

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 TO SHOW CAUSE AND
NOTICE OF HEARING**

1. THIS MATTER is before the Court as a result of Defendant Kyle Russell Curtis' ("Mr. Curtis") failure to comply with multiple orders of this Court.

2. The Court does not repeat but incorporates by reference the procedural history in this matter as stated in the Court's 19 April 2021 Order on Amended Motion to Show Cause. ("19 April 2021 Order" ¶¶ 2-11, ECF No. 57.)

3. In addition, the Court incorporates by reference its Findings of Fact and Conclusions of Law as set forth in the Court's 30 June 2021 Order to Show Cause and Notice of Hearing. ("30 June 2021 Order" ¶¶ 5-45, ECF No. 66.)

4. The Court also incorporates by reference its Additional Findings of Fact as set forth in the Court's 19 July 2021 Order to Show Cause and Notice of Hearing. ("19 July 2021 Order" ¶¶ 4-11, ECF No. 69.)

Additional Findings of Fact

5. On 19 July 2021 the Court issued an order scheduling a hearing with respect to both criminal and civil contempt to take place on 13 August 2021 at 2:30

p.m. (19 July 2021 Order ¶¶ 12-13.) The Court also issued an Order for Arrest. (ECF No. 70.)

6. Because the Order for Arrest had not been served, on 27 July 2021 the Court issued an order continuing the hearing scheduled for 13 August 2021 to a date to be determined. (ECF No. 71.)

7. Mr. Curtis was arrested in Wake County on an unrelated matter on 30 August 2021. On 1 September 2021 he was served with the Order for Arrest. (ECF No. 72.)

Additional Conclusions of Law

8. Mr. Curtis remains required to show cause why he should not be held in civil contempt for his continuing failure to comply with the Judgment.

9. Separately, Mr. Curtis' failure to comply with the Court's 13 May 2021 Order, (ECF No. 61), and to appear for the Second Show Cause hearing held 25 June 2021, as well as his failure to comply with the Court's 30 June 2021 Order and to appear for the Third Show Cause hearing on 15 July 2021, absent cause, would constitute two instances of indirect criminal contempt.

10. Mr. Curtis has been warned, and is again warned here, that the punishment for each offense of criminal contempt may be censure, imprisonment up to 30 days, fine not to exceed \$500, or any combination of the three. N.C.G.S. § 5A-12. A person who is found in civil contempt may be imprisoned for a period that lasts as long as the civil contempt continues.

11. The Court will hold a plenary hearing on 15 October 2021 at 9:30 a.m. in Courtroom 3D of the Guilford County Courthouse, 201 South Eugene Street, Greensboro, North Carolina 27401. Mr. Curtis is ORDERED to appear and show cause why he should not be held in criminal contempt and sentenced in accordance with N.C.G.S. § 5A-12(a) for his failure to follow the Court's 13 May 2021 Order and its 30 June 2021 Order.

12. Also on 15 October 2021 at 9:30 a.m. in Courtroom 3D of the Guilford County Courthouse, the Court will conduct a show cause hearing with respect to the civil contempt matter pending as a result of Mr. Curtis' continuing failure to comply with the Court's Judgment. **Mr. Curtis is again directed to paragraph 19 of the Court's 13 May 2021 order for a list of the documents and information he is required to provide Plaintiff.**

13. Mr. Curtis has the right to assistance of counsel, which he may exercise or waive at his election. On 3 September 2021 Mr. Curtis executed a waiver of counsel. (ECF No. 73.) Should he decide to retain counsel prior to the 15 October 2021 hearing, a Notice of Appearance should be filed with the Guilford County Clerk of Court, as well as in this Court's electronic filing system, at least three days prior to the 15 October 2021 hearing.

Conclusion

14. **IT IS HEREBY ORDERED** that Defendant Kyle Russell Curtis **SHALL APPEAR** before the Court at 9:30 a.m. on Friday, 15 October 2021, in Courtroom 3D of the Guilford County Courthouse, 201 South Eugene Street,

Greensboro, North Carolina 27401, to **SHOW CAUSE** why he should not be found in criminal contempt for failing to comply with the Court's 13 May 2021 and 30 June 2021 Orders; and

15. **IT IS FURTHER ORDERED** that Defendant Kyle Russell Curtis **SHALL APPEAR** before the Court at 9:30 a.m. on Friday, 15 October 2021, in Courtroom 3D of the Guilford County Courthouse, 201 South Eugene Street, Greensboro, North Carolina 27401, to **SHOW CAUSE** why he should not be found in civil contempt for failing to comply with the Judgment in this matter.

16. **IT IS FURTHER ORDERED** that Defendant Kyle Russell Curtis immediately update his address on the Court's electronic-filing system to reflect his current residence and that he follow the directions the Court has provided to associate himself with the case in the Court's electronic-filing system. Should Mr. Curtis change his address in the future, he is **ORDERED** to update that change on his user profile in the Court's electronic-filing system within 24 hours of his change of address.

IT IS SO ORDERED, this the 5th day of October, 2021.

/s/ Julianna Theall Earp

Julianna Theall Earp
Special Superior Court Judge
for Complex Business Cases