

STATE OF NORTH CAROLINA
COUNTY OF WAKE
WAKE COUNTY, C.S.C.

FILED

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IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE NO: 10 CV 016777

BY _____)
STATE OF NORTH CAROLINA, ex rel.)
ROY COOPER, Attorney General,)
)
Plaintiff,)
)
v.)
)
THE CONSUMER LAW GROUP, P.A.,)
MICHAEL L. METZNER, AMERICAN)
DEBT NEGOTIATORS, INC.,)
RAN DAVID BARNEA, and)
DANIEL T. POST,)
)
Defendants.)
_____)

ORDER

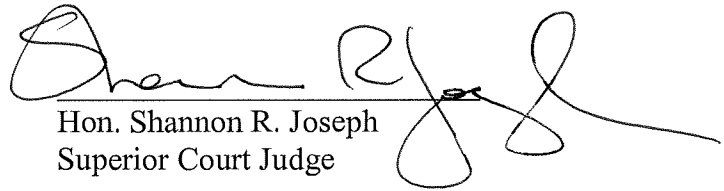
THIS CAUSE was heard before the undersigned judge on the defendants' Motion to Dismiss the State's Complaint. In their motion, brought pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure, the defendants contended that the Attorney General was without jurisdiction to bring suit against the defendants under the Debt Adjusting Act, N.C. Gen. Stat. § 14-423, *et seq.*, and under the Unfair and Deceptive Practices Act, N.C. Gen. Stat. § 75-1.1; that the defendants were exempt under both statutes; and that the statutes were unconstitutional on their face and as applied.

The Court, having reviewed the pleadings, legal memoranda and further argument of the parties, finds that the State has alleged sufficient facts and legal claims in its Complaint to withstand the defendants' Motion to Dismiss. The Court therefore concludes that the defendants'

motion should be denied.

IT IS THEREFORE ORDERED that the defendants' Motion to Dismiss is denied.

This the 25 day of March, 2011.


Hon. Shannon R. Joseph
Superior Court Judge