

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
22 CVS 4473

TRAIL CREEK INVESTMENTS LLC
and WARREN OIL COMPANY, LLC,

Plaintiffs,

v.

WARREN OIL HOLDING
COMPANY, LLC, et al.;

Defendants.

**ORDER ON PLAINTIFFS' BCR 10.9
SUBMISSION**

1. **THIS MATTER** is before the Court pursuant to North Carolina Business Court Rule (“BCR”) 10.9 in the above-captioned case.

2. On 29 May 2024, Plaintiffs Trail Creek Investments LLC and Warren Oil Company, LLC’s (“Plaintiffs”) submitted via email a document captioned “Plaintiffs’ 10.9 Submission Regarding the Deposition of Larry Sanderson” (the “10.9 Submission”).

3. Plaintiffs’ 10.9 Submission contends that the parties have reached an impasse regarding a dispute over the length of time for which Plaintiffs may depose Defendant Larry Sanderson (“Sanderson”), in his individual capacity, at a deposition currently set for 11 June 2024.

4. Although the default time limit for depositions pursuant to BCR 10.7(a)—absent agreement by the parties otherwise—is seven hours, Plaintiffs request that they be permitted to depose Sanderson for up to fourteen hours. As justification for this request, Plaintiffs point to Sanderson’s “numerous roles, duties,

and extensive involvement” with the primary parties in this lawsuit and many of the events at issue therein.

5. Conversely, in their response to the 10.9 Submission—which they submitted via an email to the Court dated 5 June 2024—Defendants request that Sanderson’s 11 June deposition be limited to seven hours. Defendants argue that Plaintiffs’ request for a fourteen-hour deposition of Sanderson in his individual capacity is excessive, that the request is premature, and that Plaintiffs have otherwise failed to demonstrate good cause for an extended deposition of this nature.

6. It is well established that “[t]he Court may extend the deposition period of seven hours of on-the-record time for good cause. . . . Rule 10.7(a) provides a default rule for all depositions, but the trial court has broad discretion to set the length of depositions appropriate to the circumstances of the case as it does for other determinations concerning the scope of discovery.” *DSM Dyneema, LLC v. Thagard*, 2017 NCBC LEXIS 226, at *3 (N.C. Super. Ct. Feb. 6, 2017) (citations omitted).

The Court, in the exercise of its discretion and in recognition of the key role played by Sanderson in the bulk of the events pertinent to this lawsuit and his unique relationship with the other parties to this litigation, **CONCLUDES** that Plaintiffs have shown good cause to extend the default seven-hour time limit under BCR 10.7(a). Accordingly, it is **ORDERED** that Plaintiffs shall be permitted to depose Sanderson for up to **twelve (12) hours** of on-the-record time.

SO ORDERED, this the 7th day of June, 2024.

/s/ Mark A. Davis _____

Mark A. Davis

Special Superior Court Judge
for Complex Business Cases