

STATE OF NORTH CAROLINA
HAYWOOD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
26CV000192-430

MOUNTAIN GIRL VENTURES,
LLC, a North Carolina Limited
Liability Company; TERRI LYNN
CRIDER, Individually, as to
ESCROW FUND, LLC and HP
INVESTMENT GROUP INC. 401K,

Plaintiffs,

v.

MARY ANNETTE, LLC, a North
Carolina Limited Liability Company;
ESCROW FUND, LLC; and HP
INVESTMENT GROUP INC., 401K,

Defendants.

**ORDER ON OBJECTION TO
DESIGNATION**

1. **THIS MATTER** is before the Court following the 2 March 2026 filing by Plaintiffs Mountain Girl Ventures, LLC (Mountain Girl) and Terri Lynn Crider, individually (Crider; and together with Mountain Girl, Plaintiffs), of Plaintiffs' *Objection to Designation* (the Objection). (ECF No. 9 [Obj.])

2. Plaintiffs initiated this action on 10 February 2026 with the filing of their *Complaint and Motion for Temporary Restraining Order* (the Complaint). (ECF No. 3 [Compl.]) In the Complaint, (i) Mountain Girl asserts a claim for dissolution of Mary Annette, LLC (Mary Annette) and appointment of a receiver under Chapter 57D, the North Carolina Limited Liability Company Act; (ii) Crider asserts a claim for declaratory judgment against Escrow Fund, LLC (Escrow Fund) and HP Investment Group Inc., 401k (HP Investment); and both Plaintiffs seek a temporary restraining order and preliminary and permanent injunctive relief against Escrow Fund and HP

Investment.¹ (Compl. ¶¶ 10–11, 17–19.) On 18 February 2026, Mary Annette filed a *Notice of Designation* (NOD), asserting the case meets the criteria for designation under N.C.G.S. § 7A-45.4(a)(1). (Notice Designation, ECF No. 6 [NOD].)

3. On 19 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 2 March 2026, Plaintiffs timely filed the Objection contending that designation under N.C.G.S. § 7A-45.4(a)(1) is improper. (Obj. ¶ 1.) According to Plaintiffs, while this action involves a limited liability company, “there is no dispute as to the applicable and governing limited liability company law involved, which would require interpretation.” (Obj. ¶ 1.) Plaintiffs assert this action contains “nothing ‘complex’ ” and the issues involved do not “require[] the expertise of [the] Business Court[.]” (Obj. ¶ 1.) Plaintiffs also contend “[t]here is nothing extraordinary about this case that would prevent the matter from being heard by the Superior Court of Haywood County[.]” (Obj. ¶ 3.)

¹ Although it is not clear to the Court whether Plaintiffs consider their request for injunctive relief to be an additional cause of action, the Court notes that injunctive relief is not a cause of action, but rather a form of relief. *See Inhold, LLC v. PureShield, Inc.*, 2021 NCBC LEXIS 2, at *14 (N.C. Super. Ct. Jan. 8, 2021).

5. On 4 March 2026, Mary Annette timely filed its *Response to Plaintiffs' Objection to Designation*. (ECF No. 11 [Resp].)

6. Pursuant to N.C.G.S. § 7A-45.4(e), the undersigned is required to rule by written order on Plaintiffs' 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 is the third case before the Business Court involving Mary Annette and its failed plans to develop a Planned Unit Development in Maggie Valley, North Carolina. *See Mary Annette, LLC v. Crider* (21CVS001224-430; Haywood Cnty.); *Mary Annette, LLC by Mountain Girl Ventures, LLC v. Crider* (25CV001430-430; Haywood Cnty.). In this action, Mountain Girl, a member of Mary Annette, seeks dissolution of the company and appointment of a receiver during the winding up of the affairs of Mary Annette. (*See generally* Compl.)

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. 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).

10. According to Mary Annette, this action involves the company’s dissolution and winding up, which is opposed by Mary Annette, and “is clearly a dispute involving material issues related to the law governing corporations, including those that arise under Chapter 57D.” (*See* Resp. ¶ 12.) Mary Annette also notes that “factors such as complexity, expertise of the Business Court, or extraordinary issues are irrelevant” if an action is properly designated under N.C.G.S. § 7A-45.4. (*See* Resp. ¶ 11.)

11. The Court agrees. The first sentence of the Complaint explains Mountain Girl “seek[s] dissolution and winding up [of] the affairs of Mary Annette, LLC pursuant to Article 6 of Chapter 57D of the North Carolina General Statutes[.]” (Compl. 1.) Mountain Girl asserts that Mary Annette should be dissolved, and a receiver should be appointed to manage the business until it is dissolved under N.C.G.S. § 57D-6-04. (*See* Compl. ¶ 10.)

12. Dissolution and winding up of a limited liability company under Article 6 of Chapter 57D undoubtedly implicates a material issue related to disputes involving limited liability companies under N.C.G.S. § 7A-45.4(a)(1). *See Olds v. Olds*, 2025 NCBC LEXIS 102, at *4–5 (N.C. Super. Ct. Aug. 13, 2025) (noting a claim for judicial dissolution raises a material issue under Chapter 57D and falls within

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

13. Plaintiffs oppose designation on several grounds, none of which have merit and all of which have been recently addressed by the Court in other designation orders.

14. First, as explained above, this action involves claims for dissolution, appointment of a receiver, and winding up of a limited liability company's affairs under Chapter 57D and falls within N.C.G.S. § 7A-45.4(a)(1). The argument that "there is no dispute as to the applicable and governing limited liability company law involved" in this case is incorrect. (Obj. ¶ 1.)

15. Furthermore, this Court has issued many orders—including one in the last few weeks—explaining that designation under subsection (a)(1) does not require "a claim of any particular complexity[] . . . or [for it to] extend beyond the regular jurisdiction of any Superior Court Judge." *Brock v. Kyryk*, 2026 NCBC LEXIS 46, at *8–9 (N.C. Super. Ct. Feb. 23, 2026) ("To be clear, case complexity is not a determining factor for the Court in its analysis of whether a case is properly designated under subsection (a)(1)."); *see also Buchanan v. Cameron*, 2025 NCBC LEXIS 130, at *6 (N.C. Super. Ct. Sep. 30, 2025) ("[T]he complexity of a case has no bearing on whether it has been properly designated as a mandatory complex business case under section 7A-45.4(a)(1)[.]").

16. While this case could certainly be heard before the Haywood County Superior Court, Mary Annette properly exercised its right to designate the case to the

Business Court under N.C.G.S. § 7A-45.4(a)(1). *See Brock*, 2026 NCBC LEXIS 46, at *10 (“[D]esignation of a case to the Business Court pursuant to N.C.G.S. § 7A-45.4(a)(1) ‘is not an indicator that the case cannot or should not be litigated before a “regular” Superior Court Judge.’”).

17. **THEREFORE**, for the reasons expressed herein, the Court, in the exercise of its discretion, hereby **ORDERS** that the Objection 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 12th day of March, 2026.

/s/ Michael L. Robinson

Michael L. Robinson
Chief Business Court Judge