

STATE OF NORTH CAROLINA
ORANGE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CV003280-670

ACTION LEARNING ASSOCIATES,
LLC,

Plaintiff,

v.

KENAN-FLAGLER BUSINESS
SCHOOL EXECUTIVE
EDUCATION LLC

Defendant.

**ORDER ON PLAINTIFF'S MOTION
FOR LEAVE TO AMEND**

THIS MATTER is before the Court on Plaintiff's Motion for Leave to Amend.
("Motion", ECF No. 29.)

THE COURT, having considered the Motion, the briefs of the parties, and all appropriate matters of record, **CONCLUDES** that the Motion should be **DENIED** without prejudice for the reasons set forth below.

FACTUAL AND PROCEDURAL BACKGROUND

1. The underlying facts of this matter can be found in the Court's Order and Opinion on Defendants' Motion to Dismiss First Amended Complaint. *See Action Learning Assocs., LLC v. Kenan-Flagler Bus. Sch. Exec. Educ. LLC*, 2025 NCBC LEXIS 79, at **2-9 (N.C. Super. Ct. July 2, 2025) ("Motion to Dismiss Opinion").

2. Following entry of the Court's Motion to Dismiss Opinion, the Court entered a Case Management Order on 10 July 2025. (ECF No. 22.)

3. Defendant then filed its Answer to Plaintiff's First Amended Complaint on 22 July 2025. (ECF No. 23.)

4. On 11 August 2025, Plaintiff filed the present Motion along with a proposed Second Amended Complaint. (ECF No. 30.)

5. Defendant filed a brief in opposition to the Motion on 28 August 2025. (ECF No. 32.)

6. Because Plaintiff has not filed a reply brief in support of the Motion, it is now ripe for resolution.¹

ANALYSIS

7. Plaintiff's Motion (which consists of two pages) was not accompanied by a supporting brief.

8. Rule 7.2 of the North Carolina Business Court Rules ("BCR") states in pertinent part that "[u]nless listed in BCR 7.10, a motion must be accompanied by a brief. The Court has discretion to deny the motion summarily if a required brief is not filed." BCR 7.2.

9. The proposed Second Amended Complaint ("SAC") seeks to add two new Defendants—Ryan Soares and Jenn Giordano—and to assert claims against them for tortious interference with contractual relations and breach of contract. In addition, it contains a number of substantive allegations that were not contained in Plaintiff's First Amended Complaint.

10. In its Motion, Plaintiff offered no explanation for its failure to file a supporting brief. Moreover, despite the fact that Defendant specifically raised

¹ Pursuant to North Carolina Business Court Rule 7.4, the Court elects to rule on the Motion without a hearing. See BCR 7.4 (stating that "[t]he Court may rule on a motion without a hearing").

Plaintiff's noncompliance with BCR 7.2 in its opposition brief, Plaintiff made no effort to address this issue in a reply brief.

11. BCR 7.10 specifically lists the types of motions that do not require an accompanying brief. The only type of motion set out therein that is potentially relevant here is contained in BCR 7.10(c), which applies to motions "to add parties." BCR 7.10(c).

12. Although the SAC does, in fact, seek to add new parties, it also contains new substantive allegations in support of its claims.

13. Therefore, the Motion was required to be accompanied by a supporting brief. Because the Motion failed to comply with BCR 7.2, the Court, in its discretion, summarily denies the Motion. *See Azure Dolphin, LLC v. Barton*, 371 N.C. 579, 604 (2018) ("[Since] plaintiffs' second amended motion . . . was [not] accompanied by a brief . . . as required by the applicable Business Court rules, we have no hesitation in concluding that the trial court did not abuse its discretion by denying plaintiffs' second amended motion."); *Total Merch. Servs., LLC v. TMS NC, Inc.*, Wake Cnty. Super. Ct., File No. 21CVS5801 (May 6, 2022) (summarily denying motion for leave to amend counterclaims and add additional parties). However, in the exercise of the Court's discretion, the Motion will be denied without prejudice.

CONCLUSION

THEREFORE, IT IS ORDERED that Plaintiff's Motion is **DENIED** without prejudice. Plaintiff shall have up to and including **6 October 2025** within which to file a new Motion to Amend along with a supporting brief.

SO ORDERED, this the 29th day of September 2025.

/s/ Mark A. Davis
Mark A. Davis
Special Superior Court Judge for
Complex Business Cases