

STATE OF NORTH CAROLINA
CALDWELL COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19 CVS 133

MICHAEL H. COOK, derivatively, on
behalf of CEDAR VALLEY
FINISHING COMPANY, INC.,

Plaintiff,

v.

VICKIE QUICK and RICHARD
QUICK,

Defendants.

**AMENDED ORDER REGARDING
DESIGNATION**

1. **THIS MATTER** is before the Court pursuant to the Order of the Honorable Mark Martin, 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 accord with N.C. Gen. Stat. § 7A-45.4(b) (the “Determination Order”).

2. Plaintiff filed the Complaint initiating this action in Caldwell County Superior Court on February 5, 2019. However, Plaintiff did not file the Notice of Designation of this case as a mandatory complex business case until February 11, 2019.

3. Under N.C. Gen. Stat. § 7A-45.4(d)(1), “the Notice of Designation shall be filed . . . [b]y the plaintiff . . . contemporaneously with the filing of the complaint[.]” The contemporaneous filing requirement of section 7A-45.4(d)(1) is mandatory, and Plaintiff’s failure to comply with that requirement renders the Notice of Designation untimely. As a result, the Court determines that this action is not properly

designated as a mandatory complex business case in accord with N.C. Gen. Stat. § 7A-45.4(b) and thus shall not be assigned to a Special Superior Court Judge for Complex Business Cases.

4. Consistent with the Determination Order, the Court hereby advises the Senior Resident Superior Court Judge of Judicial District 25A that this action is not properly designated as a mandatory complex business case so that the action may be treated as any other civil action, wherein designation as a Rule 2.1 exceptional case may be pursued with the Senior Resident Judge.

5. 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 12th day of February, 2019.

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