

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16 CVS 9021

COECO OFFICE SYSTEMS, INC.,)
Plaintiff,)
)
v.)
)
JAMES S. "ROCKY" ROWLAND; LOU)
CARBONETTI; and HENDRIX)
BUSINESS SYSTEMS, INC.,)
Defendants.)

**ORDER REGARDING
DESIGNATION**

THIS MATTER is before the undersigned pursuant to Chief Justice Mark Martin's Order of August 24, 2016, directing the undersigned to determine whether Defendant Hendrix Business Systems, Inc. properly is entitled to designate this matter as a mandatory complex business case pursuant to N.C. Gen. Stat. § 7A-45.4. The Court concludes that Defendant is not entitled to that designation.

Defendant's Notice of Designation, timely filed on August 8, 2016, asserts that designation is proper because the case involves a material issue related to disputes involving: (1) the law governing corporations, partnerships, and limited liability companies within the scope of N.C. Gen. Stat. § 7A-45.4(a)(1); and (2) trade secrets within the scope of N.C. Gen. Stat. § 7A-45.4(a)(8). The Court has reviewed Plaintiff's Verified Complaint, which asserts claims that arise from an employment contract with certain restrictive covenants. The Verified Complaint does not present a claim for nor does it make allegations concerning alleged misappropriation of trade secrets.

This Court has earlier determined that claims of this nature do not fall within the purview of section 7A-45.4. *Cornerstone Health Care, P.A. v. Moore*, No. 15-CVS-604, 2015 NCBC LEXIS 65, at *6 (N.C. Super. Ct. June 22, 2015). There is nothing in Plaintiff's Verified Complaint that justifies a different result.

IT IS THEN ORDERED that this action should not be designated as a mandatory complex business case because it does not meet the designation requirements under N.C. Gen. Stat. § 7A-45.4, and the case should accordingly proceed on the regular civil docket of the Wake County Superior Court, without prejudice to any party's right to request that the matter be designated as an exceptional case under Rule 2.1 of the General Rules of Practice for the Superior and District Courts.

This the 26th day of August, 2016.

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