

STATE OF NORTH CAROLINA
ORANGE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
25CV002097-670

TRIANGLE LAND CONSERVANCY,

Plaintiff,

v.

UNION GROVE FARM, INC.; BANDIT
FARMS II, LLC; BANDIT FARMS III, LLC;
EASTWEST ORGANCS, LLC; HARPER
GRACE, LLC; MEREDITH G. SABYE,

Defendants.

**TRIANGLE LAND CONSERVANCY'S
MOTION TO DISMISS
EASTWEST ORGANICS LLC'S
COUNTERCLAIMS**

NOW COMES Plaintiff, Triangle Land Conservancy ("TLC" or "Plaintiff"), by and through undersigned counsel, pursuant to North Carolina Rules of Civil Procedure 12(b)(1), 12(b)(6) and 12(b)(7) and moves this court to dismiss the Counterclaims of Defendant EastWest Organics, LLC (hereinafter, "EastWest"), as follows:

FIRST MOTION TO DISMISS
(N.C.R. Civ. P. 12 (b)(1))

EastWest's Counterclaims should be dismissed for lack of subject matter jurisdiction because they seek declaratory judgements regarding matters for which no actual, justiciable controversy currently exists between EastWest and TLC. See, e.g., Sharpe v. Park Newspapers of Lumberton, Inc., 317 N.C. 579, 347 S.E.2d 25 (1986); Wendell v. Long, 107 N.C. App. 80, 418 S.E.2d 825 (1992); American Trucking Associations, Inc. v. City of Los Angeles, Cal., 569 U.S. 641, 133 S.Ct. 2096, 186 L.Ed.2d 177 (2013).

SECOND MOTION TO DISMISS
(N.C.R. Civ. P. 12 (b)(6))

EastWest's Counterclaims should be dismissed for failure to state a claim upon which relief may be granted, pursuant to N.C.R. Civ. P. 12(b)(6).

THIRD MOTION TO DISMISS
(N.C.R. Civ. P. 12 (b)(7))

EastWest's Counterclaims should be dismissed for failure to join all necessary parties, pursuant to N.C.R. Civ. P. 12(b)(7). Specifically, EastWest's Counterclaims fail to name as parties all other owners of the Conservation Property, whose properties are subject to the terms and conditions of the Conservation Easement at issue in EastWest's Counterclaims, and whose inclusion in the Counterclaims is necessary for the validity of any judgement rendered. See, e.g.; Regency Lake Owners' Association, Inc. v. Regency Lake, LLC, 258 N.C. App. 636, 814 S.E.2d 121 (2018); Rice v. Randolph, 96 N.C. App. 112, 113, 384 S.E.2d 295, 297 (1989); Hine v. Blumenthal, 239 N.C. 537, 80 S.E.2d 458 (1954); N.C. Dept. of Transp. V. Stagecoach Village, 174 N.C. App. 825, 622 S.E.2d 142 (2005); and Boone v. Rogers, 210 N.C. App. 269, 708 S.E.2d 103 (2011). See also TLC's Memorandum of Law in Opposition to EastWest's Motion to Dismiss and Judge Currin's December 22, 2025 Order denying EastWest's Motion to Dismiss.

These necessary parties include: Bandit Farms II, LLC; Bandit Farms III, LLC; Harper Grace, LLC; and Meredith G. Sabye. Furthermore, Harper Grace, LLC is the co-owner of the property owned by EastWest, which is the subject of EastWest's Counterclaims. Harper Grace, LLC is, thus, a necessary party to the Counterclaims for this reason as well. See, e.g.; Boone v. Rogers, supra.

WHEREFORE, Plaintiff respectfully prays as follows:

1. That EastWest's Counterclaims be dismissed in their entirety;
2. In the alternative, that the Court rule in favor of TLC on all claims;
3. That all costs be taxed against the Counterclaim Defendant;
4. That TLC recover its attorney's fees, as authorized by law; and
5. That the court grant such other relief as it deems just and proper.

RESPECTFULLY SUBMITTED this the 11th day of March 2026.

**SMITH, ANDERSON, BLOUNT, DORSETT,
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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing *Triangle Land Conservancy's Motion to Dismiss EastWest Organics, LLC's Counterclaims* has been electronically filed with the Clerk of Court using the Odyssey eFileNC system which will automatically send e-mail notification of such filing to the following:

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This, the 11th day of March 2026.

**SMITH, ANDERSON, BLOUNT, DORSETT,
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/s/ Catherine H. Hill
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