

## Introduction to 2025-2026 Supplement

*North Carolina Law of Damages* is designed to provide civil litigators a unique and powerful resource as they examine the types of damages and other remedies available in a variety of contexts. This Supplement, like the book, continues with the same general organization that it has had for many years. The first part of the book contains chapters focusing on general damages principles. The second part of the book focuses on damages related to specific subject areas, such as tort, contract, and property actions. In addition to discussing damages principles in specific subject areas, the book also provides information about substantive developments in these areas.

This Supplement covers case law and legislation through approximately August 2025. In order to keep the book's contents as current as possible, a supplement is released annually.

Noteworthy new features and recent developments in the 2025-26 Supplement include:

- A recently adopted statute, the “Prevent Sexual Exploitation of Women and Minors Act,” which imposes civil, as well as criminal, penalties on online entities that fail to remove a pornographic image of a person at the request of that person. [See § 6:3]
- New legislation imposing civil liability on the perpetrator, and parents of a minor perpetrator, for larceny, shoplifting, organized retail theft, obtaining property by false pretenses, and other similar offenses. [See § 6:3]
- A decision from the North Carolina Court of Appeals explaining the measure of damages for a landlord's negligence in failing to deter excessive vehicle parking and trespassing by tenant. [See § 7:3]
- A North Carolina Supreme Court decision considering how just compensation would be divided between a developer and an association after a taking by the Department of Transportation, because the trial court has the authority to determine just compensation for

conflicting claimants under N.C.G.S. § 136-117. [See § 16:1]

- A North Carolina Business Court decision dismissing a claim for unjust enrichment, in part, because the party seeking recovery recognized the existence of a contract and sought relief under explicit contractual provisions. [See § 17:3]

- A North Carolina Court of Appeals decision recognizing that the City of Charlotte waived its sovereign immunity from civil liability in tort claims by purchasing liability insurance but also concluding that the city would not face tort liability for negligence related to a pedestrian being struck in an intersection, where the driver's negligence, not the design of the intersection, was the proximate cause of the pedestrian's injuries and was not foreseeable to the city. [See §§ 23:2, 23:4]

- A decision from the North Carolina Court of Appeals determining that defendant state troopers were not exempt from personal civil liability through governmental immunity, because N.C.G.S. § 20-145 does not grant immunity for gross negligence. [See § 23:7]

- An unpublished North Carolina Court of Appeals decision upholding the trial court's jury instruction that damages in an abatable nuisance action can be measured based upon the cost of renting comparable property. [See § 31:2]

- A decision from the North Carolina Court of Appeals affirming a trial court's dismissal of plaintiff's private and public nuisance claims, because plaintiff did not assert continuous injury and one single physical injury is not enough to sustain a nuisance claim. [See § 31:4]

Thank you for subscribing to *North Carolina Law of Damages*. Please contact me if I can be of assistance, or if you have any suggestions for the book. Over the years, I have incorporated several suggestions from readers, and the book is better for it. I hope the book is a useful resource for you.

Alan D. Woodlief, Jr.  
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