

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
13 CVS 3109

LE BLEU CORPORATION and SCP)
DISTRIBUTION, LLC d/b/a LE BLEU OF)
THE PIEDMONT TRIAD,)
Plaintiffs)
v.)
B. KELLEY ENTERPRISES, INC. d/b/a)
BLUE CAFFEE, INC., ROBIN LEBORGNE)
and BRADLEY S. KELLEY,)
Defendants)

ORDER ON OPPOSITION

THIS MATTER is before the court upon Plaintiff's Objection and Opposition to Notice of Designation of Action as Mandatory Complex Business Case Under N.C. Gen. Stat. § 7A-45.4 ("Opposition"), and it appears to the court that the Opposition should be OVERRULED.

THE COURT has reviewed Plaintiffs' Complaint and First Amended Complaint, Defendants' Notice of Designation of Action as Mandatory Complex Business Case Under N.C. Gen. Stat. §7A-45.4, the Opposition and Defendants' Response to the Opposition. The court FINDS and CONCLUDES that:

1. Cases involving material issues related to trade secrets are properly designated under N.C. Gen. Stat. § 7A-45.4(a).
2. This case involves a material issue related to trade secrets.
3. Pursuant to N.C. Gen. Stat. § 7A-45.4(d)(3), a defendant may serve a Notice of Designation within thirty days of receipt of service of the pleading seeking relief from the defendant.

4. Regardless of whether the original Defendants in this case may designate upon the filing of Plaintiffs' First Amended Complaint, Defendant Bradley S. Kelley was added as Defendant in the First Amended Complaint, and it is clear that Defendant Kelly may file a Notice of Designation.

5. As such, this civil action properly has been designated as a mandatory complex business case under N.C. Gen. Stat. § 7A-45.4.

THEREFORE, IT IS ORDERED that the Opposition is OVERRULED. This case shall proceed before Judge James L. Gale in the North Carolina Business Court.

This the 19th day of September, 2014.

/s/ John R. Jolly, Jr.
John R. Jolly, Jr.
Chief Special Superior Court Judge for
Complex Business Cases