

STATE OF NORTH CAROLINA
GUILFORD COUNTY

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

STEVEN MCRAE,

Plaintiff,

v.

KYLE RUSSELL CURTIS,

Defendant.

ORDER

The Court entered a Partial Judgment by Default on January 23, 2020. (ECF No. 17.) Defendant Kyle Curtis (“Curtis”) filed his Motion to Set Aside Default Judgment on February 6, 2020, (ECF No. 19), and on July 28, 2020 filed his Amended Motion to Set Aside Entry of Default and Partial Default Judgment, (ECF No. 30).

After hearing oral argument and considering all matters of record, the Court denied the request to set aside the Default Judgment. That Default Judgment remains in full force and effect.

On February 12, 2020, Plaintiff Steven McRae (“McRae”) filed a motion requesting the Court issue an order directing Curtis to appear and show cause why he should not be held in contempt for failing to abide by the Court’s judgment. (Pl.’s Mot. Order Show Cause, ECF No. 23.) The Court issued its Order on Motion for Order to Show Cause on April 13, 2020, (ECF No. 26), which provided that emergency orders entered by the Chief Justice of the North Carolina Supreme Court in response to the COVID pandemic then in force provided that Curtis could not be required at that time to respond to McRae’s motion and could not be compelled to appear in person to

show cause why he should not be held in contempt. Those administrative orders have expired.

The Court is not currently advised whether Curtis has now complied with the Default Judgment, in whole or part, and whether it is necessary to consider further whether Curtis should be required to demonstrate why he should not be held in contempt for his failure to comply.

The Court ORDERS as follows:

1. McRae shall within ten (10) days of this Order:
 - a. file a status report as to the extent to which Curtis has complied or failed to comply with the Default Judgment;
 - b. if appropriate, amend his Motion to Show Cause in light of subsequent events.
2. The Court will then determine whether to order that Curtis appear to show cause why he should not be held in civil contempt, criminal contempt, or both.
3. This Order shall be posted on the Court's electronic docket, shall be mailed by certified mail, return receipt requested to Curtis at the last address identified in his filings with this Court, and shall be e-mailed to Curtis at the e-mail address from which he has corresponded with the Court.
4. Either McRae, Curtis, or counsel shall advise the Court of any known change from the above in the address at which Curtis can be expected to receive communications from the Court.

IT IS SO ORDERED this the 2nd day of February, 2021.

/s/ James L. Gale

James L. Gale
Senior Business Court Judge