



## Designation Procedure for Mandatory Complex Business Cases May 22, 2025

### I. Timing and Contents: see N.C.G.S. § 7A-45.4.

The relevant statute requires by its express terms that the designating party **contemporaneously** file the Notice of Designation (NOD) with the Clerk of Superior Court in the County of venue **and** transmit the NOD to the Chief Justice of the North Carolina Supreme Court and the Chief Business Court Judge. If the case is pending/filed in a County that has transitioned to Odyssey, the party filing the Notice of Designation should go ahead and email the Notice of Designation to the address in II.A. below promptly after uploading the NOD on Odyssey and not await receipt of a file-stamped copy of the of the NOD from the Clerk of Court through Odyssey. Though, to be clear, see II.B. below for further instruction, including that the Court will also need a file-stamped copy of your NOD and the pleading upon which it is based to ascertain timeliness pursuant to N.C.G.S. § 7A-45.4(d).

### 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](mailto: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 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 with the Clerk of Superior Court in the county in which the case has been filed. While the NOD submission email that is sent to [NOD.intake@ncbusinesscourt.net](mailto:NOD.intake@ncbusinesscourt.net) should include as attachments all significant pleadings filed to date in the action, including the pleading on which the designation request is based, the filing to be

made with the Clerk of Superior Court in the county of venue of the action need only include the Notice of Designation, which should include a list of the documents being provided to the Chief Justice and Chief Business Court Judge.

- ii. Contemporaneously serve the Court pursuant to N.C.G.S. § 7A-45.4(c). Service to the Court should occur even if counsel does not yet have a file stamped copy of the NOD. 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).
- iii. 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.
- iv. 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>.
- v. 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](mailto: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](mailto:NOD.intake@ncbusinesscourt.net).
- vi. 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.