

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
NO. 09 CV 010199

STATE OF NORTH CAROLINA ex rel.)
Roy Cooper, Attorney General,)
)
Plaintiff,)
)
v.)
)
JEFFREY R. STEC, INDIVIDUALLY;)
JEFFREY HARLEY, INDIVIDUALLY;)
PEAK FITNESS, LLC, et al.,)
)
Defendants,)

TEMPORARY RESTRAINING ORDER

BY _____
AUGUST 28 PM 2:00
WAKE COUNTY, N.C.
FILED

THIS CAUSE came on before the undersigned Superior Court Judge on plaintiff's motions for a temporary restraining order and preliminary injunction pursuant to N.C.G.S. § 75-14 and Rule 65 of the North Carolina Rules of Civil Procedure prohibiting defendants from selling prepaid entertainment contracts in violation of N.C.G.S. § 66-124; and it appearing to the Court from plaintiff's deceptive trade practices Complaint and Motion for a Temporary Restraining Order and the documents and affidavits attached thereto, that plaintiff is likely to prevail on the merits in this action and that a Temporary Restraining Order should be entered against defendants so that further violations of law and further harm to the public will not occur;

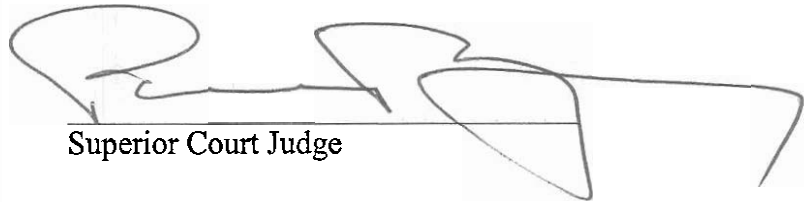
IT IS THEREFORE ORDERED, that Defendants Peak Fitness Apex, LLC and Peak Fitness Clayton, LLC; (collectively, "Defendants"), their agents, members, successors or predecessors in interest, officers, employees, and persons acting in concert with them, shall not:

1. Sell prepaid entertainment contracts unless and until Defendants have secured bonds in an amount sufficient to meet their statutory duty under N.C.G.S. § 66-124; and
2. Cash checks or otherwise process payments arising from the sale or renewal of prepaid entertainment contracts, unless and until Defendants have secured bonds sufficient to meet their obligations under N.C.G.S. § 66-124.

IT IS FURTHER ORDERED, that Defendants appear before this Court on June 8, 2009, at 10:00 a. m, in Courtroom 5-B of the Wake County Courthouse, Raleigh, North Carolina, if they wish to be heard on plaintiff's application for a Preliminary Injunction.

SO ORDERED this the 28 day of May, 2009 at 2:10 p.m.

This the 28 day of May, 2009.


Superior Court Judge

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
NO. 09 CV 010199

STATE OF NORTH CAROLINA ex rel.)
Roy Cooper, Attorney General,)
)
Plaintiff,)
)
v.)
)
JEFFREY R. STEC, INDIVIDUALLY;)
JEFFREY HARLEY, INDIVIDUALLY;)
PEAK FITNESS, LLC, et al.,)
)
Defendants,)

PRELEMINARY CONSENT ORDER

FILED
MAY 28 10 2:08
WAKE COUNTY N.C.S.C.
BY _____

THIS CAUSE came on before the undersigned Superior Court Judge on plaintiff's motions for a temporary restraining order and preliminary injunction pursuant to N.C.G.S. § 75-14 and Rule 65 of the North Carolina Rules of Civil Procedure. It appears to the Court that defendants Peak Fitness, LLC; Peak Fitness 15501, LLC; Peak Fitness Clemmons, LLC; Peak Fitness Creedmoor, LLC; Peak Fitness Duraleigh, LLC; Peak Fitness Fuquay-Varina, LLC; Peak Fitness Garner, LLC; Peak Fitness Harrisburg, LLC; Peak Fitness II, L.L.C.; Peak Fitness III, LLC; Peak Fitness Jonestown, LLC; Peak Fitness Knightdale, LLC; Peak Fitness Lake Norman, LLC; Peak Fitness Maynard, LLC; Peak Fitness Morehead, LLC; Peak Fitness Pineville, LLC; Peak Fitness Statesville, LLC; Peak Fitness Steele Creek, LLC; Peak Fitness V, LLC; Peak Fitness WS, LLC; Peak Fitness Yadkinville, LLC; Peak Capital Holdings, LLC; Peak Mill Holdings, LLC; GGCK, Inc.; Fitness Management Group, Inc. ("FMG"); Jeffrey R. Stec ("Stec") (collectively, "Defendants") have agreed to the entry of the following order. In consenting to the entry of this Order, defendants do not admit, and do not expressly deny, the

allegations set forth in the underlying Complaint. Nothing contained herein shall be construed as an admission by any of the Defendants of any of the allegations set forth in the underlying Complaint, nor shall it be construed as an abandonment by the State of any allegations made in the Complaint.

IT IS THEREFORE ORDERED, with the consent of the parties, that pending final adjudication of this action in the trial court, Defendants, their agents, members, successors or predecessors in interest, officers, employees, and persons acting in concert with them, shall not:

1. Sell any prepaid entertainment contracts unless and until Defendants have secured bonds in an amount sufficient to meet their statutory duty under N.C.G.S. § 66-124; and
2. Cash checks or otherwise process payments arising from the sale or renewal of a prepaid entertainment contract, unless and until Defendants have secured bonds sufficient to meet their obligations under N.C.G.S. § 66-124.

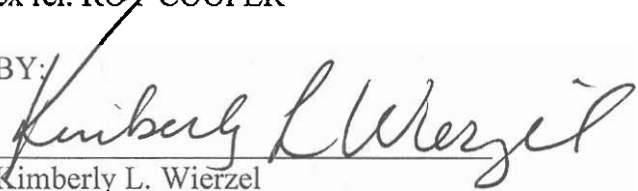
This the 28th day of May, 2009.


Superior Court Judge

CONSENTED TO:

STATE OF NORTH CAROLINA,
ex rel. ROY COOPER


BY:



Kimberly L. Wierzel
Assistant Attorney General

PEAK FITNESS, LLC; PEAK FITNESS 15501, LLC; LLC; PEAK FITNESS CLEMMONS, LLC; PEAK FITNESS CREEDMOOR, LLC; PEAK FITNESS DURALEIGH, LLC; PEAK FITNESS FUQUAY VARINA, LLC; PEAK FITNESS GARNER, LLC; PEAK FITNESS II, L.L.C.; PEAK FITNESS III, LLC; PEAK FITNESS JONESTOWN, LLC; PEAK FITNESS KNIGHTDALE, LLC; PEAK FITNESS LAKE NORMAN, LLC; PEAK FITNESS MAYNARD, LLC; PEAK FITNESS MOREHEAD, LLC; PEAK FITNESS PINEVILLE, LLC; PEAK FITNESS STATESVILLE, LLC; PEAK FITNESS STEELE CREEK, LLC; PEAK FITNESS V, LLC; PEAK FITNESS WS, LLC; PEAK FITNESS YADKINVILLE, LLC; PEAK CAPITAL HOLDINGS, LLC; PEAK FITNESS CEDAR RIDGE, LLC PEAK MILL HOLDINGS, LLC; GGCK, INC.; and FITNESS MANAGEMENT GROUP, INC.

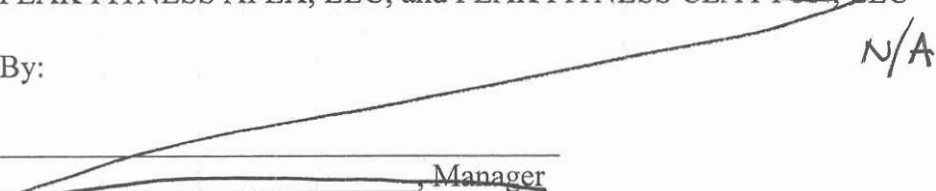
BY:



Jeff Stec, President

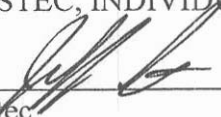
~~PEAK FITNESS APEX, LLC, and PEAK FITNESS CLAYTON, LLC~~

By:



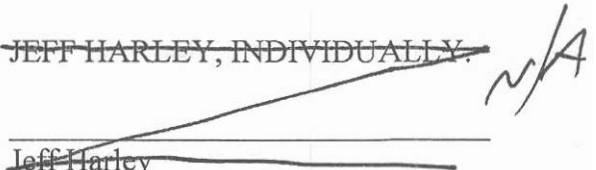
N/A
_____, Manager

JEFF STEC, INDIVIDUALLY:



Jeff Stec

~~JEFF HARLEY, INDIVIDUALLY:~~



N/A
Jeff Harley