

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2008 APR 30 AM 11:15

SUPERIOR COURT DIVISION

COUNTY OF WAKE

07 CVS 19854

WAKE COUNTY, C.S.C.

GLENN HAGELE,

BY _____

Plaintiff,

v.

LAURANELL BURCH a/k/a NELL
BURCH,

Defendant.

LAURANELL BURCH,

Counter-Plaintiff,

v.

GLENN HAGELE and COUNCIL FOR
REFRACTIVE SURGERY QUALITY
ASSURANCE d/b/a USAEYES.ORG,

Counter-Defendants.

**ORDER ADDING
COUNTER-DEFENDANT**



THIS MATTER coming on to be heard before the undersigned Superior Court Judge upon a Motion filed by Defendant/Counter-Plaintiff Lauranell Burch pursuant to North Carolina Rule of Civil Procedure 13(h) to add Council for Refractive Surgery Quality Assurance d/b/a USAEyes.org ("CRSQA/USAEyes") as an additional Counter-Defendant in this matter, and it appearing to the Court, for good cause shown and with the consent of the Plaintiff, that the requested Order should be entered.

THEREFORE, IT IS ORDERED that CRSQA/USAEyes shall be brought in this matter as an additional Counter-Defendant pursuant to North Carolina Rule of Civil Procedure 13(h), *nunc pro tunc* to February 11, 2008.

01 CVS 19854

This the 28 day of April, 2008.



Superior Court Judge Presiding

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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SUPERIOR COURT DIVISION
07 CVS 19854

GLENN HAGELE,

BY _____)

Plaintiff,)

v.)

LAURANELL BURCH a/k/a NELL
BURCH,

Defendant.)

**CONSENT MOTION TO ADD
COUNTER-DEFENDANT
(OTHR)**

LAURANELL BURCH,

Counter-Plaintiff,)

v.)


GLENN HAGELE and COUNCIL FOR
REFRACTIVE SURGERY QUALITY
ASSURANCE d/b/a USAEYES.ORG,

Counter-Defendants.)

NOW COMES Defendant/Counter-Plaintiff Lauranell Burch ("Burch"), through undersigned counsel and pursuant to North Carolina Rule of Civil Procedure 13(h), and shows the Court that the presence of a non-party, proposed additional Counter-Defendant Council for Refractive Surgery Quality Assurance d/b/a USAEyes.org ("CRSQA/USAeyes"), is required for the granting of complete relief in the determination of Burch's counterclaims against Plaintiff Glenn Hagele ("Hagele") because CRSQA/USAeyes is Hagele's employer and the conduct that is the subject matter of Burch's counterclaims arose out of and was in furtherance of the business of CRSQA/USAeyes. Burch's counsel has consulted with Hagele's counsel, who consents to the Order requested herein. Accordingly, Burch moves the Court, pursuant to North Carolina

Rule of Civil Procedure 13(h), to enter an Order adding CRSQA/USAEyes as an additional Counter-Defendant in this matter, *nunc pro tunc* to February 11, 2008.

This the 28 day of April, 2008.



Mark J. Prak
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N.C. State Bar No. 25342
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Attorneys for Defendant Lauranell Burch

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon the parties to this action by depositing a copy of the same in the United States Mail, first-class postage prepaid, addressed as follows:

Jon Sasser
ELLIS & WINTERS
1100 Crescent Green
Suite 200
Cary, NC 27518

This the 28 day of April, 2008.



Charles E. Coble