

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

STATE OF TENNESSEE,
Plaintiff,

v.

BRAD GAINES, d/b/a
Gaines Fitness Center,

Respondent

FINAL ORDER

This Cause came to be heard on the 21st day of May 1997. Based upon the Stipulation of Facts, the arguments of counsel and the entire record in this case, the Court is of the opinion that the State has established that Defendant Brad Gaines, d/b/a Gaines Fitness Center, has violated the Tennessee Consumer Protection Act by (1) operating a health club without a valid certificate of registration, and (2) failing to inform consumers who signed health club agreements while the club was unregistered that those agreements are unenforceable against the consumers.

It is therefore ORDERED, ADJUDGED, and DECREED that the Defendant is permanently enjoined from operating a health club without a valid certificate of registration issued by the Division of Consumer Affairs of the Department of Commerce and Insurance, as is required by Tenn. Code Ann. § 47-18-302.

Defendant is further ordered to pay the State of Tennessee \$1,000 in civil penalties, pursuant to Tenn. Code Ann. § 47-18-108(b)(3). Defendant is also ordered to pay the State of Tennessee \$300 as reimbursement of reasonable costs and expenses associated with the investigation and prosecution of this action, including attorneys' fees, pursuant to Tenn. Code Ann. §§ 47-18-108(a)(5) and (b)(4), to be used for consumer protection purposes at the sole discretion of the Attorney General. Finally, Defendant is ordered to pay all of the costs associated with this case.

