

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
14 CVS 13670

STEVEN EGELAND, )  
Plaintiff, )  
v. )  
INVENGO TECHNOLOGY CORP., )  
Defendant. )

**ORDER ON OPPOSITION**

THIS MATTER is before the court upon Defendant Invengo Technology Corp.'s Notice of Opposition to Notice of Designation ("Opposition"). It appears to the court that the Opposition should be OVERRULED.

The Court has reviewed Plaintiff's Complaint and First Amended Complaint, Defendant's Answer and Amended Answer and Counterclaims, Plaintiff's Notice of Designation, and the Opposition and related briefs. The Court concludes that this case is appropriate for designation to the North Carolina Business Court based upon Defendant's Counterclaims, pursuant to N.C. Gen. Stat. §7A-45.4. Defendant brings a Counterclaim for breach of fiduciary duty, which questions Plaintiff's authority as a corporate officer to enter into the contracts at issue in the case. This issue was not raised in the Complaint or the Amended Complaint. While Defendant did allege breach of fiduciary duty in its Answer in the context of an affirmative defense, the Counterclaim is the pleading that seeks relief from Plaintiff for the purpose of designation under N.C. Gen. Stat. §7A-45.4. This statute allows a party to file a Notice of Designation within 30 days of receipt of service of the pleading seeking relief from the party. Plaintiff timely filed the Notice of Designation.

THEREFORE, IT IS ORDERED that the Opposition is OVERRULED. This case shall proceed before Judge Gregory P. McGuire in the North Carolina Business Court.

This the 22nd day of April, 2015.

/s/ James L. Gale  
James L. Gale  
Chief Special Superior Court Judge for  
Complex Business Cases