

STATE OF NORTH CAROLINA
CUMBERLAND COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20CVS005612-250

STATE OF NORTH CAROLINA, *ex*
rel. JEFFREY JACKSON,
ATTORNEY GENERAL,

Plaintiff,

v.

E.I. DU PONT DE NEMOURS AND
COMPANY; THE CHEMOURS
COMPANY; THE CHEMOURS
COMPANY FC, LLC; CORTEVA,
INC.; DUPONT DE NEMOURS, INC.;
and BUSINESS ENTITIES 1-10,

Defendants.

**ORDER ON MOTION FOR STAY OF
ALL PROCEEDINGS PENDING
DECISION ON PETITION FOR WRIT
OF CERTIORARI TO THE SUPREME
COURT OF NORTH CAROLINA**

1. **THIS MATTER** is before the Court following the Defendants' 29 September 2025 filing by Defendants EIDP, Inc., f/k/a E.I. Du Pont de Nemours and Company, The Chemours Company, and The Chemours Company FC, LCC (the Moving Defendants) of the *Motion for Stay of all Proceedings Pending Decision on Petition for Writ of Certiorari to the Supreme Court of North Carolina* (the Motion) (ECF No. 483 [Mot.])

2. Moving Defendants request that the Court stay the proceedings in the present case pending a decision from the North Carolina Supreme Court on their petition for writ of certiorari to review this Court's 7 August 2025 *Order and Opinion on Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction*. (Mot. 3.); (*Order and Op. Den. Mot. Dism. Lack Sub. Matter Juris.*, ECF No. 472.) Moving Defendants and Plaintiff have now submitted briefing on this matter and the issue is thus ripe for resolution by this Court.

3. In support of their motion, Moving Defendants argue that going forward with the proceedings before this Court, especially the upcoming 30 October 2025 hearing on various dispositive motions, would waste valuable judicial and party resources. (Mot. 2.)

4. Plaintiff State of North Carolina opposes the Motion, citing the harm of delaying justice and the failure of Moving Defendants to satisfy the heavy burden to show that a stay is necessary. (Pl. St. NC's Opp. Defs.' Mot. Stay Pending Decision Pet. Writ Cert. to NC Sup. Ct., ECF No. 489 [Pl.'s Resp.])

5. As both parties recognize, a stay is not required upon the filing of a petition for writ of certiorari. (Defs.' Br. Supp. Mot. Stay Pending Decision Pet. Writ Cert. to NC Sup. Ct., 2, ECF No. 384 [Defs.' Br. Supp.]); (Pl.'s Resp., 4.) As such, this Court's decision on whether to grant the Motion is discretionary subject to relevant standards of law.

6. While "limited guidance" has been given to trial courts on how to determine whether to grant a motion for a discretionary stay, two important factors in that determination are (1) the potential prejudice to the parties of a stay or of continued proceedings and (2) whether the appellant can show a substantial likelihood of success on the merits. *Vizant Technologies, LLC v. YRC Worldwide, Inc.*, 2019 NCBC LEXIS 16, at *22 (N.C. Super. Ct. Mar. 1, 2019).

7. Here, there is relatively little prejudice associated with going forward with the proceedings as scheduled. While the upcoming hearing and subsequent proceedings in this case will require the expenditure of both the parties' and the

Court's resources, a desire to avoid inherent litigation expenses does not give rise to a right to a stay pending an interlocutory appeal. *Burton v. Phoenix Fabricators and Erectors, Inc.*, 185 N.C. App. 303, 304 (2007).

8. Additionally, in contrast to what little prejudice may be felt by Moving Defendants if the case goes forward as planned, the prejudice felt if the stay is granted could potentially be large. While Moving Defendants may be correct that the relevant environmental harm will likely not worsen and may even continue to improve over the length any potential stay (Defs.' Rep. Br. Supp. Mot. Stay Pending Decision Pet. Writ Cert. to NC Sup. Ct., 1-2, ECF No. 490), the prejudice to Plaintiffs would not be solely in environmental harm, but in the delay of a potentially substantial judgment compensating those injured for the damage that has allegedly been done. Not only would a stay delay a potentially large judgment, that delay would be for a potentially extended period of time, as Supreme Court review of petitions for writ of certiorari can be lengthy. *See, e.g., Button v. Level Four Orthotics & Prosthetics, Inc.*, 380 N.C. 682 (2022) (petition filed Sept. 9, 2020 and denied 18 months later); *Cardiorentis AG v. Iqvia Ltd.*, 838 S.E.2d 180 (N.C. 2020) (petition filed June 3, 2019 and dismissed as moot nearly 9 months later). Delaying indefinitely the resolution of a case in which so much is at stake so that some litigation expenses can be saved is not justified.

9. Furthermore, Moving Defendants fail to show a substantial likelihood of success on the merits. Moving Defendants have provided no additional arguments regarding why they will be successful on the merits before the Supreme Court outside of the arguments they provided this Court in their previous briefing and oral

argument. (*See* Defs.’ Br. Supp., 5.) Moving Defendants give no reasons that their previously-given arguments will now be sufficient to succeed on the merits when they were not sufficient before. Thus, Moving Defendants fail to meet their burden of proving a substantial likelihood of success on the merits.

10. **THEREFORE**, the Court, in its discretion hereby **DENIES** the Motion. The proceedings in this case, including the hearing that is currently scheduled for 30 October 2025, shall proceed as previously planned.

SO ORDERED, this the 10th day of October, 2025.

/s/ Michael L. Robinson

Michael L. Robinson
Chief Business Court Judge