

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
25CV000948-910

WILLIAM P. JANVIER, as limited
receiver of CTC TRANSPORTATION
INSURANCE SERVICES OF
HAWAII, LLC and CTC
TRANSPORTATION INSURANCE
SERVICES, LLC,

Plaintiffs,

v.

QBE INSURANCE CORPORATION;
CAPITOL SPECIALTY INSURANCE
CORPORATION; and AMWINS
INSURANCE BROKERAGE, LLC,

Defendants.

**ORDER ON PLAINTIFF'S
OPPOSITION TO BUSINESS
COURT DESIGNATION**

1. **THIS MATTER** is before the Court following the 22 May 2025 filing by Plaintiff William P. Janvier, as limited receiver of CTC Transportation Insurance Services of Hawaii, LLC and CTC Transportation Insurance Services, LLC (Plaintiff) of *Plaintiff's Opposition to Business Court Designation* (the Opposition). (ECF No. 5 [Opp'n].)

2. Plaintiff initiated this action on 9 January 2025, asserting claims against Defendants QBE Insurance Corporation (QBE), Capitol Specialty Insurance Corporation (Capitol), and Amwins Insurance Brokerage, LLC (Amwins) for breach of contract and a declaratory judgment as to QBE and Capitol, and negligence and breach of fiduciary duty/constructive fraud as to Amwins. (See Compl. ¶¶ 80–113, ECF No. 1.)

3. Defendants QBE and Capitol (the NOD Defendants) filed a Conditional Notice of Designation as Mandatory Complex Business Case (the Conditional NOD) on 1 May 2025, asserting the case meets the criteria for designation under N.C.G.S. § 7A-45.4(a)(9). (Conditional Notice Designation, ECF No. 4 [Conditional NOD].)

4. On 22 May 2025, Plaintiff filed the Opposition, contending that designation under N.C.G.S. § 7A-45.4(a)(9) is improper because (i) the receiver is an individual and not a corporation as required by N.C.G.S. § 7A-45.4(a)(9)(a) and (ii) Plaintiff does not consent to designation under N.C.G.S. § 7A-45.4(a)(9)(d). (Opp’n 1–2.) To date, the NOD Defendants have not filed a response to the Opposition or filed a supplement to the Conditional NOD as to whether consent was ever received.

5. Pursuant to N.C.G.S. § 7A-45.4(e), the undersigned is required to rule by written order on Plaintiff’s Opposition and to determine whether the action should be designated as a mandatory complex business case.

6. Based on the record before the Court, it appears that this action arises out of an insurance coverage dispute with respect to several insurance policies. (*See* Compl. ¶ 1.) According to Plaintiff—the limited receiver for the entity insureds that purchased the insurance policies—this action was brought against the two insurance companies that issued the policies and the broker that procured them after the insurance companies refused to pay a judgment entered against the insureds in an underlying case, *County Hall Ins. Co., a Risk Retention Grp. v. CTC Transp. Servs. of*

Hawaii, LLC, et al. (21-CVS000421-910, Wake County). (See Compl. ¶¶ 1, 29–32, 34, 51–52, 59, 66.)

7. The NOD Defendants seek mandatory complex business case designation pursuant to N.C.G.S. § 7A-45.4(a)(9). (See Conditional NOD 1–3.) Designation as a mandatory complex business case under section 7A-45.4(a)(9) is proper if the action involves a material issue related to:

Contract disputes in which all of the following conditions are met:

- a. At least one plaintiff and at least one defendant is a corporation, partnership, or limited liability company, including any entity authorized to transact business in North Carolina under Chapter 55, 55A, 55B, 57D, or 59 of the General Statutes.
- b. The complaint asserts a claim for breach of contract or seeks a declaration of rights, status, or other legal relations under a contract.
- c. The amount in controversy computed in accordance with G.S. 7A-243 is at least one million dollars (\$ 1,000,000).
- d. All parties consent to the designation.

8. Business Court Rule (BCR) 2.5 permits conditional designation under section 7A-45.4(a)(9). See BCR 2.5. Under BCR 2.5, a designating party may conditionally file a Notice of Designation “contemporaneously with the complaint, third-party complaint, petition for judicial review, answer, or other responsive pleading.” BCR 2.5. The designating party then has thirty (30) days after service of such pleading to “file a supplement to the conditional Notice of Designation that reflects consent by all parties to the Notice of Designation.” BCR 2.5. However, a

conditional Notice of Designation “is not deemed to be complete until the supplement is filed.” BCR 2.5.

9. Here, the NOD Defendants filed the Conditional NOD within thirty (30) days of service of the Complaint as a stand-alone filing, rather than contemporaneously with their Answer, out of an abundance of caution since the NOD Defendants had more than thirty (30) days to file their Answer under N.C.G.S. § 58-16-45. (*See* Conditional NOD 3.) Since that time, more than thirty (30) days have passed since the filing of the Conditional NOD. A supplement was never filed. Quite the opposite has occurred, in fact, as Plaintiff opposes designation based in part on his lack of consent. (*See* Opp’n 2.) Given the failure to satisfy all of the requirements in subsection (a)(9), the Court concludes that designation of this action under section 7A-45.4(a)(9) is improper. The Court need not, and thus will not decide at this time whether a receiver qualifies as a corporation or other entity under N.C.G.S. § 7A-45.4(a)(9) since the Court is otherwise allowing the Opposition based on other grounds.

10. **THEREFORE**, the Court, in the exercise of its discretion, hereby **ORDERS** that the Opposition is **ALLOWED** and this action shall not proceed as a mandatory complex business case under N.C.G.S. § 7A-45.4(a)(9).

11. As a result, 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 the parties may pursue designation as a Rule 2.1 exceptional case with the Senior Resident Superior Court Judge if deemed appropriate.

12. The Court's ruling is without prejudice to the right of the parties to otherwise seek designation of this matter as a mandatory complex business case as may be provided under section 7A-45.4.

SO ORDERED, this the 10th day of June, 2025.

/s/ Michael L. Robinson

Michael L. Robinson
Chief Business Court Judge