

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF WAKE

2016 JUL 18 AM 10: 42

WAKE COUNTY, C.S.C.

FILE NO. 16CV005605

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

Plaintiff, )

v. )

**PRELIMINARY INJUNCTION**

ANTIQUITIES VENDING COMPANY, )  
d/b/a ANTIQUE VENDING; and )  
ALAN HUFFMAN, )

Defendants )

**THIS MATTER** came before the undersigned Judge presiding over the July 18, 2016 civil session of Wake County Superior Court upon on 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 that includes, *inter alia*, knowingly and intentionally: (a) accepting prepayment from consumers for the restoration and shipment of consumers’ vending machines or accepting prepayment for the restoration and shipment of machines sold by defendants, without completing the promised work and shipping the machine by the date promised; (b) deceiving consumers by repeatedly telling them that their machine was finished and that shipment was imminent, when in fact the machine was not finished and no shipment was actually scheduled; (c) failing to respond in a timely manner to consumers’ repeated inquiries about the status of their machines; (d) offering numerous, false

excuses for why the promised restoration had not been completed; (e) telling consumers that their machine had been picked up for delivery, and providing them a shipping label as confirmation of such pick-up and delivery, when in fact no delivery had been scheduled, and the shipping label was simply one which defendants created; (f) failing to complete the promised restoration work for many months -- and, in some instances, almost three years -- beyond the initial completion date promised; (g) misleading consumers by promising to send them their unfinished machine and a full refund, without doing either; (h) creating a situation whereby consumers have no choice but to rely indefinitely on defendants' repeated false promises of completion and delivery, because the ultimate recourse consumers possess -- demanding that their unfinished machine and their monies be returned -- does not result in defendants doing so, even after promises to do so; and (i) remaining in possession of consumers' goods and monies indefinitely, all while realizing consumers want their machines finished and shipped or else want a refund and their unfinished machine sent back.

The Court, having reviewed the pleadings, affidavits, and other exhibits filed in substantiation thereof, and the parties having made joint application for, and stipulated to, entry of a preliminary injunction, finds that good cause exists for 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 as follows:

(a) Alan Huffman was served on June 22, 2016;

(b) Antiquities Vending Company d/b/a Antique Vending was served on June 22, 2016;

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

4. A stipulated Temporary Restraining Order was entered against defendants on April 28, 2016, and was extended by consent of the parties on May 9, 2016, May 23, 2016 and June 13, 2016.

5. 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 selling and restoring antique vending machines.

6. 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 employees, agents, representatives, successors, and assigns, and any others acting in concert with defendants who have knowledge thereof, be and hereby are preliminarily 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 36 of plaintiff's Complaint;
- (2) advertising, offering, soliciting, or entering into agreements with consumers for the purpose of accepting advance payment for the restoration of consumers' machines and/or the restoration of machines sold by defendants;
- (3) accepting advance payment from consumers for any machine restoration work;
- (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;
- (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 this order shall not prohibit defendants from delivering completed, fully restored machines to existing customers, or from delivering machines, items or parts which do not entail any restoration. Upon such customer's receipt of a completed machine or item or part which does not entail restoration, defendants shall be allowed to consummate the agreement with such customer for final payment. Defendants stipulate and agree that they are expressly prohibited from accepting final payment from a customer unless and until the fully restored, completed machine, or the item or part which does not entail restoration, has been received by the customer and the restoration has been performed to the full satisfaction of the customer.

**IT IS FURTHER ORDERED** that defendants be required to produce the following information within ten (10) days of July 18, 2016, the date this Preliminary Injunction was entered:

- (1) 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;
- (2) 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;
- (3) a current financial statement, showing the current assets and liabilities for defendants;
- (4) 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
- (5) for each customer who sent a machine to defendants for restoration and who entered into an agreement with defendants to have such restoration performed: (a) the customer's name and contact information (e.g., address, telephone numbers and email address); (b) the date defendants received the machine for restoration; (c) the date defendants promised the customer the machine would be completed; (d) the total cost/charge quoted by defendants for completion of the restoration; (e) the amount of money paid in advance by the customer; (f) the total amount

paid by the customer to date; (g) the dates on which the customer made each payment; and (h) the status of the restoration.

- (6) for each customer who entered into an agreement with defendants to purchase a machine owned by defendants: (a) the customer's name and contact information (e.g., address, telephone numbers and email address); (b) the date defendants promised the customer the machine would be completed; (c) the total cost/charge quoted by defendants for completion of the restoration; (d) the amount of money paid in advance by the customer; (e) the total amount paid by the customer to date; (f) the dates on which the customer made each payment; and (g) the status of the restoration.

SO ORDERED, this the 18th day of July, 2016 at 10:30 a.m. *WDS*

*Donald W. Stephens*  
 \_\_\_\_\_  
 Hon.  
 SUPERIOR COURT JUDGE

Consented and agreed to by Defendants:

*Allan Huffman*  
 \_\_\_\_\_  
 Allan Huffman

7/15/16  
 \_\_\_\_\_  
 Date

*Antiquities Vending Co Lp/Alk*  
 \_\_\_\_\_  
 Antiquities Vending Company d/b/a  
 Antique Vending (by its owner/operator,  
 Alan Huffman)

7/15/16  
 \_\_\_\_\_  
 Date

*Neil D. Beach, Jr.*  
 \_\_\_\_\_  
 Neil D. Beach, Jr.  
 Attorney for Defendants

7.15.16  
 \_\_\_\_\_  
 Date

Consented and agreed to by Plaintiff:



Stuart M. (Jeb) Saunders  
Assistant Attorney General

7/18/2016  
Date