

STATE OF NORTH CAROLINA
RANDOLPH COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
25CV000662-750

THE ASSURANCE GROUP, LLC,

Plaintiff,

v.

DARRIN H. SHACKELFORD;
BRANDON S. PASSE; ABBY
BEAVER LYNCH; KRISTIE ALICE
SHACKELFORD; LORIANNA
PASSE; and EPIC BROKER
SOLUTIONS, LLC,

Defendants and
Third-Party
Plaintiffs,

EDWARD LEE SHACKELFORD,

Third-Party
Defendant.

**ORDER ON MOTION FOR ISSUANCE
OF LETTER ROGATORY**

THIS MATTER is before the Court on Plaintiff's Motion for Issuance of Letter Rogatory ("Motion," ECF No. 119).

In the Motion, Plaintiff requests that this Court issue a commission, authorizing the issuance of a subpoena compelling the production of documents to a Massachusetts business, Devoted Health, Inc. ("Devoted"). Plaintiff represents that all parties consent to the Motion and that Plaintiff's counsel has read and will comply with the applicable laws of the Commonwealth of Massachusetts governing the issuance of an out-of-state subpoena. *See* N.C. R. Civ. P. 45(f)(2)(b), (c).

It appearing to the Court that Devoted, an insurance carrier registered to do business and located in Boston, Massachusetts, has information relevant to this case, **THE COURT**, by this Commission, **AUTHORIZES** the issuance of a subpoena in substantially the form provided at ECF No. 121 ("Proposed Subpoena") that compels

Devoted to produce documents, to be served within the Commonwealth of Massachusetts. The Proposed Subpoena states the time and place at which the requested discovery is to occur, as well as Devoted's name and address. *See* N.C. R. Civ. P. 45(f)(3)(a), (b).

The Case Management Order establishing discovery deadlines in this matter was entered on 28 January 2026 (ECF No. 111) and is attached hereto. *See* N.C. R. Civ. P. 45(f)(3)(c).

Accordingly, the Court respectfully requests that the Commonwealth of Massachusetts, by and through the appropriate judicial authorities, issue a subpoena that requires Devoted to produce documents and enforce that requirement. The documents shall be produced as set forth in the Proposed Subpoena subject to any objections as to individual requests based on applicable law.

SO ORDERED, this the 27th day of February 2026.

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

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CASE MANAGEMENT ORDER

THIS MATTER is before the Court pursuant to Rule 9 of the North Carolina Business Court Rules (“Business Court Rules” or “BCRs”). This case has been designated as a mandatory complex business case pursuant to section 7A-45.4 of the North Carolina General Statutes. After reviewing the parties’ Consolidated Case Management Report submitted to the Court and considering the arguments of counsel at the Case Management Conference, the Court hereby enters the following Order governing the scheduling, case management issues, and trials of the case.

SCOPE OF ORDER

A. General

1. This Order establishes certain procedures to be used and sets deadlines for various matters likely to arise through trial. It shall remain in effect until rescinded by the Court or superseded by subsequent orders.

2. The North Carolina Rules of Civil Procedure (“Rules of Civil Procedure”), the General Rules of Practice for the Superior and District Courts (“General Rules of Practice”), and the Business Court Rules shall govern all matters not expressly covered by this Order.

B. Application and Modification

1. This Order, as well as any subsequent case management orders entered by the Court, shall bind all parties to the case and all parties added hereafter unless the Court orders to the contrary.

2. The Court may amend or supplement this Order as deemed appropriate by the Court upon the motion of any party or by the Court.

COMMUNICATION WITH THE COURT AND AMONG THE PARTIES

A. Parties/Counsel

1. Robert J. King III, rking@brookspierce.com; Kimberly M. Marston, kmarston@brookspierce.com; William A. Robertson, wrobertson@brookspierce.com; and Susan S. Stutts, sstutts@brookspierce.com, of Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., representing Plaintiff and Third-Party Defendant.

2. John Bloss, jbloss@greensborolaw.com, and Jonathan Wall, jwall@greensborolaw.com, of Higgins Benjamin, PLLC, representing Defendants.

3. Counsel and unrepresented parties shall promptly update the Court with any change to his/her (i) contact information, including mailing

address, e-mail address, telephone number, or law firm name or affiliation, and (ii) license or privilege to practice law in any jurisdiction, including by suspension, revocation, or surrender. Notification to the Court must be made by filing a Notice of Change of Address/Status on the Court's electronic filing system clearly setting forth the changes that have been made. When an attorney changes his/her law firm, the Notice must expressly state that counsel has conferred with his/her client and that the client consents to representation by the new law firm in the pending matter.

B. Communication

1. The Court will communicate with counsel, and counsel shall have the responsibility of notifying all parties they represent of all communications from the Court.

2. All parties shall use the Business Court's electronic filing and service system in accordance with BCR 3. Any communication filed electronically will be served automatically on all parties equipped to receive electronic mail.

3. The Court will actively monitor the progress of the case through the case management procedures set forth in the Business Court Rules and this Order, and to do so efficiently, the Court and the parties may utilize the medium of e-mail for some matters where a formal motion or other filing may not be efficient, including, for example, scheduling and certain discovery matters. Any such e-mail communication remains subject to Rule 3.5 of the

North Carolina Rules of Professional Conduct concerning *ex parte* communications and BCR 6, which requires all such communications to be copied to all counsel of record. Unless responding to a Court inquiry, the Court anticipates that the parties will endeavor whenever possible to communicate with the Court by e-mail only after prior notice to each other and, where appropriate, the communicating party shall reflect the position of the other parties concerning the matter at issue.

4. The parties are reminded that “material listed in Rule 5(d) of the Rules of Civil Procedure must be filed with the Clerk of Superior Court in the county of venue, either before service or within five days after service.” BCR 3.11.

5. Unless otherwise ordered by the Court, any notice to the Court required or permitted hereunder shall be by email to the Court’s law clerk at benjamin.m.brown@nccourts.org and Kelly.S.ONeill@nccourts.org.

JURISDICTION AND VENUE

A. Jurisdiction

1. The parties in this case agree that this Court has subject matter jurisdiction over the disputes raised in this case.

2. All of the defendants have been properly served with the summons and the complaint, and the Court has personal jurisdiction over each of the parties.

B. Venue

1. Venue is proper in this case.
2. All pretrial proceedings in these matters shall occur in the forum directed by the Court.

DISCOVERY, MOTIONS, AND TRIAL

A. Discovery

1. Except as provided herein or as otherwise ordered by the Court, all discovery in this case shall be governed by BCR 10.
2. All discovery requests, responses, and other discovery documents shall be served on all counsel of record in this case.
3. The parties in this case shall have until **31 August 2026** to conduct fact discovery and until **2 November 2026** to conduct expert witness discovery.
4. Each side¹ shall be permitted to take the deposition of each other side. In addition to the depositions of each side, each side shall be permitted to take up to ten (10) additional fact witness depositions of non-parties to this case.
5. Each side shall be allowed to serve no more than thirty (30) interrogatories (including discrete subparts) on each side.
6. Each side shall be allowed to serve no more than twenty-five (25) requests for admission on each side.
7. Each side shall be permitted to designate up to three (3) expert

¹ For purposes of discovery, Plaintiff and Third-Party Defendant shall be treated as one “side.”

witnesses, which each side shall be permitted to depose.

8. The party bearing the burden of proof on an issue shall make expert disclosures on or before **31 August 2026**, and the opposing party shall make any expert disclosures on or before **30 September 2026**.

9. If the parties elect to exchange expert reports as allowed by Rule of Civil Procedure 26(b)(4), the party bearing the burden of proof on an issue shall provide any such expert reports on or before **31 August 2026**, and the opposing party shall provide any such expert reports on or before **30 September 2026**.

10. Depositions will be scheduled by agreement to the extent possible, and the parties will consult and use best efforts to agree to convenient dates, times and locations for all depositions. The parties reserve the right to request additional depositions, if necessary, and counsel will confer prior to involving the Court. Some depositions have already been commenced in this case, and the sequence of further depositions should be determined by the parties at a later date.

11. All depositions (including depositions of fact witnesses and expert witnesses) shall be limited to seven (7) hours of on-the-record time on a single day where feasible, unless extended by agreement of the parties or order of the Court. In the event a witness is required to be deposed on two separate days, it still counts as one deposition. Counsel for each side shall have the right to ask questions and interpose objections for all subsequent depositions.

12. The parties are reminded of their obligations to preserve and retain all potentially relevant documents, including but not limited to documents stored electronically, and the need to suspend all automatic deletions of electronic documents or overwriting of backup tapes that may contain potentially relevant information.

13. In accordance with BCR 10.3(c), the parties shall file an ESI protocol no later than **9 February 2026**. In the event the parties are not able to reach agreement as to all terms of an ESI protocol, the parties will so advise the Court and reflect the areas of disagreement in the ESI protocol.

14. The parties are encouraged to agree upon and serve privilege logs in advance of document production, as contemplated by BCR 10.5. The parties shall not be required to include on their privilege logs any privileged or work-product information generated by or for the law firms of record in this case since this case was filed or relating to the preparation of the complaint. Unless the parties agree otherwise, if the parties have not served privilege logs in advance of production, any party objecting to the production of documents on the grounds of attorney-client or work-product privilege must serve, contemporaneously with its objections, a privilege log in a form that includes, at a minimum, the following information about each disputed document: the Bates numbers, the date, the type, the subject matter, the page numbers, the author, the recipients, including people or entities receiving carbon copies, and the privilege asserted over the document.

15. A blanket objection to a set of interrogatories, requests for admission, or requests for production of documents will not be recognized. Objections must be made to the specific interrogatory or request, or to a part thereof if it is compound. It is not sufficient to state that the interrogatory or request is burdensome, improper, or not relevant. The ground or grounds for the objection must be stated with particularity.

16. It is unnecessary to seek relief from the Court for extensions of time to respond to discovery that are with the consent of the opposing party and within the prescribed Court-ordered periods and deadlines for conducting such discovery.

B. Motions

1. Except as provided herein or as otherwise ordered by the Court, motions shall be governed by BCR 7.

2. Any motion that fails to comply with the consultation requirement of BCR 7.3 may be summarily denied.

3. The parties shall file all motions to amend pleadings or add parties on or before **2 March 2026**. Objections to any motion brought pursuant to Rule 15 of the Rules of Civil Procedure filed on or before **2 March 2026** may be based on any grounds except that of undue delay.

4. The parties shall file all post-discovery dispositive motions on or before **2 December 2026**.

5. Any party that seeks to file a document or part of a document

under seal must comply with BCR 5.2.

6. A party filing any document or set of documents consisting of more than 100 pages or including more than 10 exhibits shall promptly provide the Court with two tabbed, indexed, and bound hard copies of the filing. Hard copies should be bound in a hole-punched, loose leaf, three-ring binder format. The index shall clearly identify any materials filed under seal. Parties shall use double-sided printing when possible. Unless otherwise requested, the party shall send the hard copies to the attention of Judge Mark A. Davis – Business Court, Wake County Courthouse; 316 Fayetteville Street, 10th Floor, Raleigh, NC 27601. Hard copies submitted to the Court pursuant to this paragraph are not part of the official record. The Court will dispose of hard copies when they are no longer of use to the Court.

C. Mediation

1. Except as provided herein or as otherwise ordered by the Court, mediation shall be governed by BCR 11.

2. The parties shall use Ken Carlson as a mediator in this case and shall file an AOC-CV-812 Designation of Mediator in Superior Court Civil Action form in this case by **2 March 2026**.

3. Mediation shall be completed by **31 August 2026**.

4. Consistent with BCR 11.3, a Report of Mediator shall be filed with the Clerk of Superior Court in the county of venue and with the Business Court no later than ten (10) days after mediation occurs.

D. Trial

1. Except as provided herein or as otherwise ordered by the Court, pretrial and trial practice shall be governed by BCR 12.
2. The Court will set this case for trial at a later date.

SO ORDERED, this the 28th day of January 2026.

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