

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
25CV028164-910

THE LAW OFFICE OF ASHLEY-  
NICOLE RUSSELL, P.A. (d/b/a ANR  
Law), A North Carolina Professional  
Association, and ASHLEY-NICOLE  
RUSSELL, an individual,

Plaintiffs,

v.

MCLAWHORN LEGAL SERVICES  
PLLC, A North Carolina Professional  
Limited Liability Company, and  
BENJAMIN T. MCLAWHORN, an  
individual (d/b/a "The Law Offices of  
Benjamin T. McLawhorn"),

Defendants.

**ORDER ON DESIGNATION**

1. **THIS MATTER** is before the Court pursuant to the *Determination Order* issued on 5 September 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). (ECF No. 1.)

2. Plaintiffs The Law Office of Ashley-Nicole Russell, P.A. (d/b/a ANR Law), a North Carolina Professional Association (ANR Law), and Ashley-Nicole Russell (Ms. Russell; and with ANR Law, Plaintiffs) filed the Complaint initiating this action in Wake County Superior Court on 14 August 2025, asserting claims against Defendants McLawhorn Legal Services PLLC, a North Carolina Professional Limited Liability Company (MLS), and Benjamin T. McLawhorn d/b/a "The Law Offices of Benjamin T. McLawhorn" (Mr. McLawhorn; and with MLS, Defendants) for

violations of the North Carolina Unfair and Deceptive Trade Practices Act, tortious interference, conversion, computer trespass, constructive trust—appointment of receiver, and punitive damages as to both Defendants.<sup>1</sup> (See Compl. ¶¶ 24–60, ECF No. 2.)

3. On 3 September 2025, Defendants timely filed and served their Notice of Designation (NOD) contending that designation as a mandatory complex business case is proper under N.C.G.S. § 7A-45.4(a)(5). (Notice Designation, ECF No. 4 [NOD].) According to Defendants, this action falls under subsection (a)(5) because it “involves material issues related to disputes involving the Plaintiffs’ ownership, and the Defendants’ alleged use, of intellectual property.” (NOD 2.)

4. Based on the record before the Court, and the Court’s involvement in separate but related litigation between the parties, it appears this case arises out of a soured business relationship between the owners of McLawhorn & Russell, PLLC (M&R), a family law practice in the Raleigh area. (Compl. ¶ 14.) According to Plaintiffs, Ms. Russell is the sole owner of ANR Law, providing family law services to clients in eastern North Carolina since 2011, and Mr. McLawhorn is the sole owner of MLS, a family law practice that Plaintiffs assisted Mr. McLawhorn to create. (Compl. ¶¶ 1, 3, 5, 22.) Plaintiffs assert that in 2019, Ms. Russell and Mr. McLawhorn agreed to form M&R, of which they each owned 50% of the membership units. (Compl. ¶ 10.) According to Plaintiffs, Ms. Russell and Mr. McLawhorn purchased an office condominium to operate M&R through a

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<sup>1</sup> The Complaint lists the request for a constructive trust—appointment of receiver as the “Fifth Claim for Relief.” However, this is not a cause of action, but rather a form of relief.

separate entity. (Compl. ¶ 11.) In addition to operating M&R at the office condominium, Ms. Russell and Mr. McLawhorn entered into an agreement whereby Ms. Russell could also operate a Raleigh office for her developed family law practice. (Compl. ¶ 12.) Plaintiffs contend that ultimately, after a period of successfully operating M&R, Ms. Russell and Mr. McLawhorn had a dispute over the operations of M&R, which resulted in the “ongoing separation and dissolution of M&R by Ms. Russell and Defendant McLawhorn.” (Compl. ¶ 14.)

5. According to Plaintiffs, from the beginning of their dispute, Mr. McLawhorn “froze Ms. Russell out of the business of M&R” and blocked her from entering the condominium, which housed her established family law practice. (Compl. ¶ 15.) Plaintiffs allege that Mr. McLawhorn directed Ms. Russell’s clients to himself and M&R, and Defendants stole Ms. Russell’s law practice, “engaged in the secretive, intentional and devious removal of the Plaintiff’s records, the Plaintiff’s confidential information, and intellectual property,” used deceptive marketing to gain Ms. Russell’s clients, and usurped Ms. Russell’s goodwill she had developed since 2011. (Compl. ¶¶ 16–19, 21–22.)

6. Defendants contend that this case is properly designated under N.C.G.S. § 7A-45.4(a)(5). The Court agrees. For an action to be designated under N.C.G.S. § 7A-45.4(a)(5), the action must involve a material issue related to “[d]isputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals,

biotechnology products, and bioscience technologies.” N.C.G.S. § 7A-45.4(a)(5). “To qualify for mandatory complex business case designation under [section 7A-45.4(a)(5)], the material issue must relate to a dispute that is ‘closely tied to the underlying intellectual property aspects’ of the intellectual property at issue.” *Pinsight Tech., Inc. v. Driven Brands, Inc.*, 2020 NCBC LEXIS 23, at \*5 (N.C. Super. Ct. Feb. 20, 2020) (quoting *Cardiorentis AG v. IQVIA Ltd.*, 2018 NCBC LEXIS 64, at \*6 (N.C. Super. Ct. June 27, 2018)).

7. According to Defendants, designation is proper under N.C.G.S. § 7A-45.4(a)(5) because “[e]ach and every one of the Plaintiffs’ claims against the Defendants in this action is expressly predicated on the Plaintiffs’ alleged ownership of intellectual property and on the Defendants’ alleged improper use of that intellectual property.” (NOD 1.) More specifically, Plaintiffs’ computer trespass claim alleges that Defendants “entered onto Plaintiff’s computer(s) and/or computer network without the authority of the Plaintiffs with the intent to . . . make . . . an unauthorized copy . . . of computer data, computer programs, or computer software residing in . . . a computer or computer network,” and that Defendants “made . . . unauthorized copies of Plaintiff’s . . . intellectual property.” (Compl. ¶¶ 50, 51.)

8. Defendants’ alleged misuse of Plaintiffs’ intellectual property and unauthorized access to Plaintiff’s data bases is central to Plaintiffs’ computer trespass claim. (See Compl. ¶¶ 49–52.) Therefore, the Court concludes the Complaint involves a material issue related to “[d]isputes involving the . . . use . . . of intellectual

property, including computer software, software applications, information technology and systems, [and] data and data security” and that designation is proper under subsection (a)(5). N.C.G.S. § 7A-45.4(a)(5); *see Miller v. Redgoose, L.L.C.*, 2024 NCBC LEXIS 16, at \*5–6 (N.C. Super. Ct. Jan. 30, 2024) (concluding designation was proper under subsection (a)(5) where counterclaim defendant’s alleged misuse and misconduct of company’s software, IT systems, data, and data security formed the basis for counterclaims upon which designation was based).

9. Based on the foregoing, the Court determines that this action shall proceed as a mandatory complex business case under N.C.G.S. § 7A-45.4(a)(5) and thus shall be assigned to a Special Superior Court Judge for Complex Business Cases.

**SO ORDERED**, this the 10th day of September, 2025.

/s/ Michael L. Robinson  
Michael L. Robinson  
Chief Business Court Judge