

STATE OF NORTH CAROLINA  
HAYWOOD COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
25CV001430-430

MARY ANNETTE, LLC by  
MOUNTAIN GIRL VENTURES, LLC  
[minority member] as a derivative  
action pursuant to N.C.G.S. 57D-801,

Plaintiff,

v.

JOEY CRIDER and wife, GINA B.  
CRIDER,

Defendants.

**ORDER ON OBJECTION TO NOTICE  
OF DESIGNATION**

1. **THIS MATTER** is before the Court following the 24 February 2026 filing by Plaintiff Mountain Girl Ventures, LLC (Plaintiff), allegedly a minority member of Mary Annette, LLC (Mary Annette), of Plaintiff's *Objection to Notice of Designation* (the Opposition). (ECF No. 18 [Opp'n].)

2. Plaintiff initiated this action through its counsel on 8 October 2025, asserting claims on behalf of Mary Annette against Defendants Joey Crider and Gina B. Crider (Defendants) for breach of contract and specific performance. (Compl. ¶¶ 22–25, ECF No. 3.) On 29 January 2026, Mary Annette, through its own counsel, filed a *Motion to Intervene*, along with a *Notice of Designation* (NOD), asserting the case meets the criteria for designation under N.C.G.S. § 7A-45.4(a)(1). (Mot. Intervene, ECF No. 4; Notice Designation, ECF No. 6 [NOD].)

3. On 2 February 2026, the Honorable Paul Newby, Chief Justice of the Supreme Court of North Carolina, issued an Order designating the case as a mandatory complex business case under N.C.G.S. § 7A-45.4(a) and ordered the

undersigned to assign the case to a Business Court Judge. (Designation Order, ECF No. 1.) On the same date, the case was assigned to the Honorable Matthew T. Houston, Special Superior Court Judge for Complex Business Cases. (Assignment Order, ECF No. 2.)

4. On 24 February 2026, Plaintiff timely filed the Opposition contending that designation under N.C.G.S. § 7A-45.4(a) (and specifically, subsection (a)(9)) is improper. (Opp'n ¶ 7.) According to Plaintiff, Attorney Russell L. McLean, IV's clients are not parties to this proceeding as required under N.C.G.S. § 7A-45.4(a) since the *Motion to Intervene* had not been heard when the NOD was filed. (See Opp'n ¶ 7.) Plaintiff further contends that, despite being a contract dispute, this action does not fall under N.C.G.S. § 7A-45.4(a)(9). (See Opp'n ¶ 7.)

5. On 3 March 2026, Mary Annette timely filed its *Response to Objection to Notice of Designation*. (ECF No. 19 [Resp.].) Mary Annette asserts that it properly filed the NOD contemporaneously with the *Motion to Intervene* as required by N.C.G.S. § 7A-45.4(d)(2). (See Resp. ¶ 4.) According to Mary Annette, this action is a derivative action arising under Chapter 57D, which implicates N.C.G.S. § 7A-45.4(a)(1), not subsection (a)(9), which was not even raised by Mary Annette in the NOD. (See Resp. ¶ 8.)

6. Pursuant to N.C.G.S. § 7A-45.4(e), the undersigned is required to rule by written order on Plaintiff's objection and to determine whether the action should be designated as a mandatory complex business case.

7. Based on the record before the Court, it appears this action arises out of a dispute over the transfer of ownership of individual units in a Planned Unit Development located in Haywood County. (*See generally* Compl.) According to Plaintiff, Mary Annette’s Board failed to pursue action against Defendants “to convey their interest in the individual units,” despite notice to the Board. (Compl. ¶ 16.) Plaintiff brought a derivative action under N.C.G.S. § 57D-8-01, “as the majority members have failed and refused to take action for the protection of [Mary Annette], to acquire ownership of Defendants’ interest in the individual units.” (Compl. ¶ 17.)

8. “For a case to be certified as a mandatory complex business case, the pleading upon which designation is based must raise a material issue that falls within one of the categories specified in section 7A-45.4.” *Composite Fabrics of Am., LLC v. Edge Structural Composites, Inc.*, 2016 NCBC LEXIS 11, at \*11 (N.C. Super. Ct. Feb. 5, 2016).

9. As this Court has recently explained, “Section 7A-45.4(d)(2) expressly envisions designation by a party that files a motion to intervene.” *Dover Sub 1 LLC v. Hawks Note Purchase, LLC*, 2025 NCBC LEXIS 167, at \*5 (N.C. Super. Ct. Nov. 25, 2025). Here, Mary Annette filed the *Motion to Intervene* contemporaneously with the NOD, as required under N.C.G.S. § 7A-45.4(d)(2). Accordingly, the NOD is timely and properly before this Court regardless of whether a hearing on the *Motion to Intervene* has been held as of the date of designation.

10. Mary Annette sought mandatory complex business case designation pursuant to N.C.G.S. § 7A-45.4(a)(1). (*See* NOD 1.) Designation under

N.C.G.S. § 7A-45.4(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).

11. Mary Annette contends that designation is proper under section 7A-45.4(a)(1) because “this is a derivative action arising under N.C.G.S. Chapter 57D that the limited liability company opposes pursuant to N.C.G.S. § 57D-8-03(a).” (NOD ¶ 1.) According to Mary Annette, “[d]erivative actions are subject to designation as a mandatory complex business case as they involve material issues related to disputes involving the law governing corporations, including disputes arising under North Carolina General Statutes Chapter 57D.” (Resp. ¶ 6.)

12. The Court agrees. Derivative claims brought under Chapter 57D certainly implicate a material issue related to disputes involving limited liability companies under N.C.G.S. § 7A-45.4(a)(1). *See Brock v. Kyryk*, 2026 NCBC LEXIS 46, at \*8 (N.C. Super. Ct. Feb. 23, 2026) (similarly holding that derivative claims brought under Chapter 55A implicated designation under N.C.G.S. § 7A-45.4(a)(1)).

13. Therefore, the Court concludes that this case is properly designated under N.C.G.S. § 7A-45.4(a)(1).

14. Plaintiff opposes designation on two grounds, neither of which have merit. First, as addressed above, the NOD was timely filed with the *Motion to Intervene* under N.C.G.S. § 7A-45.4(d)(2). Plaintiff's contention that the proper party is not before the Court because the *Motion to Intervene* has not been heard is simply incorrect. Permitting a party seeking intervention in a derivative action to seek designation at the time of filing of the motion to intervene is not only consistent with the express language of the controlling statute, it also makes sense logically to have a Business Court Judge decide the propriety of intervention where, as here, issues of the law regarding limited liability companies are involved.

15. In addition, Plaintiff contends this action is not properly designated under subsection (a)(9). (*See* Opp'n ¶ 7.) However, Mary Annette did not seek to designate the case under that subsection, only subsection (a)(1). (*See* NOD 1; *see also* Resp. ¶ 9.) Plaintiff's argument necessarily fails as it is wrong and irrelevant.

16. **THEREFORE**, for the reasons expressed herein, the Court, in the exercise of its discretion, hereby **ORDERS** that the Opposition is **OVERRULED**. This 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” as required by N.C.G.S. § 7A-45.4(a)(1) and shall proceed as a mandatory complex business case before the Honorable Matthew T. Houston.

**SO ORDERED**, this the 9th day of March, 2026.

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