

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 19CV011796

STATE OF NORTH CAROLINA *ex rel.*)
JOSHUA H. STEIN, Attorney General,)
)
Plaintiff,)



v.)

JOHN JACKSON, d/b/a)
Appliance Maxx, Appliance Max LLC,)
Professional Appliance Service,)
Rapid Response Appliance Repair,)
All Seasons Refrigeration Heating &)
Cooling, and Star Appliance & HVAC)
LLC; and)
STAR APPLIANCE & HVAC LLC,)
)
Defendants)

JUDGMENT BY DEFAULT

PURSUANT TO RULE 55 OF THE NORTH CAROLINA RULES OF CIVIL

PROCEDURE, the undersigned Judge, presiding over the February 10, 2020 civil session of Wake County Superior Court, grants the Motion for Judgment by Default of Plaintiff State of North Carolina *ex rel.* Joshua H. Stein, Attorney General, against Defendants John Jackson and Star Appliance & HVAC LLC.

I. PARTIES

1. The Plaintiff in this case is the State of North Carolina, acting through its Attorney General, Joshua H. Stein, pursuant to authority granted in Chapters 75 and 114 of the North Carolina General Statutes to protect the consuming public from unlawful business practices.

2. The Defendants in this case are John Jackson and Star Appliance & HVAC LLC (collectively “Defendants”).

II. FINDINGS OF FACT

3. The State filed its Complaint, Motion for Temporary Restraining Order and Motion for Preliminary Injunction, with supporting affidavits, on August 28, 2019.

4. In its Complaint, the State alleged that Defendants engaged in trade and commerce affecting consumers within the meaning of the North Carolina Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. § 75-1.1 *et seq.* The State further alleged that Defendants engaged in misleading and deceptive practices in violation of N.C. Gen. Stat. § 75-1.1, *et seq.* The State sought a permanent injunction, restitution, civil penalties, and other equitable relief against Defendants, alleging that Defendants' unlawful acts and practices included, but were not limited to, the following:

- (a) knowingly and intentionally taking money from consumers for nonexistent repair of appliances;
- (b) taking money from consumers for the purchase of a part or parts, when, upon information and belief, no parts were ever purchased;
- (c) failing to refund consumers' deposits even though Defendants did no work and, upon information and belief, did not purchase any parts;
- (d) making false promises that the contractually-promised work would eventually be completed;
- (e) making false promises that the consumer's deposit would be returned;
- (f) making numerous excuses for the failure to return to actually repair the appliance, which, upon information and belief, were false;

- (g) using multiple business names and personal aliases for the purpose of deceiving consumers, as consumers exercised due diligence in trying to select a reputable repair technician;
- (h) installing incorrect parts in consumers' appliances; and
- (i) systematically soliciting consumers, via various Internet sites, for an appliance repair business that Jackson operated solely as a means to take money from consumers without performing any real service.

5. On September 3, 2019, pursuant to N.C. Gen. Stat. § 75-14, Superior Court Judge Paul Ridgeway granted the State's Motion for a Temporary Restraining Order ("TRO") against Defendants. Among other provisions, the TRO enjoined Defendants from offering and performing appliance repair services.

6. On September 9, 2019, pursuant to N.C. Gen. Stat. § 75-14, Superior Court Judge Andrew Heath entered an order granting the State's Motion for a Preliminary Injunction against Defendants, enjoining Defendants from, *inter alia*, offering and performing appliance repair services.

7. On January 2, 2020, pursuant to N.C. Rule of Civil Procedure 55(a), the Wake County Clerk of Court entered an Entry of Default against Defendants upon the State's Motion for Entry of Default.

8. On January 6, 2020, the State filed a Motion for Judgment by Default with this Court, moving that this Judgment by Default be granted, pursuant to Rule 55(b)(2) of the North Carolina Rules of Civil Procedure.

III. CONCLUSIONS OF LAW

9. Defendants have at all relevant times resided and conducted business in the State

of North Carolina.

10. This Court has jurisdiction over the parties and the subject matter of this action.

11. Defendants were properly served process in accordance with N.C.R. Civ. P. 4. and N.C. Gen. Stat. § 1-75.10(a)(2).

12. Defendants have failed to file an answer to the Complaint filed on August 28, 2019, and thus, all of the allegations made by the State in the Complaint are deemed admitted.

13. From the record in this case, the State has made a sufficient showing that Defendants have engaged in unfair and deceptive practices in violation of the North Carolina Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. § 75-1.1, *et seq.*

14. Defendants have failed to plead or to appear in this action, and are subject to a Judgment by Default as provided by N.C. Rule of Civil Procedure 55(b)(2).

15. The Complaint states a claim upon which relief may be granted. The conduct alleged in the Complaint is in or affecting commerce.

16. Defendants are not infants, or incompetent persons, or otherwise under a disability.

17. Defendants are liable to the State for the relief requested by reason of the facts shown in the Complaint filed in this action.

18. This Court concludes that good and sufficient cause exists for entry of this Judgment by Default, pursuant to N.C. Gen. Stat. § 75-1, *et seq.* and N.C. Rule of Civil Procedure 55(b).

IV. PERMANENT INJUNCTIVE RELIEF

IT IS THEREFORE ORDERED that Defendants and/or their businesses, agents, employees, and corporate successors or assigns, and any persons acting in concert with them are

hereby permanently restrained and enjoined from engaging in acts and practices prohibited by North Carolina's Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. § 75-1.1 *et seq.* Further, Defendants and such entities and/or persons are hereby permanently restrained and enjoined from the following:


- (1) performing or purporting to perform appliance repair services;
- (2) advertising, offering, or soliciting business for the purpose of performing or purporting to perform appliance repair services;
- (3) engaging in the acts and practices listed in subparagraphs (a) through (i) of paragraph 4 above; and
- (4) collecting payment from consumers, directly or indirectly, for any appliance repair services, including payment for appliance parts.

V. MONETARY RELIEF

IT IS FURTHER ORDERED that Plaintiff State of North Carolina, pursuant to N.C. Gen. Stat. § 75-15.1, *et seq.*, shall have and recover consumer restitution from Defendants, in the amount of \$12,658.36, as set forth in Attachment A to this Judgment by Default;

IT IS FURTHER ORDERED that Plaintiff State of North Carolina, pursuant to N.C. Gen. Stat. § 75-15.2, shall have and recover from Defendants a civil penalty of five thousand dollars (\$5,000.00) for each violation of the Unfair and Deceptive Trade Practices Act, in the amount of \$110,000.00, as set forth in Attachment B to this Judgment by Default.

SO ORDERED, this the 10th day of February 2020 at 11:07 a.m.



Hon.
SUPERIOR COURT JUDGE

ATTACHMENT A

State v. John Jackson et al., 19 CV 011796

Complainant Name	Restitution (Amount Lost)
1 Anderton, Shaunna	\$285.00
2 Banks, Shawntoya	\$411.00
3 Barry, Elizabeth	\$325.15
4 Blakely, Herlicia	\$289.99
5 Briggs, Colleen	\$943.84
6 Carroll, George	\$0.00
7 Cates, Donnell	\$861.14
8 Chatham, Emily	\$400.00
9 Creighton, Debra	\$0.00
10 Eddy, Matilda	\$2,827.67
11 Hamilton, Richard	\$495.00
12 Harsh, Joshua	\$254.77
13 Jacomb, Hillary	\$379.20
14 Reese, Delores	\$712.00
15 Rice, Lister Daniel	\$518.24
16 Rissberger, Kathleen	\$328.25
17 Smithson, Beth	\$1,466.51
18 Szabo, David	\$300.00
19 Ventura, Carmela	\$426.60
20 Ward, Pamela	\$1,045.61
21 Whiteside, Tami	\$99.99
22 Zales, David	\$288.40
TOTAL	\$12,658.36

ATTACHMENT B

State v. John Jackson et al., 19 CV 011796

Complainant Name	Civil Penalties
1 Anderton, Shaunna	\$5,000.00
2 Banks, Shawntoya	\$5,000.00
3 Barry, Elizabeth	\$5,000.00
4 Blakely, Herlicia	\$5,000.00
5 Briggs, Colleen	\$5,000.00
6 Carroll, George	\$5,000.00
7 Cates, Donnell	\$5,000.00
8 Chatham, Emily	\$5,000.00
9 Creighton, Debra	\$5,000.00
10 Eddy, Matilda	\$5,000.00
11 Hamilton, Richard	\$5,000.00
12 Harsh, Joshua	\$5,000.00
13 Jacomb, Hillary	\$5,000.00
14 Reese, Delores	\$5,000.00
15 Rice, Lister Daniel	\$5,000.00
16 Rissberger, Kathleen	\$5,000.00
17 Smithson, Beth	\$5,000.00
18 Szabo, David	\$5,000.00
19 Ventura, Carmela	\$5,000.00
20 Ward, Pamela	\$5,000.00
21 Whiteside, Tami	\$5,000.00
22 Zales, David	\$5,000.00
TOTAL	\$110,000.00