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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA18-1033

Filed: 6 August 2019

Buncombe County, No. 17 CVD 5594

MICHAEL BUTTACAVOLI, Plaintiff,

v.

MARIS F. BUTTACAVOLI, Defendant.

Appeal by plaintiff from orders entered 26 June and 27 July 2018 by Judge Andrea F. Dray in Buncombe County District Court. Heard in the Court of Appeals 5 June 2019.

Michael Buttacavoli, pro se, for plaintiff-appellant.

No appellee brief filed.

DIETZ, Judge.

Plaintiff Michael Buttacavoli represented himself in this equitable distribution proceeding. After repeatedly warning Mr. Buttacavoli that his conduct was vexatious, the trial court ultimately sanctioned him and awarded attorneys' fees for willful civil contempt and violations of Rule 11 of the Rules of Civil Procedure. Mr. Buttacavoli challenges those sanction orders on appeal.

As explained below, Buttacavoli has not shown either that the court lacked the legal authority to sanction him or that the sanctions violated his constitutional rights. We therefore affirm the trial court's orders.

Facts and Procedural History

Michael Buttacavoli and Maris Buttacavoli were married but at some point separated and began equitable distribution proceedings. During these proceedings, Mr. Buttacavoli represented himself but Ms. Buttacavoli was represented by counsel.

On 3 April 2018, the parties signed a consent order resolving their equitable distribution claims. Later, the trial court entered a civil contempt order requiring Mr. Buttacavoli to give Ms. Buttacavoli a “large green Turkish ‘Hereke’ rug.”

Although the dispute over this rug became the symbolic heart of Mr. Buttacavoli's dissatisfaction with the legal process, it was much of his surrounding conduct—including frivolous court filings, mocking emails to Ms. Buttacavoli's counsel, and violations of existing court orders—that ultimately lead Ms. Buttacavoli to move for sanctions and an award of attorneys' fees.

The trial court granted Ms. Buttacavoli's motions and imposed attorneys' fees both for Mr. Buttacavoli's willful civil contempt and for his repeated violations of Rule 11 of the Rules of Civil Procedure through court filings that were motivated by an improper purpose. Mr. Buttacavoli appealed those orders.

Analysis

At the outset, we note that Mr. Buttacavoli's rambling *pro se* appellate brief includes arguments concerning portions of the equitable distribution proceeding that are not properly before this Court. We confine our analysis to the arguments concerning the civil contempt and Rule 11 sanctions, which are the only orders from which Mr. Buttacavoli appealed. *See, e.g., Fenz v. Davis*, 128 N.C. App. 621, 623, 495 S.E.2d 748, 750 (1998).

The gist of Mr. Buttacavoli's argument is that it is fundamentally unfair to impose an award of attorneys' fees against him for a lengthy battle over possession of what he claims is a \$500 green rug. Mr. Buttacavoli contends that the dispute over the rug could have been settled in small claims court or mediation but that, by hiring an attorney and litigating in this family law proceeding, Ms. Buttacavoli incurred substantial attorneys' fees essentially by choice. Mr. Buttacavoli asserts that the law should not permit the trial court to force him to pay those attorneys' fees, which, in his view, were unduly large and unnecessary.

We reject this argument because Mr. Buttacavoli has failed to support it with any applicable case law or legal theory. *See* N.C. R. App. P. 28(b)(6) (an appellant's brief must contain "citations of the authorities on which the appellant relies"); *Zhu v. Deng*, __ N.C. App. __, __, 794 S.E.2d 808, 813 (2016).

Moreover, our review of the record indicates that the trial court had the

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authority to impose attorneys' fees as a sanction for contempt and for violations of Rule 11 of the Rules of Civil Procedure. The trial court may award attorneys' fees for willful civil contempt in an equitable distribution proceeding. *Baxley v. Jackson*, 179 N.C. App. 635, 640, 634 S.E.2d 905, 908 (2006); *see also Hartsell v. Hartsell*, 99 N.C. App. 380, 390, 393 S.E.2d 570, 576 (1990), *aff'd*, 328 N.C. 729, 403 S.E.2d 307 (1991). Likewise, attorneys' fees are an appropriate sanction for violations of Rule 11 of the Rules of Civil Procedure. *See Dunn v. Canoy*, 180 N.C. App. 30, 49, 636 S.E.2d 243, 255 (2006). Here, the trial court made detailed findings and conclusions of law concerning both Mr. Buttacavoli's willful civil contempt and his use of court filings for an improper purpose under Rule 11. Accordingly, we reject Mr. Buttacavoli's challenge to these attorneys' fees as legally impermissible.

Mr. Buttacavoli also argues that the trial court's orders violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution. We likewise reject this constitutional argument. The trial court entered the challenged orders after ample notice and opportunity to be heard. *Peace v. Emp't Sec. Comm'n of N. Carolina*, 349 N.C. 315, 322, 507 S.E.2d 272, 278 (1998). We are unable to identify any plausible violation of Mr. Buttacavoli's procedural or substantive due process rights in the record before us.

Conclusion

We affirm the trial court's orders.

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AFFIRMED.

Judges BERGER and HAMPSON concur.

Report per Rule 30(e).