



Insights: Perspectives

6 Key Takeaways | 2025 North Carolina Business Court Update

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Written by **Whitney Pakalka**

Kilpatrick's [Dustin Greene](#) and [Whitney Pakalka](#) recently presented a CLE seminar providing a “**2025 North Carolina Business Court Update**.” The presentation provided an in-depth discussion of the North Carolina Business Court's history, current judges, caseloads, and timeline for disposition of cases, which provided practical information for in-house and outside counsel to use when analyzing whether to designate a case to the Business Court. Dustin and Whitney also covered upcoming changes to the Business Court's jurisdiction as well as designation procedures that will occur when the Business Court transitions to North Carolina's new e-filing platform, Odyssey, which is now operating in all 100 counties. The discussion also addressed significant and interesting cases decided by the Business Court in 2025 to provide a better understanding of the Business Court's jurisprudence.

Key takeaways from the presentation include:

1. The General Assembly increased the number of judges who may be appointed to the Business Court from five to six judges. As the number of cases designated to the Business Court appears to be increasing, the addition of new judges enables the court to keep a relatively even distribution of cases among judges. In 2024, each of the five Business Court judges had between 23-33 new cases and managed between 35-50 pending cases.
2. The statute governing Business Court jurisdiction will change on December 1, 2025. The legislature has modified the language allowing the permissive designation of cases involving intellectual property, but it is not clear if the change is stylistic or will alter the Court's jurisdiction. Two new types of cases will now have to be heard by the Business Court: (a) appeals from the North Carolina Oil and Gas Commission concerning trade secret or confidential information and (b) other cases the North Carolina Supreme Court Chief Justice designates as “complex business” cases under Rules 2.1 and 2.2 of the General Rules of Practice.
3. The Business Court is expected to transition from its current e-filing software, eFlex, to Odyssey in March 2026. Once that happens, a new venue statute will go into effect that makes Wake County the county of

venue for all Business Court cases. Trials will still occur in the county in which venue would have been proper under normal venue statutes, unless the parties agree or the court orders otherwise.

4. In a 2025 decision, the Business Court appears to be moving toward disallowing Section 75-1.1 unfair and deceptive trade practices claims premised on allegations that a defendant did not intend to fulfil its contractual obligations at the time of contracting, unless the complaint alleges specific misrepresentations concerning the party's ability to fulfill its obligations.
5. The Business Court has recently enforced the requirement that attorneys appearing *pro hac vice* have local counsel who actually resides in North Carolina, and has made clear that the Court cannot waive this statutory requirement.
6. In an appeal from a Business Court decision, the North Carolina Supreme Court has provided clarity on when a limited liability company may be dissolved because “it is not practicable to conduct the LLC's business.” The question is not whether it is possible for the company to continue operating in some capacity for profit but whether it is “feasible” to operate the company in accordance with its operating agreement based on a multi-factor test.

For more information, please contact:

Dustin Greene, dgreene@ktslaw.com

Whitney Pakalka, wpakalka@ktslaw.com

Related People



Whitney Pakalka

t 336.607.7397

wpakalka@ktslaw.com