

STATE OF NORTH CAROLINA  
COUNTY OF IREDELL

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
21 CVS 2372

LINEAGE LOGISTICS, LLC,

Plaintiff,

v.

PRIMUS BUILDERS, INC. and  
REPUBLIC REFRIGERATION,  
INC.,

Defendants.

**ORDER SUMMARILY DENYING  
PLAINTIFF’S MOTION TO STRIKE  
AFFIRMATIVE DEFENSES  
WITHOUT PREJUDICE**

1. **THIS MATTER** is before the Court upon Plaintiff’s Motion to Strike Affirmative Defenses pursuant to Rule 12(f) of the North Carolina Rules of Civil Procedure (the “Motion”) filed on 21 November 2023 in the above-captioned case. (ECF No. 174.)

2. The form of motions in matters designated to the North Carolina Business Court is governed by BCR 7. Pursuant to BCR 7.2, “[a]ll motions must be accompanied by a brief . . . Each motion must be set out in a separate document. A motion unaccompanied by a required brief may, in the discretion of the Court, be summarily denied.”

3. Plaintiff’s Motion is not accompanied by a brief in violation of BCR 7.2. Instead, Plaintiff’s Motion is 21 pages long, contains a table of contents and a table of authorities, and appears to be intended as a combined motion and brief. The Business Court Rules do not allow such a filing and contemplate instead a short, concise motion requesting specific relief under applicable rule or statute

accompanied by a word-limited brief containing the filing party's legal arguments in support of the requested relief.

4. Because the Motion was unaccompanied by a required brief in violation of BCR 7.2, the Court, in the exercise of its discretion, hereby **SUMMARILY DENIES** the Motion without prejudice to Plaintiff's right to file a revised motion, with supporting brief, that complies with the requirements of BCR 7. *See, e.g., Erwin v. Myers Park Country Club, Inc.*, 2021 N.C. Super. LEXIS 8, at \*2 (N.C. Super. Ct. Apr. 29, 2021) (summarily denying motion for failing to comply with BCR 7.2); *Azure Dolphin, LLC v. Barton*, 2017 NCBC LEXIS 229, at \*4-\*5 (N.C. Super. Ct. May 30, 2017) (same).

**SO ORDERED**, this the 27th day of November, 2023.

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