

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19 CVS 8163

STEVEN MCRAE)
)
Plaintiff,)
)
v.)
)
KYLE RUSSELL CURTIS,)
)
Defendant.)
)
)

**BRIEF IN SUPPORT OF PLAINTIFF'S
AMENDED MOTION FOR ORDER TO
SHOW CAUSE**

Plaintiff Steven McRae, through his undersigned counsel and pursuant to BCR 7.2, submits this Brief in Support of Motion for Order to Show Cause requesting that the Court order Defendant to appear before the Court and show cause as to whether he should be held in civil contempt for failure to comply with this Court's Entry of Partial Judgment by Default.

Civil Contempt

As stated in the Amended Motion, all the grounds for civil contempt identified by Plaintiff in his original Motion for Order to show cause continue to exist. Plaintiff incorporates by reference the brief in support of his original motion (ECF No. 24).

Criminal Contempt

Since Plaintiff filed his original motion for order to show cause, Defendant has purposefully and willfully filed multiple fraudulent documents in an attempt to have his default set aside. Pursuant to N.C. Gen. Stat. § 5A-11(3), a defendant is subject to criminal contempt for "willful disobedience of, resistance to, or interference with a court's lawful process, order, directive, or instruction or its execution." "Criminal contempt is administered as punishment for acts already committed that have impeded the administration of justice in some way." *Hodges v.*

Hodges, 156 N.C. App. 404, 406 (2003) (quoting *Brower v. Brower*, 70 N.C. App. 131, 133 (1984)).

Here, the evidence shows that Defendant submitted forged and falsified documents to the Court for the specific purpose of misleading the Court concerning his residence on the date of service. Defendant's actions were willful, interfered with the Court's lawful process, and impeded the administration of justice. Defendant should be held in criminal contempt for his actions.

WHEREFORE, for the reasons set forth in Plaintiff's original Motion for Order to Show Cause and brief in support (ECF Nos. 23 and 24), and in Plaintiff's Amended Motion for Order to Show Cause filed contemporaneously herewith, Plaintiff requests that the Court find that there is probable cause that Defendant has violated the Judgment and order him to show cause as to why he should not be held in civil contempt unless and until he complies with the Judgment. Plaintiff further requests that the Court there is probable cause to hold Defendant in criminal contempt for impeding the administration of justice and order him to show cause as to why he should not be held in criminal contempt.

Respectfully submitted, this the 10th day of February, 2021.

REVOLUTION LAW GROUP

/s/ C. Scott Meyers

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via email and United States Mail, first class postage prepaid, on the defendant, addressed as follows:

Kyle Russell Curtis
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This the 10th day of February, 2021.

REVOLUTION LAW GROUP

/s/ C. Scott Meyers _____

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