

STATE OF NORTH CAROLINA  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
20 CVS 2972

2021 FEB 10 3:22

LISA HOWZE as Administratrix of  
the Estate of PALESTINE HOWZE,

Plaintiff,

v.

TREYBURN REHABILITATION  
CENTER, LLC d/b/a TREYBURN  
REHABILITATION CENTER;  
SOUTHERN HEALTHCARE  
MANAGEMENT, LLC; 2059 LLC;  
SOVEREIGN HEALTHCARE  
HOLDINGS, LLC,

Defendants.

**ORDER ON DEFENDANTS'  
MOTION TO DISMISS**

THIS MATTER came on for hearing before the undersigned Senior Resident Superior Court Judge on February 10, 2021, at the General Court of Justice, Superior Court Division, for Durham County, North Carolina, upon Treyburn Rehabilitation Center, LLC d/b/a Treyburn Rehabilitation Center, Southern Healthcare Management, LLC, 2059 LLC, and Sovereign Healthcare Holdings, LLC's (collectively, "Defendants") Motion to Designate as an Exceptional Civil Case Pursuant to Rule 2.1(a)(a); Defendants' Motion to Dismiss the Complaint of Lisa Howze as Administratrix of the Estate of Palestine Howze ("Plaintiff") for failure to state a claim upon which relief can be granted (N.C. Gen. Stat. § 1A-1, Rule 12(b)(6)); and Plaintiff's oral Motion to Amend Complaint;

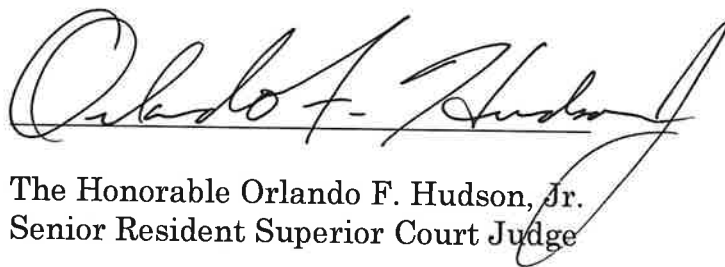
AND IT APPEARING TO THE COURT, at the request of counsel for Defendants, that Defendants' Motion to Designate as an Exceptional Civil Case Pursuant to Rule 2.1(a)(a) be denied, without prejudice;

AND IT FURTHER APPEARING TO THE COURT, after considering only such materials, facts, and arguments properly before the Court on Defendants' Rule 12(b)(6) Motion to Dismiss for failure to state a claim upon which relief can be granted, that such Motion should be granted;

AND IT FURTHER APPEARING TO THE COURT that Plaintiff's oral Motion to Amend Complaint should be denied;

NOW, WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants' Motion to Designate as an Exceptional Civil Case Pursuant to Rule 2.1(a)(a) is DENIED, without prejudice; Defendants' Motion to Dismiss the Complaint for failure to state a claim upon which relief can be granted is hereby GRANTED, and that the Complaint is hereby DISMISSED, with prejudice; and Plaintiff's Motion to Amend Complaint is DENIED.

SO ORDERED, this the 2<sup>nd</sup> day of February, 2021.



The Honorable Orlando F. Hudson, Jr.  
Senior Resident Superior Court Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing Order in the above captioned action on all parties by depositing a copy hereof in a postpaid wrapper in a post office depository under the exclusive care and custody of the United Postal Service, addressed as follows:

BEALL, ELIZABETH, T  
FUDGE, KAITLYN, E  
216 NORTH STERLING ST., STE B  
MORGANTON, NC 28655

SMITH, CHRISTOPHER, G  
EVANS, HENRY, L, JR  
2840 PLAZA PLACE, STE 400  
RALEIGH, NC 27612

This the 12<sup>th</sup> day of Feb, 2021.

  
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ASSISTANT DEPUTY CLERK OF SUPERIOR COURT