

DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	DATE FILED: September 14, 2016 10:17 AM CASE NUMBER: 2015CV33628 <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p> Case Number: 2015CV33628 Division: 409 Courtroom:
Plaintiff(s) JULIE ANN MEADE ADMIN UCCC v. Defendant(s) MGMT SOLUTION LLC et al.	
Order Regarding Plaintiff's Motion for Default Judgment Against All Defendants (Monetary & Injunctive Relief)	

The motion/proposed order attached hereto: SO ORDERED.

Issue Date: 9/14/2016



MICHAEL JAMES VALLEJOS
 District Court Judge

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202</p> <p>JULIE ANN MEADE, ADMINISTRATOR, UNIFORM CONSUMER CREDIT CODE,</p> <p>Plaintiff,</p> <p>v.</p> <p>MANAGEMENT SOLUTION, LLC; WILLIAM W. MCKIBBIN, III; KEVIN L. CRONIN; and MARK E. WEINER (individuals collectively d/b/a CAR LOAN, LLC; AUTOLOANS, LLC; and LOAN SERVICING SOLUTIONS, LLC),</p> <p>Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>CYNTHIA H. COFFMAN, Attorney General DAVID B. SHAW, #40453 Assistant Attorney General* Ralph L. Carr Colorado Judicial Center 1300 Broadway, 6th Floor Denver, Colorado 80203 Telephone: 720-508-6110 Email: david.shaw@coag.gov *Counsel of Record</p>	<p>Case No.: 15CV33628</p> <p>Courtroom No.: 409</p>
<p>PROPOSED ORDER RE: PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AGAINST ALL DEFENDANTS (MONETARY AND INJUNCTIVE RELIEF)</p>	

This matter comes before the Court on Plaintiff's Complaint ("Complaint") and Plaintiff's Motion for Default Judgment Against All Defendants ("Default Motion") and the attachments thereto. The Court, being fully advised in the premises, makes the following findings and enters the following judgment:

1. The Court finds that Defendants were properly served with the Complaint and summons, and are in default for failing to answer or respond within the required time.
2. Venue is proper pursuant to C.R.S. § 12-14-135.

3. No individual Defendant is a minor, incompetent or incapacitated, an officer or agents of the State of Colorado, or in the military service. Likewise, Defendant Management Solution, LLC is not an agency of the State of Colorado.

4. The allegations against Defendants in the Complaint are deemed admitted.

5. There being no responsive pleading filed by the Defendants in this matter, and upon review of the Complaint, the Default Motion, and affidavits and exhibits attached thereto, the remedies sought by Plaintiff in this matter are provided by law, and sufficient evidence exists for the entry of relief in this matter as requested by Plaintiff.

6. Based on the foregoing, there is no just reason to delay entering judgment against Defendants, and Plaintiff is entitled to injunctive and monetary relief.

THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Court has jurisdiction over Defendants and the subject matter of this action.

2. A permanent injunction shall enter in this matter, pursuant to the following terms under C.R.S. § 5-6-111:

Defendants and any officers, directors, agents, servants, attorney, heirs, successors, or assigns of Defendants are hereby immediately and permanently restrained, enjoined, and ordered as follows:

- a. Defendants may not, directly or indirectly, make or collect on supervised loans they previously issued or took assignment from Sovereign without securing a license from the Administrator;
- b. Defendants may not, directly or indirectly, make or collect on any new supervised loans in the future without securing a license from the Administrator;
- c. Defendants must release all liens arising from Defendants' supervised loans or loans assigned from Sovereign, including those set forth in the DMV spreadsheets attached to the Default Motion;
- d. Defendants must return title to any consumer's vehicle in Defendants' name to the consumer, including those set forth in the DMV spreadsheets;

- e. Defendants must otherwise cease any of the UCCC violations described in the *Complaint* and any other UCCC violations in the future.

3. In addition, pursuant C.R.S. § 5-6-114, the Court enters judgments in Plaintiff's favor against Defendants jointly and severally in the amount of \$822,135.16, which represents:

- a. \$24,739.01 in restitution¹, derived as follows based on the direct testimony and exhibits thereto presented at the hearing on relief:

Amber Barthel - \$10,596.78;
Mary Creach - \$2,100.00;
Luisa Cusimano - \$5,236.09;
Terri Gorden - \$770.00;
Jo Anne Grammond - \$1,338.08;
Tracey Melton - \$1,366.86;
Michael Pfifer - \$7,206.25;
Kathryn Sawicki - \$1,527.00;
Kathleen Trujillo - \$1,200.90.

- b. a \$335,000 penalty for issuing 335 illegal title loans (\$1,000 per violation);
- c. a \$247,390.10 penalty for deliberate or reckless disregard for the Uniform Consumer Credit Code (10 times the restitution amount) due to refusing to refund excess charges when requested by Plaintiff; and
- d. a \$5,000 penalty for engaging in repeated and willful violations as evidenced by the number of loans and their terms.

4. Furthermore, pursuant to C.R.S. § 5-6-114(3), the Court awards Plaintiff her reasonable attorney fees and costs as the prevailing party. Specifically, based on the records submitted by counsel, the Court awards Plaintiff \$36,311.53 in legal fees and \$7,904.68 in costs.

¹ As was made clear during the hearing, only payments from consumers after April 12, 2014 were included in the restitution amount because payments before that date were made to Sovereign Lending, which is not a party to this proceeding. All payments included in restitution were made to Defendants.

5. All of these judgments will bear statutory interest until satisfied, and constitute final judgments in favor of Plaintiff against Defendants as of the date of this judgment. The clerk shall enter judgment in the Register of Actions pursuant to C.R.C.P. 79(a).

Dated this ____ day of _____.

BY THE COURT:

DISTRICT COURT JUDGE

Attachment to Order - 2015 CV 33628