

Virginia:

In the Circuit Court of the City of Richmond, John Marshall Courts Building

STRONG FOUNDATION YOUTH INITIATIVE LLC, et al.,

Plaintiffs,

v. Case No.: CL09-4538

ROBERT ASHFORD, JR., et al.,

Defendants.

ORDER

This matter is before the Court on Defendant's Motion to Vacate (or Reconsider) the Orders of October 8, 2009 and October 21, 2009. Upon consideration of the pleadings, evidence and applicable law, the Court hereby grants the motion in part, and denies it in part.

The Court reconsidered the Motion for a Temporary Injunction and the Orders. Upon reconsideration, the Court reviewed all evidence and agreed statements presented at every hearing, and the arguments of counsel. A preliminary injunction may not be granted unless the plaintiffs establish (1) they are likely to succeed on the merits, (2) they are likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in plaintiffs' favor, and (4) an injunction is in the public interest. Real Truth About Obama, Inc. v. FEC, 575 F.3d 342, 346 (4th Cir. 2009). Moreover, the Court must be satisfied of the plaintiffs' equity. §8.01-628, Code of Virginia.

Here, the three plaintiffs are Strong Foundation Youth Initiative LLC, George Christopher, and Thomas Cain. Upon consideration of the March 26, 2009 Amended Operating Agreement [drafted by counsel for defendants, and signed by defendants Robert Ashford, Jr. and Emerson Lopez, and plaintiffs Christopher and Cain] of Strong Foundation Youth Initiative, LLC

STRONG FOUNDATION YOUTH INITIATIVE LLC. et al. vs. ROBERT ASHFORD, JR., et al. Page 2

– a named plaintiff, the testimony of Scott T. Stafford, and all financial documents, in addition to the other evidence, the Court finds there is a likelihood the plaintiffs will succeed on the merits. The Court also finds there is a likelihood the plaintiffs, and in particular the plaintiff Strong Foundation Youth Initiative, LLC, will suffer irreparable harm in the absence of preliminary relief. The balance of equities tips in plaintiffs' favor and particularly, again, in favor of plaintiff Strong Foundation Youth Initiative, LLC. Finally, an injunction is in the public interest, especially in light of the tax and personnel implications involved in this matter.

The Court's October 8, 2009 Order granting the Motion for a Temporary Injunction is therefore still in effect, with the following modifications. Plaintiffs' request for appointment of a custodian pendente lite is hereby granted, and in accordance with the November 4, 2009 Order, the agreed custodian – Kevin W. Mottley – is the appointed custodian pendente lite. Mr. Mottley shall be responsible for the assets of plaintiff Strong Foundation Youth Initiative, LLC. He is responsible for, among other things, approving all expenditures of money by the company, particularly disbursements to the members. Mr. Mottley shall work with Scott T. Stafford and Stafford Tax & Business Advisors, LLC. Mr. Stafford shall continue to prepare payroll and payroll taxes for plaintiff Strong, and continue to work as accountant and business advisor to Strong, pursuant to his original employment by Strong prior to the filing of this matter. It is undisputed that Strong hired Stafford earlier this year to work as accountant and bookkeeper. The remaining portions of the October 8, 2009 Order remain in effect.

The Court suggests that counsel for plaintiffs and defendants confer [with Mr. Mottley and Mr. Stafford, if needed] and prepare an agreed Order modifying the October 21, 2009 Order.

STRONG FOUNDATION YOUTH INITIATIVE LLC. et al. vs. ROBERT ASHFORD, JR., et al. Page 3

Counsel appeared to agree, at the last hearing, that defendants could be allowed on the Strong property without concerns relating to diminishing assets by, for example, removing files or firing employees. If there is no agreement, the Order remains in effect, with the modification that Mr. Mottley hereby replaces Stafford.

ENTER:

11/6/09

Margaret P. Spencer
Margaret P. Spencer, Judge