

IN THE SUPREME COURT OF NORTH CAROLINA

2021-NCSC-59

No. 399A20

Filed 11 June 2021

DIAMOND CANDLES, LLC

v.

JUSTIN WINTER; BAKER BOTTS, LLC; BRIAN LEE; SYMPHONY
COMMERCE; and HENRY KIM

Appeal pursuant to N.C.G.S. § 7A-27(a)(3) from an order and opinion on defendants' Rule 12(b)(2) and Rule 12(b)(3) motions to dismiss entered on 12 March 2020 by Judge James L. Gale, Special Superior Court Judge for Complex Business Cases, in Superior Court, Person 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 18 May 2021.

Miller Law Group, PLLC, by W. Stacy Miller, II, for plaintiff-appellee.

Gordon & Rees, by Robin K. Vinson and Allison J. Becker, for defendant-appellants.

PER CURIAM.

¶ 1 Upon consideration of the affidavits and evidence tendered to the trial court by Symphony Commerce and Henry Kim (defendants) and plaintiff Diamond Candles, the allegations in the complaint that are not controverted by defendants' affidavits, the trial court's findings of fact, and the arguments of counsel, we conclude that there

DIAMOND CANDLES, LLC v. WINTER, ET AL.

2021-NCSC-59

Opinion of the Court

is substantial record evidence supporting the trial court's finding of personal jurisdiction over defendants in this matter and that the trial court did not abuse its discretion by denying defendants' motion to dismiss for improper venue and defendants' motion to stay under the doctrine of forum non conveniens. Thus, we affirm the trial court's order and opinion on defendants' Rule 12(b)(2) and Rule 12(b)(3) motions to dismiss entered on 12 March 2020 as it relates to defendant-appellants Symphony Commerce and Henry Kim.

AFFIRMED.¹

¹ The order and opinion of the North Carolina Business Court, 2020 NCBC 17, is available at <https://www.nccourts.gov/assets/documents/opinions/2020%20NCBC%2017.pdf>.