

In re Se. Eye Ctr. (Pending Matters); In Re Se. Eye Ctr. (Judgments), 2015 NCBC Order 3.

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15 CVS 1648

COUNTY OF WAKE

IN RE SOUTHEASTERN EYE CENTER-
PENDING MATTERS

**ORDER ON MOTION TO
CONSOLIDATE
(ALL MATTERS)**

COUNTY OF GUILFORD

12 CVS 11322

IN RE SOUTHEASTERN EYE CENTER-
JUDGMENTS

GUILFORD COUNTY

14 CVS 9982

Estate of JOHN T. HARRIOTT, M.D.,
deceased, by and through his legal
representatives, DOUGLAS EDWARD
HARRIOTT, PAUL JEFFREY HARRIOTT,
and BRANDY DALLAS PRESSLEY
INFINGER,

Plaintiff,

v.

CENTRAL CAROLINA SURGICAL EYE
ASSOCIATES, P.A., C. RICHARD EPES,
M.D., J. MARK MCDANIEL, JR., BESSIE K.
EPES and SOUTHEASTERN CATARACT
LASER CENTER, PLLC,

Defendants.

WAKE COUNTY

15 CVS 1648

OLD BATTLEGROUNDS PROPERTIES, INC.,
and NIVISON FAMILY INVESTMENTS,
LLC,

Plaintiffs,

v.

CENTRAL CAROLINA SURGICAL EYE ASSOCIATES, P.A., HUTA LEASING, LLC, SOUTHEASTERN EYE MANAGEMENT, INC., SOUTHEASTERN CATARACT LASER CENTER, PLLC, EMS PARTNERS, LLC, C. RICHARD EPES a/k/a RICHARD EPES a/k/a CHARLES RICHARD EPES a/k/a E. RICHARD EPES, BESSIE K. EPES a/k/a BESSIE EPES a/k/a BETSY EPES, JAMES MARK MCDANIEL, JR. a/k/a JAMES M. MCDANIEL, JR. a/k/a MARK MCDANIEL, and PATRICIA MOORE MCDANIEL,

Defendants.

GUILFORD COUNTY

14 CVS 10641

CIT FINANCE, LLC,

Plaintiff,

v.

CENTRAL CAROLINA SURGICAL EYE ASSOCIATES, P.A.,

Defendant.

GUILFORD COUNTY

15 CVD 3492

DAMASCUS COMMUNITY BANK,

Plaintiff,

v.

CENTRAL CAROLINA SURGICAL EYE ASSOCIATES, and DR. CHARLES R. EPES,

Defendants.

WAKE COUNTY

14 CVS 9564

NIVISON FAMILY INVESTMENTS, LLC,

Plaintiff,

v.

DOUGLAS S. HARRIS, individually and as
Trustee of JDPW Trust u/t/a Dated June 8,
2007, JDPW Trust u/t/a Dated June 8, 2007, et
al.,

Defendants,

v.

CENTRAL CAROLINA SURGICAL EYE
ASSOCIATES, P.A., HUTA LEASING
COMPANY, SOUTHEASTERN EYE
MANAGEMENT, INC., EMS PARTNERS,
LLC, MEM OF HIGH POINT, LLC,
SOUTHEASTERN CATARACT LASER
CENTER, PLLC, JAMES MARK
MCDANIEL, JR., C. RICHARD EPES,
ARTHUR NIVISON, and OLD
BATTLEGROUNDS PROPERTIES, INC.,

3rd Party Defendants.

GUILFORD COUNTY

14 CVS 3373

GREER L. GEIGER MD,

Plaintiff,

v.

SOUTHEASTERN CATARACT LASER
CENTER,

Defendant.

GUILFORD COUNTY

10 CVD 5494

AUTOMATED OPHTHALMICS, INC.,

Plaintiff,

v.

SURGICAL EYE CENTER, INC. f/k/a
SOUTHEASTERN EYE CENTER, INC.,

Defendant.

GUILFORD COUNTY

12 CVS 11322

CHARLES M. IVEY, III, as Chapter 7 Trustee
for EBW Laser, Inc. and EBW, Inc.,
Plaintiffs,

v.

JAMES MARK MCDANIEL, C. RICHARD
EPES and DOUGLAS S. HARRIS,
Defendants.

GUILFORD COUNTY

08 CVM 14368

COMMUNICATION SERVICES FOR THE
DEAF AND HARD OF HEARING,

Plaintiff,

v.

SOUTHEASTERN EYE CENTER and
CENTRAL CAROLINA SURGICAL EYE
ASSOCIATES, P.A.,

Defendants.

GUILFORD COUNTY

14 CVS 10078

FIDELITY BANK,

Plaintiff,

v.

MRPP, LLC and J. MARK MCDANIEL,

Defendants.

GUILFORD COUNTY

14 CVS 3374

GREER L. GEIGER, MD,
Plaintiff,

v.

BESSIE EPES,
Defendant.

GUILFORD COUNTY

15 CVM 6203

MEASURED DOSE PHARMACY, INC. d/b/a
THE COMPOUNDING PHARMACY,
Plaintiff,

v.

SOUTHEASTERN CATARACT LASER
CENTER PLLC and MARK MCDANIEL,
CEO,
Defendants.

GUILFORD COUNTY

14 CVM 6539

MICHAEL MCDOWELL d/b/a MCDOWELL
HEATING & AIR,
Plaintiff,

v.

SOUTHEASTERN EYE CENTER and
SOUTHEASTERN CATARACT LASER
CENTER, PLLC,
Defendants.

MECKLENBURG COUNTY

11 CVD 19661

FLAGSHIP CAPITAL PARTNERS, LLC,

Plaintiff,

v.

SOUTHEASTERN EYE MANAGEMENT,
INC. and CENTRAL CAROLINA SURGICAL
EYE ASSOCIATES, PA,

Defendants.

FORSYTH COUNTY

13 CVS 7393

BE WATERHOUSE, LLC and AJ
WATERHOUSE, LLC,

Plaintiffs,

v.

DR. C. RICHARD EPES, BESSIE EPES, JP
MORGAN CHASE NA, NIVISON FAMILY
INVESTMENTS, LLC,

Defendants.

FORSYTH COUNTY

11 CVS 8449

BE WATERHOUSE, LLC and AJ
WATERHOUSE, LLC,

Plaintiffs,

v.

DR. C. RICHARD EPES,

Defendant.

FORSYTH COUNTY

10 CVS 8690

JOHN T. HARRIOTT MD,

Plaintiff,

v.

CENTRAL CAROLINA SURGICAL EYE
ASSOCIATES PA,

Defendant.

FORSYTH COUNTY

09 CVS 5762

ADKERSON HAUDER & BENZY, PC,

Plaintiff,

v.

CENTRAL CAROLINA SURGICAL EYE
ASSOCIATES, PA,

Defendant.

FORSYTH COUNTY

04 CVD 1169

INTERNATIONAL SPORTS PROPERTIES,
INC.,

Plaintiff,

v.

SOUTHEASTERN EYE MANAGEMENT,
INC. and J. MARK MCDANIEL,

Defendants.

ORANGE COUNTY

14 CVS 1716

TSI HEALTHCARE INC.,

Plaintiff,

v.

SOUTHEASTERN CATARACT LASER
CENTER PLLC, CENTRAL CAROLINA
SURGICAL EYE ASSOCIATES PA, and
SOUTHEASTERN EYE ASSOCIATES PA,

Defendants.

WAKE COUNTY

13 CVD 11264

LUMINIS, INC.,

Plaintiff,

v.

SURGICAL EYE CENTER, INC. and
SOUTHEASTERN EYE CENTER, INC.,

Defendants.

THIS CAUSE coming before the Court upon the Receiver Gerald A. Jeutter, Jr.'s Motion to Consolidate (the "Motion") and it appearing to the Court that the captioned matters present common issues of fact and law and that the parties thereto seek to establish interests in or the right to execute upon the same property or parts of the same property and therefore the Motion should be ALLOWED pursuant to Rule 24(a)(2) and (b)(2) of the North Carolina Rules of Civil Procedure;

AND the Court further finds that Master Files should be established for filing pleadings and other documents after consolidation and that the captions of the Master Files should be conformed to reflect the consolidation of these matters;

IT THEREFORE IS ORDERED that the Receiver's Motion to Consolidate is ALLOWED as follows:

1. All captioned actions are consolidated for all further proceedings;
2. All pending actions are consolidated into the Master File 15 CVS 1648 (Wake) with the caption of In Re Southeastern Eye Center-Pending Matters;
3. All judgments and supplemental proceedings are consolidated into the Master File 12 CVS 11322 (Guilford) with the caption of In Re Southeastern Eye Center-Judgments;

4. This Order shall be filed in each of the captioned actions;
5. The parties are directed to file all subsequent pleadings and documents in the Master Files with the consolidated caption and not in the individual captioned actions.
6. The parties are directed to electronically file using the Business Court website all subsequent pleadings and documents in the Master Files on that Website as determined by the case numbers.

SO ORDERED, this the 19th day of June, 2015.

/s/ Louis A. Bledsoe, III
Louis A. Bledsoe, III
Special Superior Court Judge for
Complex Business Cases