

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
25CV034991-910

JAMES MYRICK HOWARD;  
CLAUDIA ROBERTS BROWN;  
JOHN H. CONNELL; LEE A.  
FOLGER, III; DAVID KESTERSON;  
and KATHRYNE MCKEE,

Plaintiffs,

v.

CAMERON PARK  
NEIGHBORHOOD ASSOCIATION,  
DBA FOREST PARK  
NEIGHBORHOOD ASSOCIATION,

Defendant.

**ORDER ON DESIGNATION**

1. **THIS MATTER** is before the Court pursuant to the *Determination Order* issued on 6 November 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 accordance with N.C.G.S. § 7A-45.4(a). (ECF No. 1.)

2. Plaintiffs James Myrick Howard, Claudia Roberts Brown, John H. Connell, Lee A. Folger, III, David Kesterson, and Kathrynne McKee (collectively, Plaintiffs) initiated this action on 2 October 2025, asserting five declaratory judgment claims against Defendant Cameron Park Neighborhood Association, dba Forest Park Neighborhood Association (Defendant) with respect to actions taken to change the name of the neighborhood and neighborhood association from Cameron Park to Forest Park and whether such actions violated the Defendant's Articles of Incorporation (Articles) and Bylaws. (*See* Compl. ¶¶ 64–90, ECF No. 2 [Compl.].) On

5 November 2025, Defendant timely filed a Notice of Designation (NOD) seeking designation of the action as a mandatory complex business case under N.C.G.S. § 7A-45.4(a)(1).<sup>1</sup> (*See* Notice Designation 1, ECF No. 3 [NOD].) According to Defendant, there are multiple questions of nonprofit law that are raised by the declaratory judgment claims. (*See* NOD 5–6.)

3. Based on the record before the Court, it appears that this action arises out of a dispute among residents of Cameron Park dba Forest Park and Defendant with respect to the neighborhood’s alleged name change. (*See generally* Compl.) Plaintiffs contend that because of a division among the neighborhood on this issue, and uncertainty about whether there would be enough votes under Defendant’s Bylaws to change the name, an “alternative, unauthorized voting method to reach [the name change proponents’] desired outcome” was utilized. (Compl. ¶ 25.) Citing various provisions of Defendant’s Articles and Bylaws, Plaintiffs contend that Defendant did not follow its governing documents in effectuating the name change. (Compl. ¶¶ 30–37, 66–70, 72–75, 78–79, 81–85, 88, 90.)

4. Defendant’s contention that this case is properly designated under N.C.G.S. § 7A-45.4(a)(1) is misplaced. Designation under this section is proper if the action involves a material issue related to “[d]isputes involving the law governing corporations, except charitable and religious organizations qualified under G.S. 55A-1-40(4) on the grounds of religious purpose, partnerships, and limited

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<sup>1</sup> According to Defendant, it was allegedly served with the Complaint on 7 October 2025, making the NOD timely.

liability companies, including disputes arising under Chapters 55, 55A, 55B, 57D, and 59 of the General Statutes.” N.C.G.S. § 7A-45.4(a)(1).

5. Although Defendant claims that various questions of nonprofit law are raised in this case under Chapter 55A of the North Carolina Nonprofit Corporation Act, (*see* NOD 5–6), a close reading of the Complaint indicates that Plaintiffs narrowly seek enforcement of the Defendant’s Articles and Bylaws and do not raise any material issues under Chapter 55A. As such, resolution of Plaintiffs’ claims requires only a straightforward application of contract law principles and does not implicate the law governing corporations under N.C.G.S. § 7A-45.4(a)(1). *See Brenner v. Hound Ears Club, Inc.*, 2022 NCBC LEXIS 101, at \*7–8 (N.C. Super. Ct. Aug. 31, 2022) (noting bylaws of a voluntary nonprofit association are treated as a contract). Designation under subsection (a)(1) is therefore not proper. *See Culverhouse-Steadman v. Gomboc Ventures, LLC*, 2024 NCBC LEXIS 135, at \*3–4 (N.C. Super. Ct. Oct. 11, 2024) (citing cases) (declining to designate under subsection (a)(1) because complaint sought only interpretation of company’s governing document and vote required to amend it).

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 10 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 12th day of November, 2025.

/s/ Michael L. Robinson

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Michael L. Robinson  
Chief Business Court Judge