

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,)
)
 Defendants.)

**NOTICE OF IMPROPER ROUTING,
LACK OF JUDICIAL AUTHORITY,
ADA VIOLATIONS, AND FAILURE TO
RESPOND TO PRESS ACCESS
REQUEST**

NOW COMES Plaintiff, Charity Mainville, pro se, and provides notice to the Court to preserve the record and protect her constitutional rights as follows:

1. On September 19, 2025, Plaintiff filed an Emergency Motion to Disqualify Presiding Judge with the required Wake-CVD-05 cover sheet. The motion expressly stated that Judge Williams could not act upon it and requested reassignment to a non-conflicted judge or referral to the Senior Resident Superior Court Judge.
2. Despite this, the motion was routed to Judge Williams. Responsibility for routing motions properly lies with both the Clerk's Office under N.C. Gen. Stat. § 7A-109 and the Trial Court Administrator under Local Rule 1.5. Whether this error originated with the Clerk's Office or the Trial Court Administrator, the result is the same. It was improper routing in violation of due process under the Fourteenth Amendment.
3. Judge Williams then issued a letter rejecting the motion. No statute, rule of civil procedure, or published local rule prohibits expedited review of a motion to disqualify. Nor may a presiding judge reject such a motion outright. The rejection was therefore not

issued under lawful judicial authority or in official capacity and cannot preclude reassignment and review of the motion. This exceeded his authority, as a presiding judge may not adjudicate or reject a motion seeking his own disqualification (See *Ponder v. Davis*, 233 N.C. 699 (1951)). To the extent these actions deny Plaintiff meaningful access to the courts and ADA accommodations, they are actionable under 42 U.S.C. § 1983 where absolute judicial immunity does not apply.

4. Furthermore, Plaintiff was not timely served with this rejection. The letter was not available until September 23, 2025. Plaintiff was told only to check the Odyssey portal, which was unavailable at the time. (Exhibit 1) This deprived Plaintiff of due process and obstructed her ability to cure the filing immediately.
5. Plaintiff has already attempted to remedy this improper handling by notifying the Court and requesting proper routing. Despite this, Defendants continue to argue their position through informal channels, attempting to distract by mischaracterizing Plaintiff and misrepresenting her position. This is not simply a matter of bias; it constitutes a violation of federal law, including Title II of the ADA, which guarantees protections for litigants with recognized disabilities.
6. Defendants have also misrepresented the record by suggesting that Plaintiff is over-litigating or filing frivolous notices. In fact, every filing has been necessitated by improper handling of an unopposed motion and by Defendants' attempt to relitigate another motion that has already been decided, contrary to the law-of-the-case doctrine and principles of res judicata. See *State v. Woolridge*, 357 N.C. 544, 592 S.E.2d 191 (2003); *Thomas M. McInnis & Assocs., Inc. v. Hall*, 318 N.C. 421, 349 S.E.2d 552 (1986).

7. Furthermore, Defendants' filing of a Motion to Dismiss directly violated the February 17, 2025 Order, which gave the parties an additional twenty-eight days to submit an Answer after already having sixty days for trial de novo. Once the Court issued that directive, Defendants were obligated to comply. Under Rule 12(b) of the North Carolina Rules of Civil Procedure, a motion to dismiss must precede the filing of an Answer. In addition, Rule 12(g) requires that all available defenses or objections permitted to be raised by motion be consolidated in a single motion. If a party makes a motion and omits a defense or objection that was then available, the party is barred from raising it in a subsequent motion except as provided under Rule 12(h)(2). Defendants' Motion to Dismiss, filed after the Court had already ordered the filing of an Answer, therefore violated both the Court's Order and Rule 12(g), and cannot serve as a proper basis for dismissal. Under N.C. Gen. Stat. § 5A-11(a)(3), willful disobedience of a court order constitutes criminal contempt. Defendants' filing of a Motion to Dismiss in direct violation of the February 17, 2025 Order should therefore be considered when the Court determines Plaintiff's pending Motion for Sanctions.

NOTICE OF PROTEST TO HEARING AND RESERVATION OF RIGHTS

Plaintiff makes clear that she will attend the September 25, 2025 hearing if required to do so in order to avoid violating a court order. However, Plaintiff expressly places on the record her objection and protest that if the hearing proceeds without proper review of her Motion to Disqualify or proper handling of her pending motions, the hearing itself will constitute a direct violation of Plaintiff's constitutional rights and rights under Title II of the ADA.

Any actions taken during such a hearing that violate due process, the ADA, or interfere with Plaintiff's federal claims will be treated as unlawful acts taken outside the scope of judicial

authority. Under 42 U.S.C. § 1983, where absolute immunity does not apply, judicial officers and administrators may be held personally liable for such conduct. Proceeding with a hearing under these circumstances would also directly interfere with Plaintiff's pending federal litigation, compounding the harm.

Plaintiff further notes that Judge Williams is newly appointed to the bench and may not fully appreciate the severity of conducting a hearing under these circumstances. Nonetheless, this Court has an obligation to ensure proceedings comply with constitutional and statutory protections. Ignoring these requirements risks creating a record of judicial misconduct subject to federal review and accountability.

MEDIA ACCESS REQUEST

In addition, Plaintiff has submitted a request to wake.media@nccourts.org as required by local rules to livestream the September 25 hearing in her capacity as a member of the press (See Exhibit 2). As of this filing, no response has been provided. If approval is not granted, Plaintiff requests that the Court cite the specific legal authority permitting denial of such a request. Plaintiff has proof that the request was received and opened. Ignoring an official request is not a substitute for denial and constitutes a violation of the First Amendment.

Absent a lawful denial, Plaintiff reserves her right to protect herself by providing notice of the hearing to the public, inviting attendance, and recording the proceedings. Defendants have suggested through informal channels that the livestream request is intended to "distract," but they have refused to define how that is the case. WebEx hearings are already recorded by default without causing any distraction, and livestreaming the same proceedings would not create any greater disruption.

Plaintiff has actively covered this case as a member of the press and is entitled to continue to do so given the irregular handling of this matter, including blocked orders, delayed letters, and improper routing of motions.

Plaintiff further has concern that this Court may attempt to withhold or displace the WebEx recording, thereby depriving her of access to the official record. This concern is warranted because the Court has already withheld the names of judicial officers in supposed appellate orders, in violation of constitutional principles and public access laws. Absent proper safeguards, Plaintiff reserves her right to protect herself by providing notice of the hearing to the public, inviting attendance, and recording the proceedings.

Plaintiff will not allow this Court to intimidate her or chill her right to press access. Moreover, hearings are by law open to the public, and attendance by interested members of the public is permitted so long as they do not come on camera or otherwise disrupt the proceedings. If Defendants truly believed that attendance itself is a distraction, they would not have had Defendant personally attend the motion hearing held on February 13 and 14.

Respectfully submitted this the 23rd day of September, 2025.



Charity Mainville
Plaintiff, Pro Se