

STATE OF NORTH CAROLINA
WAKE COUNTY

FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
2019 JAN 15 PM 3:47 NO. 19 CV 000741
WAKE COUNTY, N.C.

STATE OF NORTH CAROLINA *et al.*
JOSHUA H. STEIN, Attorney General,

Plaintiff,

v.

KYLE JEFFREY ROWE, Individually,
STUART E. CAMPBELL, JR, a/k/a
STUART CAMPBELL, Individually, and
GEORGIA TREE COMPANY LLC,

Defendants.

**TEMPORARY
RESTRAINING ORDER**

THIS MATTER came to be heard and was heard by the undersigned Judge presiding over the January 15, 2019 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.

After considering the complaint and the exhibits and affidavits attached thereto, the Court concludes that it is likely that the State will prevail in this action against defendants for price gouging, in violation of N.C. Gen. Stat. § 75-38; engaging in unfair and deceptive trade practices, in violation of N.C. Gen. Stat. § 75-1.1.; and using prohibited debt collection practices, in violation of N.C. Gen. Stat. § 75-50 *et seq.*

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That defendants Kyle Jeffrey Rowe, Stuart E. Campbell, Jr., and Georgia Tree Company LLC, together with their agents, employees, representatives, subcontractors, successors and assigns, are temporarily restrained, under N.C. Gen. Stat. § 75-14, from:

- i. charging or receiving payment for goods or services used as a direct result of an emergency with the knowledge and intent that the charge is an unreasonably

- excessive price under the circumstances, in violation of N.C. Gen. Stat. §§ 75-38 and 75-1.1;
- ii. engaging in unfair or deceptive acts or practices in violation of N.C. Gen. Stat. § 75-1.1, including but not limited to (1) falsely representing that the homeowner will be responsible only to pay the insurance deductible and that defendants would accept what the insurer allows, and (2) representing that a document is an “agreement” when the consumer never agreed to its contents;
 - iii. engaging in any prohibited debt collection practices, including (1) falsely representing the character or amount of the debt, and (2) communicating any threat to file a mechanic’s lien, to garnish wages, to seize a bank account, or to bring criminal charges, in connection with an effort to collect an amount that is not owed, in violation of N.C. Gen. Stat. §§ 75-50 *et seq.*;
 - iv. directly or indirectly attempting to collect on any claimed debt for tree removal and related services provided in North Carolina on and after September 7, 2018;
 - v. advertising, offering, soliciting, or entering into contracts, or receiving payment for any tree removal and related services in North Carolina;
 - vi. performing or providing any tree removal and related services in North Carolina;
 - vii. destroying, removing, transferring, erasing, or otherwise disposing of any business or financial records relating to defendants’ business, including but not limited to any business or financial records relating to monies obtained from any North Carolina consumer on or after September 7, 2018; and

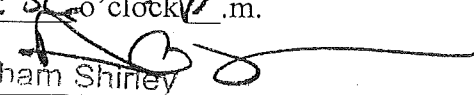
viii. transferring, withdrawing, concealing, disposing, or encumbering any of defendants' assets without permission of the Court or written permission of the Attorney General.

2. That defendants are required, under N.C. Gen. Stat. § 75-14, to produce the following records no later than three days prior to the preliminary injunction hearing or within ten days of entry of this temporary restraining order, whichever is sooner:

- i. (a) A verified list of the names and addresses of all North Carolina consumers to whom defendants, or those acting under their direction or control or with their approval, have provided products or services since September 7, 2018, together with (b) all related invoices, bills, estimates, and/or bids sent to those consumers and/or their insurers, (c) an individualized accounting of all payments received from each such consumer and/or insurer, and (d) the names and addresses of all insurance policy issuers, policy numbers and claim numbers related to tree removal and related services provided by defendants to North Carolina consumers on or after September 7, 2018.
- ii. The name and address of every bank at which defendants maintain deposit, checking, or other accounts, along with the account number for each such account, a statement of the current balance in each such account, and a copy of the bank statement(s) for each such account that covers the period September 7, 2018 through January 1, 2019.
- iii. A current balance sheet and the most recent profit and loss statement for defendant Georgia Tree Company LLC.

IT IS FURTHER ORDERED that defendants appear before this Court at 10 o'clock a.m., January 23 2019, in Courtroom 10-C of the Wake County Courthouse in Raleigh, North Carolina, if they wish to be heard on the State's application for a Preliminary Injunction.

SO ORDERED, this the 13 day of January, 2019, at 2:36 o'clock P.m.



A. Graham Shirley

Hon. 
SUPERIOR COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this date I have served the foregoing **TEMPORARY
RESTRAINING ORDER:**

through service by Sheriff and by FedEx addressed as follows:

Kyle Jeffrey Rowe
2031 Wexford Green Drive
Valrico, Florida 33594-4087

Stuart E. Campbell, Jr.
5750 Peltier Trace
Norcross, Georgia 30093-5775

and by FedEx addressed as follows:

Georgia Tree Company, LLC
c/o Registered Agents, Inc.
300 Colonial Center Parkway, Suite 100N
Roswell, GA 30076

This the 15th day of January, 2019.



Daniel T. Wilkes
Assistant Attorney General

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