

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA01-11

NORTH CAROLINA COURT OF APPEALS

Filed: 5 February 2002

MAUREEN A. TRIFT,  
Plaintiff-Appellant,

v.

Buncombe County  
Nos. 98 CVS 04365  
98 CVS 05283

AMERICAN THRESHOLD INDUSTRIES,  
INC., ROBERT T. BAYER, AUDREY B.  
BAYER, ROBERT J. ROBINSON,  
BRIAN G. HOGE, WILLIAM F. CHURCH,  
MELANIE J. MANN, and LYNIAL D.  
LATHAM,  
Defendant-Appellees.

Appeal by plaintiff from orders dated 15 August 2000 and 23 August 2000 by Judge Carl L. Tilghman in Superior Court, Buncombe County. Heard in the Court of Appeals 17 October 2001.

*Maureen Traft, pro se.*

*McGuire, Wood & Bisette, P.A., by Grant B. Osborne for defendant-appellees.*

McGEE, Judge.

Maureen A. Traft (plaintiff) appeals from orders of the trial court granting defendants' motion for summary judgment and denying plaintiff's motion to alter or amend judgment.

We must first address defendants' motion to dismiss plaintiff's appeal for violations of the N.C. Rules of Appellate Procedure. We note that our Rules of Appellate Procedure were

enacted "to govern procedure in all appeals from the courts of the trial division to the courts of the appellate division[.]" N.C.R. App. P. 1. In order "[t]o obtain review of lower court decisions, appellants must adhere to certain mandatory procedural requirements[,]" or be subject to dismissal. *Duke University v. Bishop*, 131 N.C. App. 545, 546, 507 S.E.2d 904, 905 (1998); see also *Kellihan v. Thigpen*, 140 N.C. App. 762, 763, 538 S.E.2d 232, 234 (2000). "[E]ven *pro se* appellants must adhere strictly to the [Appellate Rules] or risk sanctions." *Strauss v. Hunt*, 140 N.C. App. 345, 348-49, 536 S.E.2d 636, 639 (2000); see also N.C.R. App. P. 25(b).

In the case before us, the most egregious of plaintiff's violations of the Rules of Appellate Procedure is her direct, admitted violation of the Judicial Settlement of Record on Appeal. In the order settling the record on appeal, the trial court removed from plaintiff's proposed record on appeal certain documents, including "all eight Notice of Employee Reprimands dated from 2/6/97 to 7/20/98 . . . [and the] Affidavit of Jane Wild." In her brief to our Court, plaintiff included these documents as an appendix. While our Rules of Appellate Procedure permit an appendix, "it [is] improper for [a party] to attach a document not in the record and not permitted under N.C.R. App. P. 28(d) in an appendix to its brief." *Horton v. New South Ins. Co.*, 122 N.C. App. 265, 268, 468 S.E.2d 856, 858, *cert. denied*, 343 N.C. 511, 472 S.E.2d 8 (1996); see also N.C.R. App. P. 28(d) (describing the permitted contents of an appendix to briefs). Plaintiff admits in

her brief that while she "wanted to include all eight Notice of Employee Reprimands . . . and Affidavit of Jane Wild in the Record on Appeal . . . [she] was overruled . . . [and] has included these documents as an Appendix to this brief." Inclusion of this material in her brief is a clear violation of the order of the trial court, as well as Rule 28(d).

Additionally, plaintiff's brief violates numerous provisions of the Rules of Appellate Procedure, including Rule 28(b), which states in part:

An appellant's brief in any appeal shall contain . . . in the following order:

. . .

(2) A statement of the questions presented for review.

(3) A concise statement of the procedural history of the case. This shall indicate the nature of the case and summarize the course of proceedings up to the taking of the appeal before the court.

(4) A full and complete statement of the facts. . . .

(5) An argument, to contain the contentions of the appellant with respect to each question presented. Each question shall be separately stated. Immediately following each question shall be a reference to the assignments of error pertinent to the question, identified by their numbers and by the pages at which they appear in the printed record on appeal. . . .

(6) A short conclusion stating the precise relief sought.

N.C.R. App. P. 28(b)(2)-(6).

In this case, plaintiff has failed to include a statement of

the questions presented for review in violation of Rule 28(b)(2), and has failed to include a concise statement of the procedural history in violation of Rule 28(b)(3). Plaintiff also violated Rule 28(b)(4), in that her brief contains no full and complete statement of the facts. She also violated Rule 28(b)(5) by failing to include an argument containing her contentions with respect to each question presented, followed by reference to the assignment of error pertinent to that question. Further, plaintiff violated Rule 28(b)(6), by failing to include a short conclusion stating the relief sought.

Because of plaintiff's disregard of the Rules of Appellate Procedure and because "[o]ur rules are mandatory, and in fairness to all who come before this Court, they must be enforced uniformly[,]" we grant defendants' motion to dismiss plaintiff's appeal. *Shook v. County of Buncombe*, 125 N.C. App. 284, 287, 480 S.E.2d 706, 708 (1997)). Plaintiff's appeal is hereby dismissed.

Our Court has also reviewed plaintiff's arguments on the merits and we conclude that her arguments on appeal are without merit.

Dismissed.

Judges TIMMONS-GOODSON and BIGGS concur.

Report per Rule 30(e).