

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 19CV011796

2019 SEP -9 A 11: 10

STATE OF NORTH CAROLINA ex rel.)
JOSHUA H. STEIN, Attorney General,)

Plaintiff,)

v.)

JOHN JACKSON, individually and in)
his capacity as owner and operator of)
Appliance Maxx, Appliance Max LLC,)
Professional Appliance Service,)
Rapid Response Appliance Repair,)
All Seasons Refrigeration Heating &)
Cooling, and Star Appliance & HVAC LLC;))
APPLIANCE MAXX; APPLIANCE)
MAX LLC; PROFESSIONAL)
APPLIANCE SERVICE; RAPID)
RESPONSE APPLIANCE REPAIR;)
ALL SEASONS REFRIGERATION)
HEATING & COOLING; and)
STAR APPLIANCE & HVAC LLC,)

Defendants)

lgw

PRELIMINARY INJUNCTION

THIS MATTER came to be heard and was heard by the undersigned Judge presiding over the September 9, 2019 civil session of Wake County Superior Court upon Plaintiff State of North Carolina's application for a Preliminary Injunction under N.C. Gen. Stat. § 75-14. The Court, having heard the arguments of counsel, and having reviewed the pleadings, affidavits, and other exhibits filed in substantiation thereof, finds that good cause exists for entry of a Preliminary Injunction, as set forth below, enjoining Defendants from acts and conduct in violation of N.C. Gen. Stat. § 75-1.1, pursuant to N.C. Gen. Stat. § 75-14. The Court further finds for purposes of this order that:

1. Plaintiff alleges that Defendants, in operating an appliance repair business, have engaged in a pattern and practice that includes, *inter alia*, knowingly and intentionally: (a) taking money from consumers for nonexistent repair of appliances; (b) taking money from consumers for the purchase of appliance parts, when, upon information and belief, no parts were ever purchased; (c) failing to refund consumers' payments even though Defendants did no work and, upon information and belief, did not purchase any parts; (d) making false promises that the contractually-promised appliance repairs would eventually be completed; (e) making false promises that consumer's monies would be returned; (f) using multiple business names and personal aliases for the purpose of deceiving consumers, as consumers exercise due diligence in trying to select a reputable repair technician; (g) installing incorrect parts in consumers' appliances; and (h) systematically soliciting consumers, via various Internet sites, for an appliance repair business which Defendant Jackson operates solely as a means to take money from consumers without performing any real service.

2. Special Deputy Attorney General Stuart M. (Jeb) Saunders appeared on Plaintiff's behalf at the appointed time for the hearing.

3. Defendants were duly notified in writing that Plaintiff's application for a Preliminary Injunction against them would be taken up by the Court on this date and at this hour. Defendants did not appear for the hearing.

4. On September 3, 2019, the Honorable Paul Ridgeway, after conducting a hearing in Wake County Superior Court, entered a Temporary Restraining Order ("TRO") against Defendants in this matter. The TRO prohibited Defendants from, *inter alia*, advertising, offering, soliciting, or entering into agreements with consumers for the purpose of performing or purporting

to perform appliance repair services, and accepting payment from consumers for any appliance repair work, including payment for parts associated with purported appliance repairs.

5. On September 4, 2019, Plaintiff mailed Defendants a copy of the TRO together with written notice of the hearing on Plaintiff's Motion for a Preliminary Injunction, scheduled for September 9, 2019. Also on September 4, 2019, Plaintiff provided Defendants notice by email of the September 9, 2019 hearing on Plaintiff's Motion for a Preliminary Injunction.

6. Plaintiff State of North Carolina, acting through its Attorney General, is authorized to bring this action and to seek injunctive relief on behalf of the State and aggrieved consumers, pursuant to N.C. Gen. Stat. §§ 75-1.1 and 75-14, and Rule 65 of the North Carolina Rules of Civil Procedure.

7. The Court has both subject matter jurisdiction and personal jurisdiction over Defendants.

8. Plaintiff has made a sufficient showing that Defendants have engaged in a continuing pattern of unfair and deceptive trade practices in connection with their appliance repair business.

9. Plaintiff has also made a sufficient showing that the public has suffered and will continue to suffer injury, and that the public interest will be adversely affected, unless Defendants are restrained from engaging in their illegal and deceptive practices, as alleged.

IT IS THEREFORE ORDERED that, pending final adjudication of this action in the trial court, Defendants, together with their employees, agents, representatives, successors, and assigns, and any others acting in concert with them who have knowledge thereof, be and hereby are Preliminarily Enjoined from:

- (a) engaging in unfair or deceptive acts or practices in violation of N.C. Gen. Stat. § 75-1.1, including but not limited to the acts and practices listed in Paragraph 38 of Plaintiff's Complaint;
- (b) advertising, offering, soliciting, or entering into agreements with consumers for the purpose of performing or purporting to perform appliance repair services;
- (c) accepting payment from consumers for any appliance repair work, including payment for parts associated with purported appliance repairs;
- (d) destroying, transferring, concealing, or altering or removing from Defendants' possession or control any financial records, customer contracts, e-mails, text messages or other correspondence, business records, and other documents of Defendants; and
- (e) transferring, withdrawing, concealing, disposing, or encumbering any of the Defendants' assets without permission of the Court; provided, however, that permission shall not be required if Plaintiff agrees in writing to the expenditures.

IT IS FURTHER ORDERED that Defendants be required to produce the following records no later than seven (7) days after the preliminary injunction hearing:

- (1) the name and address of every bank at which Defendants maintain and have maintained for the past twelve (12) months checking, deposit, 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 Defendants, together with a copy of the most recent bank statements for each such account, and bank statements for the past twelve (12) months for each such account;
- (3) a current financial statement, showing the current assets and liabilities for Defendants; and
- (4) a breakdown of accounts, if such accounts are segregated, showing what the accounts are for, e.g., whether the accounts are for payment of rent, payroll, or the like.

SO ORDERED, this the 9th day of September, 2019 at 11:07 a.m.



Hon. *ANDREW HEATH*
SUPERIOR COURT JUDGE