

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

MAY 15 2019

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

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

[Assigned for all purposes to the Honorable  
Barbara Scheper, Department 30]

[proposed] FINAL JUDGMENT AND  
PERMANENT INJUNCTION

Against James P.  
Davitt

05/16/2019

Judgment (BC679780)

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

3 **Cross-Complainant,**

4 **v.**

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

9 **Cross-Defendants.**

10 **MARIA SALAZAR, AN INDIVIDUAL,**

11 **Cross-Complainant,**

12 **v.**

13 **JAMES P. DAVITT, AN INDIVIDUAL, JORDAN**  
14 **VAN ATTA, AN INDIVIDUAL, AND DOES 1**  
15 **THROUGH 50, INCLUSIVE,**

16 **Cross-Defendants.**

17 The People of the State of California, appearing through Attorney General Xavier  
18 Becerra, and Defendant James P. Davitt (Defendant Davitt), representing himself, having  
19 stipulated and consented to the entry of this Final Judgment and Permanent Injunction  
20 ("Judgment") without the taking of proof and without trial or adjudication of any fact or law  
21 herein, without this Judgment constituting evidence of or an admission by Defendant Davitt  
22 regarding any issue of law or fact alleged in the Complaint on file, and without Defendant Davitt  
23 admitting any liability regarding allegations of violations that occurred prior to entry of this  
24 Judgment, and the Court having considered the matter and good cause appearing:

25 **IT IS HEREBY ORDERED THAT:**

- 26 1. This Court has jurisdiction of the subject matter hereof and the parties hereto.
- 27 2. Venue is proper in this Court.
- 28 3. Nothing in this Judgment alters the requirements of federal or state law to the  
extent they offer greater protection to consumers.
4. The Court shall retain continuing jurisdiction for the purpose of enabling any party

1 to the Judgment to apply to the Court at any time for such further orders and directions as may be  
2 necessary or appropriate for the construction or the carrying out of this Judgment, for the  
3 modification of any of the injunctive provisions hereof, for enforcement of compliance herewith, or  
4 for the punishment of violations hereof, if any.

5 5. Penalties of \$250,000 (two hundred and fifty thousand) are assessed against  
6 Defendant Davitt under Business and Professions Code sections 17206 and 17206.1.

7 6. Upon the effective date of this Judgment, Defendant Davitt shall pay penalties  
8 totaling \$250,000 (two hundred and fifty thousand) to Plaintiff. Payment shall be by certified  
9 check payable to the California Department of Justice and delivered to the attention of Deputy  
10 Attorney General Richard Sintek, Office of the Attorney General, P.O. Box 85266, San Diego,  
11 California 92186-5266.

12 7. This Judgment shall have res judicata effect and shall resolve any claim by the  
13 People against Defendant Davitt that the People might have asserted based on the acts or practices  
14 described in the First Amended Complaint in this action, to the extent such acts or practices  
15 occurred before the date of this Judgment and were known to the People as of the date of this  
16 Judgment.

17 8. Defendant Davitt shall be and hereby is permanently enjoined and restrained,  
18 under California Business and Professions Code section 17203, from engaging in any of the  
19 following acts or practices:

- 20 a. Requesting or receiving payment of any fee or consideration from a person for  
21 goods or services represented to recover or otherwise assist in the return of  
22 money or any other item of value paid for by, or promised to, that person in a  
23 previous telemarketing transaction, until seven business days after that money  
24 or other item is delivered to that person;
- 25 b. Making or disseminating any false or misleading statements in connection with  
26 any telemarketing transaction.

27 9. In connection with this action, Defendant Davitt shall submit to an interview by  
28 the Attorney General's staff at such reasonable time as the staff requests upon reasonable notice.

1           10.     If any party to this Judgment brings an action to enforce any terms of this  
2 Judgment, the prevailing party shall be entitled to its reasonable costs of enforcement, including  
3 attorney fees and costs and expert witness fees.

4           11.     Except as expressly provided in this Judgment, each Party to this Judgment shall  
5 pay its own attorney fees, expert witness fees, and costs of litigation.

6           **IT IS SO HEREBY ORDERED.** The Clerk of the Court is directed to enter this  
7 Judgment forthwith.

8           Dated: MAY 15 2019, 2019

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

10           LA2017507005



05/16/2019



I certify that this is a true and correct copy of the  
original on file in this office consisting of 16 pages

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

MAY 23 2019

Date: \_\_\_\_\_ Deputy

MANUEL GINES