

FILED
10/12/12 PM 3:00
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8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 STATE OF ARIZONA, *ex rel.* THOMAS C.
HORNE, Attorney General,

11 Plaintiff,

12 vs.

13 SUN VALLEY TOWING, LLC;
14 KUNSELMAN INDUSTRIES, LLC;
TIMOTHY WAYNE KUNSELMAN and
15 ROSEMARY R. KUNSELMAN, husband and
wife,

16 Defendants.
17

Case No. CV2012-007203

**DEFAULT JUDGMENT AS TO
DEFENDANTS SUN VALLEY
TOWING, LLC and KUNSELMAN
INDUSTRIES, LLC**

(Assigned to the Honorable
George H. Foster, Jr.)

(Default Hearing Assigned to Commissioner
Benjamin E. Vatz)

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19 This matter having come before the Court on the State's Motion for Default
20 Judgment, and the Court having reviewed the pleadings of record and having conducted a
21 hearing on October 3, 2012 on the issue of relief to be awarded to the State, and being fully
22 advised in the premises, finds that Defendants Sun Valley Towing LLC and Kunselman
23 Industries, LLC were regularly served with process, that the above-named Defendants are
24 neither infants nor incompetent, and that the State is entitled to affirmative relief against the
25 above-named Defendants as specified herein.
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1 Based on the foregoing findings, and good cause appearing therefore:

2 IT IS ORDERED, ADJUDGED AND DECREED:

3 1. Pursuant to A.R.S. § 44-1528(A), Defendants Sun Valley Towing, LLC and
4 Kunselman Industries, LLC, and their managers, members, agents, servants, employees,
5 attorneys, successors and assigns, (in their capacity of serving as managers, members,
6 agents, servants, employees, attorneys, successors and assigns), are permanently enjoined
7 from engaging in, directly or indirectly, the trade or occupation of towing, vehicle repair,
8 vehicle sales and vehicle service in the State of Arizona.

9 2. Pursuant to A.R.S. § 44-1528(A), Defendants Sun Valley Towing, LLC and
10 Kunselman Industries, LLC, and their managers, members, agents, servants, employees,
11 attorneys, successors and assigns, (in their capacity of serving as managers, members,
12 agents, servants, employees, attorneys, successors and assigns), are permanently enjoined
13 from engaging in a trade or occupation requiring registration as a tow truck company with
14 the Arizona Department of Public Safety or a tow truck permit issued by the Arizona
15 Department of Public Safety as set forth in A.R.S. § 28-1108, as it is currently written or as
16 amended in the future.

17 3. Pursuant to A.R.S. § 44-1528(A), Defendants Sun Valley Towing, LLC and
18 Kunselman Industries, LLC shall comply with the Arizona Consumer Fraud Act, A.R.S. §
19 44-1521, *et seq*, as it is currently written, or as amended in the future.

20 4. Pursuant to A.R.S. § 44-1528(A)(2), the State is awarded judgment against
21 Defendants Sun Valley Towing, LLC and Kunselman Industries, LLC, jointly and severally,
22 in the amount of \$67,580.59, with interest thereon at the statutory rate of 4.25 percent (or
23 the statutory rate if different) per annum until paid, as restitution.

24 5. Pursuant to A.R.S. § 44-1531, the State is awarded judgment against
25 Defendants Sun Valley Towing, LLC and Kunselman Industries, LLC, jointly and severally,
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1 in the amount of ~~\$620,000.00~~ ^{\$610,000.00}, with interest thereon at the statutory rate of 4.25 percent (or
2 the statutory rate, if different) per annum until paid, as civil penalties.

3 6. Pursuant to A.R.S. § 44-1534, the State is awarded judgment against
4 Defendants Sun Valley Towing, LLC and Kunselman Industries, LLC, jointly and severally,
5 in the amount of \$9001.50, with interest thereon at the statutory rate of 4.25 percent (or the
6 statutory rate, if different) per annum until paid, as attorney's fees and costs.

(M)

7 7. The State shall allocate payments received pursuant to this Judgment first to
8 restitution, then to attorney's fees and costs, and then to civil penalties until the total
9 judgment amount of ~~\$620,000.00~~ ^{\$610,582.09} (plus any interest thereon) is reached.

10 8. Any amounts received for restitution that cannot be distributed within six
11 months of the receipt of payment shall revert to the Consumer Protection – Consumer Fraud
12 Revolving Fund, established pursuant to A.R.S. § 44-1531.01.

13 9. Jurisdiction is retained by this Court for the purpose of enabling any of the
14 parties to this proceeding to apply to this Court for any other such further orders and
15 directions as may be necessary and appropriate for the enforcement of, or compliance with,
16 this Judgment, and to grant such other relief as the Court may deem necessary and just.

17 There being no just reason for delay, the Clerk of the Court is hereby directed,
18 pursuant to A.R.C.P. 54(b) to enter this Judgment forthwith.

19 DATED this 12th day of ~~August~~ ^{Oct.}, 2012.

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JUDGE OF THE SUPERIOR COURT
HONORABLE BENJAMIN E. VATZ