

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
26CV008285-910

TIG INSURANCE COMPANY, as
successor by merger to GENERAL
FIDELITY INSURANCE
COMPANY,

Plaintiff,

v.

PETER J. WILLIS FLEMING;
ERRINGTON ENTERPRISES,
INC.; MARINE FINANCE
DEPARTMENT, LLC; OLIVER
JAMES WILLIS FLEMING;
LYDIA ROSE WILLIS FLEMING
CUMMINGS; HENRY
ERRINGTON WILLIS FLEMING;
EDWARD THATHAM WILLIS
FLEMING; AND EDWINA JANE
WILLIS FLEMING,

Defendants.

ORDER ON DESIGNATION

1. **THIS MATTER** is before the Court pursuant to the *Determination Order* issued on 2 March 2026 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) and (b). (ECF No. 1.)

2. Plaintiff TIG Insurance Company (TIG), as successor by merger to General Fidelity Insurance Company, initiated this action with the filing of its *Complaint* on 27 February 2026. (*See generally* Compl.) In the *Complaint*, TIG asserts claims against Defendants Peter J. Willis Fleming (Peter Fleming), Errington Enterprises, Inc. (Errington), Marine Finance Department, LLC (Marine Finance), Oliver James

Willis Fleming (Oliver Fleming), Lydia Rose Willis Fleming Cummings (Lydia Cummings), Henry Errington Willis Fleming (Henry Fleming), Edward Thatham Willis Fleming (Edward Fleming), and Edwina Jane Willis Fleming (Edwina Fleming; and collectively, Defendants) for (i) reverse piercing the corporate veil/alter ego as to Defendants Peter Fleming, Errington, and Marine Finance, (ii) various fraudulent transfer claims under the North Carolina Uniform Voidable Transactions Act (UVTA), N.C.G.S. § 39-23.1 *et seq.*, as to Defendants Oliver Fleming, Lydia Cummings, Henry Fleming, Edward Fleming, and Edwina Fleming, (iii) declaratory judgment as to Defendants Peter Fleming, Oliver Fleming, Lydia Cummings, Henry Fleming, Edward Fleming, Errington, and Marine Finance, and (iv) civil conspiracy to violate the UVTA and to use Errington and Marine Finance as instrumentalities of Peter Fleming, violations of the North Carolina Unfair and Deceptive Trade Practices Act, N.C.G.S. § 75-1.1 *et seq.*, and punitive damages as to all Defendants (Compl. ¶¶ 158–274, ECF No. 2.) On the same date, TIG 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) and (b)(2). (Notice Designation, ECF No. 3 [NOD].)

3. Based on the record before the Court, it appears that this action involves an attempt by TIG to enforce a judgment against Peter Fleming. According to TIG, “[t]his lawsuit is the latest chapter in an ongoing saga spanning over fifteen (15) years involving Peter Fleming’s ongoing attempts to evade payment of a judgment entered against him and his related entities.” (Compl. ¶ 1.) TIG alleges that Peter Fleming

has shielded his assets in an attempt to make himself “judgment proof” by “having his assets owned in the names of corporations and entities over which he exercises complete dominion and control[.]” (Compl. ¶ 4.) TIG contends the balance owed on its judgment exceeds twenty million dollars (\$20,000,000), accruing over two thousand dollars (\$2,000) in interest per day. (See Compl. ¶ 150.)

4. TIG’s contention that this case is properly designated under N.C.G.S. § 7A-45.4(a)(1) and (b)(2) is misplaced. Designation under subsection (a)(1) 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 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. According to TIG, both Chapters 55 and 57D are implicated because the Court has to determine (i) Errington’s and Marine Finance’s true owners and shareholders and (ii) whether the separate corporate entities of Errington and Marine Finance should be disregarded in the enforcement of TIG’s judgment against Peter Fleming. (See NOD 5.) Essentially, TIG’s argument for designation under N.C.G.S. § 7A-45.4(a)(1) is based on its claim for reverse veil piercing. (See generally NOD.)

6. It is well-established “that a claim for piercing the corporate veil, standing alone, is insufficient to support mandatory complex business case designation under N.C.G.S. § 7A-45.4(a)(1).” *Hedgepeth v. Cornblum*, 2025 NCBC LEXIS 10, at *3 (N.C.

Super. Ct. Jan. 31, 2025) (quoting *Ur-Rehman v. KT Fin., LLC*, 2024 NCBC LEXIS 88, at *3 (N.C. Super. Ct. July 3, 2024)). Because TIG's claims do not otherwise implicate the law governing corporations, partnerships, or limited liability companies, the Court concludes that TIG's reliance on its reverse veil piercing allegation is insufficient to support designation under N.C.G.S. § 7A-45.4(a)(1).

7. Since designation is not proper under subsection (a)(1), TIG's assertion that this action must be designated to the Business Court under subsection (b)(2) fails as well. Subsection (b)(2) provides "[a]n action described in subdivision (1), (2), (3), (4), (5), or (8) of subsection (a) of this section in which the amount in controversy computed in accordance with G.S. 7A-243 is at least five million dollars (\$5,000,000) shall be designated as a mandatory complex business case by the party whose pleading caused the amount in controversy to equal or exceed five million dollars (\$5,000,000)." N.C.G.S. § 7A-45.4(b)(2).

8. To be deemed a "mandatory mandatory" case under subsection (b)(2), "the action must satisfy the requirements for designation under section 7A-45.4(a) and contain an amount in controversy of at least five million dollars." *Dover Sub 1 LLC v. Hawks Note Purchase, LLC*, 2025 NCBC LEXIS 167, at *10 (N.C. Super. Ct. Nov. 25, 2025) (quoting *Meridian Renewable Energy LLC v. Birch Creek Dev., LLC*, 2025 NCBC LEXIS 56, at *5 (N.C. Super. Ct. May 16, 2025)). Because the action does not satisfy the requirements for designation under subsection (a)(1), the Court concludes that TIG has not met the statutory requirements of N.C.G.S. § 7A-45.4(b)(2), and this case does not qualify as a "mandatory mandatory" complex business case.

9. 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) or (b) and thus shall not be assigned to a Special Superior Court Judge for Complex Business Cases.

10. 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.

11. 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 5th day of March, 2026.

/s/ Michael L. Robinson

Michael L. Robinson
Chief Business Court Judge