

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

**Docket No.: W-1297, Sub 14**

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION**

**PINNACLE BANK, as successor by merger  
with BANK OF NORTH CAROLINA,**

**Complainant,**

**v.**

**HARKERS ISLAND SEWER COMPANY,**

**Respondent.**

**MOTION TO SUBSTITUTE  
MRT-1, LLC AS COMPLAINANT**

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NOW COMES MRT-1, LLC, by and through counsel, and respectfully, and respectfully moves that the Commission to enter an order allowing for the Substitution of MRT-1, LLC as the Complainant in the above-captioned matter. In support of this motion and in compliance with Rule R1-7 of the NCUC Rules, the undersigned shows the Commission, as follows:

1. Complainant initially filed its Complaint on May 2, 2019.
2. On May 10, 2019, the Commission issued its "Order Serving Complaint" directing Respondent HISCO to file an answer or other response on or before May 24, 2019.
3. On May 24, 2019, counsel for Respondent requested an extension of time through and including June 4, 2019. Complainant's counsel did not oppose the request for an extension of time, contingent upon it being for no longer than approximately 10 days.
4. By order entered May 30, 2019, the Commission granted the requested extension through and including June 4, 2019.

5. On June 3, 2019, counsel for Respondent requested a second extension of time through and including June 14, 2019.

6. On June 5, 2019, the Commission granted the requested extension through and including June 14, 2019.

7. On June 18, 2019, the Commission entered the Order Serving Corrected Answers and Responses, and directed Complainant to respond on or before July 1.

8. Complainant initially filed its Complaint on May 2, 2019.

9. Following receipt of Respondent's Answer, on June 27, 2019, Complainant filed its first motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission.

10. On July 31, 2019, Complainant filed its second motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission.

11. On August 19, 2019, Complainant filed its third first motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission.

12. On September 19, 2019, Complainant filed its fourth motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission.

13. On October 21, 2019, Complainant filed its Response to the Answer of Respondent, said response outlining that the Respondent's Answer was not satisfactory, but also requesting the Commission keep the docket open for at least six months so that the matters complained of could be monitored by the Complainant and the Commission.

14. Thereafter, all of the real property at issue in the above-captioned matter was conveyed by Complainant or its affiliate to MRT-1, LLC via deed recorded December 30, 2019 in Book 1659, at Page 65 of the Carteret County Registry.

15. In connection with the aforementioned conveyance, the claims raised in the above-captioned matter were assigned to MRT-1, LLC by Complainant or its affiliate.

16. MRT-1, LLC is the present record title owner of all of the real property at issue in the above-captioned Complaint, and is the holder and owner of all claims set forth in the above-captioned Complaint.

17. MRT-1, LLC is the validly existing successor in interest to the named Complainant, or its affiliates, as a result of the contents of the immediately preceding paragraph.

18. Rule R1-7(a)(3) expressly contemplates the substitution of parties in matters filed before the Commission.

19. MRT-1, LLC hereby submits to the Commission a request that it be substituted in as the Party Complainant as the present record title owner of the real property at issue in the Complaint submitted in this matter, and that the presently named Complainant be substituted out as no longer having any interest in the real property and the matters raised in said Complaint.

20. Counsel for MRT-1, LLC has reached out to counsel for Respondent for the purposes of requesting consent to the filing of this Motion, but has not received a substantive response.

WHEREFORE, the undersigned counsel for Complainant and MRT-1, LLC respectfully requests that the Commission issue an Order Granting MRT-1, LLC's motion to be substituted in as the Party Complainant in the above-captioned matter, and that the presently identified Complainant, Pinnacle Bank, be removed as a party to this action.

A Proposed order is attached for the convenience of the Commission.

This the 9th day of April, 2020.

Electronically submitted

/s/ Andrew D. Irby, NCSB # 35353  
Attorney for MRT-1, LLC

OF COUNSEL:

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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing MOTION TO SUBSTITUTE MRT-1, LLC AS COMPLAINANT on the parties of record by electronic mail or by United States first class mail, postage prepaid, properly addressed to the following:

I. CLARK WRIGHT, JR.  
DAVIS HARTMAN WRIGHT, PLLC  
209 Pollock Street  
New Bern, NC 28560  
Email: icw@dhwlegal.com  
Attorney for Respondent HISCO

This the 9th day of April, 2020.

Electronically submitted

/s/ Andrew D. Irby, NCSB # 35353  
Attorney for MRT-1, LLC

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**PINNACLE BANK, as successor by merger  
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**v.**

**HARKERS ISLAND SEWER COMPANY,**

**Respondent.**

**ORDER GRANTING MOTION TO  
SUBSTITUTE MRT-1, LLC AS  
COMPLAINANT**

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BY THE COMMISSION: On April 9, 2020, MRT-1, LLC, through counsel, filed a Motion to Substitute MRT-1, LLC in as the named Complainant in the above-captioned proceeding, as the successor in interest to Pinnacle Bank, for the purposes of correcting the caption to this proceeding by identifying the entity with the sole record title ownership interest in the parcel of real property at issue in the above-captioned proceeding.

The Commission has reviewed the record, including the MRT-1, LLC's Motion, and finds that good cause exists to grant the Motion to Substitute MRT-1, LLC as the named Complainant in the above-captioned proceeding. The Commission further finds good cause to serve this Order on the Parties by electronic mail, delivery confirmation requested.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the \_\_\_\_\_ day of April, 2020.

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\_\_\_\_\_, Deputy Clerk