

NORTH CAROLINA )  
 )  
ROCKINGHAM COUNTY )

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
05 CVS 999

NANCY E. ODELL, individually and on )  
behalf of those similarly situated, )

Plaintiff, )

v. )

LEGAL BUCKS, LLC, a North Carolina )  
Limited Liability Company, JAMES KEITH )  
TART and LYNN DAVIES TART, )

Defendants. )

ORDER AND JUDGMENT

BY CMP Asst  
ROCKINGHAM COUNTY, C.S.C.

2006 DEC 28 PM 12:02

FILED

This matter is before the Court on the cross-motions for summary judgment filed by Defendants Legal Bucks, LLC, James Keith Tart and Lynn Davies Tart on one hand, and by plaintiff Nancy E. Odell on the other hand, each pursuant to Rule 56 of the North Carolina Rules of Civil Procedure. In ruling on these motions, the Court has considered all the files and records in the case together with the arguments of the parties' counsel in their briefs and at a motion hearing conducted on June 28, 2006.

Upon consideration of these materials and of the applicable law, the Court finds that there are no genuine issues of any material facts regarding Plaintiff's claims and Defendants' defenses, and concludes as a matter of law that Plaintiff's Motion for Summary Judgment should be denied in its entirety, and Defendants' Motion for Summary Judgment should be granted in its entirety. Because this ruling resolves all claims raised by the Plaintiff in favor of the Defendants and against the Plaintiff, the Court has not addressed the Plaintiff's Motion for Class Certification.

NOW THEREFORE, it is ORDERED, ADJUGED AND DECREED as follows:


1. Plaintiff's Motion for Summary Judgment is denied in its entirety.

2. Defendants' Motion for Summary Judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure on Plaintiff's First Cause of Action (Usury) is allowed.
3. Defendants' Motion for Summary Judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure on Plaintiff's Second Cause of Action (Maintenance) is allowed.
4. Defendants' Motion for Summary Judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure on Plaintiff's Third Cause of Action (Champerty) is allowed.
5. Defendants' Motion for Summary Judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure on Plaintiff's Fifth Cause of Action (Violation of the Consumer Finance Act) is allowed.
6. Defendants' Motion for Summary Judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure on Plaintiff's Seventh Cause of Action (Unfair and Deceptive Trade Practices) is allowed.
7. Defendants' Motion for Summary Judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure on Plaintiff's Eighth Cause of Action (Rescission/Restitution) is allowed.
8. Defendants' Motion for Summary Judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure on Plaintiff's Tenth Cause of Action (Constructive Trust) is allowed.
9. Defendants' Motion for Summary Judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure on Plaintiff's Eleventh Cause of Action (Declaratory Judgment) is allowed.
10. Defendants' Motion for Summary Judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure on Plaintiff's Twelfth Cause of Action (Injunction) is allowed.

11. The Court has previously entered an order dismissing Plaintiff's Fourth Cause of Action (Unlawful Gaming), Plaintiff's Sixth Cause of Action (Unjust Enrichment), and Plaintiff's Ninth Cause of Action (Intentional Interference With Fiduciary Duty).

The Court hereby dismisses Plaintiff's Complaint in its entirety and with prejudice. Defendants' counterclaim remains to be adjudicated.

This the 28<sup>th</sup> day of December, 2006

  
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Peter M. McHugh, Judge Presiding