

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
11 CVS 15177

JOHN A. KIGHT and KIGHT'S MEDICAL)
CORP.,)
Plaintiffs)
v.)
GANYMEDE HOLDINGS II, INC., VINCE E.)
COLE, PATRICK O'BRIEN and ACTIVA)
MEDICAL INC.,)
Defendants)

ORDER

THIS MATTER is before the court on its own motion, upon reconsideration of its August 21, 2012 Order on Notice of Designation ("Order"); and

THE COURT recognizes that the Order set forth a change in the previous practice relative to certain time requirements for designating an action as a mandatory complex business case. As such, in its discretion and in the interest of fairness, it hereby is ORDERED that:

1. To the extent the Order remands this civil action to Wake County Superior Court for lack of timeliness in filing of the Notice of Designation, the Order is WITHDRAWN.

2. Notwithstanding any previous rulings of this court or any procedural guidelines that may be found on the North Carolina Business Court website or elsewhere on the Internet, as of this date and pursuant to N.C. Gen. Stat. § 7A-45.4(d)(1), any Notice of Designation by a plaintiff, third-party plaintiff or petitioner for judicial review that is based upon a complaint, third-party complaint or petition for judicial review, respectively (collectively, "Complaint") that is not filed on the same day

as the Complaint shall not be considered filed contemporaneously with the Complaint and will be deemed untimely.

3. This case hereby is ASSIGNED to the Honorable John R. Jolly, Jr., Chief Special Superior Court Judge for Complex Business Cases. All subsequent motions should be directed to Judge Jolly. The Rules of Practice and Procedure for the North Carolina Business Court shall apply to this case going forward.

SO ORDERED, this the 24th day of August, 2012.

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