

**REPORT ON ACTIVITIES
OF THE
NORTH CAROLINA BUSINESS COURT**

Calendar Year 2010

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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 there were 117 new cases 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 inactive but 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 | | |
| Total Pending Cases | | | | |
| 247 | Caseload per judge | 88 | 61 | 98 |

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, 5 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 596 days.

Twenty-four cases were closed in calendar year 2010.

FY 2009-10 expenditures for the Business Court-Greensboro were \$346,784.89.

The 88 pending cases are listed below.

| <u>Name of Case</u> | <u>County of Origin</u> | <u>Date Assigned</u> | <u>Case Number</u> | <u>Status (age in days)</u> |
|---|-------------------------|----------------------|---------------------------------|-----------------------------|
| 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 <i>2.1</i> | Stayed |
| 8. Bollinger v. Biltmore Fin. | Catawba | 12/15/08 | 08 CVS 4340 | Stayed |

| | Grp., Inc. | | | Mandatory | |
|-----|---|-------------|----------|--------------------------------------|--------------------------------------|
| 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 <i>2.1 & 2.2.</i> | 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 <i>2.1 & 2.2</i> | Active Reopened 8/27/08 856 |
| 20. | Dunn v. Dart | Craven | 5/24/10 | 10 CVS 2600 <i>Mandatory</i> | Active 221 |
| 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 | Inactive |

| | | | | <i>Mandatory</i> | |
|---|-------------|----------|---------------|----------------------|----------------|
| 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 | <i>2.1 & 2.2</i> | 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 | <i>2.1 & 2.2</i> | Active 1801 |
| 40. Leiber v. Arboretum Joint Venture | Mecklenburg | 7/17/06 | 05 CVS 18751 | <i>2.1</i> | On Appeal |
| 41. Little v. Biltmore Fin. Grp., LLC | Burke | 12/18/08 | 08 CVS 2045 | <i>Mandatory</i> | Stayed |

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|--|--------------|----------|---------------------------|---------------|
| 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 Mandatory | Active 53 |
| 44. Matthews v. Barker | Guilford | 6/15/10 | 10 CVS 7249 Mandatory | Active 199 |
| 45. McKinnon v. CV Industries | Guilford(HP) | 9/08/09 | 09 CVS 1556 Mandatory | Active 479 |
| 46. Megawash LLC v. TDK Ventures | Guilford | 12/13/10 | 10 CVS 11413 Mandatory | Active 18 |
| 47. NNN Durham Office Portfolio 1, LLC LLC v. Highwoods Realty Limited Partnership | Durham | 5/3/10 | 10 CVS 2597 Mandatory | Active 242 |
| 48. NNN Durham Office Portfolio 1, LLC LLC v. Grubb & Ellis Co. | Durham | 8/25/10 | 10 CVS 4392 Mandatory | Active 128 |
| 49. O'Donnell v. SYMB, LLC | Moore | 7/09/08 | 08 CVS 01100 Mandatory | Active 905 |
| 50. Oak-Bark Corp. v. French | New Hanover | 8/18/09 | 09 CVS 3164 Mandatory | Active 500 |
| 51. Out of the Box Developers, LLC v. Logicbit Corp. | Wake | 5/18/10 | 10 CVS 8327 Mandatory | Active 227 |
| 52. Palles v. Hatteras Inv. Partners LLC | Wake | 9/17/08 | 08 CVS 14393 Mandatory | Active 835 |
| 53. Peak Coastal Ventures v. SunTrust Bank | Forsyth | 10/13/10 | 10 CVS 6676 Mandatory | Active 79 |
| 54. Pittsburgh Corning Corp. v. McCormick Insulation Supply | Guilford | 4/14/10 | 10 CVS 5466 Mandatory | 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 Mandatory | Active 152 |
| 57. RS & M Appraisal Svcs., | Alamance | 1/27/10 | 09 CVS 1961 | Active |

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|-----|--|-------------|----------|----------------------------------|-----------------------------------|
| | Inc. v. Alamance County | | | <i>Mandatory</i> | 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 |
| 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 |

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|--|-------------|-----------|----------------------------------|----------------------|
| 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 |

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, 4 of which are on appeal and 6 stayed or inactive. The average age of the active cases is 401 days.

Thirty-eight cases were closed in calendar year 2010.

FY 2009-10 expenditures for the Business Court-Charlotte were \$296,193.75.

The 61 pending cases are listed below.

| <u>Name of Case</u> | <u>County of Origin</u> | <u>Date Assigned</u> | <u>Case Number</u> | <u>Status (age in days)</u> |
|---|-------------------------|----------------------|-------------------------------------|---|
| 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 <i>2.1 & 2.2</i> | Active Stay lifted 12/16/10 15 |
| 5. Auten v. Certified Estate Planners, Inc. | Gaston | 11/16/07 | 06 CVS 5364 <i>2.1 & 2.2</i> | 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 <i>2.1</i> | Inactive |

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|--|-------------|----------|---|---|
| 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 <i>2.1 & 2.2</i> | 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 |
| 17. Carpenter v. Lancaster | Mecklenburg | 1/13/09 | 08 CVS 22823 <i>2.1, 2.2</i> Cons Meck 08 CVS 22640 | Active 717 |
| 18. Confecciones Intl. v. Liberty de Honduras | Guilford | 1/2/09 | 08 CVS 10084 <i>2.1</i> | 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 |

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|---|-------------|----------|--|---|
| 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 |
| 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 | Active |

| | | | | <i>Mandatory</i> | 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 | |
| 56. Watson v. Walton | Mecklenburg | 8/09/10 | 10 VS 12371 <i>Mandatory</i> | Active 144 | |
| 57. West v. Certified Estate | Gaston | 11/16/07 | 06 CVS 5362 | Active | |

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| Planners, Inc. | | | 2.1 & 2.2 | 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 |

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 NC Business Court–Raleigh.

The Court currently has 98 open cases, 4 of which are on appeal and 9 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 below.

| <u>Name of Case</u> | <u>County of Origin</u> | <u>Date Assigned</u> | <u>Case Number</u> | <u>Status (age in days)</u> |
|--|-------------------------|----------------------|----------------------------------|---|
| 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 |

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|-----|---|-------------|----------|--------------------------------------|------------------------------------|
| 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 <i>2.1 & 2.2</i> | 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 <i>2.1</i> | 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 |
| 20. | Browne v. Thompson | Forsyth | 10/15/09 | 09 CVS 8588 <i>Mandatory</i> | Active 442 |

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|--|-------------|----------|----------------------------------|------------------------------------|
| 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 | New Hanover | 7/06/10 | 10CVS2582 | Active |

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| | C. Waters, Jr. | | | <i>Mandatory.</i> | 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 <i>2.1 & 2.2</i> | Active 1354 |
| 41. | Elite Financial Grp. v. Hardison | Pitt | 7/22/10 | 10CVS1747 <i>Mandatory</i> | Active 162 |
| 42. | Elliott v. KB Home North Carolina Inc. | Wake | 6/17/10 | 10CVS1747 <i>2.1 & 2.2</i> | 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 <i>2.1</i> | Active 1669 |
| 53. | Hargrove v. Alan Vester Auto Grp. | Vance | 8/01/07 | 06 CVS 1309 <i>2.1</i> | Inactive |

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| 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 <i>2.1 & 2.2</i> | 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 <i>2.1</i> | 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 |
| 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 <i>2.1 & 2.2</i> | Active 1022 |
| 67. Miller & Long Co., v. Intracoastal Living, LLC | Brunswick | 2/15/08 | 07 CVS 1760 <i>2.1</i> | 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 |

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| 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 <i>2.1</i> | 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, LLC | Brunswick | 2/15/08 | 07 CVS 2157 <i>2.1</i> | Active 1050 |
| 78. Schindler Elevator v. Superior Construction | Brunswick | 04/29/08 | 08 CVS 414 <i>2.1</i> | 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 <i>2.1</i> | Active 1050 |
| 82. Smith v. Lewis | Wake | 4/09/07 | 05 CVS 17912 <i>2.1 & 2.2</i> | 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 <i>2.1</i> | Active 1050 |

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| 86. Stewart v. Mozingo | Craven | 8/31/10 | 10 CVS 1017 <i>Mandatory</i> | Active 122 |
| 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 <i>2.1 & 2.2</i> | 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 <i>2.1</i> | Active 1050 |
| 94. Turner Electrical of South Carolina v. Intracoastal | Brunswick | 04/29/08 | 07 CVS 2825 <i>2.1</i> | 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 <i>2.1</i> | Active 878 |
| 97. Wachovia Bank, N.A. v. Superior Construction Corp. | Mecklenburg | 3/12/08 | 07 CVS 21256 <i>2.1, 2.2</i> | Active 1024 |
| 98. Wallcraft Constr., Inc. v. Intracoastal Living, LLC | Brunswick | 2/15/08 | 07 CVS 2479 <i>2.1</i> | Active 1050 |

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 web site at www.ncbusinesscourt.net.¹ Decisions which have been affirmed or reversed on appeal are noted.

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)

¹ Each Business Court Judge decides which orders will be posted on the Court's web site as Opinions.
NC Business Court Activities, March 2009 report
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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. DEPT 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)

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)

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.