

No. 312P22
DISTRICT

FOURTEENTH

SUPREME COURT OF NORTH CAROLINA

LENNARD BARTLETT, SR.
ADMINISTRATOR OF THE ESTATE OF
MARY SUSAN WHITE BARTLETT,
Plaintiff-Appellant,

ROBERT SOLLINGER,
*Intervenor-Plaintiff-
Appellant,*

v.

ESTATE OF JEFFREY L. BURKE; AIR
METHODS CORPORATION,
Defendants-Appellants,

AIRBUS HELICOPTERS
DEUTSCHLAND, GMBH; AIRBUS
HELICOPTERS, INC.; SAFRAN
HELICOPTER ENGINES; AND SAFRAN
HELICOPTER ENGINES USA, INC.,
Defendants-Appellees.

-and-

KASEY HOBSON HARRISON,
EXECUTRIX OF THE ESTATE OF
KRISTOPHER RAY HARRISON,
Plaintiff-Appellant,

FROM DURHAM COUNTY

No. COA22-95

ROBERT SOLLINGER,
*Intervenor-Plaintiff-
Appellant*

v.

ESTATE OF JEFFREY L. BURKE; AIR
METHODS CORPORATION,
Defendants-Appellants,

AIRBUS HELICOPTERS
DEUTSCHLAND, GMBH; AIRBUS
HELICOPTERS, INC.; SAFRAN
HELICOPTER ENGINES; AND SAFRAN
HELICOPTER ENGINES USA, INC.,
Defendants-Appellees

ROBERT SOLLINGER,
*Intervenor-Plaintiff-
Appellant*

APPELLANT ROBERT SOLLINGER'S
NOTICE OF APPEAL AND
PETITION FOR DISCRETIONARY REVIEW

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APPELLANT ROBERT SOLLINGER’S
NOTICE OF APPEAL AND
PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

The intervenor-plaintiff-appellant, Robert Sollinger, hereby appeals to this Court from the 6 September 2022 decision of the Court of Appeals, which directly involves a substantial question arising under the Constitution of the United States—namely, whether and to what extent the Fourteenth Amendment’s Due Process Clause bars North Carolina

courts from exercising personal jurisdiction over foreign manufacturers who sell and deliver their products in the North Carolina market through exclusive distributors, and where those products injure North Carolina residents in North Carolina. The Court of Appeals erred in conducting its constitutional analysis, which will bar Appellant from seeking relief against Defendants-Appellees Airbus Helicopters Deutschland GmbH and Safran Helicopter Engines. These issues were timely raised in both the trial court and the Court of Appeals.

Alternatively, Appellant respectfully petitions this Court to certify for discretionary review the aforementioned judgment of the Court of Appeals on the basis that the subject matter of the appeal has significant public interest, the appeal involves legal principles of major significance to this State's jurisprudence, and the Court of Appeals' decision conflicts with decision of this Court and the United States Supreme Court. Appellant joins in the relief requested by Plaintiffs-Appellants Lennard Bartlett and Kasey Hobson Harrison and incorporate by cross-reference the background and arguments set out in their Notice of Appeal and Petition for Discretionary Review, filed October 11, 2022.

Accordingly, and for the reasons provided by the previously filed Notice of Appeal and Petition for Discretionary Review, Appellant respectfully requests that this Court allow this appeal under N.C. Gen. Stat § 7A-30 and/or § 7A-31(c)(1)–(3).

ISSUES TO BE BRIEFED

If the Court allows this appeal or petition for discretionary review, Appellant intends to brief the following issues, as noted the Notice of Appeal and Petition for Discretionary Review filed by Plaintiff-Appellants Lennard Bartlett and Kasey Hobson Harrison.

- I. WHETHER AND TO WHAT EXTENT NORTH CAROLINA COURTS MAY EXERCISE PERSONAL JURISDICTION OVER FOREIGN COMPANIES WHO DELIVER THEIR PRODUCTS TO AMERICAN DISTRIBUTORS WITH THE KNOWLEDGE AND EXPECTATION THAT THOSE PRODUCTS WILL BE SOLD IN NORTH CAROLINA.

- II. WHETHER AND TO WHAT EXTENT PERSONAL JURISDICTION IN NORTH CAROLINA COURTS MAY BE LIMITED TO MANUFACTURERS WHO SERVE A MARKET FOR “STANDALONE” PRODUCTS IN NORTH CAROLINA, SUCH THAT PERSONAL JURISDICTION IS UNAVAILABLE OVER ANY MANUFACTURER OF COMPONENT PARTS.

CONCLUSION

The plaintiff respectfully requests that this Court allow this appeal, or, alternatively, certify the decision of the Court of Appeals for discretionary review.

Respectfully submitted, this 17th day of October 2022.

CROUSE LAW OFFICES.

Electronically Submitted

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N.C. R. App. P. 33(b) Certification: I certify that the attorneys listed below have authorized me to list their names on this document as if they had personally signed it.

*Attorney for Intervenor-Plaintiff-
Appellant Robert Sollinger*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Appeal and Petition for Discretionary Review was served on all parties to this action by electronic mail to the following attorneys of record:

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Respectfully submitted this 17th day of October,
2022.

Electronically
Submitted
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