

DISTRICT COURT, JEFFERSON COUNTY, COLORADO Court Address: 100 Jefferson County Parkway, Golden, CO, 80401-6002	DATE FILED: December 5, 2016 4:52 PM CASE NUMBER: 2016CV31812 <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
Plaintiff(s) STATE OF COLORADO et al. v. Defendant(s) KEVIN RYDER et al.	
Case Number: 2016CV31812 Division: 6 Courtroom:	
Order: re PLAINTIFFS MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION	

The motion/proposed order attached hereto: GRANTED.

Upon the evidence presented and for the reasons stated on the record at the December 5, 2016 hearing, the Court hereby grants this preliminary injunction.

Issue Date: 12/5/2016



CHRISTOPHER CLAYTON ZENISEK
 District Court Judge

<p>DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO 100 Jefferson County Pkwy Golden, CO 80401</p> <hr/> <p>STATE OF COLORADO, ex rel. CYNTHIA H. COFFMAN, ATTORNEY GENERAL</p> <p>Plaintiff, v.</p> <p>KEVIN RYDER, an individual; INNERSOL GLOBAL, LLC; GUARANTEED SOLAR, LLC; RIZE POWER, LLC</p> <p>Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
	<p>Case No. 2016CV031812 Div.: 6</p>
<p>(PROPOSED) ORDER ON PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION</p>	

The Court, having reviewed Plaintiff’s Complaint and Motion for Temporary Restraining Order and Preliminary Injunction, and after conducting a hearing on Preliminary Injunction against Defendants Kevin Ryder; Innersol Global, LLC; Guaranteed Solar, LLC; and Rize Power; (“Defendants”), and being fully advised in the premises,

FINDS and CONCLUDES that a Preliminary Injunction should be entered against Defendants for the following reasons:

1. This Court has jurisdiction in the matter presented herein by virtue of Colo. Rev. Stat. § 6-1-110(1) (2016) and Colo. R. Civ. P. 65.

2. This Court is expressly authorized to issue a Temporary Restraining Order to enjoin ongoing violations of the Colorado Consumer Protection Act (“CCPA”) by Colo. Rev. Stat. § 6-1-110(1):

Whenever the attorney general or a district attorney has cause to believe that a person has engaged in or is engaging in any deceptive trade practice listed in section 6-1-105 . . . , the attorney general . . . may apply for and obtain, in an action in the appropriate district court of this state, a temporary restraining order or injunction, or both, pursuant to the Colorado rules of civil procedure, prohibiting such person from continuing such practices, or engaging therein, or doing any act in furtherance thereof. The court may make such orders or judgment as may be necessary to prevent the use of employment by such person of any such deceptive trade practice or which may be necessary to completely compensate or restore to the original position of any person injured by means of any such practice or to prevent any unjust enrichment by any person through the use or employment of any deceptive trade practice.

Colo. Rev. Stat. § 6-1-110(1).

3. Plaintiffs have shown from specific facts by affidavit or by testimony that Defendants deceptive practices are injurious to the public and that continued violations, if not enjoined, will cause immediate and irreparable injury, loss or damage. *See Baseline Farms Two, LLP v. Hennings*, 26 P.3d 1209, 1212 (Colo. App. 2001); *Lloyd A, Fry Roofing Co. v. State Dep’t of Air Pollution Variance Bd.*, 553 P.2d 800 (Colo. 1976); *Rathke v. MacFarlane*, 648 P.2d 648 (Colo. 1982). Immediate and irreparable injury to additional consumers will occur without a preliminary injunction because Defendants have shown themselves to be a danger to consumers. Defendants predatory and deceptive practices cannot be stopped, and Plaintiff’s ability to “completely compensate or restore to the original position [] any person injured” by Defendants will be severely frustrated without an injunction preventing them from accepting or controlling money paid by consumers for solar equipment sales and installation in Colorado. Colo. Rev. Stat. § 6-1-110(1).

4. In view of the continuing and serious harm to consumers as outlined in the evidence and affidavits submitted by Plaintiff, as well as evidence presented by Plaintiff at the hearing on preliminary injunction on _____, the entry of a preliminary injunction is necessary and appropriate.

IT IS HEREBY ORDERED PURSUANT TO C.R.S. § 6-1-110(1) AS FOLLOWS:

A. Defendants and their officers, directors, agents, servants, employees, independent contractors and any other persons, including Gloria Ryder, in active concert or participation with Defendants, who receive actual notice of the Court's order are enjoined from:

1. Engaging in the advertising, sale, and installation of solar energy systems.
2. Attempting completion of any existing contract for solar energy systems without first appearing in Court and demonstrating that funds have been properly held in trust for purchase of materials and installation, and second, obtaining the written consent of the consumer that they wish to go forward with the installation of their solar energy system by Defendants, in lieu of receiving a complete refund.
3. Engaging in the sale of investments or securities.
4. Offering financial planning, debt management or debt reduction services.

B. Any further Order as this Court deems necessary and appropriate to further the purposes of the Colorado Consumer Protection Act.

ENTERED this ___ day of _____, 2016.

BY THE COURT:

District Judge