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FILED
Superior Court of California
County of Los Angeles

MAY 15 2019

Sherri R. Carter, Executive Officer/Clerk
By:  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

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

**[proposed] JUDGMENT AGAINST
MARIA SALAZAR**

05/16/2019

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 Maria Salazar (Defendant Salazar), appearing through her attorney,
19 Samuel J. Smith, having stipulated and consented to the entry of this Judgment without the taking
20 of proof and without trial or adjudication of any fact or law herein, without this Judgment
21 constituting evidence of or an admission by Defendant Salazar regarding any issue of law or fact
22 alleged in the Complaint on file, and without Defendant Salazar admitting any liability regarding
23 allegations of violations that occurred prior to entry of this Judgment, and the Court having
24 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

05/16/2019

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. Defendant Salazar shall pay penalties of \$10,800 (ten thousand and eight hundred)
6 to Plaintiff under Business and Professions Code section 17206. Payment shall be made at the rate
7 of \$1,200 (one thousand and two hundred) per year for nine (9) years as follows:

8 a. Defendant Salazar shall pay the first installment of \$1,200 on or before July 1,
9 2019. The eight remaining installment payments of \$1,200 are due on or before July 1st of
10 each successive year until 2027.

11 b. The outstanding balance becomes immediately due and payable upon Defendant
12 Salazar's death or if any installment payment is more than thirty (30) days late. The
13 penalties do not accrue interest unless and until Defendant Salazar is more than thirty (30)
14 days late with her installment payment. If any payment is more than thirty (30) days late,
15 the People may collect the remaining amount due, including interest at the statutory rate,
16 running from the payment due date, as well as any costs associated with enforcement of the
17 Judgment.

18 c. All penalty payments shall be made payable to the California Department of
19 Justice and mailed to the Accounting Cashier, California Department of Justice, 1300 I
20 Street, Sacramento, CA 9184. Each check shall bear on its face the Attorney General
21 docket number of this case, LA2017507005. A photocopy of each check shall be sent at the
22 same time to W. Richard Sintek, Office of the Attorney General, P.O. Box 85266, San
23 Diego, CA 92186-5266.

24 6. This Judgment shall have res judicata effect and shall resolve any claim by the
25 People against Defendant Salazar that the People might have asserted based on the acts or practices
26 described in the First Amended Complaint in this action, to the extent such acts or practices
27 occurred before the date of this Judgment and were known to the People as of the date of this
28 Judgment.

1 7. Defendant Salazar shall be and hereby is permanently enjoined and restrained,
2 under California Business and Professions Code section 17203, from engaging in any of the
3 following acts or practices:

4 a. Requesting or receiving payment of any fee or consideration from a person for goods or
5 services represented to recover or otherwise assist in the return of money or any other item of value
6 paid for by, or promised to, that person in a previous telemarketing transaction, until seven business
7 days after that money or other item is delivered to that person; and

8 b. Making or disseminating any false or misleading statements in connection with
9 any telemarketing transaction.

10 8. In connection with this action, Defendant Salazar shall submit to an interview by
11 the Attorney General's staff at such reasonable time as the staff requests upon reasonable notice.

12 9. If any party to this Judgment brings an action to enforce any terms of this
13 Judgment, the prevailing party shall be entitled to its reasonable costs of enforcement, including
14 attorney fees and costs and expert witness fees.

15 10. Except as expressly provided in this Judgment, each party to this Judgment shall
16 pay its own attorney fees, expert witness fees, and costs of litigation.

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

19 Dated: MAY 15 2019 , 2019

Barbara M. Scheper

Judge of the Superior Court
BARBARA M. SCHEPER

22 LA2017507005

05/16/2019

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