

STATE OF NORTH CAROLINA  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
18 CVS 2313

CARDIORENTIS AG,

Plaintiff,

v.

IQVIA LTD. and IQVIA RDS, INC.,

Defendants.

**ORDER AND OPINION ON  
DEFENDANTS' MOTION TO  
ADMINISTRATIVELY DISMISS  
ACTION OR, ALTERNATIVELY, TO  
LIFT STAY AND GRANT MOTION  
FOR SUMMARY JUDGMENT OR  
MOTIONS TO DISMISS**

*No counsel appeared for Plaintiff Cardioentis AG.*

*Brooks, Pierce, McLendon, Humphrey & Leonard LLP, by Charles E. Coble, Shepard D. O'Connell, and Daniel F. Smith, and Cooley LLP, by Robert T. Cahill, Josh Siegel, and Michael J. Klisch, for Defendants IQVIA Ltd. and IQVIA RDS, Inc.*

Conrad, Judge.

1. Plaintiff Cardioentis AG filed this lawsuit against Defendants IQVIA Ltd. and IQVIA RDS, Inc. in March 2018. In response, Defendants asked the Court to stay the case under N.C.G.S. § 1-75.12(a), arguing that North Carolina was an inconvenient forum and that Cardioentis's claims should be litigated in England. (See ECF No. 19.) The Court granted the motion and entered a stay on 31 December 2018. *See Cardioentis AG v. IQVIA Ltd.*, 2018 NCBC LEXIS 243 (N.C. Super. Ct. Dec. 31, 2018), *aff'd* 2020 N.C. LEXIS 96 (Feb. 28, 2020).

2. Now, more than five years later, the Court dismisses the complaint.

3. A stay under section 1-75.12(a) cannot last forever. The "jurisdiction of the court continues for a period of five years from the entry of the last order affecting the

stay.” N.C.G.S. § 1-75.12(b). During that five-year period, the court may “modify the stay order and take such action as the interests of justice require.” *Id.* But “[w]hen jurisdiction of the court terminates by reason of the lapse of five years following the entry of the last order affecting the stay,” the case must be dismissed. *Id.*\*

4. So it is here. More than five years have passed since the stay took effect. At no point did either side ask the Court to modify the stay. Thus, the Court’s jurisdiction has terminated.

5. Defendants agree and have moved to dismiss the complaint administratively under section 1-75.12(b). They also report that, even if the Court retains jurisdiction, there is nothing left to do. The parties litigated their dispute in England, resulting in a final judgment in February 2022 that neither side appealed. (*See* ECF No. 99.)

6. Cardioentis, on the other hand, has stopped participating in this litigation. It has not responded to the Court’s inquiries. It did not file a brief in response to Defendants’ motion for administrative dismissal. And its attorneys received leave to withdraw based on representations that it was no longer responding to their communications. Because a corporation may not represent itself, *see LexisNexis, Div. of Reed Elsevier, Inc. v. TRaviSHan Corp.*, 155 N.C. App. 205, 209 (2002), the Court gave Cardioentis ample time to hire new counsel, (ECF No. 101). The Court also warned that a failure to respond to Defendants’ motion would leave the motion unopposed and “result in a summary dismissal of this action,” (ECF No. 101). *See*

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\* Ordinarily, “the clerk” must “enter an order dismissing the action.” N.C.G.S. § 1-75.12(b). But in mandatory complex business cases, such as this one, “[a]ll proceedings in the action shall be before the Business Court Judge to whom it has been assigned.” *Id.* § 7A-45.4(f).

BCR 7.6 (“If a party fails to file a response within the time required by this rule, the motion will be considered and decided as an uncontested motion.”).

7. For all these reasons, the Court concludes that dismissal is proper under section 1-75.12(b). The Court therefore **GRANTS** Defendants’ motion and **DISMISSES** all claims.

**SO ORDERED**, this the 18th day of January, 2024.

/s/ Adam M. Conrad  
Adam M. Conrad  
Special Superior Court Judge  
for Complex Business Cases