



Designation Procedure for Mandatory Complex Business Cases

April 11, 2025

- I. Timing and Contents: see N.C.G.S. § 7A-45.4.
- II. Where and How to Send: see N.C.G.S. § 7A-45.4(c).
 - a. Address a single email to:
 - i. NOD.intake@ncbusinesscourt.net (this designated email address provides effective service on the Chief Justice of the Supreme Court of North Carolina and the Chief Business Court Judge), and
 - ii. All counsel of record.
 - b. Include the signed Notice of Designation (“NOD”), along with copies of each of the significant pleadings filed to date in the action (e.g., the complaint, any responsive pleadings, and relevant motions). All relevant documents accompanying the NOD should be included as separate PDF documents with a document-descriptive index, which includes the date of filing of each document. Prepare each filing’s PDF with a document-descriptive file name that includes the original date of filing.
 - i. File the NOD along with the accompanying documents with the Clerk of Superior Court in the county in which the case has been filed, and contemporaneously serve the Court pursuant to N.C.G.S. § 7A-45.4(c). Service to the Court should occur even if not yet file stamped. As soon as possible after filing with the Clerk of Superior Court, provide the Court a *file-stamped copy* of your NOD and the pleading upon which it is based. The file-stamped copies are to assist the Court in ascertaining your NOD’s timeliness pursuant to N.C.G.S. § 7A-45.4(d).
 - ii. Emails, and filings time-stamped after 5:00 PM (see Rule of Civil Procedure 5(b)), will be considered as having been made on the next business day.
 - iii. Effectuating contemporaneous filing (per N.C.G.S. § 7A-45.4(d)) in File & Serve for counties on Odyssey: Litigants are advised that, to the extent the lead document creating the grounds for mandatory complex business case designation (such as a complaint, third-party

complaint, etc.) has not already been filed with the Clerk of Superior Court, they should file the lead document and, when prompted by File & Serve, immediately thereafter upload the related notice of designation so that all the filed documents are delivered to the Clerk of Superior Court for processing in a single envelope. More detailed filing information may be found in the training documents available at <https://www.nccourts.gov/ecourts>.

- iv. To the extent practicable, avoid multiple emails by sending your NOD as a single email. If your attachments exceed 100 MB, share via your LiquidFiles file-sharing service account, or send multiple emails. Please be aware that the Administrative Office of Courts now blocks employee access to file-sharing sites other than LiquidFiles.
 - i. Alternatively, ask the Court to request your large files through LiquidFiles by emailing NOD.intake@ncbusinesscourt.net—when doing so, copy opposing counsel. You do not need a personal LiquidFiles account for this exchange. The Court’s LiquidFiles file sharing request and response are private exchanges but, once received, the Court will share the documents with opposing counsel and NOD.intake@ncbusinesscourt.net.
- v. Include a statement in your email submission identifying any documents that have been filed under seal and attesting that in all the included filings, not currently under seal, personal identifying information such as social security numbers, business tax IDs, or bank account numbers, has been redacted.

III. Filing fee: see N.C.G.S. § 7A-305.

- a. Currently, there is no option to pay the Business Court filing fee to the Clerk of Superior Court via the State’s new e-filing platform called Odyssey. Until further notice, direct a paper check for payment of the fee to the Clerk of Superior Court of the county in which the case is pending.
- b. A filing fee must be paid for each case designated. If multiple cases have previously been consolidated by Court order, a filing fee is due for each case notwithstanding the consolidation, except when, at the time of the filing of the notice of designation, multiple cases have already been consolidated and a lead case identified by the Court.