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5-28-2015

# Drummond Financial Services LLC, Interlocutory Injunction Order

John Goger

*Fulton County Superior Court*

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Goger, John, "Drummond Financial Services LLC, Interlocutory Injunction Order" (2015). *Georgia Business Court Opinions*. 345.  
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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



DRUMMOND FINANCIAL SERVICES, )  
LLC; et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
TMX FINANCE HOLDINGS, INC.; et al., )  
 )  
Defendants. )

Civil Action File No.  
2014CV253677  
BUS 4

**INTERLOCUTORY INJUNCTION ORDER**

This matter comes before the Court on Plaintiffs' Motion for Interlocutory Injunction. Upon consideration of the parties' briefs and oral arguments presented at the hearing on May 21, 2015, this Court finds as follows: (1) there is a substantial threat that Plaintiffs will suffer irreparable injury in the form of lost customers, lost goodwill, and repeated trespasses if an interlocutory injunction is not granted; (2) the threatened injury to the Plaintiffs far outweighs any harm to Defendants; (3) an interlocutory injunction will serve the public interest; and (4) there is a substantial likelihood that Plaintiffs will prevail on the merits of their claims at trial. The Court accordingly finds that Plaintiffs are entitled to an interlocutory injunction, and hereby **ORDERS** the following pursuant to O.C.G.A. § 9-11-65:

1. Defendants, their officer, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive notice of the order by personal service or otherwise, are hereby enjoined from directly or indirectly engaging in the following acts:

- a. Searching State department, agency, or bureau of motor vehicles ("DMV") records or any other database containing similar records, including, without

limitation any database maintained, owned, or operated by Data Trax, Publicdata.com, the DMV of any State, or any similar database (collectively, the “DMV Records”) for the purpose of obtaining the identities and/or contact information of past or present customers of the title loan stores operated by Plaintiffs and their affiliates, which do business as: LoanMax Title Loans, MoneyMax Title Loans, LoanSmart Title Loans, LoanStar Title Loans, Alabama Title Loans, Atlanta Title Loans, Mid-American Title Loans, North American Title Loans, Northwest Title Loans, Midwest Title Loans, and Northeastern Title Loans (“Plaintiffs’ Stores” and “Plaintiffs’ Customers”) for any purpose not expressly allowed by the Driver’s Privacy Protection Act, 18 U.S.C. § 2721, *et seq.*, or similar state law; and

- b. Using any information obtained from the DMV records to solicit Plaintiffs’ Customers.
- c. Entering any of Plaintiff’s Stores or the parking lots<sup>1</sup> of Plaintiffs’ Stores (the “Premises”), and engaging in any of the following activity on said Premises:
  - i. Collecting or otherwise recording in any manner Plaintiffs’ Customers’ license plate numbers or vehicle identification numbers for any purposes not permitted by the Driver’s Privacy Protection Act, 18 U.S.C. § 2721, *et seq.*, or similar applicable state law; or
  - ii. Soliciting Plaintiffs’ Customers on Plaintiffs’ Premises.<sup>2</sup>

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<sup>1</sup> With respect to Plaintiffs’ Stores that are free-standing (i.e., not in shared or connected office space such as a strip mall), “parking lots” means all parking areas appurtenant to Plaintiffs’ Stores. With respect to Plaintiffs’ Stores that are in shared and connected office space such as a strip mall, “parking lots” means all parking spaces directly in front of and abutting Plaintiffs’ Stores. For purposes of this Order, “parking lots” do not include any parking areas that are shared with one of Defendants’ stores.

<sup>2</sup> This Order does not prohibit Defendants; use of or access to any areas Defendants have a legal right to possess for lawful business purposes that do not facilitate the conduct described paragraphs (a) and (b). This Order also does

- d. Offering money or compensation of any sort to the employees of Plaintiffs' Stores for referring any persons, including, without limitation, any of Plaintiffs' Customers, to do business with Defendants.

2. In the event that Plaintiffs learn or contend that Defendants are in violation of this Order, Plaintiffs must notify the Defendants in writing of the alleged violation(s) within five (5) business days. All such notices must be addressed as shown below or to such other address as may be designated by a party hereto by written notice to the other party.

In the case of Plaintiffs:

Joseph Wargo  
[jwargo@wargofrench.com](mailto:jwargo@wargofrench.com)  
Ryan Watstein  
[rwatstein@wargofrench.com](mailto:rwatstein@wargofrench.com)  
Abigail Stecker Romero  
[aromero@wargofrench.com](mailto:aromero@wargofrench.com)  
Daniel H. Gaynor  
[dhgaynor@wargofrench.com](mailto:dhgaynor@wargofrench.com)

In the case of Defendants:

John P. MacNaughton  
[jpm@mmmlaw.com](mailto:jpm@mmmlaw.com)  
R. Jason D'Cruz  
[rjd@mmmlaw.com](mailto:rjd@mmmlaw.com)  
Shannon A. McNulty  
[smcnulty@mmmlaw.com](mailto:smcnulty@mmmlaw.com)  
Eric A. Larson  
[elarson@mmmlaw.com](mailto:elarson@mmmlaw.com)

Such notice must include information sufficient to describe the incident(s), identify the store(s) at issue, and identify all person(s) involved.

If Plaintiffs believe the violation(s) can be cured with additional action by Defendants, Plaintiffs must provide written notice to Defendants identifying the additional specific action(s)

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not prohibit Defendants accompaniment of individuals to Plaintiffs' Premises exclusively for purposes of buying out Plaintiffs' loans.

Plaintiffs contend must be taken. Such notice must include any and all information and evidence in the complaining party's possession related to the alleged violation(s). Upon receipt of the required notice, the receiving party shall have five (5) business days to investigate the alleged violation(s). If the investigation reveals a violation of this Order, the receiving party will have an opportunity to cure the violation(s) before being declared in contempt of this Order by (1) acting promptly to secure and preserve all evidence of the violation(s) and (2) taking all necessary steps to cure the violation(s), including disciplining the employee(s) in violation of this Order, as deemed appropriate by the receiving party. The receiving party will have ten (10) business days from receipt of the written notice of the violation(s) to provide the complaining party with a summary of the findings of its investigation and the actions taken to cure the violation(s).

3. In any action brought to enforce this Order, the Court may consider the facts and/or circumstances learned or disclosed pursuant to paragraph two (2), regardless of whether the violation(s) are cured. This Order shall remain in effect until further order of this Court.

**SO ORDERED** this 28 day of May, 2015.

  
\_\_\_\_\_  
JOHN J. GOGER, JUDGE  
Superior Court of Fulton County  
Atlanta Judicial Circuit

**Copies to:**

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