

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
07 CVS 1310

CAPE FEAR REALTY, LLC,)
Plaintiff)
v.)
CAPE FEAR TRADING GROUP, LLC;)
CAPE FEAR TRADING GROUP II, LLC;)
CAPE FEAR TRADING GROUP III, LLC;)
CAPE FEAR TRADING GROUP IV, LLC;)
CAPE FEAR TRADING GROUP V, LLC;)
CAPE FEAR TRADING GROUP VI, LLC;)
CAPE FEAR TRADING GROUP VII, LLC;)
CAPE FEAR TRADING GROUP VIII, LLC;)
CAPE FEAR TRADING GROUP IX, LLC;)
CAPE FEAR TRADING GROUP X, LLC;)
CAPE FEAR TRADING GROUP XI, LLC;)
CAPE FEAR TRADING GROUP XII, LLC;)
INTRACOASTAL LIVING, LLC; CAPE)
FEAR REALTY AND DEVELOPMENT, LLC;)
and 109 NORTH DAVIS, LLC;)
Defendants)

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
07 CVS 289

JAMES M. CHIRICO, JR. and)
BRIDGET CHIRICO,)
Plaintiffs)
v.)
RODNEY J. HYSON, SR.; RODNEY J.)
HYSON, JR.; CAPE FEAR REALTY, LLC;)
CAPE FEAR TRADING GROUP, LLC;)
CAPE FEAR TRADING GROUP II, LLC;)
CAPE FEAR TRADING GROUP III, LLC;)
CAPE FEAR TRADING GROUP IV, LLC;)
CAPE FEAR TRADING GROUP V, LLC;)

CAPE FEAR TRADING GROUP VI, LLC;)
CAPE FEAR TRADING GROUP VII, LLC;)
CAPE FEAR TRADING GROUP VIII, LLC;)
CAPE FEAR TRADING GROUP IX, LLC;)
CAPE FEAR TRADING GROUP X, LLC;)
CAPE FEAR TRADING GROUP XI, LLC;)
CAPE FEAR TRADING GROUP XII, LLC;)
CAPE FEAR REALTY AND)
DEVELOPMENT, LLC; 109 NORTH DAVIS,)
LLC; and INTRACOASTAL LIVING, LLC;)
Defendants)

ORDER DENYNG MOTION FOR EXTENSION OF TIME

THIS CAUSE, coming on to be considered by the court upon motion by counsel for James B. Chirico and Bridget Chirico (the “Chiricos”) for an extension of the time to file a response in opposition to Receiver’s Motion for Order for Payment of Fees and Expenses of Receiver (the “Motion”), filed on November 3, 2008; and

THE COURT finding that:

1. The Motion fails to comply with Rule 9.2 of the General Rules of Practice and Procedure for the North Carolina Business Court (“Business Court Rules”). In this regard, the Motion fail to contain the required representations that prior to filing of the Motion, (a) the movant first had consulted with the opposing party with regard to that party’s position on the Motion; (b) the substance of the opposing party’s position on the Motion; (c) whether the opposing party wished to be heard on the Motion; or (d) that due to extraordinary circumstances, the movant was unable to comply with the above requirements.

2. Subsequent to the filing of the Motion, on November 4, 2008, the court communicated to counsel for the Chiricos via electronic mail and informed him that the Motion did not comply with the requirements of Rule 9.2 of the Business Court Rules.

3. Notwithstanding that the above reporting requirements of Rule 9.2 of the Business Court Rules may be viewed by some as merely a technicality and not substantive, the requirements are clear and simple, and compliance with them promotes efficiency in case administration by the court and counsel.

NOW, THEREFORE, it is hereby ORDERED that the Chiricos' November 3, 2008 Motion for Extension of Time to Serve Response Brief in Opposition to Receiver's Motion for Order for Payment of Fees and Expenses of Receiver is DENIED.

This the 12th day of November, 2008.

/s/ John R. Jolly, Jr.
John R. Jolly, Jr.
Special Superior Court Judge for
Complex Business Cases