

TENTH JUDICIAL DISTRICT

FROM WAKE COUNTY
24-CV-022933-910

NOW COMES Plaintiff-Appellant, Charity Mainville, and respectfully moves the Court to issue a statement clarifying that it has issued no ruling or finding declaring Plaintiff's appeal to be frivolous, a legal nullity, or otherwise procedurally defective. This motion is made to protect the integrity of the appellate process and correct materially false representations recently made by opposing counsel that

undermine public trust and judicial neutrality. This motion is filed as an emergency because opposing counsel's misstatements, which are currently before the North Carolina Supreme Court, are causing ongoing prejudice and reputational harm by falsely attributing findings to this Court that were never issued. In support, Plaintiff shows:

On April 17, 2025, Plaintiff filed a Petition for Discretionary Review with the North Carolina Supreme Court.

On April 30, 2025, in a response filed with the North Carolina Supreme Court in *Mainville v. De Santis*, No. 107P25, opposing counsel made the following materially false and prejudicial statements:

“The trial court and the Court of Appeals properly determined that Mainville’s numerous interlocutory appeals are not immediately appealable and, therefore, the trial court is justified in continuing to exercise jurisdiction in this action.”
(Response to PDR, 107P25, at 5)

“But the Court of Appeals recognized what everyone except Mainville can see—her appeals from nonappealable interlocutory orders are legal nullities. That is why her PWS and PWP were denied.” (Id.)

“Despite her eleven appellate filings before the record on appeal has been docketed, Mainville has not sufficiently argued how the appealed orders affect a substantial right that will be lost absent immediate review. She refuses to recognize the principles

described above, but the district court and Court of Appeals properly applied them.” (Id. at 7)

This Court has issued no written opinion or finding that Plaintiff's appeals were frivolous, nonappealable, or legal nullities. The denials of Plaintiff's Petition for Writ of Prohibition and Motion for Sanctions were summary and contained no legal reasoning or commentary on the appeal's merits.

Opposing counsel's attempt to insert language and rationale into this Court's rulings is not only misleading but raises serious ethical concerns under Rule 3.3(a)(1) of the Rules of Professional Conduct, which prohibits knowingly making false statements to a tribunal.

Moreover, under Canon 3(D)(2) of the North Carolina Code of Judicial Conduct, a judge who becomes aware of conduct suggesting a substantial likelihood that an attorney has violated the Rules of Professional Conduct must take appropriate action.

Plaintiff previously submitted a detailed Motion for Sanctions documenting opposing counsel's procedural abuse, improper service, bad faith filings, and potential undue influence at the trial level through appellate filings. Despite credible and supported allegations, this Court declined to act or explain its reasoning, denying both the motion and a supplemental filing.

The result of this inaction has been ongoing procedural harm, increased emotional and financial burden, and reputational damage—all of which are now escalating before the North Carolina Supreme Court based on misstatements that

falsely attribute rulings to this Court. The Court's silence on these false attributions risks being construed as tacit approval and is already being weaponized against Plaintiff in ongoing proceedings.

THEREFORE, Plaintiff respectfully requests that this Court:

1. Clarify that it has made no determination that Plaintiff's appeal is procedurally defective or a legal nullity;
2. Disavow the above-referenced misstatements now being presented as authoritative interpretations of this Court's rulings;
3. And take such further action as is necessary to protect the integrity of these proceedings.

Respectfully submitted this 2nd day of May, 2025.



Charity Mainville
Plaintiff-Petitioner / Appellant, Pro Se

[REDACTED]
[REDACTED]
[REDACTED]
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