

Supreme Court

No. 2004-25-Appeal.
(NC 03-394)

Richard Hyatt :

v. :

Village House Convalescent Home, Inc., :
et al.

S U M M A R Y

The plaintiff appealed from a Superior Court judgment in favor of one of the defendants. The judgment at issue was entered after the Superior Court granted the defendant's Super.R.Civ.P. 12(b)(6) motion to dismiss the plaintiff's complaint as it related to the defendant because the plaintiff's complaint did not contain factual allegations sufficient to support any cause of action against the defendant. The Court affirmed the dismissal of counts 2, 3, and 5 of the complaint, but remanded the case to the Superior Court for further litigation with respect to counts 1 and 4.