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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-61

Filed 2 September 2026

Wake County, No. 22CVS007653-910

JORDAN D. HOLT, Plaintiff,

v.

JOSEPH WATSON, NANCY WATSON, and SALOMON ELIAS SEGOVIA GARAY
d/b/a A&J SEGOVIA TREE SERVICES, Defendants.

Appeal by plaintiff from order entered 4 June 2024 by Judge Bryan Collins in
Wake County Superior Court. Heard in the Court of Appeals 10 September 2025.

Law Office of Garrett Davis, PLLC, by Garrett L. Davis, for plaintiff.

*Petty & Partrick, L.L.P., by Alayna M. Poole and Rodney E. Petty, for
defendants.*

FREEMAN, Judge.

Plaintiff appeals from the trial court's order partially granting Joseph Watson's and Nancy Watson's motion for a directed verdict. On appeal, plaintiff argues that the trial court erred in granting a partial directed verdict based on the independent contractor rule, contending that the Watsons are liable for the damage to her house because they knew the tree removal company was likely to trespass on

her property. After careful review, we affirm the judgment of the trial court.

I. Factual and Procedural Background

In 2013, plaintiff purchased a home near downtown Raleigh. In 2018, defendants Joseph Watson¹ and Nancy Watson (the Watsons) purchased the property next door. In 2019, plaintiff began leasing her property, and it was occupied by tenants during the relevant times of this dispute.

In November 2021, the Watsons contacted Salomon Segovia, who does business as Segovia Tree Services, (Segovia) to discuss taking down three trees. The parties disputed whose property these three trees were on. Segovia maintained that he told the Watsons that “in order to remove those trees, that [he] would have to utilize the neighbor’s driveway.” Joseph Watson testified that Segovia never told him they would need to use plaintiff’s property. Segovia also maintained that he told the Watsons that he needed the neighbor’s approval to remove the trees because “it looked like the trees were in the center, in the middle of both properties.”

On 14 November 2021, the Watsons notified plaintiff that they would begin removing the trees the following day and that they had told the tenants about the removal. Segovia arrived at the house at approximately 9:00 A.M. on 15 November 2021 to begin removing the trees. Segovia parked part of the larger equipment at a nearby parking lot.

¹ In some documents, including the appellate briefs, “Joseph Watson” is referred to as “Joseph Allen.” For consistency purposes, we refer to him as “Joseph Watson” in this opinion.

Segovia started to remove the trunks of the trees with a crane, which was parked on a portion of plaintiff's front yard. As Segovia removed a log, it swung from the crane and struck both houses. The log left minimal damage on the Watson home. However, there was significant damage done to plaintiff's home. Plaintiff sued defendants on 23 June 2022.

On 20 May 2024, the matter came on for trial. At the close of plaintiff's evidence, the Watsons moved for directed verdict in their favor. The trial court granted the motion as to all of plaintiff's claims except for "the issue of trespass to real property based on the act of removing the trees and the trespass to real property based on the act of causing the crane to be parked in the yard." The latter issue was "limited to any damage to the sidewalk" because removing the trees was not an inherently dangerous activity "so the independent contractor insulation law applie[d] to this."

On 24 May 2024, the jury returned its verdict and found that defendants did not trespass on plaintiff's property by removing the trees. The jury did, however, find that defendants trespassed by causing the crane to be parked on plaintiff's property and awarded her \$1,000.00 in damages. Plaintiff timely appealed.

II. Jurisdiction

Appeal lies of right to the Court of Appeals from the final judgment of a superior court. N.C.G.S. § 7A-27(b) (2025). Accordingly, we have jurisdiction over plaintiff's appeal.

III. Standard of Review

We review the grant of a motion for a directed verdict de novo. *Yorke v. Novant Health, Inc.*, 192 N.C. App. 340, 351 (2008). Granting a motion for a directed verdict is proper “only when the evidence is insufficient to support a verdict in the non-movant’s favor” *Dockery v. Hocutt*, 357 N.C. 210, 217 (2003) (citing *Rappaport v. Days Inn of America, Inc.*, 296 N.C. 382, 384 (1979)). We “consider the evidence in the light most favorable to the non-movant.” *Id.* at 216. “Generally, if there is more than a scintilla of evidence supporting each element of the nonmoving party’s claim, the motion for directed verdict . . . should be denied.” *Clark v. Clark*, 280 N.C. App. 384, 393 (2022) (cleaned up).

IV. Discussion

On appeal, plaintiff challenges the trial court’s limitation of damages on the trespass to real property claim. Specifically, plaintiff argues that the Watsons knew that Segovia would likely trespass on plaintiff’s property, and therefore they are “subject to liability for damage done to the house” that was “caused by their joint tortfeasor while he was trespassing.”

As an initial matter, plaintiff also challenges the trial court’s exclusion of two exhibits, dismissal of plaintiff’s claim for punitive damages, and directed verdict for her N.C.G.S. § 99A-2 claim. However, plaintiff advances no discernable argument and cites no legal authority in support of these issues in her opening brief. Accordingly, plaintiff has abandoned these issues on appeal. *See* N.C. R. App. P. 28(a)

(“Issues not presented and discussed in a party’s brief are deemed abandoned.”); *see also Fairfield v. WakeMed*, 261 N.C. App. 569, 575 (2018) (deeming an issue abandoned when the plaintiffs did not cite any legal authority in support of the argument); *Larsen v. Black Diamond French Truffles, Inc.*, 241 N.C. App. 74, 79 (2015) (“[W]here a party fails to assert a claim in its principal brief, it abandons that issue and cannot revive the issue via reply brief.”).

“A plaintiff must prove three elements to establish a claim for real-property trespass: ‘(1) that the defendant caused actual damage to the plaintiff, (2) by entering the plaintiff’s real property without authorization, (3) which the plaintiff contemporaneously possessed at the time of the alleged trespass.’” *Farrington v. WV Investments, LLC*, 296 N.C. App. 324, 330 (2024) (quoting *Keyzer v. Amerlink, Ltd.*, 173 N.C. App. 284, 289 (2005)). “When a party commits a trespass, he must be held to contemplate all the damages which may legitimately flow from his illegal act.” *A. F. Johnson & Son v. Atlantic Coast Line R. Co.*, 140 N.C. 574, 577 (1906).

“Generally, one who employs an independent contractor is not liable for the independent contractor’s negligence unless the employer retains the right to control the manner in which the contractor performs his work.” *Woodson v. Rowland*, 329 N.C. 330, 350 (1991) (citing *Mack v. Marshall Field & Co.*, 218 N.C. 697 (1940)). However, there are limited exceptions where an employer may be liable for the tortious conduct of an independent contractor. *See id.* at 352 (“One who employs an independent contractor to perform an inherently dangerous duty may not delegate to

the independent contractor to provide for the safety of others.”).

This Court has applied section 427B of the Restatement of Torts when analyzing liability for the actions of independent contractors under North Carolina law. *See Coastal Plains Utilities, Inc v. New Hanover County*, 166 N.C. App. 333, 349 (2004) (citing 427B when an independent contractor designed a project that resulted in damage from a trespass). That section states: “One who employs an independent contractor to do work which the employer knows or has reason to know to be likely to involve a trespass upon the land of another . . . is subject to liability for harm resulting to others from such trespass” Restatement 2d of Torts § 427B (1965). This applies “where the contractor is directed or authorized by the employer to commit such a trespass, . . . and where the trespass . . . is a necessary result of doing the work” *Id.* cmt. b.

Here, the only evidence that Segovia’s “properly designed” project would result in a trespass is the conversation where Segovia said that he would need to use plaintiff’s driveway to remove the trees. Accordingly, the Watsons could be liable for damage caused by the independent contractors from that trespass—that is, the damage to plaintiff’s sidewalk from parking the crane on her property. However, there is no other evidence to suggest that Segovia’s plan would likely have resulted in any further trespass on plaintiff’s property, as the jury determined that the trees were on the Watsons’s property. Therefore, the trial court properly limited the scope of plaintiff’s damages to the damage caused by the trespass as designed by the

independent contractor—the damage to the sidewalk caused by the placement of the crane.

V. Conclusion

For the foregoing reasons, the trial court properly limited the scope of plaintiff's damages for the trespass to real property claim to the damage caused by the placement of the crane. Therefore, we affirm the judgment of the trial court.

AFFIRMED.

Chief Judge DILLON and Judge ZACHARY concur.

Report per Rule 30(e).