

STATE OF NORTH CAROLINA  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
21 CVS 3727

STATE OF NORTH CAROLINA, ex  
rel. JOSHUA H. STEIN, Attorney  
General,

Plaintiff,

v.

ADAM BOWEN; HOYOUNG HUH;  
JAMES MONSEES; NICHOLAS  
PRITZKER; and RIAZ VALANI,

Defendants.

**ORDER ON PLAINTIFF'S  
OPPOSITION TO DEFENDANTS'  
NOTICE OF DESIGNATION OF  
ACTION AS MANDATORY COMPLEX  
BUSINESS CASE UNDER N.C.G.S. §  
7A-45.4**

1. **THIS MATTER** is before the Court on Plaintiff State of North Carolina's, ex. rel. Joshua H. Stein, Attorney General ("Plaintiff"), Opposition to Defendants Adam Bowen, Hoyoung Huh, James Monsees, Nicholas Pritzker, and Riaz Valani's (collectively, the "Defendants") Notice of Designation of Action as Mandatory Complex Business Case Under N.C.G.S. § 7A-45.4 (the "Opposition"). (Pl.'s Opp'n Defs.' Notice Designation Action Mandatory Complex Bus. Case Under N.C.G.S. § 7A-45.4 [hereinafter "Opp'n"], ECF Nos. 14–15.)<sup>1</sup>

2. Plaintiff initiated this action on 16 November 2021, asserting a claim for unfair and deceptive trade practices under N.C.G.S. § 75-1.1 against all Defendants. (See Compl. 95–96, ECF Nos. 2 (redacted), 13 (under seal).)

3. Defendants accepted service on 19 November 2021 and timely filed a Notice of Designation of Action as Mandatory Complex Business Case Under N.C.G.S. § 7A-

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<sup>1</sup> Due to a perceived error with the Court's electronic filing system, Plaintiff filed the Opposition twice on the Court's electronic docket.

45.4 (the “NOD”) on 20 December 2021, asserting that this action involves a dispute under N.C.G.S. § 7A-45.4(a)(1). (Defs.’ Notice Designation Action Mandatory Complex Bus. Case Under N.C.G.S. § 7A-45.4 1 [hereinafter “NOD”], ECF No. 5.)

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 Honorable Paul Newby, 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 21 December 2021, 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 19 January 2022, contending that designation of this action as a mandatory complex business case is not proper under section 7A-45.4(a)(1) or (b)(2). (*See Opp'n 1–3.*)

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)(1) (or (b)(2)), (*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** and shall proceed as a complex business case before the Honorable Adam M. Conrad.

**SO ORDERED**, this the 20th day of January, 2022.

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