

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

WAKE COUNTY

2020 MAY -5 P 2:49

NO. 20 CVS 5504

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

Plaintiff,

v.

DAVID JEWEL SATTERFIELD,
Individually, and A1 TOWING
SOLUTIONS, INC.,

Defendants.

**TEMPORARY RESTRAINING
ORDER**

THIS CAUSE came on to be heard and was heard by the undersigned Superior Court Judge presiding at the April 27, 2020 session of Wake County Superior Court upon the application of plaintiff State of North Carolina for a Temporary Restraining Order under N.C.G.S. §§ 75-15 and 1A-1, Rule 65.

After considering the Complaint, affidavits and exhibits, and the State's motion, the Court concludes that the State is likely to prevail in this action against defendants for price gouging in violation of N.C.G.S. § 75-38, unfair or deceptive business practices in violation of N.C.G.S. § 75-1.1, and unlawful debt collection practices in violation of N.C.G.S. §§ 75-50 *et*

seq.. Entry of this Order is necessary to prevent irreparable harm to the State and its citizens on account of defendants' violations of law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That defendants, together with their agents, employees, representatives, subcontractors, successors and assigns, and any persons or entities acting in concert with them, be 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 a declared state of emergency or abnormal market disruption, or used during a declared state of emergency or abnormal market disruption to preserve, protect or sustain life, health, safety or economic well-being of persons or their property, 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. booting, otherwise immobilizing, preventing the departure or removal of, securing to a tow truck or flat bed, towing, or otherwise removing any vehicle (including but not limited to a tractor or truck cab, trailer, or any passenger vehicle) without having first obtained, for each such vehicle, written permission or authorization to do so from the owner or lessee of the property on which the vehicle was found, which written permission or authorization shall identify by the vehicle make, model and license number (if any), and the date on which it is given.
- iii. demanding or receiving payment for release of any vehicle booted, otherwise immobilized, prevented from departing being removed, secured to a tow truck or flat bed, towed or otherwise removed, unless defendants first obtained, from the

owner or lessee of the property where the vehicle was found, written permission or authorization to boot, immobilize, restrain, secure, tow or otherwise remove each such vehicle, which written permission or authorization shall identify by the vehicle make, model and license number (if any), and the date on which it is given.

- iv. towing or booting vehicles in private lots without the lot being clearly designated as such by legible signs no smaller than 24 inches by 24 inches prominently displayed at all entrances thereto and displaying the current name and current phone number of the towing and storage company at least 72 hours prior to the tow or booting;
- v. failing to inform the owner of the vehicle in writing, at the time of retrieval of the vehicle, that the owner has a right to pay the amount of the lien asserted, request immediate possession, and contest the lien for towing charges pursuant to the provisions of N.C. Gen. Stat. § 44A-4;
- vi. engaging in unfair or deceptive acts or practices in violation of N.C. Gen. Stat. § 75-1.1, including but not limited to (1) separately booting or otherwise immobilizing both pieces of a tractor-trailer rig; (2) demanding or obtaining payment for release of a double-booted tractor-trailer rig or other such combination of a drive vehicle and a towed trailer; (3) charging for impounding and storing the tractor and trailer units separately, when the tractor-trailer components are attached as one unit; (4) booting vehicles while the driver is in the vehicle without first informing the driver or requesting that the driver move the vehicle; (5) using verbal attacks and threats, including threats of increasing

charges to coerce consumers into paying excessive fees; (6) threatening to charge and/or charging a DMV filing fee when no filing fee of such amount is required by the Division of Motor Vehicles; (7) threatening to charge and/or charging a credit card fee, and (8) requiring consumers to schedule an appointment to retrieve their vehicles while charging the consumer for storage fees related to any delay by defendants in making such appointment, including but not limited to during weekends when defendants are not open for business, or in otherwise releasing the vehicle;

- vii. engaging in any prohibited debt collection practices, including (1) falsely representing the character or amount of the debt, including the implied representation that the towing or booting of the vehicle was lawful, as well as the representation that the vehicle owner would be subject to paying an excessive DMV filing fee when the North Carolina Division of Motor Vehicles charges no such fee, and (2) communicating any threat in connection with an effort to collect, in violation of N.C. Gen. Stat. §§ 75-50 *et seq.*;
- viii. directly or indirectly attempting to collect on any claimed debt for booting, otherwise immobilizing, preventing the departure or removal of, securing to a tow truck or flat bed, towing, otherwise removing or storing any vehicle (including but not limited to a tractor or truck cab, trailer, or any passenger vehicle) performed in North Carolina on and after March 10, 2020;
- ix. advertising, offering, soliciting, entering into a contract for, or receiving payment for any booting, otherwise immobilizing, preventing the departure or removal of, securing to a tow truck or flat bed, towing, otherwise removing or storing any

vehicle (including but not limited to a tractor or truck cab, trailer, or any passenger vehicle) or related services in North Carolina;

- x. performing or providing any booting, otherwise immobilizing, preventing the departure or removal of, securing to a tow truck or flat bed, towing, otherwise removing or storing any vehicle (including but not limited to a tractor or truck cab, trailer, or any passenger vehicle) or related services in North Carolina;
- xi. 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 January 1, 2020; and
- xii. transferring, withdrawing, concealing, disposing, or encumbering any of defendants' assets without permission of the Court or written permission of the Attorney General.

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

- i. (a) A verified list of the names and addresses of all persons to whom defendants, or those acting under their direction or control or with their approval, have provided vehicle towing, removal, storage and/or booting or other immobilization services in North Carolina since January 1, 2020, together with (b) all related invoices, bills, estimates, and/or bids sent to those consumers, (c) and an individualized accounting of all payments received from each such consumer.

- ii. The name and address of every bank or financial institution 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 January 1, 2020 through May 4, 2020.
- iii. A current balance sheet and the most recent profit and loss statement for defendant A1 Towing Solutions, Inc.

IT IS FURTHER ORDERED that defendants appear before this Court at 11:00 o'clock A.m. on May, 13, 2020, by WebEx

if they wish to be heard on the State's motion for a preliminary injunction which will be heard at that time.

SO ORDERED This the 5th day of May, 2020, at 2:15 o'clock P.m.



Superior Court Judge

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the foregoing Temporary Restraining Order upon defendants by FedEx delivery to the Mecklenburg County Sheriff, with process service fees pre-paid, for service on defendants at:

A1 Towing Solutions, Inc.
Jenna Blaze Cornell, Registered Agent
7425 Orr Rd.
Charlotte, NC 28213

David Jewel Satterfield
7320 Grier Rd.
Charlotte, NC 28213

David Jewel Satterfield
6926 City View Dr.
Charlotte, NC 28212

This the ____ day of _____, 2020.

K.D. Sturgis
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