

FILED
STATE OF NORTH CAROLINA
COUNTY OF PITT
10 AUG -4 AM 10:00
PITT COUNTY C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
10 - CVS- 2199

PITT COUNTY HEALTH DIRECTOR,

Dr. John H. Morrow,
Plaintiff,

vs.

BENJAMIN EDWARDS and
LYNN OWENS, Owners of LIVE
Defendants.

TEMPORARY RESTRAINING ORDER

N.C. Gen. Stat. §1A-1, Rule 65

THIS MATTER coming on to be heard before the Honorable W. Russell Duke, Jr. Senior Resident Superior Court Judge presiding, pursuant to the filing of a Complaint on August 3, 2010 and the application of the Plaintiff, Pitt County Health Director Dr. John H. Morrow, for a Restraining Order. It thereafter appearing to the Court that if the Defendants are not immediately restrained from continuing the operation of their nightclub in violation of N.C. Gen. Stat. §130A-496, et. seq., that the Defendants will continue to place the public health at risk of irreparable harm.

That the actions of the Defendant in failing to comply with North Carolina General Statutes Section §130A-496, et. seq. and the directives of the Pitt County Health Department to bring their establishment into compliance with applicable law support the necessity that an immediate temporary restraining order be issued.

Additionally, because the numerous attempts made by the Pitt County Health Department to provide educational materials, violation warning letters and impose administrative penalties to ~~garner compliance with the law have been ignored by the Defendants, an immediate temporary~~ restraining order should be issued.

It is therefore, ORDERED as follows:

1. That the Defendants shall be and are hereby restrained from continued operation of their nightclub the Other Place in violation of N.C. Gen. Stat. §130A-496, et. seq.

2. That the Defendants shall immediately comply and strictly adhere the provisions of N.C. Gen. Stat. §130A-497 by taking the following actions:

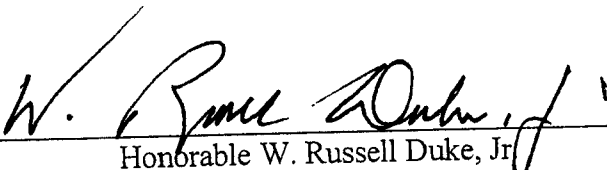
- a. Conspicuously post signs clearly stating that smoking is prohibited;
- b. Remove any ashtrays or similar tobacco ash receptacles from inside the business establishment; and
- c. Direct all persons smoking to extinguish any cigarette, cigar or other lighted tobacco product.

3. That the Defendants shall provide unscheduled access to Live during its regular business hours such that the Pitt County Health Department may verify its compliance with the law.

4. That a copy of this Restraining Order shall be served upon the Defendants in such a manner as required by Rule 4 of the North Carolina Rules of Civil Procedure.

5. That this Temporary Restraining Order shall expire ten (10) days from today's date and a hearing shall be held on injunctive relief at 9 o'clock a.m., on the 11th day of August, 2010, at the Pitt County Courthouse, Superior Courtroom #1, Greenville, North Carolina, or as soon thereafter as the Court may hear it.

Signed this the 3rd day of August, 2010, at 5:00 o'clock P.m.



Honorable W. Russell Duke, Jr.
Senior Resident Superior Court Judge Presiding