

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
FILED SUPERIOR COURT DIVISION

10 JUN 28 AM 10:35

10 - CVS- 1833

PITT COUNTY HEALTH DIRECTOR, COUNTY C.S.C.

Dr. John H. Morrow,
Plaintiff,

vs.

MATTHEW BLACKMAN and
CHARLES McNEIL, Owners of
OTHER PLACE
Defendants.

TEMPORARY RESTRAINING ORDER

N.C. Gen. Stat. §1A-1, Rule 65

THIS MATTER coming on to be heard before the Honorable Superior Court Judge presiding, pursuant to the filing of a Complaint on June 23, 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 recent efforts made by Pitt County Health Director on June 20, 2010 and the Pitt County Legal Department on June 23 and June 28, 2010 to notify the Defendants of impending legal action have been unsuccessful, an immediate temporary restraining order should be issued without notice and without the Defendants being present .

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 with 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.

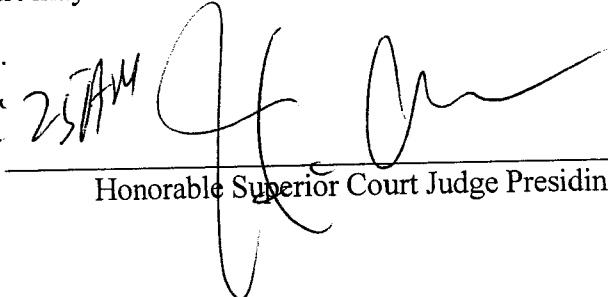
3. That the Defendants shall provide the Pitt County Health Department access to the Other Place nightclub so that its representative(s) may verify compliance with the law.

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 2 o'clock p.m., on the 15th day of July, 2010, at the Pitt County Courthouse, Superior Courtroom #03, Greenville, North Carolina, or as soon thereafter as the Court may hear it.

This the 28th day of June, 2010.

ENTERED @ 10:25 AM



Honorable Superior Court Judge Presiding