Londry v. Stream Realty Partners, L.P., 2026 NCBC Order 82.

STATE OF NORTH CAROLINA MECKLENBURG COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 23CVS012833-590
JARED RAYMOND LONDRY and POINTBLANK VENTURES, LLC, Plaintiffs, v. STREAM REALTY PARTNERS, L.P., STREAM REALTY PARTNERS-CHARLOTTE, L.P., and DANIEL FARRAR, Defendants.	**ORDER FOLLOWING PRETRIAL HEARING**

1. A jury trial in this matter is scheduled for 14 December 2026. The Court issues this order following a pretrial hearing on 23 November 2023, which was attended by counsel for Plaintiffs Jared Londry and Pointblank Ventures, LLC and counsel for Defendants Stream Realty Partners, L.P. and Stream Realty Partners-Charlotte, L.P.

2. The Business Court Rules promote collegiality and efficient trial practice. Along those lines, Business Court Rule 12 establishes presumptive deadlines for counsel to serve trial exhibits and witness lists on opposing parties in advance of trial. The expectation is that each side will give a good-faith forecast of the evidence that it reasonably intends to introduce at trial, including the exhibits that it intends to offer and the witnesses that it intends to call. These pretrial disclosure requirements are essential to modern trial practice: they prevent unfair surprise, ensure focused

presentation of evidence, head off evidentiary skirmishes during trial that waste the time of the jury and the Court, and uphold the ideal that a trial should be decided on the merits.

3. In this case, Plaintiffs estimated a trial length of three to five days, and Defendants estimated two to four days. Based on these estimates, the Court scheduled a trial date and issued a pretrial scheduling order that provided deadlines for the pretrial disclosures listed in Business Court Rule 12, including exhibit and witness lists. Before issuing the pretrial scheduling order, the Court held a conference with counsel during which it stressed the importance of pretrial disclosures.

4. Having carefully reviewed the record, the Court concludes that some of Plaintiffs' pretrial disclosures do not comply with the pretrial scheduling order and Business Court Rule 12.

5. First, the parties' deadlines to serve initial and supplemental witness lists were 25 September 2026 and 23 October 2026. After meeting these deadlines,[1] Plaintiffs served an amended witness list on 9 November 2026 and purported to add six additional witnesses. Plaintiffs did not move to amend the pretrial scheduling order or otherwise seek the Court's approval to expand its witness list. The amended witness list is therefore untimely, which is reason enough to strike it.

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[1] Plaintiffs actually missed the deadline to serve the initial witness list because they served Defendants' former counsel, not their current counsel. Defendants view that as a harmless mistake that has been cured, and so does the Court.

6. But there is more. The timing and nature of the amended witness list smacks of gamesmanship. Plaintiffs' amendment, if allowed, would more than double the number of their identified witnesses from five to eleven—thus, more than doubling the number of witnesses that Defendants must prepare to cross-examine. Moreover, four of the six additional witnesses are surprises in another sense: Plaintiffs never identified them as individuals having knowledge of discoverable matter during discovery. And it is notable that Plaintiffs waited until 9 November 2026—the same day that motions in limine and the proposed pretrial order were due—to spring the amended witness list on their opponents. These are ambush tactics, and the Court will not allow them. Accordingly, Plaintiffs may not call the six additional witnesses named in their amended witness list.

7. Second, Plaintiffs identified 505 exhibits in their exhibit list. That is facially excessive for a trial estimated to take less than a week. Plaintiffs could not reasonably intend to introduce a substantial percentage of these exhibits. Either they have delayed their trial preparation and need to overload their exhibit list so that they can pick and choose as they get closer to trial, or they have created a bloated exhibit list to overwhelm Defendants with unnecessary review and expense. Both are unfairly prejudicial, and the Court has inherent authority as well as authority under Business Court Rule 12 to curb Plaintiffs' pretrial abuse. In this circumstance, the appropriate remedy is to strike the excessive exhibit list and allow Plaintiffs to submit a revised exhibit list that fits the trial length. Because Defendants served an

exhibit list with 67 exhibits, the Court concludes that it would be fair and reasonable to allow Plaintiffs to choose the same number.[2]

8. For these reasons, the Court **STRIKES** Plaintiffs' amended witness list dated 9 November 2026. This does not affect Plaintiffs' initial and supplemental witness lists.

9. In addition, the Court **STRIKES** Plaintiffs' exhibit list. The Court will allow Plaintiffs to serve a revised exhibit list. The revised list may not include more than 67 exhibits, may not include any exhibit that was not on the original exhibit list, and must use the same numbering as the original exhibit list. Plaintiffs must serve the revised exhibit list no later than 10:00AM on 25 November 2026.

10. Finally, additional remedies may be needed to address the harm caused to Defendants so far. The record and the discussion at the pretrial hearing suggest that Defendants have incurred significant expense in responding to Plaintiffs' untimely witness list and facially excessive exhibit list. The Court therefore **ORDERS** Plaintiffs to show cause why they should not have to pay Defendants' reasonable attorneys' fees incurred in responding to these abuses, including but not necessarily limited to the time spent in submitting objections to the 505 exhibits on the exhibit list, preparing and filing motions addressing the untimely witness list and excessive exhibit list, and preparing for these issues in connection with the pretrial hearing.

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[2] By no means is the Court suggesting that a party in a short trial may never list more than 67 exhibits in an exhibit list. Here, though, Plaintiffs had the chance to serve a reasonable exhibit list. It did not. The Court concludes only that 67 exhibits is not an unreasonable number and that it would be fair to both sides to allow Plaintiffs a second chance with a list no larger than Defendants'.

Plaintiffs shall file a brief of 2,500 words or less, and any supporting materials, no later than noon on 1 December 2026. Defendants may file a response brief of 2,500 words or less, and any supporting materials, no later than noon on 7 December 2026.

SO ORDERED, this the 23rd day of November, 2026.

/s/ Adam M. Conrad
Adam M. Conrad
Chief Business Court Judge