,  
Employee-Plaintiff

v.

STARR DAVIS COMPANY, INC.,  
Employer-Defendant

v.

AETNA CASUALTY AND SURETY CO.,  
Carrier-Defendant

North Carolina  
Industrial Commission  
I.C. No. 42868

FILED  
01 FEB -6 AM 7:30  
IN THE OFFICE OF  
CLERK COURT OF APPEALS  
NORTH CAROLINA

Appeal by defendants from opinion and award entered 24 August 1999 by the North Carolina Industrial Commission. Heard in the Court of Appeals 9 November 2000.

Wallace and Graham, P.A., by Richard L. Huffman, for plaintiff-appellee.

Hedrick, Eatman, Gardner & Kincheloe, L.L.P., by Patrick D. Sarsfield, II, Sharon E. Dent, and Hatcher Kincheloe, for defendants-appellants.

Trial Lawyers for Public Justice, P.C., by Anne Bloom, and The Jernigan Law Firm, by Leonard T. Jernigan, for Trial Lawyers for Public Justice, amicus curiae.

PER CURIAM

For the reasons stated by Judge Linda M. McGee in *Austin v. Continental Gen. Tire*, \_\_\_ N.C. App. \_\_\_, \_\_\_ S.E.2d \_\_\_ (December 29, 2000) (No. COA99-693) and *Jones v. Weyerhaeuser Co.*, \_\_\_ N.C. App. \_\_\_, \_\_\_ S.E.2d \_\_\_ (December 29, 2000) (No. COA99-742), we affirm the opinion and award of the North Carolina Industrial Commission in this case.

AFFIRMED..

Panel consisting of: MARTIN, TIMMONS-GOODSON, and EDMUNDS, JJ.

Report per Rule 30(e).

Judge EDMUNDS concurred prior to 31 December 2000.