

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE NO: 10 CV 016777

FILED

2010 OCT 15 AM 10:25

WAKE COUNTY, C.S.C.

BY _____

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

Plaintiff,

v.

THE CONSUMER LAW GROUP, P.A.,
MICHAEL L. METZNER,
AMERICAN DEBT NEGOTIATORS, INC.,
RAN DAVID BARNEA, and DANIEL T. POST,

Defendants.

CONSENT ORDER FOR
PRELIMINARY INJUNCTION

THIS CAUSE came on to be heard before the undersigned judge on the Plaintiff State of North Carolina's Motion for a Temporary Restraining Order and a Preliminary Injunction. The parties, through counsel, advised the Court that without any admission of liability on the part of any Defendant, they have agreed to the terms of a preliminary injunction order as set forth below.

The Court, for purposes of this Order and with the consent of the parties, finds as follows:

1. The State filed its verified Complaint, along with a Motion for a Temporary Restraining Order and a Preliminary Injunction, with supporting affidavits, on 1 October 2010.
2. Each defendant was properly served with a copy of the State's Complaint and Motion on 5 October 2010.
3. The State has alleged that the defendants are offering debt adjusting services and

are collecting advance fees for such services in violation of the Debt Adjusting Act, N.C. Gen. Stat. § 14-423, *et seq.*, and that the defendants are otherwise engaged in unfair and deceptive practices in the marketing, solicitation and performance of their debt relief services. The State has moved for preliminary relief to restrain the defendants from soliciting, offering or collecting fees for debt settlement, debt management or other debt adjusting services.

4. The defendants, without admitting to any violations of the law in the conduct of their business activities, have agreed to cease soliciting, offering or collecting fees for their debt relief services in North Carolina.

5. Good and sufficient cause exists for entry of this Order pursuant to N.C. Gen. Stat. § 14-425, N.C. Gen. Stat. § 75-14, and Rule 65 of the Rules of Civil Procedure.

IT IS THEREFORE ORDERED that the defendants, their agents, employees, and all persons acting in concert with them are hereby preliminarily enjoined from:

- (1) Directly or indirectly advertising, soliciting, or offering any debt settlement, debt negotiation, debt management or related debt adjusting services to North Carolina consumers, other than continuing to offer services to existing clients who have already enrolled for such services without charging any further fees for such services;
- (2) Entering into contracts with any North Carolina consumers for the performance of any debt settlement, debt negotiation, debt management or related debt adjusting services;
- (3) Charging, collecting, or receiving any further fees directly or indirectly, from any North Carolina consumers for the performance of debt settlement, debt negotiation, or related debt adjusting services, in violation of N.C. Gen. Stat. §

14-423, *et seq.*; provided that if the defendants receive any future payments from North Carolina consumers, such payments shall not be disbursed except in accordance with subparagraph (4) below;

- (4) Transferring, concealing, or disposing of any money or funds received, directly or indirectly, from any North Carolina consumers in connection with the defendants' debt adjusting activities, except to pay money to consumers' creditors or to return funds to consumers; and
- (5) Destroying, removing, transferring, erasing, or otherwise disposing of any business or financial records relating to the defendants' debt settlement, debt management or related debt adjusting services.

The parties have agreed to resolve, within the next seven (7) days, the issue of the defendants' preservation of assets and the provision of adequate security for potential payment of restitution to North Carolina consumers, which may be submitted to the Court as a supplemental consent order.

This order shall remain in effect until final resolution of this cause unless modified by further order of this Court.

This the 14 day of October, 2010, at 4:00 P.M. 


Superior Court Judge

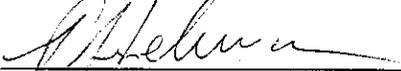
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for DWS

CONSENTED TO:

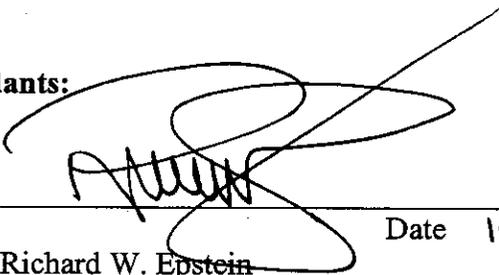
Plaintiff:

STATE OF NORTH CAROLINA, *ex rel.*
ROY COOPER, ATTORNEY GENERAL

By:  10/15/10
Philip A. Lehman Date
Assistant Attorney General

 10/15/10
M. Lynne Weaver Date
Assistant Attorney General

Defendants:

By:  Date 10.14.10

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