

EastWest with such required written notices, Plaintiff also accordingly failed to provide the one hundred and twenty (120) days in which to correct the alleged violations, to the extent that any such correction was required on the part of EastWest.

2. Plaintiff has further failed to allege facts that are sufficient to allow this Court to exercise subject matter jurisdiction over Plaintiff's Third, Fourth, and Fifth claims against EastWest as Plaintiff has not sufficiently alleged an active controversy with EastWest on these grounds. EastWest was erroneously named as a party without its consent to the July 2, 2025, appeal of the Director's Final Determination in regard to the Proposed Amphitheater, and a correction has since been filed by the original filing attorney to remove EastWest from the appeal. Said correction is attached hereto as Attachment 1.
3. Plaintiff has failed to allege facts sufficient to raise a claim against EastWest upon which relief can be granted as Plaintiff did not sufficiently allege that it provided EastWest with the written notices of the alleged violations that are required by Paragraph 14. *Enforcement of the Grant of Conservation Easement and Development Rights* prior to commencing any legal action. As shown in Plaintiff's Exhibits B through F, all notices sent by Plaintiff regarding the alleged violations are addressed solely to "Greg Bohlen Union Grove Farm 3501 Dairyland Road Hillsborough, NC 27278" and all such notices begin "Dear Mr. Bohlen."
4. Plaintiff has further failed to allege facts sufficient to raise a claim against EastWest upon which relief can be granted as Plaintiff's Complaint does not establish that any of the alleged easement violations occurred on property owned, used, or otherwise controlled by EastWest. Specifically, Plaintiff has failed to allege facts sufficient to tie Road 1, Road 2,

Road 3, or the Proposed Amphitheater to EastWest's parcel. Therefore, this Court could not render a judgment against EastWest that would afford Plaintiff the relief that it seeks.

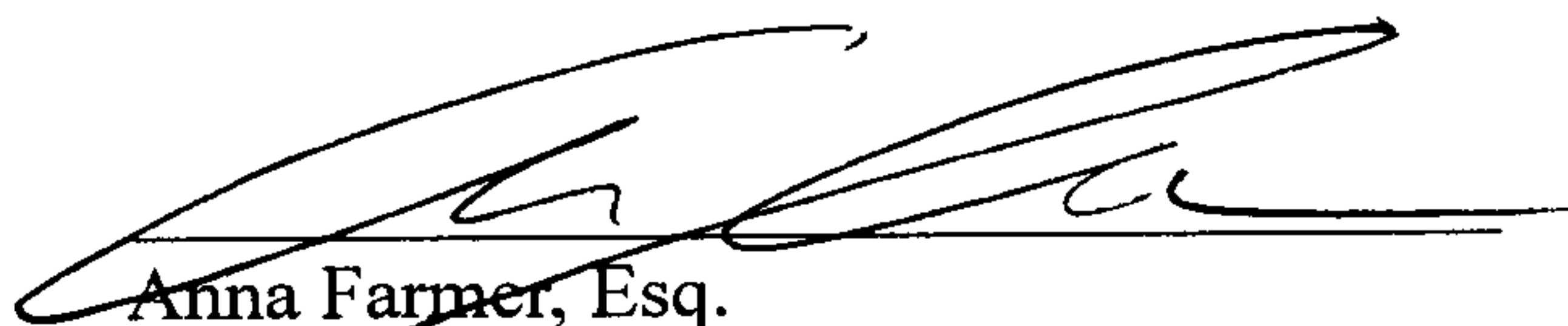
5. No amendment of Plaintiff's Complaint could be made to allege facts sufficient to allow this Court to exercise subject matter jurisdiction over Plaintiff's claims against EastWest, nor to allege facts sufficient to raise a claim against EastWest upon which relief can be granted.

WHEREFORE, Defendant EastWest respectfully prays unto the Court that the Court:

1. Grant its Motion to Dismiss Plaintiff's Complaint to the extent that it asserts claims against EastWest, on the basis that this Court lacks subject matter jurisdiction over Plaintiff's claims against EastWest and further on the basis that Plaintiff's Complaint fails to state a claim upon which relief can be granted against EastWest; and
2. Enter an Order directing that Plaintiff's claims against EastWest be dismissed with prejudice.

This is the 11th day of September, 2025.

DOGWOOD LEGAL



Anna Farmer, Esq.

Attorney for Defendant EastWest Organics, LLC

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ATTACHMENT 1



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September 3, 2025

VIA E-MAIL to cstober@orangecountync.gov

Mr. Cy Stober
Planning and Inspections Director
Orange County
131 West Margaret Lane, Ste. 201
Hillsborough, North Carolina 27278

Re: Union Grove Farm; Withdrawal of Appeal by/EastWest Organics, LLC (ONLY)
(Orange County PIN No. 9851-50-8662; Your Case No. BA25-0001)

Dear Cy:

Please accept this letter on behalf of my client, Greg Bohlen and related entities named in the appeal from your June 4, 2025 final determination, which appeal was filed on July 2, 2025. One of the named appellants, EastWest Organics LLC, has withdrawn its appeal. The other named appellants are still pursuing the appeal.

Please let me know if you have any questions, or if there are any further actions that need to be taken with respect to EastWest's withdrawal of its appeal.

Sincerely,

THE BROUGH LAW FIRM, PLLC


Robert E. Hornik, Jr.

REHjr:

cc: Greg Bohlen (via email)
Anna Farmer (via email)