

NORTH CAROLINA COURT OF APPEALS

WILLIAM DAVID CARDEN)	
)	
Plaintiff-Appellant,)	
)	<u>From Durham County</u>
v.)	File No. 06 CVS 6720
)	
OWLE CONSTRUCTION, LLC)	
)	
Defendant-Appellee.)	

MEMORANDUM OF ADDITIONAL AUTHORITIES

NOW COMES Plaintiff-Appellant WILLIAM DAVID CARDEN, pursuant to Rule 28(g) of the North Carolina Rules of Appellate Procedure and hereby submits the following additional authority discovered since the filing of the brief in this action.

Concerning the issue of the power of the Superior Court to transfer a case to the Tribal Court, the Plaintiff-Appellant cites the decision of the Supreme Court of North Carolina in *Crutchley v. Crutchley*, 306 N.C. 518, 293 S.E. 2d 793 (1982), in which the Supreme Court held that where a district court lacked the power to order a case into arbitration, the order of the court referring the case to arbitration

was void *ab initio*, even though the parties had consented to the order.

Respectfully submitted this the 26th day of September, 2011.

LAW OFFICE OF MICHAEL W. PATRICK

BY: 

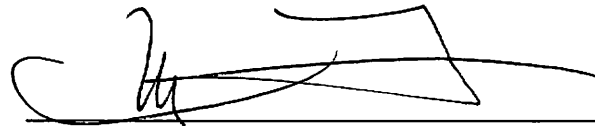
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CERTIFICATE OF SERVICE

I, Michael W. Patrick, do hereby certify that a true and correct copy of the foregoing Memorandum was served upon the following by email and by placing the same in the United States Mail, postage prepaid, and addressed as follows:

Mr. David O. Lewis
Bryant, Lewis & Lindsley, P.A.
P.O. Box 341
Durham, NC 27702
Attorney for Owle Construction, LLC

This the 26th day of September, 2011.

A handwritten signature in black ink, appearing to read 'M. Patrick', is written over a horizontal line.

Michael W. Patrick
Attorney for Plaintiff-Appellant

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