

STATE OF NORTH CAROLINA
HAYWOOD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
25CV001430-430

MARY ANNETTE, LLC by
MOUNTAIN GIRL VENTURES, LLC
[minority member] as a derivative
action pursuant to N.C.G.S. 57D-801,

Plaintiff,

v.

JOEY CRIDER and GINA B.
CRIDER,

Defendants.

**ORDER ON MOTION TO WITHDRAW
AND PURPORTED LIMITED
APPEARANCE**

1. This matter is before the Court on the motion of attorney Meredith Norris Vuotto seeking to withdraw as counsel for defendant Gina B. Crider in this action. (ECF No. 7).

2. This action was filed on 8 October 2025, (ECF No. 3), and defendants Gina B. Crider and Joey Crider filed Rule 12(b)(6) motions to dismiss on 13 November 2025 and 19 November 2025, respectively, with Joey Crider amending his motion on 27 January 2026, (Odyssey Index Nos. 10–11 and 13).¹

3. On 13 November 2025,² Attorney Vuotto filed a “Notice of Limited Appearance” in which she purported to be “making a limited appearance in the

¹ As certain documents have not yet been uploaded by counsel to the Business Court’s electronic filing system, the Court instead cites to certain materials by their Odyssey index numbers where applicable.

² While the Notice of Limited Appearance is dated as 13 November 2026, the document was, in fact, filed with the Haywood County Clerk of Superior Court on 13 November 2025.

matter for the purposes of the Motion to Dismiss under Rule Rule [sic] 12(b)(6).” (ECF No. 7.1).

4. Defendants’ motions came before the Honorable Steve Warren on 29 January 2026, after which the presiding judge entered an Order Denying Defendant Joey Crider’s Motion to Dismiss. (Odyssey Index No. 19). No ruling has been entered at this time as to Ms. Crider’s Rule 12(b)(6) motion to dismiss.

5. This case was designated as a mandatory complex business case and assigned to the undersigned judge on 2 February 2026. (ECF Nos. 1 and 2).

6. Following designation and assignment, the Court, through its law clerk, emailed counsel of record instructions for proceeding with the case, including online filing information, court contact information, and detailed instructions for creating filing accounts with the Business Court’s electronic filing system.

7. Attorney Vuotto thereafter communicated to the Court by email that she had previously filed the “Notice of Limited Appearance” and that, in light of Judge Warren’s Order, she “believe[d] [her] duties as legal counsel to Ms. Gina Crider have since been extinguished,” as she was “not representing her in terms of any future litigation.” Attorney Vuotto indicated that she “wanted to reiterate that [her] representation of Ms. Crider officially ended last week.”

8. At that time, Ms. Vuotto had not filed a motion to withdraw as counsel for Ms. Crider, nor had the Court otherwise relieved her of the obligation to continue representing Ms. Crider in this action.

9. Accordingly, through its law clerk and copying all counsel and pro se parties, the Court informed Ms. Vuotto that, if she wished to withdraw from representation in this matter, she was “welcome to file a motion with the Court seeking leave to do so” but that, “[i]n the interim, consistent with Rule 16 of the General Rules of Practice, counsel who have appeared in the action remain counsel of record until the Court orders otherwise.”

10. In response to this direction, attorney Vuotto immediately responded via ex parte email to the Senior Court Coordinator rather than the Court’s assigned law clerk. In that email, attorney Vuotto argued, in relevant part, as follows:

First of all, I have zero desire or the ability to represent a client in the Business Courts, which is why I filed a Notice of Limited Appearance for purposes of the 12b6 hearing last week. I received the email from another lady this afternoong [sic] saying I need to file a motion to withdraw. First of all, I wanted to verify that was correct. I absolutely do not understand why I would need to file a motion to withdraw when the scope of representation of my client was solely for the hearing last week in Haywood County Superior Court, and all parties, including my client, were fully aware of that.

11. Attorney Vuotto also argued that “[t]his is far, far over the top of what I agreed to do in the first place . . .”

12. Thereafter, attorney Vuotto finally filed a “Motion and Order to Withdraw.” (ECF No. 7). In that filing, attorney Vuotto contends that she “does not have the training or experience in either complex business litigation, family law, or property law to represent Ms. Crider in any further proceedings[.]”

13. The motion, however, (i) fails to reflect whether attorney Vuotto conferred with counsel for the other parties or with the pro se parties before filing her motion, (ii) fails to reflect whether attorney Vuotto conferred with her own client prior to the motion (notwithstanding the purportedly limited scope of the engagement), (iii) provides no clearly delineated contact, notice, and service information for Ms. Crider in the text of the motion;³ (iv) is one, single-spaced document containing the motion, a certificate of service, and a proposed order, appended on the same page as the certificate of service; and (v) reflects that attorney Vuotto appeared in this action—one expressly captioned as a putative derivative suit—as counsel of record for a party without the necessary “training or experience” to handle the matter and without associating with competent counsel.

14. The motion fails to comply, and reflects attorney Vuotto’s failure to comply generally, with applicable rules in several respects. *See, e.g.*, BCR 7.3 (requiring consultation, or reasonable efforts to consult, with opposing counsel and parties prior to filing a non-dispositive motion); BCR 3.6 (governing formatting of filed documents); N.C. R. Prof. Conduct 1.1 (“A lawyer shall not handle a legal matter that the lawyer knows or should know he or she is not competent to handle without associating with a lawyer who is competent to handle the matter. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.”).

³ Though there is a reference to Ms. Crider in a certificate of service to the motion, there is no statement by counsel in the motion that the information in the certificate of service is, in fact, Ms. Crider’s address or other information for purposes of notice or service in the event attorney Vuotto is permitted to withdraw.

15. Because attorney Vuotto's motion fails to comply with the Business Court Rules, rather than deny the motion outright and require a refiled motion, the Court requested that attorney Vuotto "file either an amended motion or supplemental materials" reflecting consultation with opposing counsel and pro se parties and providing Ms. Crider's specific contact information for service and notice purposes.

16. Rather than comply with the Court's directive, attorney Vuotto shortly thereafter again emailed the Senior Court Coordinator (rather than the assigned law clerk) without copying any other parties or counsel of record, writing in relevant part as follows:

In an effort to reduce the amount of unnecessary people receiving emails that are not relevant to them, I am just replying to you. Mrs. Gina Crider's contact information is in the Certificate of Service on the Motion to Withdraw that I filed this morning. The only thing that wasn't listed was her telephone number . . .

I have now sent yet another email to the relevant parties requesting that they state they do not oppose. How long do I have to wait for a reply before amending this Motion to Withdraw (e.g., what if none or only a portion of them reply to my email?). Further, I don't understand why I need to do this anyway, as I filed a Notice of Limited Appearance in November of 2025 for **one specific hearing only**. What on earth is the purpose of a Notice of Limited Appearance if it did not mean anything to begin with?

I understand you deal with attorneys that are fluent in the procedures of Business Court. I am not, nor do I want to be. This is truly an instance of no good deed goes unpunished. Dealing with all this filing has been a colossal waste of my time that I need to be preparing for other scores of other matters in District Court this week.

(highlighting and other emphasis in original).

17. Ultimately, after again copying counsel and the pro se parties into the communication, the Court directly instructed attorney Vuotto to cease ex parte communications with Court personnel.

18. As an initial matter, attorney Vuotto's ex parte emails to Court staff were improper and unbecoming of a member of the Bar.

19. Under both the North Carolina Rules of Professional Conduct and the Business Court Rules, ex parte communications with the Court about a pending matter are prohibited. N.C. R. Prof. Conduct 3.5(a)(3) ("A lawyer representing a party in a matter pending before a tribunal shall not . . . unless authorized to do so by law or court order, communicate *ex parte* with the judge or other official regarding a matter pending before the judge or official[.]"); BCR 6.4(a) ("Any e-mails to the Court about a pending matter must copy all pro se parties and all counsel of record for each represented party."); BCR 6.4(b) ("Counsel may contact the judicial assistants or law clerks of the Business Court judges to discuss scheduling and logistical matters. Neither counsel nor counsel's professional staff may seek advice or comment from a judicial assistant or law clerk on any matter of substance. Counsel should communicate with Business Court judges, law clerks, and judicial assistants with appropriate professional courtesy. In the absence of exigent circumstances, and unless the other parties have consented otherwise, any written communication by counsel to court personnel regarding a pending matter must include or copy all pro se parties and all counsel of record for each represented party.").

20. Regardless of her professed “effort to reduce the amount of unnecessary people receiving emails that are not relevant to them,” attorney Vuotto was not permitted to unilaterally refuse to copy opposing counsel and pro se parties when communicating with the Court regarding her substantive inquiries and gripes about the Court’s directives and the need for her to file a motion to withdraw. *See* N.C. R. Prof. Conduct 3.5(a)(3); BCR 6.4(a)–(b).

21. Similarly, the General Rules of Practice for the Superior and District Courts provide that “[c]ounsel should yield gracefully to rulings of the court and avoid detrimental remarks both in court and out. He should at all times promote respect for the court.” Gen. R. Practice 12 (requiring also that “[c]ounsel are at all times to conduct themselves with dignity and propriety”).

22. Attorney Vuotto’s *ex parte* emails to Court staff questioning and complaining about the requirement to file a motion to withdraw, characterizing the Court’s requirement as a “colossal waste of my time,” and making the other comments demonstrated above reflect (i) improper and uninvited *ex parte* communications, (ii) a failure to yield gracefully to the Court’s ruling and directive, (iii) inappropriate detrimental and disrespectful remarks regarding the administration of justice, (iv) impermissible questions on matters of substance to Court staff, (v) a lack of the requisite professional courtesy, and (vi) an overall failure to conduct herself with dignity and propriety in this action.

23. On top of those ethical and professional failures, however, attorney Vuotto’s motion *also* reflects a fundamental, and unfortunately common, misunderstanding of

the distinction between an attorney's ability to limit his or her scope of representation with a *client* and the ability to limit the scope of representation as to the *Court*.

24. Here, attorney Vuotto rhetorically asked in her ex parte email to Court staff, "What on earth is the purpose of a Notice of Limited Appearance if it did not mean anything to begin with?" The short answer is that there was no permissible purpose, and the purported limited appearance was ineffective and unwarranted.

25. Under Rule 1.2(c) of the Rules of Professional Conduct, "[a] lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances" and otherwise complies with applicable law. N. C. R. Prof. Cond. 1.2. The "scope of the representation" is *not* the same as the scope of the *appearance* before the court.

26. An engagement agreement limiting an attorney's representation is an agreement between the client and the attorney. The attorney's appearance before the Court and submission to the Court's jurisdiction is not limited by the scope of that separate engagement with the client. *Smith v. Bryant*, 264 N.C. 208, 211 (1965) ("As between the attorney and his client the relationship may ordinarily be dissolved in good faith at any time, but before an attorney of record may be released from litigation he must satisfy the court that he is justified in withdrawing."); *cf. Swenson v. Thibaut*, 39 N.C. App. 77, 109 (1978) ("[I]t is clear that the court's inherent power is not limited or bound by the technical precepts contained in the Code of Professional Responsibility as administered by the Bar.").

27. Regardless of an attorney's scope of engagement with a client, "[o]nce an attorney makes an appearance in a matter before the North Carolina General Court of Justice, he or she may not unilaterally choose to withdraw as counsel," whether based on a purported limited appearance, a notice of withdrawal of appearance, a notice of substitution of counsel, or otherwise. *E.g., Pender Farm Dev., LLC v. NDCO, LLC*, 2019 NCBC LEXIS 82, at *1 (N.C. Super. Ct. Jan. 3, 2019) (striking purported "Notice of Withdrawal" and requiring filing of motion to withdraw).⁴

28. Instead, the attorney may withdraw only with leave of the Court:

No attorney who has entered an appearance in any civil action shall withdraw his appearance, or have it stricken from the record, except on order of the court. Once a client has employed an attorney who has entered a formal appearance, the attorney may not withdraw or abandon the case without (1) justifiable cause, (2) reasonable notice to the client, and (3) the permission of the court.

Gen. R. Practice 16 (citation omitted).

29. The filing of a purported notice of "limited appearance" does not relieve counsel of this obligation. *Foster Biodevice, LLC v. Cantrell*, 2016 NCBC LEXIS 53, *13 (N.C. Super. Ct., July 11, 2016) ("[T]he ability of an attorney, in a litigated matter, to make a 'limited appearance' is subject to the rules of the tribunal. The Court is unaware of any Business Court Rule or any provision of the North Carolina

⁴ While a party, through an attorney, may make a "limited appearance" for the purpose of challenging personal jurisdiction, even this concept of a "limited appearance" by the party, rather than the attorney, does not relieve the attorney from the obligation to obtain the Court's leave to withdraw as counsel. Even in the jurisdictional context, "[a]n appearance for any other purpose than to question the jurisdiction of the court [over the person] is general." *Dailey Motor Co. v. Reavis*, 184 N.C. 260, 114 S.E. 175, 177 (1922) (citation omitted); *Woods v. Billy's Auto.*, 174 N.C. App. 808, 813 (2005) (same).

Rules of Civil Procedure or the General Rules of Practice for the Superior and District Courts ('General Rules of Practice') that would permit a limitation of responsibility under these circumstances.”); *see also Smith*, 264 N.C. at 211 (“She had employed a lawyer who had entered a formal appearance upon the court record by filing her answer to the complaint. Thereafter he was not at liberty to abandon her case without (1) justifiable cause, (2) reasonable notice to her, and (3) the permission of the court.”).

30. Attorney Vuotto’s motion identifies justifiable cause for withdrawal—i.e., her and Ms. Crider’s reported desire for limited representation in this action. The motion does not, however, reflect reasonable notice to or conferral with Ms. Crider regarding the motion specifically (rather than the goal of limited representation generally), nor does it reflect consultation with opposing counsel. And, of course, the Court has not yet granted leave for attorney Vuotto’s withdrawal.

31. Thus, in this case, “at least until a *proper* motion to withdraw has been filed and granted by the Court,” attorney Vuotto remains “at least with regard to proceedings in this Court, subject to all of the responsibilities of counsel of record.” *Foster Biodevice*, 2016 NCBC LEXIS at * 14 (emphasis added); *Pender Farm Dev., LLC*, 2019 NCBC LEXIS 82, at *2 (“Mr. Reid must file a motion with the Court seeking permission to withdraw. The motion must reflect consultation with, and the position of, both Plaintiff and Trask (Mr. Reid’s clients), and opposing counsel.” (citing BCR 7.3)).

32. Accordingly, in its discretion, the Court **ORDERS** as follows:

a. Attorney Vuotto’s motion to withdraw is **DENIED without prejudice**;

b. If attorney Vuotto files a subsequent motion to withdraw, before doing so, she is **DIRECTED** to (i) comply with applicable Business Court Rules, including BCR 7.3 regarding consultation⁵ and BCR 3.5 regarding formatting, the General Rules of Practice, and the Rules of Professional Conduct (ii) provide appropriate advance notice to Ms. Crider of the intended motion to withdraw and obtain Ms. Crider's position regarding the motion to withdraw,⁶ (iii) affirmatively set forth in the text of the motion (not merely in the certificate of service) the name and address of substitute counsel for Ms. Crider, if any, or the current mailing address for Ms. Crider. If the motion is ultimately granted, attorney Vuotto must also serve a copy of the Court's Order on Ms. Crider within five (5) days of entry of the Order and must thereafter file with the Court a certificate of service demonstrating such service;

c. Attorney Vuotto is **ADMONISHED** for her improper, unprofessional, and unbecoming communications with Court staff and is **DIRECTED** to have no further ex parte communications with Court staff in this action; and

d. In its discretion, the Court will **NOTIFY** the North Carolina State Bar of entry of this Order for the State Bar to take such other and further actions, if

⁵ As noted above, attorney Vuotto asked court staff, "How long do I have to wait for a reply before amending this Motion to Withdraw (e.g., what if none or only a portion of them reply to my email?)." Rule 7.3 of the Business Court Rules is a rule of reason and diligence: if attorney Vuotto determines that consultation with opposing counsel and the other parties is not possible prior to filing the motion, "then the motion must include a statement that explains the movant's *reasonable and diligent* efforts to effectuate a consultation." BCR 7.3.

⁶ If attorney Vuotto is unable to confer with Ms. Crider to obtain her position regarding the motion following diligent efforts to consult, attorney Vuotto shall provide appropriate notice to Ms. Crider and certify in the motion the reasonable and diligent efforts undertaken to consult with Ms. Crider.

any, as it may determine to be appropriate in light of the conduct described in this Order.

SO ORDERED, this 5th day of February 2026.

/s/ Matthew T. Houston

Matthew T. Houston
Special Superior Court Judge
for Complex Business Cases