

STATE OF NORTH CAROLINA  
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
25CV030815-590

SUGARBRANCH DEVELOPMENT,  
LLC; SUGARTREE ISSUER, LLC;  
SUGARTREE CLASS A, LLC;  
SUGARTREE MANAGER, LLC;  
BRETT N. ERMER; CYNTHIA ROSE  
LINN; and MICHAEL A. GODDARD,

Plaintiffs,

v.

BURBANK FINANCIAL  
PARTNERS, LLC; BURBANK  
MANAGEMENT PARTNERS, LLC;  
BURBANK PRIVATE EQUITY  
GROUP, LLC; and RODNEY  
WILSON, (a/k/a RODNEY E.  
WILSON, JR.),

Defendants.

**ORDER ON DESIGNATION**

1. **THIS MATTER** is before the Court pursuant to the Determination Order filed on 12 August 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 18 June 2025, Plaintiffs Sugarbranch Development, LLC, Sugartree Issuer, LLC, Sugartree Class A, LLC, Sugartree Manager, LLC, Brett N. Ermer, Cynthia Rose Linn, and Michael A. Goddard initiated this action upon the filing of the Complaint in Mecklenburg County Superior Court. (*See* Compl., ECF No. 2.) According to the Notice of Designation (NOD), Defendants Burbank Financial Partners, LLC, Burbank Management Partners, LLC, Burbank Private Equity

Group, LLC, and Rodney Wilson, (a/k/a Rodney E. Wilson, Jr.) (Defendants) were served with the Complaint on 24 June 2025. (Notice Designation 3, ECF No. 3 [NOD].)

3. On 24 July 2025, Defendants filed their NOD with the Mecklenburg County Clerk of Superior Court. (NOD 1.) However, Defendants did not contemporaneously serve the NOD on the Chief Justice of the Supreme Court of North Carolina and the undersigned Chief Judge of the North Carolina Business Court as required by N.C.G.S. § 7A-45.4(c). To date, neither the Chief Justice nor the undersigned have received service of the NOD.<sup>1</sup>

4. Pursuant to N.C.G.S. § 7A-45.4(c),

A party designating an action as a mandatory complex business case shall file a Notice of Designation in the Superior Court in which the action has been filed, *shall contemporaneously serve the notice on each opposing party or counsel and on the Special Superior Court Judge for Complex Business Cases who is then the Chief Business Court Judge, and shall contemporaneously send a copy of the notice by e-mail to the Chief Justice of the Supreme Court* for approval of the designation of the action as a mandatory complex business case.

(Emphasis added).

5. The Business Court provides explicit instructions on its website as to how to properly effectuate service under the statute.<sup>2</sup> The contemporaneous filing and service requirement set forth in N.C.G.S. § 7A-45.4(c) is mandatory, and Defendants' failure to comply with that requirement renders the NOD untimely.

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<sup>1</sup> Because the NOD was not properly served, the Court only became aware of it by stumbling upon it in Enterprise Justice and would not have otherwise known it had been filed.

<sup>2</sup> See *Designation Procedure*, [www.nccourts.gov/courts/business-court/special-information-and-procedures-for-business-court](http://www.nccourts.gov/courts/business-court/special-information-and-procedures-for-business-court) (last visited Aug. 13, 2025).

6. 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.

7. Consistent with the Determination Order, the Court hereby advises the Senior Resident Superior Court Judge of Judicial District 26 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.

8. 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 August, 2025.

/s/ Michael L. Robinson

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Michael L. Robinson  
Chief Business Court Judge