IN THE SUPREME COURT OF NORTH CAROLINA

No. 279A12

FILED 25 JANUARY 2013

MICHAEL TOPP, DUNCAN THOMASSON, MARTIN KOOYMAN, and BLACK PEARL ENTERPRISES, LLC

v.

BIG ROCK FOUNDATION, INC.; CRYSTAL COAST TOURNAMENT, INC.; CARNIVORE CHARTERS, LLC; EDWARD PETRILLI; JAMIE WILLIAMS; TONY R. ROSS, and JOHN DOE

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. ___, 726 S.E.2d 884 (2012), affirming an order transferring venue entered on 27 August 2010 by Judge J. Carlton Cole in Superior Court, Dare County, and an order granting summary judgment entered on 14 March 2011 by Judge John E. Nobles, Jr. in Superior Court, Carteret County. On 23 August 2012, the Supreme Court allowed plaintiffs' petition for discretionary review of additional issues. Heard in the Supreme Court on 8 January 2013.

Gay, Jackson & McNally, L.L.P., by Andy W. Gay and Darren G. Jackson, for plaintiff-appellants.

Ward and Smith, P.A., by E. Bradley Evans, for defendant-appellees Big Rock Foundation, Inc. and Crystal Coast Tournament, Inc.

Wheatly, Wheatly, Weeks, Lupton & Massie, P.A., by Claud R. Wheatly, III and Chadwick I. McCullen, for defendant-appellees Carnivore Charters, LLC, Edward Petrilli, Jamie Williams, and Tony R. Ross.

PER CURIAM.

For the reasons stated in the dissenting opinion, we reverse the decision of the Court of Appeals. This case is remanded to the Court of Appeals for further remand to the Superior Court, Carteret County for additional proceedings not inconsistent with this opinion. Discretionary review was improvidently allowed as to the additional issues.

REVERSED AND REMANDED; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.