

Electronically Received 01/09/2019 10:19

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FILED**  
Superior Court of California  
County of Los Angeles

**MAY 15 2019**

Sherri R. Carter, Executive Officer/Clerk  
By [Signature] Deputy  
C. Wilson

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CENTRAL DISTRICT**

**THE PEOPLE OF THE STATE OF CALIFORNIA,**

Plaintiff,

v.

**THE DAVITT CORPORATION DBA  
CONSUMER RIGHTS LEGAL SERVICES;  
JAMES P. DAVITT; JORDAN VAN ATTA;  
MARIA SALAZAR; KAMRIN T. KELLY;  
AND DOES 1-100, INCLUSIVE,**

Defendants,

**GREAT AMERICAN INSURANCE  
COMPANY,**

Relief Defendant.

Case No. BC679780

**[proposed] DEFAULT JUDGMENT  
GRANTING PERMANENT  
INJUNCTION AND OTHER  
ANCILLARY RELIEF AGAINST THE  
DAVITT CORPORATION dba  
CONSUMER RIGHTS LEGAL  
SERVICES**

*[Handwritten mark]*

proposed Judgment Against The Davitt Corporation dba Consumer Rights Legal Services (BC679780)

05/16/2019

1 **GREAT AMERICAN INSURANCE  
COMPANY, AN OHIO CORPORATION,**

2 Cross-Complainant,

3 v.

4 **THE DAVITT CORPORATION, A  
CALIFORNIA CORPORATION, JAMES P;  
5 DAVITT, AN INDIVIDUAL; AND DOES 1  
6 THROUGH 50, INCLUSIVE,**

7 Cross-Defendants.

8 **MARIA SALAZAR, AN INDIVIDUAL,**

9 Cross-Complainant,

10 v.

11 **JAMES P. DAVITT, AN INDIVIDUAL, JORDAN  
VAN ATTA, AN INDIVIDUAL, AND DOES 1  
12 THROUGH 50, INCLUSIVE,**

13 Cross-Defendants.

14  
15 **1. Introduction.**

16 Plaintiff, The People of the State of California, filed a First Amended Complaint in Los  
17 Angeles Superior Court on June 18, 2018, against The Davitt Corporation doing business as  
18 Consumer Rights Legal Services (Defaulting Defendant) and others. The First Amended  
19 Complaint alleges that Defaulting Defendant violated the Telephone Sellers Law found at  
20 Business and Professions Code section 17512, and the False Advertising Law found at Business  
21 and Professions Code section 17500. The First Amended Complaint alleges that Defaulting  
22 Defendant's violations are unlawful or unfair business practices under the Unfair Competition  
23 Law found at Business and Professions Code section 17200. The First Amended Complaint  
24 prays for injunctive relief, restitution, monetary penalties, and costs.

25 **2. Entry of Default.**

26 Defaulting Defendant was served with the Summons and First Amended Complaint, but did  
27 not respond. The clerk entered the default of The Davitt Corporation doing business as Consumer  
28 Rights Legal Services on September 25, 2018.

05/16/2019

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Plaintiff's Application For Default Judgment.

Plaintiff filed its Application for Default Judgment by the Court Against The Davitt Corporation on January 9, 2019 (Application).

Having read and considered the Application, all papers filed in this action, and all evidence presented, and **GOOD CAUSE HAVING BEEN SHOWN, IT IS ORDERED** that Plaintiff's Application for Default Judgment Granting Permanent Injunction and other Ancillary Relief against The Davitt Corporation dba Consumer Rights Legal Services is **GRANTED**.

**PERMANENT INJUNCTIVE RELIEF**

4. Defendant The Davitt Corporation doing business as Consumer Rights Legal Services and its successors, agents, representatives, employees, and all persons who act in concert with it, is permanently enjoined and prohibited, pursuant to Business and Professions Code section 17535, from directly or indirectly making any false or misleading statements in violation of Business and Professions Code section 17500.

5. Defendant The Davitt Corporation doing business as Consumer Rights Legal Services and its successors, agents, representatives, employees, and all persons who act in concert with it, is permanently enjoined and prohibited, pursuant to Business and Professions Code section 17203, from directly or indirectly engaging in any act or practice that constitutes unfair competition in violation of Business and Professions Code section 17200.

**RESTITUTION**

6. Defendant The Davitt Corporation doing business as Consumer Rights Legal Services is jointly and severally liable to restore \$567,774 to clients of Consumer Rights Legal Services, composed of:

a) \$283,887 pursuant to Business and Professions Code sections 17203, acquired by violating Business and Professions Code section 17200; and

b) \$283,887 pursuant to Business and Professions Code section 17535, acquired by violating Business and Professions Code section 17500.

///

///

05/16/2019

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**MONETARY PENALTIES**

7. Defendant The Davitt Corporation doing business as Consumer Rights Legal Services is assessed civil penalties totaling \$625,000, composed of:

a) \$250,000 pursuant to Business and Professions Code section 17536 for violating Business and Professions Code section 17500;

b) \$250,000 pursuant to Business and Professions Code section 175206 for violating Business and Professions Code section 17200; and

c) \$125,000 pursuant to Business and Professions Code section 17206.1 for violating Business and Professions Code section 17200.

**COSTS**

10. Defendant The Davitt Corporation doing business as Consumer Rights Legal Services is order to pay to Plaintiff costs of \$250.

Dated: MAY 15 2019, 2019

*Barbara M. Schepers*  
\_\_\_\_\_  
Judge of the Superior Court  
**BARBARA M. SCHEPER**

LA2017507005



05/16/2019



I certify that this is a true and correct copy of the original on file in this office consisting of 14 pages

SHERRI R. CARTER, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles

Date: MAY 23 2019 Deputy

MANUEL GINES