

Bubble-wrap maker sued in NC court by Israeli tech company over \$25M contract dispute

BY CHASE JORDAN
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A Charlotte-based bubble wrap company is being sued by an Israeli bottle technology business claiming that a contract was terminated to avoid payments of more than \$25 million, according to North Carolina Business Court records.

Water.io spent about two years designing and making products for Sealed Air Corporation, Water.io said. And ending the contract in 2021 was economically devastating

for Water.io, a business with less than 20 employees, the suit said.

Water.io was established in 2015 and makes app-connected smart caps that transport data from water bottles to encourage customers to drink more water. It's now known as ImpacX after a name change in 2021. The company also offers apps and technology for vitamin usage and smart bottles to measure content inside a container.

The company signed a purchase agreement with Sealed Air in 2018 to produce 15,000 sensors

for vacuum insulated panels to use in a customer pilot trial to detect, measure and transmit data, according to the lawsuit.

Water.io claims thousands of hours were spent developing, testing and improving the technology, and Sealed Air had purchased equipment to build a laboratory in Charlotte to test the sensors.

Sealed Air and Water.io were on good terms for awhile with plans for expansion and exclusive business deals, the suit claims. But a conflict arose in May 2021 when

Water.io received a letter saying that the delivered sensors were not in conformance with specifications and warranties during a production phase.

Water.io claimed it was in the next phase of the production and was asked to provide an invoice for its services. But Sealed Air decided not to continue with the partnership, according to court records.

“(Sealed Air) knew it had no legitimate basis to assert ‘material breach’ by Water.io, and was attempting to concoct access to a right to terminate without cause — the

first of two arms of a (Sealed Air) effort to halt its obligation to perform under the contract,” the plaintiff claimed.

Attorney Edward Hennessey IV, a representative for Water.io, said the case is in the early stages of litigation. A jury trial is being requested for the case filed in August in Mecklenburg County.

Mark Wilson, attorney for Sealed Air, denied the allegations in court documents. Sealed Air claimed that Water.io failed to make the products and couldn't manufacture the promised sensors, accord-

ing to court records. Sealed Air said a delivery was required by June 30, 2020, but it was not received until Dec. 31 of that year.

Both companies declined to provide comments to The Charlotte Observer about the case.

ABOUT SEALED AIR

Sealed Air was founded in 1960. It makes bubble wrap and padded envelopes, among other products.

The company moved its headquarters in 2014 from New Jersey to Charlotte to a 32-acre campus off West Tyvola Road.

Last year, Sealed Air employed more than 7,000 people in the U.S. and 9,800 in other countries. Sealed Air reported sales of \$5.5 billion, last year, according to court documents.

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Gov. Cooper increases NC unemployment benefits after Helene. Here's what's available.

BY AVI BAJPAI
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RALEIGH

Gov. Roy Cooper signed an executive order Wednesday increasing the maximum weekly unemployment payment available to North Carolinians in the aftermath of Hurricane Helene.

The executive order applies statewide and authorizes the current maximum weekly payment of \$350 to be raised to \$600.

The payments paid out by the state will continue to be capped at 12 weeks, but North Carolinians who lived or worked in the western counties that were impacted by the storm, and are out of work because of it, will qualify for up to 26 weeks of federal benefits that will be paid through the end of March.

In a statement, Cooper, a Democrat, said he was authorizing the raise in weekly unemployment benefits after traveling across Western North Carolina and hearing concern from small business owners about employees who were still unemployed because their businesses are still closed.

The executive order, which received unanimous agreement from the rest of the bipartisan Council of State, is tied to the ongoing state of emergency for Helene, and will stay in effect until the end of the emergency, or until the order is rescinded.

On top of raising the cap on weekly benefits to \$600, the executive order also increases benefits by \$250 per week, up to the \$600 maximum, to ensure that any low-income or part-time workers who were receiving less than the current \$350 maximum “receive necessary benefits in the wake of Helene,” according to a news release from Cooper's office.

Cooper's office noted that even though federal law requires the increased benefits to apply statewide, 79% of new claims filed — 19,735 — between the storm hitting North Carolina on Sept. 27 and Oct. 13 were filed by workers in impacted counties.

The governor's office also noted that only eight other states have lower weekly maximum unemployment benefits after North Carolina, adding that the \$350 cap, which was set in 2013, had not been changed since, “even as rising wages in the state continue to grow

North Carolina's Unemployment Insurance Trust Fund from which benefits are paid.”

The trust fund currently has more than \$4.8 billion, and is the second-largest of its kind in the country, the governor's office said.

The governor's office said that the Division of Employment Security estimated that if 50,000 North Carolinians from the impacted counties were to receive the maximum unemployment payment for the entire 12-week duration, it would cost the trust fund a total of \$150 million.

The additional 14 weeks of federal benefits available under the federal Disaster Unemployment Assistance program would cost the federal government an additional \$175 million, the governor's office said.

“Many currently unemployed workers will likely return to work before receiving the full benefit they are entitled to claim, so the actual fiscal impact of the increased benefits is expected to be lower,” Cooper's office said in the release.

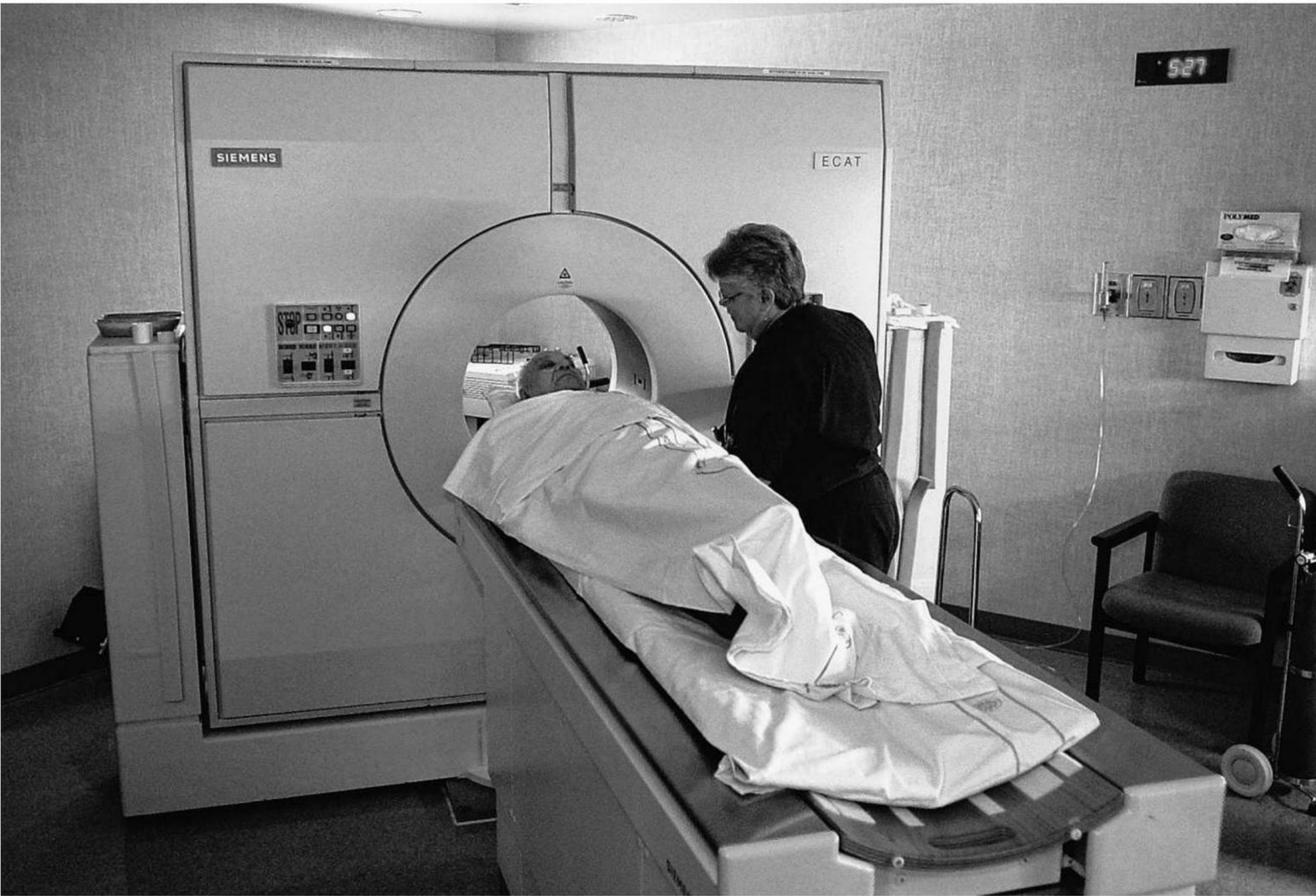
In a statement, State Treasurer Dale Folwell said he concurred with Cooper's executive order but suggested that officials should work to figure out where the increased benefits are most needed.

“While natural disasters are nothing new in North Carolina, they always present new opportunities to learn important lessons,” Folwell said. “I recommend that the Governor, working with local, state and federal officials and agencies, resolve to more clearly define and identify areas that are most impacted by this and future disasters. That would assure that increased benefits and employer tax relief are provided to those in the greatest need.”

“Hopefully, the U.S. Congress and the North Carolina General Assembly will take this opportunity to draft laws that will allow precision focus and immediate action to struggling disaster relief areas instead of extending response on a statewide basis,” he said.

Cooper's office said Wednesday that it could take people filing for unemployment between two and three weeks to see the increased payments in their weekly benefit checks.

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FILE PHOTO The Charlotte Observer

Atrium Health and Novant Health are competing to operate a fixed PET scanner in Mecklenburg County.

Novant and Atrium both want to add a high-tech medical device. NC will choose who gets it

BY CHASE JORDAN
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The largest hospitals systems in the Charlotte region are competing for approval by the state to have a 3D body scanner costing several million dollars.

Rivals Atrium Health and Novant Health are offering proposals to the state's Health Department to operate a fixed Positron Emission Tomography scanner in Mecklenburg County. The device produces images of organs and tissues with a radioactive chemical. It can also detect diseases such as cancer.

Charlotte-based Atrium Health and Novant Health, headquartered in Winston-Salem, filed Certificate of Need applications with the North

Carolina Department of Health and Human Services. The PET scanner is listed as a need for the area in the 2024 State Medical Facilities Plan.

If two or more hospitals are competing, state regulators will review each application to see if it meets CON requirements, before officials select one for approval.

N.C. law prohibits health care providers from acquiring, replacing or adding to their facilities and equipment, except in certain circumstances, without approval from the state. Approval is also required for certain medical services to help control increasing health care costs and to make sure services are not duplicated.

THE PROPOSALS

- Atrium wants to add a

PET scanner in a medical office building on the main campus of its Pineville Hospital. Atrium's project is expected to cost \$4.3 million and would be completed in April 2026, according to DHHS.

- Novant and its Presbyterian Hospital is competing to have a PET scanner at the Presbyterian Medical Center in Charlotte. The project is expected to cost \$7.4 million and would be complete in December 2026.

WHAT'S NEXT?

A public hearing for the dueling projects is scheduled for 10 a.m. Nov. 14 in the Randolph Room, Allegra Westbrooks Regional Library, 2412 Beatties Ford Road, Charlotte.

Anyone may file written comments concerning this proposal. Comments must

be received by the Healthcare Planning and Certificate of Need Section no later than 5 p.m. Oct. 31.

Comments may be submitted as an attachment to an email if they are sent to DHHS.CON.Comments@dhhs.nc.gov. Residents may also mail comments to: Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation, 2704 Mail Service Center, Raleigh, NC 27699-2704.

The agency has from 90 to 150 days to review CON applications after they are submitted. If there are no appeals during the process, a CON is issued for the project.

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EPA report: Emissions drop for America's largest polluters

BY DARRYL COOTE
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The United States' largest polluters saw their emissions drop 4% on-year in 2023, according to the Environmental Protection Agency.

Released Tuesday, the EPA's 2023 greenhouse gas data report states the decrease in direct emissions was self-reported by large stationary sources, which represent 50% of

all U.S. emissions.

The report states that more than 8,100 industrial facilities reported their greenhouse gas emissions, with power plants being the largest stationary source. A total 1,320 facilities emitting some 1.5 billion metric tons of carbon dioxide last year.

Reported power plant emissions decreased 7.2% from 2022, the report found, adding that there has been a 33.8% decrease from 2011. According to

the report, this decrease reflects “the long-term shifts in power sector fuel-stock from coal to natural gas.”

However, while power plant emissions have been going down, those produced by petroleum and natural gas systems, the second-largest stationary source of reported emissions last year, have been increasing.

According to report, these emissions increased 1.4% on-year and were

16.4% higher than 2016, the earliest year for which comparable data is available

Meanwhile, emissions from other large sources in the industrial and waste sectors dropped 1.1% last year and 10.3% from 2011.

“From 2011 to 2023, total reported GHG emissions from large facilities decreased by approximately 22%, driven by a decrease in power plant emissions,” the EPA said. “This decline occurred despite the fact that after 2016, the program began tracking additional sources.”