

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE

FILED ~~INFERIOR~~ **SUPERIOR** COURT DIVISION

2007 DEC 27 P 12:38

File No. 07CVS 020648 ✓

STATE OF NORTH CAROLINA
ex rel. ROY COOPER,
ATTORNEY GENERAL and
ELAINE F. MARSHALL,
SECRETARY OF STATE,
Plaintiff,

WAKE COUNTY, CSC

v.

BERND A. TAUBERT, doing business
as NATIONAL BUSINESS
REGISTRATION and NATIONAL
COMPANIES REGISTRAR
CORPORATION,
Defendant.

**TEMPORARY
RESTRAINING ORDER**

THIS MATTER coming before the undersigned Judge presiding over the December 27, 2007 civil session of Wake County Superior Court upon motion by plaintiff State of North Carolina for a Temporary Restraining Order under N.C. Gen. Statute § 75-14 prohibiting defendant from sending invoices to or collecting or attempting to collect money from North Carolina businesses; and Assistant Attorney General David N. Kirkman of the North Carolina Department of Justice and Enforcement Attorney Blackwell M. Brogden, Jr. of the Securities Division, North Carolina Department of the Secretary of State, appearing on behalf of plaintiff; and no one appearing on behalf of defendant; and appearing to the Court from plaintiff's Complaint and Motion for Temporary Restraining Order, together with the affidavits and exhibits filed in support thereof, that: 1) this is a Deceptive Trade Practices Action brought by the State of North Carolina pursuant to N.C. Gen. Stat. § 75-1.1, *et seq.*; 2) the factual claims

which give rise to this cause of action include, *inter alia*, the use of deception by defendant to collect funds from North Carolina businesses through mailings that create the false impression that those businesses are about to be dissolved administratively by the State if they do not respond; 3) the mailings tend to create the impression that they originate from the Office of the Secretary of State; 4) it is likely plaintiff State of North Carolina will prevail on the merits in this action; and 5) a Temporary Restraining Order should be entered against defendant pursuant to N.C. Gen. Stat. § 75-14 in order to prevent further violations of law and further harm to the businesses of North Carolina;

IT IS THEREFORE ORDERED that defendant, his employees, corporate officers, agents, representatives, successors and assigns, together with any other party acting in concert with defendant having knowledge hereof, be and hereby are Temporarily Restrained and Prohibited from billing, charging the accounts of, sending notices, letters, invoices, solicitation materials or collection letters to, telephoning or otherwise attempting to collect money from businesses located in North Carolina; defendant and said parties are hereby placed on notice that North Carolina telephone numbers are preceded by telephone area codes 252, 336, 704, 828, 919, 910 or 980 and that North Carolina Zip Codes begin with the numbers "27" or "28;"

IT IS FURTHER ORDERED that defendant, his employees, corporate officers, agents, representatives, successors and assigns, together with any other party acting in concert with defendant having knowledge hereof, be and hereby are Temporarily Restrained and Prohibited from cashing, negotiating or otherwise processing for payment any check, money order, cash payment or credit card, ACH or ATM debit authorization submitted by or obtained from any business or individual situated in North Carolina; instead, they shall hold such items pending further order of this Court;

IT IS FURTHER ORDERED that defendant appear before this Court at 10:00 o'clock a.m. on January 4th, 2008, in Courtroom 10-B of the Wake County Courthouse in Raleigh, North Carolina, if it wishes to be heard on plaintiff State of North Carolina's application to have the terms and conditions of this Temporary Restraining Order continued in the form of a Preliminary Injunction pending final adjudication of this cause.

SO ORDERED, this the 27th day of December, 2007 at 12:30 o'clock p.m.

Howard S. L.
SUPERIOR COURT JUDGE

CERTIFIED TRUE COPY FROM ORIGINAL

Clerk of Superior Court, Wake County

By [Signature]
Assistant Deputy Clerk of Superior Court

Date: DEC 27 2007