

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
14 CVS 7208

F. SCOTT BAUER and JEFFREY T. CLARK,)
Plaintiffs,)
v.)
SOUTHERN COMMUNITY FINANCIAL)
CORPORATION, SOUTHERN COMMUNITY)
FINANCIAL, LLC, SOUTHERN)
COMMUNITY BANK AND TRUST,)
WINSTON 23 CORPORATION, CAPITAL)
BANK CORPORATION, CAPITAL BANK)
FINANCIAL CORPORATION, and CAPITAL)
BANK, N.A.,)
Defendants.)

ORDER ON OPPOSITION

THIS MATTER is before the Court upon Plaintiffs' Opposition to Designation as a Mandatory Complex Business Case and Motion to Remand ("Opposition").

The Court has reviewed Plaintiffs' Complaint upon which designation is based, Defendants' Notice of Designation, the Opposition, and briefs submitted by the parties. After careful consideration, the Court concludes that the case falls within the ambit of N.C. Gen. Stat. § 7A-45.4 (a)(9) so that designation as a complex business case would be appropriate with the consent of all parties, but does not fall within the ambit of N.C. Gen. Stat. § 7A-45.4 (a)(1) so as to provide Defendants a basis to designate the matter as a mandatory complex business case over Plaintiff's opposition.

Accordingly, the Court finds the Opposition to be meritorious so that the case should proceed in the Superior Court for Forsyth County without designation as a complex business case. The Court's prior Order assigning the case to the Honorable Gregory McGuire is vacated. Notice of this Order shall be provided to the Senior Resident Superior Court Judge and Trial Court Administrator for Forsyth County.

This the 7th day of May, 2015.

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