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IN THE COURT OF APPEALS OF NORTH CAROLINA

2021-NCCOA-438

No. COA20-782

Filed 19 October 2021

Durham County, No. 19 CVS 3400

TAMMY LOWREY, Plaintiff,

v.

CHOICE HOTELS INTERNATIONAL, INC., MANOJKUMAR (AKA “MANOJ”) MOHANLAL GANDHI, MONA GANDHI, MM SHIVAH, LLC, MM VAIBHAVLAXMI, LLC; CI HOTELS, LLC and WS HOTELS, LLC, Defendants.

Appeal by Defendants Manojkumar Mohanlal Gandhi, Mona Gandhi, MM Shivah, LLC, MM Vaibhavlaxmi, LLC, CI Hotels, LLC, and WS Hotels, LLC, from an order entered 3 March 2020 by Judge Orlando F. Hudson in Durham County Superior Court. Heard in the Court of Appeals 27 April 2021.

*Kennedy Kennedy Kennedy & Kennedy, LLP, by Harvey L. Kennedy and Harold L. Kennedy, III, The Law Offices of John McCabe, by Ruth Sheehan, and The Francis Law Firm, PLLC, by Charles T. Francis, for Plaintiff-Appellee.*

*Yates, McLamb & Weyher, LLP, by Christopher J. Skinner and Joshua D. Neighbors, for Defendant-Appellant Choice Hotels International, Inc.*

*Brown, Crump, Vanore & Tierney, LLP, by Skylar J. Gallagher and O. Craig Tierney, Jr., and Daughtry Woodard Lawrence & Starling, LLP, by N. Leo Daughtry and Luther D. Starling, Jr., for Defendants-Appellants Manojkumar Mohanlal Gandhi, Mona Gandhi, MM Shivah, LLC, MM Vaibhavlaxmi, LLC; CI Hotels LLC, and WS Hotels LLC.*

INMAN, Judge.

LOWREY V. CHOICE HOTELS INT’L, INC.

2021-NCCOA-438

*Opinion of the Court*

¶ 1 This appeal was consolidated for hearing with *Lowrey v. Choice Hotels Int’l, Inc.*, 2021-NCCOA-436, COA20-662 (2021) (unpublished) and *Lowrey v. Choice Hotels Int’l, Inc.*, 2021-NCCOA-437, COA20-649 (2021) (unpublished). In *Lowrey*, 2021-NCCOA-436, COA20-662, we vacated the trial court’s 12 December 2019 order to the extent that it concluded Durham County to be a proper venue as a matter of law because Defendant-Appellant Choice Hotels International, Inc. lacked adequate notice that the issue was being heard. 2021-NCCOA-436, ¶ 34.

¶ 2 Because these appeals concern the same issues, parties, and counsel, we vacate the order appealed from as set forth in *Lowrey*, 2021-NCCOA-436, COA20-662, and remand the matter for further proceedings consistent with that opinion so that the trial court may, on adequate notice of a pending motion, consider anew whether Durham County is a proper venue as a matter of law under N.C. Gen. Stat. § 1-83(1) (2019).

VACATED AND REMANDED WITH INSTRUCTIONS

Judges GORE and GRIFFIN concur.

Report per Rule 30(e).