

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
11 CVS 15111

LEGALZOOM.COM, INC.,)
Plaintiff)
v.)
THE NORTH CAROLINA STATE BAR,)
Defendant)

**ORDER ON PLAINTIFF'S
OPPOSITION TO NOTICE
OF DESIGNATION**

THIS MATTER comes before the court upon Plaintiff LegalZoom.com, Inc.'s Opposition to Notice of Designation and Motion to Remand (the "Opposition"), filed in this civil action on December 2, 2011; and

THE COURT, having reviewed the North Carolina State Bar's (the "State Bar") Notice of Designation of Action as Mandatory Complex Business Case Under N.C. Gen. Stat. § 7A-45.4 (the "Notice of Designation"), the Opposition, briefs in support of and in response to the Opposition and other pertinent matters of record, FINDS and CONCLUDES that good cause exists to OVERRULE and DENY the Opposition for the reasons set forth below.

1. N.C. Gen. Stat. § 7A-45.4 (the "Removal Statute") sets out the requirements for designation of a civil action as a mandatory complex business case. The Notice of Designation in this matter relies upon the provisions of the Removal Statute, under subsections (a)(3), (a)(4) and (a)(6), relating to the antitrust law, unfair competition law, the Internet and electronic commerce.

2. Among other things, Plaintiff contends that this action involves issues that do not fall within the scope of the Removal Statute, but instead are "'exceptional'

constitutional, governmental, public statutory and regulatory" issues of law and fact.¹ Specifically, Plaintiff avers that this action primarily concerns a state governmental agency's regulation of a private business and the constitutional and other legal ramifications of such regulation.²

3. However, Plaintiff's Complaint specifically alleges that "this case includes claims that involve a material issue relating to . . . [a] anti-monopoly, anti-competition, and antitrust law claims that are not based solely on N.C. Gen. Stat. § 75-1.1; [b] unfair competition law claims that are not based solely on N.C. Gen. Stat. § 75-1.1; and [c] the Internet and electronic commerce."³ These allegations are substantially identical with three separate statutory grounds for designation of a civil action as a mandatory complex business case under the Removal Statute.⁴

4. Further, the court concludes, after a careful reading of the Complaint, that the substance of this action involves antitrust and anti-competition issues of law and fact. As such, designation of this action as a mandatory complex business case is consistent with the spirit of the Removal Statute and the concept of the North Carolina Business Court.

NOW THEREFORE, it hereby is ORDERED that Plaintiff LegalZoom.com, Inc.'s Opposition to Notice of Designation and Motion to Remand is OVERRULED and DENIED.

¹ Pl. Opp'n Notice Designation Mot. Remand 5.

² *Id.* 6.

³ Compl. ¶ 7.

⁴ *Id.*

This the 9th day of January, 2012.

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