


Mandatory Business Court Referrals  
 Superior Court Judges' Conference  
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 Chief Business Court Judge

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Mandatory Complex Business Case Designation

N.C.G.S § 7A-45.4

Subsection (a)(1)-(5), (8) – disputes any party may designate  
 Subsection (a)(9) – disputes any party may designate with consent of all parties  
**Subsection (b) – disputes the parties must designate**

General Rules of Practice 2.1/2.2 (complex business case)

Vast majority of designations are through § 7A-45.4




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Mandatory Designation

§ 7A-45.4. Designation of complex business cases.

(g) If an action required to be designated as a mandatory complex business case pursuant to subsection (b) of this section is not so designated, the Superior Court in which the action has been filed shall, by order entered sua sponte, stay the action until it has been designated as a mandatory complex business case by the party required to do so in accordance with subsection (b) of this section.




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Mandatory Designation

(b) The following actions shall be designated as mandatory complex business cases:

(1) An action involving a material issue related to **tax law** that has been the subject of a contested tax case for which **judicial review** is requested under G.S. 105-241.16, or a civil action under G.S. 105-241.17 containing a **constitutional challenge to a tax statute**, shall be designated as a mandatory complex business case by the petitioner or plaintiff.

twenty-five thousand dollars (\$25,000) that in each case is not contingent as to liability and is not the subject of a bona fide dispute as to liability or amount. Any creditor or creditor's duly authorized representative that is not a party to the action may join in the notice of designation with the same effect as if such joining creditor or creditor's representative were a party.



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### Mandatory Designation

(b) The following actions shall be designated as mandatory complex business cases:

- (4) An action in which a **general receiver** is sought to be appointed pursuant to G.S. 1-507.24 for a debtor that is not an individual business debtor as defined in G.S. 1-507.20 and has **assets having a fair market value of not less than five million dollars** (\$5,000,000), if the party making the designation is either (i) the debtor or (ii) one or more creditors or creditors' duly authorized representatives that assert a **claim or claims** against the debtor **exceeding, in the aggregate, twenty-five thousand dollars** (\$25,000) that in each case is not contingent as to liability and is not the subject of a bona fide dispute as to liability or amount. Any creditor or creditor's duly authorized representative that is not a party to the action may join in the notice of designation with the same effect as if such joining creditor or creditor's representative were a party.

representative were a party.



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### Mandatory Designation

(b) The following actions shall be designated as mandatory complex business cases:

- (2) An action described in subdivision (1), (2), (3), (4), (5), or (8) of subsection (a) of this section in which the amount in controversy computed in accordance with G.S. 7A-243 is **at least five million dollars** (\$5,000,000) shall be designated as a mandatory complex business case by the party whose pleading caused the amount in controversy to equal or exceed five million dollars (\$5,000,000).

Twenty-five thousand dollars (\$25,000) that in each case is not contingent as to liability and is not the subject of a bona fide dispute as to liability or amount. Any creditor or creditor's duly authorized representative that is not a party to the action may join in the notice of designation with the same effect as if such joining creditor or creditor's representative were a party.



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### Mandatory Designation

§ 7A-45.4. Designation of complex business cases.

(a) Any party may designate as a mandatory complex business case an action that involves a material issue related to any of the following:

- (1) Disputes involving the **law governing corporations**, except charitable and religious organizations qualified under G.S. 55A-1-40(4) on the grounds of religious purpose, **partnerships, and limited liability companies**, including disputes arising under Chapters 55, 55A, 55B, 57D, and 59 of the General Statutes.



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### Mandatory Designation

§ 7A-45.4. Designation of complex business cases.

(a) Any party may designate as a mandatory complex business case an action that involves a material issue related to any of the following:

- (1) Disputes involving **securities**, including disputes arising under Chapter 78A of the General Statutes.
- (2) Disputes involving antitrust law, including disputes arising under Chapter 75 of the General Statutes that do not arise solely under G.S. 75-1.1 or Article 2 of Chapter 75 of the General Statutes.
- (3) Disputes involving trademark law, including disputes arising under Chapter 80 of the General Statutes.
- (4) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.



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### Mandatory Designation

§ 7A-45.4. Designation of complex business cases.

(a) Any party may designate as a mandatory complex business case an action that involves a material issue related to any of the following:

- (1) Disputes involving **antitrust law**, including disputes arising under Chapter 75 of the General Statutes that do not arise solely under G.S. 75-1.1 or Article 2 of Chapter 75 of the General Statutes.
- (2) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (3) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (4) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (5) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.



### Mandatory Designation

§ 7A-45.4. Designation of complex business cases.

(a) Any party may designate as a mandatory complex business case an action that involves a material issue related to any of the following:

- (1) Disputes involving **trademark law**, including disputes arising under Chapter 80 of the General Statutes.
- (2) Disputes involving antitrust law, including disputes arising under Chapter 75 of the General Statutes that do not arise solely under G.S. 75-1.1 or Article 2 of Chapter 75 of the General Statutes.
- (3) Disputes involving trademark law, including disputes arising under Chapter 80 of the General Statutes.
- (4) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (5) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.



### Mandatory Designation

§ 7A-45.4. Designation of complex business cases.

(a) Any party may designate as a mandatory complex business case an action that involves a material issue related to any of the following:

- (1) Disputes involving the **ownership, use, licensing, lease, installation, or performance of intellectual property**, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (2) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (3) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (4) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (5) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.



### Mandatory Designation

§ 7A-45.4. Designation of complex business cases.

(a) Any party may designate as a mandatory complex business case an action that involves a material issue related to any of the following:

- (1) Disputes involving **trade secrets**, including disputes arising under Article 24 of Chapter 66 of the General Statutes.
- (2) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (3) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (4) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.
- (5) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.



## Mandatory Designation

### § 7A-45.4. Designation of complex business cases.

(a) Any party may designate as a mandatory complex business case an action that involves a material issue related to any of the following:

- (9) **Contract disputes** in which all of the following conditions are met:
- At least one plaintiff and at least one defendant is a **corporation, partnership, or limited liability company**, including any entity authorized to transact business in North Carolina under Chapter 55, 55A, 55B, 57D, or 59 of the General Statutes.
  - The complaint asserts a **claim for breach of contract or seeks a declaration of rights, status, or other legal relations under a contract**.
  - The amount in controversy computed in accordance with G.S. 7A-243 is **at least one million dollars (\$1,000,000)**.
  - All parties **consent** to the designation.

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## Designation Under Rule 21

### Rule 2.1. Designation of Exceptional Civil Cases and Complex Business Cases

(a) The Chief Justice may designate any case or group of cases as (a) "exceptional" or (b) "complex business." A senior

- (d) Factors which may be considered in determining whether to make such designations include: the **number and diverse interests** of the parties; the **amount and nature of anticipated pretrial discovery and motions**; whether the parties **voluntarily agree to waive venue** for hearing pretrial motions; the **complexity of the evidentiary matters and legal issues** involved; whether it will **promote the efficient administration of justice**; and such other matters as the Chief Justice shall deem appropriate.

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## Designation Under Rule 22

### Rule 2.2. Designation of Special Superior Court Judge for Complex Business Cases

The **Chief Justice** shall designate one or more superior court judges as special judges to hear and decide **complex business cases as provided in Rule 2.1**. Any judge so designated shall be known as a **Special Superior Court Judge for Complex Business Cases**.

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Thank You

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