

STATE OF NORTH CAROLINA
WAKE COUNTY

IN A MATTER
BEFORE THE COMMISSIONER OF BANKS
DOCKET NO: 05:008:CF

IN RE:)
)
ADVANCE AMERICA, CASH) DISMISSAL OF APPEAL BY AANC
ADVANCE CENTERS OF NORTH) FROM ORDER ALLOWING LIMITED
CAROLINA, INC. (“AANC” OR) INTERVENTION BY CIVIL PLAINTIFFS
“RESPONDENT”))
)
_____)

THIS MATTER came before the Commissioner on April 13, 2005, pursuant to:

1. Motion to Intervene filed on February 24, 2005, by counsel for certain plaintiffs in a state superior court civil suit, New Hanover County case no. 04-CVS-2860;
2. Opposition to Motion to Intervene by Civil Plaintiffs filed on March 14, 2005, by Respondent;
3. Reply Brief in Support of Kucan Plaintiffs’ Motion to Intervene filed on March 18, 2005, by Civil Plaintiffs;
4. Commissioner’s Order Allowing Limited Intervention by Civil Plaintiffs dated March 21, 2005;
5. Notice of Appeal of Order Allowing Limited Intervention by Civil Plaintiffs filed on March 29, 2005, by Respondent;
6. Motion to Dismiss or Ignore Appeal filed on April 4, 2005, by Civil Plaintiffs; and
7. Response to Civil Plaintiffs’ Motion to Dismiss or Ignore Appeal, filed by AANC; and

IT APPEARING TO THE COMMISSIONER that the Order Allowing Limited Intervention of the Civil Plaintiffs:

1. is within the discretion of the Commissioner as hearing officer in this proceeding;

2. makes no findings of fact or conclusions of law because none are required in such an intermediate ruling;
3. is interlocutory in nature and not immediately appealable inasmuch as the ruling goes to the conduct of the contested case and not to a substantial right of AANC;
4. does not prejudice AANC in this proceeding or in any other litigation in any other forum in which it may be a party;
5. allows intervention by the Civil Plaintiffs on a very limited, non-party basis only, with the Commissioner retaining authority to further restrict such participation if warranted.

NOW, THEREFORE, the undersigned, having received and considered the written filings and arguments contained therein, hereby orders that:

The Appeal by Respondent of Order Allowing Limited Intervention by the Civil Plaintiffs is DISMISSED.

This the 13th day of April, 2005.



Joseph A. Smith, Jr.
Commissioner of Banks

CERTIFICATE OF SERVICE

THE UNDERSIGNED hereby certifies that he has this day served a copy of the foregoing Order by personal delivery or placing a copy of the same in the mail, at Raleigh, first class mail, postage prepaid and addressed to the persons listed below:

This the 13th day of April, 2005.



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