

FILED

STATE OF NORTH CAROLINA
WAKE COUNTY

2016 DEC 12 AM 11: 24
WAKE COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
NO. 16 CVS 14671

STATE OF NORTH CAROLINA, ex-rel.)
ROY COOPER, Attorney General,)

Plaintiff,)

v.)

MIDSTATE QUALITY HOME REPAIR)
& PAINT CO. LLC, d/b/a/ MIDSTATE)
QUALITY HOME IMPROVEMENTS)
d/b/a OVERMAN ROOFING; LEO)
JOSEPH OVERMAN, individually and in)
his capacity as owner and manager of)
MIDSTATE QUALITY HOME REPAIR)
& PAINT CO. LLC, d/b/a/ MIDSTATE)
QUALITY HOME IMPROVEMENTS)
d/b/a/ OVERMAN ROOFING; and)
RECONDA BROWDER WORLEY, a/k/a)
RICCI OVERMAN, individually and in)
her capacity as owner of MIDSTATE)
QUALITY HOME REPAIR & PAINT)
CO. LLC, d/b/a/ MIDSTATE QUALITY)
HOME IMPROVEMENTS d/b/a/)
OVERMAN ROOFING,)
Defendants.)

TEMPORARY RESTRAINING ORDER

INTRODUCTION

THIS MATTER came to be heard and was heard by the undersigned Judge presiding over the December 12, 2016 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.

Plaintiff has requested that such an order prohibit defendants from engaging in unfair and deceptive trade practices. In addition, plaintiff has requested such an order prohibit defendants from: entering into contracts with consumers for various home repair services including but not

limited to roof repair and installation, gutter cleaning and installation, painting, pressure washing complete remodeling, deck and fence restoration, and cleaning and repair/installation of siding; accepting advance payment from consumers for any home repair; transferring, altering or removing from defendants' possession any business records, customer agreements, emails, text messages or other correspondence; and transferring, concealing, withdrawing, disposing or encumbering any of defendants' assets without permission of the Court.

Assistant Attorney General Hugh Harris appeared on the State's behalf at the appointed time for the Temporary Order hearing. Plaintiff's counsel represents he mailed notice of the hearing to all Defendants.

Leo Joseph Overman
appeared on behalf of the defendants. *(JDOH)*

It appears to the Court from the Complaint, the affidavits, and other exhibits filed in substantiation thereof, there is a strong likelihood plaintiff will prevail in this action. It also appears to the Court plaintiff's request for a Temporary Restraining Order under N.C. Gen. Stat. § 75-14 should be granted so further harm to the public and further violations of North Carolina law might be prevented.

IT IS THEREFORE ORDERED that defendants, together with defendants' respective employees, agents, representatives, successors, and assigns, and any others acting in concert with defendants who have knowledge thereof, be and hereby are Temporarily Restrained and Prohibited from:

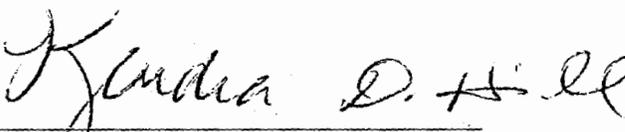
- (a) engaging in unfair or deceptive acts or practices in violation of N.C.G.S. § 75-1.1, including but not limited to the acts and practices listed in Paragraph 24 of plaintiff's Complaint;
- (b) advertising, offering, soliciting, or entering into agreements with consumers for the purpose of home repair or installation;

- (c) accepting advance payment from consumers for any home repair job or installation;
- (d) 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;
- (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 the plaintiff agrees in writing to the expenditures.

IT IS FURTHER ORDERED that, upon proper notice to defendants and within ten (10) days of the entry of the Temporary Restraining Order, a hearing be conducted to determine whether that Order, or any reasonable modifications thereof, should be considered in the form of a preliminary injunction pending the final adjudication of this cause, as allowed by N.C.G.S. § 75-14;

IT IS FURTHER ORDERED that defendants appear before this Court at 9:30 o'clock a.m., December 22, 2016, in Courtroom 10A of the Wake County Courthouse in Raleigh, North Carolina, if they wish to be heard on plaintiff's application for a Preliminary Injunction.

SO ORDERED, this the 12th day of December, 2016 at 11.25 a.m.


HONORABLE KENDRA D. HILL
SUPERIOR COURT JUDGE