

September 24, 2019

JAH CELEBRATES COURT OF APPEALS VICTORY

JAH attorneys Greg Ahlum & Kim Kirk successfully defended a North Carolina licensed general contractor who was sued by another general contractor for money allegedly owed for work on several projects located in Georgia. The contractor who filed the lawsuit provided its Georgia contractor license to permit the projects, and our client performed all of the work on the jobs and received payment from the owners. The trial court ruled in favor of our client and dismissed the lawsuit holding that the plaintiff's violation of licensing laws precluded recovery.

Following our client's success at the trial court level, the plaintiff contractor appealed. Our firm moved to dismiss the appeal based on technical rule violations by the plaintiff, and the North Carolina Court of Appeals granted the motion, thereby dismissing the appeal. In ruling in our client's favor, the Court of Appeals agreed with our argument that the plaintiff had violated the North Carolina Rules of Appellate Procedure and abandoned its issues on appeal.

Although the Court of Appeals did not deal with the merits of the case or the rationale behind the trial court's ruling, both the trial court victory and Court of Appeals' dismissal are significant. The trial court victory is important in that it reaffirms licensing laws which prohibit a contractor from receiving payment for the mere use of its general contractor's license. Likewise, the Court of Appeals' holding affirms the importance of compliance with the Rules of Appellate Procedure and the significant effect of failing to do so.

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