

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20 CVS 10612

NANCY WRIGHT; GREG WRIGHT;
and JODY STANSELL, individually
and as members of LORUSSO
VENTURES, LLC d/b/a
CINCH.SKIRT,

Plaintiffs,

v.

KRISTA LORUSSO, individually and
as a member-manager of LORUSSO
VENTURES, LLC d/b/a
CINCH.SKIRT,

Defendant,

v.

LORUSSO VENTURES, LLC d/b/a
CINCH.SKIRT,

Nominal
Defendant.

**ORDER STRIKING PLAINTIFFS'
SECOND AND THIRD MOTIONS
FOR SUMMARY JUDGMENT**

1. North Carolina Business Court Rules 7.5 and 7.8 could not be more clear. A brief in support of a motion for summary judgment may not exceed 7,500 words, unless enlarged by the Court “upon a convincing showing of the need for a longer brief.” BCR 7.8. Under no circumstances may a party “incorporate by reference arguments made in another brief or file multiple motions to circumvent these limits.” BCR 7.8. And when a brief refers to evidence in the record, it “must include a pinpoint citation to the relevant page of the supporting material whenever possible.” BCR 7.5.
2. Plaintiffs Nancy Wright, Greg Wright, and Jody Stansell have violated these rules. Before the end of discovery, they moved for partial summary judgment

on one of their own claims for relief and fully briefed that motion. (*See* ECF Nos. 149, 150.) Despite having already had one bite at the apple, they filed two more motions for summary judgment after discovery closed, along with two more supporting briefs. (*See* ECF Nos. 180–83.) The briefs in support of the second and third motions do not cite any record evidence (apart from a few lines of deposition testimony); instead, they incorporate by reference a separate, standalone document titled “Statement of Undisputed Material Facts.” (*See* ECF Nos. 181, 183, 184.)

3. This is exactly what BCR 7.8 forbids: attempting to circumvent applicable word limits by filing multiple motions and incorporating one document into another. Individually, the briefs and “Statement” filed in support of the second and third motions for summary judgment do not exceed 7,500 words. But together, they total nearly 17,000 words. And that does not even take into account Plaintiffs’ original motion.

4. Likewise, Plaintiffs’ filings violate BCR 7.5. The brief itself—not an external source incorporated by reference—must include pinpoint citations to supporting material. After all, the purpose of briefing “is to define clearly the issues presented to the Court and to present the arguments and authorities upon which the parties rely in support of their respective positions.” BCR 7.2.

5. If these were Plaintiffs’ first infractions, the Court might allow them a chance to cure the defects by moving to enlarge the word limits and filing a consolidated brief. But Plaintiffs have failed to comply with procedural rules throughout this case, wasting judicial resources and unnecessarily prolonging the

litigation. *See, e.g., Wright v. LoRusso*, 2022 NCBC LEXIS 69 (N.C. Super. Ct. June 29, 2022); *Wright v. LoRusso*, 2022 NCBC LEXIS 33 (N.C. Super. Ct. Apr. 22, 2022). Accordingly, the Court will strike Plaintiffs' second and third motions for summary judgment, and all related submissions, without leave to refile them.

6. The Court's decision does not affect Plaintiffs' original motion for partial summary judgment, which was in compliance with Rules 7.5 and 7.8 when filed. The Court will decide that motion on the merits in a separate order.

7. For these reasons, and in its discretion, the Court **ORDERS** as follows:

- a. The Court **STRIKES** Plaintiffs' Motion for Summary Judgment as to Nominal Defendant LoRusso Ventures, LLC d/b/a Cinch.Skirt's Counterclaims, (ECF No. 180), and the accompanying brief, (ECF No. 181), Statement of Undisputed Material Facts, (ECF No. 184), and exhibit, (ECF No. 185); and
- b. The Court **STRIKES** Plaintiffs' Motion for Summary Judgment as to Defendant Krista LoRusso's Counterclaims, (ECF No. 182), and the accompanying brief, (ECF No. 183), Statement of Undisputed Material Facts, (ECF No. 184), and exhibit, (ECF No. 185).

SO ORDERED, this the 4th day of May, 2023.

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