

SUPREME COURT OF NORTH CAROLINA

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

From N.C. Business Court
20CVS005612-250

v.

From Cumberland
20CVS005612-250

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

ORDER OF THE COURT

The following order has been entered on the motion filed on the 23rd day of October 2025 by Defendants (E.I. du Pont de Nemours and Company, The Chemours Company, and The Chemours Company FC, LLC) for Temporary Stay:

Motion allowed.

By order of the Court this the 29th day of October 2025.

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 29th day of October 2025.



Grant E. Buckner
Clerk of the Supreme Court

s/ **M.C. Hackney**
Assistant Clerk

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No. 436A21-2

Order of the Court

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Justice EARLS dissenting.

I respectfully dissent from the Court’s order allowing defendants’ motion for a temporary stay. This stay is not justified by any reasonable standard, and it underscores that this Court is committing an ongoing disservice by failing to articulate and consistently apply objective criteria to our determinations on such motions. *See Order, State v. MV Realty PBC, LLC*, No. 38A24-1, 897 S.E.2d 670 (N.C. Mar. 7, 2024) (Riggs, J., dissenting). Adherence to equal justice and rule of law principles requires more.

This action involves the Attorney General’s effort to obtain money damages from E.I. Du Pont De Nemours and Company, the Chemours Company, and the Chemours Company FC, LLC (together, DuPont) and other defendants for allegedly releasing toxic “forever” chemicals into North Carolina’s air and water. DuPont allegedly engaged in this practice in at least eight eastern North Carolina counties near the Cape Fear River for over forty years. The Attorney General asserts a range of common law claims for harms defendants allegedly caused to the State’s natural resources and to public health. Those claims include public nuisance, negligence, fraud, and trespass, as well as fraudulent transfer claims alleging defendants have acted to improperly shield their assets from potential creditors. This Court previously determined that the Business Court has personal jurisdiction over certain

defendants. *State ex rel. Stein v. E. I. du Pont de Nemours & Co.*, 382 N.C. 549, 551 (2022).

Now, DuPont seeks a temporary stay to halt proceedings before the Business Court while this Court considers its petition for writ of certiorari to review an order denying defendants' latest motion to dismiss for lack of subject-matter jurisdiction. Such an order is not eligible for immediate appellate review. *See, e.g., Teachy v. Coble Dairies, Inc.*, 306 N.C. 324, 327 (1983). Yet DuPont argues that the temporary stay in particular is warranted while we review that petition because otherwise it will be exposed to the "significant burden and expense [of] litigating [this] case." It seeks this stay days in advance of the Business Court's hearing on the parties' cross motions for summary judgment, scheduled for 30 October 2025.

It should go without saying that even substantial burdens from ongoing litigation do not alone amount to irreparable harm. *E.g., Renegotiation Bd. v. Bannerkraft Clothing Co., Inc.*, 415 U.S. 1, 24 (1974). Nor does the simple prospect of continuing to litigate a complex case in the Business Court constitute irreparable harm or implicate a substantial right. *E.g., Waters v. Qualified Pers., Inc.*, 294 N.C. 200, 208 (1978); *see also* N.C.G.S. § 7A-27(a)(3) (2023). Business Court cases are, by definition, "complex." N.C.G.S. § 7A-45.4(a) (2023). If DuPont were correct, any litigant in the Business Court facing an adverse ruling on a dispositive pretrial motion would be entitled to a temporary stay by this Court while we consider its other petitions to review interlocutory, nonappealable orders. Indulging such "piecemeal"

litigation frustrates courts from performing our constitutional obligations to administer “right and justice . . . without favor, denial, or delay.” *Veazey v. City of Durham*, 231 N.C. 357, 363 (1950); N.C. const. art. I, § 32.

Aside from the burdens of litigating this case, DuPont points to no other reason why issuance of the stay is necessary to preserve the status quo or to protect appellate review. In fact, DuPont’s own dilatory conduct undermines that such an immediate temporary stay is necessary: it filed the underlying petition for writ of certiorari fifty days after the Business Court denied its motion to dismiss and filed its motion for temporary stay thirteen days after that.

On the other side, the State advances a colorable argument that it faces irreparable injury from the stay. It points out that defendants are currently planning to engage in transactions that could shield billions of dollars in assets from potential judgment creditors like the State. One of defendants’ legal arguments is that those transactions are immaterial, because they will likely close “*after* this case is tried.” In that case, an indefinite stay by this Court could possibly alter the status quo—potentially enabling defendants to close those transactions before trial and thereby shield assets from any adverse judgment in this matter. These factual circumstances further counsel against the stay, the overarching purpose of which is “to preserve the status quo of the parties during litigation.” *Stein v. Berger*, 387 N.C. 575, 586 (2025) (Earls, J., dissenting) (cleaned up); *see also* N.C. R. App. P. Appx. D (“In support of this Application, movant shows . . . the legal and factual arguments for the issuance

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Earls, J., dissenting

of such a temporary stay order; e.g., irreparable harm practically threatened if petitioner must obey decree of trial court during interval before decision by Court whether to issue writ of supersedeas[].”).

In sum, “good cause shown” surely requires more than DuPont has shown here. *See* N.C. R. App. P. 23(c) (“The Court for good cause shown in such a petition for temporary stay may issue such an order ex parte.”). If DuPont’s appeal still merits a stay according to other generally applicable and objective criteria, this Court should explain why. I would deny the temporary stay.

Justice RIGGS joins in this dissent.