

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 23-CVS-6408

STATE OF NORTH CAROLINA, *ex rel.*
JEFF JACKSON, Attorney General,

Plaintiff,

v.

MV REALTY PBC, LLC, MV REALTY
OF NORTH CAROLINA, LLC, MV
BROKERAGE OF NORTH CAROLINA,
LLC, AMANDA ZACHMAN, ANTONY
MITCHELL, DAVID MANCHESTER,
and DARRYL COOK,

Defendants.

**PLAINTIFF'S MOTION
FOR PARTIAL
SUMMARY JUDGMENT**

The undersigned, on behalf of Plaintiff State of North Carolina *ex rel.* Jeff Jackson, Attorney General, State of North Carolina ("Plaintiff"), hereby moves the Court, pursuant to N.C. R. Civ. P 56, for an order granting Plaintiff State of North Carolina's Motion for Partial Summary Judgment seeking partial summary judgment on Count I (Unfair or Deceptive Trade Practices in Violation of N.C.G.S. § 75-1.1) and summary judgment in full on Count II (Violations of the Prohibitions Regarding Telephone Solicitations Set Forth in N.C.G.S. § 75-100, *et seq.*) of Plaintiff's Complaint (the "Motion") against Defendants MV Realty PBC, LLC, MV Realty of North Carolina, LLC, MV Brokerage of North Carolina, LLC, (collectively "MV") Antony Mitchell, David Manchester, Amanda Zachman, and Darryl Cook (collectively "Defendants"). In support of this motion, Plaintiff submits its Brief in

Support of Motion for Partial Summary Judgment and exhibits, which are being filed contemporaneously with this Motion.

WHEREFORE, Plaintiff requests that the Court enter an order:

1. Finding all Defendants jointly and severally liable for the relief provided;
2. Declaring Defendants' HBA contracts to be void and unenforceable;
3. Making the termination of Defendants' Memoranda and cancellation of Lis Pendens ordered in the Preliminary Injunction permanent;
4. Requiring Defendants to cease all collection of early termination fees;
5. Requiring Defendants to identify and pay full restitution to all consumers who paid an early termination fee;
6. Awarding civil penalties in the maximum statutory amount for all Memoranda unlawfully recorded against homeowners' titles in North Carolina, and for all violations of the Telephone Solicitation Act;
7. Awarding reasonable attorneys' fees and costs to Plaintiff for the costs of investigating and prosecuting the claims for which summary judgment is granted;
8. And for such other relief this Court deems necessary, just, and proper.

Respectfully submitted, this the 18th day of March, 2025.

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has, this 18th day of March, 2025, electronically filed and served the foregoing **MOTION FOR PARTIAL SUMMARY JUDGMENT**, as provided by Rule 3.9 of the General Rules of Practice and Procedure for the North Carolina Business Court.

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