

IN THE SUPREME COURT OF NORTH CAROLINA

2021-NCSC-70

No. 436A19

Filed 11 June 2021

WINDOW WORLD OF BATON ROUGE, LLC, ET AL.

v.

WINDOW WORLD, INC., ET AL.

WINDOW WORLD OF ST. LOUIS, INC., ET AL.

v.

WINDOW WORLD, INC., ET AL.

Appeal pursuant to N.C.G.S. § 7A-27(a)(3) from an order and opinion on Window World defendants' motions to compel and motion to strike plaintiffs' objections to third-party subpoenas entered on 26 September 2018, from an order and opinion on Window World, Inc.'s motion to compel net worth information entered on 19 December 2018, from an order and opinion on Window World defendants' motion for reconsideration entered on 25 January 2019, and from an order and opinion on plaintiffs' privilege motions, Window World defendants' motion to strike, and the parties' Rule 53(g) exceptions to the special master's report entered on 16 August 2019 by Judge Louis A. Bledsoe III, Chief Business Court Judge, in Superior Court, Wilkes County, after the case was designated a mandatory complex business case by

WINDOW WORLD OF BATON ROUGE, LLC v. WINDOW WORLD, INC.

WINDOW WORLD OF ST. LOUIS, INC. v. WINDOW WORLD, INC.

2021-NCSC-70

Opinion of the Court

the Chief Justice pursuant to N.C.G.S. § 7A-45.4(b). Heard in the Supreme Court on 28 April 2021.

Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by Charles E. Coble, Robert J. King III, Benjamin R. Norman, and Andrew L. Rodenbough, for plaintiff-appellees.

Fox Rothschild LLP, by Matthew Nis Leerberg, Kip D. Nelson, and Troy D. Shelton; and Manning, Fulton & Skinner, P.A., by Michael T. Medford, Judson A. Welborn, Natalie M. Rice, and Jessica B. Vickers, for defendant-appellants.

Joseph S. Dowdy for BNI Franchising, LLC, Brixx Franchise Systems, LLC, East Coast Wings Corporation, Extended Stay America, Inc., Fleet Feet, Incorporated (d/b/a Fleet Feet), Golden Corral Franchising System, Inc., N2 Franchising, Inc., Salsarita's Franchising, LLC, Village Juice Co. Franchising, LLC, and Wine & Design Franchise LLC; and Richard M. Hutson II for Family Fare, LLC, amici curiae.

Bradley Arant Boult Cummings LLP, by Corby C. Anderson and Jonathan E. Schulz, for International Franchise Association, amicus curiae.

PER CURIAM.

¶ 1 This interlocutory appeal from the order and opinion entered on 16 August 2019 is affirmed per curiam.

¶ 2 Defendant-appellants' appeal from the order and opinion entered on 19 December 2018 based on the claim that the net worth of an individual who owns and controls a business operating as a franchisee is necessary to apply the large franchisee exemption pursuant to 16 C.F.R. § 436.8(a)(5)(ii) is not properly before this

WINDOW WORLD OF BATON ROUGE, LLC v. WINDOW WORLD, INC.

WINDOW WORLD OF ST. LOUIS, INC. v. WINDOW WORLD, INC.

2021-NCSC-70

Opinion of the Court

Court, and it is hereby dismissed.¹

AFFIRMED.²

¹ Defendant-appellants did not present or discuss any issues in their brief pertaining to the order and opinion on Window World defendants’ motions to compel and motion to strike plaintiffs’ objections to third-party subpoenas entered on 26 September 2018 and the order and opinion on Window World defendants’ motion for reconsideration entered on 25 January 2019. Thus, defendant-appellants have abandoned all corresponding arguments. *See* N.C. R. App. P. 28(a) (“The scope of review on appeal is limited to issues so presented in the several briefs. Issues not presented and discussed in a party’s brief are deemed abandoned.”).

² The order and opinion of the North Carolina Business Court, 2019 NCBC 53, is available at https://www.nccourts.gov/assets/documents/opinions/2019_NCBC_53.pdf.