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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-891

Filed 16 September 2026

Johnston County, No. 23CV004536-500

KURT PECK, Plaintiff,

v.

STATE FARM FIRE AND CASUALTY COMPANY, Defendant.

Appeal by plaintiff from order entered 29 January 2025 by Judge Thomas H. Lock in Johnston County Superior Court. Heard in the Court of Appeals 24 February 2026.

Kurt Peck, pro se, for plaintiff-appellant.

Butler Snow LLP, by Scott Lewis and Diane Pappayliou, for defendant-appellee.

GORE, Judge.

This appeal arises from a coverage dispute under a homeowners' insurance policy. Plaintiff appeals from an order denying his motion for an extension of time, excluding his expert witness, and granting summary judgment in favor of defendant State Farm Fire and Casualty Company. We affirm.

Plaintiff owned a residence in Clayton, North Carolina, insured by defendant.

After reporting storm-related damage in July 2022, defendant investigated through adjusters and engineers and denied coverage for certain structural damage, concluding it resulted from construction issues or wear and tear rather than a recent wind event. Plaintiff later submitted an engineering report from Thomas Faulkner, P.E., attributing the damage to the storm. Defendant's engineer reaffirmed his prior conclusions.

Plaintiff filed suit asserting claims for breach of contract, bad faith, and unfair and deceptive trade practices. Defendant moved for summary judgment and to exclude Faulkner's testimony. Seventeen minutes before the hearing, plaintiff moved for an extension of time to respond to the summary judgment motion and Faulkner motion. The trial court denied the motion, excluded Faulkner's testimony, and granted summary judgment. Plaintiff appealed.

Plaintiff has abandoned his challenge to the denial of his motion for extension of time by failing to provide legal authority or reasoned argument in support of that issue. N.C.R. App. P. 28(b)(6); *Viar v. N.C. Dep't of Transp.*, 359 N.C. 400, 402 (2005).

We review the exclusion of expert testimony for abuse of discretion. *State v. Bullard*, 312 N.C. 129, 140 (1984). Under Rule 702(a), expert testimony must be based on sufficient facts or data, be the product of reliable principles and methods, and be reliably applied to the facts of the case. Here, the record supports the trial court's determination that Faulkner's opinions failed to satisfy Rule 702(a). *See State v. McGrady*, 368 N.C. 880, 889–90 (2016) (holding that expert testimony must satisfy

each requirement of Rule 702(a)). Faulkner conducted no measurements, performed no testing, and did not quantify storm forces or analyze site-specific data. Instead, his opinions rested primarily on visual observations and generalized weather information. Plaintiff has not shown that the trial court's ruling was manifestly unsupported by reason. We therefore discern no abuse of discretion.

We review summary judgment de novo. *Forbis v. Neal*, 361 N.C. 519, 524 (2007). Plaintiff's summary judgment argument consists largely of factual disagreement and allegations of bias, without citation to or application of governing legal authority, and is therefore abandoned under Rule 28(b)(6). In any event, once Faulkner's testimony was excluded, plaintiff lacked admissible evidence establishing that the claimed structural damage was caused by a covered loss. Without admissible expert evidence on causation, plaintiff failed to forecast evidence sufficient to create a genuine issue of material fact. *See Anderson v. Hous. Auth. of City of Raleigh*, 169 N.C. App. 167, 172 (2005) (affirming summary judgment where plaintiffs failed to forecast evidence of causation beyond speculation). Summary judgment was therefore proper.

Accordingly, the trial court's order is affirmed.

AFFIRMED.

Judges STROUD and ZACHARY concur.

Report per Rule 30(e).