



DESIGNATION PROCEDURE FOR MANDATORY COMPLEX BUSINESS CASES

June 5, 2024

- I. Timing and Contents: see N.C.G.S. § 7A-45.4.
- II. Where and How to Send: see N.C.G.S. § 7A-45.4(c).
 - a. Address a single email to:
 - i. NOD.intake@ncbusinesscourt.net (this designated email address provides effective service on the Chief Justice of the Supreme Court of North Carolina and the Chief Business Court Judge), and
 - ii. All counsel of record.
 - b. Prepare the Notice of Designation (“NOD”); each supporting document; and any filing made in the case to date as a separate PDF file with a document-descriptive file name, which includes the date of filing. Provide an index of your NOD submission.
 - i. File the NOD with the Clerk of Superior Court in the county in which the case has been filed, and contemporaneously serve the Court pursuant to N.C.G.S. § 7A-45.4(c). Service to the Court should occur even if not yet file stamped. As soon as possible after filing with the Clerk of Superior Court, provide the Court a *file-stamped copy* of your NOD and the pleading upon which it is based. The file-stamped copies are to assist the Court in ascertaining your NOD’s timeliness pursuant to N.C.G.S. § 7A-45.4(d).
 - i. Effectuating contemporaneous filing (per N.C.G.S. § 7A-45.4(d)) in File & Serve for counties on Odyssey:

Litigants are advised that they should file the lead document creating the grounds for mandatory complex business case designation (such as a complaint, third-party complaint, etc.) and, when prompted by File & Serve, immediately thereafter upload the related notice of designation so that all the filed documents are delivered to the Clerk of Superior Court for processing in a single envelope. More detailed filing information may be found in the training documents available at <https://www.nccourts.gov/ecourts>.
 - ii. To the extent practicable, avoid multiple emails by sending your NOD as a single email. If your attachments exceed 100 MB, share via your LiquidFiles file-sharing service account, or send multiple emails. Please be aware that the Administrative Office of Courts now blocks employee access to file-sharing sites other than LiquidFiles.
 - i. Alternatively, ask the Court to request your large files through LiquidFiles by emailing NOD.intake@ncbusinesscourt.net—when doing so, copy opposing counsel. You do not need a personal LiquidFiles account for this exchange. The Court’s LiquidFiles file sharing request and response are private exchanges but, once received, the Court will share the documents with opposing counsel and NOD.intake@ncbusinesscourt.net.

- iii. Include a statement in your email submission attesting that in all the included filings, not currently under seal pursuant to court order, personal identifying information such as social security numbers, business tax IDs, or bank account numbers, has been redacted.

III. Filing fee: see N.C.G.S. § 7A-305.

- a. Currently, there is no option to pay the Business Court filing fee to the Clerk of Superior Court via the State's new e-filing platform called Odyssey. Until further notice, direct a paper check for payment of the fee to the Clerk of Superior Court of the county in which the case pending.

