

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 24-CV-022933-910

CHARITY MAINVILLE,)
)
Plaintiff,)
)
vs.)
)
ANNA DE SANTIS and)
DE SANTIS RENTALS, LLC,)
)
Defendant.)

**PLAINTIFF’S OBJECTION TO
IMPROPERLY NOTICED HEARING
AND ASSERTION OF AUTOMATIC
STAY**

NOW COMES Plaintiff, Charity Mainville, appearing pro se, and hereby objects to the hearing scheduled for February 14, 2025, at 3:00 PM, on the following grounds:

- 1. Lack of Proper Notice** – Plaintiff was never provided with formal written notice of the February 14, 2025, hearing. The hearing was verbally scheduled by the court without specifying its purpose or scope, making it impossible for Plaintiff to properly prepare. Pursuant to Rule 6(d) of the North Carolina Rules of Civil Procedure, a hearing on a motion requires at least five (5) days’ notice, which was not provided in this case. Additionally, as of the date of this filing, the February 14, 2025, hearing does not appear on the court docket, further evidencing the lack of proper notice. Moreover, there are no exigent circumstances or statutory exceptions that justify bypassing the notice requirements, particularly given that this case is subject to an automatic stay under N.C. Gen. Stat. § 1-294. The trial court’s continued scheduling of hearings in violation of the stay further underscores its lack of jurisdiction over these matters.
- 2. Violation of the Automatic Stay Under N.C. Gen. Stat. § 1-294** – Plaintiff filed a Notice of Appeal on February 10, 2025, which, under N.C. Gen. Stat. § 1-294, automatically stays

all proceedings in the trial court on the matters embraced within the appeal. Despite this, Plaintiff notified the court of the automatic stay during the February 13, 2025, hearing, yet the judge refused to acknowledge it and instead required Plaintiff to remain in the hearing. No clear ruling was issued, and Plaintiff was given no clarification as to what was being argued. The judge then verbally scheduled another hearing for February 14, 2025, without specifying its purpose or scope, further violating the stay and exceeding the trial court's jurisdiction.

3. Pending Emergency Writ of Supersedeas in the North Carolina Court of Appeals –

Plaintiff has filed a Petition for Writ of Supersedeas and Emergency Motion to Stay Proceedings in the North Carolina Court of Appeals, which remains under review.

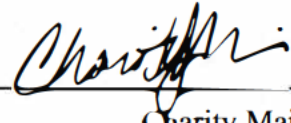
Proceeding with this hearing before the appellate court has ruled on the emergency stay request would further violate Plaintiff's procedural rights.

4. Plaintiff Will Not Be Attending – Due to the procedural deficiencies noted above, the lack of trial court jurisdiction, and a work scheduling conflict caused by the lack of proper notice, Plaintiff will not be attending the improperly scheduled hearing on February 14, 2025, at 3:00 PM. Any ruling made in Plaintiff's absence will be subject to further appellate review for lack of jurisdiction and procedural violations.

WHEREFORE, Plaintiff requests this Court:

1. Take no further action in this case until the North Carolina Court of Appeals rules on the pending writ.
2. Acknowledge that the automatic stay under N.C. Gen. Stat. § 1-294 remains in effect.
3. If the Court proceeds despite this objection, make a record of Plaintiff's assertion of the automatic stay and lack of proper notice for appellate review.

Respectfully submitted, this the 13th day of February, 2025.

A handwritten signature in black ink, appearing to read "Charity Mainville", written over a horizontal line.

Charity Mainville
Plaintiff, Pro Se

