

NORTH CAROLINA

WAKE COUNTY

FILED

2018 MAY 14 AM 9:43

WAKE CO., C.S.C.

GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

17-CVS-5976

CRAFT FREEDOM, LLC,
THE OLDE MECKLENBURG
BREWERY, LLC, and
NODA BREWING COMPANY,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA,

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS AND
MOTION TO TRANSFER**

This matter came on for hearing before the Court on March 20, 2018, upon the State of North Carolina's motion to dismiss the complaint pursuant to Rules 12(b)(1), 12(b)(2), and 12(b)(6), and the State's alternative motion to transfer the case to a three-judge panel pursuant to N.C. Gen. Stat. § 1-267.1 and Rule 42(b)(4).

Having carefully considered the briefs submitted by the parties, the arguments of counsel, the authorities cited, and the pleadings on file, the Court orders, adjudges, and decrees the following:

1. The State's motion to dismiss the complaint is denied.
2. The State's motion to transfer the case to a three-judge panel is denied without prejudice.

This the 10 day of May, 2018.



The Honorable Allen Baddour
Superior Court Judge Presiding

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served by e-mail and hand delivery to the following:

Matthew Tulchin
Special Deputy Attorney General
Special Litigation Division
N.C. Department of Justice
114 W. Edenton Street
Raleigh, NC 27603
mtulchin@ncdoj.gov
Counsel for the State of North Carolina

This the 15th day of May, 2018.

*Lead by on behalf of
Drew Erteschik*

Andrew H. Erteschik