

STATE OF NORTH CAROLINA BY: C. Perryman IN THE GENERAL COURT OF JUSTICE
ORANGE COUNTY SUPERIOR COURT DIVISION
25CV002097-670

TRIANGLE LAND CONSERVANCY

Plaintiff,

v.

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

Defendants.

**ORDER DENYING DEFENDANT
EASTWEST ORGANICS, LLC'S
MOTION TO DISMISS**

THIS MATTER came on for hearing before the Honorable S. Thomas Currin II on December 15, 2025, in Orange County Civil Superior Court upon Defendant, EastWest Organics, LLC's ("EastWest's") Motion to Dismiss the above-captioned Complaint. EastWest's Motion to Dismiss was filed pursuant to Rules 12(b)(1) and 12(b)(6) of the North Carolina Rules of Civil Procedure. At the December 15, 2025, hearing, Anna Farmer appeared on behalf of Defendant EastWest. Catherine Hill and Robin Tatum appeared on behalf of Plaintiff, Triangle Land Conservancy ("TLC").

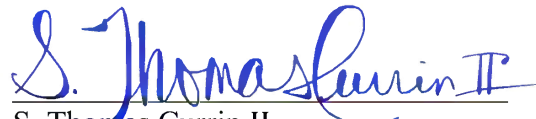
After considering TLC's Complaint, EastWest's Motion to Dismiss, TLC's Memorandum of Law in Opposition to the EastWest's Motion to Dismiss,¹ and the arguments of counsel, the Court finds that the Motion to Dismiss should be denied. The Court has subject matter jurisdiction over the claims in the Complaint pursuant to, *inter alia*, the North Carolina Declaratory Judgment Act, including, N.C. Gen. Stat. §§ 1-253 *et seq.*, as well as N.C. Gen. Stat. § 121-39. The

¹ Matters outside the complaint may be considered to determine jurisdiction. *Tart v. Walker*, 38 N.C. App. 500, 502 (Ct. App. 1978) ("A motion to dismiss for lack of subject matter jurisdiction is not viewed in the same manner as a motion to dismiss for failure to state a claim upon which relief can be granted. In our view, matters outside the pleadings . . . may be considered and weighed by the court in determining the existence of jurisdiction

allegations of the Complaint are also sufficient to state claims for relief against Defendant, EastWest Organics, LLC.

THEREFORE, it is ORDERED, ADJUDGED, and DECREED that Defendant, EastWest Organics, LLC's Motion to Dismiss pursuant to N.C. R. Civ. P. 12(b)(1) and 12(b)(6) is hereby **DENIED**.

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S. Thomas Currin II
Superior Court Judge Presiding

over the subject matter.”). Any new factual material included in TLC’s Memorandum of Law was *not* considered for any 12(b)(6) analysis of any of the claims.