

STATE OF NORTH CAROLINA
MOORE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20 CVS 739

BRENDA JAMISON, on behalf of
herself and all others similarly
situated,

Plaintiff,

v.

FIRST BANK,

Defendants.

**ORDER ON PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
NOTICE OF DESIGNATION**

1. **THIS MATTER** is before the Court on the Opposition of Plaintiff Brenda Jamison, on behalf of herself and all others similarly situated, to Defendant First Bank's Notice of Designation (the "Opposition"). (Pl.'s Opp'n Def.'s Notice Designation [hereinafter "Opp'n"], ECF No. 7.)

2. Plaintiff initiated this action on July 17, 2020, asserting both individual claims and claims on behalf of a proposed class, for breach of contract, including the covenant of good faith and fair dealing, and for violation of N.C.G.S. § 75-1.1. (*See* Class Action Compl. ¶¶ 78–97, ECF No. 2.)

3. Defendant timely filed a Notice of Designation ("NOD") on August 26, 2020, asserting that this action involves a dispute under N.C.G.S. § 7A-45.4(a)(5). (Notice Designation 1–2 [hereinafter "NOD"], ECF No. 3.)

4. The Court, as the Chief Judge of the North Carolina Business Court, is the presiding Superior Court Judge for consideration of notices of designation filed pursuant to section 7A-45.4(a). Based on the Court's review of the NOD, the Court recommended to the Chief Justice of the Supreme Court of North Carolina through

the Administrative Office of the Courts that the case be designated a “complex business” case under Rule 2.1 of the General Rules of Practice for the Superior and District Courts (“General Rules”) and assigned to a North Carolina Business Court judge according to Rule 2.2 of the General Rules.

5. When considering whether to designate a case as a “complex business” case under Rule 2.1, the Chief Justice may consider the following factors:

the number and diverse interests of the parties; the amount and nature of anticipated pretrial discovery and motions; whether the parties voluntarily agree to waive venue for hearing pretrial motions; the complexity of the evidentiary matters and legal issues involved; whether it will promote the efficient administration of justice; and such other matters as the Chief Justice shall deem appropriate.

Gen. Rules Prac. Super. & Dist. Cts. 2.1(d).

6. On August 28, 2020, the Chief Justice designated this case as a “complex business” case under Rule 2.1 of the General Rules, (Designation Order, ECF No. 1), and assigned the case to the Honorable Adam M. Conrad, Special Superior Court Judge for Complex Business Cases under Rule 2.2 of the General Rules.

7. Plaintiff timely filed the Opposition on September 3, 2020, contending that designation of this action as a mandatory complex business case is not proper under section 7A-45.4(a)(5). (Opp’n 1–2.)

8. Plaintiff’s Opposition, however, misreads the Chief Justice’s Designation Order. Because the Chief Justice designated this case as a “complex business” case under Rule 2.1 of the General Rules rather than under N.C.G.S. § 7A-45.4(a)(5), (*see* Designation Order), Plaintiff’s Opposition is without factual basis and must be overruled.

9. **WHEREFORE**, the Court, in the exercise of its discretion, hereby **ORDERS** that the Opposition is **OVERRULED**.

SO ORDERED, this the 8th day of September, 2020.

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