

STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
16 CVS 7414

JEFFREY THOMAS FISHER, )  
Plaintiff, )  
 )  
v. )  
 )  
UNIFI, INC.; WILLIAM L. JASPER, in )  
his Official and Individual Capacities; R. )  
ROGER BERRIER, JR., in his Official and )  
Individual Capacities; ALISON JESTER, )  
in her Official Capacity; and each of them, )  
Defendants. )

**ORDER REGARDING  
DESIGNATION**

THIS MATTER is before the undersigned Chief Business Court Judge pursuant to the October 31, 2016 Order of Chief Justice Mark Martin to determine whether this action meets the designation requirements of a mandatory complex business case pursuant to N.C. Gen. Stat. § 7A-45.4(a).

Plaintiff initiated this action on September 29, 2016, by filing a Complaint in Guilford County Superior Court. On October 28, 2016, Defendants UNIFI, Inc. (“UNIFI”) and Alison Jester filed a Notice of Designation, purporting to designate the matter as a mandatory complex business case pursuant to subsection 7A-45.4(a)(1) as an action containing a material issue related to the law governing corporations. *See* N.C. Gen. Stat. § 7A-45.4(a)(1) (2015). After reviewing the Complaint and the Notice of Designation, the Court concludes that this action was not properly designated as a mandatory complex business case.

The allegations of the Complaint illustrate a corporate financial-fraud scheme involving falsified expense reports. Plaintiff claims that he was coerced to participate in the scheme in fear of losing his job and his livelihood, and that he was terminated as the “fall guy” in widespread expense-reporting practices. (Compl. ¶ 98.) Although the Complaint includes claims for unfair and deceptive trade practices and tortious interference with contract, the heart of Plaintiff’s allegations relate to his employment experience with UNIFI. The crux of the case lies in Plaintiff’s claims for assault and battery, defamation, wrongful discharge, and negligent hiring, management, and retention. Accordingly, this case does not fall within the purview of N.C. Gen. Stat. § 7A-45.4(a).

In conclusion, this case does not qualify for designation as a mandatory complex business case under N.C. Gen. Stat. § 7A-45.4(a), and the case shall continue on the regular docket of the Guilford County Superior Court. This Order is without prejudice to any party’s right to seek exceptional designation pursuant to Rule 2.1 of the General Rules of Practice for Superior and District Courts.

SO ORDERED, this the 10th day of November, 2016.

/s/ James L. Gale  
James L. Gale  
Chief Business Court Judge