

STATE OF NORTH CAROLINA  
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
25CV045456-590

TAX MANAGEMENT ASSOCIATES,  
INC.,

Plaintiff,

v.

CHIP BOURGEAULT and  
GOVERNMENT TAX ADVISORS,  
LLC,

Defendants.

**ORDER ON MOTION  
FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

1. **THIS MATTER** is before the Court to address Plaintiff Tax Management Associates, Inc.'s Verified Motion for Temporary Restraining Order and Preliminary Injunction. (ECF No. 5.) Plaintiff filed its complaint on 28 August 2025, along with the motion and supporting brief. (ECF Nos. 3, 5, 6.) In response, Defendants Chip Bourgeault and Government Tax Advisors, LLC filed a brief in opposition and two declarations. (ECF Nos. 12, 12.1, 12.2.) The Court held a hearing on 2 September 2025, at which all parties were represented by counsel.

2. Plaintiff is a tax consulting firm whose clients are primarily state and local governments. Bourgeault worked for the firm for over twenty years, eventually becoming its chief strategy officer. After Plaintiff fired Bourgeault in March 2025, he formed a competing firm called Government Tax Advisors. Since then, Bourgeault and his new firm have won the business of two North Carolina counties that had been Plaintiff's clients.

3. According to Plaintiff, Bourgeault took its confidential information and trade secrets when he departed and is now using them to compete against it. In the days leading up to his termination, Bourgeault allegedly downloaded client contracts, erased his work laptop, and deleted a couple of sensitive documents from a shared drive. At some point during his employment (the complaint does not say when), Bourgeault had also linked his work laptop to his personal iCloud account, thus raising the possibility that firm documents and confidential taxpayer information were synced to that account. Based on these allegations, Plaintiff asserts claims for computer trespass, misappropriation of trade secrets, breach of fiduciary duty, and more. In its motion, Plaintiff requests an order enjoining Defendants from interfering with its clients, barring them from using its trade secrets, and requiring them to make their electronic devices and accounts available for a review by forensic experts.

4. Plaintiff's motion is styled as one for a temporary restraining order and a preliminary injunction. Temporary restraining orders are reserved for unusual situations requiring "immediate" relief before the adverse party "can be heard in opposition." N.C. R. Civ. P. 65(b). Here, both sides have had the chance to submit evidence, have fully briefed the issues, and have presented argument through counsel at the hearing. Thus, the Court considers the motion as one for a preliminary injunction, not a temporary restraining order. *See Se. Anesthesiology Consultants, PLLC v. Charlotte-Mecklenburg Hosp. Auth.*, 2018 NCBC LEXIS 137, at \*33 (N.C. Super. Ct. June 22, 2018) ("Because Defendants have been provided an opportunity

to submit counter affidavits and memoranda of law, the Court considers the Motion as a motion for preliminary injunction and not one for a TRO.”).

5. A preliminary injunction is an “extraordinary measure taken by a court to preserve the status quo of the parties during litigation.” *Ridge Cmty. Invs., Inc. v. Berry*, 293 N.C. 688, 701 (1977). To prevail, the moving party must demonstrate a likelihood of success on the merits and a likelihood of irreparable harm in the absence of an injunction. *See A.E.P. Indus., Inc. v. McClure*, 308 N.C. 393, 401 (1983).

6. Plaintiff has not met its burden. In support of its motion, it presented no evidence apart from its verified complaint. But dozens of allegations in the complaint are made upon information and belief and, thus, carry no weight. (*See, e.g.*, Compl. ¶¶ 27, 44, 45, 47, 56–60, 62, 71, 78–82, 84, 88, 89, 102, 103, 105–09, 111, 112, 119, 125–31, 151, 163–68, 174, 184.) These allegations are not mere background or decoration. They go directly to the asserted misconduct—for example, whether Bourgeault copied data to his iCloud account, (*see* Compl. ¶ 71); prepared to compete against Plaintiff while still employed there, (*see* Compl. ¶ 80); and misappropriated trade secrets, (*see* Compl. ¶ 163). As this Court recently stated, “North Carolina courts have repeatedly made clear that a plaintiff cannot meet its burden of establishing a likelihood of success on the merits for a preliminary injunction through allegations made upon information and belief.” *Highlights Healthcare, LLC v. Abell*, 2025 NCBC LEXIS 108, at \*22 (N.C. Super. Ct. Aug. 21, 2025) (collecting cases).

7. Furthermore, Bourgeault’s sworn declaration rebuts these allegations. In it, he denies taking or using Plaintiff’s trade secrets, storing its confidential

information in his iCloud drive, or preparing in any way to compete against Plaintiff while employed there. (*See, e.g.*, Bourgeault Decl. ¶¶ 12, 22, 28, 31.) In addition, Bourgeault says, Plaintiff knew that he used his firm-issued laptop and iPhone for both personal and work purposes, including that he logged into these devices using a personal Apple ID. Indeed, this was common practice for Plaintiff's employees. (*See, e.g.*, Bourgeault Decl. ¶¶ 8, 9.) Bourgeault goes on to state that he did not reset his laptop before returning it to Plaintiff but that he did take steps to sever the laptop's association with his Apple ID account, which may have inadvertently erased data. (*See* Bourgeault Decl. ¶ 11.)

8. In short, Plaintiff has offered little more than speculation that Bourgeault took any trade secrets or confidential client information, much less that he has retained that information and used it to compete unfairly. And Bourgeault has contradicted that speculation with sworn testimony. The Court therefore concludes that Plaintiff has not shown that it is likely to succeed on the merits of its claims.\*

9. Even if Plaintiff had shown a likelihood of success, it has not met its burden to show irreparable harm. Plaintiff fired Bourgeault in March 2025 and knew that he was successfully competing against it as early as April 2025. During that

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\* The closest that Plaintiff comes to demonstrating a likelihood of success is its assertion that Bourgeault committed computer trespass by erasing his laptop. Even there, though, the evidence of intent is equivocal. Bourgeault's declaration offers a coherent, detailed denial of any intent to erase data. Regardless, the laptop's erasure, which occurred months ago and is exceedingly unlikely to recur, does not support an injunction. "A preliminary injunction is prospective in effect. Its purpose is not to punish past wrongs but to prevent future injuries of such continuous and frequent recurrence that no reasonable redress can be had in a court of law." *Eco Fiber Inc. v. Yukon Packaging, LLC*, 2024 NCBC LEXIS 98, at \*11 (N.C. Super. Ct. July 23, 2024) (cleaned up).

timeframe, Plaintiff learned that Bourgeault's laptop had been erased. And according to Bourgeault's un rebutted affidavit, Plaintiff had long known that his laptop was associated with his personal Apple ID. Simply put, Plaintiff knew about most of the circumstances supporting its motion at least four months before it brought suit. Its delay weighs heavily against injunctive relief. *See, e.g., W&W Partners, Inc. v. Ferrell Land Co.*, 2018 NCBC LEXIS 210, at \*10 (N.C. Super. Ct. Mar. 8, 2018) ("One significant measure of immediate and irreparable harm is the haste with which the moving party seeks injunctive relief." (collecting cases)).

10. Accordingly, having considered all relevant matters and in the exercise of its discretion, the Court **DENIES** Plaintiff's motion for temporary restraining order and preliminary injunction.

**SO ORDERED**, this the 4th day of September, 2025.

/s/ Adam M. Conrad  
Adam M. Conrad  
Special Superior Court Judge  
for Complex Business Cases