

FILED

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 22 CVS 3370

2023 JAN 25 PM 2:12

WAKE CO., N.C.

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

Plaintiff,

v.

CHRISTOPHER DILLARD, individually and
d/b/a "Dillard Timber, LLC,"

Defendant.

JUDGMENT BY DEFAULT

THIS MATTER comes before the undersigned Superior Court Judge upon Plaintiff's Motion for Judgment by Default. Pursuant to Rule 55(b)(2) of the North Carolina Rules of Civil Procedure, and based upon the record in this matter, this Court grants Plaintiff's Motion, makes the following findings of fact and conclusions of law, and enters judgment by default against Defendant as described below.

PROCEDURAL BACKGROUND

1. This is an action by Plaintiff against Defendant for violating North Carolina's Unfair or Deceptive Acts or Practices Act, N.C.G.S. § 75-1.1 *et seq.*
2. Plaintiff is the State of North Carolina, by and through its Attorney General, Joshua H. Stein, acting pursuant to authority granted in Chapters 75 and 114 of the North Carolina General Statutes.
3. Defendant Christopher Dillard is a resident of Robeson County, North Carolina, and lives at 909 Glenn Street, Lumberton, North Carolina, 28358.

4. On March 17, 2022, Plaintiff filed its Complaint with this Court and served a Summons and copy of its Complaint on Defendant.

5. Defendant failed to file or serve an answer or other responsive pleading to the Complaint within the time required by law.

6. On April 27, 2022, Plaintiff filed and served a motion for entry of default against the Defendant.

7. The Clerk of Court entered default against Defendant on April 28, 2022.

8. Plaintiff served a copy of the Entry of Default on Defendant on May 3, 2022.

9. On December 13, 2022 Plaintiff filed and served a Motion for Judgment by Default, moving that judgment by default be granted against Defendant pursuant to Rule 55(b)(2) of the North Carolina Rules of Civil Procedure.

10. Plaintiff's Motion contains a notice, pursuant to Rule 55(b)(2)(b), that the Motion may be decided by the Court without a hearing, in the Court's discretion, if Defendant fails to file and serve a written response stating his grounds for opposing the Motion within 30 days of service of the Motion.

11. More than 30 days have elapsed since Plaintiff served its Motion on Defendant and Defendant has failed to file and serve a written response stating his grounds for opposing the Motion.

FINDINGS OF FACT

Based upon the record in this matter, this Court makes the following findings of fact:

12. Defendant has failed to file or serve a response to Plaintiff's Complaint, has not filed or served a response to the motion for entry of default or the entry of default, and has not otherwise appeared in this action.

13. Defendant is in default in this action.

14. This matter is ripe for judgment.

15. Defendant engaged in unfair and deceptive acts and practices in violation of Chapter 75, as described in Plaintiff's Complaint.

16. Defendant's unfair and deceptive acts and practices were in or affecting commerce.

17. Defendant is not an infant, incompetent person, or otherwise under a disability.

18. Defendant's Chapter 75 violations were knowing and willful.

19. Defendant caused significant financial harm to his victims.

20. Herman Rodger Hall and Mary Alice Hall were victims of Defendant's unfair and deceptive acts and practices and suffered financial harm from Defendant in the amount of \$5,368.06.

21. Defendant has admitted in sworn testimony, and this Court previously found, that Defendant deceived his customers.

22. Defendant engaged in unfair or deceptive acts or practices over a long period of time, from at least 2017 until early 2021.

23. Defendant's actions affected multiple victims.

24. Defendant has not taken corrective action to reimburse his victims for their financial losses.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact and other matters of record in this action, this Court makes the following conclusions of law.

25. This Court has subject matter jurisdiction over this action and personal jurisdiction over Defendant.

26. As a result of Defendant's default, the substantive allegations in Plaintiff's Complaint are deemed admitted by Defendant.

27. The substantive allegations in Plaintiff's Complaint state a claim against Defendant for unfair or deceptive acts or practices in violation of Chapter 75, including, but not limited to:

- a. Unfairly and deceptively advertising and representing to consumers that he was the owner and operator of "Dillard Timber, LLC" and that his company performed logging, milling, and other timber services;
- b. Unfairly and deceptively advertising and representing to consumers that he would pay landowners top prices for their timber;
- c. Unfairly and deceptively using a non-standard unit of measurement for timber in his contracts to create the impression that he was paying fair prices for timber when he was actually paying well below market rates;
- d. Unfairly failing to complete the timber services promised to consumers with whom he contracted;

- e. Unfairly failing to respond to complaints from consumers about timber services performed under his contracts with these consumers;
- f. Unfairly failing to pay consumers a fair market rate for timber harvested from their land; and
- g. Unfairly failing to pay consumers for all timber harvested from their land.

28. Defendant is liable to Plaintiff under Chapter 75 for his unfair and deceptive acts and practices described in Plaintiff's Complaint.

29. The relief against Defendant prayed for in Plaintiff's Complaint is just, reasonable, and appropriate.

30. Plaintiff is entitled to the relief prayed for in its Complaint against Defendant, including: (1) permanent injunctive relief, (2) restitution to Defendant's victims, and (3) civil penalties.

THEREFORE, this Court GRANTS Plaintiff's Motion for Judgment by Default, ENTERS judgment against Defendant, and ORDERS:

1. That Defendant, together with his agents, employees, representatives, successors and assigns, and any person or entity acting under Defendant's direction or control, is permanently enjoined from:

- a. Engaging in the timber business, including timber finding, logging, buying, milling, or any other business pursuit in the timber industry; and

b. Advertising or soliciting customers for timber services, including timber services to be performed by third parties.

2. That Defendant pay Plaintiff consumer restitution for the benefit of Herman Roger Hall and Mary Alice Hall in the amount of \$5,368.06;

3. That Defendant pay civil penalties to Plaintiff in the amount of \$5,000;
and

4. That the costs of this action be taxed to Defendant.

SO ORDERED, this the 25 day of January, 2023.



Superior Court Judge Presiding
Wake County, North Carolina