

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

JOHN DOE,

Plaintiff,

v.

ABC CORPORATION,

Defendant.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
CIVIL ACTION NO.:

APPENDIX 1: NOTICE OF  
DESIGNATION TEMPLATE

Pursuant to N.C. Gen. Stat. § 7A-45.4, [INSERT PARTY] seeks to designate the above-captioned action as a mandatory complex business case. In good faith, and based on information reasonably available, [INSERT PARTY], through counsel, hereby certifies that this action meets the criteria for:

\_\_\_\_\_ Designation as a mandatory complex business case pursuant to N.C. Gen. Stat. § 7A-45.4(a), in that it involves a material issue related to:

\_\_\_\_\_ (1) Disputes involving the law governing corporations, except charitable and religious organizations qualified under N.C. Gen. Stat. § 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.

\_\_\_\_\_ (2) Disputes involving securities, including disputes arising under Chapter 78A of the General Statutes.

\_\_\_\_\_ (3) Disputes involving antitrust law, including disputes arising under Chapter 75 of the General Statutes that do not arise solely under N.C. Gen. Stat. § 75-1.1 or Article 2 of Chapter 75 of the General Statutes.

- \_\_\_\_\_ (4) Disputes involving trademark law, including disputes arising under Chapter 80 of the General Statutes.
- \_\_\_\_\_ (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.
- \_\_\_\_\_ (6) Disputes involving trade secrets, including disputes arising under Article 24 of Chapter 66 of the General Statutes.
- \_\_\_\_\_ (7) Contract disputes in which all of the following conditions are met:
  - (a) 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.
  - (b) The complaint asserts a claim for breach of contract or seeks a declaration of rights, status, or other legal relations under a contract.
  - (c) The amount in controversy computed in accordance with N.C. Gen. Stat. § 7A-243 is at least one million dollars (\$1,000,000).
  - (d) All parties consent to the designation. [If all parties have not consented, indicate that the Notice of Designation is conditional pursuant to Rule 2.5.]

\_\_\_\_\_ Designation as a mandatory complex business case pursuant to N.C. Gen. Stat. § 7A-45.4(b), in that it is an action:

\_\_\_\_\_ (1) 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 N.C. Gen. Stat. § 105-241.16, or a civil action under N.C. Gen. Stat. § 105-241.17 containing a constitutional challenge to a tax statute.

\_\_\_\_\_ (2) Described in subsection (1), (2), (3), (4), (5), or (8) of N.C. Gen. Stat. § 7A-45.4(a) in which the amount in controversy computed in accordance with N.C. Gen. Stat. § 7A-243 is at least five million dollars (\$5,000,000).

*Briefly explain why the action falls within the specific categories checked above and provide information adequate to determine that the case has been timely designated (e.g., dates of filing or service of the complaint or other relevant pleading). If necessary, include additional information that may be helpful to the Court in determining whether this case is properly designated a mandatory complex business case.*

*Attach a copy of all significant pleadings filed to date in this action (e.g., the complaint and relevant pending motions).*

[INSERT DATE AND SIGNATURE BLOCKS]