

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

HARLEY-DAVIDSON CREDIT
CORP.,

Plaintiff,

v.

JHD HOLDINGS INC., a Wisconsin
Corporation, H2D MOTORCYCLE
VENTURES LLC, a Delaware limited
liability company, and SARA J.
POMEROY, an individual,

Defendants.

Case No. 19-cv-155

**ORDER FOR TEMPORARY
RESTRAINING ORDER**

**TO DEFENDANTS JHD HOLDINGS INC., H2D MOTORCYCLE VENTURES
LLC and SARA J. POMEROY**

This matter having come before the Court upon the Plaintiff's *ex parte* application for a temporary restraining order and preliminary injunction against Defendants JHD HOLDINGS INC., H2D MOTORCYCLE VENTURES LLC and SARA J. POMEROY (the "Application");

And the Court having considered the Verified Complaint, the Declaration of Daniel C. Fleming and Brian Putnam, and the supporting memorandum of law presented by the Plaintiff in support of the Application, and arguments made in support of the Application at the telephone hearing on February 27, 2019;

And the Court having found that good cause exists therefor, and Plaintiff having shown that immediate harm will result to the Plaintiff in the absence of the requested relief,

IT IS HEREBY ORDERED THAT:

DEFENDANTS JHD HOLDINGS INC., H2D MOTORCYCLE VENTURES LLC, SARA J. POMEROY, and all of their respective officers, directors, stockholders, owners, registrants, operators, agents, servants, employees, representatives and attorneys, and all those in active concert or participation with the Defendants, each of them, are, pending the scheduled hearing are hereby ENJOINED from selling any motorcycles, parts, accessories, Motorclothes®, collectibles, and other goods acquired with funds provided pursuant to or with an extension of credit granted under the Customer Financing Agreement entered into between the parties (the “Collateral”) unless:

- a) Defendants promptly, and no later than 24 hours after the transaction, report all sales of Collateral to Plaintiff; and
- b) Defendants promptly, and no later than 24 hours after they receive sale proceeds, remit to Plaintiff the invoice proceeds from sales of the Collateral.

EFFECTIVE DATE AND TIME

The above Temporary Restraining Order is effective immediately upon issuance.

NOTICE OF HEARING

A hearing is scheduled in Courtroom 260 located at 120 North Henry Street, Madison, WI 53703 Tuesday, March 5, 2019, to determine if a preliminary injunction should be issued restraining and enjoining Defendants as follows:

- a) from leasing, selling, transferring, consigning, auctioning, dissipating, concealing, pledging, granting a security interest in, or otherwise disposing of any motorcycles, parts, accessories, Motorclothes®, collectibles, and other goods acquired with funds provided pursuant to or with an extension of credit granted under the Consumer Financing Agreement entered between the parties (the Collateral);
- b) from removing the Collateral from the showroom and/or lot upon which Defendant H2D MOTORCYCLE VENTURES LLC operates, conducts sales, and/or has its principal place of business, which lot and showroom are commonly known as 1925 South Moorland Road, New Berlin, Wisconsin 53151, and which lot includes, for the purposes of this Order, any adjacent, appurtenant or remote sites used to store or warehouse the Collateral;
- c) from removing the Collateral from the showroom and/or lot upon which Defendant JHD HOLDINGS INC. operates, conducts sales, and/or has its principal place of business, which lot and showroom are commonly known as 3223 North Pontiac Drive Janesville, Wisconsin 53545, and

which lot includes, for the purposes of this Order, any adjacent, appurtenant or remote sites used to store or warehouse the Collateral;

- d) from any willful acts or purposeful omissions of ill-treatment, misuse, destruction, damage or other devaluing of the Collateral;
- e) from removing or causing, allowing or facilitating the removal of the Collateral from within the jurisdiction of this Court; and
- f) from removing or causing, allowing or facilitating the removal of the Collateral from within the jurisdiction of this Court.

Entered February 28, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge