

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CHEREE BROWN,

Plaintiff,

v.

CARUSO HOMES, INC.,

Defendant.

IN THE GENERAL COURT OF  
JUSTICE  
SUPERIOR COURT DIVISION  
19 CVS 500511

**ORDER ON DESIGNATION**

1. **THIS MATTER** is before the Court pursuant to the Determination Order issued on November 27, 2019 by the Honorable Cheri Beasley, Chief Justice of the Supreme Court of North Carolina, directing the undersigned to determine whether this action is properly designated as a mandatory complex business case in accordance with N.C.G.S. § 7A-45.4(a) (the “Determination Order”).

2. Plaintiff filed the Complaint initiating this action in Wake County Superior Court on November 26, 2019, asserting a single claim for violation of the North Carolina Wage and Hour Act (“WAHA”), N.C.G.S. § 95-25.1 *et seq.* Plaintiff timely filed the Notice of Designation (“NOD”) on the same day.

3. Plaintiff contends that designation as a mandatory business case is proper under N.C.G.S. § 7A-45.4(a)(1). Designation under section 7A-45.4(a)(1) is proper if the action involves a material issue related to “[d]isputes involving the law governing corporations, except charitable and religious organizations qualified under G.S. 55A-1-40(4) on the grounds of religious purpose, partnerships, and

limited liability companies, including disputes arising under Chapters 55, 55A, 55B, 57D, and 59 of the General Statutes.”

4. Though Plaintiff names section 7A-45.4(a)(1) as the basis for designation, the NOD focuses solely on the factors for discretionary Business Court designation under Rule 2.1(d) of the North Carolina General Rules of Practice (“Rule(s)”). (*See* NOD 1–2.) Plaintiff requests the undersigned preside over the above-captioned case should it be designated to the Business Court. (NOD 3.)

5. The Court concludes that designation of the above-captioned case is inappropriate on either basis.

6. First, the sole claim asserted in the Complaint—violation of the North Carolina Wage and Hour Act—is not a basis for designation as a mandatory complex business case under section 7A-45.4(a), including under section 7A-45.4(a)(1).

7. Second, the Court, in its discretion, will not recommend the above-captioned case for Rule 2.1 designation with assignment to the undersigned. Despite Plaintiff’s arguments that the WAHA claim is “complex” and “fact-intensive” and will require “voluminous and complex” discovery and “focused judicial attention and oversight,” (NOD 1–3), the Court is not persuaded that this single-count employment claim is one in which discretionary designation as a complex business case is appropriate under Rule 2.1(d). In addition, while this Court appreciates Plaintiff’s request, the Court’s current and forecasted caseload

does not render the undersigned available for assignment of Rule 2.1 cases at this time.

8. The Court therefore determines that this action is not properly designated as a mandatory complex business case in accordance with N.C.G.S. § 7A-45.4(a), does not recommend Rule 2.1 designation to the Chief Justice, and hereby advises the Senior Resident Superior Court Judge of Judicial District 10 that this case shall not be assigned to this Court or another Special Superior Court Judge for Complex Business Cases and shall therefore continue on the regular docket of the Superior Court of Wake County.

9. The Court's ruling is without prejudice to the right of any other party to seek designation of this matter as a mandatory complex business case as provided under section 7A-45.4.

**SO ORDERED**, this the 3rd day of December, 2019.

/s/ Louis A. Bledsoe, III  
Louis A. Bledsoe, III  
Chief Business Court Judge