

IN THE SUPREME COURT OF NORTH CAROLINA

No. 165A22

Filed 16 June 2023

W. AVALON POTTS, derivatively on behalf of STEEL TUBE, INC., plaintiff

v.

KEL, LLC, and RIVES & ASSOCIATES, LLC, defendants; STEEL TUBE, INC., nominal defendant; and LEON L. RIVES, II, defendant/counterclaimant/third-party plaintiff

v.

AVALON1, LLC, third-party defendant/counterclaimant

Appeal pursuant to N.C.G.S. § 7A-27(a)(2) from the trial court's order and opinion on defendants' Rule 59 motion for a new trial and Rule 50(b) motion for judgment notwithstanding the verdict entered on 5 November 2021 by Judge Adam M. Conrad, Special Superior Court Judge for Complex Business Cases, in Superior Court, Iredell County, after the case was designated a mandatory complex business case by the Chief Justice pursuant to N.C.G.S. § 7A-45.4(b). Heard in the Supreme Court on 25 April 2023.

*Moore & Van Allen, PLLC, by Mark A. Nebrig, John T. Floyd, and Benjamin E. Shook, for plaintiff-appellee W. Avalon Potts, derivatively on behalf of Steel Tube, Inc., and third-party defendant-appellee Avalon1, LLC.*

*Tuggle Duggins P.A., by Richard W. Andrews, Jeffrey S. Southerland, and Daniel D. Stratton, for defendant-appellants Rives & Associates, LLC, and Leon L. Rives II.*

*No brief filed for defendant-appellee KEL, LLC.*

POTTS v. KEL, LLC

*Opinion of the Court*

PER CURIAM.

For the reasons stated in the trial court's 5 November 2021 order and opinion, we affirm the denial of defendants' motion for a new trial and motion for judgment notwithstanding the verdict.

AFFIRMED.<sup>1</sup>

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<sup>1</sup> The order and opinion of the North Carolina Business Court, 2021 NCBC 72, is available at <https://www.nccourts.gov/assets/documents/opinions/2021%20NCBC%2072.pdf>.