

STATE OF NORTH CAROLINA  
BRUNSWICK COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
19 CVS 746

JCG & ASSOCIATES, LLC; MIP 1,  
LLC; JAMES BONICA; and  
PATRICIA BONICA,

Plaintiffs,

v.

DISASTER AMERICA, USA, LLC;  
DISASTER AMERICA OF NORTH  
CAROLINA, LLC; DA ROOFING  
SYSTEMS; DONALD HUSK; and  
JASON HUSK,

Defendants.

**ORDER ON DESIGNATION**

1. **THIS MATTER** is before the Court pursuant to the Determination Order issued on July 3, 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. Gen. Stat. § 7A-45.4(a) (the “Determination Order”). (ECF No. 1.)

2. Plaintiffs filed the Complaint initiating this action in Brunswick County Superior Court on April 11, 2019, alleging claims titled fraud in the inducement, constructive fraud, unjust enrichment, unfair and deceptive trade practices, trade name and trade mark infringement, Racketeer Influence and Corrupt Organizations (RICO), negligent misrepresentation, civil conspiracy, negligence, declaratory judgment, and punitive damages against all Defendants; unfair debt collection practices against Donald Husk, Disaster America, USA, LLC and Disaster America of North Carolina, LLC; and piercing the corporate veil against Donald Husk and

Jason Husk. (See Compl., ECF No. 2.) Defendant Jason Husk timely filed the Notice of Designation (“NOD”) on July 1, 2019 following receipt of service of the Summons and Complaint on June 4, 2019.

3. Jason Husk contends that designation as a mandatory complex business case is proper under N.C. Gen. Stat. § 7A-45.4(a)(4) because Plaintiff JCG & Associates, LLC alleges that “Defendants infringed on [its] trade name and trademark.” (NOD 1, ECF No. 5; see Compl. ¶¶ 126–27.) Designation under section 7A-45.4(a)(4) is proper if the action involves a material issue related to “[d]isputes involving trademark law, including disputes arising under Chapter 80 of the General Statutes.” Because this action involves a dispute involving trademark law, the Court determines that this action is properly designated as a mandatory complex business case under N.C. Gen. Stat. § 7A-45.4(a)(4).

4. This action shall continue as a mandatory complex business case and shall be assigned to a Business Court judge following entry of this order.

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

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