

FILE NO. 24-CV-022933-910

STATE OF NORTH CAROLINA
COUNTY OF WAKE

GENERAL COURT OF JUSTICE: DISTRICT DIVISION

NAME OF PLAINTIFF
CHARITY MAINVILLE

VERSUS

NAME OF DEFENDANT
ANNA DE SANTIS and DE SANTIS RENTALS, LLC,

CIVIL DISTRICT COURT
ORDER SUBMISSION
COVER SHEET

CIVIL COURT MOTIONS TO BE DECIDED WITHOUT A HEARING:

The undersigned submits the following attached order for consideration by the Court. The corresponding motion has already been filed through the Odyssey/eCourts Portal on 8/8/2025 (date) and served upon all opposing parties.

- Order to Exempt Arbitration
- Order to Continue
- Subpoena to _____ (name of person subpoenaed)
- Order for Default Judgment pursuant to 55(b)(2)(b)
- Order in Aid of Execution
- Order for TRO or Order to Recall and Stay Writ of Possession
- Other: PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' MOTION FOR ENTRY OF DEFAULT

CIVIL COURT PROPOSED ORDER SUBMISSIONS

The attached Order submitted for entry by the Court:

- is for a future hearing on no hearing - ruling on the written motion.
- was announced by Judge _____ in open court or to the attorneys of record after a hearing.
- is entered with the consent of both parties.

Check the boxes that apply:

- The proposed Order was delivered to the opposing party/counsel on David Yopp by U.S. Mail facsimile e-mail Odyssey personal delivery.
- The opposing party/counsel has reviewed the attached document and consents to its entry/issuance.
- The opposing party/counsel has reviewed the attached document and does NOT consent to its entry/issuance. The opposing party's comments, or his or her proposed order, is attached to this proposed Order and available in Odyssey/eCourts.
- The opposing party/counsel has not responded to communications from the undersigned party/counsel and more than five (5) days have passed since the delivery of the attached motion/order.
- The opposing party was not present at the hearing and has waived his or her right to review the proposed order as provided in the Local Rules for Civil District Court.
- This matter is being submitted *ex parte* as permitted by law and Local Rule _____.
- A copy of this Submission Cover Sheet was delivered to the opposing party/counsel by U.S. Mail facsimile e-mail Odyssey personal delivery on _____.

Date 9/5/2025

/s/ Charity Mainville

- Plaintiff Defendant
- Attorney for Plaintiff Attorney for Defendant

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.

**EMERGENCY REQUEST FOR ORDER
ON PLAINTIFF'S MOTION TO STRIKE**

NOW COMES Plaintiff, Charity Mainville, and respectfully requests that the Court enter an order without a hearing on Plaintiff's pending Motion to Strike, filed August 8, 2025, and in support thereof shows the Court the following:

1. Plaintiff's Motion to Strike seeks to strike Defendants' Motion for Entry of Default, which was filed without legal or factual basis.
2. Twenty-eight (28) days have passed since service of Plaintiff's Motion to Strike, well beyond the required response time, and no opposition has been filed.
3. Defendants have noticed a hearing on their Motion for Entry of Default despite Plaintiff's objection and without Plaintiff's consent to the hearing date.
4. There is no dispute of fact requiring oral argument. As stated in Plaintiff's Motion to Strike, the Motion for Entry of Default is based on an untimely answer/counterclaim and was filed during an automatic stay pursuant to N.C. Gen. Stat. § 1-294, during which no counterclaim can be entered.

5. If this Court elects to claim that no automatic stay applied, then alternatively, Defendant cannot request a hearing for entry of default while his own duplicative Motion to Dismiss remains pending—a motion already denied by this Court on February 17, 2025.
6. Under Rule 11, N.C. R. Civ. P., counsel's Motion for Entry of Default is not based in fact, warranted by existing law, or a good-faith argument for modification of law, and is therefore improper. Rule 11 requires the Court to impose sanctions for such filings, which includes striking the offending paper.
7. Requiring Plaintiff to take time off work and appear at a hearing on a motion that is procedurally improper and undisputed constitutes harassment, retaliation, and a waste of judicial resources.
8. Plaintiff notes that the September 25, 2025, hearing was scheduled only because all judges previously available are recused or conflicted due to ongoing federal proceedings. For this reason, if the Court determines that oral argument on Plaintiff's Motion to Strike is necessary, Plaintiff respectfully requests that a special hearing be scheduled and heard prior to September 25, 2025. To allow Defendants' Motion for Entry of Default to be heard before Plaintiff's Motion to Strike would prejudice Plaintiff and invert the proper order of procedure.

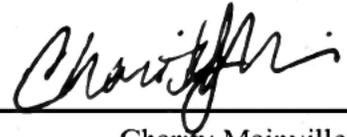
WHEREFORE, Plaintiff respectfully requests that this Court:

1. Enter an order granting Plaintiff's Motion to Strike and striking Defendants' Motion for Entry of Default;
2. Remove from its calendar the hearing scheduled for September 25, 2025, on Defendants' Motion for Entry of Default as unnecessary; or, in the alternative, that the Court schedule

a special hearing on Plaintiff's Motion to Strike to be held prior to September 25, 2025;
and;

3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 5th day of September, 2025.



Charity Mainville
Plaintiff, Pro Se

