

NORTH CAROLINA COURT OF APPEALS

Holsey-Hyman v. Edens

No. COA25-709 (N.C. Ct. App. Apr. 15, 2026) · No. COA25-709 · Decided April 15, 2026

SUMMARY

The North Carolina Court of Appeals dismissed an interlocutory appeal from the denial of a Rule 12(b)(6) motion to dismiss. The court held that the defendants failed to show that the order affected a substantial right, including because the complaint's allegations did not establish legislative immunity for the city council members at that stage.

CASE DETAILS

COURT	North Carolina Court of Appeals
WRITING FOR THE COURT	Allegra Collins; Wood; Stading
JURISDICTION	North Carolina Court of Appeals
DECIDED	April 15, 2026
DOCKET	COA25-709
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants appealed from an order denying in part their Rule 12(b)(6) motion to dismiss. The North Carolina Court of Appeals dismissed the appeal as interlocutory because defendants failed to show that the order affected a substantial right.
STANDARD OF REVIEW	An interlocutory order is immediately appealable only if it affects a substantial right that will be lost absent immediate review. The court accepted the complaint's allegations as true in evaluating whether the pleaded conduct fell within legislative immunity at the Rule 12(b)(6) stage.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Sara M. Young, Jillian N. Johnson, Mark A. Middleton, The City of Durham v. Monique Holsey-Hyman

TOPICS

- appellate jurisdiction
- interlocutory appeal
- motions to dismiss
- municipal law
- civil rights

PRACTICE AREAS

Appellate procedure

Civil procedure

Municipal law

Legislative immunity

Torts

QUESTIONS PRESENTED

1. Whether the denial of defendants' Rule 12(b)(6) motion implicated a substantial right permitting immediate appeal from an interlocutory order.
2. Whether the complaint's allegations, accepted as true at the pleading stage, showed that legislative immunity applied to Councilmembers Jillian Johnson and Mark Middleton.
3. Whether the court could review the claims against Planning Director Sara M. Young and the City of Durham in the interest of judicial economy merely because Johnson and Middleton asserted legislative immunity.

HOLDINGS

1. The denial of the motion to dismiss did not affect a substantial right because, at the pleading stage, defendants failed to show that legislative immunity applied to Johnson and Middleton.
2. Even when an interlocutory appeal is properly before the court on one issue affecting a substantial right, the court may review only those additional issues that independently affect a substantial right.

KEY QUOTATIONS

“Generally, a party has no right of appeal from an interlocutory order.” (at 3)

“Without a valid claim of immunity, no substantial right is implicated.” (at 5)

“The appeal of this interlocutory order is dismissed.” (at 6)

FACTUAL BACKGROUND

Monique Holsey-Hyman, a Durham City Council member, voted against the Carpenter Falls development project, resulting in a tied vote and denial of the request. A developer later accused her of soliciting a campaign contribution in exchange for her vote, and plaintiff alleged that city officials repeated or acted on the accusation, disclosed it publicly, demanded her resignation, and pursued a censure resolution. The State Bureau of Investigation ultimately exonerated plaintiff, and the proposed censure resolution was never voted on.

PROCEDURAL HISTORY

Plaintiff filed state-law and federal claims in Durham County Superior Court. Defendants removed the action to federal court; the federal claim was dismissed and the state claims were remanded to state court. The state trial court granted the Rule 12(b)(6) motion in part and denied it in part, and defendants appealed the partial denial.

DISPOSITION

dismissed

CASES CITED

- C. Terry Hunt Indus., Inc. v. Klausner Lumber Two, LLC, 255 N.C. App. 8, 11 (2017)
- Edwards v. GE Lighting Sys., Inc., 193 N.C. App. 578, 581 (2008)
- Woody v. Vickrey, 276 N.C. App. 427, 433 (2021)
- Providence Volunteer Fire Dep't, Inc. v. Town of Weddington, 382 N.C. 199, 220-21 (2022)
- Vereen v. Holden, 121 N.C. App. 779, 782-83 (1996)
- Royal Oak Concerned Citizens Ass'n v. Brunswick Cnty., 233 N.C. App. 145, 149 (2014)
- Beroth Oil Co. v. N.C. Dep't of Transp., 256 N.C. App. 401, 410-11 (2017)

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