

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA13-192
NORTH CAROLINA COURT OF APPEALS

Filed: 1 October 2013

LANGDON B. RAYMOND,
Plaintiff,

v.

Buncombe County
No. 08 CVS 4456

NORTH CAROLINA POLICE
BENEVOLENT ASSOCIATION, INC., a
North Carolina corporation;
SOUTHERN STATES POLICE
BENEVOLENT ASSOCIATION, INC., a
Florida corporation; and JOHN
MIDGETTE,
Defendants.

Appeal by plaintiff from order entered 2 November 2012 by Judge Sharon Tracey Barrett in Buncombe County Superior Court. Heard in the Court of Appeals 9 September 2013.

Contrivo & Contrivo, P.A., by Frank J. Contrivo, Jr., for plaintiff-appellant.

Roberts & Stevens, P.A., by Kenneth R. Hunt and Robin A. Seelbach, for defendants-appellees.

MARTIN, Chief Judge.

Plaintiff Langdon B. Raymond purports to appeal from the trial court's 2 November 2012 order, which granted defendants'

N.C.G.S. § 1A-1, Rule 12(b)(6) motion and dismissed the claim for champerty and maintenance alleged in plaintiff's 14 November 2008 Amended Complaint. The court did not certify the order—which plaintiff concedes is interlocutory—as immediately appealable pursuant to N.C.G.S. § 1A-1, Rule 54(b).

On 21 February 2013, defendants filed a motion to dismiss plaintiff's appeal on the grounds that the order from which plaintiff seeks to appeal does not affect a substantial right entitling him to immediate review. In both his brief and almost-identically-worded response to defendants' motion, plaintiff fails to identify the substantial right he would lose absent a review prior to a final determination on the remaining claims. See *Goldston v. Am. Motors Corp.*, 326 N.C. 723, 726, 392 S.E.2d 735, 736 (1990). Because plaintiff has not carried his burden to establish his right to immediate appeal from the trial court's interlocutory order dismissing one of the three claims alleged in his Amended Complaint, see *Jeffreys v. Raleigh Oaks Joint Venture*, 115 N.C. App. 377, 380, 444 S.E.2d 252, 254 (1994) (“[T]he appellant has the burden of showing this Court that the order deprives the appellant of a substantial right which would be jeopardized absent a review prior to a final determination on the merits.”), we allow defendants' motion.

Dismissed.

Judges GEER and STROUD concur.

Report per Rule 30(e).