

STATE OF NORTH CAROLINA
RICHMOND COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
25CV001302-760

ANTHONY JOSUE GRAJALES a/k/a
JDAGOD,

Plaintiff,

v.

TEA DATING ADVICE INC. d/b/a
THE TEA APP; SEAN COOK; JOHN
DOE 1; and JANE DOES 1-6,

Defendants.

ORDER ON DESIGNATION

1. **THIS MATTER** is before the Court pursuant to the *Determination Order* issued on 1 October 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. Plaintiff Anthony Josue Grajales a/k/a JDaGod (Plaintiff) filed the Complaint initiating this action in Richmond County Superior Court on 25 August 2025, asserting claims against Defendants Tea Dating Advice Inc. d/b/a The Tea App (Tea App), Sean Cook (Cook), John Doe 1, and Jane Does 1–6 (collectively, Defendants) for defamation (libel), false light invasion of privacy, intentional infliction of emotional distress, tortious interference with business relations, and negligence (platform liability). (See Compl. ¶¶ 15–21, ECF No. 2.)

3. On 29 September 2025, Defendants Tea App and Cook (the NOD Defendants) timely filed a Notice of Designation (the NOD) with the Richmond

County Clerk of Superior Court, 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. 8 [NOD].) According to the NOD Defendants, this action falls under subsection (a)(5) because “the allegations involve the performance of a software application within the meaning of N.C.[G.S.] § 7A-45.4(a)(5)[.]” (NOD 3.) The NOD Defendants also contend they “will plead and seek dismissal of Plaintiff’s claims under section 230 of the Communication Decency Act, which provides that ‘[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider[.]’” (NOD 3.) The NOD Defendants conclude that “[b]ecause resolution of the foregoing issues involves the performance of a computer software application, the Complaint presents material issues within section 7A-45.4(a)(5).” (NOD 4.)

4. Based on the record before the Court, it appears this case arises out of the anonymous posting of comments about Plaintiff on Tea App. The posts allegedly mentioned Plaintiff’s real name and business name, associating both with “heinous criminal conduct.” (Compl. ¶¶ 9, 10.) According to Plaintiff, he “has suffered “reputational[,] emotional[,] and economic harm as a direct result of the defamatory actions of the Defendants[.]” (Compl. ¶ 1.) Plaintiff alleges that he has submitted preservation letters and requests to Tea App without relief or identification of the anonymous posters. (Compl. ¶ 13.) According to Plaintiff, Tea App “allows location based anonymous posting encouraging defamation without consequence and fails to moderate or remove such content even when formally reported[.]” (Compl. ¶ 14.)

5. The NOD Defendants’ contention that this case is properly designated under N.C.G.S. § 7A-45.4(a)(5) is misplaced. 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)). Where “the material issues in dispute are closely tied to something other than the underlying intellectual property involved, such as contract, fraud, or tort . . . the case does not fall within the limits of section 7A-45.4(a)(5).” *ECA Gen. P’ship, LLC v. First Bank*, 2025 NCBC LEXIS 16, at *5 (N.C. Super. Ct. Feb. 18, 2025) (compiling cases).

6. In the current case, all of Plaintiff’s claims are tied to the alleged torts of others rather than being “ ‘closely tied to the underlying intellectual property aspects’ ” of Tea App itself. *Pinsight Tech., Inc.*, 2020 NCBC LEXIS 23, at *5. While the Complaint alleges Tea App and Cook “failed to maintain a safe and moderated platform after receiving formal notice of the post[']s falsity,” this is an example of an

alleged failure to moderate content once on notice—essentially, a business decision—and not closely tied to aspects of the underlying software of Tea App itself. (Compl. ¶ 21.) As a result, the Court concludes that designation of this action under section 7A-45.4(a)(5) is improper.

7. The NOD Defendants’ contention that they will seek dismissal of Plaintiff’s claims under section 230 of the Communication Decency Act is not enough for this case to be designated under N.C.G.S. § 7A-45.4(a)(5). (See NOD 3–4.) “[D]esignation under [N.C.G.S. § 7A-45.4] must be based on a *pleading*, not a forecasted defense.” *Cunningham v. Waff*, 2023 NCBC LEXIS 58, at *5 (N.C. Super. Ct. Apr. 10, 2023). Therefore, the Court must look to the Complaint, not the NOD Defendants’ motion to dismiss, to determine the propriety of designation.

8. 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.

9. Consistent with the Determination Order, the Court hereby advises the Senior Resident Superior Court Judge of Judicial District 21 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.

10. 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 7th day of October, 2025.

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