



## News & Trending

NEWS

### N.C. LAWYERS WEEKLY QUOTES PARTNER CHRIS SMITH ON THE USE OF THE 'APEX DOCTRINE' IN BUSINESS COURT CASES

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By Jeff Jeffrey

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The North Carolina Business Court has ordered the CEO of Charlotte-based LendingTree to submit to a deposition in a trade secrets dispute despite his claims that he should be protected by the “apex doctrine,” an oft-used defense which gives trial courts discretion to limit discovery sought from corporate executives.

Civil litigators say the decision in *Next Advisor Continued, Inc. v. LendingTree, Inc.* helps to clarify what standards need to be met in order to protect top corporate executives from having to testify in litigation.

Reporting on the case, **North Carolina Lawyers Weekly**'s Jeff Jeffrey consulted with Partner **Chris Smith**, who represented the plaintiff in the Next Advisor case. Chris said it is likely that the apex doctrine will continue to be asserted in Business Court cases.

“The Court’s decision — without adopting the doctrine — recognizes that the ‘apex doctrine’ emanates from the court’s inherent power to limit the scope of discovery and so a CEO who has unique, personal knowledge relevant to a dispute can be deposed just as an ordinary witness can,” Chris said. “Because we now have two careful decisions addressing the doctrine, we would anticipate seeing this concept talked about more in our courtrooms.”

Chris Smith is a trial and appellate lawyer who counsels clients on business strategy matters. He has extensive experience managing large multi-party and multi-jurisdiction litigation projects and mission-critical projects. He both prosecutes and defends claims, and advises clients on business risk management.

The **full article** is available to *North Carolina Lawyers Weekly* subscribers.

## PROFESSIONALS

[Christopher G. Smith](#)

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