

---

No. 21-747

SUPREME COURT OF THE UNITED STATES

---

Power Home Solar, LLC,

*Petitioner,*

vs.

James Rickenbaugh and Mary Rickenbaugh,  
Individually and on Behalf of Others Similarly Situated,

*Respondents.*

---

On Petition for a Writ of Certiorari from the  
Supreme Court of North Carolina

---

***Joint Motion to Dismiss Petition for Writ of Certiorari  
Pursuant to Supreme Court Rule 46.1***

---

David A. Sullivan  
*Counsel of Record*  
Michael P. Burke  
DarrowEverett LLP  
10 North Main St., 3<sup>rd</sup> Floor  
Fall River, MA 02722  
(508) 675-1576  
[dsullivan@darroverett.com](mailto:dsullivan@darroverett.com)

James P. Cooney III  
Matthew F. Tilley  
Womble Bond Dickinson (US) LLP  
301 South College Street, Suite 3500  
Charlotte, NC 28202  
(704) 331-4980  
[jim.cooney@wbd-us.com](mailto:jim.cooney@wbd-us.com)  
*Counsel for Petitioner*

Bo Caudill  
*Counsel of Record*  
Villmer Caudill, PLLC  
PO Box 18186  
Charlotte, NC 28218  
Tel: 704-216-8120  
Fax: 704-705-8191  
[bocaudill@villmercaudill.com](mailto:bocaudill@villmercaudill.com)  
*Counsel for Respondents*

Petitioner Power Home Solar, LLC and Respondents James Rickenbaugh and Mary Rickenbaugh, individually and on behalf of others similarly situated (“the Parties”), pursuant to Supreme Court Rule 46(1), respectfully request that the Court enter an order of dismissal of the Petition for Writ of Certiorari (“Petition”). In further support of their Motion, the Parties states as follows:

1. The Parties have reached a settlement agreement resolving the underlying dispute that is the subject of the Petition.

2. On May 23, 2022, the AAA arbitrator handling the arbitration of the underlying dispute entered an Order approving Respondents’ voluntary dismissal of the arbitration claim.

3. The Parties intend to file a stipulation of dismissal in the Superior Court of North Carolina to dismiss the pending state court action that is the subject of the Petition, resolving the underlying causes of action in their entirety.

4. The Court has yet to issue a ruling granting or denying certiorari on the Petition.

5. There are currently no fees due to the Clerk in this matter. The Parties will each bear their own costs and attorneys’ fees.

### **CONCLUSION**

WHEREFORE, the Parties respectfully pray that this Court grant their Joint Motion and Dismiss the Petition for Writ of Certiorari.

DATED this 16<sup>th</sup> day of June 2022.

Respectfully submitted,

/s/ David A. Sullivan

David A. Sullivan  
*Counsel of Record*  
Michael P. Burke  
DarrowEverett LLP  
10 North Main St., 3<sup>rd</sup> Floor  
Fall River, MA 02722  
(508) 675-1576  
[dsullivan@darroverett.com](mailto:dsullivan@darroverett.com)

James P. Cooney III  
Matthew F. Tilley  
Womble Bond Dickinson (US) LLP  
301 South College Street, Suite 3500  
Charlotte, NC 28202  
(704) 331-4980  
[jim.cooney@wbd-us.com](mailto:jim.cooney@wbd-us.com)

*Counsel for Petitioner*

/s/ Bo Caudill

Bo Caudill  
*Counsel of Record*  
Villmer Caudill, PLLC  
PO Box 18186  
Charlotte, NC 28218  
Tel: 704-216-8120  
Fax: 704-705-8191  
[bocaudill@villmercaudill.com](mailto:bocaudill@villmercaudill.com)

*Counsel for Respondents*