

STATE OF NORTH CAROLINA
COUNTY OF WAYNE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15 SP 195

IN RE DILLARD GOLDSBORO
ALUMNI AND FRIENDS, INC.
MEMBERSHIP MEETING

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ORDER ON OPPOSITION

THIS MATTER is before the Court on the Member-Applicants' Memorandum in Opposition to Designation of Application as a Mandatory Complex Business Case Under N.C. Gen. Stat. § 7A-45.4 ("Opposition") filed on May 15, 2015, which challenges the Notice of Designation filed by Dillard/Goldsboro Alumni & Friends, Inc. ("DGAF") on May 11, 2015. Both Parties have submitted memoranda in support of their respective positions.

The case was assigned to the Honorable Gregory P. McGuire following designation as a mandatory complex business action by the Chief Justice of the Supreme Court of North Carolina on May 13, 2015. Under N.C. Gen. Stat. § 7A-45.4(f), the preliminary determination of whether a case should be designated as a mandatory complex business case is made solely by the Chief Justice. If an opposition is made to the designation, it is resolved by the Senior Business Court Judge. This Order is limited to the issue of the Opposition, and specifically, it does not address the Motion to Dissolve Ex Parte Order of May 6, 2015 and for Expedited Consideration filed by DGAF on May 15, 2015. That Motion will be addressed by Judge McGuire in due course.

The Opposition is **OVERRULED** because:

1. A special proceeding of this kind is an action that involves a material issue related to the law governing corporations and arising under Chapter 55A of the North Carolina General Statutes that fits within the scope of N.C. Gen. Stat. § 7A-45.4(a)(1); and
2. DGAF's Notice of Designation was timely filed.

It is **SO ORDERED** this the 18th day of May, 2015.

/s/ James L. Gale

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