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FILED

SEP - 2 2009

JOHN F. MALONE
J.S.C.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION,
UNION COUNTY
DOCKET NO.: UNN-C-122-09

ANNE MILGRAM, Attorney General of the State
of New Jersey, and DAVID M. SZUCHMAN,
Director of the New Jersey Division of Consumer
Affairs,

Plaintiffs,

v.

BRAKE-O-RAMA, INC. d/b/a JERSEY
AUTOMOTIVE WAREHOUSE, JANE and
JOHN DOES 1-10, individually and as owners,
officers, directors, shareholders, founders,
managers, agents, servants, employees,
representatives and/or independent contractors of
BRAKE-O-RAMA, INC. d/b/a JERSEY
AUTOMOTIVE WAREHOUSE, and XYZ
CORPORATIONS 1-10,

Defendants.

Civil Action

**ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS
PURSUANT TO R. 4:52**

THIS MATTER being brought before the Court by Jeffrey Koziar, Deputy Attorney General
in the Consumer Fraud Prosecution Section, for plaintiffs Anne Milgram, Attorney General of the

State of New Jersey, and David M. Szuchman, Director of the New Jersey Division of Consumer Affairs (collectively, "Plaintiffs"), seeking relief by way of temporary restraints pursuant to R. 4:52, based upon facts set forth in the Verified Complaint and supporting Certifications and Brief filed herewith; and it appearing that immediate and irreparable damage will probably result before notice can be given and a hearing held and for good cause shown.

It is on this 2 day of Sept, 2009 **ORDERED** that Brake-O-Rama, Inc. d/b/a Jersey Automotive Warehouse ("Defendant") appear and show cause before the Superior Court, Chancery Division, General Equity Part, Union County, Elizabeth, New Jersey at 3 o'clock in the after noon or as soon thereafter as counsel can be heard, on the 16 day of Oct, 2009, why an Order should not be issued preliminarily enjoining and restraining Defendant from:

- A. Engaging in, continuing to engage in, or doing any acts or practices in violation of the New Jersey Consumer Fraud Act ("CFA"), N.J.S.A. 56:8-1 et seq., the Regulations Governing Automotive Repairs, N.J.A.C. 13:45A-26C.1 et seq., and the Regulations Governing General Advertising, N.J.A.C. 13:45A-9.1 et seq. including, but not limited to, the acts and practices alleged in the Verified Complaint;
- B. Engaging in the advertisement and/or sale of automotive repair services including, but not limited to, wheel alignments, transmission flushes, power steering flushes and coolant flushes, which Defendant is unable to provide ~~whether because of non-functioning equipment, inadequate equipment, the absence of necessary equipment, or any other reason;~~
- C. Engaging in the advertisement and/or sale of State of New Jersey ("State") vehicle inspection services which Defendant is not licensed by the Motor Vehicle Commission to provide;
- D. Destroying, concealing, altering, transferring, disposing or removing in any manner, directly or indirectly, any books or records, information stored in computer-maintained form (such as electronic mail) and any other "document," as that term is defined in R. 4:18-1(a), in their possession, subject to their control or available to

them, that directly or indirectly relate to the advertisement and/or sale of automotive repair services;

- E. Failing to make and/or keep any books or records, information stored in computer-maintained form (such as electronic mail) and any other “document,” as that term is defined in R. 4:18-1(a) that directly or indirectly relate to the advertisement and/or sale of automotive repair services; and
- F. Granting such other relief as the Court deems equitable and just.

AND IT IS FURTHER ORDERED that pending the return date herein, Defendant is temporarily enjoined and restrained from:

- A. Engaging in, continuing to engage in, or doing any acts or practices in violation of the New Jersey Consumer Fraud Act (“CFA”), N.J.S.A. 56:8-1 et seq., the Regulations Governing Automotive Repairs, N.J.A.C. 13:45A-26C.1 et seq., and the Regulations Governing General Advertising, N.J.A.C. 13:45A-9.1 et seq. including, but not limited to, the acts and practices alleged in the Verified Complaint;
- B. Engaging in the advertisement and/or sale of automotive repair services including, but not limited to, wheel alignments, transmission flushes, power steering flushes and coolant flushes, which Defendant is unable to provide ~~whether because of non-functioning equipment, inadequate equipment, the absence of necessary equipment, or any other reason;~~
- C. Engaging in the advertisement and/or sale of State of New Jersey (“State”) vehicle inspection services which Defendant is not licensed by the Motor Vehicle Commission to provide;
- D. Destroying, concealing, altering, transferring, disposing or removing in any manner, directly or indirectly, any books or records, information stored in computer-maintained form (such as electronic mail) and any other “document,” as that term is defined in R. 4:18-1(a), in their possession, subject to their control or available to them, that directly or indirectly relate to the advertisement and/or sale of automotive repair services;
- E. Failing to make and/or keep any books or records, information stored in computer-maintained form (such as electronic mail) and any other “document,” as that term is defined in R. 4:18-1(a) that directly or indirectly relate to the advertisement and/or sale of automotive repair services; and

F. Granting such other relief as the Court deems equitable and just.

AND IT IS FURTHER ORDERED that:

1. The Defendant may move to dissolve or modify the temporary restraints herein contained on two (2) days notice to the Plaintiffs' attorney.

2. A copy of this Order to Show Cause, Verified Complaint, Brief and supporting Certifications submitted in support of this application shall be served upon the Defendant personally (or by other means) within _____ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process. *Service is acknowledged*

3. The Plaintiffs must file with the Court their proof of service of the pleadings on the Defendant no later than three (3) days before the return date.

4. Defendant shall file and serve a written response to this Order to Show Cause and the request for entry of injunctive relief and proof of service by Oct 2, 2009. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. You must send a copy of your opposition papers directly to Honorable John F. Malone, P.J., Chancery Division, Courthouse 2 Broad Street, Elizabeth, New Jersey 07207, You must also send a copy of your opposition papers to the Plaintiffs' attorney whose name and address appears above, or to the Plaintiffs, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$ _____ and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the Plaintiffs are seeking.

5. The Plaintiffs must file and serve any written reply to the Defendant's Order to Show Cause opposition by Oct 9, 2009. The reply papers must be filed with the Clerk of the Superior

Court in the county listed above and a copy of the reply papers must be sent directly to the Chambers of Judge Malone.

6. If the Defendants do not file and serve opposition to this Order to Show Cause, their application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiffs file a proof of service and a proposed form of Order at least three (3) days prior to the return date.

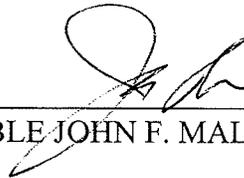
7. If the Plaintiffs have not already done so, a proposed form of Order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court no later than three (3) days before the return date.

8. Defendant take notice that the Plaintiffs have filed a lawsuit against you in the Superior Court of New Jersey. The Verified Complaint attached to this Order to Show Cause states the basis of the lawsuit. If you dispute this Complaint, you, or your attorney, must file a written Answer to the Complaint and proof of service within thirty-five (35) days from the date of service of this Order to Show Cause; not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. Include a \$ 135⁰⁰ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the Plaintiffs' attorney whose name and address appear above, or to the Plaintiffs, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the Order to Show Cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief Plaintiffs demand.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of the Legal Services offices in New Jersey is provided. If you do not have an attorney and are both eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

10. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause, unless the Court and parties are advised to the contrary no later than 2 day before the return date.



HONORABLE JOHN F. MALONE, P.J. Ch.

NOTICE TO INDIVIDUAL DEFENDANTS AS REQUIRED BY R. 4:4-2

If you are unable to obtain an attorney, you may communicate with the New Jersey Bar Association (800) 792-8315 or the appropriate County Bar Association Lawyer Referral Service listed on the following pages. If you cannot afford an attorney, you may communicate with the appropriate County Legal Services provider listed on the following pages.

STATEWIDE

LEGAL SERVICES OF NEW JERSEY, INC.
(732) 572-9100

ASSOCIATION OF TRIAL LAWYERS - N.J.
LAWYER REFERRAL SERVICE
(800) 367-0089

<p>ATLANTIC COUNTY</p> <p>South Jersey Legal Services (609) 348-4200</p> <p>Atlantic County Bar Association Lawyer Referral Service (609) 345-3444</p>	<p>CAMDEN COUNTY</p> <p>South Jersey Legal Services, Inc. (609) 964-2010</p> <p>Camden County Bar Association Lawyer Referral Service (856) 482-0618</p>
<p>BERGEN COUNTY</p> <p>Northeast New Jersey Legal Services (201) 487-2166</p> <p>Bergen County Bar Association Lawyer Referral Service (201) 488-0044</p>	<p>CAPE MAY COUNTY</p> <p>South Jersey Legal Services, Inc. (609) 465-3001</p> <p>Cape May County Lawyer Referral Service (609) 463-0313</p>

<p align="center">BURLINGTON COUNTY</p> <p align="center">South Jersey Legal Services, Inc. (609) 261-1088</p> <p align="center">Burlington County Bar Association Lawyer Referral Service (609) 261-4862</p>	<p align="center">CUMBERLAND COUNTY</p> <p align="center">South Jersey Legal Services, Inc. Administrative Offices (856) 451-0003</p> <p align="center">Cumberland County Lawyer Referral Service (856) 825-2001</p>
<p align="center">ESSEX COUNTY</p> <p align="center">Essex-Newark Legal Services (973) 824-3000</p> <p align="center">Essex County Legal Aid Association (973) 622-0063</p> <p align="center">Essex County Bar Association Lawyer Referral Service (973) 533-6775</p>	<p align="center">MERCER COUNTY</p> <p align="center">Central New Jersey Legal Services (609) 695-6249</p> <p align="center">Mercer County Bar Association Lawyer Referral Service (609) 585-6200</p>
<p align="center">GLOUCESTER COUNTY</p> <p align="center">South Jersey Legal Services, Inc. Administrative Offices (856) 848-5360</p> <p align="center">Camden Regional Legal Services, Inc. (609) 848-5360</p> <p align="center">Gloucester County Bar Association Lawyer Referral Service (856) 848-4589</p>	<p align="center">MIDDLESEX COUNTY</p> <p align="center">Central New Jersey Legal Services (732) 249-7600</p> <p align="center">Middlesex County Bar Association Lawyer Referral Service (732) 828-0053</p>

<p style="text-align: center;">HUDSON COUNTY</p> <p style="text-align: center;">Legal Services of Northeast Jersey (201) 792-6363</p> <p style="text-align: center;">Hudson County Bar Association Lawyer Referral Service (201) 798-2727</p>	<p style="text-align: center;">MONMOUTH COUNTY</p> <p style="text-align: center;">Ocean-Monmouth Legal Services, Inc. (732) 866-0020</p> <p style="text-align: center;">Legal Aid Society of Monmouth County (732) 776-7733</p> <p style="text-align: center;">Monmouth Bar Association Lawyer Referral Service (732) 431-5544</p>
<p style="text-align: center;">HUNTERDON COUNTY</p> <p style="text-align: center;">Legal Services of Northwest Jersey (908) 782-7979</p> <p style="text-align: center;">Hunterdon County Lawyer Referral Service (908) 735-2611</p>	<p style="text-align: center;">MORRIS COUNTY</p> <p style="text-align: center;">Legal Aid Society of Morris County (973) 285-6911</p> <p style="text-align: center;">Morris/Sussex Bar Association Lawyer Referral Service (973) 267-5882</p>
<p style="text-align: center;">OCEAN COUNTY</p> <p style="text-align: center;">Ocean-Monmouth Legal Services, Inc. (732) 341-2727</p> <p style="text-align: center;">Ocean County Bar Association Lawyer Referral Service (732) 240-3666</p>	<p style="text-align: center;">SUSSEX COUNTY</p> <p style="text-align: center;">Legal Services of Northwest Jersey (973) 383-7400</p> <p style="text-align: center;">Morris/Sussex/Warren County Bar Association Lawyer Referral Service (973) 267-5882</p>
<p style="text-align: center;">PASSAIC COUNTY</p> <p style="text-align: center;">Legal Services of Northeast Jersey (973) 523-2900</p> <p style="text-align: center;">Passaic County Bar Association Lawyer Referral Service (973) 278-9223</p>	<p style="text-align: center;">UNION COUNTY</p> <p style="text-align: center;">Union County Bar Association Legal Aid (908) 527-4769</p> <p style="text-align: center;">Union County Legal Services Corp. (908) 354-4340</p> <p style="text-align: center;">Union County Bar Association Lawyer Referral Service (908) 353-4715</p>

<p style="text-align: center;">SALEM COUNTY</p> <p style="text-align: center;">South Jersey Legal Services, Inc. Administrative Offices See Cumberland County</p> <p style="text-align: center;">Salem County Bar Association Lawyer Referral Service (856) 935-5629</p>	<p style="text-align: center;">WARREN COUNTY</p> <p style="text-align: center;">Legal Services of Northwest Jersey (908) 475-2010</p> <p style="text-align: center;">Warren County Bar Association Lawyer Referral Service (908) 387-1835</p>
<p style="text-align: center;">SOMERSET COUNTY</p> <p style="text-align: center;">Legal Services of Northwest Jersey (908) 231-0840</p> <p style="text-align: center;">Somerset Bar Association Lawyer Referral Service (908) 685-2323</p>	