

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CV036339-910

COMIC BOOK CERTIFICATION
SERVICE LLC and MICHAEL
BORNSTEIN,

Plaintiffs,

v.

CBCS OPERATIONS, LLC;
ELI GLOBAL, LLC; and GLOBAL
GROWTH HOLDINGS, LLC,

Defendants.

**ORDER ON DEFENDANTS' MOTION
FOR LEAVE TO SEEK *PRO HAC VICE*
ADMISSION**

1. **THIS MATTER** is before the Court on Defendant CBCS Operations, LLC's ("CBCS Operations") Motion for Leave to Seek *Pro Hac Vice* Admission. ("Motion," ECF No. 63.) In the Motion, CBCS Operations seeks leave to file a motion seeking the *pro hac vice* admission of two out-of-state attorneys despite the lack of full compliance with N.C.G.S. § 84-4.1(5).

2. Throughout this litigation, the sole attorney of record for CBCS Operations has been Aaron Z. Tobin of the Condon Tobin Sladek Sparks Nerenberg PLLC ("Condon Tobin") law firm. Tobin—although licensed to practice law in the State of North Carolina—lives in Dallas, Texas, where his law firm is located.

3. CBCS Operations now asks the Court to permit the *pro hac vice* admission of two other Condon Tobin attorneys, Kendal Reed and Abigail Campbell—neither of whom are licensed to practice in North Carolina courts.

4. N.C.G.S. § 84-4.1 governs the process by which out-of-state attorneys may seek *pro hac vice* admission before North Carolina courts. The statute provides in pertinent part as follows:

Any attorney domiciled in another state, and regularly admitted to practice in the courts of record of and in good standing in that state, having been retained as attorney for a party to any civil or criminal legal proceeding pending in the General Court of Justice of North Carolina, the North Carolina Utilities Commission, the North Carolina Industrial Commission, the Office of Administrative Hearings of North Carolina, or any administrative agency, may, on motion to the relevant forum, be admitted to practice in that forum for the sole purpose of appearing for a client in the proceeding. The motion required under this section shall be signed by the attorney and shall contain or be accompanied by all of the following:

...

(5) A statement to the effect that the attorney has associated and is personally appearing in the proceeding, **with an attorney who is a resident of this State**, has agreed to be responsible for filing a registration statement with the North Carolina State Bar, and is duly and legally admitted to practice in the General Court of Justice of North Carolina, upon whom service may be had in all matters connected with the legal proceedings, or any disciplinary matter, with the same effect as if personally made on the foreign attorney within this State.

N.C.G.S. § 84-4.1(5) (emphasis added).

5. Since Tobin—the attorney with whom Reed and Campbell seek to associate in this case—is not a North Carolina resident, Reed and Campbell would only be eligible for *pro hac vice* admission pursuant to N.C.G.S. § 84-4.1(5) if they associate with an attorney (other than Tobin) who is both a North Carolina resident and is licensed to practice law in this State.

6. Aware of this statutory prerequisite for admission, CBCS Operations requests that the Court excuse Reed and Campbell from compliance with N.C.G.S. §

84-4.1(5). The Motion states that compliance with this statutory provision would constitute an “unnecessary financial burden” on CBCS Operations, as it would result in the additional “cost of employing in-state counsel solely to facilitate the *pro hac vice* process[.]”.

7. However, the Court does not possess the authority to excuse noncompliance with N.C.G.S. § 84-4.1(5). The North Carolina General Assembly has set out explicit statutory requirements governing the *pro hac vice* admission of out-of-state attorneys with which Reed and Campbell (along with any other attorneys seeking *pro hac vice* admission) must comply. *See Sullivan v. Woody*, 287 N.C. App. 199, 203 (2022) (“A trial court has no discretion to misapply, ignore, or fail to follow or properly apply . . . controlling statutes[.]”).

8. **THEREFORE**, Defendant CBCS Operations’ Motion is hereby **DENIED**.

SO ORDERED, this the 21st day of October 2025.

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