

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2015 JUN -8 AM 11: 19

SUPERIOR COURT DIVISION

COUNTY OF WAKE

File No. 14CVS5928

WAKE COUNTY, C.S.C.

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

Plaintiff,

v.

**JUDGMENT BY DEFAULT
(Rule 55(b))**

FUQUAY COMPUTERS PROTECH
COMPUTERS, LLC d/b/a RALEIGH GEEKS;
TIMOTHY J. STAIE, JR. as manager of
RALEIGH GEEKS and d/b/a CAVEMAN
COMPUTERS; MARK EDWARD WHITE as
manager and member of RALEIGH GEEKS;
GARRETT J. FOSTER as manager and
member of FOSTERS COMPUTERS, LLC
d/b/a FUQUAY COMPUTER CENTER and
PROTECH COMPUTERS; STEVEN A. LEO
as owner and president of S&L TECH
SYSTEMS,

Defendants.

PURSUANT TO RULE 55 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, the undersigned Judge presiding over the June 8, 2015, civil session of Wake County Superior Court grants Plaintiff State of North Carolina's, *ex rel.* Roy Cooper, Attorney General, Motion for Judgment by Default against defendants Timothy J. Staie, Jr. and Mark Edward White, as well as against their related corporate entities Fuquay Computer Protech Computers, LLC d/b/a Raleigh Geeks, and Caveman Computers (collectively "Default Defendants"). From the record herein, the Court finds as follows:

1. The Court has jurisdiction over the parties and subject matter.
2. On May 6, 2014, the State filed its Complaint in this action alleging that

defendants were operating a business in violation of the North Carolina Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. § 75-1.1, *et seq.*

3. On May 9, 2014, pursuant to N.C. Gen. Stat. § 75-14 and N.C. Rule of Civil Procedure 65, Special Superior Court Judge John R. Jolly, Jr. granted the State's Motion for a Temporary Restraining Order against the defendants named at that time enjoining them from, *inter alia*, offering or providing computer repair services.

4. On May 19, 2014, pursuant to N.C. Gen. Stat. § 75-14 and N.C. Rule of Civil Procedure 65, Superior Court Judge G. Bryan Collins granted the State's Motion for a Preliminary Injunction Order against defendants Staie and Foster, and their related corporate entities, enjoining them from, *inter alia*, offering or providing computer repair services. On that date, Judge Collins also extended the Temporary Restraining Order against defendant Leo pending service of the Summons and Complaint.

5. On June 5, 2014, the State filed its Amended Complaint adding defendant White as a named defendant.

6. On June 13, 2014, pursuant to N.C. Gen. Stat. § 75-14 and N.C. Rule of Civil Procedure 65, Superior Court Judge Carl R. Fox granted the State's Motion for a Temporary Restraining Order against defendant White enjoining defendant from, *inter alia*, offering or providing computer repair services.

7. On June 26, 2014, the State recovered over 130 pieces of consumer electronics entrusted to defendants from business locations they abandoned. Since then, the State has been in the process of returning this property to its owners.

8. The Court extended the Temporary Restraining Order against defendants Leo and White eight separate times while the State attempted to serve them with the Amended

Complaint. On July 28, 2014, the State completed service on defendants Leo and White by publication, pursuant to N.C. Rule of Civil Procedure 4(j).

9. On August 4, 2014, pursuant to N.C. Gen. Stat. § 75-14 and N.C. Rule of Civil Procedure 65, the Court granted the State's Motion for a Preliminary Injunction Order against defendants White and Leo, and their related corporate entities, enjoining them from, *inter alia*, offering or providing computer repair services.

10. On September 5, 2014, pursuant to N.C. Gen. Stat. § 75-14 and N.C. Rule of Civil Procedure 55(a), the Wake County Clerk of Court granted the State's Motion for Entry of Default against defendants White and Staie ("Default Defendants").

11. Default Defendants have failed to file an answer to the Amended Complaint filed on June 5, 2014, and, thus, all of the allegations made by the State in the Amended Complaint are deemed admitted.

12. From the record in this case, the State has made a sufficient showing that Default Defendants knowingly violated the North Carolina Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. § 75-1.1, *et seq.*

13. Default Defendants have failed to plead or to appear in this action, and are subject to a Judgment by Default as provided by N.C. Rule of Civil Procedure 55(b).

14. On May 4, 2015, the State filed a Motion for Judgment by Default with this Court, pursuant to Rule 55(b)(2) of the N.C. Rules of Civil Procedure.

15. Default Defendants are not infants, or incompetent persons, or otherwise under a disability.

16. Default Defendants are liable to the State for the relief requested by reason of the facts shown in the Amended Complaint filed in this action.

BASED ON THE FOREGOING AND THE RECORD HEREIN, this Court concludes that good and sufficient cause exists for entry of this Judgment by Default, pursuant to N.C. Gen. Stat. § 75-1, *et seq.* and N.C. Rule of Civil Procedure 55(b).

IT IS THEREFORE ORDERED that the Default Defendants and/or their related businesses, their agents, employees, and corporate successors or assigns, and any persons acting in concert with them are hereby permanently enjoined from:

(a) Advertising, offering, or entering into contracts to provide computer repair services in North Carolina;

(b) Soliciting or accepting deposits or payments from consumers for any computer repair service;

(c) Collecting any further payment, directly or indirectly, from consumers for any computer repair service;

(d) Destroying, transferring, concealing, altering, or removing from their possession or control any financial records, customer contracts, emails, or other correspondence, business records, and other relevant documents related to the aforementioned businesses; or

(e) Transferring, withdrawing, concealing, or encumbering any assets of Defendants and/or their businesses, their agents, employees, and corporate successors or assigns, and any persons acting in concert with them, pending further order of the Court.

IT IS FURTHER ORDERED that Plaintiff State of North Carolina, pursuant to N.C. Gen. Stat. § 75-15.1, *et seq.*, shall have and recover from Default Defendants the following:

- (a) Consumer restitution in the amount of \$ 10,425⁵³ (See Attachment A);
- (b) Restoration of all consumer property held by Default Defendants and/or their businesses; and
- (c) Cancellation of all consumer contracts executed by Default Defendants, their agents, employees, and corporate successors or assigns, and any person acting in concert with them.

IT IS FURTHER ORDERED that Plaintiff State of North Carolina, pursuant to N.C. Gen. Stat. § 75-8 and § 75-15.2, shall have and recover from Default Defendants a civil penalty of 5 thousand dollars (\$5000) for each separate violation of the Unfair and Deceptive Trade Practices Act in the amount of \$ 445,000 (See Attachment B).

SO ORDERED, this the 8 day of June 2015.



SUPERIOR COURT JUDGE
MICHAEL D'FOCHLVONA

Attachment A – Restitution

Complainant Last Name	Complaint Number	Restitution Amount
Aben	1303958	\$ -
Alston	1411739	\$ 1,990.88
Arellano	1410071	\$ 390.00
Bain	1407795	\$ -
Barnes	1407914	\$ 370.00
Boyce	1312394	\$ 258.94
Brailsford-Cato	1311775	\$ 92.14
Bridges	1408806	\$ 100.84
Byrd	1406756	\$ -
Caldwell	1407794	\$ 130.00
Carter	1406964	\$ -
Casey	1406970	\$ 258.94
Chambers	1415082	\$ 32.01
Coats	1406969	\$ -
Cogar	1403782	\$ 43.06
Cox	1312104	\$ 220.00
Crutchfield	1407156	\$ 100.00
Daniels	1401450	\$ 100.00
Dwyer	1501756	\$ 480.38
Earl	1407406	\$ 100.00
Escalona	1413263	\$ -
Evans	1406752	\$ 138.76
Fischer	1407681	\$ 100.00
Francis	1406768	\$ -
Gilbert	1410829	\$ 150.00
Griffis	1406753	\$ -
Handon	1406762	\$ 50.00
Harden	1406763	\$ 260.00
Hill	1407678	\$ 150.00
Johnson	1407400	\$ 205.00
Ketrick	1409355	\$ 475.00
Krause	1406758	\$ -
LaClair	1406968	\$ -
Lang-Curtis	1408277	\$ 129.00
Linyear	1314154	\$ 50.00
McCracken	1406963	\$ -

McGahey	1408998	\$	99.00
Mcnamara	1406766	\$	261.00
Milner	1406971	\$	-
Minter	1407823	\$	189.00
Moerba	1409342	\$	288.00
Monteleone	1403388	\$	240.00
Moore	1406759	\$	-
Nerone	1306005	\$	960.74
Neumann	1404965	\$	-
Null	1215147	\$	-
O'Laughlin	1407399	\$	53.36
Patton	1407404	\$	176.13
Peterkin	1406764	\$	100.00
Peterson	1407824	\$	-
Pierce	1312923	\$	110.00
Placzkowski	1307553	\$	106.75
Price	1407154	\$	100.00
Richardson	1407677	\$	53.36
Russell	1408330	\$	-
Sayed	1314959	\$	-
Schroder	1407679	\$	-
Siddiqi	1406757	\$	-
Smith	1406966	\$	-
Stanley	1407405	\$	270.00
Strickland	1406765	\$	179.00
Tew	1407157	\$	-
Thompson	1409789	\$	90.00
Tierney	1413442	\$	-
Trocino	1407793	\$	-
Watkins	1305241	\$	259.00
Weldon	1307513	\$	214.00
Williams	1406965	\$	85.00
Williamson	1407682	\$	216.24
Total Restitution		\$	10,425.53

Attachment B – Civil Penalties

Victim Last Name	Complaint Number	Misleading Amount of Time	Fail to Keep Informed of Status	Fail to Issue Promised Refunds	Returning Different Computers	Providing False Information About Raleigh Geeks	Failing to Respond to Consumer Complaint
Aben	1303958	-	-	-	1	-	-
Alston	1411739	-	-	-	1	-	-
Arellano	1410071	1	-	-	-	-	-
Bain	1407795	1	-	-	-	-	-
Barnes	1407914	1	1	-	-	-	-
Boyce	1312394	1	1	-	-	1	-
Brailsford-Cato	1311775	1	1	-	-	-	-
Bridges	1408806	1	-	-	-	-	-
Byrd	1406756	-	-	-	-	-	1
Caldwell	1407794	1	1	-	-	-	-
Carter	1406964	1	-	-	-	-	-
Casey	1406970	1	-	-	-	-	-
Chambers	1415082	-	-	-	-	-	-
Coats	1406969	1	-	-	-	-	-
Cogar	1403782	1	-	-	1	-	-
Cox	1312104	1	1	1	1	-	1
Crutchfield	1407156	-	-	-	-	-	-
Daniels	1401450	1	1	-	-	1	-
Dwyer	1501756	-	-	-	-	-	-
Earl	1407406	-	-	-	-	-	-
Escalona	1413263	-	-	-	-	-	-
Evans	1406752	1	1	-	-	-	1
Fischer	1407681	-	-	-	-	-	-
Francis	1406768	1	1	-	-	-	-
Gilbert	1410829	-	-	-	-	-	1
Griffis	1406753	-	1	-	-	-	-
Handon	1406762	-	-	-	-	-	-
Harden	1406763	1	1	-	-	-	-
Hill	1407678	1	-	-	-	-	-
Johnson	1407400	1	1	-	-	-	-
Ketrick	1409355	1	1	-	-	-	-
Krause	1406758	1	-	-	-	-	-
LaClair	1406968	1	1	-	-	-	-
Lang-Curtis	1408277	-	1	-	-	-	-

Linyear	1314154	1	-	-	-	-	-
McCracken	1406963	1	-	-	-	-	-
McGahey	1408998	-	1	-	-	-	-
Mcnamara	1406766	-	1	-	-	1	-
Milner	1406971	-	1	-	-	-	-
Minter	1407823	1	1	-	-	-	-
Moerba	1409342	1	-	-	-	-	-
Monteleone	1403388	1	1	-	1	-	-
Moore	1406759	1	-	-	-	-	-
Nerone	1306005	1	1	-	-	-	-
Neumann	1404965	1	-	-	-	-	1
Null	1215147	1	1	-	-	1	-
O'Laughlin	1407399	1	1	-	-	-	-
Patton	1407404	1	-	-	-	-	-
Peterkin	1406764	-	-	-	-	-	-
Peterson	1407824	-	-	-	-	-	-
Pierce	1312923	-	-	-	1	-	-
Placzowski	1307553	1	-	-	-	1	-
Price	1407154	-	-	-	-	1	-
Richardson	1407677	1	-	-	-	-	-
Russell	1408330	-	-	-	1	-	-
Sayed	1314959	1	-	-	1	-	-
Schroder	1407679	-	-	-	-	-	-
Siddiqi	1406757	1	-	-	-	-	-
Smith	1406966	1	-	-	-	-	-
Stanley	1407405	-	-	-	-	-	-
Strickland	1406765	1	-	-	-	-	-
Tew	1407157	1	-	-	-	-	-
Thompson	1409789	-	-	-	-	-	-
Tierney	1413442	1	1	-	1	-	1
Trocino	1407793	1	-	-	-	-	-
Watkins	1305241	1	-	-	-	-	-
Weldon	1307513	-	-	-	-	-	-
Williams	1406965	1	-	-	-	-	-
Williamson	1407682	1	-	-	-	-	-
Total Instances		44	23	1	9	6	6
Civil Penalty Per Type		\$220,000	\$115,000	\$5,000	\$45,000	\$30,000	\$30,000
Total Civil Penalty							\$445,000