

IN THE SUPREME COURT OF NORTH CAROLINA

No. 10A26

Filed 22 May 2026

BRETT SHIVELY

v.

ACI LEARNING HOLDINGS, LLC; MIS TRAINING INSTITUTE HOLDINGS, INC.; BOATHOUSE CAPITAL CONTINUATION FUND, LP; BOATHOUSE CAPITAL LP; and BOATHOUSE CAPITAL III LP

Appeal pursuant to N.C.G.S. § 7A-27(a)(3) from an interlocutory order and opinion affecting a substantial right entered on 27 August 2025 by Chief Business Court Judge Michael L. Robinson in Superior Court, Union County, after the case was designated a mandatory complex business case by the Chief Justice pursuant to N.C.G.S. § 7A-45.4(a). Heard in the Supreme Court on 15 April 2026.

*Parker Poe Adams & Bernstein LLP, by Nicholas H. Lee; and Vedder Price P.C., by Chad A. Schiefelbein, pro hac vice, and Jason B. Sobelman, pro hac vice, for plaintiff-appellee.*

*Gordon Rees Scully Mansukhani, LLP, by Robert W.F. Beckmann and Benjamin L. Williams, for defendant-appellants ACI Learning Holdings, LLC and MIS Training Institute Holdings, Inc.*

*Rayburn Cooper & Durham, P.A., by Lauren J. Schantz and Ross R. Fulton; and Ice Miller LLP, by Aaron A. Nichols, pro hac vice, for defendant-appellants Boathouse Capital Continuation Fund, LP, Boathouse Capital LP, and Boathouse Capital III LP.*

PER CURIAM.

SHIVELY V. ACI LEARNING HOLDINGS, LLC

*Opinion of the Court*

AFFIRMED.<sup>1</sup>

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<sup>1</sup> The order and opinion of the North Carolina Business Court, 2025 NCBC 51, is available at [https://www.nccourts.gov/assets/documents/opinions/2025%20NCBC%2051.pdf?VersionId=QM\\_RLuoGqR7kE4yLDuvBQYj.FCpL3oy0](https://www.nccourts.gov/assets/documents/opinions/2025%20NCBC%2051.pdf?VersionId=QM_RLuoGqR7kE4yLDuvBQYj.FCpL3oy0).