

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CV018213-590

CLC(US) INVESTMENTS, INC.,

Plaintiff,

v.

GRAMCOR CORPORATION; GC
ROANOKE, LLC; GC
PROMENADE LLC (d/b/a
GRAMCOR ECOMM LLC); GC
BLAKENEY LLC (d/b/a DAPPER
DOUGHNUT FRANCHISE LLC);
and GC WESTOVER, INC.,

Defendants.

**ORDER ON JOINT STIPULATION
FOR EXTENSION OF TIME TO FILE
ESI PROTOCOL**

1. **THIS MATTER** is before the Court on the Joint Stipulation for Extension of Time to File ESI Protocol entered into by all parties pursuant to Rule 6(b) of the North Carolina Rules of Civil Procedure (the “Rule(s)”) and Business Court Rule (“BCR”) 4.1(e) and filed with the Court on 29 August 2024 (the “Joint Stipulation”). (ECF No. 27.)

2. The Case Management Order (“CMO”) entered by the Court on 21 August 2024 provides that “[i]n accordance with BCR 10.3(c), the parties shall file an ESI protocol no later than 29 August 2024. In the event the parties are not able to reach agreement as to all terms of an ESI protocol, the parties will so advise the Court and reflect the areas of disagreement in the ESI protocol.” (ECF No. 25, ¶ 21.) The Joint Stipulation purports to extend the 29 August 2024 deadline for two weeks through and including 13 September 2024.

3. Rule 6(b) allows the parties to enter into binding stipulations without court approval to enlarge the time “within which an act is required or allowed to be done under these Rules.” N.C. R. Civ. P. 6(b).

4. Deadlines set by court order, including the time within which parties may file an ESI Protocol, are not controlled by Rule 6(b) or any other of the North Carolina Rules of Civil Procedure and may only be modified by the Court.

5. Pursuant to the Business Court Rules, the parties may seek an agreed-upon extension of time to file their ESI Protocol by filing a consent motion for the Court’s consideration. BCR 4.1(a).

6. Because the parties may not unilaterally modify ESI Protocol filing deadlines in this action under either the North Carolina Rules of Civil Procedure, the Business Court Rules, or the CMO, the Court hereby **STRIKES** the parties’ Joint Stipulation, without prejudice to the parties’ right to file a consent motion seeking the identical relief agreed upon in the Joint Stipulation.

SO ORDERED, this the 30th day of August, 2024.

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