

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No. 13CV007243

2013 MAY 30 PM 4: 12

WAKE CO., C.S.C.
BY

STATE OF NORTH CAROLINA, *ex rel.*)
ROY COOPER, Attorney General,)

Plaintiff,)

v.)

TEMPORARY RESTRAINING ORDER

ROBERT ALLEN MCELREATH, d/b/a)
BUILD-A-BANDIT, PONTIAC PROS,)
COMMON MAN CLASSIC HOT RODS, and)
DISCOUNT AUTOMOTIVE CLASSIC)
RESTORATIONS,)

Defendant.)

THIS MATTER came on to be heard and was heard by the undersigned Judge presiding over the May 27, 2013 civil session of Wake County Superior Court upon plaintiff State of North Carolina's application for a Temporary Restraining Order under N.C. Gen. Stat. § 75-14.

Plaintiff has requested that such an order prohibit the defendant from offering or collecting fees for automotive services in North Carolina. Assistant Attorney General Ward Zimmerman appeared on plaintiff's behalf at the appointed time for the hearing. No one appeared on behalf of the defendant after due attempts to notify him of the hearing. It appears to the Court from the Complaint and the affidavits filed in substantiation thereof that there is a strong likelihood that plaintiff will prevail in this action. It also appears to the Court that plaintiff's request for a Temporary Restraining Order under N.C. Gen. Stat. § 75-14 should be granted so that further harm to the public and further violations of North Carolina law might be prevented.

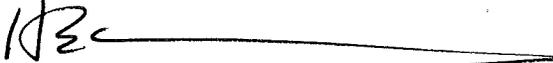
IT IS THEREFORE ORDERED that defendant and/or his businesses, their agents, employees, and corporate successors or assigns, and any persons acting in concert with them, be

and hereby are **Temporarily Restrained and Prohibited** from (1) advertising, offering, or entering into contracts to perform automotive services in North Carolina; (2) soliciting or accepting deposits or payments from consumers for any product or service; (3) collecting any further payment, directly or indirectly, from consumers related to the aforementioned business; (4) destroying, transferring, concealing, altering, or removing from their possession or control any financial records, customer contracts, emails, or other correspondence, business records, and other documents of defendant; or (5) transferring, withdrawing, concealing, or encumbering any assets of defendant and/or his businesses pending further order of the Court.

IT IS FURTHER ORDERED that defendant and his businesses be required to produce the following records no later than three (3) days prior to the Preliminary Injunction hearing or within ten (10) days of entry of a Temporary Restraining Order, whichever is sooner: (1) the name and address of every bank at which any of defendant and/or his businesses maintain deposit, checking, or other bank accounts, and the account number for each such account; (2) a statement of the current monetary balance in each such account held by any of defendant and/or his businesses, together with a copy of the most recent bank statement for each such account; and (3) a current financial statement, showing the current assets and liabilities for defendant and/or his businesses.

IT IS FURTHER ORDERED that defendant appear before this Court at 10:00 o'clock a. .m., June 19th, 2013, in Courtroom 10-C of the Wake County Courthouse in Raleigh, North Carolina, if he wishes to be heard on plaintiff's application for a Preliminary Injunction.

SO ORDERED, this the 30th day of MAY 2013.


The Honorable Howard Manning
SUPERIOR COURT JUDGE