

NORTH CAROLINA BUSINESS COURT

Stansell v. LoRusso

Stansell, 2026 NCBC 48 (North Carolina Business Court 2026) · No. 20CVS010612-590 · Decided May 21, 2026

SUMMARY

The North Carolina Business Court dismissed Jody Stansell’s appeal from a final judgment because he did not timely file the notice of appeal with the clerk of superior court and incorrectly directed the appeal to the North Carolina Court of Appeals rather than the North Carolina Supreme Court. The court held that it was required to strictly construe Appellate Rule 3 and lacked discretion to allow the noncompliant appeal to proceed.

CASE DETAILS

COURT	North Carolina Business Court
WRITING FOR THE COURT	Adam M. Conrad
JURISDICTION	North Carolina Superior Court, Business Court
DECIDED	May 21, 2026
DOCKET	20CVS010612-590
DISPOSITION	dismissed
PROCEDURAL POSTURE	After entry of a final judgment, Plaintiff filed a notice of appeal through the court's electronic filing system but did not file it with the Mecklenburg County Clerk of Superior Court and directed the appeal to the North Carolina Court of Appeals. The Business Court ordered Plaintiff to show cause why the appeal should not be dismissed; Plaintiff did not respond.
STANDARD OF REVIEW	Strict compliance with North Carolina Appellate Rule 3 is required; the trial court has no discretion to permit an appeal to proceed despite noncompliance.
PRECEDENTIAL VALUE	Published North Carolina Business Court opinion
PARTIES	Jody Stansell v. Krista LoRusso, LoRusso Ventures, LLC d/b/a Cinch.Skirt

TOPICS

appellate procedure

appellate jurisdiction

final judgment rule

civil procedure

commercial litigation

PRACTICE AREAS

appellate procedure

civil procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether the Business Court retained jurisdiction to determine whether Plaintiff timely and properly filed his notice of appeal when the appeal had apparently not been docketed in the appellate court.
2. Whether the appeal was valid when Plaintiff failed to file the notice of appeal with the clerk of superior court within thirty days after entry of judgment.
3. Whether an appeal from a final judgment in a mandatory complex business case must be taken to the North Carolina Supreme Court rather than the North Carolina Court of Appeals.
4. Whether the appeal should be dismissed for noncompliance with North Carolina Appellate Rule 3 and N.C.G.S. § 7A-27(a).

HOLDINGS

1. When an appeal has not been docketed with the appellate court, the trial court retains jurisdiction to determine whether the notice of appeal was timely and properly filed.
2. A notice of appeal must be filed with the clerk of superior court within thirty days after entry of judgment; failure to comply with those requirements makes the appeal subject to dismissal.
3. An appeal from a final judgment in a case designated as a mandatory complex business case must be taken to the North Carolina Supreme Court, not the North Carolina Court of Appeals.

KEY QUOTATIONS

“the trial court must strictly construe Appellate Rule 3 and is not vested with the discretion to allow an appeal to proceed notwithstanding a notice of appeal’s noncompliance with that rule.” (¶ 7)

FACTUAL BACKGROUND

The Business Court entered a final judgment disposing of all claims on March 18, 2026. On April 15, 2026, Jody Stansell submitted a notice of appeal through the court’s electronic filing system, but he did not file it with the Clerk of Superior Court for Mecklenburg County. The notice directed the appeal to the North Carolina Court of Appeals, and Stansell did not respond to the court’s order to show cause regarding these defects.

PROCEDURAL HISTORY

The Business Court entered final judgment disposing of all claims on March 18, 2026. Plaintiff filed a notice of appeal on April 15, 2026, but did not file it with the Clerk of Superior Court and attempted to appeal to the Court of Appeals rather than the North Carolina Supreme Court. The Business Court determined that the appeal had not been docketed, retained jurisdiction to assess the notice, and dismissed the appeal after Plaintiff failed to respond to an order to show cause.

DISPOSITION

dismissed

CASES CITED

- L. Off. of Ashley-Nicole Russell, P.A. v. McLawhorn Legal Servs. PLLC, 2026 NCBC LEXIS 101, at *3–4 (N.C. Super. Ct. Apr. 29, 2026)
- Carter v. Clements Walker PLLC, 2014 NCBC LEXIS 12, at *6–8 (N.C. Super. Ct. Apr. 30, 2014)
- Christenbury Eye Ctr., P.A. v. Medflow, Inc., 246 N.C. App. 237, 239–40 (2016)
- L. Off. of Ashley-Nicole Russell, P.A. v. McLawhorn Legal Servs. PLLC, 2026 NCBC LEXIS 101, at *5 (N.C. Super. Ct. Apr. 29, 2026)
- Zloop, Inc. v. Parker Poe Adams & Bernstein, LLP, 2018 NCBC LEXIS 40, at *4–5 (N.C. Super. Ct. Apr. 30, 2018)