

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
2014 OCT -1 11 3 41 14 CVS 11087

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

Plaintiff,

v.

MOOSER MOTO, LLC and
BARRY T. MOOSE, JR., individually
and in his corporate capacity

Defendants.

TEMPORARY RESTRAINING ORDER

THIS MATTER came on for hearing before the undersigned Judge presiding over the September 29, 2014 civil session of Wake County Superior Court upon application by plaintiff for a Temporary Restraining Order under N.C. Gen. Stat. § 75-14 prohibiting defendants from soliciting or obtaining advance payments or deposits for delivery of vehicles, delivery of vehicle parts, or the performance of other related services. Assistant Attorney General Torrey D. Dixon appeared on plaintiff's behalf. Plaintiff counsel represented to the Court that he served a copy of the Summons and Complaint on Defendant Barry T. Moose, Jr. and his corporate entity Mooser Moto, LLC via personal service by Iredell County Sheriff while Defendant Moose was at the Iredell County Courthouse for another matter, and that he attempted to serve the defendants, with a Notice of Hearing and a Motion for a Temporary Restraining Order, by certified mail to the last known address for both defendants but such mail was returned by the US Postal Service as not deliverable as addressed. Based upon the Complaint, the victim affidavits and the other exhibits attached thereto, as well as the representations of counsel, it appears to the Court that plaintiff is

likely to prevail on the merits of this action and that a Temporary Restraining Order as requested by plaintiff should be entered in order to prevent further violations of the Unfair and Deceptive Trade Practices Act and further harm to the public.

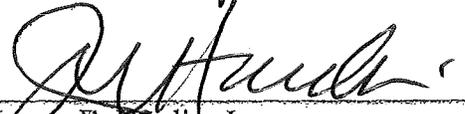
IT IS THEREFORE ORDERED that plaintiff's application for a Temporary Restraining Order is allowed and that defendants, together with their agents, employees, successors and assigns, be and hereby are Temporarily Restrained from soliciting, requiring or receiving any down payment, deposit, credit card debit authorization, checking account debit authorization, promissory note or other form of advance payment, regardless of how that payment might be denominated or constructed, from any consumer for delivery of vehicles, vehicle parts, or the performance of other related services. In addition, and unless the purchaser directs them to stop, defendants shall complete any deliveries now underway, but they and their agents, employees, successors and assigns are specifically prohibited from requiring, requesting or receiving any payment from the purchaser until all work required under the contract with the purchaser has been completed to the purchaser's satisfaction.

IT IS FURTHER ORDERED that defendants shall appear before the court on October 10th, 2014, at 10:00 o'clock am., in Courtroom 10c of the Wake County Courthouse there to show cause, if any there might be:

1. Why the transactions described in plaintiff's complaint were not completed;
and
2. Why the terms and conditions set forth above should not be extended until the final resolution of this action through the entry of a Preliminary Injunction

under N.C. Gen. Stat. § 75-14 and Rule 65 of the Rules of Civil Procedure

SO ORDERED this the 18 day of October, 2014 at 3:30 o'clock p.m.



James E. Hardin, Jr.
SUPERIOR COURT JUDGE