

# NORTH CAROLINA BUSINESS COURTS

## Annual Report of Activities



Calendar Year 2010

## **I. OVERVIEW OF THE BUSINESS COURT PROGRAM**

The North Carolina Business Court is a specialized forum of the trial court division. The first Business Court was established in 1996 in Greensboro; additional Business Courts were established in Charlotte and Raleigh in 2005. Pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts, certain cases are designated mandatory complex business cases — those involving a material issue related to the law of corporations, securities law, antitrust law, state trademark and unfair competition law, and intellectual property law, as well as certain cases involving technology. These cases are assigned to a special superior court judge who oversees resolution of all matters in the case through trial. There are no dollar limitations, and no waiver of jury trial is required.

Legislation expanded the jurisdiction of the Business Court to include those cases that have been removed to Business Court through a Notice of Designation pursuant to N.C.G.S. § 7A-45.4 (House Bill 650, S.L. 2005-425), and judicial review of certain tax cases originating in the Office of Administrative Hearings (Senate Bill 242, S.L. 2007-491). In addition, Senate Bill 357, S.L. 2009-278, authorizes the North Carolina Business Court to consider and resolve disputes concerning the rates, terms, and conditions associated with the use of poles, ducts, and conduits of communication service providers.

Effective September 1, 2009, the Legislature increased the fee for removing mandatory complex business cases to the Business Court by Notice of Designation from \$200 to \$1,000. In 2010, 117 new cases were assigned to the Court.

Both the Greensboro Business Court and the Raleigh Business Court are located in law schools. The Greensboro Court has been at Elon School of Law since July 2006, and the Raleigh Court moved to a new location at Campbell Law School in October 2009.

The Business Court utilizes electronic filing and case management systems to facilitate efficient document processing and case management for civil litigation. The continued expansion of these systems enables the Court to provide benefits such as free public access to files, dockets and calendars, and instant access to opinions without the expense or delay of publication.

## **II. CASELOAD DATA**

### **A. Pending and Closed Cases**

Since its inception in 1996, the Business Court has been assigned 855 cases from 66 North Carolina counties; 608 of those 855 cases have been closed.

The Business Court currently has a total of 247 pending cases, 12 of which are on appeal and 33 either stayed or were inactive but were kept open awaiting settlement or to enforce court-ordered administrations of settlement. Of the 247 pending cases, 196 are designated mandatory complex business, 23 are discretionary complex business cases, and 28 are exceptional cases. Ninety-nine cases were closed in calendar year 2010.

## B. Distribution of Pending Cases

The Business Court currently has 247 pending cases originating from 42 counties, with 114 cases originating in the eastern (geographical) district, 56 from the middle district, and 77 from the western district.

COUNTY OF ORIGIN	NUMBER OF CASES	DISTRIBUTION		
		Greensboro	Charlotte	Raleigh
Alamance	5	5		
Alexander	1	1		
Brunswick	26			26
Buncombe	2	1	1	
Burke	2	1	1	
Carteret	1			1
Catawba	3	3		
Chatham	1			1
Craven	2	1		1
Cumberland	2			2
Dare	6	3	1	2
Davidson	1	1		
Durham	11	4	2	5
Edgecombe	1			1
Forsyth	6	4	1	1
Franklin	1			1
Gaston	12	6	6	
Granville	1			1
Guilford	23	22	1	
Iredell	1		1	
Henderson	1		1	
Jackson	1	1		
McDowell	1		1	
Mecklenburg	49	8	36	5
Moore	2	2		
Nash	1	1		
New Hanover	18	2	1	15
Onslow	2			2
Perquimans	1			1
Pitt	1			1
Randolph	2	1	1	
Robeson	2		1	1
Rockingham	1		1	
Rowan	2	1	1	
Rutherford	2	1	1	
Sampson	1			1
Scotland	1			1
Union	1	1		
Vance	2			2
Wake	46	17	3	26
Watauga	1			1
Yadkin	1	1		
<b>Total Pending Cases</b>				
<b>247</b>	<b>Caseload per judge</b>	<b>88</b>	<b>61</b>	<b>98</b>

### **III. CASE ASSIGNMENT AND EXPENDITURES BY SITE**

#### **A. GREENSBORO – As of 12/31/2010**

The presiding judge is the Honorable Ben F. Tennille, Chief Special Superior Court Judge for Complex Business Cases.

The Business Court-Greensboro has 88 open cases, five of which are on appeal and 24 are inactive, stayed, or are in the process of settling. The average case age of the active cases is 606 days.

Twenty-four cases were closed in calendar year 2010.

FY 2009-2010 expenditures for the Business Court-Greensboro were \$346,784.89.

The 88 pending cases are listed in Appendix A.

#### **B. CHARLOTTE – As of 12/31/2010**

The Honorable Calvin E. Murphy, judge presiding, was appointed as a Special Superior Court Judge for Complex Business Cases on December 23, 2010. He replaced Judge Albert Diaz, who was commissioned as an Article III federal judge for the United States Court of Appeals.

The Business Court-Charlotte currently has 61 open cases, four of which are on appeal and six stayed or inactive. The average age of the active cases is 401 days.

Thirty-eight cases were closed in calendar year 2010.

FY 2009-2010 expenditures for the Business Court-Charlotte were \$296,193.75.

The 61 pending cases are listed in Appendix B.

#### **C. RALEIGH – As of 12/31/2010**

The Honorable John R. Jolly, Jr., Special Superior Court Judge for Complex Business Cases, serves as the presiding judge of the Business Court–Raleigh.

The Court currently has 98 open cases, four of which are on appeal and nine inactive or stayed. The average case age of the active cases is 631 days.

Thirty-seven cases were closed in calendar year 2010.

FY 2009-2010 expenditures for the Raleigh Business Court were \$355,340.30.

The 98 pending cases are listed in Appendix C.

#### **IV. OPINIONS ISSUED**

The Business Court is required to write opinions in non-jury matters assigned as complex business cases. In the exceptional cases assigned pursuant to Rule 2.1, the decision about whether to write an opinion is in the discretion of the Court. Opinions are generally written in cases involving matters of first impression.

The official opinions entered in the cases listed below in calendar year 2010 are on file in the courthouse of the county of jurisdiction. Electronically-formatted copies of these opinions are also posted on the Business Court website at [www.ncbusinesscourt.net](http://www.ncbusinesscourt.net).<sup>1</sup> Decisions which have been affirmed or reversed on appeal are noted.

The list of opinions are attached as Appendix D.

#### **V. EVALUATION**

For those interested in evaluating business courts, a recent law review article sets forth a framework for understanding and a model for evaluating business courts. See Anne Tucker Nees, *Making a Case for Business Courts: A Survey of and Proposed Framework to Evaluate Business Courts*, 24 Ga. St. U.L. Rev. 477 (2007). The article concludes: "Utilizing the proposed model, North Carolina is the current gold standard in established non-Delaware business courts. . . . Under the proposed framework, North Carolina sets the bar for non-Delaware business courts and has structured its program with attention to efficiency, quality, and due process, which this article argues, serve the underlying goals of civil administration (access, timely action, equality, judicial independence, and public trust)." *Id.* at 2, 18.

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<sup>1</sup> Each Business Court Judge decides which orders will be posted on the Court's website as Opinions.

## Appendix A - Greensboro

Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
1. Alexander Hosp.Investors v. Frye Reg'l Med. Center	Alexander	11/17/09	09 CVS 757 <i>Mandatory</i>	Active 409
2. Allen v. Land Resources Grp. Of NC	Rutherford	10/15/08	08 CVS 1283 <i>Mandatory</i>	Active 807
3. Am Cmty Bank v Royal Am Co.	Union	10/10/06	06 CVS 1609 <i>Mandatory</i>	Stayed
4. Armacell LLC v. Bostic	Alamance	5/28/08	08 CVS 224 <i>Mandatory</i>	On Appeal
5. Arnold v. A3 IT Solutions	Guilford	9/10/10	10 CVS 9277 <i>Mandatory</i>	Active 112
6. Associated Packaging, Inc. v. Jackson Paper Mfg. Co.	Jackson	11/02/10	10 CVS 745 <i>Mandatory</i>	Active 59
7. Azalea Garden Board v. Vanhoy	Davidson	5/31/07	06 CVS 0948 2.1	Stayed
8. Bollinger v. Biltmore Fin. Grp., Inc.	Catawba	12/15/08	08 CVS 4340 <i>Mandatory</i>	Stayed
9. CDKP Dev., Inc. v. Burton Farm Dev. Co., LLC	Nash	3/30/09	09 CVS 669 <i>Mandatory</i>	Inactive Settling
10. CIT Grp/Comm. Svcs, Inc. v. Royal Am. Corp.	Guilford	4/11/07	06 CVS 8891 2.1 & 2.2.	Stayed
11. CIT Grp/Comm. Svcs, Inc. v. Royal Cordage Corp	Guilford	11/29/06	06 CVS 10660 <i>Mandatory</i>	Stayed
12. Cartridge, Ltd. v. JRi Dev. Grp., LLC	Alamance	5/21/09	09 CVS 1513 <i>Mandatory</i>	Active 473
13. Charlotte-Mecklenburg Hospital Authority v. Wachovia Bank, N.A.	Mecklenburg	12/23/08	08 CVS 27739 <i>Mandatory</i>	Active 738
14. CitiCapital Tech. Fin., Inc. v. Royal Am. Co., LLC	Gaston	1/04/07	06 CVS 5547 <i>Mandatory</i>	Inactive
15. Community Mgt Corp. v. Westminster Co.	Forsyth	2/15/10	10 CVS 735 <i>Mandatory</i>	Active 329
16. Comor Corp. v. Comor Comm'ns, LLC	Guilford	9/14/09	09 CVS 11449 <i>Mandatory</i>	Active 473
17. Crockett Capital Corp. v. Inland American Winston Hotels, Inc.	Wake	1/17/08	08 CVS 00691 <i>Mandatory</i>	Active 1079
18. Delhaize America, Inc. v. Secretary of Revenue	Wake	1/08/08	07 CVS 020801 <i>Mandatory</i>	Active 1088
19. Deutsche Bank Trust Co. Americas v. Tradewinds Airlines, Inc.	Guilford	1/15/04	03 CVS 12215 2.1 & 2.2	Active Reopened 8/27/08, 856
20. Dunn v. Dart	Craven	5/24/10	10 CVS 2600 <i>Mandatory</i>	Active 221

## Appendix A - Greensboro

Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
21. Esquire Trade & Finance, Inc. v. Diversified Sr. Svcs.	Forsyth	8/13/08	08 CVS 6227 <i>Mandatory</i>	Active 778
22. Fail-Safe Group, Inc. v. Thousand	Guilford	10/28/08	08 CVS 11725 <i>Mandatory</i>	Active 794
23. Faruque v. Bishopric	Catawba	7/9/08	08-CVS-2242 <i>Mandatory</i>	Active 905
24. First Bank v. Royal Am. Co.	Gaston	1/4/07	06 CVS5531 <i>Mandatory</i>	Inactive
25. Franklin Co. Bd. Of Edu. v. NC Dept. of Revenue	Wake	10/15/09	09 CVS 20861 <i>Mandatory</i>	Inactive
26. Gen. Elec. Capital Corp. v. Royal Am. Co., LLC	Gaston	1/19/07	06 CVS 2385 <i>Mandatory</i>	Inactive
27. Germuth v. Compass Consulting Grp.	Durham	7/12/10	10CVS3104 <i>Mandatory</i>	Active 172
28. Harco Nat'l Ins. Co. v. Grant Thornton LLP	Wake	3/14/06	05 CVS 2500 2.1 & 2.2	Stayed
29. Henderson v. Manuel	Guilford	5/19/09	09 CVS 7254 <i>Mandatory</i>	Active 591
30. Hest Technologies, Inc. v. Prepaid Marketing, LLC	Guilford	4/14/10	10 CVS 2010 <i>Mandatory</i>	Active 261
31. High Point Bank and Trust Co. v. Sapona Mfg. Co.	Randolph	4/28/08	08 CVS 1065 <i>Mandatory</i>	On Appeal
32. Hill v. StubHub, Inc.	Guilford	11/15/07	07 CVS 11310 <i>Mandatory</i>	Active 1142
33. Holden v. Morlando	Guilford	9/29/09	09 CVS 12414 <i>Mandatory</i>	Active 458
34. Inland American Winston Hotels, Inc. v. Winston	Wake	12/22/08	08 CVS 021786 <i>Mandatory</i>	Active 739
35. Isenhour v. Biltmore Fin. Grp., LLC	Catawba	12/22/08	08 CVS 4341 <i>Mandatory</i>	Stayed
36. J2 & Associates, L.L.C v. Rutter	Guilford	6/15/10	10 CVS 7140 <i>Mandatory</i>	Inactive
37. KLATMW, Inc. v. Electric Systems Protection, Inc.	Wake	10/15/09	09 CVS 16393 <i>Mandatory</i>	Active 442
38. Kovary v. Talecris	Wake	8/19/10	10 CVS 11638 <i>Mandatory</i>	Inactive
39. Land v. Land	Guilford	1/25/06	06 CVS 11688 2.1 & 2.2	Active 1801
40. Leiber v. Arboretum Joint Venture	Mecklenburg	7/17/06	05 CVS 18751 2.1	On Appeal
41. Little v. Biltmore Fin. Grp., LLC	Burke	12/18/08	08 CVS 2045 <i>Mandatory</i>	Stayed
42. Loftin v. KPMG LLP	Wake	7/25/06	03 CVS 16882 2.1	Stayed
43. Lorillard Tobacco Co. v. RJ Reynolds Tobacco Co.	Guilford	11/08/10	10 CVS 11471 <i>Mandatory</i>	Active 53

## Appendix A - Greensboro

<b>Name of Case</b>	<b>County of Origin</b>	<b>Date Assigned</b>	<b>Case Number</b>	<b>Status (age in days)</b>
44. Matthews v. Barker	Guilford	6/15/10	10 CVS 7249 <i>Mandatory</i>	Active 199
45. McKinnon v. CV Industries	Guilford(HP)	9/08/09	09 CVS 1556 <i>Mandatory</i>	Active 479
46. Megawash LLC v. TDK Ventures	Guilford	12/13/10	10 CVS 11413 <i>Mandatory</i>	Active 18
47. NNN Durham Office Portfolio 1, LLC LLC v. Highwoods Realty Limited Partnership	Durham	5/3/10	10 CVS 2597 <i>Mandatory</i>	Active 242
48. NNN Durham Office Portfolio 1, LLC LLC v. Grubb & Ellis Co.	Durham	8/25/10	10 CVS 4392 <i>Mandatory</i>	Active 128
49. O'Donnell v. SYMB, LLC	Moore	7/09/08	08 CVS 01100 <i>Mandatory</i>	Active 905
50. Oak-Bark Corp. v. French	New Hanover	8/18/09	09 CVS 3164 <i>Mandatory</i>	Active 500
51. Out of the Box Developers, LLC v. Logicbit Corp.	Wake	5/18/10	10 CVS 8327 <i>Mandatory</i>	Active 227
52. Palles v. Hatteras Inv. Partners LLC	Wake	9/17/08	08 CVS 14393 <i>Mandatory</i>	Active 835
53. Peak Coastal Ventures v. SunTrust Bank	Forsyth	10/13/10	10 CVS 6676 <i>Mandatory</i>	Active 79
54. Pittsburgh Corning Corp. v. McCormick Insulation Supply	Guilford	4/14/10	10 CVS 5466 <i>Mandatory</i>	Active 261
55. Press Comm'ns., LLC v. Wachovia Bank, N.A.	Mecklenburg	11/20/09	09CVS21335 2.1	Active 406
56. RBC Bank v. Duea	Wake	8/01/10	10 CVS 8999 <i>Mandatory</i>	Active 152
57. RS & M Appraisal Svcs., Inc. v. Alamance County	Alamance	1/27/10	09 CVS 1961 <i>Mandatory</i>	Active 338
58. Regions Bank v. Royal Am Co., LLC	Mecklenburg	10/23/06	06 CVS 13184 <i>Mandatory</i>	Stayed
59. Revolutionary Concepts , Inc. v. Clements Walker, PLLC	Mecklenburg	3/03/08	08 CVS 4333 <i>Mandatory</i>	On Appeal
60. Rubin v. Charpie	Durham	7/22/10	10CVS4507 <i>Mandatory</i>	Inactive
61. SCR-Tech LLC v. Evonik Energy Svcs. , LLC	Mecklenburg	10/10/08	08 CVS 16632 2.1 & 2.2	Active 812
62. Sea Ranch II, Inc. v. Sea Ranch II Homeowners Ass'n Inc.	Dare	6/12/06	06 CVS 280 <i>Mandatory</i>	Inactive
63. Sea Ranch II, Inc. v. Gusler	Dare	9/04/09	09 CVS 721 <i>Mandatory</i>	Active 483
64. Siemens Fin. Svcs, Inc. v. V.H. Ind., Inc.	Gaston	7/09/07	07 CVS 1757 <i>Mandatory</i>	Active 1271
65. Southern Pines Fitness, LLC v. Irvin	New Hanover	11/12/08	08 CVS 4525 <i>Mandatory</i>	Inactive Settling
66. Springs Leasing Corp. v. Royal Cordage Corp.	Mecklenburg	2/06/07	06 CVS 22029 <i>Mandatory</i>	Active 1304

## Appendix A - Greensboro

Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
67. State v. Philip Morris Inc.	Wake	11/05/03	99 CVS 14377 2.1	Inactive COA07-1572 12/2008
68. Superior Performers, Inc. v. Shenandoah Life Ins. Co.	Alamance	8/05/08	08 CVS 1190 <i>Mandatory</i>	Active 878
69. Superior Performers, Inc. v. Simpson	Alamance	1/23/09	09 CVS 3764 <i>Mandatory</i>	Active 707
70. Teague v. Bayer AG	Buncombe	3/15/05	05 CVS 90 2.1 & 2.2	Inactive
71. Technocom Business Systems, Inc. v. NCDR	Wake	3/22/10	10 CVS 4398 <i>Mandatory</i>	Active 284
72. Tedder v. Tedder	Dare	5/12/09	08 CVS 259 <i>Mandatory</i>	Active 598
73. Thompson v. Manuel	Rowan	8/04/09	09 CVS 2074 <i>Mandatory</i>	Active 514
74. Thousand v. Fail-Safe	Guilford	10/27/08	08 CVS 11053 <i>Mandatory</i>	Active 794
75. Triad Grp., Inc. v. Wachovia	Yadkin	5/21/09	09 CVS 355 <i>Mandatory</i>	Active 589
76. Trident Mgt., Inc. v. SimpliCTI Software Solutions	Moore	11/4/10	10 CVS 1814 <i>Mandatory</i>	Active 57
77. UPS Capital Bus. Credit v. Royal Am. Co. LLC	Gaston	10/ 23/06	06 CVS 3512 <i>Mandatory</i>	Active 1530
78. Vernon v. Cuomo	Wake	6/12/06	06 CVS 8416 <i>Mandatory</i>	Active 1663
79. Walters & Zimmerman, PLLC v. Zimmerman	Wake	3/13/08	08 CVS 4182 <i>Mandatory</i>	Active 1023
80. Ward v. Lance	Mecklenburg	9/01/10	10 CVS 16553 <i>Mandatory</i>	Active 121
81. Webb v. Royal Am. Co., LLC	Gaston	10/06/06	06 CVS 4626 <i>Mandatory</i>	Active 1547
82. Wells Fargo Bank, NA v. Royal America Co., LLC	Wake	1/30/08	07 CVS 24448 <i>Mandatory</i>	Active 1066
83. Wilkie v. Stanley	Guilford	10/27/10	10 CVS 6257 <i>Mandatory</i>	Active 65
84. Williams v. Crimson Wolf Productions, Ltd.	Forsyth	8/10/10	10 CVS 5977 <i>Mandatory</i>	Active 143
85. Williams Overman Pierce, LLP v. Duncan	Wake	6/22/10	10 CVS 8100 <i>Mandatory</i>	Active 192
86. York v. York	Guilford	7/05/06	06 CVS 7867 <i>Mandatory</i>	Inactive Settling
87. York v. York	Guilford	7/05/06	06 CVS 7868 <i>Mandatory</i>	Inactive Settling
88. Zairy v. VKO, Inc.	Guilford	7/09/09	09 CVS 8023 <i>Mandatory</i>	On Appeal

## Appendix B – Charlotte

Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
1. Allen Smith Inv. Prop. V. Barberry Prop.	Mecklenburg	12/28/09	09 CVS 28709 <i>Mandatory</i>	Active 368
2. Allran v. BB&T	Gaston	12/20/10	10 CVS 4582 <i>Mandatory</i>	Active 11
3. American Mechanical, Inc. v. Bostic	Randolph	11/30/09	09 CVS 3197 <i>Mandatory</i>	Active 396
4. Anderson v. Certified Estate Planners, Inc.	Gaston	11/16/07	06 CVS 5363 2.1 & 2.2	Active Stay lifted 12/16/10 15
5. Auten v. Certified Estate Planners, Inc.	Gaston	11/16/07	06 CVS 5364 2.1 & 2.2	Active Stay lifted 12/16/10 15
6. BB&T BOLI Plan Trust v. Mass. Mutual Life Ins. Co.	Forsyth	6/22/09	09 CVS 4007 <i>Mandatory</i>	Active 557
7. BOGNC, LLC v. Pruitt	Mecklenburg	11/01/10	10 CVS 19072 <i>Mandatory</i>	Active 60
8. Beacon Dev. Co. v. Beacon Inv. Properties	Mecklenburg	9/07/10	10 CVS 18397 <i>Mandatory</i>	Active 115
9. Bella Sera Villas Ass'n v. Bellasera Ventures, LLC	Mecklenburg	4/27/10	10 CVS 26684 <i>Mandatory</i>	Active 248
10. Blitz v. Agean, Inc.	Durham	1/20/06	05 CVS 441 2.1	Inactive
11. Blount Three Properties, LLC v. York Properties of Raleigh	New Hanover	10/07/10	10 CVS 3731 <i>Mandatory</i>	Active 85
12. Broad v. Certified Estate Planners, Inc.	Henderson	1/25/08	06 CVS 1941 2.1 & 2.2	Active Stay lifted 12/16/10 15
13. Building Union Inv. and Local Dev. Fund of Am. Trust. v. Bromont Invs.	Mecklenburg	10/8/09	09 CVS 21528 <i>Mandatory</i>	Active 449
14. Buncombe Co. v. Hotels.com, LP	Buncombe	2/05/07	07 CVS 00585 <i>Mandatory</i> Cons Wake 06 CVS 16256	Active 1425
15. Cabrera v. Ridges at Morgan Creek	McDowell	7/29/09	09 CVS 544 <i>Mandatory</i>	Active 520
16. Carolinas AGC, Inc. v. Goodrich Hendry LLC	Mecklenburg	10/14/10	10 CVS 21114 <i>Mandatory</i>	Active 78

## Appendix B – Charlotte

Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
17. Carpenter v. Lancaster	Mecklenburg	1/13/09	08 CVS 22823 2.1, 2.2 Cons Meck 08 CVS 22640	Active 717
18. Confecciones Intl. v. Liberty de Honduras	Guilford	1/2/09	08 CVS 10084 2.1	Active 728
19. Cunniff v. Lewis	Mecklenburg	4/20/09	09 CVS 3978 <i>Mandatory</i>	Stayed
20. Danius v. India Abroad Publications, Inc.	Mecklenburg	10/21/09	09 CVS 17908 <i>Mandatory</i>	Active 437
21. Dare Co. v. Hotels.com, LP	Dare	2/27/07	07 CVS 56 <i>Mandatory</i> Cons Wake 06 CVS 16256	Active 1403
22. DeGorter v. Capital Bancorp Ltd.	Mecklenburg	12/08/10	10 CVS 20825 <i>Mandatory</i>	Active 23
23. Dugdale v. Polymer Grp., Inc.	Mecklenburg	10/18/10	10 CVS 20527 <i>Mandatory</i>	Active 74
24. Ehrenhaus v. Baker	Mecklenburg	10/17/08	08 CVS 22632 <i>Mandatory</i>	On Appeal
25. Ervin v. Copeland	Burke	8/30/10	10 CVS 1168 <i>Mandatory</i>	Active 123
26. Estwanik v. Gudeman	Mecklenburg	5/29/08	08 CVS 11485 <i>Mandatory</i>	Active 946
27. Fisher v. Comm'n Workers of America	Gaston	6/12/08	08 CVS 3154 <i>Mandatory</i>	On Appeal
28. Five Brothers Properties, Ltd. v. Zero, LLC	Mecklenburg	12/22/10	10 CVS 25433 <i>Mandatory</i>	Active 9
29. Hilb Rogal & Hobbs Co. v. Sellars	Mecklenburg	10/01/07	07 CVS 19339 <i>Mandatory</i>	On Appeal
30. Jacobson v. Walsh	Mecklenburg	5/27/10	10 CVS 9619 <i>Mandatory</i>	Active 218
31. Jones v. Sutherland	Mecklenburg	8/25/10	10 CVS 12948 <i>Mandatory</i>	Active 128
32. Kopf v. Smartflow Technologies, Inc.	Wake	5/06/10	10 CVS 5644 <i>Mandatory</i>	Active 239
33. Kopf v. Smartflow Technologies, Inc.	Wake	5/06/10	10 CVS 5596 <i>Mandatory</i>	Active 239
34. Lending Tree v. Beddingfield	Mecklenburg	4/22/08	08 CVS 9108 <i>Mandatory</i>	Active 983
35. Lwin Family Co. v. Cyros, LLC	Mecklenburg	9/10/10	10 CVS 18803 <i>Mandatory</i>	Active 112
36. Mark v. Wachovia Bank	McDowell	2/23/10	10 CVS 1062 <i>Mandatory</i>	Active 311

## Appendix B – Charlotte

Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
37. McKee v. James	Robeson	10/26/09	09 CVS 3031 <i>Mandatory</i>	Active 431
38. Mecklenburg County v. Hotels.com, LP	Mecklenburg	1/22/08	08 CVS 741 <i>Mandatory</i> Cons Wake 06 CVS 16256	Active 1074
39. Northfield Invs., Inc. v. Regions Bank	Mecklenburg	10/01/07	07 CVS 12568 <i>Mandatory</i>	Stayed
40. Novant Health, Inc. v. Aetna Health Inc.	Mecklenburg	6/29/10	10 CVS 11620 <i>Mandatory</i>	Inactive
41. Parker v. Certified Estate Planners	Mecklenburg	11/05/07	06 CVS 22773 2.1 & 2.2	Active Stay lifted 12/16/10 15
42. Ray v. Deloitte & Touche	Mecklenburg	7/5/06	06 CVS 10418 <i>Mandatory</i>	Active Receivership) 1640
43. Regional Property v. Carpenter	Mecklenburg	12/1/08	08 CVS 22640 <i>Mandatory</i> Cons with Regions cases	Active 760
44. Regions Bank v. Regional Prop. Dev. Corp.	Mecklenburg	7/13/ 07	07 CVS 12469 <i>Mandatory</i> Cons Meck 08 CVS 22640	Active 1267
45. Shoals Saloon and Grill, LLC v. Docksons Ltd, LLC	Iredell	12/13/10	10 CVS 3641 <i>Mandatory</i>	Active 18
46. Speedway Motorsports Int'l v. Bronwen Energy Trading Ltd.	Mecklenburg	6/9/08	08 CVS 9450 <i>Mandatory</i>	On Appeal
47. Strategic Materials, Inc. v. Precision Recycling Indus.	Mecklenburg	12/22/10	10 CVS 24006 <i>Mandatory</i>	Active 9
48. TAI Sports, Inc. v. Hall	Gaston	5/7/09	09 CVS 2201 <i>Mandatory</i>	Active 603
49. Tate Larkhaven, LLC v. McAlpine Grp., Inc.	Mecklenburg	5/03/10	10 CVS 9676 <i>Mandatory</i>	Active 242
50. Technik v. Winwholesale, Inc.	Mecklenburg	9/21/10	10 CVS 15709 <i>Mandatory</i>	Active 101
51. Thomas v. McMahon	Mecklenburg	9/07/10	08 CVS 24887 <i>Mandatory</i>	Active 115
52. Time Warner Entertainment Advance/Newhouse P'ship v. Town of Landis	Rowan	4/21/10	10 CVS 1172 <i>Mandatory</i>	Active 254
53. Wachovia Bank v. Clontz	Mecklenburg	5/24/10	10 CVS 8437 <i>Mandatory</i>	Active 221
54. Wachovia Bank, N.A. v. Harbinger Cap. Partners Master Fund I, Ltd.	Mecklenburg	5/09/07	07 CVS 5097 2.1	Inactive
55. Wake Co. v. Hotels.com, LP	Wake	2/27/07	06 CVS 16256 2.1 & 2.2 Cons with Hotels.com	Active 1403

## Appendix B – Charlotte

Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
56. Watson v. Walton	Mecklenburg	8/09/10	10 VS 12371 <i>Mandatory</i>	Active 144
57. West v. Certified Estate Planners, Inc.	Gaston	11/16/07	06 CVS 5362 2.1 & 2.2	Active Stay lifted 12/16/10 15
58. Wireless Communications, Inc. v. Epicor Software Corp.	Mecklenburg	10/04/10	10 CVS 18891 <i>Mandatory</i>	Inactive
59. Yates v. Medical Specialties, Inc.	Mecklenburg	12/06/10	10 CVS 24536 <i>Mandatory</i>	Active 25
60. Yates Constr. Co. v. Bostic	Rockingham	11/30/09	09 CVS 2480 <i>Mandatory</i>	Active 396
61. Zweig White, LLC v. Rusk O'Brien Gido + Partners, LLC	Durham	7/06/10	10 CVS 004306 <i>Mandatory</i>	Active 178

## Appendix C – Raleigh

Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
1. A. David Tyre and Assocs., Inc. v. McCray	Wake	12/01/10	10 CVS 17980 <i>Mandatory</i>	Active 31
2. Abraham v. Jauregui	Onslow	10/15/09	09 CVS 3608 <i>Mandatory</i>	Active 442
3. American Drywall v. Intracoastal Living	Brunswick	04/29/08	07 CVS 2805 2.1	Inactive
4. Anderson v. Daniel	New Hanover	8/27/10	10 CVS 4051 <i>Mandatory</i>	Inactive Removed to US Bankruptcy Court
5. Anderson v. Coastal Communities at Ocean Ridge Plantation	Brunswick	2/26/10	09 CVS 1042 <i>Mandatory</i>	Active 308
6. Anderson Roofing v. Intracoastal Living	Brunswick	08/21/08	08 CVS 1395 <i>Mandatory</i>	Active 862
7. Arcadius Dev. LLC v. Patton	Mecklenburg	12/04/06	06 CVS 13738 2.1 & 2.2	Active 1488
8. Arky v. Variable Annuity Life Insurance Company	Durham	12/14/09	09 CVS 5283 <i>Mandatory</i>	Inactive Awaiting settlement
9. Arnesen v. Rivers Edge Golf Club & Plantation	Brunswick	4/07/10	10 CVS 781 <i>Mandatory</i>	Active 268
10. Associated Behavioral Services, Inc. v. Smith	Robeson	2/15/10	09 CVS 3854 <i>Mandatory</i>	Active 319
11. Barker-Guidry Architects v. Intracoastal Living	Brunswick	04/29/08	08 CVS 437 2.1	Active 976
12. Barnhill Contracting v. Intracoastal Living	Brunswick	09/10/08	08 CVS 6 <i>Mandatory</i>	Active 842
13. Barry v. Ocean Isle Palms, Inc.	Brunswick	3/22/10	10 CVS 314 <i>Mandatory</i>	Active 284
14. Barton v. Coastal Communities at Ocean Ridge Plantation	Brunswick	2/26/10	10 CVS 314 <i>Mandatory</i>	Active 308
15. Beadnell v. Coastal Communities at Ocean Ridge Plantation	Brunswick	1/12/10	09 CVS 3376 <i>Mandatory</i>	Active 353
16. Beattie v. BB&T	New Hanover	9/21/10	10 CVS 3891 <i>Mandatory</i>	Active 101
17. Bodie Island Beach Club Ass'n v. Wray	Dare	7/21/09	09 CVS 586 <i>Mandatory</i>	Active 528
18. Bolton v. Jacobson	Wake	9/07/10	10 CVS 12062 <i>Mandatory</i>	Active 115
19. Branch Banking and Trust Company v. Gilmartin	New Hanover	2/26/10	09 CVS 1208 <i>Mandatory</i>	Active 308

## Appendix C – Raleigh

Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
20. Browne v. Thompson	Forsyth	10/15/09	09 CVS 8588 <i>Mandatory</i>	Active 442
21. Builder Svcs. Grp., Inc. v. Intracoastal Living	Brunswick	2/15/08	07 CVS 2152 2.1	Active 1050
22. Builders Firstsource Southeast Grp. v. Super. Constr. Corp.	Brunswick	2/15/08	07 CVS 2427 2.1	Active 1050
23. Byelick v. Carpp	Wake	9/07/10	10 CVS 13981 <i>Mandatory</i>	Active 115
24. Cape Fear Electric v. Intracoastal Living	New Hanover	02/28/08	07 CVS 1744 2.1 & 2.2	Active 1037
25. Cape Fear Realty, LLC v. Cape Fear Trading Grp.	Brunswick	6/21/07	07 CVS 1310 <i>Mandatory</i>	Active 1289
26. Capps v. Blondeau	Wake	11/07/07	07 CVS 16486 <i>Mandatory</i>	Active 1150
27. Cernugel v. Chiuli	New Hanover	6/18/10	10 CVS 2860 <i>Mandatory</i>	Inactive Awaiting settlement
28. Cheatham v. Ribonomics, Inc	Durham	2/09/10	09 CVS 7838 <i>Mandatory</i>	Active 325
29. Cherry v. Fawole	Wake	05/28/08	08 CVS 9143 <i>Mandatory</i>	Active 947
30. Chirico v. Hyson	Chatham	5/21/07	07 CVS 289 <i>Mandatory</i>	Active 1320
31. Clark v. Alan Vester Auto Grp., Inc.	Vance	5/09/06	06 CVS 141 2.1	Inactive
32. Coast Mechanical Contractors, Inc. v. Intracoastal Living, LLC	Brunswick	2/15/08	07 CVS 2401 2.1	Active 1050
33. Coastal Sash & Door v. Super. Constr. Corp.	Brunswick	2/15/08	07 CVS 1464 2.1	Active 1050
34. Connett v. Jackson Nat'l Life Ins. Co.	New Hanover	1/25/10	09 CVS 6088 <i>Mandatory</i>	Active 340
35. Contractor Yard v. Intracoastal Living	New Hanover	05/14/08	07 CVS 5435 2.1 & 2.2	Active 961
36. Custom Colors v. Intracoastal Living	Brunswick	08/27/08	07 CVS 2561 2.1	Active 856
37. Deyton v. Estate of Kenneth C. Waters, Jr.	New Hanover	7/06/10	10CVS2582 <i>Mandatory.</i>	Active 178
38. Diverse Networks v. Time Warner Entertainment	Wake	09/03/08	08 CVS 15395 <i>Mandatory</i>	Active 849
39. EHP Land v. Boshier	Perquimans	4/10/07	07 CVS 59 <i>Mandatory</i>	Active 1361
40. Edgewater Svcs., Inc. v. Epic Logistics, Inc.	Wake	4/17/06	05 CVS 1971 2.1 & 2.2	Active 1354
41. Elite Financial Grp. v. Hardison	Pitt	7/22/10	10CVS1747 <i>Mandatory</i>	Active 162

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Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
42. Elliott v. KB Home North Carolina Inc.	Wake	6/17/10	10CVS1747 2.1 & 2.2	Active 197
43. Ellrod v. Bank of Currituck	Dare	8/19/10	08 CVS 21190 <i>Mandatory</i>	Active 134
44. Emergys v. Consort, Inc.	Wake	9/10/10	10 CVS 13792 <i>Mandatory</i>	Active 112
45. Fayetteville-Cumberland Co. Chamber of Commerce v. Baker	Cumberland	11/04/10	10 CVS 9290 <i>Mandatory</i>	Active 57
46. Fidelity Bank v. NCDR	Wake	3/02/10	10 CVS 3405 <i>Mandatory</i>	Active 304
47. Fritscher v. Peak Nutrition, Inc.	Wake	7/02/10	10 CVS 10443 <i>Mandatory</i>	On Appeal
48. Front Street Construction, LLC v. Colonial Bank	Wake	10/22/10	10 CVS 15759 <i>Mandatory</i>	Active 70
49. Gardner v. First Citizens Bank & Trust Co.	New Hanover	11/29/10	10 CVS 5098 <i>Mandatory</i>	Active 32
50. GoRhinoGo, LLC v. Lewis	Wake	7/15/10	10 CVS 11767 <i>Mandatory</i>	Active 169
51. Greason v. Frontier Spinning Mills, Inc.	Wake	5/21/10	10 CVS 8307 <i>Mandatory</i>	Active 224
52. Hamm v. BCBS of NC	Durham	7/6/06	05 CVS 5606 2.1	Active 1669
53. Hargrove v. Alan Vester Auto Grp.	Vance	8/01/07	06 CVS 1309 2.1	Inactive
54. Harris v. Wachovia	Mecklenburg	10/15/09	09 CVS 25270 <i>Mandatory</i>	Active 442
55. Health Mgmt Assocs, Inc. v. Yerby	Franklin	7/24/07	06 CVS 839 2.1 & 2.2	On Appeal
56. Inspiration of Wilmington, LLC v. PCJ Ventures, LLC	New Hanover	5/03/10	10 CVS 1346 <i>Mandatory</i>	Active 242
57. Inspiration of Wilmington, LLC v. PCJ Ventures, LLC	New Hanover	5/03/10	10 CVS 1347 <i>Mandatory</i>	Active 242
58. Intracoastal Living LLC v. Hyson	Brunswick	8/21/08	07 CVS 2836 2.1	Active 862
59. LS Mtron, Ltd. v. Escorts, Ltd.	Edgecombe	1/19/10	10 CVS 1539 <i>Mandatory</i>	Active 346
60. Lancaster v. Harold K. Jordan & Co.	New Hanover	04/01/08	08 CVS 883 <i>Mandatory</i>	Active 1004
61. LeCann v. Cobham	Wake	7/13/10	10 CVS 11169 <i>Mandatory</i>	Active 171
62. Lee v. Coastal Agro Business, Inc.	Sampson	11/24/09	09 CVS 1719 <i>Mandatory</i>	Active 402
63. Mancinelli v. Momentum Research	Durham	02/11/09	09 CVS 1383 <i>Mandatory</i>	Active 688
64. Marsh & McLennan Agency, LLC v. Moore	Wake	12/08/10	10 CVS 19838 <i>Mandatory</i>	Active 23

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Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
65. Medcall, LLC v. Pharmacy Providers of the Southeast, LLC	Granville	12/13/10	10 CVS 1178 <i>Mandatory</i>	Active 18
66. Mid-Carolina Cabinets v. Superior Construction	Mecklenburg	03/12/08	07 CVS 21933 2.1 & 2.2	Active 1022
67. Miller & Long Co., v. Intracoastal Living, LLC	Brunswick	2/15/08	07 CVS 1760 2.1	Active 1047
68. Mitchell, Brewer, et al. v. Brewer	Cumberland	7/14/06	06 CVS 6091 <i>Mandatory</i>	On Appeal
69. NRC Golf Course, L.L.C. v. JMR Golf L.L.C.	Carteret	12/23/09	09 CVS 1835 <i>Mandatory</i>	Active 373
70. Nestor v. Webb	Scotland	10/04/10	10 CVS 905 <i>Mandatory</i>	Inactive Removed to Fed. Court
71. Patton v. Arcadius Invs., LLC	New Hanover	10/13/06	06 CVS 3785 <i>Mandatory</i>	Active 1540
72. Pendergraph v. NC Dept of Rev.	Wake	09/29/09	09 CVS 19607 <i>Mandatory</i>	Active 458
73. RJM Plumbing v. Superior Construction	Brunswick	04/29/08	08 CVS 189 2.1	Active 976
74. Richardson v. Frontier Spinning Mills, Inc.	Wake	3/25/10	10 CVS 4660 <i>Mandatory</i>	Active 281
75. Riddle v. Sichel Technologies, Inc.	Wake	9/21/10	10 CVS 3212 <i>Mandatory</i>	Stayed Bankruptcy
76. Ruth Cook Blue Living Trust v. Blue	Watauga	5/31/07	07 CVS 222 <i>Mandatory</i>	Active 1310
77. S&W Ready Mix Concrete Co. v. Intracoastal Living	Brunswick	2/15/08	07 CVS 2157 2.1	Active 1050
78. Schindler Elevator v. Superior Construction	Brunswick	04/29/08	08 CVS 414 2.1	Active 976
79. Shamoon v. Turkow	Wake	11/19/08	08 CVS 18850 <i>Mandatory</i>	Active 770
80. Shareff v. Lakebound Fixed Return Fund, LLC	Wake	06/08/09	09 CVS 9983 <i>Mandatory</i>	Active 571
81. Sherwin-Williams Company v. Intracoastal Living, LLC	Brunswick	02/15/08	07 CVS 2124 2.1	Active 1050
82. Smith v. Lewis	Wake	4/09/07	05 CVS 17912 2.1 & 2.2	Active 1362
83. Smith v. Educated Design & Development, Inc.	Wake	11/02/10	10 CVS 16359 <i>Mandatory</i>	Active 51
84. Sonic Automotive v. Mercedes-Benz USA	Mecklenburg	04/18/08	08 CVS 4259 <i>Mandatory</i>	Active 987
85. Southern Mechanical, Inc. v. Intracoastal Living, LLC	Brunswick	2/15/08	07 CVS 2099 2.1	Active 1050
86. Stewart v. Mozingo	Craven	8/31/10	10 CVS 1017 <i>Mandatory</i>	Active 122

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Name of Case	County of Origin	Date Assigned	Case Number	Status (age in days)
87. Stratton v. RBC Centura Banks	Wake	10/26/07	07 CVS 15079 <i>Mandatory</i>	On Appeal
88. Superior v. Intracoastal	Brunswick	12/11/08	07 CVS 2806 2.1 & 2.2	Active 750
89. Sutton v. Schnitzler	New Hanover	3/23/10	09 CVS 6172 <i>Mandatory</i>	Active 283
90. Sutton v. Sutton	Onslow	3/23/10	10 CVS 3961 <i>Mandatory</i>	Active 283
91. Thomas v. Moonracer, Inc.	Wake	10/28/10	10 CVS 1716 <i>Mandatory</i>	Active 64
92. Thompson v. Hendrickson	Wake	01/05/09	08 CVS 12734 <i>Mandatory</i>	Inactive
93. Truss Link, Inc. v. Intracoastal Living, LLC	Brunswick	2/15/08	07 CVS 2569 2.1	Active 1050
94. Turner Electrical of South Carolina v. Intracoastal	Brunswick	04/29/08	07 CVS 2825 2.1	Active 976
95. Tyson v. Tyson	Durham	11/10/09	09 CVS 6826 <i>Mandatory</i>	Active 416
96. Village Landing v. Withers & Ravenel	New Hanover	08/05/08	07 CVS 5554 2.1	Active 878
97. Wachovia Bank, N.A. v. Superior Construction Corp.	Mecklenburg	3/12/08	07 CVS 21256 2.1, 2.2	Active 1024
98. Wallcraft Constr., Inc. v. Intracoastal Living, LLC	Brunswick	2/15/08	07 CVS 2479 2.1	Active 1050

## Appendix D

### COURT OPINIONS

NOTICE: The official opinions in the cases below are on file in the courthouse of the county of jurisdiction. The following are unofficial, electronically formatted copies.

2010\_\_\_\_\_

NRC GOLF COURSE, LLC v. JMR GOLF, LLC  
2010 NCBC 20 (12/29/10)  
09-CVS-1835 (Carteret - Jolly)

INLAND AM. WINSTON HOTELS, INC. v. WINSTON  
2010 NCBC 19 (11/24/10)  
08-CVS-21786 (Wake - Tennille)

SMITH v. RAYMOND  
2010 NCBC 18 (10/21/10)  
10-CVS-5321 (Mecklenburg - Diaz)

PITTSBURGH CORNING CORP. v. McCORMICK INSULATION SUPPLY, INC.  
2010 NCBC 17 (10/13/10)  
10-CVS-5466 (Guilford - Tennille)

EHP LAND CO., INC. v. BOSHER  
2010 NCBC 16 (10/05/10)  
07-CVS-59 (Perquimans - Jolly)

ALLEN V. LAND RES. GROUP OF N.C., LLC  
2010 NCBC 15 (09/22/10)  
08-CVS-1283 (Rutherford - Tennille)

HAMM v. BLUE CROSS & BLUE SHIELD OF N.C.  
2010 NCBC 14 (08/27/10)  
05-CVS-5606 (Durham - Jolly)

BODIE ISLAND BEACH CLUB ASS'N, INC. V. DIXON  
2010 NCBC 13 (07/30/10)  
09-CVS-568 (Dare - Jolly)

FRANKLIN COUNTY BD. OF EDUC. v. N.C. DEP'T OF REVENUE  
2010 NCBC 12 (06/28/10)  
09-CVS-20861 (Wake - Tennille)

HIGH POINT BANK & TRUST CO. v. SAPONA MFG. CO.  
2010 NCBC 11 (06/22/10)  
08-CVS-1065 (Randolph - Tennille)

## Appendix D

### COURT OPINIONS, cont.

SONIC AUTO., INC. v. MERCEDES-BENZ USA, LLC  
2010 NCBC 10 (05/04/10)  
08-CVS-4259 (Mecklenburg - Jolly)

WACHOVIA BANK, N.A. v. SUPERIOR CONSTR. CORP.  
2010 NCBC 9 (04/23/10)  
07-CVS-21256 (Mecklenburg - Jolly)

CAPPS v. BLONDEAU  
2010 NCBC 8 (04/13/10)  
07-CVS-16486 (Wake - Jolly)

CAPPS v. BLONDEAU  
2010 NCBC 7 (04/13/10)  
07-CVS-16486 (Wake - Jolly)

STATE ex rel. Comm'r Ins. v. CUSTARD  
2010 NCBC 6 (03/19/10)  
06-CVS-4622 (Wake - Tennille)

VERNON v. CUOMO  
2010 NCBC 5 (03/15/10)  
06-CVS-8416 (Wake - Tennille)

REVOLUTIONARY CONCEPTS, INC. v. CLEMENTS WALKER PLLC  
2010 NCBC 4 (03/09/10)  
08-CVS-4333 (Mecklenburg - Tennille)

STROOCK, STROOCK & LAVAN LLP v. DORF  
2010 NCBC 3A (Amended 02/17/10)  
08-CVS-14248 (Wake - Jolly)

STROOCK, STROOCK & LAVAN LLP v. DORF  
2010 NCBC 3 (02/16/10)  
08-CVS-14248 (Wake - Jolly)

STRATTON v. ROYAL BANK OF CAN.  
2010 NCBC 2 (02/05/10)  
07-CVS-15079 (Wake - Jolly)

MAROSI v. M.F. HARRIS RESEARCH, INC.  
2010 NCBC 1A (Amended 02/03/10)  
08-CVS-4546 (New Hanover - Jolly)

MAROSI v. M.F. HARRIS RESEARCH, INC.  
2010 NCBC 1 (01/28/10)  
08-CVS-4546 (New Hanover - Jolly)