

STATE OF NORTH CAROLINA
ORANGE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CV003385-670

THE TOWN OF CARRBORO,
NORTH CAROLINA,

Plaintiff,

v.

DUKE ENERGY CORPORATION,

Defendant.

**ORDER ON SUPPLEMENTAL
BRIEFING**

THIS MATTER is before the Court on its own motion. On 25 September 2025, the Court held a hearing on Defendant Duke Energy Corporation's Motions to Dismiss Under Rules 12(b)(1) and (6) of the North Carolina Rules of Civil Procedure ("Motions to Dismiss," ECF Nos. 16, 19) at which all parties were represented by counsel. The Court has determined that additional briefing is appropriate and, in its discretion, **ORDERS** that supplemental briefs be submitted by each party on the following issues:

1. **Whether the test for standing under North Carolina law currently includes a traceability element since our Supreme Court's decision in *Committee to Elect Dan Forest v. Employees Political Action Committee (PAC)*, 376 N.C. 558 (2021)?**
2. **Under what circumstances have North Carolina courts dismissed a plaintiff's complaint at the Rule 12 stage on the ground of failure to sufficiently allege either (a) the traceability element of standing, or (b) the causation element of a tort claim?**

The Court further **ORDERS** that the parties' supplemental briefs **shall not exceed 5,000 words**, including footnotes and endnotes, but not including the case caption, any index, table of contents, table of authorities, signature blocks, or any required certificates. The parties' supplemental briefs shall comply in all respects with the Business Court Rules.

All supplemental briefs shall be filed on or before **5:00 p.m. on 25 October 2025**.

SO ORDERED, this the 25th day of September 2025.

/s/ Mark A. Davis
Mark A. Davis
Special Superior Court Judge for
Complex Business Cases