

STATE OF NORTH CAROLINA
CASWELL COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
25 CVS 229

AMY ALLIN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

COMPASSION HEALTHCARE,
INC.,

Defendant.

ORDER ON DESIGNATION

1. **THIS MATTER** is before the Court pursuant to the Determination Order signed on 9 July 2025 by the Honorable Paul Newby, Chief Justice of the Supreme Court of North Carolina, directing the undersigned to determine whether this action is properly designated as a mandatory complex business case in accord with N.C.G.S. § 7A-45.4(a).

2. On 27 May 2025, Plaintiff Amy Allin, individually and on behalf of all others similarly situated (Plaintiff), initiated this action upon the filing of the Complaint in Caswell County Superior Court. (See Compl., ECF No. 2.) According to the Notice of Designation (NOD), Defendant Compassion Healthcare, Inc. (Defendant) was served with the Complaint on 5 June 2025. (Notice Designation 4, ECF No. 3 [NOD].)

3. On 7 July 2025, Defendant timely served its NOD, along with a copy of the Complaint, upon the Chief Justice and the undersigned Chief Judge of the North Carolina Business Court by email, but the NOD was not filed with the Caswell County Clerk of Superior Court until 9 July 2025.

4. Defendant failed to file the NOD and supporting documents with the Caswell County Clerk of Superior Court within 30 days of service of the Complaint, as required by N.C.G.S. §§ 7A-45.4(c) and (d). Defendant should have filed the NOD with the Caswell County Clerk of Superior Court no later than 7 July 2025 to be considered timely filed. *See ECA Gen. P'ship, LLC v. First Bank*, 2025 NCBC LEXIS 16, at *3 (N.C. Super. Ct. Feb. 18, 2025). Therefore, the NOD is untimely, and this matter is not properly designated to the Business Court as a mandatory complex business case.

5. Based on the foregoing, the Court concludes that this action shall not proceed as a mandatory complex business case under N.C.G.S. § 7A-45.4(a) and thus shall not be assigned to a Special Superior Court Judge for Complex Business Cases.

6. Consistent with the Determination Order, the Court hereby advises the Senior Resident Superior Court Judge of Judicial District 22 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 designation as a Rule 2.1 exceptional case may be pursued with the Senior Resident Superior Court Judge if deemed appropriate.

7. 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 permitted under N.C.G.S. § 7A-45.4.

SO ORDERED, this the 14th day of July, 2025.

/s/ Michael L. Robinson

Michael L. Robinson
Chief Business Court Judge