

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Shaw Funding, LLC, Build A House, LLC d/b/a Multifamily Products, Builders Design House, LLC, Builders First Mortgage, LLC, Builders First Funding, LLC, Investor Funding, LLC, Total Stone, LLC, American Lighting Co., Contract Supply, LLC, Global Solution, and MS Mechanical Solutions, LLC

Plaintiff(s),

vs.

Multifamily Products, LLC, Paul Taylor, as a member of Build a House, LLC and individually,

Defendant(s).

IN THE COURT OF COMMON PLEAS

C.A. No.: 2012-CP-23- 0639

**ORDER GRANTING
TEMPORARY RESTRAINING
ORDER**

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OCT 25 2012

SC Court of Appeals

This matter came before the Court on October 3, 2012 pursuant to Plaintiffs' Application for *Ex Parte* Temporary Restraining Order and Motion for Temporary Injunction pursuant to Rule 65 of the South Carolina Rules of Civil Procedure. A hearing was held in open court with counsel for Plaintiffs present. Based on that hearing, Plaintiffs' Motion, and supporting evidence, it appears to the Court that there is just cause to grant the Temporary Restraining Order sought by the Plaintiffs.

The evidence presented to the Court, including the Affidavit of Waldo Donald Shaw, sufficiently establish that Plaintiffs will suffer irreparable harm in absence of an injunction. Specifically, Plaintiffs have presented sufficient evidence to demonstrate that Defendants' alleged actions have placed Build A House, LLC in a dire financial state, and have and continue to cause

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damage to the business reputation and goodwill. ("When the failure to grant preliminary relief creates the possibility of permanent loss of customers to a competitor or the loss of goodwill, the irreparable injury prong is satisfied.") *Palmetto Builders and Designers, Inc. v. UniReal, Inc.*, 342 F.Supp.2d 468, 473 (D.S.C. 2004) citing *Multi-Channel T.V. Cable Co. v. Charlottesville Quality Cable Operating Co.*, 22 F.3d 546, 552 (4th Cir. 1994). Plaintiffs have further demonstrated that they have no adequate remedy at law that can remedy the loss or potential loss of the Build A House, LLC business or damage to its business reputation and goodwill. Finally, Plaintiffs have presented evidence sufficient to make a *prima facie* showing that they will likely succeed on the merits of this case at trial on one or more of its claims. *Transcon Gas Pipe Line Corp. v. Porter*, 252 S.C. 478, 481, 167 S.E.2d 313, 315 (1969) ("It is well settled that, in determining whether a temporary injunction should issue, the merits of the case are not to be considered, except in so far as they may enable the court to determine whether a prima facie showing has been made.").

Therefore, based on the foregoing, it appears to the Court that Plaintiffs' Application for *Ex Parte* Temporary Restraining Order should be **GRANTED** and it is **ORDERED** that Defendants shall be temporarily restrained from:

1. Utilizing the assets, confidential, proprietary and trade secret information of Build A House, LLC d/b/a Multifamily Products ("BAH") for the operation of Multifamily Products, LLC as a competing business;
2. Continuing to operate the Multifamily Family, LLC website.
3. Continuing any business operations of Multifamily Family, LLC;
4. Misusing or otherwise misappropriating the assets of Build A House, LLC;
5. Interfering with the business endeavors of Build A House, LLC including ongoing construction projects;

6. Taking and/or transferring money out of any accounts owned, held by or in which Build A House, LLC has an interest in any manner that violates the corporation's Operating Agreement; and

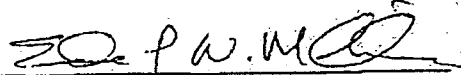
7. Using, selling, liquidating, or disposing of in any manner Build A House, LLC's corporate funds or assets of any kind.

It is further ordered that Defendant Taylor provide Shaw full access to Build A House, LLC's corporate offices and all corporate financial information and books.

Plaintiffs shall obtain and post a security bond in the amount of Five Thousand 00/100 (\$5,000.00) Dollars.

IT IS SO ORDERED.

Date: 10/4/12


The Honorable Edward W. Miller

Greenville, South Carolina