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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-204

Filed 16 September 2026

Forsyth County, No. 24CVS004817-330

CARLA HINNANT, Plaintiff,

v.

OLD VINEYARD BEHAVIORAL HEALTH CENTER (sic), Defendant.

Appeal by Plaintiff from order entered 29 December 2025 by Judge Michael S. Adkins in Forsyth County Superior Court. Heard in the Court of Appeals 8 September 2026.

Carla Hinnant, Pro Se.

Robert & Stevens, PA, by Jordan P. Barnette, David C. Hawisher, and James W.K. Wilde, for defendant-appellee.

PER CURIAM.

I. Background

Pro se Plaintiff Carla Hinnant filed a complaint against Defendant Old Vineyard Behavioral Health Center (sic) (Keystone WSNC, LLC) for injuries she sustained due to her granddaughter's violent behavior after Defendant, a mental health facility, released Plaintiff's granddaughter to her care. The trial court granted

Defendant's motion for summary judgment. Plaintiff appeals.

II. Analysis

Summary judgment is appropriate when “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.” N.C. R. Civ. P. 56(c) (2025). A summary judgment determination is reviewed de novo. *Builders Mut. Ins. Co. v. North Main Constr., Ltd.*, 361 N.C. 85, 88, 637 S.E.2d 528, 530 (2006) (citation omitted).

An issue raised in this case is whether a 122C-licensed, “24-hour facility” can be held liable for alleged injuries suffered by a third-party at the hands of a minor previously in care at the 122C facility. This Court need not reach that issue as summary judgment was appropriate. Plaintiff failed to plead or forecast evidence that Defendant acted with gross negligence which proximately caused Plaintiff's injuries. Thus, we affirm the order granting Defendant summary judgment.

Defendant is a mental facility. Defendant alleged and Plaintiff admitted that Defendant is a facility subject to Chapter 122C of our General Statutes. Pursuant to that Chapter, a mental health facility subject thereto is generally immune from liability unless it is shown the facility acted with gross negligence. Specifically, Chapter 122C provides that:

No facility, person, or entity, including an area facility, a facility licensed under this Chapter, an acute care hospital, a general hospital, an area authority, a law enforcement

officer, an LME, or an LME/MCO, or any of their officials, staff, or employees, or any other physician or individual who is responsible for the custody, transportation, examination, admission, management, supervision, treatment, or release of a respondent or client and *who is not grossly negligent*, is civilly or criminally liable, personally or otherwise, for that person's or entity's actions or omissions arising from these responsibilities or for the actions or omissions of a respondent or client. This immunity is in addition to any other legal immunity from liability to which these persons, entities, facilities, agencies, or individuals may be entitled and applies to actions performed in connection with, or arising out of, the custody, transportation, examination, commitment, admission, management, supervision, treatment, or release of any individual pursuant to or under the authority of this Article or otherwise.

N.C. Gen. Stat. § 122C-210.1 (2025) (emphasis added). *See Boryla-Lett v. Psychiatric Sols. of N.C., Inc.*, 200 N.C. App. 529, 534, 685 S.E.2d 14, 19 (2009) (stating “gross negligence must be alleged to overcome the statutory immunity once it attaches”)¹; *see also Kirkman v. Rowan Reg'l Med. Ctr., Inc.*, 291 N.C. App. 178, 185, 894 S.E.2d 784, 789 (2023) (same).

Gross negligence has been defined as “wanton conduct done with conscious or reckless disregard for the rights and safety of others.” *Bullins v. Schmidt*, 322 N.C. 580, 583, 369 S.E.2d 601, 603 (1988) (citations omitted). While North Carolina is a

¹ Immunity under Chapter 122C requires the defendant to show “that he or she followed the requisite procedures and that the decision as to how to treat the patient was an exercise of professional judgment” before any immunity attaches to the facility. *Boryla-Lett*, 200 N.C. App. at 534, 685 S.E.2d at 19 (citation modified). Plaintiff admitted Defendant is a 122C-licensed facility; thus, no attachment analysis is required.

notice pleading state, a claim of gross negligence requires a complainant to allege particular evidence of a defendant's willful or wanton conduct. *See Toomer v. Garrett*, 155 N.C. App. 462, 482, 574 S.E.2d 76, 92 (2002) (citation omitted) ("Aside from allegations of wanton conduct, a claim for gross negligence requires that plaintiff plead facts on each of the elements of negligence, including duty, causation, proximate cause, and damages.").

In *Kirkman*, this Court held that a trial court did not err by granting summary judgment against a Plaintiff suing a Chapter 122C facility where the plaintiff failed to allege facts which rose to the level of gross negligence. *Kirkman*, 291 N.C. App. at 186, 894 S.E.2d at 789. Plaintiff's complaint does contain allegations that Defendant's actions were "willful and reckless" and constituted "extreme negligence and insufficient due diligence." However, Plaintiff has not specifically alleged Defendant engaged in gross negligence or specific facts which show how Defendant was grossly negligent. She has failed to forecast evidence of willful or wanton conduct or allege Defendant's breach of some alleged duty proximately caused any injuries she allegedly incurred. Thus, we conclude the trial court did not err.

III. Conclusion

Defendant is a 122C-licensed facility. Plaintiff has failed to allege or forecast evidence of gross negligence by Defendant which proximately caused any injury alleged by Plaintiff. Thus, we affirm the trial court's order.

AFFIRMED.

HINNANT V. OLD VINEYARD BEHAV. HEALTH CTR.

Opinion of the Court

Panel consisting of Judges WOOD, GRIFFIN, and FREEMAN.

Report per Rule 30(e).