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Office of Consumer Protection
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Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,)	CIVIL NO. 13-1-1576-05 RAN
)	(Other Civil Action)
)	
Plaintiff,)	
)	FINAL JUDGMENT AND PERMANENT
)	INJUNCTION IN FAVOR OF PLAINTIFF
vs.)	AND AGAINST DEFENDANTS
)	FRANCHA SERVICES, LLC AND EDNA
)	A. FRANCO
FRANCHA SERVICES, LLC and EDNA A. FRANCO,)	
)	Trial Date: None
Defendants.)	
)	

**FINAL JUDGMENT AND PERMANENT INJUNCTION
IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANTS
FRANCHA SERVICES, LLC AND EDNA A. FRANCO**

Final Judgment and Permanent Injunction in favor of Plaintiff State of Hawaii Office of Consumer Protection (hereinafter "State") and against Defendants Francha Services, LLC and Edna A. Franco (hereinafter collectively "Defendants") as to all Counts in the Complaint be and are hereby entered as follows:

This Court has jurisdiction over this matter and the parties hereto pursuant to Haw. Rev. Stat. Chapters 480, 487 and 603 and venue is proper herein.

The State is a government agency charged with enforcing consumer protection laws in the State of Hawaii, including but not limited to Haw. Rev. Stat. Chapters 480 and 480E.

Defendant Francha Services, LLC (hereinafter "Francha Services") is a Hawaii limited liability company with its principal place of business in the County of Hawaii, State of Hawaii.

Defendant Edna A. Franco (hereinafter "Franco") is the sole member/manager of Francha Services and a resident of the County of Hawaii, State of Hawaii.

The State's Complaint, filed herein on March 8, 2012, states claims against Defendants upon which relief may be granted pursuant to Haw. Rev. Stat. Chapters 480 and 480E.

Pursuant to the Court's Findings of Fact, Conclusions of Law and Order Granting in Part and Denying in Part Plaintiff's Motion for Sanctions, Attorney's Fees and Costs Against Defendants Francha Services, LLC, Edna A. Franco and Attorney Harry Eliason, filed herein on September 26, 2013 (hereinafter "Sanction Order"), default judgment and permanent injunction in favor of the State and against Defendants was granted.

Pursuant to the Courts' Order Granting Plaintiff's Motion for Entry of Final Judgment, the Court has received sufficient evidence to determine the number of violations committed by Defendants and the amount of non-compensatory civil fines, restitution and prejudgment interest to assess herein.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

As to Count III of the Complaint regarding the State's claim for injunctive relief, judgment is entered in favor of the State and against Defendants. Defendants, their officers, agents, servants, employees, attorneys and those persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise, be and are hereby permanently restrained and enjoined from any of the following:

1. Owning or operating any business in the State of Hawaii until such time as any and all restitution, prejudgment interest and civil penalties entered herein have been fully paid.

2. Engaging in any act or course of conduct in violation of Haw. Rev. Stat. Chapter 480E, including but not limited to:

a. Acting as a "distressed property consultant," and/or engaging in any "distressed property consultant contracts" as those terms are defined in Haw. Rev. Stat. § 480E-2;

b. Taking, asking for, claiming, demanding, charging, collecting, or receiving of any compensation until after the Defendants have fully performed each service they contracted to perform or promised to perform; and

c. Engaging in any other act or course of conduct in violation of Haw. Rev. Stat. Chapter 480E.

3. Engaging in any act or course of conduct in violation of Haw. Rev. Stat. § 480-2(a), including but not limited to:

- a. Making or disseminating any misleading or deceptive representations, whether orally or in writing and whether overtly or by implication or omission, including but not limited to distributing business cards or any other documentation with the phrase "SAVE YOUR HOME NOW" printed on them; and
 - b. Engaging in any other act or course of conduct in violation of HRS § 480-2(a).
4. Engaging in any other act or course of conduct as a "distressed property consultant" as the term is defined in Haw. Rev. Stat. § 480E-2, in violation of any other applicable state or federal law.
5. Effecting any change in their products, services, form of doing business or organizational identity for the purpose of avoiding the injunctive terms of this final judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

As to Counts I and II of the Complaint and with respect to the State's claim for restitution, judgment is entered in favor of the State and against Defendants, jointly and severally, in the following principal amounts:

<u>CONSUMER NAME:</u>	<u>RESTITUTION AMOUNT:</u>
Elsa Acoba	\$2,500.00
Estrella Agapay	\$2,500.00
Marjory Bumatay	\$24,150.00
Mila Burcena	\$2,500.00
Young Hwa Jahja Chun	\$0.00

Ruth Diaz	\$1,500.00
Kim Sa Thi Do	\$10,000.00
Cesar Dulay	\$24,183.34
Carmelita Valdez-Mier	\$11,500.00
Adelaide Pascual	\$7,500.00
Ofelia Pascual	\$6,250.00
Amante Pagatpatan	\$1,500.00
Maryann Pugal	\$5,500.00
Nema Rabino	\$2,550.00
Lorelei Sakugawa	\$13,000.00
Filegrina Tolentino	\$5,000.00
Marie Valencia	\$5,000.00
<u>TOTAL</u>	<u>\$125,133.34</u>

As to Counts I and II of the Complaint and with respect to the State's claim for pre-judgment interest, judgment is entered in favor of the State and against Defendants, jointly and severally, in the following principal amounts:

<u>CONSUMER NAME:</u>	<u>PREJUDGMENT INTEREST:</u>
Elsa Acoba	\$917.14
Estrella Agapay	\$958.33
Marjory Bumatay	\$8,512.25
Mila Burcena	\$786.81
Young Hwa Jahja Chun	\$170.83
Ruth Diaz	\$564.58

Kim Sa Thi Do	\$3,672.78
Cesar Dulay	\$8,562.89
Carmelita Valdez-Mier	\$3,861.11
Adelaide Pascual	\$2,567.78
Ofelia Pascual	\$2,012.39
Amante Pagatpatan	\$587.08
Maryann Pugal	\$1,848.47
Nema Rabino	\$950.46
Lorelei Sakugawa	\$4,509.86
Marie Valencia	\$1,607.64
Filegrina Tolentino	\$1,595.14
<u>TOTAL</u>	<u>\$43,514.71</u>

With respect to the State's claim for non-compensatory civil penalties against Defendant Francha Services, LLC in all related counts, judgment is entered in favor of the State and against Defendant Francha Services in the amount of \$170,000.00.

With respect to the State's claim for non-compensatory civil penalties against Defendant Franco in all related counts, judgment is entered in favor of the State and against Defendant Franco in the amount of \$170,000.00.

Pursuant to the Court's Sanction Order, judgment is entered in favor of the State and against Defendant Franco and her former attorney Harry Eliason, jointly and severally, for attorney's fees and costs in the additional amount of \$1,157.20.

Pursuant to the Court's Supplemental Findings of Fact, Conclusions of Law and Order Granting Plaintiff's Motion for Civil Contempt of Court Against Defendant Franco,

judgment is entered in favor of the State and against Defendant Franco for non-compensatory civil fines in the additional amount of \$533,000.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

As set forth above, because all claims have been resolved, this final judgment fully and finally adjudicates all claims pled in the case. No claims remain against any party. Any remaining claims, and/or parties be and are hereby dismissed.

Pursuant to and in accordance with Haw. R. Civ. P. Rule 58, this judgment is intended to be a final judgment for all purposes, including appeal.

Dated: Wailuku, Hawaii: _____.

THE HONORABLE RHONDA I.L. LOO
Judge of the above entitled court

APPROVED AS TO FORM:

EDNA A. FRANCO
Defendant, *pro se*, and Sole Member/Manager
of Francha Services, LLC

HARRY ELIASON, individually

State v. Francha Services, LLC and Edna A. Franco, Civil No. 12-1-0247 (1), FINAL JUDGMENT AND PERMANENT INJUNCTION IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANTS FRANCHA SERVICES, LLC AND EDNA A. FRANCO

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Defendant Edna A. Franco (hereinafter "Franco") is the sole member/manager of Francha Services and a resident of the County of Hawaii, State of Hawaii.

The State's Complaint, filed herein on March 8, 2012, states claims against Defendants upon which relief may be granted pursuant to Haw. Rev. Stat. Chapters 480 and 480E.

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- a. Acting as a "distressed property consultant," and/or engaging in any "distressed property consultant contracts" as those terms are defined in Haw. Rev. Stat. § 480E-2;

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- a. Making or disseminating any misleading or deceptive representations, whether orally or in writing and whether overtly or by implication or omission, including but not limited to distributing business cards or any other documentation with the phrase "SAVE YOUR HOME NOW" printed on them; and
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5. Effecting any change in their products, services, form of doing business or organizational identity for the purpose of avoiding the injunctive terms of this final judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

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<u>TOTAL</u>	<u>\$125,133.34</u>

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Dated: Wailuku, Hawaii: _____.

THE HONORABLE RHONDA I.L. LOO
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