

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
22 CVS 13309

JANISOURCE LLC and CLEAR
MARKETING CORP., individually
and on behalf of all others similarly
situated,

Plaintiffs,

v.

CHANNELADVISOR CORP.,

Defendant.

ORDER ON DESIGNATION

1. **THIS MATTER** is before the Court pursuant to the Determination Order issued on 30 November 2022 by the Honorable Paul Newby, 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.G.S. § 7A-45.4(a).

2. Plaintiffs filed the Class Action Complaint initiating this action in Wake County Superior Court on 26 October 2022. Plaintiffs, however, did not file the Notice of Designation of this case as a mandatory complex business case until 28 November 2022.

3. Under N.C.G.S. § 7A-45.4(d)(1), “[t]he 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 Plaintiffs’ 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.G.S. § 7A-45.4(a) and thus shall not be assigned to a Special Superior Court Judge for Complex Business Cases. *See, e.g., Narvaez v. nGuard, Inc.*, 2021 NCBC LEXIS 102, at *1 (N.C. Super. Ct. Nov. 29, 2021) (determining designation was improper when notice of designation was filed six days after the filing of the complaint); *Gonzales-Alcantara v. Sanchez-Rodriguez*, 2020 NCBC LEXIS 81, at *1 (N.C. Super. Ct. July 10, 2020) (determining designation was improper when notice of designation was filed eight days after the filing of the complaint).

4. Consistent with the Determination Order, the Court hereby advises the Senior Resident Superior Court Judge of Judicial District 10 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 Superior Court 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 30th day of November, 2022.

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