

STATE OF NORTH CAROLINA
COUNTY OF IREDELL

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16 CVS 209

SHAWN BARNETT SABATINO,)
,)
)
 Plaintiff,)
)
 v.)
)
 MICRO MINIATURE BEARING CO.,)
 INC., d/b/a MMB BEARINGS, INC.)
 and CAROLYN BARNETT,)
)
 Defendant.)

ORDER

{1} THIS MATTER is before the undersigned as Chief Special Superior Court Judge for Complex Business Cases, pursuant to the February 22, 2016 Order of Chief Justice Mark Martin, for a determination of whether this action meets the designation requirements of a mandatory complex business case pursuant to N.C.G.S. 7A-45.4(a).

{2} Plaintiff initiated this action by the filing on January 16, 2016 of the Verified Complaint, Motion for Injunctive Relief And Motion For Waiver of 90-Day Waiting Period.

{3} On February 5, 2016, Plaintiff filed the Notice of Designation of Action as Mandatory Complex Business Case Under N.C. Gen. Stat. § 7A-45.4, purporting to designate the matter as a mandatory complex business case pursuant to Section 7A-75.4(a)(1) as an action containing a material issue related to the law governing corporations.

{4} Section 7A-45.4(d) mandates that if a plaintiff wishes to designate a case as a mandatory complex business case based on the complaint, the Notice of Designation must be filed contemporaneously with the filing of the complaint.

{5} Plaintiff did not file the Notice of Designation contemporaneously with the filing of the complaint. Accordingly, Plaintiff did not properly designate the matter as a complex business case.

{6} While Plaintiff has waived the right to designate the case as a mandatory complex business case, the time within which the Defendants may designate the case as a mandatory complex business case has not yet expired. Further, Plaintiff is not foreclosed from seeking to have the case designated as exceptional by to the Senior Resident Superior Court Judge of Judicial District 22A made pursuant to General Rules of Practice for the Superior and District Courts 2.1.

{7} Accordingly, until further order of Chief Justice Martin, the case shall continue on the regular docket of the Iredell County Superior Court the same as any other civil action.

This the 23rd day of February, 2016.

/s/ James L. Gale

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