

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

VIRGINIA COLLEGE, LLC,)
)
 Plaintiff,)
)
 v.)
)
)
)
 SSF SAVANNAH PROPERTIES, LLC,)
 POLE POSITION RACEWAY, INC.,)
 SAVANNAH RACEWAY, LLC, and)
 P2R KARTING, INC.)
)
 Defendants.)
)
 _____)
)
 SSF Savannah Properties, LLC,)
)
 Cross-Claim Plaintiff,)
)
 vs.)
)
 Savannah Raceway, LLC,)
)
 Cross-Claim Defendant,)
)
 and)
)
 Eyal Farage and Karen Farage,)
)
 Third-Party Defendants)

Civil Action No.
4:15-cv-00010

PERMANENT INJUNCTION

Pursuant to a comprehensive settlement agreement between Plaintiff Virginia College, LLC (“Virginia College”), on the one hand, and Defendant/Cross-Claim Defendant Savannah Raceway, LLC (“Savannah Raceway”), Defendants Pole Position Raceway, Inc. (“Pole Position”) and P2R Karting, Inc. (“P2R”), and Third-Party Defendants Eyal Farage and Karen Farage (“the Farages”), on the other hand, (Savannah Raceway, Pole Position, P2R, and the Farages, collectively referred to as the “Go-Karting

Entities”) (the Go-Karting Entities and Virginia College, collectively referred to as the “Parties”) which dismisses all claims without prejudice that Virginia College has brought against the Go-Karting Entities in this action, the Parties have stipulated to the entry of the following PERMANENT INJUNCTION, and now request that the Court approve of and enter the same into the record. After considering the Parties’ proposal, the Court finds that the PERMANENT INJUNCTION should be entered.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Virginia College operates an institution of higher education in certain space leased at the Savannah Mall in Savannah, Georgia (the “Premises”).

2. The Go-Karting Entities leased certain space above the Premises and began operating a go-kart track above the Premises.

3. On January 14, 2015, Virginia College filed a Complaint seeking injunctive relief and damages arising from a nuisance created by the Go-Karting Entities by their operation of a go-kart track above the Premises.

4. On February 4, 2015, this Court granted a Preliminary Injunction enjoining the Go-Karting Entities from operating the go-kart track except on the weekends, pending the outcome of this action.

5. Pursuant to a settlement agreement entered into by the Parties on March 16, 2015, dismissing all claims without prejudice against the Go-Karting Entities in this action, the Go-Karting Entities (separately and severally) and their respective servants, employees, officers, affiliates and agents are permanently enjoined from:

- a. Operating a go-kart track above Virginia College’s Premises at any time, including weekdays and weekends;
- b. Vacating the Premises, including but not limited to the removal of any equipment and any refunds to customers, at any time, except between 10:00PM and 6:30AM on weekdays or anytime on weekends;

c. Subleasing the Premises to any other entity which operates a similar go-kart track or any plans to operate in a manner which constitutes a nuisance;

6. The Parties will jointly file a Joint Stipulation for Dismissal to dismiss all claims against the Go-Karting Entities, without prejudice, as soon as practicable.

7. Any violation of this PERMANENT INJUNCTION by the Go-Karting Entities (whether jointly or severally) shall entitle Virginia College to a presumption of further injunctive relief, all costs and expenses, including attorneys' fees, incurred by Virginia College to enforce this PERMANENT INJUNCTION, and such other and further relief as the Court shall deem just and proper. This Court has and retains jurisdiction over the parties and of the action for consideration and disposition of any contempt motion and citation for violation of any terms of this PERMANENT INJUNCTION.

8. Nothing in this PERMANENT INJUNCTION shall in any way waive the rights of Virginia College to bring any claims against other parties to this action.

9. The Clerk is hereby ordered to return, refund or otherwise surrender the bond posted on February 6, 2015, upon request by Virginia College.

SO ORDERD, this 27 day of March, 2015.



LISA GODBEY WOOD, CHIEF JUDGE
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

Consented to by:

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