

STATE OF NORTH CAROLINA
NEW HANOVER COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21 CVS 4611

HE CHI; BIAN YIDE; CAO YONGJIE;
CHEN MINZHI; CHENG TAO; HU
KUN; LIANG JINGQUAN; LUO
PENG; MA QIHONG; MA WEIGUO;
SONG YING; WANG JIAN; WANG
LING; WANG XUEHAI; XIE QIN; YE
XIAFEN; and ZHANG YUNLONG,

Plaintiffs,

v.

NORTHERN RIVERFRONT MARINA
AND HOTEL LLLP; NRMH
HOLDINGS LLC; NRMH HOTEL
HOLDINGS LLC; USA INVESTCO
LLC; PAC RIM VENTURE LTD.;
RIVERFRONT HOLDINGS II LLC;
WILMINGTON RIVERFRONT
DEVELOPMENT LLC; GOLDEN
MARINA LLC; CIRCLE MARINA
CARWASH, INC.; CHARLES J.
SCHONINGER; JOHN C. WANG;
JIANGKAI WU; CHRISTOPHER
ARDALAN; and GONGZHAN WU,

Defendants.

ORDER STRIKING STIPULATION

1. THIS MATTER is before the Court as a result of the parties' stipulation purporting to extend the time for Plaintiffs' responses to Defendants' Motions to Dismiss, (ECF No. 100). It is apparent to the Court from this filing that the parties misunderstand the language of Business Court Rule ("BCR") 4.1(e).

2. BCR 4.1(e) permits the parties to enter binding stipulations "in the manner permitted by Rule 6(b) of the North Carolina Rules of Civil Procedure," but that permission is limited to deadlines established by the North Carolina Rules of

Civil Procedure. BCR 4.1(e) does not permit the parties to stipulate to extensions of deadlines established by the Business Court Rules or this Court's orders. BCR 7.6 governs the time frame in which to file responsive briefs.

3. Consequently, the Court hereby **STRIKES** the parties' stipulation.

4. However, in the exercise of its discretion, the Court treats the parties' filing as a Joint Motion for an Extension of Time to file responsive briefs to Defendants' Motions to Dismiss, and the Court **GRANTS** this motion and extends the deadline for Plaintiffs to file their responsive briefs for twenty (20) days, to and including 1 March 2023.

SO ORDERED, this the 7th day of February, 2023.

/s/ Julianna Theall Earp

Julianna Theall Earp
Special Superior Court Judge
for Complex Business Cases