

Motion for Rehearing En Banc Overruled and Dissenting Opinion filed March 29, 2001.



In The

Fourteenth Court of Appeals

NO. 14-99-00447-CV

JAMES W. GREATHOUSE, Appellant

V.

THE GLIDDEN COMPANY, Appellee

**On Appeal from the 113th District Court
Harris County, Texas
Trial Court Cause No. 97-36451**

DISSENTING OPINION

For the reasons stated in my original dissent, I respectfully dissent to the Court's decision to overrule the motion for rehearing en banc.

/s/ Maurice Amidei
Justice

Judgment rendered and Opinion filed March 29, 2001.

Panel consists of Justices Fowler, Yates, Anderson, Hudson, Edelman, Wittig, Frost, Seymore, Murphy, and Amidei.* (Edelman, J., Wittig, J., and Seymore, J., join in this dissent).

Publish — TEX. R. APP. P. 47.3(b).

* Senior Chief Justice Paul C. Murphy and Former Justice Amidei sitting by assignment.