

List of 100 results for Rule 2.1 Exceptional Cases

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## 1. Joint Motion to Designate Case as “Exceptional” and for Appointment of a Special Judge Pursuant to Rule 2.1 of the General Rules of Practice

USA INVESTICO, LLC, et al., v. NORTH CAROLINA STATE PORTS AUTHORITY. | Superior Court of North Carolina. | March 12, 2021 | No. 20-CVS-001296. | 2021 WL 9217888

Note: This document was obtained from the above titled **case**. (PDF information below.) Court: Superior Court of North Carolina, Superior Court Division, New Hanover County. Title: USA...

...WHEREFORE, the Parties respectfully pray that the presiding judge recommend to the Chief Justice that he designate this **case** a **Rule 2.1 “exceptional” case**, make any appropriate recommendations regarding who will serve as the **Rule 2.1**...

...5.The Parties agree that this **case** should be deemed **exceptional** pursuant to **Rule 2.1**. [FN1]...

...10.There are no **Rule 2.1** factors that counsel against this **case's** designation as **exceptional**....

...9.The **Rule 2.1(d)** factors weigh in favor of an **exceptional** designation in this **case**....

## 2. Motion for Recommendation of Rule 2.1 “Exceptional” Case Designation

TOWN OF LELAND, NORTH CAROLINA, Plaintiff, v. H2GO BRUNSWICK REGIONAL WATER & SEWER; Town of Belville, North Carolina; William H. Browning, Chairman, H2GO Brunswick Regional Water & Sewer; Ron Jenkins, Vice Chairman, H2GO Brunswick Regional Water & Sewer; Carl Antos, Secretary, H2GO Brunswick Regional Water & Sewer, Defendants. | Superior Court of North Carolina. | February 13, 2018 | No. 17-CVS-2243. | 2018 WL 11443796

Plaintiff Town of Leland, North Carolina (“Leland”), by and through the undersigned counsel, hereby respectfully moves that the Court recommend to the Chief Justice of the North Carolina...

...WHEREFORE, Plaintiff, the Town of Leland, North Carolina, respectfully prays that the presiding judge recommend to the Chief Justice that he designate this **case** a **Rule 2.1 “exceptional” case**, make any appropriate recommendations regarding who will serve as the **Rule 2**...

...11.Pursuant to **Rule 2.1(b)**, it is appropriate for the Court to make recommendations regarding who should serve as the single **Rule 2.1** judge....

...13.There are no **Rule 2.1** factors that counsel against this **case's** designation as **exceptional**....

...Plaintiff Town of Leland, North Carolina (“Leland”), by and through the undersigned counsel, hereby respectfully moves that the Court recommend to the Chief Justice of the North Carolina Supreme Court that he designate this matter an “**exceptional**” matter pursuant to **Rule 2.1 (“Rule 2.1”)** of the General Rules of Practice for the Superior and District Courts Supplemental to the Rules of Civil Procedure (the “General Rules of Practice”)....

## 3. Motion

Alexis DAVIS, Administrator, Estate of Erica Braswell, Deceased;, Plaintiff, v. Christopher Thomas JEFFERS, Stand Up Guys Junk Removal LLC, Tina Hooker, Administrator, Estate of Winfred Kerry Hooker, and National Fleet Management, Inc., Defendants, ESTATE OF ERICA BRASWELL, Deceased, By Danielle Yates, Individually and as Administrator; and Wanda Yates, Plaintiffs, v. Christopher Thomas JEFFERS, Stand Up Guys Junk Removal LLC, Tina Hooker, Administrator Estate of Winfred Kerry Hooker, and National Fleet Management, Inc., Defendants. | Superior Court of North Carolina, General Justice. | May 21, 2021 | No. 19-CVS-001310. | 2021 WL 3840125

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NOW COME Plaintiffs objecting to and opposing Defendants' Motion to Designate **Case** File Numbers 19 CVS 1310, a personal injury **case**, and 21 CVS 1177, a wrongful death **case** arising from the...

...10. Plaintiff therefore objects to Defendants' **Rule 2. 1** Motion since the issues are not complex, pre-trial discovery has been substantially completed, and no legal grounds exist to designate either the personal injury or the wrongful death actions as “ **exceptional** ” **cases** under **Rule 2. 1**...

...Although under **Rule 2. 1(a)** of the North Carolina General Rules of Practice a “senior resident superior court judge” may “ex mero motu, or on motion of any party, recommend to the Chief Justice that a **case** or **cases** be designated as **exceptional** or complex business”, among the “factors which may be considered in determining whether to” designate an action as an **exceptional**...

...1. The Court deny Defendants' motion to designate these **cases**, or the consolidated **case**, as **exceptional** under **Rule 2. 1**; and...

...11. Based on these factors required under **Rule 2. 1(d)**, Defendants have failed to articulate valid factors for designation of either **case** as an **exceptional** civil **case**, even when consolidated into the wrongful death **case**, 21 CVS 1177....

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#### 4. Motion for Recommended Designation of A Complex Business Civil Case and Judge Pursuant to N.C. General Rules of Practice 2.1, 2.2 and Business Court Rule 3.1(a)

THE NORTH CAROLINA STATE BAR, Plaintiff, v. Janis LUNDQUIST and Lienguard, Inc., Defendants. | Superior Court of North Carolina, Superior Court Division. | July 30, 2012 | No. 11 CVS 7288. | 2012 WL 10768517

[ADDRESSED TO THE SENIOR RESIDENT SUPERIOR COURT JUDGE] Defendants, Lienguard, Inc. and Janis Lundquist (“Lienguard” or “Defendants”), having filed their initial Answer in this matter, and...

...Defendants, Lienguard, Inc. and Janis Lundquist (“Lienguard” or “Defendants”), having filed their initial Answer in this matter, and pursuant to General Rule of Practice **Rule 2. 1**, move this Court by and through its senior resident Superior Court Judge for a recommendation and request to the Chief Justice that this civil **case** be designated as **exceptional**, and, further, for a recommendation and request that a **Rule**...

...WHEREFORE, Defendants respectfully request that the Court petition the Chief Justice to appoint a **Rule 2. 1** or 2.2 Judge and designate this **case** as “ **exceptional** ” as provided by law...

...The law of this **case** involves complex constitutional and statutory legal issues. f. The nature of the **case**, the presence of the State as a party and the anticipated determination of private rights will require ongoing assistance of the Court. g. Plaintiff has previously designated similar issues in a pending **case** as an **Exceptional Case** and Complex Business **Case** (e.g., LegalZoom.com, Inc. v. The North Carolina State Bar,...

...Specifically, in support of the Motion and pursuant to **Rule 2. 1**, Defendant shows unto the Court:...

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#### 5. Consent Motion Pursuant to Rule 2.1 of the North Carolina Rules of Superior and District Courts for Designation of Case as Exceptional

Richard TOPPING, Plaintiff, v. CARDINAL INNOVATIONS HEALTHCARE SOLUTIONS, Wallace “Chuck” Hollowell, Stephen Martin, Carmen Hooker Odom, and Other Unknown Cardinal Employees and Board Members, Defendants. Richard TOPPING, Plaintiff, v. Kurt MEYERS and McGuirewoods, LLP, Defendants. | Superior Court of North Carolina., In the General Court of Justice Division. | September 18, 2018 | No. 2018-CVS-010730. | 2018 WL 9732319

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FN1. This motion is being filed on both dockets. [Note: Text of footnote 1 missing in original document]  
Pursuant to **Rule 2.1** of the General **Rules** of Practice for the Superior and District...

...WHEREFORE, the Parties respectfully request the Court recommend designation of the instant **cases** as **Exceptional** Civil **Cases** pursuant to **Rule 2.1** of the General Rules of Practice and that they be assigned to the Honorable Joseph N. Crosswhite, Senior Resident Superior Court Judge for Iredell and Alexander Counties, or alternatively, to a Superior Court Judge of the Chief Justice's choosing....

...5. Further, these **cases** meet the definition for **exceptional cases** under **Rule 2.1** in that the resolution of these disputes will necessarily involve an in-depth factual analysis of the circumstances surrounding Topping's employment and duties while employed at Cardinal Innovations as well as the internal investigation conducted involving Topping's conduct during and after his employment at Cardinal Innovations....

...4. **Rule 2.1(d)** lists the following factors that militate in favor of designation of these action as **exceptional**:...

...Pursuant to **Rule 2.1** of the General Rules of Practice for the Superior and District Courts of North Carolina, Cardinal Innovations Healthcare Solutions, Richard Topping, Wallace "Chuck" Hollowell, Stephen Martin, Carmen Hooker Odom, Kurt Meyers and McGuireWoods LLP, (hereinafter the "Parties"), through counsel, hereby move the Honorable Senior Resident Superior Court Judge of Mecklenburg County to recommend to the Chief Justice of the Supreme Court of North Carolina that these proceedings be designated as **Exceptional**...

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## 6. Motion to Consolidate Cases and for Rule 2.1 Designation

Alexis DAVIS, Administrator of the Estate of Erica Braswell, Deceased. Plaintiff, v. Christopher Thomas JEFFERS, Stand Up Guys Junk Removal LLC, Estate of Winfred Kerry Hooker, and National Fleet Management, Inc. Defendants.; Estate of Erica Braswell, Deceased, by Danielle Yates, Individually and as Administrator, and Wanda Yates, Plaintiffs, v. Christopher Thomas Jeffers, Stand Up Guys Junk Removal LLC, Tina Hooker as Administrator of Estate of Winfred Kerry Hooker, and National Fleet Management, Inc., Defendants. | Superior Court of North Carolina, Superior Court Division. | April 22, 2021 | No. 21-CVS-001177. | 2021 WL 6072901

The undersigned counsel for the parties in the actions listed above jointly move this Court (i) to consolidate the above-listed actions for discovery and trial, as set forth below, pursuant...

...The parties believe this newly consolidated **case** should be designated as an **exceptional** civil **case** pursuant to **Rule 2.1**....

...2) That this newly consolidated **case** be designated as **exceptional** under **Rule 2.1**;...

...16. Pursuant to **Rule 2.1 (d)** of the North Carolina General Rules of Practice, among the "factors which may be considered in determining whether to" designate an action as an **exceptional** civil **case** under **Rule 2.1** are "the amount and nature of anticipated pretrial discovery and motions,"...

...15. **Rule 2.1 (a)** of the North Carolina General Rules of Practice provides that a "senior resident superior court judge" may "ex mero motu, or on motion of any party, recommend to the Chief Justice that a **case** or **cases** be designated as **exceptional** or complex business."...

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## 7. Motion to Consolidate Cases and for Rule 2.1 Designation

Alexis DAVIS, Administrator of the Estate of Erica Braswell, Deceased., Plaintiff, v. Christopher Thomas JEFFERS, Stand Up Guys Junk Removal LLC, Estate of Winfred Kerry Hooker, and National Fleet Management, Inc., Defendants, ESTATE OF ERICA BRASWELL, Deceased, by Danielle Yates, Individually and as Administrator, and Wanda Yates, Plaintiffs, v. Christopher Thomas JEFFERS, Stand Up Guys Junk Removal LLC, Tina Hooker as

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Administrator of Estate of Winfred Kerry Hooker, and National Fleet Management, Inc., Defendants. | Superior Court of North Carolina, General Court of Justice Division. | April 22, 2021 | No. 19-CVS-001310. | 2021 WL 3840128

The undersigned counsel for the parties in the actions listed above jointly move this Court (i) to consolidate the above-listed actions for discovery and trial, as set forth below, pursuant...

...The parties believe this newly consolidated **case** should be designated as an **exceptional** civil **case** pursuant to **Rule 2. 1**....

...2) That this newly consolidated **case** be designated as **exceptional** under **Rule 2. 1**;...

...16. Pursuant to **Rule 2. 1**(d) of the North Carolina General Rules of Practice, among the “factors which may be considered in determining whether to” designate an action as an **exceptional** civil **case** under **Rule 2. 1** are “the amount and nature of anticipated pretrial discovery and motions,”...

...15. **Rule 2. 1**(a) of the North Carolina General Rules of Practice provides that a “senior resident superior court judge” may “ex mero motu, or on motion of any party, recommend to the Chief Justice that a **case** or **cases** be designated as **exceptional** or complex business.”...

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### 8. Joint Motion for Exceptional Case Designation

AQUILINE APEX OWNER LLC, Plaintiff, v. HH TRINITY APEX INVESTMBNTS LLC, Defendant. | Superior Court of North Carolina. | November 10, 2011 | No. 11CVS003008. | 2011 WL 11768630

(**Rule 2.1** Generalities of Practice) To the Honorable Donald W. Stephens, Senior Resident Superior Court Judge: The undersigned patties, by and through their attorneys, hereby request that...

...12. Counsel for the parties jointly, and respectfully, request that if the Court, and then the Chief Justice, deem this matter appropriate for a **Rule 2. 1** designation that the Honorable Shannon R. Joseph be appointed as the **Rule 2. 1** judge....

...9. The parties respectfully suggest that the **case** is ideal for designation as **exceptional** under **Rule 2. 1** because It meets the criteria set forth in subsection (d) of the Rule....

...The undersigned patties, by and through their attorneys, hereby request that the Court, pursuant to **Rule 2. 1** of the General Rules of Practice, recommend to the Honorable Chief Justice of the North Carolina Supreme Court that this **case** be designated as **exceptional**. In support of this motion, counsel respectfully show the Court the following:...

...The parties are in agreement that they will work cooperatively with an appointed **Rule 2. 1** judge's calendar settings and locations, including but not limited to making a prompt submission of a Consent Scheduling Order to promote an efficient approach to discovery proceedings in this action....

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### 9. Joint Consent Motion for Designation as Exceptional Case Pursuant to Rule 2.1(a)(a)

Jordon HARGROVE, Plaintiff, v. GRUBB MANAGEMENT, INC.; Grubb Fund Management, LLC; Grubb Residential Development Fund III, LLC; and Glenwood Raleigh Apartments, LLC d/b/a Sterling Glenwood Apartments, Defendants. | Superior Court of North Carolina. | February 01, 2018 | No. 17CVS007995. | 2018 WL 5259732

NOW COME Plaintiff and Defendants, through counsel, and pursuant to **Rule 2.1(a)(a)** of the General **Rules** of Practice for the Superior and District Courts of North Carolina, and hereby move...

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...7. For these reasons, counsel for all parties join in requesting that this **case** be designated as an “**Exceptional Case**” under **Rule 2. 1** (a)(a) and that the Honorable A. Graham Shirley be assigned to the **case** to preside over all pretrial matters and the trial of this **case**....

...6. Thus, because of the potential for extensive discovery and motion and briefing practice, and the complexity of legal issues involved, all parties agree that this matter should be designated as an “**Exceptional Case**” using **Rule 2. 1**(a)(a)....

...8. The parties have contacted Judge Shirley regarding his willingness and availability to accept **Rule 2. 1** assignment of this **case** and Judge Shirley has consented to assignment of this **case**, if appointed....

...NOW COME Plaintiff and Defendants, through counsel, and pursuant to **Rule 2. 1**(a)(a) of the General Rules of Practice for the Superior and District Courts of North Carolina, and hereby move the Court to recommend to the Chief Justice of the Supreme Court of North Carolina that this proceeding be designated as an “**Exceptional Case**.”...

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## 10. Motion for Exceptional Case Designation

PAPPAS CAPITAL, LLC, Arthur M. Pappas, and Ford S. Worthy, Plaintiffs, v. Kenneth Ian MOCH, Defendant.

| Superior Court of North Carolina., In the General Court of Justice Division | December 11, 2015 | No. 15 CVS 3383. | 2015 WL 13735092

14. This **case** should be designated as **exceptional** because, among other things, the diverse interests of the parties, the amount and nature of anticipated pretrial discovery, the complexity...

...Judge O’Foghludha was contacted by counsel for the Plaintiffs and has indicated he has capacity to serve as the **Rule 2. 1** judge for this **case**....

...6. On November 24, counsel for Plaintiffs emailed counsel for Defendant and asked whether Defendant would agree to a **Rule 2. 1** designation for this **case**....

...10. On December 9, Judge O’Foghludha responded that he has the capacity to serve as the **Rule 2. 1** judge in this **case** if the parties agree....

...7. On November 30, counsel for Plaintiffs followed up by email on the **Rule 2. 1** issue....

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## 11. Motion for Rule 2.1 Complex Business or Exceptional Case Designation

NEW DAWSON LIMITED PARTNERSHIP, Plaintiff, v. BEAZER HOMES CORP., Schroeder Development and Holdings, Inc. f/k/a Schroeder Roofing, Inc., Baker Roofing Company, Bigford Masonry, Inc. Rgc Rick Gilchrist Co., Inc., Dale Haynes Construction, Inc. and The Continental Insurance Company, Defendants; Beazer Homes Corp., Third Party Plaintiff, v. FMK Architects, LLC, formerly FMK Architects, Mark Fishero, C. Allan McGuire, Jonathan Krueger, and Michael Gaffney, Third Party Defendants. Bigford Masonry, Inc. Third Party Plaintiff, v. The Unity Group, Inc. and Conrad Harris, Third Party Defendants. | Superior Court of North Carolina. | August 25, 2009 | No. 09-CVS-01559. | 2009 WL 10736042

NOW COMES THE DEFENDANT BEAZER HOMES CORP., prior to responsive pleadings being filed by Third Party Defendants, and with the consent and approval of Defendants Schroeder Development and...

...9. The designation of this action as an **Exceptional Case** or a Complex Business **Case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts and the assignment of this action to a specific Superior Court Judge to preside over all proceedings at all stages of this litigation will promote the efficient and proper administration of justice....

...Motion for **Rule 2. 1** Complex Business or **Exceptional Case** Designation...

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...NOW COMES THE DEFENDANT BEAZER HOMES CORP., prior to responsive pleadings being filed by Third Party Defendants, and with the consent and approval of Defendants Schroeder Development and Holdings, Inc., Baker Roofing, Inc., Bigford Masonry, Inc., RGC Rick Gilchrist Col, Inc., Dale Haynes Construction, Inc. and The Continental Insurance Company ("Movants"), respectfully moving the Court to make a recommendation to the Chief Justice of the North Carolina Supreme Court that the above-captioned **case** be designated as either an **Exceptional Case** or a Complex Business **Case**...

...7. Additionally, there are substantial and complex legal issues pertaining to statute of limitations, and other legal matters that will require the Court's analysis relatively early in the **case**....

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## 12. Joint Motion for Exceptional Case Designation

THE ASSURANCE GROUP, INC., Plaintiff, v. Samuel Allen BARE and Deborah Lynn Bare et als., Defendants.  
| Superior Court of North Carolina., Superior Court Division | June 11, 2013 | Nos. 12-CVS-2008, 12-CVS-2009, 12-CVS-2010, 12-CVS-2012, 12-CVS-2013, 12-CVS-2014, 12-CVS-2015, 12-CVS-2364. | 2013 WL 10729984

To the Honorable V. Bradford Long, Senior Resident Superior Court Judge: The undersigned parties, by and through their attorneys, hereby request that the Court, pursuant to **Rule 2.1** of the...

...12. Counsel for the parties jointly, and respectfully, request that if the Court, and then the Chief Justice, deem this matter appropriate for a **Rule 2.1** designation that your Honor, V. Bradford Long be appointed as the **Rule 2.1** judge....

...WHEREFORE, the undersigned parties respectfully request, the Court to recommend to the Chief Justice that this "**case** be designated as **exceptional** under **Rule 2.1** of the General Rules of Practice and that your Honor, V. Bradford Long, be assigned to handle this **case** to completion....

...9. The parties respectfully suggest that these consolidated **cases** are ideal for designation as **exceptional** under **Rule 2.1** because they meets the criteria set forth in subsection (d) of the Rule....

...The undersigned parties, by and through their attorneys, hereby request that the Court, pursuant to **Rule 2.1** of the General Rules of Practice, recommend to the Honorable Chief Justice of the North Carolina Supreme Court that the above-referenced (consolidated in 12-CVS-2008 by Order of Judge L. Todd Burke entered 2/26/13) be designated as **exceptional** and that your honor, V. Bradford Long be assigned to preside over all aspects of these consolidated **cases** to their completion....

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## 13. Defendants' Motion to Designate as an Exceptional Civil Case Pursuant to Rule 2.1(a)(a)

Lisa HOWZE as Administratrix of the Estate of Palestine Howze, Plaintiff, v. TREYBURN REHABILITATION CENTER, LLC d/b/a Treyburn Rehabilitation Center; Southern Healthcare Management, LLC; 2059 LLC; Sovereign Healthcare Holdings, LLC, Defendants. | Superior Court of North Carolina, General Court of Justice Division.  
| January 20, 2021 | No. 20 CVS 2972. | 2021 WL 4948241

Because of the extraordinarily important public policy issues and law implicated by this lawsuit, Defendants Treyburn Rehabilitation Center, LLC d/b/a Treyburn Rehabilitation Center,...

...13. Designation of this **case** as **exceptional** under **Rule 2.1** will promote the efficient administration of justice in the following ways:...

...1. That this Court recommend to the Chief Justice of the Supreme Court of North Carolina that this proceeding be designated an "**exceptional**" **case** under **Rule 2.1(a)(a)** of the North Carolina General Rules of Practice;...



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...12. Under **Rule 2. 1** of the North Carolina General Rules of Practice for the Superior and District Courts, a **case** may be designated as either “complex business” or “**exceptional**.”...

...18. Defendants intended to provide a list of three judges who had indicated a willingness to accept assignment of this **case** pursuant to **Rule 2. 1**, if appointed....

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#### 14. Joint Motion for Designation of this Action as an Exceptional Civil Case and Memorandum in Support of Motion

SUNSET BEACH DEVELOPMENT, LLC, Plaintiff, v. AMEC, INC., AMEC Earth & Environmental, Inc, AMEC Earth & Environmental, Inc of North Carolina, Michael T. Ball, Robert L. Bellamy & Associates, Inc., GGSH Associates, Jerry L. Sellers, Julian Dale Gore, Franklin Dale Gore and Richard P. Herdman, Defendants. | Superior Court of North Carolina. | June 06, 2005 | No. 05 CVS 858. | 2005 WL 6571180

Plaintiff and all nine participating defendants (collectively “Moving Parties”) respectfully move the Court to recommend to the Chief Justice of the Supreme Court of North Carolina that...

...The Moving Parties hereby jointly request that this **case** be given a **Rule 2. 1 exceptional case** designation and be assigned to Judge D. Jack Hooks, Jr. for oversight and management until final resolution....

...Applying the factors set out in **Rule 2. 1** to the circumstances of this **case** demonstrates the propriety of designating this **case** as **exceptional** and appointing a specific Superior Court Judge to be assigned to the **case**....

...Moving Parties request unanimously that this **case**, once designated as an **exceptional civil case** under **Rule 2. 1**, be assigned to Judge D. Jack Hooks, Jr. based on his past experience as a special judge with complex matters such as those implicated here, and his familiarity with the characteristics of properties in Brunswick County such as those at issue here....

...Such scheduling issues would be most effectively addressed by the judge assigned to this matter following its designation as **exceptional** under **Rule 2. 1**....

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#### 15. Joint Motion for Designation of this Action as an Exceptional Civil Case and Memorandum in Support of Motion

SUNSET BEACH DEVELOPMENT, LLC, Plaintiff, v. AMEC, INC., AMEC Earth & Environmental, Inc, AMEC Earth & Environmental, Inc of North Carolina, Michael T. Ball, Robert L. Bellamy & Associates, Inc., GGSH Associates, Jerry L. Sellers, Julian Dale Gore, Franklin Dale Gore and Richard P. Herdman, Defendants. | Superior Court of North Carolina. | June 06, 2005 | No. 05 CVS 858. | 2005 WL 6571181

Plaintiff and all nine participating defendants (collectively “Moving Parties”) respectfully move the Court to recommend to the Chief Justice of the Supreme Court of North Carolina that...

...The Moving Parties hereby jointly request that this **case** be given a **Rule 2. 1 exceptional case** designation and be assigned to Judge D. Jack Hooks, Jr. for oversight and management until final resolution....

...Applying the factors set out in **Rule 2. 1** to the circumstances of this **case** demonstrates the propriety of designating this **case** as **exceptional** and appointing a specific Superior Court Judge to be assigned to the **case**....

...Moving Parties request unanimously that this **case**, once designated as an **exceptional civil case** under **Rule 2. 1**, be assigned to Judge D. Jack Hooks, Jr. based on his past experience as a special judge with complex matters such as those implicated here, and his familiarity with the characteristics of properties in Brunswick County such as those at issue here....

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...Such scheduling issues would be most effectively addressed by the judge assigned to this matter following its designation as **exceptional** under **Rule 2. 1**....

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## 16. Plaintiffs' Response in Opposition to Motion to Reconsider Exceptional Case Designation

Beulah R. HEINITSH, Plaintiff, v. WACHOVIA BANK, National Association f/k/a First Union National Bank, N.A., Agnes II. Willcox, John S. Heinitsh, Isabel H. Nichols, and Reginald D. Heinitsh, Jr., Defendants. | Superior Court of North Carolina. | November 21, 2003 | No. 03 CVS 4056. | 2003 WL 24045469

On October 3, 2003, the Honorable W. Douglas Albright ("Judge Albright"), Senior Resident Superior Court Judge for Guilford County, recommended to the Chief Justice of the North Carolina...

...The Chief Justice properly designated him to hear this matter pursuant to **Rule 2. 1**, which rule is applicable to both **exceptional cases** and complex business **cases**....

...On October 3, 2003, the Honorable W. Douglas Albright ("Judge Albright"), Senior Resident Superior Court Judge for Guilford County, recommended to the Chief Justice of the North Carolina Supreme Court that this matter be designated as an **exceptional case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts....

...4. On August 22, 2003, plaintiff filed a motion requesting a recommendation from Judge Albright, the Chief Resident Superior Court Judge, that this matter be designated a complex business **case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts....

...See **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts (attached as Exhibit B)....

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## 17. Plaintiff's Opposition to Notice of Designation and Motion to Remand

LEGALZOOM.COM, INC., Plaintiff/Petitioner, v. THE NORTH CAROLINA STATE BAR, Defendant/Respondent. | Superior Court of North Carolina., General Court of Justice, Division | December 02, 2011 | No. 11CVS15111. | 2011 WL 7787835

NOW COMES Plaintiff LegalZoom.Com, Inc., pursuant to **Rule 3.3** of the Business Court and NC Gen. Stat. § 7A-45.4(e), and opposes Defendant North Carolina State Bar's Notice of Designation of...

...The appropriate remedy is to allow the **case** to proceed as originally designated and ordered - an **exceptional case** per **Rule 2. 1**, in Wake County Superior Court with the Honorable Paul Gessner sitting by **Rule 2. 1**...

...4. On October 10, 2011, the Chief Justice granted Plaintiff's motion, designated this **case** as "**exceptional**" pursuant to **Rule 2. 1** and appointed the Honorable Superior Court Judge Paul Gessner as a **Rule 2. 1** Special Superior Court Judge....

...Plaintiff asserts that this action is indeed an "**exceptional**" **case** pursuant to **Rule 2. 1**....

...Plaintiff LegalZoom.Com, Inc. respectfully moves and requests that this honorable Court remand this matter, previously designated as an **exceptional case** pursuant to **Rule 2. 1** of the Superior Court, to the Wake County Superior Court, so designated by Order of the Chief Justice and to the **Rule 2. 1**...

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## 18. Plaintiffs' Response to Defendants' Motion for Rule 2.1 Recommendation

STATE OF NORTH CAROLINA, ex rel. Roy Cooper, Attorney General, and North Carolina Department of Environment and Natural Resources, Plaintiffs, v. Darin M. MCCLURE et al., Defendants. | Superior Court of North Carolina. | August 05, 2003 | No. 03 CVS 5617. | 2003 WL 24045477

NOW COME the State of North Carolina, on relation of Roy Cooper, Attorney General, and the North Carolina Department of Natural and Environmental Resources ("DENR") (hereinafter together...

...The burden of doing so does not, however, render this matter a "complex business **case**" in the **Rule 2.1** sense....

...1.This is not a "complex business" **case** of the type contemplated by **Rule 2.1**....

...NOW COME the State of North Carolina, on relation of Roy Cooper, Attorney General, and the North Carolina Department of Natural and Environmental Resources ("DENR") (hereinafter together referred to as "the State"), responding to defendants' motion asking the Court to recommend to the Chief Justice that this **case** be designated as an **exceptional** or complex business **case** and assigned to Judge Ben F. Tennille, pursuant to **Rule 2.1**...

...The State is, of course, prepared to discuss with the Court and defendants other possible **exceptional case** judges as well....

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## 19. Consent Motion for Recommendation of Rule 2.1 Designation as Exceptional Civil Case

Lewis MCLEOD, Plaintiff, v. DUKE UNIVERSITY, Suzanne Wasiolek, Stephen Bryan, Dr. Cecile Irvine Bradshaw (Nee Cecile Starke Irvine) a/k/a Dr. Celia Bradshaw, Defendants. | Superior Court of North Carolina., Superior Court Division | April 16, 2015 | No. 14CVS003075. | 2015 WL 2395848

Pursuant to **Rule 2.1** of the General **Rules** of Practice for the Superior and District Courts of North Carolina and **Rule 6.6** of the Durham County Local **Rules** and Procedures for the Calendaring...

...WHEREFORE, Plaintiff Lewis M. McLeod and Defendants Duke University; Suzanne Wasiolek; Stephen Bryan; and Dr. Celia Irvine Bradshaw nee Dr. Celia Irvine respectfully pray that their Motion for Recommendation of **Rule 2.1** Designation as **Exceptional** Civil **Case** be granted and that this Court recommend to the Chief Justice of the Supreme Court of North Carolina that this civil action be designated as **exceptional**...

...8. The factors listed in General Practice **Rule 2.1**(d) weigh in favor of designation....

...Pursuant to **Rule 2.1** of the General Rules of Practice for the Superior and District Courts of North Carolina and Rule 6.6 of the Durham County Local Rules and Procedures for the Calendaring of Civil **Cases**, Plaintiff Lewis M. McLeod and Defendants Duke University; Suzanne Wasiolek; Stephen Bryan; and Dr. Celia Irvine Bradshaw nee Dr. Celia Irvine (collectively the "Tarries") hereby move that the Honorable Orlando Hudson, Senior Resident Superior Court Judge for Durham County, recommend to the Chief Justice of the Supreme Court of North Carolina that this civil action be designated as an **exceptional**...

...g. Designation of this **case** as **exceptional** will promote the efficient administration of justice, as it will be far more efficient to have all the issues resolved by a single judge....

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## 20. Motion of Plaintiff for Designation as an Exceptional Case Pursuant to Rule 2.1

SOUTHEAST CAISSONS, LLC, Plaintiff, v. CHOATE CONSTRUCTION COMPANY CHOATE CONSTRUCTION GROUP, LLC, Falcon Engineering, Inc., Defendants.; Southeast Caissons, LLC, Plaintiff, v. BBH Design, P.A. and Kimley-Horn and Associates, Inc., Defendants. | Superior Court of North Carolina. | December 21, 2016  
| No. 15CVS668. | 2016 WL 11761596

NOW COMES Plaintiff through counsel and pursuant to **Rule 2.1** of the General **Rules** of Practice for the Superior and District Courts of North Carolina, and moves the Court to recommend to the...

...WHEREFORE, for these reasons, Plaintiff requests that this Court recommend to the Chief Justice that he designate this consolidated **case** as an **exceptional case** under **Rule 2.1** and assign the **case** to Judge Richard Gottlieb....

...3. Plaintiff now moves to designate the consolidated **case** as an **exceptional case** because of the additional complexity and overlapping issues of the consolidated **case**....

...NOW COMES Plaintiff through counsel and pursuant to **Rule 2.1** of the General Rules of Practice for the Superior and District Courts of North Carolina, and moves the Court to recommend to the Chief Justice of the Supreme Court of North Carolina that this consolidated proceeding be designated as an **exceptional case** and a special judge be appointed....

...6. Designation of these consolidated **cases** as an **Exceptional Case** will promote the more efficient administration of justice for the following reasons:...

## 21. Joint Motion Pursuant to Rule 2.1 of the North Carolina General Rules of Practice for the Superior and District Courts for Designation of Case as Exceptional

Jeff DOMIN, Laura Lefevre, Casey Roman and Jonathan Adcock, on behalf of themselves and all others similarly situated, Plaintiff, v. SEACOAST REALTY, INC. d/b/a Coldwell Banker Seacoast Advantage, Defendant. | Superior Court of North Carolina, Superior Court Division. | June 02, 2023 | No. 23 CVS 671. | 2023 WL 5446780

NOW COME the Plaintiffs and Defendant, by and through their undersigned counsel, and jointly move the Court, pursuant to **Rule 2.1** of the North Carolina General **Rules** of Practice for the...

...4.All of the factors that weigh in favor of designation of a **case** as **exceptional** under **Rule 2.1** of the General Rules of Practice are present in this **case**....

...Joint Motion Pursuant to **Rule 2.1** of the North Carolina General Rules of Practice for the Superior and District Courts for Designation of **Case** as **Exceptional**...

...NOW COME the Plaintiffs and Defendant, by and through their undersigned counsel, and jointly move the Court, pursuant to **Rule 2.1** of the North Carolina General Rules of Practice for the Superior and District Courts, to designate this action as an **exceptional case**, and in support of this Motion, show unto the Court the following-...

...1.That the Court recommend to the Chief Justice of the Supreme Court of North Carolina that this matter be designated as an **exceptional civil case**, and that a single Superior Court Judge be assigned to handle and coordinate all proceedings in this cause, pursuant to the provisions of **Rule 2.1** of the General Rules of Practice; and...

List of 100 results for Rule 2.1 Exceptional Cases

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## 22. Motion for Designation as an Exceptional Case and for Appointment of a Designated Superior Court Judge

James HINSON, Plaintiff, v. THE CITY OF GREENSBORO, David Wray, Former Police Chief of the City of Greensboro, in his Official and Individual Capacity, and Randall Brady, Former Deputy Chief of the City of Greensboro, in his Official and Individual Capacity, Defendants. | Superior Court of North Carolina., Superior Court Division | November 09, 2010 | No. 10-CVS-9711. | 2010 WL 10150253

NOW COME all parties to this action, by and through counsel, and move the Honorable Catherine Eagles, Senior Resident Superior Court Judge of Guilford County to recommend to the Chief...

...17. WHEREFORE, the parties respectfully request that this Court recommend to the Chief Justice that she designate this **case** as an **exceptional case** pursuant to **Rule 2. 1** of the General Rules of Practice and that the **case** be assigned to Superior Court Judge Wilson....

...3. On September 22, 2008 the Parties filed a motion that the **case** be designated an **exceptional civil case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District courts, and that the **case** be assigned to a designated Superior Court Judge to preside over all hearings, motions, pre-trial conferences, and any trial in this matter....

...NOW COME all parties to this action, by and through counsel, and move the Honorable Catherine Eagles, Senior Resident Superior Court Judge of Guilford County to recommend to the Chief Justice of the Supreme Court of North Carolina that the above-captioned **case** be designated an **exceptional civil case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District courts, and that the **case**...

...4. The Parties' motion was granted and Judge Edwin Wilson was designated as the **Rule 2. 1** Judge the matter....

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## 23. Joint Motion to Designate Case as Exceptional Civil Case and Appoint Special Judge

David W. CAPPS, Plaintiff, v. PS SPLICING, LLC; Optic Cable Technology Inc.; Crown Castle Fiber LLC; Fiber Technologies Networks, LLC; Fibertech Networks, LLC; Lighttower Fiber Networks II, LLC; TEP OpCo, LLC; TEPDB OpCo, LLC; and Public Service Company of North Carolina, incorporated, Defendants. | Superior Court of North Carolina, Superior Court Division. | March 01, 2021 | No. 20-CVS-3487. | 2021 WL 6816339

The Parties move this court, pursuant to **Rule 2.1** of the North Carolina General **Rules** of Practice, to designate this action as an **Exceptional Civil Case**, and appoint The Honorable Michael...

...WHEREFORE, the parties move the court to designate this **case** as an **exceptional civil case** pursuant to **Rule 2. 1**, and to recommend the appointment of Judge Michael O'Foghludha to preside over all aspects of the **case**....

...1. Under **Rule 2. 1**(a), (b) and (d), on the Senior Resident Superior Court Judge's own motion or at the request of a party, the Court may recommend to the Chief Justice that a **case** be designated "**exceptional**," and that a Superior Court Judge be appointed to hear the matter, upon satisfaction of the factors listed under **Rule 2**...

...3. Under **Rule 2. 1**(d), the relevant factors support the designation as requested for this **case**....

...The Parties move this court, pursuant to **Rule 2. 1** of the North Carolina General Rules of Practice, to designate this action as an **Exceptional Civil Case**, and appoint The Honorable Michael O'Foghludha presiding Superior Court Judge....

List of 100 results for Rule 2.1 Exceptional Cases

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## 24. Defendant William Pat Chisenhall's Objection to Motion to Designate Case as an Exceptional Civil Case Pursuant to Rule 2.1 of the General Rules of Practice

Dollie GRIGGS, as Administrator of the of Christian Griggs, Plaintiff, v. William Pat CHISENHALL and Katie Griggs, Defendants. | Superior Court of North Carolina. | June 29, 2015 | No. 15CVS00779. | 2015 WL 13767614

FILE NO.: 15 CVS 00779 NOW COMES the Defendant, William Pat Chisenhall, by and through counsel and objects to the Motion filed by Plaintiff seeking to have this **case** designated as...

...1. **Rule 2. 1(a)** of the General Rules of Practice for the Superior and District Courts allows the Chief Justice to “designate any **case** or group of **cases** as (a) ‘**exceptional**’ or (b) ‘complex business’ “ and to appoint a specific superior court judge to the **case**....

...NOW COMES the Defendant, William Pat Chisenhall, by and through counsel and objects to the Motion filed by Plaintiff seeking to have this **case** designated as **exceptional** pursuant to **Rule 2. 1** of the North Carolina Rules of General Practice and shows the court the following:...

...In short, the interests of justice militate against designating the **case** as an **exceptional case**....

...14. For these reasons, Defendant William Pat Chisenhall respectfully requests the Court deny Plaintiff's Motion to Designate the **case** as an **exceptional case**....

## 25. Defendant, Katie Griggs' Objection to Motion to Designate Case as an Exceptional Civil Case Pursuant to Rule 2.1 of the North Carolina Rules of General Practice

Dollie GRIGGS, as Administrator of the Estate of Christian Griggs, Plaintiff, v. William Pat CHISENHALL and Katie Griggs, Defendants. | Superior Court of North Carolina. | July 02, 2015 | No. 15CVS00779. | 2015 WL 13767615

FILE NO.: 15 CVS 00779 NOW COMES the defendant, Katie Griggs, by and through counsel, and objects to the Motion filed by the Plaintiff seeking to have this **case** designated as **exceptional**...

...1. **Rule 2. 1(a)** of the General Rules of Practice for the Superior and District Courts allows the Chief Justice to “designate any **case** or group of **cases** as (a) ‘**exceptional**’ or (b) ‘complex’ “, and to appoint a specific superior court judge to the **case**....

...NOW COMES the defendant, Katie Griggs, by and through counsel, and objects to the Motion filed by the Plaintiff seeking to have this **case** designated as **exceptional** pursuant to **Rule 2. 1** of the North Carolina Rules of General Practice and shows the Court the following:...

...In short, the interests of justice militate against designating the **case** as an **exceptional case**....

...14. For these reasons, Defendant Katie Griggs respectfully requests the Court deny Plaintiff's Motion to designate the **case** as an **exceptional case**....

## 26. Motion to Designate Cases as Exceptional Pursuant to General Rule of Practice 2.1

GAMEWELL MECH, LLC, et al., v. LEND LEASE (US) CONSTRUCTION, INC., et al. | Superior Court of North Carolina. | February 08, 2017 | Nos. 16-CVS-003850, 16-CVS-4112, 16-CVS-5354. | 2017 WL 11482823

List of 100 results for Rule 2.1 Exceptional Cases

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NOW COMES Lendlease (US) Construction Inc., f/k/a Lend Lease (US) Construction, Inc. ("Lendlease"), which is a Defendant, Crossclaimant, and/or Counterclaimant in the above captioned...

...15. Lendlease contends that this **case** qualifies as "**exceptional**" under **Rule 2.1** for the following reasons:...

...Gamewell and AES also consent to designate their **cases** as **exceptional** pursuant to **Rule 2.1**, and they agree with the list of judges proposed to handle all of these **cases** pursuant to that designation....

...1. Recommend to the Chief Justice that he designate these matters as **exceptional** civil **cases** pursuant to **Rule 2.1** of the North Carolina General Rules of Practice and Procedure;...

...14. The Actions at issue in this Motion present the textbook "complex, multi-party construction **case**" that the Construction Section of the North Carolina Bar Association has recommended be designated "**exceptional**" under **Rule 2.1** "as soon as possible."...

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## 27. Consent Motion for Exceptional Case Designation

DIRECTV, INC. and Echostar Satellite Corporation, Plaintiffs, v. State of North Carolina, the North Carolina Department of Revenue, E. Norris Tolson, in his Official Capacity as Secretary of Revenue, the North Carolina Department of State Treasurer, and Richard H. Moore, in his Official Capacity as State Treasurer, Defendants.  
| Superior Court of North Carolina. | February 05, 2004 | No. 03 CVS 13324. | 2004 WL 3621849

All parties hereby jointly move the Court through the Senior Resident Superior Court Judge, pursuant to **Rule 2.1** of the General **Rules** of Practice for the Superior and District Courts, that...

...All parties hereby jointly move the Court through the Senior Resident Superior Court Judge, pursuant to **Rule 2.1** of the General Rules of Practice for the Superior and District Courts, that this action be recommended for and designated as an **exceptional** civil **case**....

...5. Plaintiffs and Defendants consent to an **exceptional case** designation in this matter, and agree to waive venue for hearings on pretrial motions....

...3. For additional information regarding the claims and defenses asserted in this matter, and the basis for the joint request for an **exceptional case** designation, the Complaint and Answer filed by the parties are attached to this motion as Exhibit A and Exhibit B....

...4. Plaintiffs and Defendants believe that, because their arguments in the **case** will involve analysis of what can be complex and important legal issues, the administration of justice would be more efficient if a single judge were assigned to preside over the **case**....

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## 28. Plaintiff's Response to Defendants' Objection to Plaintiff's Designation of this Matter as a Mandatory Complex Business Case

James R. TALLEY, Plaintiff, v. EARTH FARE 2020, INC. and Dennis Hulsing, Defendants. | Superior Court of North Carolina, Superior Court Division. | December 09, 2022 | No. 22 CVS 3924. | 2022 WL 18457465

Pursuant to Business Court **Rule 2.2**, Plaintiff James R. Talley, by and through undersigned counsel, submits this Response to Defendant Earth Fare 2020, Inc.'s and Dennis Hulsing's Objection...

...Moreover, "Defendants have no objection to the Chief Justice . . . designating this **case** as an **exceptional case** under **Rule 2.1** of the General Rules of Practice . . ." (Objection at 6.) Therefore, even if designation under Section 7A-45.4(a)(2) was not proper, this action may still proceed, alternatively, in the Business Court pursuant to **Rule**...

List of 100 results for Rule 2.1 Exceptional Cases

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...( See Objection at 6.) Notably, Defendants do not object to this **case** being designated as an **exceptional case** under **Rule 2. 1**....

...In his NOD, Plaintiff requested, in the alternative to designation under Section 7A-45.4(a)(2), that this action be designated as a complex business **case** under **Rules 2. 1** and 2.2....

...Although this action was properly designated under Section 7A-45.4(a)(2), Plaintiff re-asserts his alternative **Rule 2. 1/2.2** request in the event that the Court determines that this **case** does not qualify for designation as a mandatory complex business **case**....

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## 29. Neusoft Medical Systems, U.S.A., Inc., Neusoft Medical System Co., Ltd., Tom Buse and Keith Mildenberger's Motion to Designate Case as "Exceptional" under Rule 2.1

NEUSOFT MEDICAL SYSTEMS, U.S.A., INC., Plaintiff and Counterclaim Defendant, v. NEUISYS, LLC, Defendant, Counterclaim Plaintiff, and Third-Party Plaintiff, v. NEUSOFT MEDICAL SYSTEM CO., LTD., Third-Party Defendant. NEUISYS, LLC, Counterclaim Plaintiff, v. Tom BUSE and Keith Mildenberger, Counterclaim Defendants. | Superior Court of North Carolina., Superior Court Division | October 25, 2013 | No. 11-CVS-11405. | 2013 WL 9600633

NOW COME the Plaintiff and Counterclaim-Defendant, Neusoft Medical Systems, U.S.A, Inc. ("Neusoft USA"), Third-Party Defendant Neusoft Medical System Co., Ltd. ("Neusoft China"), and...

...Judge Gale has been assigned to **Rule 2. 1 cases**, as well as **cases** designated as "complex business **cases**" under Rule 2.2....

...2. Recommend to the Chief Justice that she designate this matter as an **exceptional** civil **case** pursuant to **Rule 2. 1** of the North Carolina General Rules of Practice and Procedure;...

...12. Under **Rule 2. 1** of the North Carolina Rules of General Practice, a Senior Resident Superior Court Judge or Presiding Superior Court Judge may, upon motion of any party, recommend to the Chief Justice that a **case** be designated as **exceptional**....

...17. Alternatively, the Neusoft Defendants suggest that The Honorable Lindsay R. Davis, Jr. be designated as the **Rule 2. 1** judge for this **case**....

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## 30. Motion to Designate Cases as Exceptional Pursuant to General Rule of Practice 2.1

GAMEWELL MECH, LLC d/b/a Gamewell Mechanical, Plaintiff, v. LENDLEASE (US) CONSTRUCTION INC. f/k/a Lend Lease (US) Construction, Inc. and Syngenta Crop Protection, LLC, Defendants, LENDLEASE (US) CONSTRUCTION INC. f/k/a Lend Lease (US) Construction, Inc., Cross-Complainant, v. SYNGENTA CROP PROTECTION, LLC, Crossclaim Defendant, SYNGENTA CROP PROTECTION, LLC, Cross-Complainant, v. LENDLEASE (US) CONSTRUCTION INC. f/k/a Lend Lease (US) Construction, Inc., Crossclaim Defendant, ADVANCED EXTERIOR SYSTEMS LLC, Plaintiff, v. SYNGENTA CROP PROTECTION, LLC, Syngenta Biotechnology, Inc., Lendlease (US) Construction Inc. f/k/a Lend Lease (US) Construction, Inc., Defendants, LENDLEASE (US) CONSTRUCTION INC. f/k/a Lend Lease (US) Construction, Inc., Counterclaimant, v. ADVANCED EXTERIOR SYSTEMS LLC, Counterclaim Defendant, LENDLEASE (US) CONSTRUCTION INC. f/k/a Lend Lease (US) Construction, Inc., Cross-Complainant, v. SYNGENTA CROP PROTECTION, LLC, Crossclaim Defendant, SYNGENTA CROP PROTECTION, LLC and Syngenta Biotechnology, Inc., Cross-Complainant, v. LENDLEASE (US) CONSTRUCTION INC. f/k/a Lend Lease (US) Construction, Inc., Crossclaim Defendant, B.A. HOFT & ASSOCIATES, INC. a/k/a B.A. Hoft, Inc., Plaintiff, v. SYNGENTA CROP PROTECTION, LLC f/k/a Syngenta Biotechnology, Inc.; Lendlease (US) Construction Inc. f/k/a Lend Lease (US) Construction, Inc.; Liberty Mutual Insurance Company; Fidelity and Deposit Company of Maryland; the Insurance Company of the State of Pennsylvania; and Zurich American Insurance Company, Defendants, LENDLEASE (US) CONSTRUCTION INC. f/k/a Lend Lease (US) Construction, Inc., Counterclaimant, v. B.A. HOFT & ASSOCIATES, INC. a/k/a B.A.hoft, Inc.,



## List of 100 results for Rule 2.1 Exceptional Cases

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Counterclaim Defendant, LENDLEASE (US) CONSTRUCTION INC. f/k/a Lend Lease (US) Construction, Inc., Cross-Complainant, v. SYNGENTA CROP PROTECTION, LLC, Crossclaim Defendant, SYNGENTA CROP PROTECTION, LLC and Syngenta Biotechnology, Inc., Cross-Complainants, v. LENDLEASE (US) CONSTRUCTION INC. f/k/a Lend Lease (US) Construction, Inc., Crossclaim Defendant. | Superior Court of North Carolina., General Court of Justice. | February 08, 2017 | No. 16CVS004112. | 2017 WL 11546845

NOW COMES Lendlease (US) Construction Inc., f/k/a Lend Lease (US) Construction, Inc. (“Lendlease”), which is a Defendant, Crossclaimant, and/or Counterclaimant in the above captioned...

...15. Lendlease contends that this **case** qualifies as “**exceptional**” under **Rule 2. 1** for the following reasons:...

...Gamewell and AES also consent to designate their **cases** as **exceptional** pursuant to **Rule 2. 1**, and they agree with the list of judges proposed to handle all of these **cases** pursuant to that designation....

...1. Recommend to the Chief Justice that he designate these matters as **exceptional** civil **cases** pursuant to **Rule 2. 1** of the North Carolina General Rules of Practice and Procedure;...

...14. The Actions at issue in this Motion present the textbook “complex, multi-party construction **case**” that the Construction Section of the North Carolina Bar Association has recommended be designated “**exceptional**” under **Rule 2. 1** “as soon as possible.”...

---

### 31. Joint Motion to Designate Case as Exceptional Civil Case and Appoint Special Judge

Terry WALKER, as Executor of the Estate of Margaret Stuppy, Plaintiff, v. DUKE UNIVERSITY, Duke University Health System, Inc., Private Diagnostic Clinic, PLLC, Joseph Nevins, Ph.D., Anil Potti, M.D., Michael Cuffe, M.D., Sally Kornbluth, M.D., John M. Harrelson, M.D., Neal Ready, M.D., Ph.D., and CancerGuide Diagnostics, Inc. f/k/a Oncogenomics, Inc, Defendants. | Superior Court of North Carolina., Superior Court Division | August 06, 2013 | No. 13CVS2884. | 2013 WL 10203593

The Parties move this court, pursuant to **Rule 2.1** of the North Carolina General **Rules** of Practice, to designate this action as an **Exceptional** Civil **Case**, and appoint The Honorable Robert C....

...WHEREFORE, the parties move the court to designate this **case** as an **exceptional** civil **case** pursuant to **Rule 2. 1**, and to recommend the appointment of Judge Robert C. Ervin to preside over all aspects of the **case**....

...The Parties move this court, pursuant to **Rule 2. 1** of the North Carolina General Rules of Practice, to designate this action as an **Exceptional** Civil **Case**, and appoint The Honorable Robert C. Ervin as presiding Superior Court Judge....

...3. The Aiken and Shoffner actions were recommended for **Exceptional** Civil **Case** Status in early January, 2012, and a few days later, the Honorable Sarah Parker designated the **cases** as **exceptional** and assigned them to the Honorable Robert C. Ervin....

...7. The parties have contacted Judge Ervin to gauge his interest and availability in serving as the **Rule 2. 1** Judge for this matter....

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### 32. Joint Motion Pursuant to Rule 2.1 of the North Carolina Rules of Superior and District Courts for Designation of Case as Exceptional

BEROTH OIL COMPANY, Paula and Kenneth Smith, Barbara Clapp, Pamela Moore Crockett, Estate of W.R. Moore, N&G Properties, Inc., and Elton V. Koonce, Peter and Joan Allen, Themla Boose, Judy Conte, Dale and Mary Myers, Christopher R. Canipe, Sandra Flynt Canipe, Steven D. Mullinix, Constance Flynt Mullinix, Robert King and Penelope Flynt King, Johnny B. Weisner, and wife Hazel Weisner, Donald F. Weisner and wife Ann Weisner; and Joyce Pace,

List of 100 results for Rule 2.1 Exceptional Cases

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Plaintiffs, v. NORTH CAROLINA | Superior Court of North Carolina. | July 18, 2014 | No. 10CVS6926.  
| 2014 WL 8508531

Now come the Counsel for Plaintiffs and Counsel for Defendant in the above-captioned matter and move the Court pursuant to **Rule 2.1** of the North Carolina **Rules** of Superior and District...

...12) The aforementioned **cases** meet the definition for **exceptional cases** under **Rule 2.1** in that there are now fifty-nine (59) lawsuits pending in Forsyth County Superior Court relating to the Northern Beltway....

...Now come the Counsel for Plaintiffs and Counsel for Defendant in the above-captioned matter and move the Court pursuant to **Rule 2.1** of the North Carolina Rules of Superior and District Courts for designation of this **case** and a series of companion **cases** as **exceptional**....

...WHEREFORE, the parties respectfully request that this Court recommend to the Chief Justice of the North Carolina Supreme Court that this action and the aforementioned **cases**, and all future **cases** that will be filed against Defendant NCDOT in Forsyth County Superior Court involving the same or similar causes of action listed in ¶ 3) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional**” **case** and that such **cases** be assigned to The Honorable John O. Craig III....

...14) For all of the foregoing reasons, and because the aforementioned **cases** involve complex legal issues and numerous parties, it will promote the efficient administration of justice for this action and the aforementioned **cases**, and all future lawsuits involving causes of action listed in ¶ 3) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional case**.”...

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### 33. Motion To Designate As A Complex Business Case Pursuant To General Rules 2.1 And 2.2 Or, Alternatively, As An Exceptional Case (Othr)

CUMBERLAND COUNTY HOSPITAL SYSTEM, d/b/a Cape Fear Valley Health System, Plaintiffs, v. GARRET, PRATHER & COMPANY, INC., J. Mack Garrett, W. Barry Prather, The Prudential Insurance Company Of America, and Jefferson-Pilot Financial Insurance Company, Defendants. | Superior Court of North Carolina. | February 17, 2004 | No. 03 CVS 6493. | 2004 WL 3313277

Defendants move the Court, pursuant to **Rules 2.1** of the General **Rules** of Practice that this **case** be recommended to the Chief Justice of the North Carolina Supreme Court for designation as a...

...14.Gen. **Rules 2.1** and 2.2 do not require the consent of all parties to a motion for designation as an **Exceptional Case** or a Complex **Case**....

...Defendants move the Court, pursuant to **Rules 2.1** of the General Rules of Practice that this **case** be recommended to the Chief Justice of the North Carolina Supreme Court for designation as a Complex Business **Case** and assigned to the Special Superior Court Judge for Complex Business **Cases** designated pursuant to Rule 2.2 of the General Rules of Practice; or, alternatively, be recommended to the Chief Justice of the North Carolina Supreme Court as an **Exceptional**...

...Assignment of this **case** as a complex business **case** or **exceptional case** would avoid these difficulties....

...Specifically, “A senior resident superior court judge, # or presiding superior court judge may ex mero motu, or on motion of any party, recommend to the Chief Justice that a **case** or **cases** be designated as **exceptional** or complex business.”...

List of 100 results for Rule 2.1 Exceptional Cases

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### 34. Joint Motion for Designation as An Exceptional Case and for Appointment of a Designated Superior Court Judge

David WRAY, Plaintiff, v. CITY OF GREENSBORO, Defendant. | Superior Court of North Carolina., In the General Court of Justice Division. | August 20, 2014 | No. 09 CvS 2437. | 2014 WL 12848721

The plaintiff and the defendant, through their respective counsel, move the Honorable Lindsay R. Davis, Jr., Senior Resident Superior Court Judge of the General Court of Justice, Superior...

...The plaintiff and the defendant, through their respective counsel, move the Honorable Lindsay R. Davis, Jr., Senior Resident Superior Court Judge of the General Court of Justice, Superior Court Division of Guilford County, to recommend to the Chief Justice of the Supreme Court of North Carolina that this **case** be designated an **exceptional** civil **case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts...

...WHEREFORE, the parties respectfully request that this Court recommend to the Chief Justice that the Wray Suit be designated as an **exceptional** civil **case** pursuant to **Rule 2. 1** of the General Rules of Practice and that the Wray Suit be assigned to the Honorable James C. Spencer, Jr., Superior Court Judge for handling of all matters raised....

...Pursuant to **Rule 2. 1** of the General Rules of Practice, the Brady Suit has previously been designated as a complex civil **case** and assigned to the Honorable James C. Spencer, Jr. for handling of all matters raised....

...7. The parties agree that designation of the Wray Suit as a 2.1 **exceptional** civil **case** will promote the efficient administration of justice....

### 35. Joint Motion Pursuant to Rule 2.1 of the North Carolina Rules of Superior and District Courts for Designation of Case as Exceptional

BEROTH OIL COMPANY, Paula and Kenneth Smith, Barbara Clapp, Pamela Moore Crockett, Estate of W.R. Moore, N&G Properties, Inc., and Elton V. Koonce, Themla Boose, Judy Conte, Dale and Mary Myers, Plaintiffs, v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, Defendant. | Superior Court of North Carolina. | July 23, 2014 | No. 10CVS6926. | 2014 WL 8508524

NOW COME Counsel for Plaintiffs and Counsel for Defendant in the above-captioned matter and move the Court pursuant to **Rule 2.1** of the North Carolina **Rules** of Superior and District Courts...

...12) The aforementioned **cases** meet the definition for **exceptional cases** under **Rule 2. 1** in that there are now fifty-nine (59) lawsuits pending in Forsyth County Superior Court relating to the Northern Beltway....

...NOW COME Counsel for Plaintiffs and Counsel for Defendant in the above-captioned matter and move the Court pursuant to **Rule 2. 1** of the North Carolina Rules of Superior and District Courts for designation of this **case** and a series of companion **cases** as **exceptional**....

...WHEREFORE, the parties respectfully request that this Court recommend to the Chief Justice of the North Carolina Supreme Court that this action and the aforementioned **cases**, and all future **cases** that will be filed against Defendant NCDOT in Forsyth County Superior Court involving the same or similar causes of action listed in ¶ 3) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional**” **case** and that such **cases** be assigned to The Honorable John O. Craig III....

...14) For all of the foregoing reasons, and because the aforementioned **cases** involve complex legal issues and numerous parties, it will promote the efficient administration of justice for this action and

List of 100 results for Rule 2.1 Exceptional Cases

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the aforementioned **cases**, and all future lawsuits involving causes of action listed in ¶ 3) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional case**.”...

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### 36. Joint Motion to Designate As Exceptional Civil Case (General Rule of Practice 2.1)

Marvin ANDERSON, et al., Plaintiffs, v. HOUSING AUTHORITY OF THE CITY OF RALEIGH and North Carolina Housing Authorities Risk Retention Pool, Defendants. | Superior Court of North Carolina, Superior Court Division. | June 10, 2001 | No. 95 CVS 09668. | 2001 WL 34894759

All parties, by and through counsel, respectfully move the Honorable Resident Superior Court Judge of Wake County Donald W. Stephens and the Honorable Superior Court Judge John Jolly,...

...7.The parties have agreed to have Judge John Jolly preside over all matters in this **case**, including all pretrial and trial matters, if the Chief Justice designates this **case** an **exceptional case** under **Rule 2. 1** of the General Rules of Practice for North Carolina Superior and District Courts....

...11.The **case** meets the criteria for designation as an **exceptional** civil **case** as set forth in **Rule 2. 1** because of the number and diverse interests of the parties, the complexity of the factual and legal issues, and that such designation will promote the efficient administration of justice....

...All parties, by and through counsel, respectfully move the Honorable Resident Superior Court Judge of Wake County Donald W. Stephens and the Honorable Superior Court Judge John Jolly, presiding at the Spring 2001 term of Wake County Superior Court, or such other superior court judge who may preside at the hearing on this motion, that this **case** be recommended to the Chief Justice of the Supreme Court of North Carolina as a **case** to be designated as an **exceptional** civil **case**, pursuant to the provisions of **Rule...**

...WHEREFORE, the parties jointly and respectfully move the Court to recommend to the Chief Justice of the Supreme Court of North Carolina that this **case** be designated as an **exceptional** civil **case**, and that the Honorable Superior Court Judge John Jolly be appointed to preside over all matters relating to the pretrial, trial and other disposition of this **case**....

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### 37. Joint Motion Pursuant to Rule 2.1 of the North Carolina Rules of Superior and District Courts for Designation of Case as Exceptional

BRABHAM, Diehl, Hiatt, Lasley, Omega Seafood, Inc., Peak, Shropshire, Smith, Thore, Tuning, Turpin, White, McGowan, Howell, Watkins, Lewis, Plaintiffs, v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, Defendant. | Superior Court of North Carolina., Superior Court Division | November 06, 2012 | Nos. 12CVS6322, 12 CVS 5953, 12 CVS 5954, 12 CVS 5955, 12 CVS 5956, 12 CVS 5957, 12 CVS 5958, 12 CVS 5959, 12 CVS 5960, 12 CVS 5961, 12 CVS 5962, 12 CVS 5963, 12 CVS 5964, 12 CVS 6320, 12 CVS 6321, 12 CVS 6652. | 2012 WL 12996405

Now come the Counsel for Plaintiffs and Counsel for Defendant in the above-captioned matter and move the Court pursuant to **Rule 2.1** of the North Carolina **Rules** of Superior and District...

...12) The aforementioned **cases** meet the definition for **exceptional cases** under **Rule 2. 1** in that there are now thirty-six(36) lawsuits pending in Forsyth County Superior Court relating to the Northern Beltway....

...Now come the Counsel for Plaintiffs and Counsel for Defendant in the above-captioned matter and move the Court pursuant to **Rule 2. 1** of the North Carolina Rules of Superior and District Courts for designation of this **case** and a series of companion **cases** as **exceptional**....

List of 100 results for Rule 2.1 Exceptional Cases

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...WHEREFORE, the parties respectfully request that this Court recommend to the Chief Justice of the North Carolina Supreme Court that this action and the aforementioned **cases**, and all future **cases** that will be filed against Defendant NCDOT in Forsyth County Superior Court involving the same or similar causes of action listed in ¶ 3) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional**” **case** and that such **cases** be assigned to The Honorable John O. Craig III....

...14) For all of the foregoing reasons, and because the aforementioned **cases** involve complex legal issues and numerous parties, it will promote the efficient administration of justice for this action and the aforementioned **cases**, and all future lawsuits involving causes of action listed in ¶ 3) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional case**.”...

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### 38. Joint Motion Pursuant to Rule 2.1 of the North Carolina Rules of Superior and District Courts for Designation of Case as Exceptional

BRABHAM, Diehl, Hiatt, Lasley, Omega Seafood, Inc., Peak, Shropshire, Smith, Thore, Tuning, Turpin, White, McGowan, Howell, Watkins, Lewis, Plaintiffs, v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, Defendant. | Superior Court of North Carolina., Superior Court Division | November 06, 2012 | Nos. 12CVS6652, 12 CVS 5953, 12 CVS 5954, 12 CVS 5955, 12 CVS 5956, 12 CVS 5957, 12 CVS 5958, 12 CVS 5959, 12 CVS 5960, 12 CVS 5961, 12 CVS 5962, 12 CVS 5963, 12 CVS 5964, 12 CVS 6320, 12 CVS 6321, 12 CVS 6322, 12 CVS 6652. | 2012 WL 12996409

Now come the Counsel for Plaintiffs and Counsel for Defendant in the above-captioned matter and move the Court pursuant to **Rule 2.1** of the North Carolina **Rules** of Superior and District...

...12) The aforementioned **cases** meet the definition for **exceptional cases** under **Rule 2.1** in that there are now thirty-six(36) lawsuits pending in Forsyth County Superior Court relating to the Northern Beltway....

...Now come the Counsel for Plaintiffs and Counsel for Defendant in the above-captioned matter and move the Court pursuant to **Rule 2.1** of the North Carolina Rules of Superior and District Courts for designation of this **case** and a series of companion **cases** as **exceptional**....

...WHEREFORE, the parties respectfully request that this Court recommend to the Chief Justice of the North Carolina Supreme Court that this action and the aforementioned **cases**, and all future **cases** that will be filed against Defendant NCDOT in Forsyth County Superior Court involving the same or similar causes of action listed in ¶ 3) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional**” **case** and that such **cases** be assigned to The Honorable John O. Craig III....

...14) For all of the foregoing reasons, and because the aforementioned **cases** involve complex legal issues and numerous parties, it will promote the efficient administration of justice for this action and the aforementioned **cases**, and all future lawsuits involving causes of action listed in 3) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional case**.”...

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### 39. Joint Motion Pursuant to Rule 2.1 of the North Carolina Rules of Superior and District Courts for Designation of Case as Exceptional

NORTHERN BELTWAY. BEROOTH OIL COMPANY, Paula and Kenneth Smith, Barbara Clapp, Pamela Moore Crockett, Estate of W.R. Moore, N&G Properties, Inc., and Elton V. Koonce, Themla Boose, Judy Conte, Dale and Mary Myers, Plaintiffs, v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, Defendant. | Superior Court of North Carolina., Superior Court Division | July 23, 2014 | Nos. 10-CVS-6926, 13-CVS-4506, 13-CVS-7129, 13-CVS-6974. | 2014 WL 12726809

List of 100 results for Rule 2.1 Exceptional Cases

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NOW COME Counsel for Plaintiffs and Counsel for Defendant in the above-captioned matter and move the Court pursuant to **Rule 2.1** of the North Carolina **Rules** of Superior and District Courts...

...12) The aforementioned **cases** meet the definition for **exceptional cases** under **Rule 2.1** in that there are now fifty-nine (59) lawsuits pending in Forsyth County Superior Court relating to the Northern Beltway....

...NOW COME Counsel for Plaintiffs and Counsel for Defendant in the above-captioned matter and move the Court pursuant to **Rule 2.1** of the North Carolina Rules of Superior and District Courts for designation of this **case** and a series of companion **cases** as **exceptional**....

...WHEREFORE, the parties respectfully request that this Court recommend to the Chief Justice of the North Carolina Supreme Court that this action and the aforementioned **cases**, and all future **cases** that will be filed against Defendant NCDOT in Forsyth County Superior Court involving the same or similar causes of action listed in ¶ 3) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional**” **case** and that such **cases** be assigned to The Honorable John O. Craig III....

...14) For all of the foregoing reasons, and because the aforementioned **cases** involve complex legal issues and numerous parties, it will promote the efficient administration of justice for this action and the aforementioned **cases**, and all future lawsuits involving causes of action listed in ¶ 3) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional case**.”...

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#### 40. Motion for Designation of Exceptional Case and Assignment of Special Superior Court Judge

John DOES 1 to 5, Inclusive, and John Doe 6, by and through his Guardian Ad Litem, C.J., all Individually and on Behalf of all Others Similarly Situated; Plaintiffs, v. THE NEW HANOVER COUNTY BOARD OF EDUCATION; Michael Earl Kelly; James Rickie Frick Holliday; Timothy Scott Markley; and Mike Roes 1 to 10, Inclusive; Defendants. | Superior Court of North Carolina, Superior Court Division. | January 07, 2020 | No. 19 CVS 2745. | 2020 WL 12968370

TO: The Honorable Phyllis Gorham, Senior Resident Superior Court Judge: NOW COME Plaintiffs, with the consent of the New Hanover County Board of Education, James Rickie “Rickie” Holliday,...

...NOW COME Plaintiffs, with the consent of the New Hanover County Board of Education, James Rickie “Rickie” Holliday, Timothy Scott Markley,[FN1] by and through counsel, pursuant to **Rule 2.1** of the North Carolina General Rules of Practice, and jointly move the Court to recommend to the Chief Justice that the above-captioned matter be designated as an **exceptional Rule 2.1**...

...By signing below, counsel for defendants New Hanover County Board Of Education, Timothy Scott Markley And James Rickie “Rick” Holliday indicate they are consenting to this matter being designated as an **exceptional Rule 2.1(a) case** and that New Hanover County Senior Resident Superior Court Judge Phyllis M. Gorham be assigned to this **case**....

...There will be significant and diverse factual and legal issues in the **case** that justify a designated judge to oversee the **case**....

...Because this **case** will require an ongoing and a cumulative knowledge of the legal and evidentiary issues in order properly to address the pretrial motion practice and the trial issues, justice will be best served by one judge making consistent, knowledgeable, reasoned decisions throughout the progress of the **case** while in the jurisdiction of the Superior Court....



List of 100 results for Rule 2.1 Exceptional Cases

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**41. Amended Motion of Defendant North Carolina Department of Transportation Pursuant to Rule 2.1 of the North Carolina Rules of Superior and District Courts for Designation of Cases as Exceptional**

WONDER DAY PARTNERSHIP, et al., v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, et al.  
| Superior Court of North Carolina. | June 07, 2022 | No. 19CVS003464. | 2022 WL 19075928

Note: This document was obtained from the above titled **case**. (PDF information below.) Court: Superior Court of North Carolina, Superior Court Division, Wake County. Title: Patricia L....

...5)The **cases** specified for designation herein meet the definition for an **exceptional case** under **Rule 2.1** in that there are now many other lawsuits pending in Wake County Superior Court relating to the Map Act....

...7)As seen in the attached Joint Motion Pursuant to **Rule 2.1** of the North Carolina Rules of Superior and District Courts for Designation of **Cases** as **Exceptional** (Exhibit A), filed on November 25, 2019, Counsel for Plaintiff and Counsel for Defendant agreed that the assignment of the **cases** specified for designation herein would promote significant efficiencies in the administration and adjudication of these claims....

...Now come the undersigned Counsel for Defendant, North Carolina Department of Transportation, in the above-captioned matters and move the Court pursuant to **Rule 2.1** of the North Carolina Rules of Superior and District Courts for designation of these **cases** as **exceptional**....

...11)Given that a large number of Wake County Map Act **cases** have been assigned to the Honorable G. Bryan Collins, similarity of the subject matter, need for similar discovery, expert testimony, and other factual issues between this action and the other **cases** and **cases** to be filed, Counsel for Defendant request that Judge Collins be appointed to hear these **cases**....

**42. Amended Motion of Defendant North Carolina Department of Transportation Pursuant to Rule 2.1 of the North Carolina Rules of Superior and District Courts for Designation of Cases as Exceptional**

Patricia L. JOHNSON, individually and as Executrix of the estate of Myrtle Burns Johnson; and Lavinia P. Johnson, Elizabeth A. Mata and the Mata Family, LLC, Raymond Leonard Rhodes, Estate of Sylvia Anne Davis Sams; Estate of Terry L. Sams; and Cheryl Russell Byler, individually as sole heir and as Executrix of the Estate of Sylvia Anne Davis Sams and the Estate of Terry L. Sams, Wonder Day Partnership, a North Carolina general partnership, Mary T. Ball Properties, LLC, a North Carolina limited liability company, R. Markham Stewart and wife, Ruth B. Stewart; and Anthony K. Woodell, and wife, Melissa S. Woodell, R. Markham Stewart and wife, Ruth B. Stewart; and Anthony K. Woodell, and wife, Melissa S. Woodell, Plaintiffs, v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, Defendant. | Superior Court of North Carolina, Superior Court Division. | June 07, 2022 | Nos. 19 CVS 5996, 19 CVS 6234, 19 CVS 2633, 19 CVS 2631, 19 CVS 3464, 19 CVS 10468, 19 CVS 17126, 19 CVS 17127. | 2022 WL 19075930

Now come the undersigned Counsel for Defendant, North Carolina Department of Transportation, in the above-captioned matters and move the Court pursuant to **Rule 2.1** of the North Carolina...

...5)The **cases** specified for designation herein meet the definition for an **exceptional case** under **Rule 2.1** in that there are now many other lawsuits pending in Wake County Superior Court relating to the Map Act....

...7)As seen in the attached Joint Motion Pursuant to **Rule 2.1** of the North Carolina Rules of Superior and District Courts for Designation of **Cases** as **Exceptional** (Exhibit A), filed on November 25, 2019, Counsel for Plaintiff and Counsel for Defendant agreed that the assignment of the **cases** specified for

List of 100 results for Rule 2.1 Exceptional Cases

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designation herein would promote significant efficiencies in the administration and adjudication of these claims....

...Now come the undersigned Counsel for Defendant, North Carolina Department of Transportation, in the above-captioned matters and move the Court pursuant to **Rule 2. 1** of the North Carolina Rules of Superior and District Courts for designation of these **cases** as **exceptional**....

...11)Given that a large number of Wake County Map Act **cases** have been assigned to the Honorable G. Bryan Collins, similarity of the subject matter, need for similar discovery, expert testimony, and other factual issues between this action and the other **cases** and **cases** to be filed, Counsel for Defendant request that Judge Collins be appointed to hear these **cases**....

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### 43. Amended Motion of Defendant North Carolina Department of Transportation Pursuant to Rule 2.1 of the North Carolina Rules of Superior and District Courts for Designation of Cases as Exceptional

Patricia L. JOHNSON, individually and as Executrix of the estate of Myrtle Burns Johnson; and Lavinnia P. Johnson, Elizabeth A. Mata and the Mata Family, LLC, Raymond Leonard Rhodes, Estate of Sylvia Anne Davis Sams; Estate of Terry L. Sams; and Cheryl Russell Byler, individually as sole heir and as Executrix of the Estate of Sylvia Anne Davis Sams and the Estate of Terry L. Sams, Wonder Day Partnership, a North Carolina general partnership, Mary T. Ball Properties, LLC. a North Carolina limited liability company, R. Markham Stewart and wife. Ruth B. Stewart; and Anthony K. Woodell, and wife, Melissa S. Woodell, R. Markham Stewart and wife, Ruth B. Stewart; and Anthony K. Woodell, and wife, Melissa S. Woodell, Plaintiffs, v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, Defendant. | Superior Court of North Carolina, Superior Court Division. | June 07, 2022 | Nos. 19 CVS 6234, 19 CVS 2633, 19 CVS 5996, 19 CVS 2631, 19 CVS 3464, 19 CVS 10468, 19 CVS 17126, 19 CVS 17127. | 2022 WL 19075929

Now come the undersigned Counsel for Defendant, North Carolina Department of Transportation, in the above-captioned matters and move the Court pursuant to **Rule 2.1** of the North Carolina...

...5)The **cases** specified for designation herein meet the definition for an **exceptional case** under **Rule 2. 1** in that there are now many other lawsuits pending in Wake County Superior Court relating to the Map Act....

...7)As seen in the attached Joint Motion Pursuant to **Rule 2. 1** of the North Carolina Rules of Superior and District Courts for Designation of **Cases** as **Exceptional** (Exhibit A), filed on November 25, 2019, Counsel for Plaintiff and Counsel for Defendant agreed that the assignment of the **cases** specified for designation herein would promote significant efficiencies in the administration and adjudication of these claims....

...Now come the undersigned Counsel for Defendant, North Carolina Department of Transportation, in the above-captioned matters and move the Court pursuant to **Rule 2. 1** of the North Carolina Rules of Superior and District Courts for designation of these **cases** as **exceptional**....

...11)Given that a large number of Wake County Map Act **cases** have been assigned to the Honorable G. Bryan Collins, similarity of the subject matter, need for similar discovery, expert testimony, and other factual issues between this action and the other **cases** and **cases** to be filed, Counsel for Defendant request that Judge Collins be appointed to hear these **cases**....

---

### 44. Motion for Designation of Exceptional Civil Case and for Consolidation for Discovery Purposes

Jessica J. SPANGLER, Plaintiff, v. Steven E. OLCHOWSKI, M.D., Conrad J.R. Miranda, IV, M.D., Sina Surgical Associates, P.A., Atlantic Bariatric Center, Incorporated and New Hanover regional Medical Center, Defendants. | Superior Court of North Carolina. | June 26, 2003 | No. 02 CVS 4443. | 2003 WL 25961217

List of 100 results for Rule 2.1 Exceptional Cases

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The undersigned parties, by and through their undersigned counsel, hereby move the Court pursuant to **Rule 2.1** of the General **Rules** of Practice to designate this action as an **Exceptional**...

...WHEREFORE, based on the foregoing, the parties respectfully request that the Court designate this **case** as an **Exceptional** Civil **Case** and consolidate it with the three "other similar actions" for Discovery purposes, pursuant to **Rule 2.1** of the General Rules of Practice....

...6.Counsel for all the undersigned parties respectfully requests that the Senior Resident Superior Court Judge of New Hanover County recommend to the Chief Justice that this **case** be designated as an **Exceptional** Civil **Case** and be consolidated for purposes of Discovery with the three "other similar actions", pursuant to **Rule 2.1** of the General Rules of Practice....

...The undersigned parties, by and through their undersigned counsel, hereby move the Court pursuant to **Rule 2.1** of the General Rules of Practice to designate this action as an **Exceptional** Civil **Case** and to consolidate it for Discovery purposes with three other pending actions; Enis vs. Olchowski, et al, 03-CVS-896, Leden vs. Olchowski, et al, 03-CVS-0116 and McLelland vs. Olchowski, et al, 03-CVS-1175, and in support thereof show unto the Court as follows:...

...Motion for Designation of **Exceptional** Civil **Case** and for Consolidation for Discovery Purposes...

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#### 45. Motion to Stay Proceedings and Joint Answer of Claimants in the Thomas and Banks Actions

NORTH CAROLINA FARM BUREAU MUTUAL INSURANCE COMPANY, INC., Plaintiff, v. Joshua CARPENTER, All Pro Billiards & Spas, LLC, James Banks, Kenneth Barrett, Mary Belue as Personal Representative of the Estate of Delmer Eugene Belue, Shane Biddix, Douglas C. Browder, Jerry Buckner, Christopher A. Churchill as Executor of Estate of David Churchill, Paul Claus, James Climo, Jr., Megan Climo, Jack Clinard, Louis Elders, Kimberly Ferguson, Anna Franks, William Good, Kimberly Grant, Linda Hartley, Clifton Hoyle Helms, Jr., Candia Higgins, Roger Higgins, Dawson Hunter, Edward Ingle, Marilyn P. Ingle, Robert Laughter, Tina Ledford, Vicki McCarson, Vanessa Metcalf, Shelby Nix, Anthony Glenn Ownbey, William Parker, Stephen Parris, Brandon Payne, Marcia Reitz, Albert Rioux, Michael Rogers, Elizabeth Roper, Jimmy Rumpfelt, Marvin Scott, Delmar Sherman, John Sherman, Rose Shetley, Jamin Skipper, Judy Smathers, Jimmy Thomas, Terri Tolley, Randal Weis, Harold Womick, Linda Woody, Phyllis Marie Young, and North Carolina Department of Agriculture & Consumer Services, Defendants. | Superior Court of North Carolina, Superior Court Division. | November 16, 2020 | No. 20 CVS 11158. | 2020 WL 13049270

Defendants, James Banks, Kenneth Barrett, Shane Biddix, Jerry Buckner, Paul Claus, Christopher A. Churchill as Executor of Estate of David Churchill, James Climo, Jr., Megan Climo, Louis...

...By a Recommendation to Designate as **Exceptional** Under **Rule 2.1** dated October 19, 2020, Senior Resident Superior Court Judge for Henderson County Peter B. Knight recommended that the Henderson County **cases** (the Thomas Action, Helms Action, Nix Action, Ownbey Action, Browder Action, and McCarson Action) be designated as **exceptional** pursuant to **Rule 2**...

...The Claimants in the Thomas and Banks actions jointly move the Honorable Senior Resident Superior Court Judge of Wake County, North Carolina to stay this action, and pursuant to **Rule 2.1(a)** of the General Rules of Practice for the Superior and District Courts of North Carolina, to recommend to the Chief Justice of the Supreme Court of North Carolina that this **case**, together with two other groups of "2019 Mountain State Fair Legionella" **cases** pending in Henderson County and Buncombe County, be designated as **Exceptional**...

...On September 1, 2020, in twin motions, Joshua Carpenter moved the Honorable Senior Resident Superior Court Judges of Buncombe County and Henderson County, pursuant to **Rule 2.1(a)**, to recommend to the Chief Justice of the Supreme Court of North Carolina that the Browder Action, Helms Action, McCarson Action, Nix Action, Ownbey Action, Thomas Action, Young Action, and Banks Action

List of 100 results for Rule 2.1 Exceptional Cases

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(all of the same underlying actions at issue in this Declaratory Judgment Action) be designated as **Exceptional Cases**...

...**Exceptional case** designation will significantly benefit the parties by streamlining both discovery and motion practice, by the consistency of rulings by the **Rule 2. 1** judge, and by having a coordinated **case** management plan....

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#### 46. Motion for Temporary Restraining Order and Preliminary Injunction; Expedited Answer; and Special Designation

NORTH CAROLINA BOWLING PROPRIETORS ASSOCIATION, INC. d/b/a Bowling Proprietors Association of the Carolinas and Georgia, Plaintiff, v. Roy A. COOPER III in his capacity as Governor of the State of North Carolina, Defendant. | Superior Court of North Carolina. | June 03, 2020 | No. 20CVS6422. | 2020 WL 9174674

Now comes Plaintiff, by and through counsel, and moves the Court pursuant to **Rule** 65(b) of the North Carolina **Rules** of Civil Procedure for a Temporary Restraining Order for a period of no...

...Designation as an **Exceptional Case** Pursuant to **Rule 2. 1**(a) of the General Rules of Practice for the Superior and District Courts....

...4. That this **case** be recommended to the Chief Justice for designation as an **exceptional case** pursuant to **Rule 2. 1**(a) of the General Rules of Practice and be assigned to the Honorable James L. Gale....

...8. This matter warrants designation as **exceptional** under the **Rule 2. 1**(a) of the General Rules of Practice, as Plaintiff's claims raise constitutional issues of critical importance to the State of North Carolina....

...Now comes Plaintiff, by and through counsel, and moves the Court pursuant to Rule 65(b) of the North Carolina Rules of Civil Procedure for a Temporary Restraining Order for a period of no more than 10 days in order to conduct a noticed hearing on a Preliminary Injunction pursuant to Rule 65(a) of the North Carolina Rules of Civil Procedure; and for an order directing Defendant to Answer Plaintiff's complaint within five (5) days of being served; and for designation as an "**Exceptional Civil Case**" pursuant to **Rule 2**...

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#### 47. Plaintiffs' Amended Motion for Exceptional Case Designation

PINEVILLE EAST COTTAGES, INC., Gina Trotta, John Perry, and wife, Debra Perry, Glen E. Macdonald, and wife Pamela Genovesi Macdonald, Randell Lee, and wife, Anne R. Fister-Lee, Plaintiffs, v. DWF DEVELOPMENT, INC., the Village @ Flowers Plantation, Inc., Rebecca D. Flowers, and River Dell Investments, LLC, d/b/a the Pineville Club, Defendants. | Superior Court of North Carolina., In the General Court of Justice Division | March 06, 2017 | No. 16-CvS-2090. | 2017 WL 3096852

NOW COME the Plaintiffs, by and through undersigned counsel of record, pursuant to **Rule** 2.1 of the General **Rules** of Practice, and move this Court to recommend to the Chief Justice of the...

...3. That all of the factors that weigh in favor of designation of a **case** as **exceptional** under **Rule 2. 1** of the General Rules of Practice are present in this **case**....

...1. That the Court recommend to the Chief Justice of the Supreme Court of North Carolina that this matter be designated as an **exceptional civil case**, and that a single Superior Court Judge be assigned to handle and coordinate all proceedings in this cause, pursuant to the provisions of **Rule 2. 1** of the General Rules of Practice; and...

...NOW COME the Plaintiffs, by and through undersigned counsel of record, pursuant to **Rule 2. 1** of the General Rules of Practice, and move this Court to recommend to the Chief Justice of the Supreme Court

List of 100 results for Rule 2.1 Exceptional Cases

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of North Carolina that this action be designated as an **exceptional** civil **case** and assigned to one judge, and in support of this Motion, the Plaintiff shows unto the Court the following:...

...2. That designating this matter as an **exceptional** civil **case** will conserve the resources of the court system, and otherwise promote judicial economy, by allowing a single judge to oversee and coordinate pretrial discovery, and hear all pretrial dispositive and evidentiary motions....

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#### 48. Joint Motion Pursuant to Rule 2.1 of the North Carolina Rules of Superior and District Courts for Designation of Case as Exceptional

HARRIS TRIAD HOMES, INC., Plaintiff, v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, Defendant. | Superior Court of North Carolina. | June 25, 2012 | No. 011CVS7120. | 2012 WL 13005364

Now come the Counsel for Plaintiff and Counsel for Defendants in the above-captioned matter and move the Court pursuant to **Rule 2.1** of the North Carolina **Rules** of Superior and District...

...12) The aforementioned **cases** meet the definition for **exceptional cases** under **Rule 2.1** in that there are now ten (10) lawsuits (with a total of sixteen plaintiffs) pending in Forsyth County Superior Court relating to the Northern Beltway....

...Now come the Counsel for Plaintiff and Counsel for Defendants in the above-captioned matter and move the Court pursuant to **Rule 2.1** of the North Carolina Rules of Superior and District Courts for designation of this **case** and a series of companion **cases** as **exceptional**....

...14) For all of the foregoing reasons, and because the aforementioned **cases** involve complex legal issues and numerous parties, it will promote the efficient administration of justice for this action and the aforementioned **cases**, and all future lawsuits involving causes of action listed in ¶ 2) f) and owners of property located within the Northern Beltway, to be designated as an “**exceptional case**.”...

...WHEREFORE, the parties respectfully request that this Court recommend to the Chief Justice of the North Carolina Supreme Court that this action and the aforementioned **cases**, and all future **cases** that will be filed against Defendant NCDOT in Forsyth County Superior Court involving the same or similar causes of action listed in ¶ 2) f) above and owners of property located within the Northern Beltway, to be designated as an “**exceptional case**” and that such cases be assigned to The Honorable John O. Craig III....

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#### 49. Motion for Recommendation of Designation of Exceptional Civil Case

James R. JOHNSTON, and wife, Carmen Johnston, Plaintiffs, v. Steven E. OLCHOWSKI, M.D., Sina Surgical Associates, P.A., and New Hanover Regional Medical Center, Defendants. | Superior Court of North Carolina. | September 02, 2005 | No. 05-CVS-1603. | 2005 WL 6698768

The Defendant, Steven E. Olchowski, M.D., by and through the undersigned counsel, hereby moves the Court pursuant to **Rule 2.1** of the General **Rules** of Practice to recommend to the Chief...

...Five **cases** are currently pending the Designation as **Exceptional Cases** under **Rule 2.1** of the General Rules of Practice....

...3.Nine of the previous **cases** have been designated as **Exceptional Cases** under **Rule 2.1** of the General Rules of Practice and assigned to the Honorable B. Craig Ellis....

...The Defendant, Steven E. Olchowski, M.D., by and through the undersigned counsel, hereby moves the Court pursuant to **Rule 2.1** of the General Rules of Practice to recommend to the Chief Justice that the above-captioned action be designated as an “**Exceptional Civil Case**” and that the action be assigned to the Honorable B. Craig Ellis....



List of 100 results for Rule 2.1 Exceptional Cases

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...5. Given the voluminous amount and nature of the anticipated pretrial discovery and motions in the **case** and the complexity of the legal issues involved, counsel believes it would promote the efficient administration of justice to designate this **case** as **Exceptional** and assign it to the Honorable B. Craig Ellis for hearing all pre-trial discovery matters....

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## 50. Memorandum of Law in Support of Defendants' Notice of Designation of Action as Mandatory Complex Business Case

Michael M. V. PENNINK, Executor of the Estate of Max E. Mahlke, Carolina JJ, LLC, a North Carolina Limited Liability Company, Max K. Mahlke, Autumn Pecora, and Heather Marie Carr, Plaintiffs, v. Elizabeth M. CRAFT and Stephanie M. Burford, Defendants. | Superior Court of North Carolina., Superior Court Division | October 28, 2013 | No. 13CVS4479. | 2013 WL 8251990

NOW COME Defendants, Elizabeth M. Craft ("Craft") and Stephanie M. Burford ("Burford") (Craft and Burford, collectively, "Defendants"), by and through undersigned counsel, and respectfully...

...Plaintiffs also argue that the factors listed in N.C. Gen. R. Practice **Rule 2. 1** (the "**Rule 2. 1** Factors ") are not present in this **case**....

...' N.C. Gen. R. Practice **Rule 2. 1**(b) states, in pertinent part, "Every complex business **case** shall be assigned to a special superior court judge for complex business **cases**, designated by the Chief Justice under Rule 2.2[.]" N.C. Gen. R. Practice **Rule 2. 1**(d) states:...

...N.C. Gen. R. Practice **Rule 2. 1**(a) states that the Chief Justice of the North Carolina Supreme Court "may designate any **case** or group of **cases** as (a) **exceptional** or (b) 'complex business.'"...

...Plaintiffs allege that the **Rule 2. 1** Factor of "the amount and nature of anticipated pretrial discovery and motions" is not present in the instant **case**....

---

## 51. Defendants' Response to Motion for Exceptional Case Designation

PINEVILLE EAST COTTAGES, INC., et al, Plaintiffs, v. DWF DEVELOPMENT, INC., et al., Defendants. | Superior Court of North Carolina. | March 02, 2017 | No. 16CVS2090. | 2017 WL 3097019

Defendants object to Plaintiffs' Motion for **Exceptional Case** Designation made pursuant to **Rule 2.1** of the General **Rules** of Practice (**Rule 2.1** Motion). Defendants show the Court: 1. In...

...Defendants object to Plaintiffs' Motion for **Exceptional Case** Designation made pursuant to **Rule 2. 1** of the General Rules of Practice ( **Rule 2. 1** Motion)....

...6. The "factors" in **Rule 2. 1**(d) do not support designation because:...

...If it was proper for the Court to remain involved, the Court could make such request under **Rule 2. 1**....

...Wherefore, defendants object to plaintiffs' **Rule 2. 1** Motion and request that the Court deny it, with leave to reconsider during the 26 June 2017 session....

---

## 52. Motion for Recommendation of Complex Business Designation

Kay R. HAMILTON, on Behalf of Herself and all others Similarly Situated, Plaintiff, v. MORTGATE INFORMATION SERVICES, INC. and First American Title Insurance Company, Defendants. | Superior Court of North Carolina. | October 28, 2008 | No. 08 CVS 15102. | 2008 WL 5594601



List of 100 results for Rule 2.1 Exceptional Cases

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Pursuant to **Rule 2.1** of the General **Rules** of Practice for the Superior and District Courts of North Carolina, defendant First American Title Insurance Company ("First American")...

...WHEREFORE, pursuant to **Rule 2.1**, defendant First American Title Insurance Company respectfully requests that Senior Resident Judge Stephens recommend designation of this **case** as a complex business **case** or, in the alternative, that Senior Resident Judge Stephens recommend that this proceeding be designated as an **exceptional case** under **Rule**...

...In the alternative, First American respectfully moves that Senior Resident Judge Stephens recommend that this proceeding be designated as an **exceptional case** under **Rule 2.1** and be administered by a Special Superior Court Judge for Complex Business **Cases**....

...Pursuant to **Rule 2.1** of the General Rules of Practice for the Superior and District Courts of North Carolina, defendant First American Title Insurance Company ("First American") respectfully moves that the Honorable Donald W. Stephens, Senior Resident Superior Court Judge for Wake County, recommend to the Chief Justice of the Supreme Court of North Carolina that this proceeding be designated as a complex business **case** and be administered by the North Carolina Business Court....

...10. Like discovery, the trial of this **case** would be **exceptionally** complex....

---

### 53. Joint Motion to Designate Case as Exceptional and for Appointment of a Special Judge Pursuant to Rule 2.1 of the General Rules of Practice

William Barry FREEDMAN and Freedman Farms, Inc., Plaintiffs, v. Wayne James PAYNE and Michael R. Ramos, Defendants. | Superior Court of North Carolina., Superior Court Division | December 08, 2014 | No. 14CVS004219. | 2014 WL 12570361

Pursuant to **Rule 2.1** of the General **Rules** of Practice for the Superior and District Courts, Plaintiffs William Barry Freedman and Freedman Farms, Inc. and Defendants Wayne James Payne and...

...WHEREFORE, Movants respectfully request their Joint Motion to Designate **Case** as **Exceptional** and for Appointment of a Special Judge Pursuant to **Rule 2.1** of the General Rules of Practice be granted and that Judge Hobgood be recommended to be appointed to preside over all pretrial matters and the trial of this action....

...Further;, Movants have inquired of the Honorable Robert H. Hobgood about his interest and availability in serving as a **Rule 2.1** judge in this matter....

...Pursuant to **Rule 2.1** of the General Rules of Practice for the Superior and District Courts, Plaintiffs William Barry Freedman and Freedman Farms, Inc. and Defendants Wayne James Payne and Michael R Ramos (hereinafter, collectively, "Movants"), respectfully move the Court to request that the Chief Justice of the of the North Carolina Supreme Court designate this action as **exceptional** and appoint the Honorable Robert H. Hobgood to preside over all matters in this action....

...11. Witnesses in this **case** may also include current and former Assistant United States Attorneys from the United States District Court for the Eastern District of North Carolina current and/or former special prosecutors from the Department of Justice in "Washington, D.C. who prosecuted Plaintiffs in the underlying criminal **case**....

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### 54. Motion for Recommendation of Designation of Exceptional Civil Case

Homer Jackson LEE and wife Linda Lucky Lee, Plaintiffs, v. STEVEN E. OLCHOWSKI, M.D. Sina Surgical Associates, P.A. and New Hanover Regional Medical Center, Defendants. | Superior Court of North Carolina. | August 11, 2005 | No. 05-CVS-1028. | 2005 WL 6698767

List of 100 results for Rule 2.1 Exceptional Cases

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The Defendant, Steven E. Olchowski, M.D., by and through the undersigned counsel, hereby moves the Court pursuant to **Rule 2.1** of the General **Rules** of Practice to recommend to the Chief...

...3.All of the previous nine **cases** have been designated as **Exceptional Cases** under **Rule 2. 1** of the General Rules of Practice and assigned to the Honorable B. Craig Ellis....

...The Defendant, Steven E. Olchowski, M.D., by and through the undersigned counsel, hereby moves the Court pursuant to **Rule 2. 1** of the General Rules of Practice to recommend to the Chief Justice that the above-captioned action be designated as an “**Exceptional Civil Case**” and that the action be assigned to the Honorable B. Craig Ellis....

...5.Given the voluminous amount and nature of the anticipated pretrial discovery and motions in the **case** and the complexity of the legal issues involved, counsel believes it would promote the efficient administration of justice to designate this **case** as **Exceptional** and assign it to the Honorable B. Craig Ellis for hearing all pre-trial discovery matters....

...WHEREFORE, counsel for Steven E. Olchowski, M.D., requests that the Court recommend to the Chief Justice that the above-captioned action be designated as an “**Exceptional Civil Case**” and that the action be assigned to the Honorable B. Craig Ellis for hearing all pre-trial discovery matters....

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## 55. Consent Motion for Recommendation of Rule 2.1 Designation as Exceptional Civil Case

REDEVELOPMENT COMMISSION OF GREENSBORO, Plaintiff, v. HERITAGE HOUSE HOMEOWNERS ASSOCIATION, INC., et al., Defendants. Meridian Conventions, LLC, Petitioner, v. City of Greensboro, et al., Respondents. West Town Bank & Trust, Petitioner, v. City of Greensboro, et al., Respondents. Meridian Conventions, LLC, Plaintiff, v. City of Greensboro, et al., Defendants. | Superior Court of North Carolina. | March 06, 2020 | Nos. 17 CvS 4458, 19 CvS 5882, 19 CvS 5883, 19 CvS 7862. | 2020 WL 13580958

Pursuant to **Rule 2.1** of the General **Rules** of Practice for the Superior and District Courts of North Carolina and **Rule 14.7** of the Guilford County Local **Rules**, the undersigned parties in the...

...WHEREFORE, the Parties respectfully pray that their Motion for Recommendation of **Rule 2. 1** Designation as **Exceptional Civil Case** be granted and that this Court recommend to the Chief Justice of the Supreme Court of North Carolina that the captioned civil actions be designated as **exceptional** and assigned to Judge Richard S. Gottlieb for all further proceedings....

...6.The factors listed in General Practice **Rule 2. 1(d)** weigh in favor of designation....

...Pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts of North Carolina and Rule 14.7 of the Guilford County Local Rules, the undersigned parties in the above-captioned civil action (collectively the “Parties”) hereby move that the Honorable John O. Craig, III, Senior Resident Superior Court Judge for Guilford County, recommend to the Chief Justice of the Supreme Court of North Carolina that the captioned civil actions be designated as **exceptional cases**...

...(i)Designation of this **case** as **exceptional** will promote the efficient administration of justice, as it will be far more efficient to have all the issues resolved by a single judge....

---

## 56. Plaintiffs' Memorandum in Support of Motion to Remand

Michael W. BALDWIN and Michelle M. Baldwin, Plaintiffs, v. JARRETT BAY YACHT SALES, LLC, a North Carolina limited liability company, and Brunswick Corporation, a Delaware corporation d/b/a Hatteras Yachts, Defendants. | United States District Court, E.D. North Carolina., Eastern Division | July 02, 2009 | No. 409CV00103. | 2009 WL 4837477

List of 100 results for Rule 2.1 Exceptional Cases

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The propriety of a petition for removal is to be determined from the plaintiff's pleading, which controls. Griffin v. Ford Consumer Finance Co., 812 F.Supp. 614, 616 (W.D.N.C, 1993)....

...Comity. The Chief Justice of the Supreme Court of North Carolina designated this **case** " **exceptional** " under **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts....

...The Hon. W. Russell Duke, Jr. made a positive recommendation to Chief Justice Sarah Parker who, in turn, designated the **case exceptional** under **Rule 2. 1** of the General Rules of Practice on December 27, 2007 and appointed the Hon. Clifton W. Everett, Jr. to preside over this **case**....

...On these representations, the highest judicial officer of the State of North Carolina saw fit to designate this **case** " **exceptional** " under **Rule 2. 1** and dedicated valuable judicial resources to its handling and disposition....

...Judge Thigpen had already familiarized himself with the **case** as a **Rule 2. 1** judge after hearing three very involved, heavily papered motions....

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### 57. Plaintiffs' Response to Defendants' Opposition, Supporting Retention of This Action in Business Court and in Opposition to Defendants' Motion to Remand

Associated BEHAVIORAL, Services, Inc. and Gregory Moore, Plaintiffs, v. Shirley SMITH, Jeanette Smith, and Life Changing Behavioral Services, L.L.C., Defendants. | Superior Court of North Carolina. | April 01, 2010 | No. 09 CVS 3854. | 2010 WL 8749479

Plaintiffs Gregory Moore ("Moore") and Associated Behavioral Services, Inc. ("ABS") serve the following Response in Support of Retaining This Action in the Business Court pursuant to BCR...

...**Rule 2. 1** states that: A senior resident superior court judge, chief district court judge, or presiding superior court judge may ex mero motu, or on motion of any party, recommend to the Chief Justice that a **case** or **cases** recommended to the Chief Justice that a **case** or **cases** be designated as **exceptional** or complex business....

...Based on the foregoing, plaintiffs respectfully request that the Court retain this **case** as a complex mandatory business **case** before the Business Court or, alternatively, designate this **case** a discretionary complex business **case** pursuant to **Rule 2. 1** of the General Rules of Practice....

...Id. at \*2. The Business Court in Ikerd denied designation of the **case** as a mandatory complex business **case**, but reminded the plaintiff that he could still move to designate the **case** a complex business **case** pursuant to **Rule 2. 1** of the General Rules of Practice....

...N.C. Gen. Stat. § 7A-45.4 (f) states: If complex business **case** status is revoked or denied, the action shall be treated as any other civil action, unless it is designated as an **exceptional** civil **case** or a discretionary complex business **case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts....

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### 58. Plaintiffs' Brief in Support of Preliminary Injunction

Jerry W. WEBB, Darleen Webb, Lloyd Alwran, Dorothy Alwran, American Cord & Twine, Inc., & Royal Cordage Corporation, Plaintiffs, v. ROYAL AMERICAN COMPANY, LLC, Wall Industries, Inc., Royal Acquisition Corporation, FCC, L.L.C. D/B/A First Capital, Stanley J. Swider, & Samuel B. Fortenbaugh III, Defendants. | Superior Court of North Carolina. | October 2006 | No. 06-CVS-4626. | 2006 WL 3663202

List of 100 results for Rule 2.1 Exceptional Cases

NOW COME Plaintiffs, and respectfully present to the court this brief in support of Plaintiffs' Motion for the appointment of a receiver for Royal American Company, L.L.C. ("Royal...

...**Rule 2. 1** provides that: (a)The Chief Justice may designate any **case** or group of **cases** as (a) **exceptional** or (b) "complex business."...

...If complex business **case** status is revoked or denied, the action shall be treated as any other civil action, unless it is designated as an **exceptional** civil **case** or a discretionary complex business **case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts....

...**Rule 2. 1** clearly allows that a 'group of **cases**' may be designated together as " **exceptional** " or "complex business" and heard in the Business Court....

...The Plaintiffs request this court to designate a group of **cases** as complex business litigation (or alternatively as an " **exceptional** " group) under **Rule 2. 1** of the General Rules of Practice of the Superior and District Courts....

## 59. Opposition Response to Defendants' Motion for Designation of Case as a Complex Business Case Pursuant to Rule 2.1

Nancy MAREADY, Personal Representative of the Estate of Hildred Highsmith Dixon, Deceased, Plaintiff, v. LIBERTY COMMONS ASSISTED LIVING OF NEW HANOVER COUNTY, LLC (a North Carolina Limited Liability Company); Liberty Commons Nursing Center, Inc. (a North Carolina Corporation); Liberty Commons Nursing and Rehabilitation Center (alias and/or entity of unknown type); Liberty Commons Nursing & Rehabilitation Center (Wilmington, NC) (ALias and/or entity of unknown type); Superior Court of North Carolina. April 22, 2009 | No. 09CVS000630. | 2009 WL 8580839

In opposition to Defendants' Motion for Designation of **Case** as a Complex Business & **Case** Pursuant to **Rule 2.1**, Plaintiff states: First, Defendants failed to file a "Notice of Designation"...

...In opposition to Defendants' Motion for Designation of **Case** as a Complex Business & **Case** Pursuant to **Rule 2. 1**, Plaintiff states:...

...Therefore, Plaintiff does not oppose the designation of this **case** as " **Exceptional** " pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts of North Carolina....

...If anything, the **case** should be designated as " **Exceptional** " pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts of North Carolina....

...[FN5] Thus, this **case** is unlikely to provide any meaningful guidance for other nursing home **cases** via the establishment of a body of corporate governance business **case** law, a key purpose of the Business Court....

## 60. Plaintiffs' Motion to Designate Case as Exceptional and for Appointment of a Special Judge Pursuant to Rule 2.1 of the General Rules of Practice

Michael BELESKI, et al., Plaintiffs, v. Henry BENNETT, et al., Defendants. Superior Court of North Carolina., General Court of Justice., Division April 03, 2017 | No. 16 CVS 1754. | 2017 WL 11501423

Pursuant to **Rule 2.1** of the General **Rules** of Practice for the Superior and District Courts, Plaintiffs respectfully move the Court to request that the Chief Justice of the of the North...

...WHEREFORE, Plaintiffs respectfully request that their Motion to Designate **Case** as **Exceptional** and for Appointment of a Special Judge Pursuant to **Rule 2. 1** of the General Rules of Practice be granted and

List of 100 results for Rule 2.1 Exceptional Cases

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that an appropriate judge be recommended to be appointed to preside over all pretrial matters and the trial of this action....

...Pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts, Plaintiffs respectfully move the Court to request that the Chief Justice of the of the North Carolina Supreme Court designate this action as **exceptional** and appoint an appropriate Judge to preside over all matters in this action....

...Plaintiffs' Motion to Designate **Case** as **Exceptional** and for Appointment of a Special Judge Pursuant to **Rule 2. 1** of the General Rules of Practice...

...The parties reasonably expect expert witnesses in this **case** may include civil engineers, construction experts, surveyors, and forensic accountants, among others....

---

### 61. Plaintiffs Motion for Recommendation of Rule 2.1 Designation of Special District Court Judge

Judy G. SMITH, Plaintiff, v. Christopher R. SMITH, Defendant. | District Court of North Carolina. | October 19, 2020 | No. 19-CvD-357. | 2020 WL 12719791

Plaintiff, by and through counsel and pursuant to **Rule** 2.1 of the General **Rules** of Practice for the Superior and District Courts of North Carolina, hereby respectfully moves that the Chief...

...Plaintiff, by and through counsel and pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts of North Carolina, hereby respectfully moves that the Chief Judge of Durham County District Court recommend to the Chief Justice of the Supreme Court of North Carolina that this civil action be designated as an **exceptional case** and assigned to a special judge outside the 14th Judicial District....

...One of the remedies still left by the Court of Appeals is for the Chief District Court Judge in this district to recommend to Supreme Court Chief Justice to designate this action as “**exceptional**” and appoint a special judge from outside the district to preside over it pursuant to **Rule 2. 1** of the Superior and District Court Rules....

...(See true copy of Court of Appeals order attached hereto as Exhibit B.) Among the other procedures available, as outlined in the Amended Petition, is the appointment of a special judge pursuant to **Rule 2. 1** of the Superior and District Court Rules to preside over the unresolved issues of defendant's motion to dismiss the complaint and plaintiff's motion to recuse Judge Hall....

...3. On 3 March 2020, plaintiff filed a motion to recuse Judge Hall from further proceedings in this **case**....

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### 62. Plaintiffs' Reply Memorandum

MLC AUTOMOTIVE, LLC; and Leith of Fayetteville, Inc., Plaintiffs, v. TOWN OF SOUTHERN PINES; The Southern Pines Town Council; and Frank Quis, David Woodruff, Fred Walden, Christopher Smithson and Michael Haney, Defendants. | Superior Court of North Carolina., General Court of Justice | December 31, 2007 | No. 07 CVS 01635. | 2007 WL 7329479

NOW COME Plaintiffs, MLC Automotive, LLC and Leith of Fayetteville, Inc. (collectively, “Leith”), and submit this memorandum in reply to Defendants' Response in Opposition to Plaintiffs'...

...For the foregoing reasons, and for such other reasons as may appear of record, Leith respectfully requests that the Court recommend to the Chief Justice that this **case** be designated an **Exceptional Case** pursuant to **Rule 2. 1(a)** of the General Rules of Practice and assigned to a special Superior Court Judge....

List of 100 results for Rule 2.1 Exceptional Cases

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...Thus, the very doctrine by which this matter came to the North Carolina state courts militates in favor of designation as an **exceptional case**....

...The **exceptional** and controversial nature of this **case** is exemplified by this unusual occurrence of a judge commenting on the conduct of a municipality....

...The United States Supreme Court has summarized that doctrine as follows: Where timely and adequate state-court review is available, a federal court sitting in equity must decline to interfere with the proceedings or orders of state administrative agencies: (1) when there are “difficult questions of state law bearing on policy problems of substantial public import whose importance transcends the result in the **case** then at bar”; or (2) where the “exercise of federal review of the question in a **case** and in similar **cases** would be disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern.”...

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### 63. Motion for Designation as Exceptional Case

MLC AUTOMOTIVE, LLC; and Leith of Fayetteville, Inc., Plaintiffs, v. TOWN OF SOUTHERN PINES; The Southern Pines Town Council; and Frank Quis, David Woodruff, Fred Walden, Christopher Smithson and Michael Haney, Defendants. | Superior Court of North Carolina., General Court of Justice | October 18, 2007 | No. 07 CVS 01635. | 2007 WL 7329480

TO THE HONORABLE JAMES M. WEBB, SENIOR RESIDENT SUPERIOR COURT JUDGE: NOW COME Plaintiffs, MLC Automotive, LLC and Leith of Fayetteville, Inc. (collectively, “Leith”) and move the Court to...

...NOW COME Plaintiffs, MLC Automotive, LLC and Leith of Fayetteville, Inc. (collectively, “Leith”) and move the Court to recommend to the Chief Justice that this **case** be designated as an **Exceptional Case** pursuant to **Rule 2. 1(a)** of the General Rules of Practice, and that the **case** be assigned to a special Superior Court Judge for appropriate judicial oversight and attention....

...For the foregoing reasons, and for such other reasons as may appear of record, Leith respectfully moves the Court to recommend to the Chief Justice that this **case** be designated an **Exceptional Case** pursuant to **Rule 2. 1(a)** of the General Rules of Practice and assigned to a special Superior Court Judge....

...6.The claims asserted in this **case** present important questions of law regarding land use and municipal law that warrant designating the **case** as **exceptional** and assigning the **case** to a special judge with expertise in these areas....

...Therefore, an assignment of this **case** to a special judge for purposes of managing the **case** is appropriate....

---

### 64. Motion to Dismiss

Joel SPIVEY, Individually, and Melissa Spivey, Individually, and as Guardians Ad Litem of Jason Spivey, Plaintiffs, v. Timothy L. CHASE, M.D.; Glen Meade Obstetrics & Gynecology, P.A.; Fernando Moya, M.D.; Mohamed Sharaf, M.D.; Joan Robbins; Sheila Dietz; Julie Oliver; Coastal Carolina Neonatology, PLLC; New Hanover Regional Medical Center; Larysa B. Bumgarner, R.N.; and Deborah Bell Lockey, R.N., Defendants. | Superior Court of North Carolina., Superior Court Division | August 12, 2014 | No. 13-CVS-626. | 2014 WL 12740710

NOW COME Defendants, Timothy L. Chase, M.D., Obstetrician and Glen Meade Obstetrics & Gynecology, PA a/k/a Glen Meade OB/GYN, PA, by and through the undersigned counsel of record, and move...



List of 100 results for Rule 2.1 Exceptional Cases

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...9. On or about March 6, 2014, Plaintiffs obtained the consent of all parties and filed a Motion to designate this **case** an **exceptional case** and for the appointment of a judge to this action, pursuant to **Rule 2. 1** of General Rules of Practice ( **Rule 2. 1**...

...12. On July 30, 2014, counsel for Plaintiffs sent a letter providing information about the health of co-counsel, Andy Anderson; advising that Plaintiffs have been working with experts on the **case**; and advising Plaintiffs would ask the Court to reconsider the **Rule 2. 1** Motion....

...10. On March 25, 2014, Trial Court Administrator, Tonya Gilley, corresponded with Plaintiffs' counsel on behalf of the Honorable W. Allen Cobb, Jr., to deny the **Rule 2. 1** Motion, and to invite Plaintiffs to file a motion to reconsider if Plaintiffs' counsel believes "this **case** is unusual or complex (more so than any other [medical negligence action])"....

...18. If the discovery of this matter is expedited in any way to be ready for trial, Defendants would be prejudiced by having to conduct discovery of the issues in this **case** and/or to seek expert witnesses without adequate time for a full **case** development and review....

---

## 65. Motion for Designation of Case as a Complex Business Case Pursuant to Rule 2.1

Nancy MAREADY, Administrator of the Estate of Hildred Highsmith Dixon, Deceased, Plaintiff, v. LIBERTY COMMONS ASSISTED LIVING OF NEW HANOVER COUNTY, LLC (a North Carolina Limited Liability Company); Liberty Commons Nursing Center, Inc. (a North Carolina Corporation); Liberty Commons Nursing & Rehabilitation Center (Alias and/or entity of unknown type); Liberty Commons Nursing & Rehabilitation Center (Wilmington, NC) (alias and/or entity of unknown type); Liberty | Superior Court of North Carolina., General Court of Justice, Division | April 15, 2009 | No. 09CVS000630. | 2009 WL 8571771

Pursuant to **Rule 2.1** and 2.2 of the General **Rules** of Practice for the Superior and District Courts of North Carolina, the defendants listed in the caption above ("Defendants") respectfully...

...Pursuant to **Rule 2. 1** and 2.2 of the General Rules of Practice for the Superior and District Courts of North Carolina, the defendants listed in the caption above ("Defendants") respectfully request that this Court recommend to the Chief Justice of the North Carolina Supreme Court that this matter be designated as a complex business **case** and that the **case** be assigned to a presiding judge of the North Carolina Business Court, or in the alternative, designated as **exceptional**...

...10. The movant hereby agrees to waive venue for hearing pretrial motions in accordance with **Rule 2. 1(d)**....

...(e) Designating this **case** as a "complex business" **case** will also promote scheduling flexibility and will prevent undue imposition on this Court's regular presiding judges and normal **case** docket if this **case** reaches trial....

...1. Recommend that the Chief Justice of the North Carolina Supreme designate this matter as a complex business **case**, or in the alternative an **exceptional case**, and assign it to the North Carolina Business Court; and...

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## 66. Motion for Appointment of Judge under Rule 2.1 of the General Rules of Practice for the Superior and District Courts

ANDERSON CREEK PARTNERS, L.P.; Anderson Creek Inn, LLC; Anderson Creek Developers, LLC; Fairway Point, LLC; Stone Cross, LLC d/b/a Stone Cross Estates, LLC; Ralph Huff Holdings, LLC; Woodshire Partners, LLC; Crestview Development, LLC; Oakmont Development Partners, LLC; Wellco Contractors, Inc.; North South Properties, LLC; W.S. Wellons Corporation; Rolling Springs Water Company, Inc.; and Stafford Land Company, Inc, Plaintiffs, v. COUNTY OF HARNETT, Defendant. | Superior Court of North Carolina, Superior Court Division. | September 05, 2017 | No. 17-CVS-363. | 2017 WL 11712766

List of 100 results for Rule 2.1 Exceptional Cases

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NOW COME Plaintiffs and, pursuant to **Rule 2.1** of the General **Rules** of Practice for the Superior and District Courts Supplemental to the North Carolina **Rules** of Civil Procedure, respectfully...

...WHEREFORE, Plaintiffs move that the Court recommend to the Chief Justice that this **case** be designated an **exceptional** civil **case** pursuant to **Rule 2.1** of the General Rules of Practice and for entry of such other orders as are appropriate....

...NOW COME Plaintiffs and, pursuant to **Rule 2.1** of the General Rules of Practice for the Superior and District Courts Supplemental to the North Carolina Rules of Civil Procedure, respectfully move the Court to recommend to the Chief Justice that the above **case** be designated as an **exceptional** civil **case**....

...Motion for Appointment of Judge under **Rule 2.1** of the General Rules of Practice for the Superior and District Courts...

...12.Designation of this **case** as **exceptional** will promote the efficient administration of justice, will promote scheduling flexibility, and will prevent an undue imposition on the court's regular presiding judges and court dockets....

---

### 67. Motion to Compel, or in the Alternative, Motion to Dismiss

Joel SPIVEY, Individually, and Melissa Spivey, Individually, and as Guardians Ad Litem of Jason Spivey, Plaintiffs, v. Timothy L. CHASE, M.D.; Glen Meade Obstetrics & Gynecology, P.A.; Fernando Moya, M.D.; Mohamed Sharaf, M.D.; Joan Robbins; Sheila Dietz; Julie Oliver; Coastal Carolina Neonatology, PLLC; New Hanover Regional Medical Center; Larysa B. Bumgarner, R.N.; and Deborah Bell Lockey, R.N., Defendants. | Superior Court of North Carolina., Superior Court Division | August 08, 2014 | No. 13-CVS-626. | 2014 WL 12740712

NOW COME Defendants, New Hanover Regional Medical Center, Deborah Bell Lockey, R.N., and Larysa B. Bumgarner, R.N. (collectively, "these Defendants"), and move the Court pursuant to **Rule**...

...9. On or about March 6, 2014, Plaintiffs obtained the consent of all parties and filed a Motion to designate this **case** an **exceptional case** and for the appointment of a judge to this action, pursuant to **Rule 2.1** of General Rules of Practice (" **Rule 2**...

...10. On March 25, 2014, Trial Court Administrator, Tonya Gilley, corresponded with Plaintiffs' counsel on behalf of the Honorable W. Allen Cobb, Jr., to deny the **Rule 2.1** Motion, and to invite Plaintiffs to file a motion to reconsider if Plaintiffs' counsel believes "this **case** is unusual or complex (more so than any other [medical negligence action])"....

...14. On July 30, 2014, counsel for Plaintiffs sent a letter providing information about the health of co-counsel, Andy Anderson; advising that Plaintiffs have been working with experts on the **case**; advising that Plaintiffs' "goal" was to respond to discovery of these Defendants and of the other Defendants during the first full week of August 2014; and advising Plaintiffs would ask the Court to reconsider the **Rule 2.1** Motion....

...20. If the discovery of this matter is expedited in any way to be ready for trial, Defendants would be prejudiced by having to conduct discovery of the issues in this **case** and/or to seek expert witnesses without adequate time for a full **case** development and review....

---

### 68. Case Management Order

I. Beverly LAKE, John B. Lewis, Jr., Everette M. Latta, Porter L. McAteer, Elizabeth S. McAteer, Robert C. Hanes, Blair J. Carpenter, Marilyn L. Futrelle, Franklin E. Davis, James D. Wilson, Benjamin E. Fountain, Jr., Faye Iris Y. Fisher, Steve Fred Blanton, Herbert W. Cooper, Robert C. Hayes, Jr., Stephen B. Jones, Marcellus Buchanan, David B. Barnes, Barbara J. Currie, Connie Savell, Robert B. Kaiser, Joan Atwell, Alice P. Nobles, Bruce B. Jarvis,

List of 100 results for Rule 2.1 Exceptional Cases

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Roxanna | Superior Court of North Carolina. | December 18, 2012 | No. 12-CVS-1547. | 2012 WL 9494348

THIS MATTER is before the Court because it has been designated as an **exceptional case** pursuant to **Rule 2.1** of the General **Rules** of Practice, The parties have conferred in advance and have...

...THIS MATTER is before the Court because it has been designated as an **exceptional case** pursuant to **Rule 2.1** of the General Rules of Practice, The parties have conferred in advance and have agreed that the Court should enter an order covering scheduling and **case** management issues in order to facilitate the fair and efficient disposition of this action and the Court finds that good cause has been shown for the entry of such an order....

...b. Impact (if any) of rulings on the Motion to Dismiss to the **case** schedule going forward;...

...Edwin G. Wilson, Jr., Designated Superior Court Judge ( **Rule 2.1** )....

...2. This Order, as well as any subsequent **case** management orders entered by the Court, shall bind all parties to this action and all parties added hereafter unless the Court orders to the contrary....

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## 69. Motion to Compel, or in the Alternative, Motion to Dismiss

Joel SPIVEY, Individually, and Melissa Spivey, Individually, and as Guardians Ad Litem of Jason Spivey, Plaintiffs, v. Timothy L. CHASE, M.D.; Glen Meade Obstetrics & Gynecology, P.A.; Fernando Moya, M.D.; Mohamed Sharaf, M.D.; Joan Robbins; Sheila Dietz; Julie Oliver; Coastal Carolina Neonatology, PLLC; New Hanover Regional Medical Center; L.arysa B. Bumgarner, R.N.; and Deborah Bell Lockey, R.N., Defendants. | Superior Court of North Carolina., Superior Court Division | August 11, 2014 | No. 13-CVS-626. | 2014 WL 12740714

NOW COME Defendants, Fernando Moya, M.D. and Mohamed Sharaf, M.D. ("Defendants"), and move the Court pursuant to **Rule 37(a)(2)** for an Order compelling Plaintiffs to respond to: 1....

...13. On or about March 6, 2014, Plaintiffs obtained the consent of all parties and filed a Motion to designate this **case** an **exceptional case** and for the appointment of a judge to this action, pursuant to **Rule 2.1** of General Rules of Practice ( **Rule 2.1** )...

...14. On March 25, 2014, Trial Court Administrator, Tonya Gilley, corresponded with Plaintiffs' counsel on behalf of the Honorable W. Allen Cobb, Jr., to deny the **Rule 2.1** Motion, and to invite Plaintiffs to file a motion to reconsider if Plaintiffs' counsel believes "this **case** is unusual or complex (more so than any other [medical negligence action])"....

...16. On July 30, 2014, counsel for Plaintiffs sent a letter providing information about the health of co-counsel, Andy Anderson; advising that Plaintiffs have been working with experts on the **case**; advising that Plaintiffs' "goal" was to respond to discovery of these Defendants and of the other Defendants during the first full week of August 2014; and advising Plaintiffs would ask the Court to reconsider the **Rule 2.1** Motion....

...Defendants would be prejudiced by having to conduct discovery of the issues in this **case** and/or to seek expert witnesses without adequate time for a full **case** development and review....

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## 70. Motion Seeking Recommendation of Designation as Exceptional Litigation (Rule 2.1, General Rules of Practice)

Kathleen M. LEANDRO, individually and as guardian ad litem of Robert A. Leandro; Steven R. Sunkel, individually and as guardian ad litem for Andrew J. Sunkel; Clarence L. Pender, individually and as guardian ad litem of Schnika N. Pender; Tyrone T. Williams, individually and as guardian ad litem of Trevelyn L. Williams; D. E. Locklear, Jr., individually and as guardian ad litem of Jason E. Locklear; Angus B. Thompson, II, individually and as | Superior

List of 100 results for Rule 2.1 Exceptional Cases

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Court of North Carolina, Justice Superior Court Division. | July 25, 1995 | No. 94 CVS 520. | 1995 WL 17220575

Defendants move the Court pursuant to **Rule 2.1** of the General **Rules** of Practice to recommend to the Chief Justice that this **case** be designated as **exceptional** litigation. In support of the...

...Defendants move the Court pursuant to **Rule 2.1** of the General Rules of Practice to recommend to the Chief Justice that this **case** be designated as **exceptional** litigation....

...Designating this **case** as **exceptional** will give appropriate recognition to the significance of the issues raised in this action and will also allow a single judge to familiarize himself or herself from the beginning with the complex issues involved....

...Motion Seeking Recommendation of Designation as **Exceptional** Litigation ( **Rule 2.1**, General Rules of Practice)...

...It is in the best interest of the parties and the citizens of North Carolina that this litigation be designated and treated as **exceptional** litigation from the outset with the assignment of a single judge....

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## 71. Complaint for Declaratory Judgment; Motion for Exceptional Case Designation

Luke M. CHARDE, Jr., et al., v. THE TOWN OF DAVIDSON, et al. | Superior Court of North Carolina. | January 16, 2018 | No. 18CVS943. | 2018 WL 5810646

COME NOW the Plaintiffs, Luke M. Charde, Jr. and wife Maureen Charde, MacDonald Snow Bowden and wife Anna C. Bowden, Clifton H. Hammond, Hilda P. Heath, Annie Mildred Lowery, Tony M. Parton...

...1. For recommendation to the Chief Justice that this **case** be designated as an **exceptional** civil **case**, pursuant to the provision of **Rule 2.1** of the General Rules of Practice, and for entry of such other orders as are appropriate;...

...COME NOW the Plaintiffs, and pursuant to **Rule 2.1** of the General Rules of Practice for the Superior and District Courts Supplemental to the North Carolina Rules of Civil Procedure, respectfully move the Court to designate this matter as an **exceptional** civil **case**....

...In support thereof, Plaintiffs refer to and incorporate by reference the allegations of the preceding paragraphs as if fully set forth herein, and further show unto the Court that the circumstances of this **case** and the factors set forth in **Rule 2.1** warrant designation of this matter, as follows:...

...76. Designation of this **case** as **exceptional** will promote the efficient administration of justice, promote scheduling flexibility, and prevent an undue imposition on the Court's regular presiding judges and normal **case** docket....

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## 72. Motion for Rule 2.1 Exceptional Judge, Objection to Motions and Response to Various Motions Filed By Defendants

BOYCE & ISLEY, PLLC, Eugene Boyce, R. Daniel Boyce, Philip R. Isley and Laura B. Isley, Plaintiffs, v. Roy A. COOPER, III, the Cooper Committee, Julia White, Stephen Bryant, and Kristi Hyman, Defendants. | Superior Court of North Carolina., General Court of Justice Division | May 15, 2003 | No. 00CVS 12776. | 2003 WL 25855711

List of 100 results for Rule 2.1 Exceptional Cases

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NOW COME the Plaintiffs. Boyce & Isley, PLLC, Eugene Boyce, R. Daniel Boyce, Philip R. Isley. and Laura B. Isley, and hereby respond to the Defendants' Renewed Motion for Stay, Motion for...

...A request to the Chief Justice for special appointment of a **Rule 2. 1 Exceptional** Judge will afford all concerned and the Court with consistency in discovery rulings, expeditious hearings on these and other motions and the ultimate trial of this **case**....

...3. That all of the Defendants' motions be denied, or in the alternative, be set before the **Rule 2. 1 Exceptional** Judge as soon as practicable; and...

...1. That the Wake County Senior Resident Superior Court Judge petition the Chief Justice of the North Carolina Supreme Court for the appointment of a **Rule 2. 1 Exceptional** Judge;...

...4. In addition, given the fact that two and a half years have already passed in this **case**, the Court, or a **Rule 2. 1 Exceptional** Judge should issue a scheduling order that will allow Plaintiffs to receive the responses to their discovery, prior to responding to Defendants' discovery, if any is filed....

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### 73. Complaint

Robbie Dean TERRY, Christopher Wayne Cook, Joshua Michael Barnhardt, Kevin Barringer, Brian M. Black, Barry Neal Burnette, Scott Casner, Demetrius Ray Clark, Robert Redell Dial, Malcom Eason, Gary W. Edwards, A. J. Gordon, Richard Hall, Derek Heintz, Lloyd Corey Hughes, Paul Daniel Hughes, Alan Michael Humphrey, Robert Mitchell Hunt, Stephen Hunt, Tully Langley, Charles Mack Latham, James Kelvin Locklear, Joe Travis Locklear, Johny Ray Locklear, Michael | Superior Court of North Carolina, Superior Court Division. | March 17, 2014 | No. 14 CVS 48. | 2014 WL 1052447

Plaintiffs assert claims, individually and on behalf of a class of similarly situated persons, by and through their undersigned counsel, as follows: 1. Plaintiffs bring this action on...

...For recommendation to the Chief Justice that this **case** be designated as an **exceptional** civil **case**, pursuant to the provisions of **Rule 2. 1** of the General Rules of Practice, and for entry of such other orders as are appropriate....

...110. Plaintiffs move the Court for recommendation to the Chief Justice that this **case** be designated as an **exceptional** civil **case**, pursuant to the provisions of **Rule 2. 1** of the General Rules of Practice, and for entry of such other orders as are appropriate....

...109. The number of Plaintiffs, the motion of Plaintiffs for Class Certification, the complexity of legal issues, the promotion of efficient administration of justice, and other factors which the Chief Justice may deem appropriate make this **case** suitable for designation as an **exceptional** civil **case**, pursuant to the provisions of **Rule 2. 1** of the General Rules of Practice....

...XI. MOTION FOR **RULE 2. 1** DESIGNATION...

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### 74. Defendants' Response to Motion for Designation as an Exceptional Case (Rule 2.1)

Anne Poole WORTHINGTON and Dean Walter Worthington, Plaintiffs, v. W. ROY POOLE, INC.; Walter Poole Realty, Inc.; Westparke Development, Inc.; Sovereign Real Estate Corporation; Pinnacle Real Estate Corporation; Walter Roy Poole, Jr., Individually; Walter Roy Poole, Jr. as Officer, Director, and Agent of the Following Entities: W. Roy Poole, Inc.; Walter Poole Realty, Inc.; Westparke Development, Inc.; Sovereign Real Estate Corporation; and Pinnacle Real | Superior Court of North Carolina., General Court of Justice | March 15, 2006 | File No. 05CvS1376. | 2006 WL 1461843

List of 100 results for Rule 2.1 Exceptional Cases

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TO: The Honorable Paul L. Jones, Senior Resident Superior Court Judge Defendants respond to Plaintiffs' Motion dated March 9, 2006 for Designation as an **Exceptional Case** as follows: 1. That...

...Defendants respond to Plaintiffs' Motion dated March 9, 2006 for Designation as an **Exceptional Case** as follows:...

...Defendants' Response to Motion for Designation as an **Exceptional Case ( Rule 2. 1)**...

...2.That earlier, on March 3, 2006, Defendants' counsel properly filed a Motion for Designation as a Complex Business **Case**, which Motion is pending before Senior Resident Superior Court Judge Paul L. Jones....

...4.Defendants' Motion is already pending before Judge Jones, Senior Resident Superior Court Judge and, therefore, it would be inappropriate and contrary to the established procedure set forth in former Chief Justice Lake's Memorandum to Superior Court Judges dated March 7, 2001 entitled "Guidelines for Assignment of **Cases** to the North Carolina Business Court", a copy of which is attached hereto as "Exhibit A" and incorporated by reference, for a Judge other than Judge Jones to determine Defendants' prior pending Motion under General Rules of Practice 2.1 and 2.2....

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## 75. Memorandum of Law in Support of Motion to Dismiss Pursuant to F.R.Civ. P. 12(b)(6)

PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, Plaintiff, v. CARRIAGE PARK ASSOCIATES, LLC, CPA Realty Cororation, Greg Youse, individually, Caroline R. Anderson, Ed and Fern Jutras, George and Barbara Guenther, Leslie and Janice Cheatle, Mary and James Wohlgemuth, and Raymond and Penelope Gamble, Defendants. | United States District Court, W.D. North Carolina. | October 06, 2008 | No. 08CV00363. | 2008 WL 5357306

COME NOW the Defendants, CAROLINE R. ANDERSON, ED and FERN JUTRAS, GEORGE and BARBARA GUENTHER, LESLIE and JANICE CHEATLE, MARY and JAMES WOHLGEMUTH, and RAYMOND and PENELOPE GAMBLE...

...5. Due to the complexity of the evidentiary matters and legal issues involved, on September 8, 2008, the Townhome Owners filed their Motion in the Superior Court of Henderson County, North Carolina, to Designate **Case** as **Exceptional** pursuant to **Rule 2. 1(d)** of the General Rules of Practice for the Superior and District Courts of North Carolina....

...The Townhome Owners intend to intend to file a second motion pursuant to **Rule 2. 1 (d)** to request that all of the coverage **cases** be heard by the same Superior Court Judge....

...Consolidation of the coverage **cases** and liability **cases** designated as **exceptional** in state court may be sought....

...Due to the number of parties involved and the complexity of the state law issues raised in the underlying litigation, the Townhome Owners filed their Motion to Designate the **Case** as **Exceptional**, requesting that one Superior Court Judge be assigned to preside over the entire **case**....

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## 76. Memorandum of Law

DILLARD/GOLDSBORO ALUMNI AND FRIENDS, INC., Plaintiff, v. Raymond E. SMITH, Jr., and, Nathaniel Moore, Defendants. Patricia BURDEN, Winston Barnes, and Minerva Woodard, Directors, for and on behalf of the Dillard/ Goldsboro Alumni and Friends Association, Inc., Plaintiffs, v. Sedrick DUNSON, John Hicks, the Dillard/Goldsboro Alumni and Friends Association, Inc., as Nominal Defendant, Defendants. | Superior Court of North Carolina., Superior Court Division | April 01, 2014 | Nos. 14 CVS 59, 14 CV 340. | 2014 WL 5025516



List of 100 results for Rule 2.1 Exceptional Cases

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NOW COMES Defendant Raymond E. Smith, Jr., Defendant and Counterclaimant in Wayne County File No.: 14 CVS 59 ("the First **Case**"), and Patricia Burden, Winston Barnes and Minerva Woodard,...

...26. On or about March 18, 2014, Plaintiffs Dunson and Hicks in the name of the DGAF moved to modify their previous motion for **exceptional case** designation, to request designation of a business court judge as the **Rule 2. 1** judge in the First **Case**....

...21. On March 4, 2014, Dunson and Hicks, in the name of the DGAF, moved the Wayne County Superior Court for a recommendation that the First **Case** be designated as **exceptional** pursuant to **Rule 2. 1** of the General Rules of Practice, and that Judge Jones request that the **case** then be assigned to Judge Jenkins....

...23. On March 10, 2014, Dunson and Hicks in the name of the DGAF, filed their reply to Defendant Smith's response to the motion for **exceptional case** designation....

...27. On or about March 25, 2014, Judge Jones allowed the motion of Dunson and Hicks, in the name of the DGAF, to request **exceptional case** designation and to request assignment of a business court judge....

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## 77. Memorandum of Law

DILLARD/GOLDSBORO ALUMNI and Friends, Inc., Plaintiff, v. Raymond E. SMITH, Jr., and, Nathaniel Moore, Defendants. Patricia BURDEN, Winston Barnes, and Minerva Woodard, Directors, for and on behalf of the Dillard/Goldsboro Alumni and Friends Association, Inc., Plaintiffs, v. Sedrick DUNSON, John Hicks, the Dillard/Goldsboro Alumni and Friends Association, Inc., as Nominal Defendant, Defendants. | Superior Court of North Carolina., Superior Court Division | April 01, 2014 | Nos. 14 CVS 59, 14 CV 340. | 2014 WL 4097684

NOW COMES Defendant Raymond E. Smith, Jr., Defendant and Counterclaimant in Wayne County File No.: 14 CVS 59 ("the First **Case**"), and Patricia Burden, Winston Barnes and Minerva Woodard,...

...26. On or about March 18, 2014, Plaintiffs Dunson and Hicks in the name of the DGAF moved to modify their previous motion for **exceptional case** designation, to request designation of a business court judge as the **Rule 2. 1** judge in the First **Case**....

...21. On March 4, 2014, Dunson and Hicks, in the name of the DGAF, moved the Wayne County Superior Court for a recommendation that the First **Case** be designated as **exceptional** pursuant to **Rule 2. 1** of the General Rules of Practice, and that Judge Jones request that the **case** then be assigned to Judge Jenkins....

...23. On March 10, 2014, Dunson and Hicks in the name of the DGAF, filed their reply to Defendant Smith's response to the motion for **exceptional case** designation....

...27. On or about March 25, 2014, Judge Jones allowed the motion of Dunson and Hicks, in the name of the DGAF, to request **exceptional case** designation and to request assignment of a business court judge....

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## 78. Motion for Protective Order

Joel SPIVEY, Individually, and Melissa Spivey, Individually, and as Guardians Ad Litem of Jason Spivey, Plaintiffs, v. Timothy L. CHASE, M.D.; Glen Meade Obstetrics & Gynecology, P.A.; Fernando Moya, M.D.; Mohamed Sharaf, M.D.; Joan Robbins; Sheila Dietz; Julie Oliver; New Hanover Regional Medical Center; Larysa B. Bumgarner, R.N.; and Deborah Bell Lockey, R.N., Defendants. | Superior Court of North Carolina., Superior Court Division | November 17, 2014 | No. 13-CVS-626. | 2014 WL 12740713

List of 100 results for Rule 2.1 Exceptional Cases

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NOW COME Defendants, New Hanover Regional Medical Center ("NHRMC"), Larysa Bumgarner, RN, and Deborah Locky, RN, and move the Court for a Protective Order from Notices of Deposition and...

...4. On March 6, 2014, Plaintiffs filed a Motion to designate this **case** an **exceptional case**, pursuant to **Rule 2. 1** of the General Rules of Practice (" **Rule 2. 1** Motion")....

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### 79. Plaintiff's Motion to Dismiss Defendant Thomas A. Conrad with Prejudice

BERNINI HOLDINGS, LLC, Plaintiff, v. Thomas A. CONRAD and Ricky L. Roberts, Defendants. | United States District Court, W.D. North Carolina., Charlotte Division | May 20, 2020 | No. 3:19-CV-603-FDW-DCK. | 2020 WL 6260778

Plaintiff Bernini Holdings, LLC (Bernini) requests that this Court dismiss defendant Thomas A. Conrad from this action with prejudice under Fed. R. Civ. P. 41(a)(2). Bernini does not intend...

...7. The state court action was designated as an **exceptional case** under **Rule 2. 1(a)** of the General Rules of Practice for the Superior and District Courts Supplemental to the Rules of Civil Procedure....

...The settlement was evidenced by a Consent Order of Material Terms of Settlement (the "Consent Settlement Order") that was signed by the Honorable Daniel A. Kuehnert, **Rule 2. 1** Superior Court judge presiding; Conrad, personally and on behalf of his company that was a defendant and counterclaimant in the state court action; Mr. Rick Sabath, on behalf of himself, plaintiff Cynergy and counterclaim defendant Bernini; Ms. Brittny Kaltenbach, who along with Mr. Colin Stockton, was counsel for Conrad and his company in the state court action; and Mr. Christopher Page, who was counsel for Cynergy, Mr. Sabath and Bernini in the state court action....

...This **case** was settled on March 10, 2020 at a judicial settlement conference....

...Due to, among other factors, the procedural status of this **case**, dismissal of Conrad appears to require an order of this Court following a motion under Fed. R. Civ. P. 41(a)(2)....

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### 80. Defendants' Motion for Judgment Notwithstanding the Verdict and Motion for New Trial

Karen DERRELL, v. Fidelis UWENSUYI-EDOSOMWAN, M.D. | Superior Court of North Carolina. | April 11, 2018 | Nos. 16CVS9579, 16-CVS-11979. | 2018 WL 8454695

NOW COME Defendants FIDELIS I. UWENSUYI-EDOSOMWAN, M.D., BUDDY CONNECT, INC., and GENESIS HOLDINGS, LLC ("Defendants"), by and through counsel, and pursuant to **Rules** 50(b) and 59 of the...

...8. On September 14, 2017, this consolidated action was designated as **exceptional** under **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts upon the parties Consent Motion For Designation of **Case** as "**Exceptional**" under **Rule 2. 1**...

...7. Judge Levinson concluded that consolidation of these **cases** was appropriate and entered an Order on June 30, 2017, consolidating the **cases** for remaining discovery and trial....

...14. Trial in these consolidated **cases** commenced on January 29, 2018, in Mecklenburg County before Judge Levinson....

List of 100 results for Rule 2.1 Exceptional Cases

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...24. A judgment should be entered in favor of the Defendants because Plaintiffs failed to set forth a prima facie **case** of each of their claims against Defendants....

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### 81. Memorandum in Opposition to Plaintiffs' Motion to Consolidate

JCG & ASSOCIATES, LLC, et al., v. DISASTER AMERICA, USA, LLC, et al. | Superior Court of North Carolina.  
| March 17, 2020 | No. 19CVS746. | 2020 WL 8366791

On April 11, 2019, Plaintiffs filed their complaint against the Defendants alleging multiple claims in Brunswick County Superior Court. [ECF No. 2] (the "Present Action"). Among these...

...Under the second avenue for designation—discretionary designation under **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts—the Chief Justice "may designate any **case** or group of **cases** as (a) ' **exceptional** ' or (b) 'complex business.'..."

...There are two options for having a **case** designated as a complex business **case**....

...Where the Business Court has previously heard **cases** consolidated from different counties, it has been by consent and/or only for the purpose of pretrial matters. see, Kornegay Family Farms, LLC v. Cross Creek Seed, Inc., No. 15 CVS 1202, 2016 WL 1618272, at \*1 (N.C. Super. Apr. 20, 2016) ( "The eight **cases** are pending in six different counties and are consolidated for filing purposes only"); see also, Wake Cty. v. Hotels.com, L.P., No. 06 CVS 16256, 2012 WL 6673127, at \*1 (N.C. Super. Dec. 19, 2012)( "The **cases** were transferred to the North Carolina Business Court, assigned to this Court, and subsequently consolidated for the resolution of all pretrial matters"..."

...FN1. Plaintiffs have not filed a **Rule 2. 1** Motion....

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### 82. The 2016 Defendants' Motion to Dismiss for Failure to State a Claim and Lack of Subject Matter Jurisdiction

NORTH CAROLINA, ex rel. Expert Discovery, LLC, Bringing This Action on Behalf of the State of North Carolina, Plaintiff, v. AT&T CORP. et al, Defendants. | Superior Court of North Carolina, Superior Court Division.  
| January 11, 2021 | No. 14-CVS-13514. | 2021 WL 7185880

Defendants MCImetro Access Communications Corp. and Verizon South Inc. (collectively, "Verizon"); CenturyLink Communications, LLC, Central Telephone Company, Carolina Telephone & Telegraph...

...1.On October 2, 2020, the Defendants filed a Consent Motion to designate the **case** as **Exceptional** under **Rule 2. 1** of the General Rules of Practice....

...Judge Paul Ridgeway submitted a recommendation to Chief Justice Cheri Beasley requesting that the **case** be designated **exceptional**....

...On November 18, 2020, Chief Justice Beasley appointed Judge Stephan R. Futrell to preside over the **case**....

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### 83. Motion (Rule 2.1 for Exceptional Designation)

Julius William WOODY, and Shannon Chad Gaines, Plaintiffs, v. Randy Lynn VICKREY, Defendant and Third-Party Plaintiff, v. Carrie F. Vickrey and Donald G. Ayscue, Third-Party Defendants. | Superior Court of North Carolina, Superior Court Division. | January 14, 2019 | No. 17 CvS 921. | 2019 WL 13398184

List of 100 results for Rule 2.1 Exceptional Cases

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NOW COMES Plaintiff Shannon Chad Gaines and Third-Party Defendants, by and through their undersigned counsel of record, hereby respectfully moving the Court to designate this action as...

...NOW COMES Plaintiff Shannon Chad Gaines and Third-Party Defendants, by and through their undersigned counsel of record, hereby respectfully moving the Court to designate this action as **exceptional** and complex pursuant to **Rule 2. 1** of the North Carolina General Rules of Practice....

...1.To recommend this **case** to the Chief Justice for designation as an **exceptional** and complex action....

...12.Designation of this **case** as complex will promote the efficient administration of justice....

...7.The claims, counter-claims and third-party claims necessarily render this action **exceptional** and complex....

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#### 84. Motion to Compel, or in the Alternative, Motion to Dismiss

Joel SPIVEY, Individually, and Melissa Spivey, Individually, and as Guardians Ad Litem of Jason Spivey, Plaintiffs, v. Timothy L. CHASE, M.D.; Glen Meade Obstetrics & Gynecology, P.A.; Fernando Moya, M.D.; Mohamed Sharaf, M.D.; Joan Robbins; Sheila Dietz; Julie Oliver; Coastal Carolina Neonatology, PLLC; New Hanover Regional Medical Center; Larysa B. Bumgarner, R.N.; and Deborah Bell Lockey, R.N., Defendants. | Superior Court of North Carolina., Superior Court Division | August 08, 2014 | No. 13 CVS 626. | 2014 WL 12740711

NOW COMES Defendants Joan Robbins, Sheila Dietz, and Julie Oliver (collectively “these Defendants”) and move this Court pursuant to **Rule** 37(a)(2) for an Order compelling Plaintiffs to...

...15. On or about March 6, 2014, Plaintiffs obtained the consent of all parties and filed a Motion to designate this **case** an **exceptional case** and for the appointment of a judge to this action, pursuant to **Rule 2. 1** of General Rules of Practice (“**Rule 2...**”

...22. If the discovery of this matter is expedited in any way to be ready for trial, Defendants would be prejudiced by having to conduct discovery of the issues in this **case** and/or to seek expert witnesses without adequate time for a full **case** development and review....

...19. With Plaintiffs advising that they have continued to build the support for their **case** during the time that they have not complied with the Discovery Scheduling Order, Defendants are now prejudiced by the consideration they have given to Plaintiffs' counsel's health issues and Plaintiffs' scheduling and procedural delays....

...In the alternative, these Defendants move the Court pursuant to Rule 41(b) of the North Carolina Rules of Civil Procedure for an Order dismissing this action for failure of the Plaintiffs to comply with the North Carolina Rules of Civil Procedure, failure to comply with the Discovery Scheduling Order entered in this **case**, and failure to prosecute their claim against the Defendants....

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#### 85. Plaintiffs' Summary Judgment Brief

DAEDALUS, LLC, Epcon Communities Carolinas, LLC, and NVR, Inc., Plaintiffs, v. CITY OF CHARLOTTE, Defendant. | Superior Court of North Carolina, Superior Court Division. | January 10, 2020 | No. 18-CvS-21073. | 2020 WL 12894525

This is an action in which Plaintiffs, on behalf of themselves and a putative class, seek to recover unlawful water and sewer “capacity fees” charged by the City of Charlotte (the “City”)...

...However, if the Court is inclined to recommend to the Chief Justice that this **case** be designated as an **exceptional case**, the Court has the authority under **Rule 2. 1** to do so ex mero motu....

List of 100 results for Rule 2.1 Exceptional Cases

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...The Court inquired at the close of the hearing why the parties had not requested the appointment of a **Rule 2. 1** judge....

...Plaintiffs had not previously requested a **Rule 2. 1** judge because counsel did not anticipate numerous pretrial motions or similar matters which would require a tracking judge - to date, the parties have only appeared before this Court on an uncontested motion to amend the complaint, and now on these cross-motions for summary judgment....

...Similarly, the "contemporaneous service" furnished by the City in the **case** of a new water and sewer service connection is the connection - which, again, is paid for through the tap fee....

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## 86. Memorandum of Law in Support of Defendants Phillip Grissom, Jr. and Epsom Fire and Rescue Association, Inc.'s Motion to Dismiss

Larry Donnell GREEN, by and through his Guardian ad Litem, Sharon Crudup; Larry Alston, Individually, and Ruby Kelly, Individually, Plaintiffs, v. Wade R. KEARNEY, II; Paul Kilmer; Katherine Elizabeth Lamell; Pamela Ball Hayes; Ronnie Wood; Phillip Grissom, Jr.; Dr. J.B. Perdue, Individually, and in his official capacity as Medical Examiner of Franklin County; Louisburg Rescue and Emergency Medical Service, Inc.; Franklin County Emergency Medical Services; Epsom Fire | Superior Court of North Carolina., General Court of Justice | February 04, 2009 | No. 08 CVS 630. | 2009 WL 7444730

Defendants Phillip Grissom, Jr. and Epsom Fire and Rescue Association, Inc. (hereinafter "Grissom" and "Epsom"), by and through their undersigned counsel, hereby submit this Memorandum of...

...On March 20, 2008, all Defendants filed a Motion to Designate the Original Action as **exceptional** pursuant to Gen. **Rule 2. 1**....

...On October 2, 2008, Judge Hobgood ruled that the **case** would not be recommended to the Chief Justice under Gen. **Rule 2. 1** unless all parties consented....

...On June 17, 2008, all Defendants filed a motion to designate the current action as **exceptional** pursuant to Gen. **Rule 2. 1** as they did in the Original Action....

...On September 20, 2008, at the request of Judge Robert H. Hobgood, the parties submitted briefs in support of their positions on Defendants' Gen. **Rule 2. 1** motion....

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## 87. Brief in Support of Plaintiff's Motion to Remand and Opposition to Designation of Case as a Complex Business Case Pursuant to G.S. 7A-45.4(e)

UNION CORRUGATING COMPANY, Plaintiff, Joel VIECHNICKI, Defendant. | Superior Court of North Carolina., Superior Court Division | September 05, 2014 | No. 14CVS6240. | 2014 WL 5025515

Mandatory Business Court jurisdiction does not exist regarding this contract dispute between plaintiff Union Corrugating Company ("Union") and its former Director of Sales, defendant Joel...

...Ct. May 17, 2010) (remanding **case** after determining ex mero motu that action fails to establish mandatory jurisdiction notwithstanding recognition that it might warrant designation as **exceptional case** given that "the issues as to the corporate Defendants appear to be similar to the issues in [a designated **exceptional case**]")....

...Sunbelt Rentals qualified for Business Court jurisdiction pursuant to **Rule 2. 1** of the General Rules of Practice for Superior and District Courts....

...Instead, classification of this **case** as a mandatory complex business **case** would portend an unintended expansion of the Court's jurisdiction....

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List of 100 results for Rule 2.1 Exceptional Cases

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...Simply put, for mandatory complex business **case** jurisdiction to exist, “[t]he primary legal issues in th[e] **case**” must satisfy one of the enumerated jurisdictional grounds of North Carolina General Statute Section 7A-45.4.”...

## 88. Charlotte Motor Speedway, Inc.'s Motion for Protective Order

Edwin L. KING and Patricia C. King, Plaintiffs, v. CHARLOTTE MOTOR SPEEDWAY, INC. doing business as Lowe's Motor Speedway; and Tindall Corporation, formerly, Tindall Concrete Products, Inc., Defendants. | Superior Court of North Carolina. | May 05, 2004 | No. 01-CVS-16546. | 2004 WL 5258742

NOW COMES the Defendant, Charlotte Motor Speedway, Inc. (“CMS”), pursuant to **Rule 26** of the North Carolina **Rules** of Civil Procedure, and respectfully moves the Court for a protective order...

...1. The **case** was designated as an **exceptional case** pursuant to **Rule 2. 1** of the General Rules of Practice for the District and Superior Courts of North Carolina and assigned to Judge W. Erwin Spainhour by Chief Justice Beverly T. Lake....

...2. On September 20, 2001, after conducting an initial **case** management conference on September 7, 2001 in this and all **cases** specially assigned to Judge Spainhour that relate to the failure of a portion of a pedestrian walkway at Lowe's Motor Speedway on May 20, 2000 (collectively known as “the Pedestrian Walkway Failure litigation”), Judge Spainhour entered **Case** Management Order No. 1. Throughout the pendency of the Pedestrian Walkway Failure litigation, Judge Spainhour entered additional **case** management orders to manage and control these lawsuits, including this lawsuit....

...3. Pursuant to Paragraph 10(a) of **Case** Management Order No. 1, “On or before March 15, 2002, all parties shall identify all expert witnesses who shall be called to testify at the trial of the particular Plaintiff(s) **case** # Any expert witness not identified in accordance with the terms and conditions with this **Case** Management Order shall not be permitted to testify at the trial absent a showing of good cause.”...

...5. The deadlines set forth in **Case** Management Order No. 1 to identify expert witnesses were modified slightly in **Case** Management Order No. 2 dated March 13, 2002....

## 89. Motion to Recuse the Honorable W. Erwin Spainhour

IN RE: PEDESTRIAN WALKWAY FAILURE. BRYAN HEATH BAKER and wife, Susan D. Baker; Tammy L. Hepler, Individually and as Administratrix of the Estate of John A. Hepler III; Steven P. Vanderhoof; Margaret F. Lindsey; and Walter Sudderth, Plaintiffs, v. SPEEDWAY MOTORSPORTS, INC. and Charlotte Motor Speedway, Inc. doing business as Lowe's Motor Speedway; and Tindall Corporation formerly, Tindall Concrete Products, Inc., Defendants. | Superior Court of North Carolina. | October 24, 2003 | Nos. 01-CVS-18000, 00-CVS-10499. | 2003 WL 25713506

COME NOW, the Plaintiffs, Bryan Heath Baker, Susan D. Baker, Tammy L. Hepler individually and as Administratrix of the Estate of John A. Hepler III, Steven P. Vanderhoof, Margaret F....

...5. By entry of an Order on August 9, 2001, by the Honorable I. Beverly Lake, Jr., Chief Justice of the Supreme Court of North Carolina, the Baker **Case** was designated as an **exceptional case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts....

...17. Judge Spainhour then delayed from the proposed schedule each trial involving the Plaintiffs represented by The Blount Law Firm: Judge Spainhour further delayed the Sudderth **case** two weeks, the Lindsey and Williams **cases** three weeks, the Hepler and Baker **cases** three weeks and the King and Vanderhoof **cases** over two months....

...Since the Baker **Case** was the second pedestrian bridge collapse **case** to be filed, it would stand to reason that this **case** would be one of the first scheduled for trial....



List of 100 results for Rule 2.1 Exceptional Cases

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...Furthermore, the Defendants' proposed trial schedule which was adopted by Judge Spainhour implemented a strategy for the Defendants which included the pairing of **cases** of the Defendants' choice and the scheduling one of the most serious injury **cases** (the King **case**) in the last trial setting....

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### 90. Defendants' Response in Opposition to Plaintiffs' Motion for Attorney's Fees

Edward T. SMITH, Jr. et al., Plaintiffs, v. Roy A. COOPER, III, in his official capacity as Governor of North Carolina, and the State of North Carolina, Defendants. | Superior Court of North Carolina. | October 01, 2020 | No. 20 CVS 6035. | 2020 WL 9174665

Defendants, Governor Roy A. Cooper, III, and the State of North Carolina, respectfully submit this brief in opposition to Plaintiffs' motion for allowance of attorney's fees (ECF Nos. 39,...

...On May 28, 2020, Defendants filed a motion to recommend this **case** be designated **exceptional** under **Rule 2. 1** of the General Rules of Practice and Procedure; the **case** was so designated on June 1, 2020....

...Upon the **Rule 2. 1** designation of this **case** to the Hon. James L. Gale, this Court held a hearing on the TRO request on June 4, 2020....

...Yet this **case** remains pending: The Second Amended Complaint is still active; Defendants have filed a motion to dismiss this **case**; and Plaintiffs' original PI request remains before the Court....

...FN5. **Cases** like House looked at the entire litigation in considering who is the prevailing party....

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### 91. Governor Cooper's Response in Opposition to Motion for Preliminary Injunction and in Support of Motion to Dismiss Amended Complaint

TOWN OF LA GRANGE, North Carolina, v. STATE OF NORTH CAROLINA, et al. | Superior Court of North Carolina. | July 07, 2020 | No. 20CVS363. | 2020 WL 8366637

FN1. World Health Org., WHO Coronavirus Disease (COVID-19) Dashboard, available at <https://covid19.who.int> (accessed July 7, 2020). FN2. See Centers for Disease Control & Prevention,...

...Following the TRO hearing, the court entered a consent order recommending that the Chief Justice designate the **case** as an **exceptional case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Court....

...On June 22, 2020, the Chief Justice issued an order designating the **case** as **exceptional** under **Rule 2. 1** and assigning it to James L. Gale, Emergency Superior Court Judge for Complex Business **Cases**....

...On Friday, July 3, 2020, the State reached its highest one-day number for **cases**, with 2,099 **cases** reported.[FN5]...

...The United States alone has confirmed over 2.8 million **cases**,...

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### 92. Brief in Support of Plaintiffs' Motion for Attorneys' Fees, Expenses and Class Representative Awards

John R. KUCAN, Jr. and Terry Coates, on behalf of themselves, and all other persons similarly situated, Plaintiffs, v. ADVANCE AMERICA, Cash Advance Centers of North Carolina, Inc.; Advance America, Cash Advance Centers, Inc.; and William M. Webster, IV, Defendants. | Superior Court of North Carolina., General Court of Justice, Division | December 28, 2010 | No. 04CVS2860. | 2010 WL 8608991

List of 100 results for Rule 2.1 Exceptional Cases

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Plaintiffs submit this brief in support of their motion for attorney fees and expenses, and for class representative awards (the "Motion"). Plaintiffs seek a fee of one-third of the \$118.75...

...Plaintiffs opposed these efforts and instead moved to have the **cases** designated as "**exceptional**" under **Rule 2.1** of the General Rules of Practice and assigned to a specially designated judge....

...The defendants in all three of the lead **cases** sought to shift the **cases** into arbitration, arguing that plaintiffs were under a contractual duty to arbitrate the **cases** individually....

...Also see In re Oral Sodium Phosphate Solution-Based Products Liability Action, 2010 WL 5058454 (N.D. Ohio Dec, 2010) (citing article "surveying common benefit fee awards entered by state and federal courts in 1,120 class action **cases** and finding the courts' effective multipliers averaged: (a) 3.89 across all 1,120 **cases**, (b) 4.50 across the 64 **cases** where the recovery exceeded \$100 million, and (c) 2.97 across the 10 mass tort **cases**."...)...

...Having this **case** and the other payday **cases** decided in state court rather than federal court was deemed to be critical to plaintiffs, because particular decisions by the Fourth Circuit Court of Appeals--especially Snowden v. CheckPoint Check Cashing, 290 F.3d 691 (4 th Cir. 2002) [FN4]--made it seem likely that federal courts within the Fourth Circuit, obliged to follow Fourth Circuit precedents, would order this **case** and the other payday **cases** to individual arbitration....

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### 93. Memorandum in Support of Plaintiff's Motion in Opposition to Notice of Designation and for Remand

BARCLIFT, v. MARTIN. | Superior Court of North Carolina. | January 05, 2018 | No. 2017CVS580. | 2018 WL 732253

COMES NOW Plaintiff and submits the following Memorandum in support of his Response in Opposition to Notice of Designation and Motion to Remand. This is a run of the mill Superior Court...

...While perhaps every **case** would benefit from a single judge hearing all matters, that result might be most appropriate by serving an **exceptional case** designation pursuant to **Rule 2.1** of the North Carolina General Rules of Practice....

...This **case** does not involve novel issues....

...This **case** does not require special expertise....

...Rule 3.2 of the General Rules of Practice and Procedure for the North Carolina Business Court provides that in addition to explaining the nature of the dispute and the material issues likely to be presented, the parties seeking to designate the **case** as complex business should identify for the Court any other factors that may assist the Court in deciding whether to retain the **case**....

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### 94. Defendant's Cross-Motion for Summary Judgment and Motion to Exclude Plaintiffs' Affidavits

Everett KIRBY, et al, Harris Triad Homes, Inc., Michael Hendrix, Executor for the Estate of Frances Hendrix, Darren Engelkemier, Ian Hutagalung, Sylvia Maendl, David Stept, James Nelson, et al, Republic Properties, LLC, (Group 1 Plaintiffs) et al, v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, Defendant. | Superior Court of North Carolina., Superior Court Division | February 11, 2013 | Nos. 11-CVS-7119, 11-CVS-7120, 11-CVS-8170, 11-CVS-8171, 11-CVS-8172, 11-CVS-8173, 11-CVS-8174, 11-CVS-8338, 12-CVS-2998. | 2013 WL 9900646

List of 100 results for Rule 2.1 Exceptional Cases

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NOW COMES Defendant North Carolina Department of Transportation, "NCDOT," and hereby moves pursuant to **Rule** 56 of the North Carolina **Rules** of Civil Procedure for Summary Judgment, on the...

...**Rule 2. 1 Exceptional Cases** Re: Northern Beltway **cases**...

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## 95. Case Management Order

CROCKETT CAPITAL CORPORATION, Plaintiff, v. INLAND AMERICAN WINSTON HOTELS, INC. and Winn Limited Partnership, Defendants. | Superior Court of North Carolina. | August 05, 2008 | No. 08-CVS-000691.  
| 2008 WL 11000184

THIS MATTER is before the Court pursuant to **Rule** 17 of the Business Court **Rules**. This **case** has been designated as an **exceptional case** pursuant to **Rule** 2.1 of the General **Rules** of Practice....

...This **case** has been designated as an **exceptional case** pursuant to **Rule 2. 1** of the General Rules of Practice....

...At a hearing on June 13, 2008, the Court heard discussion and arguments of counsel regarding discovery in this **case**....

...The principal legal and factual issues which counsel presently believe will need to be decided in this **case** are as follows: i....

...All parties desire to use the electronic filing, **case** tracking, scanning, videographic, and real-time court reporting capabilities of the Court in this matter....

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## 96. Plaintiffs' Motion to Remand

Michael W. BALDWIN and Michelle M. Baldwin, Plaintiffs, v. JARRETT BAY YACHT SALES, LLC, a North Carolina limited liability company, and Brunswick Corporation, a Delaware corporation d/b/a Hatteras Yachts, Defendants.  
| United States District Court, E.D. North Carolina., Eastern Division | July 02, 2009 | No. 409CV00103.  
| 2009 WL 4837476

NOW COME plaintiffs Michael W. Baldwin and Michelle A. Baldwin, by and through their undersigned counsel of record, and, pursuant to 28 U.S.C. §§1441(c) and 1447(c), respectfully move this...

...WHEREFORE, the plaintiffs respectfully move this Court to remand this action to the Superior Court of Pitt County where it may continue as a **Rule 2. 1 case**....

...4.On December 27, 2007, the Hon. Sarah Parker, Chief Justice of the North Carolina Supreme Court, designated this action as **exceptional** under **Rule 2. 1** of North Carolina's General Rules of Practice for the Superior and District Courts....

...Justice Parker assigned the Hon. Clifton W. Everett, Jr. to preside over all proceedings in the **case**....

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## 97. Defendants' Earth Fare 2020, Inc. and Dennis Hulsing Objection to Plaintiff's Designation of this Matter as a Mandatory Complex Business Case

James TALLEY, Plaintiff, v. EARTH FARE 2020, INC. and Dennis Hulsing, Defendants. | Superior Court of North Carolina, Superior Court Division. | November 28, 2022 | No. 22CVS03924. | 2022 WL 18457460

List of 100 results for Rule 2.1 Exceptional Cases

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NOW COME defendants Earth Fare 2020, Inc. and Dennis Hulsing (hereinafter “Defendants”), and, pursuant to N.C.G.S. § 7A-45.4(e), hereby submit their Objection to Plaintiff’s Designation of...

...However, these answering Defendants have no objection to the Chief Justice of the North Carolina Supreme Court designating this **case** as an **exceptional case** under **Rule 2. 1** of the General Rules of Practice if the Chief Justice upon recommendation of the Resident Superior Court Judge recommends same to the Chief Justice....

...This is not the **case** here where Plaintiff’s claims are center around an alleged Agreement between Plaintiff and Defendants....

...The Defendants for the reasons stated above object to this action being designated as a Rule 2.2 complex business **case** as provided by the General Rules of Practice....

...For these reasons, Defendants object to Plaintiff’s designation of this matter as a Complex Business **Case** under N.C.G.S. § 7A-45.4(a) and request that this matter be treated as any other civil action....

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## 98. 130 of Chatham's Response in Opposition to Defendant's Emergency Motion to Establish Bond Amount for § 1-290 Stay or, in the Alternative, for Stay Pending Appeal

130 OF CHATHAM, LLC, as Member of Rutherford Electric Membership Corporation, Plaintiff, v. RUTHERFORD ELECTRIC MEMBERSHIP CORPORATION, Defendant. | Superior Court of North Carolina., Superior Court Division | July 30, 2014 | No. 14CVS711. | 2014 WL 4097681

NOW COMES the 130 of Chatham, LLC (“130 of Chatham”), by and through counsel, to offer its Response in Opposition to the Emergency Motion to Establish Bond Amount for § 1-290 Stay or, in...

...Thereafter, the **case** was designated as an “**exceptional**” **case** pursuant to **Rule 2. 1** of the General Rules of Practice for the Superior and District Courts and assigned to then Business Court Judge, Albert Diaz....

...In addition, the Court of Appeals did not indicate that the **case's Rule 2. 1** designation had any effect on Judge Erving's ability to hear the **case**, rather, it the court stated that Judge Ervin's recusal made Judge Diaz's determination appropriate....

...If, through a Motion to Stay, the Court allows this Defendant to effectively relitigate issues determined by earlier Superior Court judges in the same **case**, then what will encourage defendants in other **cases** to seeking business court designation and immediately filing motions to stay upon receiving unfavorable rulings in general Superior Court....

...Wachovia Bank, although distinguishable from the instant **case**, is instructive here....

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## 99. Original Complaint

STATE OF NORTH CAROLINA, ex rel. Joshua H. Stein, Attorney General, Plaintiff, v. E.I. DUPONT DE NEMOURS AND COMPANY; The Chemours Company; The Chemours Company FC, LLC; Corteva, Inc.; Dupont De Nemours, Inc.; and Business Entities 1-10, Defendants. | Superior Court of North Carolina, General Court of Justice Division. | October 13, 2020 | No. 20CVS5612. | 2020 WL 11421658

FN1. Except that, in this litigation, the State does not assert claims, costs, or damages associated with aqueous film-forming foam (“AFFF”), which is a particular product that contains...

List of 100 results for Rule 2.1 Exceptional Cases

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...Plaintiff alleges that the **case** is well-suited for **Rule 2. 1** designation because of the complex legal and factual issues involved....

...Plaintiff alleges that this is an **exceptional** civil **case** and will request that the **case** be assigned a single Superior Court Judge....

...14. Plaintiff gives notice that it will seek to confer with the parties, upon their appearances, regarding submission of a Joint Motion to Invoke **Rule 2. 1** of the General Rules of Practice for Superior and District Courts, unless the Court acts ex mero motu prior to submission of a Joint Motion....

...135. In 2005, after confidentially settling the Tennant **case**, Old DuPont agreed to pay \$10.25 million to resolve eight counts brought by the EPA alleging violations of TSCA and RCRA....

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### 100. Defendants' Joint Motion to Dismiss for Failure to State a Claim

NORTH CAROLINA, ex rel. Expert Discovery, LLC, Bringing This Action on Behalf of the State of North Carolina, Plaintiff, v. AT&T CORP.; Bellsouth Communication Systems, LLC; Teleport Communications America, LLC; Bellsouth Telecommunications, LLC; Carolina Telephone and Telegraph Company, LLC; Central Telephone Company; Centurylink Communications, LLC; Mebtel, Inc.; Level 3 Communications, LLC; Telcove Operations, LLC; TW Telecom of North Carolina, L.P.; Global Crossing Local Services, Inc.; Time Warner Cable Information Services (North Carolina), LLC; Frontier Communications of America, Inc.; Frontier Communications of the Carolinas, LLC; Frontier Communications Online and Long Distance Inc.; Global Crossing Telecommunications, Inc. (Formerly d/b/a Frontier Communications Services Inc.); Citizens Telephone Company; MCImetro Access Transmission Services Corp.; Verizon South, Inc.; North State Communications, LLC; Charter Communications, Inc.; Charter Communications (NC), LLC; Charter Fiberlink NC-CCO, LLC; and YMax Communciations Corp., Defendants. | Superior Court of North Carolina, Superior Court Division. | January 11, 2021 | No. 14-CVS-13514. | 2021 WL 7185882

NOW COME Defendants, through their respective undersigned counsel and pursuant to **Rule** 12(b)(6) of the North Carolina **Rules** of Civil Procedure, and hereby move the Court to dismiss the...

...4.On October 2, 2020, the remaining Defendants filed a Consent Motion to designate the **case** as **Exceptional** under **Rule 2. 1** of the General Rules of Practice....

...Judge Paul Ridgeway submitted a recommendation to Chief Justice Cheri Beasley requesting that the **case** be designated **exceptional**....

...On November 18, 2020, Chief Justice Beasley appointed Judge Stephan R. Futrell to preside over the **case**....

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