An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-173

No. COA21-30

Filed 15 March 2022

Cleveland County, No. 20 CVD 371

DIVINE PURPOSE INTERNATIONAL and KARON STEVENSON, Plaintiff,

v.

TRINA DELLINGER, Defendant.

Appeal by Plaintiff from order imposing sanctions entered 28 July 2020 by Judge Micah J. Sanderson in Cleveland County District Court. Heard in the Court of Appeals 2 November 2021.

J. Boyce Garland, Jr., for the Plaintiff-Appellant.

King Law Offices, PLLC, by Delton W. Barnes, for the Defendant-Appellee.

DILLON, Judge.

I. Background

¶ 1 Plaintiff Divine Purpose International owns certain real property. The complaint identifies Plaintiff Karon Stevenson as "trustee" of Divine Purpose. "Plaintiff" in this opinion is used interchangeably to refer to a single plaintiff or both of them, depending on the context.

¶ 2 Plaintiff and Defendant own neighboring tracts of land. Plaintiff filed a

complaint *pro se* against Defendant. At some point during the litigation, the trial court entered sanctions against Plaintiff. Shortly thereafter, the trial court denied Plaintiff's motion for relief from the sanctions order. Plaintiff appeals.

II. Motion to Dismiss Appeal

¶ 3 Defendant filed a motion to dismiss appeal and a motion for costs to be taxed to Plaintiff. The motion argues that Plaintiff's brief[1] violates Rule 28 of Appellate Procedure in many ways. Plaintiff concedes the numerous deficiencies.

¶ 4 However, since we are able to understand the issues raised, in our discretion, we deny the motion to dismiss.

III. Analysis

A. Justification for Sanctions

¶ 5 The main issue before us is whether the trial court erred by sanctioning Plaintiff. We review a trial court's imposition of sanctions *de novo*. *Turner v. Duke Univ.*, 325 N.C. 152, 165, 381 S.E.2d 706, 714 (1989).

¶ 6 The trial court ordered sanctions against Plaintiff because her *pro se* complaint violated Rule 11 of Civil Procedure. Under Rule 11, a person who signs a complaint certifies that the pleading is "(1) well grounded in fact; (2) warranted by existing law, 'or a good faith argument for the extension, modification, or reversal of existing law'

[1] Unlike Plaintiff's compliant, her brief was written by hired counsel.

(legal sufficiency); and (3) not interposed for any improper purpose." *Bryson v. Sullivan*, 330 N.C. 644, 655, 412 S.E.2d 327, 332 (1992). A breach of the certification as to any one of these three prongs is a violation of Rule 11. *Id.* at 655, 412 S.E.2d at 332.

¶ 7 Here, the trial court determined that Plaintiff's complaint was filed for an improper purpose, with most of it lacking any legal basis and one claim lacking any factual basis. That conclusion was supported by the findings. The complaint contained *numerous* prayers for relief lacking any legal basis, for example, asking the court to make Defendant stay away from the property (that was located next door to her own property), move a pipe, and have no contact with Plaintiff. Plaintiff also complained of lawful activities such as Defendant putting up cameras on Defendant's property and standing on her own porch.

¶ 8 We note that the trial court also included findings regarding Plaintiff's lack of candor in seeking a continuance of a hearing in order to hire an attorney and Plaintiff's lying to a deputy in open court in front of the judge, stating she was not Karon Stevenson.

B. Notice of Sanctions

¶ 9 Plaintiff contends that the trial court committed error by basing its sanctions on matters that were not included in Defendant's motions seeking sanctions. We disagree. Specifically, in support of one of her motions, Defendant notes the

deficiencies in the complaint, which were the trial court's basis for granting sanctions.

C. The Judge's Impartiality

¶ 10 Plaintiff argues that the trial court erred in ruling on Defendant's temporary restraining order ("TRO") in a different matter (20-CVS-979) while the motion for sanctions was still pending in this matter. However, an appeal in the different matter is not before us. And Plaintiff, otherwise, does not present any evidence that the trial court acted improperly.

IV. Conclusion

¶ 11 We affirm the trial court's order denying Plaintiff relief from the sanctions order.

AFFIRMED.

Judges WOOD and GORE concur.

Report per Rule 30(e).