

NORTH CAROLINA SUPERIOR COURT, BUSINESS COURT

Lucas v. Hopper

Lucas, 2026 NCBC 39 (North Carolina Superior Court Business Court 2026) · No. 24-CVS-502 · Decided April 23, 2026

SUMMARY

The North Carolina Business Court addresses Defendants’ motion for summary judgment on Plaintiffs’ unjust enrichment claim and determines the proper parties to that claim. The court denies summary judgment as to LH Service, Inc., grants it as to Harold, Linda, and Tyler Hopper, and dismisses the claims of Shannon Lucas and SDB Partners of Eden, LLC. The court certifies the dismissal of the unjust enrichment claims against the individual defendants as a final judgment under North Carolina Rule of Civil Procedure 54(b).

CASE DETAILS

COURT	North Carolina Superior Court, Business Court
WRITING FOR THE COURT	Mark A. Davis
JURISDICTION	North Carolina Superior Court, Business Court
DECIDED	April 23, 2026
DOCKET	24-CVS-502
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on all claims. After an earlier order granted summary judgment on the other claims and found a triable issue on unjust enrichment, the court deferred ruling on the proper parties to that claim. In this amended second order and opinion, the court ruled on the proper parties, entered partial summary judgment, dismissed certain unjust-enrichment claims with prejudice, and certified the dismissal of the claims against three defendants for immediate appeal under North Carolina Rule of Civil Procedure 54(b).
STANDARD OF REVIEW	Summary judgment is proper when the record shows no genuine issue of material fact and a party is entitled to judgment as a matter of law. The evidence is viewed in the light most favorable to the nonmoving party, and the moving party bears the initial burden. Rule 54(b) certification is discretionary and is reviewed with great deference.
PRECEDENTIAL VALUE	Published North Carolina Business Court opinion

PARTIES

Andrew Lucas, Shannon Lucas, SDB Partners of Eden, LLC v. Harold Hopper, Linda Hopper, Tyler Hopper, LH Service, Inc.

TOPICS

summary judgment

final judgment rule

appellate procedure

civil procedure

commercial litigation

PRACTICE AREAS

civil procedure

commercial litigation

contracts

remedies

QUESTIONS PRESENTED

1. Whether Andrew Lucas or SDB Partners of Eden, LLC was the proper plaintiff for the unjust-enrichment claim.
2. Whether LH Service, Inc., or Linda Hopper, Harold Hopper, and Tyler Hopper, were proper defendants for the unjust-enrichment claim.
3. Whether summary judgment should be denied as to LH Service, Inc. because a triable issue remained regarding unjust enrichment.
4. Whether the dismissals of the unjust-enrichment claims against Linda Hopper, Harold Hopper, and Tyler Hopper should be certified as final judgments under Rule 54(b).

HOLDINGS

1. Andrew Lucas was the only proper plaintiff because he personally performed the services that allegedly conferred a benefit on the defendants. SDB Partners of Eden, LLC was merely a pass-through entity and did not perform services or otherwise confer a benefit.
2. LH Service, Inc. was the only proper defendant on the unjust-enrichment claim. Linda Hopper, Harold Hopper, and Tyler Hopper were not proper defendants.
3. Summary judgment was denied as to LH Service, Inc. because the evidence, viewed in the light most favorable to plaintiffs, presented a triable issue on unjust enrichment. Summary judgment was granted in favor of Linda Hopper, Harold Hopper, and Tyler Hopper.
4. The court certified its dismissal of the unjust-enrichment claims against Linda Hopper, Harold Hopper, and Tyler Hopper as a final judgment under Rule 54(b), finding no just reason to delay an appeal.

KEY QUOTATIONS

“Summary judgment is proper ‘if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that any party is entitled to a judgment as a matter of law.’” (¶ 25)

“In North Carolina, to recover on a claim of unjust enrichment, Plaintiff must prove: (1) that it conferred a benefit on another party; (2) that the other party consciously accepted the benefit; and (3) that the benefit was not conferred gratuitously or by an interference in the affairs of the other party.” (¶ 28)

“when the same fact is determinative of the same issue in multiple claims, there is a substantial right to have those factual issues determined by the same jury to avoid the risk that two juries decide that fact differently, leading to two judgments from the same initial lawsuit with incompatible outcomes.” (¶ 50)

FACTUAL BACKGROUND

Andrew Lucas performed work on projects at the Eden Facility from 2016 through 2023 in connection with contracts held by LH Service, Inc. The parties agreed that Andrew would receive a portion of LH Service's profits, with payments routed through SDB Partners of Eden, LLC. Beginning in approximately 2021, some profit payments were delayed; Harold Hopper repeatedly acknowledged that money remained owed to Andrew but no further payments were made after October 2023. LH Service was the entity that contracted for the projects and received payments from the facility owners or general contractors.

PROCEDURAL HISTORY

Plaintiffs filed suit in Rockingham County Superior Court on March 15, 2024, asserting ten claims against the defendants. The case was designated a complex business case. On January 14, 2026, the court granted summary judgment on nine claims and determined that the unjust-enrichment claim presented a triable issue, while deferring determination of the proper parties. On February 27, 2026, the court dismissed the unjust-enrichment claim against Linda Hopper, Harold Hopper, and Tyler Hopper but left the claim against LH Service, Inc. for trial. After denying reconsideration, the court granted plaintiffs' request to certify the dismissals as a final judgment under Rule 54(b) and entered this amended order.

DISPOSITION

other

CASES CITED

- Lucas v. Hopper, 2026 NCBC LEXIS 4 (N.C. Super. Ct. Jan. 14, 2026)
- McGuire v. Lord Corp., 2021 NCBC LEXIS 4, at *1-2 (N.C. Super. Ct. Jan. 19, 2021)
- Morrell v. Hardin Creek, Inc., 371 N.C. 672, 680 (2018)
- Kessing v. Nat'l Mortg. Corp., 278 N.C. 523, 534 (1971)
- Daughtridge v. Tanager Land, LLC, 373 N.C. 182, 187 (2019)
- McCutchen v. McCutchen, 360 N.C. 280, 286 (2006)
- Howerton v. Arai Helmet, Ltd., 358 N.C. 440, 470 (2004)
- Pembee Mfg. Corp. v. Cape Fear Constr. Co., 313 N.C. 488, 491 (1985)
- Dobson v. Harris, 352 N.C. 77, 83 (2000)
- Lowe v. Bradford, 305 N.C. 366, 369-70 (1982)
- United Cmty. Bank (Ga.) v. Wolfe, 369 N.C. 555, 558 (2017)
- Islet Scis., Inc. v. Brighthaven Ventures, LLC, 2017 NCBC LEXIS 4, at *16 (N.C. Super. Ct. Jan. 12, 2017)
- Se. Shelter Corp. v. BTU, Inc., 154 N.C. App. 321, 330 (2002)

- *Atl. Coast Line R.R. Co. v. State Highway Comm'n*, 268 N.C. 92, 95-96 (1966)
- *Booe v. Shadrick*, 322 N.C. 567, 570 (1988)
- *Higgins v. Synergy Coverage Sols., LLC*, 2020 NCBC LEXIS 6, at *23 (N.C. Super. Ct. Jan. 15, 2020)
- *Charles Schwab & Co. v. Marilley*, 2026 NCBC LEXIS 15, at *41 (N.C. Super. Ct. Jan. 23, 2026)
- *Patriot Performance Materials, Inc. v. Powell*, 2013 NCBC LEXIS 9, at *4-5 (N.C. Super. Ct. Feb. 13, 2013)
- *Lucas v. Hopper*, 2026 NCBC LEXIS 50 (N.C. Super. Ct. Feb. 27, 2026)
- *Chidnese v. Chidnese*, 210 N.C. App. 299, 302-03 (2011)
- *Doe v. City of Charlotte*, 273 N.C. App. 10, 19-20 (2020)
- *Kinesis Adver., Inc. v. Hill*, 187 N.C. App. 1, 8-9 (2007)
- *Richardson v. Bank of Am., N.A.*, 182 N.C. App. 531, 538 (2007)
- *Hoke Cnty. Bd. of Educ. v. State*, 198 N.C. App. 274, 277 (2009)
- *Shearon Farms Townhome Owners Ass'n II v. Shearon Farms Dev., LLC*, 272 N.C. App. 643, 647 (2020)

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