

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
12 CVS 337

VLADIMIR GUSINSKY AS TRUSTEE FOR)
THE VLADIMIR GUSINSKY LIVING)
TRUST, Individually and on Behalf of All)
Others Similarly Situated,)
Plaintiff)

v.)

FLANDERS CORPORATION, HARRY L.)
SMITH, JR., JOHN OAKLEY, DAVID M.)
MOCK, CHARLIE LEE TINGEN, JR.,)
WESLEY M. MEASAMER, PHIL HODGES,)
JOE GFOELLER and INSIGHT EQUITY)
HOLDINGS LLC,)
Defendants)

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
12 CVS 463

JAMES W. DUKE, Individually and on)
Behalf of all Others Similarly Situated,)
Plaintiff)

v.)

HARRY L. SMITH; JOHN OAKLEY; DAVID)
M. MOCK; CHARLIE LEE TINGEN, JR.;)
WESLEY M. MEASAMER; PHIL HODGES;)
JOACHIM GFOELLER; AIR ACQUISITION)
HOLDINGS, LLC; AIR ACQUISITION, INC.;)
INSIGHT EQUITY HOLDINGS LLC and)
FLANDERS CORPORATION,)
Defendants)

**ORDER ON MOTION FOR EXPANSION
OF THE WORD LIMITATION**

THIS MATTER comes before the court upon Plaintiffs' Motion for an Expansion of the Word Limitation ("Motion"). The court has reviewed the Motion and Defendants' Response to the Motion, and the court FINDS and CONCLUDES as follows:

1. On October 15, 2012, Defendants filed a Motion to Dismiss the Amended Complaint and a Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, which complied with the length limitations outlined in Rule 15.8 of the General Rules of Practice and Procedure for the North Carolina Business Court ("BCR").

2. On November 5, 2012, Plaintiffs filed the Motion, seeking an expansion of the word limit for their Memorandum of Law in Opposition to Defendants' Motion to Dismiss to 10,350 words. On the same date, Plaintiffs filed their Memorandum of Law in Opposition to Defendants' Motion to Dismiss.

3. BCR 15.8 requires that requests for expansion of word limitations shall be made five business days prior to filing the brief for which expansion of word limitations is sought. BCR 15.8 states further that requests for expansion of word limitations filed simultaneously with the brief shall be denied.

4. Counsel for Plaintiffs attributes their failure to comply with BCR 15.8 to communication issues among counsel caused by Hurricane Sandy.¹

5. The Motion should be GRANTED, as reflected herein.

¹ The court acknowledges that Hurricane Sandy caused flooding, power outages and devastating damage along the East Coast of the United States, and the court is sensitive to issues created by this natural disaster. However, the court encourages counsel to recognize that compliance with the BCR promotes efficiency and fairness in case administration.

THEREFORE, IT IS ORDERED that Plaintiffs' Motion for an Expansion of the Word Limitation is GRANTED, and the court accepts Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss, filed on November 5, 2012, despite the fact that it fails to comply with BCR 15.8.

IT IS FURTHER ORDERED that the length limitation for Defendants' reply brief is expanded to a maximum of 5,250 words.

This the 9th day of November, 2012.

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