

FILED

STATE OF NORTH CAROLINA  
WAKE COUNTY

2016 NOV 14 PM 12:24  
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
WAKE COUNTY, C.S.C. FILE NO. 16 CV 12245

BY TGF

STATE OF NORTH CAROLINA *ex rel.* )  
ROY COOPER, Attorney General, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Crystal Spear a.k.a. Crystal Hope Spear, )  
and Ronnie Griffin a.k.a. Ronnie Allen Griffin/ )  
Allen Griffin/Ronnie Spear/Allen Spears, )  
individually and collectively d/b/a: )  
NC Appliance Repair; )  
Piedmont Appliance Repair; )  
NC Service Center; )  
Charlotte Appliance Repair; )  
Service Today; )  
Service X-perts; )  
Service Experts; )  
Gastonia Appliance Repair; )  
Home Pros; and )  
A + Home Services, )  
 )  
Defendants. )

**PRELIMINARY INJUNCTION**

**THIS MATTER** came on to be heard and was heard by the undersigned Judge presiding over the November 14, 2016 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.

Plaintiff alleges that defendants have engaged in a pattern and practice of soliciting North Carolina consumers for a purported appliance repair business, and have held themselves out as performing appliance repairs within consumers' homes, when in reality defendants take money from consumers without performing any actual repair of consumers' appliances. Specifically, plaintiff alleges that defendants advertise their purported repair services under numerous business names, show up at a consumer's home, perform a sham investigation of the appliance,

claim either to have fixed the problem or that a new part is needed, demand and receive money for labor, the part, or both, and then leave, without performing any repair. Plaintiff further alleges that these acts and practices by defendants constitute unfair and deceptive trade practices in violation of N.C. Gen. Stat. § 75-1.1.

The Court, having reviewed the pleadings, affidavits and other exhibits filed in substantiation thereof, and having heard the arguments of counsel, finds that good cause exists for the 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 the purposes of this order that:

1. The defendants were served with the summons and complaint in this action by publication, as follows:

(a) A Notice of Service of Process by Publication was published on October 15, 22, and 29, 2016 in the Lexington Dispatch. After publication of the notice concluded, the Consumer Protection Division of the North Carolina Department of Justice received an executed Affidavit of Publication signed by Jennifer Nicholson of the Lexington Dispatch to show proof of service in accordance with N.C.G.S. § 1-75.10(a)(2).

(b) A Notice of Service of Process by Publication was published on October 15, 22, and 29, 2016 in the Winston-Salem Journal. After publication of the notice concluded, the Consumer Protection Division of the North Carolina Department of Justice received an executed Affidavit of Publication signed by D.H. Stanfield of the Winston-Salem Journal to show proof of service in accordance with N.C.G.S. § 1-75.10(a)(2).

2. Defendants have been duly notified by U.S. Mail and email of the hearing on plaintiff's application for a preliminary injunction.

3. 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 its residents pursuant to N.C. Gen. Stat. §§ 75-1.1 and 75-14, and Rule 65 of the North Carolina Rules of Civil Procedure.

4. Plaintiff has made a sufficient showing that defendants have engaged in a continuing pattern of unfair and deceptive trade practices in connection with their business of offering and advertising appliance repair services to consumers.

5. 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.

**IT IS THEREFORE ORDERED** that, pending final adjudication of this action in the trial court, defendants, together with defendants' respective officers, managers, employees, agents, servants, representatives, successors, assigns, and any others acting in concert with defendants who have knowledge thereof, are immediately and preliminary enjoined from:

- (1) engaging in unfair or deceptive acts or practices in violation of N.C.G.S. § 75-1.1, including but not limited to the acts and practices listed in Paragraph 32 of plaintiff's Complaint;
- (2) advertising, offering, soliciting, or entering into agreements with consumers for the purpose of performing or purporting to perform appliance repair services;
- (3) accepting payment from consumers for any appliance repair work, including payment for appliance parts;
- (4) destroying, transferring, concealing, or altering or removing from their possession or control any financial records, customer contracts, e-mails, text messages or other correspondence, business records, and other documents of defendants; and
- (5) 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 the plaintiff agrees in writing to the expenditures.

**IT IS FURTHER ORDERED** that defendants be required to produce the following records within ten (10) days of entry of this Preliminary Injunction:

- (A) 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;
- (B) 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;
- (C) a current financial statement, showing the current assets and liabilities for defendants;
- (D) 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; and
- (E) a list identifying all consumers who entered into agreements with defendants for purposes of defendants' purported appliance repair services, together with a list identifying the amount paid to defendants by each consumer, from the time period of January 1, 2012 through the present.

**SO ORDERED**, this the 14<sup>th</sup> day of November, 2016 at 12:20 pm.

  
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Hon. Alvin Saeedour  
SUPERIOR COURT JUDGE