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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-387

Filed 4 November 2026

Wake County, No. 24CV021246-910

UNIVERSAL LIFE INSURANCE CO., Judgment-Creditor,

v.

GREG E. LINDBERG, Judgment-Debtor.

Appeal by Judgment-Debtor from order entered 25 August 2024 by Judge A. Graham Shirley in Wake County Superior Court. Heard in the Court of Appeals 19 November 2025.

Troutman Pepper Locke LLP, by Christopher G. Browning, Jr. and Michael B. Cohen, for Creditor-Appellee.

Monica Langdon Lee and Michael G. Newell for Debtor-Appellant.

CARPENTER, Judge.

Greg E. Lindberg appeals from a Wake County Superior Court order appointing a general receiver (the "Receivership Order"). On appeal, Lindberg argues the trial court: (1) lacked subject matter jurisdiction to appoint a receiver; and (2) exceeded its statutory authority by appointing a receiver. Additionally, Universal Life Insurance Company ("ULICO") filed a motion to dismiss the appeal. After

careful review, we dismiss the appeal as interlocutory and dismiss ULICO's motion as moot.

I. Factual & Procedural Background

In 2022, ULICO obtained a judgment in the Middle District of North Carolina against Lindberg for approximately $524 million, plus interest. Afterward, ULICO received the return of an unsatisfied writ of execution. On 9 July 2024, ULICO filed a verified complaint in Wake County seeking appointment of a general receiver over Lindberg's assets and a temporary receiver on an emergency basis.

On 11 July 2024, the trial court conducted a hearing on ULICO's verified complaint. Lindberg, through counsel, orally moved to dismiss the action based on a lack of personal jurisdiction and the prior pending action doctrine. The trial court denied Lindberg's motions and denied ULICO's request for an emergency temporary receiver. Lindberg appealed from the trial court's denial of his motions to dismiss; we dismissed that appeal as interlocutory.[1]

In July 2024, ULICO requested an assignment to Judge A. Graham Shirley, who was presiding over a parallel Wake County receivership action involving Lindberg.[2] During an August 2024 hearing, the trial court granted ULICO's request and later entered the Receivership Order.

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[1] *See Universal Life Ins. Co. v. Lindberg*, __ N.C. App. __, 928 S.E.2d 530 (2026) (unpublished).

[2] *See Southland Nat'l Ins. Corp. v. Lindberg*, 289 N.C. App. 378, 889 S.E.2d 512 (2023).

Lindberg filed various petitions and motions to stay the Receivership Order to this Court and our Supreme Court, which were dismissed. On 29 August 2024, Lindberg filed notice of appeal regarding the Receivership Order with this Court. ULICO subsequently filed a motion to dismiss the appeal arguing Lindberg engaged in sanctionable gamesmanship with respect to the settlement of the record on appeal.

II. Jurisdiction

Lindberg argues the Receivership Order affects a substantial right because it was entered "prior to a final judgment." Lindberg's argument is unavailing.

"Generally, there is no right of immediate appeal from interlocutory orders and judgments." *Goldston v. Am. Motors Corp.*, 326 N.C. 723, 725, 392 S.E.2d 735, 736 (1990). "An order or judgment is interlocutory if it is made during the pendency of an action and does not dispose of the case but requires further action by the trial court in order to finally determine the entire controversy." *N.C. Dep't of Transp. v. Page*, 119 N.C. App. 730, 733, 460 S.E.2d 332, 334 (1995) (citing *Cagle v. Teachy,* 111 N.C. App. 244, 247, 431 S.E.2d 801, 803 (1993)). An order appointing a receiver amidst litigation is interlocutory. *See Barnes v. St. Rose Church of Christ*, 160 N.C. App. 590, 591, 586 S.E.2d 548, 549–50 (2003) (citing *Lowder v. All Star Mills*, 309 N.C. 695, 701, 309 S.E.2d 193, 198 (1983)).

Nevertheless, a party may appeal an otherwise interlocutory order if it affects a substantial right. *See Bullard v. Tall House Bldg. Co.*, 196 N.C. App. 627, 637, 676 S.E.2d 96, 103 (2009), *overruled on other grounds by*, 369 N.C. 713, 800 S.E.2d 41;

N.C. Gen. Stat. §§ 7A-27(b)(3)(a), 1-277(a) (2025). A substantial right is "a legal right affecting or involving a matter of substance as distinguished from matters of form: a right materially affecting those interests which a person is entitled to have preserved and protected by law: a material right." *Bluebird Corp. v. Aubin*, 188 N.C. App. 671, 677–78, 657 S.E.2d 55, 61 (2008) (cleaned up). "Our courts apply a two-part test in determining whether a substantial right exists: (1) that the right in question qualifies as substantial; and (2) that, absent immediate appeal, the right will be lost, prejudiced or less than adequately protected by exception to entry of the interlocutory order." *Barnes v. Kochhar*, 178 N.C. App. 489, 497, 633 S.E.2d 474, 479 (2006) (cleaned up).

"When an appeal is interlocutory, the statement [of grounds for appellate review] must contain *sufficient facts and argument to support appellate review* on the ground that the challenged order affects a substantial right." N.C. R. App. P. 28(b)(4) (2025) (emphasis added). Put another way, the appellant must carry "his or her burden of demonstrating that the interlocutory order affects a substantial right which will be lost absent immediate appellate review . . . ." *Byrd v. Avco Corp.*, 389 N.C. 32, 36–37, 927 S.E.2d 13, 17 (2026).

We assess whether a substantial right is implicated on a case by case basis. *Hausle v. Hausle*, 226 N.C. App. 241, 244, 739 S.E.2d 203, 206 (2013). An " 'appellant cannot rely on citation to precedent to show that an order affects a substantial right . . . [;]the appellant must explain . . . why the facts of that particular case

demonstrate that the challenged order affects a substantial right.' " *Lopez v. Arnulfo-Plata*, 296 N.C. App. 653, 656, 909 S.E.2d 779, 782 (2024) (quoting *Doe v. City of Charlotte*, 273 N.C. App. 10, 22, 848 S.E.2d 1, 10 (2020)). We do not " 'construct arguments for or find support for [an] appellant's right to appeal from an interlocutory order . . . .' " *Denney v. Wardson Constr., Inc.*, 264 N.C. App. 15, 17, 824 S.E.2d 436, 438 (2019) (quoting *Jeffreys v. Raleigh Oaks Joint Venture*, 115 N.C. App. 377, 380, 444 S.E.2d 252, 254 (1994)). If the appellant's opening brief fails to sufficiently explain why the challenged, interlocutory order implicates a substantial right, this Court will dismiss for want of appellate jurisdiction. *See id.* at 17, 824 S.E.2d at 438 (citation omitted).

An order appointing a receiver *may* implicate a substantial right. *See Batesville Casket Co., Inc. v. Wings Aviation, Inc.*, 214 N.C. App. 447, 453, 716 S.E.2d 13, 18 (2011). This Court has held that a substantial right is not implicated by the appointment of a receiver when "the day to day operation of the [business] is not halted by the trial court's order[], and the effect of the orders is to prevent . . . any potential harm to the assets of the business." *Id.* at 457, 716 S.E.2d at 20 (alternations in the original); *see also Barnes*, 160 N.C. App. at 592, 586 S.E.2d at 550 ("The day to day operation of the church is not halted by the trial court's orders, and the effect of the orders is to prevent removal of the church's assets . . . [and] prevent any potential harm to the assets of the church.").

Here, Lindberg concedes the Receivership Order is interlocutory. *See*

Goldston, 326 N.C. at 725, 392 S.E.2d at 736; *Barnes*, 160 N.C. App. at 591, 586 S.E.2d at 549–50. Thus, Lindberg had the burden to demonstrate that the interlocutory order affected a substantial right. *See Byrd*, 389 N.C. at 36–37, 927 S.E.2d at 17. Lindberg has not met his burden. Lindberg's statement of grounds for appellate review in his opening brief lacks sufficient facts. *See Lopez*, 296 N.C. App. at 656, 909 S.E.2d at 782. Furthermore, the statement of grounds for appellate review is bereft of explanation as to why the Receivership Order implicates a substantial right. *See Denney*, 264 N.C. App. at 17, 824 S.E.2d at 438.

In particular, in his grounds for appellate review, Lindberg contends the trial court's "decision to appoint a receiver prior to a final judgment affects a substantial right." Lindberg also vaguely contends that, absent immediate review, his "rights under the receivership statute and due process will be forever lost."

First, Lindberg has not shown that the rights in question qualify as substantial, especially where Lindberg makes only vague, illusory statements. *See Barnes*,178 N.C. App. at 497, 633 S.E.2d at 479. In fact, Lindberg's claim that the Receivership Order came before a final judgment is unavailing because the trial court entered the Receivership Order following the return of an unsatisfied writ of execution. *See generally Wallace v. Wallace*, 266 N.C. App. 242, 829 S.E.2d 696 (2019) (unpublished) (concluding that an order appointing a receiver does not *per se* impact a substantial right and that the order did not implicate a substantial right because it prevented potential harm to the business).

Second, Lindberg raised no due process objections in the proceedings below and now offers scant factual analysis and reasoning to support his claim that his rights will be lost, prejudiced, or unprotected absent immediate appeal. *See Barnes*,178 N.C. App. at 497, 633 S.E.2d at 479. This Court will not construct an argument on Lindberg's behalf, and in the absence of sufficient facts and explanation, Lindberg's appeal must be dismissed for want of jurisdiction. *See Denney*, 264 N.C. App. at 17, 824 S.E.2d at 438.

Accordingly, the Receivership Order is interlocutory, *see Goldston*, 326 N.C. at 725, 392 S.E.2d at 736; *Barnes*, 160 N.C. App. at 591, 586 S.E.2d at 549–50, and Lindberg has failed to sufficiently demonstrate that the Receivership Order implicates a substantial right, *see Byrd*, 389 N.C. at 36–37, 927 S.E.2d at 17; *Denney*, 264 N.C. App. at 17, 824 S.E.2d at 438; N.C. R. App. P. 28(b)(4).

V. Conclusion

For the foregoing reasons, we conclude the Receivership Order is interlocutory and does not affect a substantial right. Thus, we dismiss Lindberg's appeal for want of jurisdiction. Furthermore, we dismiss ULICO's motion to dismiss as moot.

DISMISSED.

Judges WOOD and GORE concur.

Report per Rule 30(e).