

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21 CVS 18537

CARLOS NARVAEZ,
Plaintiff,

v.

NGUARD, INC.,
Defendant.

ORDER ON DESIGNATION

1. **THIS MATTER** is before the Court pursuant to the Determination Order issued on 24 November 2021 by the Honorable Paul Newby, Chief Justice of the Supreme Court of North Carolina, directing the undersigned to determine whether this action is properly designated as a mandatory complex business case in accord with N.C.G.S. § 7A-45.4(a) (the “Determination Order”).

2. Plaintiff filed the Verified Complaint and Motion for Preliminary Injunction initiating this action in Mecklenburg County Superior Court on 17 November 2021. Plaintiff, however, did not file the Notice of Designation of this case as a mandatory complex business case until 23 November 2021.

3. Under N.C.G.S. § 7A-45.4(d)(1), “[t]he Notice of Designation shall be filed . . . [b]y the plaintiff . . . contemporaneously with the filing of the complaint[.]” The contemporaneous filing requirement of section 7A-45.4(d)(1) is mandatory, and Plaintiff’s failure to comply with that requirement renders the Notice of Designation untimely. As a result, the Court determines that this action is not properly designated as a mandatory complex business case in accord with N.C.G.S. § 7A-45.4(a) and thus shall not be assigned to a Special Superior Court Judge for Complex

Business Cases. *See, e.g., Gonzales-Alcantara v. Sanchez-Rodriguez*, 2020 NCBC LEXIS 81 (N.C. Super. Ct. July 10, 2020) (determining designation was improper when the notice of designation was filed eight days after the filing of the complaint).

4. Consistent with the Determination Order, the Court hereby advises the Senior Resident Superior Court Judge of Judicial District 26 that this action is not properly designated as a mandatory complex business case so that the action may be treated as any other civil action, wherein designation as a Rule 2.1 exceptional case may be pursued with the Senior Resident Judge.

5. The Court's ruling is without prejudice to the right of any party to seek designation of this matter as a mandatory complex business case as provided under section 7A-45.4.

SO ORDERED, this the 29th day of November, 2021.

/s/ Louis A. Bledsoe, III
Louis A. Bledsoe, III
Chief Business Court Judge