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17 February 2010 at 2:00 p.m.

2010 FEB -2 A 11: 49

ABRAHAM PENN JONES
Superior Court Judge

ORANGE COUNTY, C.S.C.

NORTH CAROLINA BY aa IN THE GENERAL COURT OF JUSTICE
ORANGE COUNTY SUPERIOR COURT DIVISION
10 CVS 149

RIELLE HUNTER,

Plaintiff,

v.

ANDREW YOUNG and CHERI
YOUNG,

Defendants.

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SECOND
NOTICE OF HEARING
AND
ORDER TO APPEAR AND SHOW CAUSE
AND
ORDER TO PRODUCE CERTAIN ITEMS
AND DOCUMENTS

TO: ANDREW YOUNG AND CHERI YOUNG:

The Court initiates this Second Notice of Hearing and Show Cause Order in furtherance of the Temporary Restraining Order issued by the Court on 28 January 2010, a copy of which is attached hereto as Exhibit A, and on its own Motion. The Court issued a Notice of Hearing and Show Cause Order on 29 January 2010 and the Sheriff of Orange County attempted service of that Order at Defendants' residence on the same date. The Sheriff advises the undersigned that no one was at the residence, he left a notice to call him and that neither Defendant has responded; further, Defendants have still not turned over items to the Sheriff as required by the Temporary Restraining Order. Further, Defendants have yet to address this matter although they told the Sheriff they would do so "as soon as possible;" instead, it appears that at least one of the Defendants has left the State.

This Second Notice of Hearing and Order to Appear and Show Cause supplements and, to the extent of any inconsistency, supersedes the Order to Appear and Show Cause issued 29 January 2010.

The Court has reviewed the verified Return of Execution signed by Major Charles S. Blackwood of the Orange County Sheriff's Office, which indicates that the Summons, Complaint, and Temporary Restraining Order were properly served upon Defendants on 28 January 2010, and that the Temporary Restraining Order was executed upon them. The Return of Execution further shows that: Defendant Andrew Young told Major Blackwood that he "needed to consult with his attorney before doing anything" and Major Blackwood allowed him to do so; Defendant Andrew Young then asked Major Blackwood to explain the Order to his attorney and he did on speakerphone; then Major Blackwood was asked to allow Defendant Andrew Young to speak on the phone in private and "then a decision would be made whether to deliver those items to [Major Blackwood] or not." After a wait, Defendant Andrew Young did not deliver the items but asked for more time. Major Blackwood's Return shows that after Defendant Andrew Young was again allowed to speak with counsel, Defendant Andrew Young did not deliver the items—informing Major Blackwood that "[Defendants] would not be able to immediately comply with the Order on such short notice and they would address that matter in Court before [the undersigned] as soon as possible," and that Defendants did not give Major Blackwood any of the materials identified in the Temporary Restraining Order. At this time, no attorney has appeared in this matter on behalf of Defendants.

A copy of the Return of Execution executed by Major Blackwood, a Deputy Sheriff of Orange County, has been sworn to by him and is received by the Court and is attached as Exhibit B.

The record before the Court indicates that both Defendants have failed and refused to comply with the Temporary Restraining Order, and the Court finds that there is probable cause to believe that both Defendants are in civil contempt of this Court for refusal to comply with Temporary Restraining Order issued by this Court, pursuant to N.C. Gen. Stat. § 5A-21.

For the reasons set forth in the Temporary Restraining Order and because of the Defendants' response or failure to respond to the Temporary Restraining Order, the Court finds there is good cause to convene the hearing with notice of less than five days. By signing this Order together with the verified return of the Sheriff, the undersigned intends to satisfy the requirement of a sworn statement or affidavit set forth in Section 5A-23 of the North Carolina General Statutes.

If the Court finds you in civil contempt, you may be committed to jail for as long as such civil contempt continues. Your failure to personally appear and your failure to fully comply with this order will be grounds for civil or criminal contempt for those failures.

WHEREFORE, IT IS ORDERED THAT:

1. Defendants Andrew Young and Cheri Young are hereby ORDERED to personally appear before the undersigned on Friday, 5 February 2010 at 10:00 a.m., in Superior Court at the Chatham County Courthouse in Pittsboro, North Carolina, to show cause why they should not be held in contempt for failing to comply with the Temporary Restraining Order;
2. Each of you, Defendant Andrew Young and Defendant Cheri Young are further ORDERED to bring with you to the above-referenced hearing all items called for in the Temporary Restraining Order (unless such items have otherwise been delivered to the Sheriff prior to the hearing as directed in the

Temporary Restraining Order) and/or all video recordings, photographs, documents and other items, including all copies of such items, as set forth on Exhibit C, Schedule of Items and Documents to be Produced, attached;

- 3. Each of you, are also ORDERED to bring with you to the above-referenced hearing a complete list of each person (including name, address(es), telephone and cell phone numbers) to whom you have give any video or photograph, a part thereof or copy thereof, in whatever format, made by Rielle Hunter, with a description of what was given, how it was given and when it was given and/or the location and address of each place where such video or photograph or part or copy of such video or photograph has been deposited;
- 4. The Sheriff of Orange County shall serve copies of this Order forthwith upon the Defendants at 5016 Thomas Berry Way, Chapel Hill, North Carolina, 27516, or by such other means as may be allowed by law; and
- 5. This Order may also or alternatively be served on Defendants (or either of them) in any manner allowed by law that provides the Defendant with notice of the Order including that Plaintiff's counsel may seek to have this Order served by any means allowed by law.

This the 1st day of February, 2010, at 2:00 p. m.

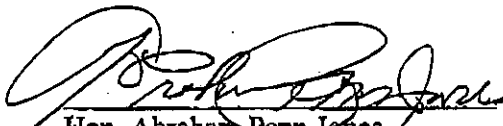

 Hon. Abraham Penn Jones
 North Carolina Superior Court Judge

Exhibit A

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

ORANGE COUNTY

2010 JAN 23 12 13 23 10 CVS 149

RIELLE HUNTER,

ORANGE COUNTY, N.C.

Plaintiff,

BY)

v.

TEMPORARY RESTRAINING ORDER

ANDREW YOUNG and CHERI
YOUNG,

Defendants.)

THIS MATTER is before the Court on Plaintiff Rielle Hunter's ("Hunter") Motion for Temporary Restraining Order and/or Preliminary Injunctive Relief, pursuant to Rule 65(b) of the North Carolina Rules of Civil Procedure. Plaintiff requests the Court enter an *ex parte* temporary restraining order to prohibit Defendants Andrew Young and Cheri Young (collectively the "Youngs") from taking certain actions with respect to three video recordings and a series of photographs, and directing Defendants to turn over all copies of the same.

AND IT APPEARING TO THE COURT after having reviewed the matters of record, hearing the arguments of counsel, and considering the various matters before it, that Plaintiff's motion is well founded and that the Court should grant the request for entry of a temporary restraining order as set forth below, the Court makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW, and enters its TEMPORARY RESTRAINING ORDER as follows:

FINDINGS OF FACT

1. From July/August 2006 through December 2006, Hunter worked with a political action committee related to what became the presidential campaign of John Edwards ("Edwards") as a videographer.

2. In or about September 2006, Hunter authored a personal video recording that depicted matters of a very private and personal nature (the "Video"). Hunter had the only copy of the Video. In or about December 2006, Hunter opened up the plastic casing on the miniDV cassette containing the Video, and pulled out the tape contained therein. She did not take any action that would obliterate the contents of the tape itself. Hunter stored the remains of the miniDV cassette and tape in a box that was stored at her residence.

3. The box that was stored at Hunter's residence that contained the Video also contained her passport, photographs from her youth, and two other video recordings authored by Hunter. The two other videos contained footage of campaign activities and an interview conducted by Hunter, respectively. Each video was stored on a separate "miniDV" video cassette.

4. Hunter also maintained, on a laptop computer in her residence and on her digital camera, a series of photographs that included her daughter (the "Photographs"). The Photographs, eight in number, were made by Hunter on 19-21 March 2008. At the time the Photographs were made, Hunter's daughter was a young infant.

5. Edwards is the father of Hunter's daughter. However, prior to Edwards's acknowledgement of paternity of the child, Andrew Young had declared himself to be the father of Hunter's daughter.

6. For a period of time in 2007, Hunter physically lived in a house in the Governor's Club community in Chatham County, North Carolina. Her personal possessions, including the box containing the video, were stored in that residence. Andrew Young rented this residence for Hunter. The Youngs had the passcode to access the garage in the residence, the key to the house, or both, and were able to gain access to the residence by use of the passcode or a key.

7. In 2008, Hunter shared a residence with the Youngs and the Youngs' children in Santa Barbara, California. During the time that Hunter lived in Santa Barbara with the Youngs, many of her personal possessions, including the box, remained at the Governor's Club residence in North Carolina. At the Santa Barbara residence, the Youngs had access to Hunter's personal possessions that were at that house, including Hunter's laptop computer and digital camera.

8. The last date on which Hunter saw the three video recordings that were located in the box was December 2007, when Hunter moved from Governor's Club to Santa Barbara.

9. In August 2008, the Youngs were asked to go to Hunter's Governor's Club residence and retrieve her passport, and were made aware of the location of the box. Shortly thereafter, the passport was delivered to Hunter.

10. Hunter no longer has possession of the three video recordings, and learned that they were missing in September/October 2008 in conjunction with a move of her personal belongings.

11. The Youngs had access to the box containing the three video recordings during the time in which they went missing.

12. The Youngs, or either of them, have admitted possession of the Video.

13. Andrew Young has authored a book about himself, Edwards, and Hunter, among other things, titled "The Politician." The book is scheduled to be released on 30 January 2010.

14. Andrew Young has claimed publicly to have possession of Hunter's "mangled tape" and to have altered its condition. A news article dated 27 January 2010 and appearing on the website of the New York Daily News states that Young writes in his book about finding, repairing, and watching the "mangled tape."

15. Andrew Young is attempting to engage in activities to generate publicity in connection with publication of his book. An interview with him is scheduled to air on the ABC television program "20/20" on the evening of Friday, 29 January 2010. A news article appearing on the Politics Daily website states that a video containing personal and private content with respect to Hunter will be discussed during the "20/20" interview.

16. Andrew Young attached the Photographs, or some of them, to the book proposal that he distributed to various third parties. The Youngs, or either of them, downloaded or obtained copies of the Photographs between 23 March 2008 and 4 June 2008 from Hunter's laptop computer or digital camera.

17. Hunter asked, through counsel, for Andrew Young to return any and all photographs and video tape materials, but he has not done so.

18. Hunter never consented to Andrew Young and/or Cheri Young retaining or distribution the three video recordings that were stored in the box, any copies thereof, any depictions of Hunter's likeness, or the Photographs. Hunter never consented to Andrew Young and/or Cheri Young distributing any likeness of Hunter in connection with their commercial efforts, such as potentially selling the Video or promoting Andrew Young's book.

19. Hunter never provided the three video recordings or the Photographs, or copies thereof, to Andrew Hunter or Cheri Hunter.

20. The Youngs are attempting to sell or otherwise distribute the Video to one or more third parties, and/or Andrew Young is attempting to utilize the Video and the Photographs in connection with the publicity efforts for his book.

21. Any publication, dissemination, sale, copying, or other distribution of the Video or its contents would be a highly offensive intrusion into a private matter with respect to Hunter.

22. Any publication, dissemination, sale, copying, or other distribution of the Photographs or their contents would be a highly offensive intrusion into a private matter with respect to Hunter and her daughter.

CONCLUSIONS OF LAW

1. There is a substantial likelihood that Hunter will succeed on the merits on one or more of her claims against the Youngs for conversion, invasion of privacy, and unfair and deceptive trade practices.

2. There is a significant and imminent risk that Hunter will suffer immediate and irreparable harm unless the Youngs are enjoined from taking any action to publish, disseminate, sell, copy, or otherwise distribute the three video recordings and the photographs identified herein, or the contents of those items.

3. The harm that Hunter would suffer if the aforementioned actions were to come to fruition would be irreparable because it would represent a continuation of the conversion of Hunter's property, to the exclusion of her ownership rights, and would invade or further invade Hunter's privacy interests with respect to the three video recordings and the photographs identified herein.

4. Money damages would be inadequate to compensate Hunter for the harm she would suffer if the Youngs are permitted to continue to take action towards publishing, disseminating, selling, copying, or otherwise distributing the three video recordings and the photographs identified herein or their contents.

5. The balance of hardships favors Hunter and the public interest supports the issuance of a temporary restraining order.

6. It is appropriate to issue a temporary restraining order *ex parte*, and without notice to the Youngs until after issuance of the same, in light of the ease and rapidity with which the three video recordings and photographs identified herein could be published or otherwise disseminated via electronic or other means prior to the time that the Court could consider and rule upon the Motion presented. Such transfer would constitute irreparable harm and frustrate the purpose of the Motion prior to the Court's consideration and ruling.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. Defendants Andrew Young and Cheri Young and their agents, attorneys, and those persons who are in active concert or participation with them, who receive actual notice in any manner of this Temporary Restraining Order by personal service or otherwise are ENJOINED from taking any action to publish, disseminate, sell, copy, or otherwise distribute the following, until further order of the Court:

- a. The three video recordings belonging to Hunter, or the contents of those recordings, that the Youngs, or either of them, obtained;
- b. The photographs belonging to Hunter of Hunter's daughter, or the contents of those photographs, that the Youngs, or either of them, obtained;
- c. Any video recordings of Hunter or that contain Hunter's likeness that were made surreptitiously or otherwise without Hunter's knowledge and/or consent, or the contents of such recordings; and
- d. Any video recordings or photographs that depict matters of a private and personal nature with respect to Hunter.

2. Defendants Andrew Young and Cheri Young and their agents, attorneys, and those persons who are in active concert or participation with them, who receive actual notice in any manner of this Temporary Restraining Order by personal service or otherwise are ORDERED to turn over all copies of the following that are in their possession, custody, or control, including electronic copies, to Plaintiff Rielle Hunter, in the care of her attorney of

record Alan W. Duncan at Smith Moore Leatherwood LLP, 300 North Greene Street, Suite 1400, Greensboro, North Carolina, 27401, as an officer of the Court, and for those persons to whom this paragraph applies to retain no copies or versions of any such items, in whole or in part, and in any medium, including electronic storage, until further order of the Court:

- a. The three video recordings belonging to Hunter, or the contents of those recordings, that the Youngs, or either of them, obtained;
- b. The photographs belonging to Hunter of Hunter's daughter, or the contents of those photographs, that the Youngs, or either of them, obtained;
- c. Any video recordings of Hunter or that contain Hunter's likeness that were made surreptitiously or otherwise without Hunter's knowledge and/or consent, or the contents of such recordings; and
- d. Any video recordings or photographs that depict matters of a private and personal nature with respect to Hunter.


3. The Sheriff of Orange County is directed to execute the Court's Order for return and relinquishment of the video recordings and photographs identified in the preceding paragraph, in whatever form, located at the residence of Andrew Young and Cheri Young or otherwise in their possession, custody, or control and located elsewhere in Orange County; to provide such items to Hunter's attorneys as set forth in the preceding paragraph; and to confirm that all such items have been retrieved and that a copy has been made and retrieved of any electronically stored items; and that such material stored in electronic form on any medium in the possession, custody, or control of Defendants, or either of them, or their attorneys, agents, or others acting in concert with them or either of them no longer exists in such electronically stored format.

4. As a condition precedent to the issuance of this Temporary Restraining Order, the Clerk of Superior Court, Orange County, shall take from Plaintiff Rielle Hunter an undertaking in the sum of \$ 250,00 to the effect that Plaintiff shall pay the parties enjoined such damage, not

to exceed the amount of such undertaking, as Defendants may sustain and prove by reason of this Temporary Restraining Order should the Court finally decide that Plaintiff was not entitled thereto; and

5. Plaintiff's Motion for Preliminary Injunction shall be heard on Feb. 8, 2010 at 2:00 o'clock P.M., or as soon thereafter as the matter may be heard, before the undersigned Judge or another Judge of the Superior Court presiding in Orange County.

SO ORDERED, this the 28th day of January, 2010 at 11:38 o'clock A.M.


Superior Court Judge Presiding

Undertaking having been paid in the amount of \$25000, the foregoing Temporary Restraining Order is issued this the 28th day of January, 2010 at 12:30 o'clock P.M.


Clerk of Superior Court, Orange County

Exhibit B

NORTH CAROLINA
ORANGE COUNTY

IN THE GENERAL COURT OF JUSTICE **FILED**
SUPERIOR COURT DIVISION

10-CVS-000149 2010 JAN 29 AM 9:12

RIELLE HUNTER,
Plaintiff,

ORANGE CO., C.S.C.

BY 

RETURN OF EXECUTION

v.

ANDREW YOUNG and
CHERI YOUNG

Defendants.

Name of the Defendants: Andrew Young
5016 Thomas Berry Way
Chapel Hill, NC 27516

Cheri Young
5016 Thomas Berry Way
Chapel Hill, NC 27516

The North Carolina Superior Court, Orange County, has issued a Temporary Restraining Order against Defendants, a copy of which is attached hereto. That Temporary Restraining Order commands that the Sheriff execute the Court's Order by retrieving any and all items or copies of items or portions of those items, in whatever manner they may be stored anywhere in Orange County, from Defendants or attorneys, agents or others acting with them as those items are described in the Temporary Restraining Order.

In execution of that Order, the undersigned took the following actions:

After reviewing the documents to be served in their entirety with attorneys for the Plaintiff, Alan W. Duncan and Wade Barber, and then discussing the matter with Sheriff A.L. Pendergrass. I went to the residence located at 5016 Thomas Berry Way, Chapel Hill and met with Mr. Andrew Young and served the copies directed to him via personal service. Mrs. Cheri Young was not present at the home. I served the copies directed to her via substitute service by delivering copies at the dwelling house or usual place of abode of the defendant, Cheri Young, with a person of suitable age and discretion then residing therein, Mr. Andrew Young. Mr. Young indicated he needed to consult with his attorney before doing anything. He invited me into his home and asked us to have a seat at the dining room table while he placed a phone call to his attorney.

02/02/2010 14:10 FAX

After some few minutes of discussion between he and his attorney I was asked to explain to the attorney what the order was commanding Young to do. On speakerphone, I explained the order to the person on the other end of the conversation, presumably an attorney, by summarizing the Order portion of the document that directed Mr. Young to deliver those certain items listed in the Order to the Sheriff. At this point the person to whom I had been speaking asked me to allow he and Mr. Young to speak in private and then a decision would be made whether to deliver those items to me or not. I stepped out to my vehicle and waited for Young to confer with his attorney. After approximately 15 minutes Mr. Young stepped out to my car and told me he would need a few more minutes to speak to his attorney and asked if that would be okay, I told him it would and he stepped back into his home. After several more minutes Young came back outside and handed me the phone and asked me to speak to another attorney, Mr. David Geneson, an attorney in Washington DC. He told me they would not be able to immediately comply with the Order on such short notice and they would address that matter in Court before Judge Jones as soon as possible. He reiterated that Mr. Young was not intending to be uncooperative with me just that they had serious concerns about the method by which Mr. Duncan had attempted to seize the items in question. I thanked him and left the residence without any of the items listed in the Order. I called Wade Barber and notified him that I had not seized any of the items listed in the order.

Date Received: 01-28-2010

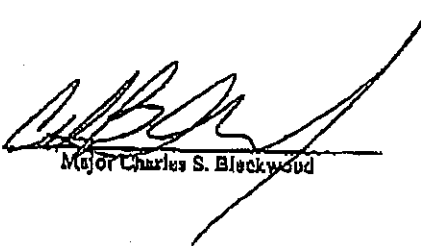
Date Executed: 01-28-2010

Date Returned: 01-29-2010

Name of Sheriff: A.L. Pendergrass

County of Sheriff: Orange County

Signature of Deputy Sheriff Making Return:



Major Charles S. Blackwood

Exhibit C

Schedule of Items and Documents to be Produced

1. All copies of any video recordings or photographs related in any way to Rielle Hunter, including without limitation all electronic copies of the same and any cases that contain or may have contained copies of media upon which such video recordings or photographs were stored (i.e., plastic miniDV cases or CD/DVD jewel cases).

2. All devices upon which are or may be stored any video recordings or photographs related in any way to Rielle Hunter, including without limitation all computer hard disks, camcorders, cameras, or analog or digital media containing the same.

3. All documents ("all documents" means all writings in whatever form and in whatever format and wherever kept or stored) related to any efforts by you (Andrew Young or Cheri Young) or anyone acting in concert with you, to publish, transfer, copy, sell, disseminate, or otherwise distribute any video recordings or photographs related in any way to Rielle Hunter, including without limitation letters, emails, book proposals, and notes and transcripts of interviews and other conversations, and all electronic copies and versions of the same.

4. All documents which mention or are related to your, or anyone acting in concert with you, obtaining any video recordings or photographs that were authored, in whole or in part, by Rielle Hunter, or that contain Rielle Hunter's likeness or Rielle Hunter's daughter's likeness.

5. All documents related to the means by which you, or anyone acting in concert with you, obtained any video footage or photographs containing Rielle Hunter's likeness or Rielle Hunter's daughter's likeness, that were made without the knowledge or consent of Rielle Hunter.

6. All documents related to any efforts by you, or anyone acting in concert with you, to repair or otherwise alter the video that Andrew Young and/or Cheri Young described as "cut and pulled out" during the interview broadcast on the ABC television program "20/20" on 29 January 2010.

7. All notes, transcripts, documents or recordings of or related to any interviews in which you (Andrew or Cheri Young) were a participant (excluding interviews with law enforcement personnel or otherwise part of criminal proceedings to the extent you are prohibited by law from revealing such materials) and during which you discussed, in any way, (1) the means by which you obtained any video recordings or photographs containing Hunter's likeness or Hunter's daughter's likeness or (2) the contents of any such video recordings or photographs.

8. All notes, documents and items (including telephone records) of or related to your (Andrew Young's or Cheri Young's) effort and involvement in the retrieval and handling of Rielle Hunter's passport in August of 2008.

RETURN OF SERVICE

I certify that this Order To Show Cause was received and served as follows:

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Defendant CHERI YOUNG
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- By delivering to the Defendant CHERI YOUNG name above a copy of this Order.
- By leaving a copy of this Order at the dwelling house or usual place of abode of the Defendant CHERI YOUNG named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

The Defendant CHERI YOUNG WAS NOT served for the following reason:

Date Received	Signature of Deputy Sheriff Making Return
Date Of Return	Name of Sheriff (Type or Print)
	County of Sheriff

I certify that this Order To Show Cause was received and served as follows:

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Defendant ANDREW YOUNG
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- By delivering to the Defendant ANDREW YOUNG name above a copy of this Order.
- By leaving a copy of this Order at the dwelling house or usual place of abode of the Defendant ANDREW YOUNG named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

The Defendant ANDREW YOUNG WAS NOT served for the following reason:

Date Received	Signature of Deputy Sheriff Making Return
Date Of Return	Name of Sheriff AND County (Type or Print)