Designation Procedure for Mandatory Complex Business Cases

Effective 16 September 2026

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 Supreme Court of North Carolina and the Chief Business Court Judge. The party filing the NOD should email it to the address in II.A. below promptly after submitting it through File & Serve and not await receipt of a file-stamped copy from the Clerk of Court. To be clear, the Court will also need a file-stamped copy of your NOD and the pleading upon which it is based, once both are available, to ascertain timeliness under N.C.G.S. § 7A-45.4(d). Section II.C. provides detailed guidance for timely service upon the Court and the filing of your NOD as contemplated in 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@nccourts.org (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:
   i. Signed NOD and Relevant Documents: 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).

ii. Format of Relevant Documents: 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.

iii. Format of File Names: Prepare each filing's PDF with a document-descriptive file name that includes the original date of filing.

c. Filing, Timing, and Submission Details:

i. Filing: 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@nccourts.org 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 NOD, which should include a list of the documents being provided to the Chief Justice and Chief Business Court Judge.

ii. Timing: 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 under N.C.G.S. § 7A-45.4(d).

1. Rule of Civil Procedure 5(b): 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.

2. Effectuating contemporaneous filing (per N.C.G.S. § 7A-45.4(d)) in File & Serve: 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 NOD 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.

3. Paying the Designation Fee Electronically: Note that before final submission, you may electronically pay the Business Court designation fee (per N.C.G.S. § 7A-305)—see section III. below.

iii. Submission Email and Size of Attachments: 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.

1. No File Sharing Sites/Zip Files Other Than LiquidFiles: The Administrative Office of Courts forbids use of file-sharing sites, other than LiquidFiles, and of zip files.
2. Requesting LiquidFiles File Transfer: As needed, ask the Court to send a request for your large files through LiquidFiles by emailing NOD.intake@nccourts.org—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 all counsel of record and NOD.intake@nccourts.org.
3. Personal Identifying Information: 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. Paying the Designation Fee Electronically: Before final submission of your NOD via the State's new e-filing platform called File & Serve, you

may electronically pay the Clerk of Superior Court the Business Court designation fee at this stage of the filing process: New case filing > Edit Filing Details > Additional Services and Fees > Superior Court Civil - Business Court Filing Fee. More detailed filing information may be found in the training documents available at https://www.nccourts.gov/ecourts.

i. Paying By Paper Check: If you missed the opportunity to electronically pay the designation fee, remit a paper check to the Clerk of Superior Court in the county in which the case is pending.

b. Consolidated Cases: 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 NOD, multiple cases have already been consolidated and a lead case identified by the Court.