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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.* MARK  
11 BRNOVICH, Attorney General,

12 Plaintiff,

13 v.

14 EB WORLDWIDE, LLC, a Texas limited  
15 liability company; and GEORGE A.  
16 BARRAGAN and SONIA M. BARRAGAN,  
17 husband and wife,

18 Defendants.

Case No: CV2018-009542

**DEFAULT JUDGMENT AS TO  
DEFENDANTS EB WORLDWIDE,  
LLC, GEORGE BARRAGAN, AND  
SONIA BARRAGAN.**

19 This matter came before the Court on the Rule 55(b)(2) Motion for Entry of  
20 Default Judgment Against Defendants EB Worldwide, LLC, George Barragan, and  
21 Sonia Barragan filed by Plaintiff State of Arizona, *ex rel.* Mark Brnovich, Attorney  
22 General (the "State"). The Court received and considered the pleadings of record, and  
23 the declarations submitted by the State in connection therewith. The Court finds as  
24 follows:

- 25 (i) Defendant EB Worldwide, LLC, was served with the summons  
26 and complaint on August 16, 2018, via personal service on its

1 statutory agent, George Barragan.

2 (ii) George Barragan and Sonia Barragan were served with the  
3 summons and complaint on August 16, 2018, via personal service  
4 on George Barragan at their shared residence.

5 (iii) EB Worldwide, LLC, George Barragan, and Sonia Barragan  
6 failed to answer the Plaintiff's complaint within the period  
7 prescribed by law;

8 (iv) The Plaintiff filed an application for entry of default judgment on  
9 September 20, 2018, and mailed a copy of the application to the  
10 residence of George Barragan and Sonia Barragan;

11 (v) Default was entered against EB Worldwide, LLC, George  
12 Barragan, and Sonia Barragan on September 24, 2018;

13 (vi) The Court held a Rule 55(b)(2) hearing at which the State  
14 established its entitlement to affirmative relief against EB  
15 Worldwide, LLC, George Barragan, and Sonia Barragan as  
16 specified herein; and

17 (vii) George Barragan and Sonia Barragan are not infants or  
18 incompetent.

19 The Court therefore makes the following Findings of Fact and Conclusions of Law and  
20 enters the following Orders:

21  
22 **FINDINGS OF FACT**

23 1. From May 2016 to present, Defendant EB Worldwide, LLC, and its owner,  
24 Defendant George Barragan, marketed and sold vacation packages to consumers residing  
25 in Arizona.  
26





1 and/or concealment, suppression or omission of material fact in violation  
2 of the Consumer Fraud Act as currently written or as amended in the  
3 future; and

4 b. Selling, advertising, or otherwise marketing any vacation packages  
5 or group vacations in Arizona or to Arizona residents.

6 3. Pursuant to A.R.S. § 44-1528(A)(2), EB Worldwide, LLC, and George  
7 Barragan are joint and severally liable and obligated to pay to the Arizona Attorney  
8 General's Office the amount of **\$40,000** in consumer restitution ("Restitution Award"),  
9 with interest thereon at six and one-quarter percent (6.25%), or the statutory rate if  
10 different, per annum from entry of this Default Judgment until paid, to be deposited into  
11 an interest bearing consumer restitution subaccount of the Consumer Restitution and  
12 Remediation Revolving Fund, pursuant to A.R.S. § 44-1531.02(B). The Arizona  
13 Attorney General shall disburse said funds to eligible consumers as solely determined by  
14 the State.

15 4. Pursuant to A.R.S. § 44-1534, EB Worldwide, LLC, and George Barragan  
16 are jointly and severally liable and obligated to pay to the Arizona Attorney General's  
17 Office the amount of **\$11,451** in attorney fees and costs ("Fee Award"), with interest  
18 thereon at six and one-quarter percent (6.25%), or the statutory rate if different, per  
19 annum from entry of this Default Judgment until paid, to be deposited into the Consumer  
20 Protection – Consumer Fraud Revolving Fund pursuant to A.R.S. § 44-1531.01, and used  
21 for the purposes set forth therein.

22 5. Pursuant to A.R.S. § 44-1531, EB Worldwide, LLC, is individually liable  
23 and obligated to pay a \$2,500 civil penalty for each of the eighty consumers who made  
24 payments for the Cienega High School Trip, for a total civil penalty of **\$200,000** with  
25 interest thereon at six and one-quarter percent (6.25%), or the statutory rate if different,  
26 per annum from entry of this Default Judgment until paid, to be deposited into the

1 Consumer Protection – Consumer Fraud Revolving Fund pursuant to  
2 A.R.S. § 44-1531.01, and used for the purposes set forth therein.

3 6. Pursuant to A.R.S. § 44-1531, George Barragan is individually liable and  
4 obligated to pay a \$2,500 civil penalty for each of the eighty consumers who made  
5 payments for the Cienega High School Trip, for a total civil penalty of **\$200,000** with  
6 interest thereon at six and one-quarter percent (6.25%), or the statutory rate if different,  
7 per annum from entry of this Default Judgment until paid, to be deposited into the  
8 Consumer Protection – Consumer Fraud Revolving Fund pursuant to A.R.S. § 44-  
9 1531.01, and used for the purposes set forth therein.

10 7. The State shall allocate payments received pursuant to this Default  
11 Judgment first to the Restitution Award, then to the Fee Award, and then to the Civil  
12 Penalty Awards, until the total amount of **\$451,451.00**, plus any interest thereon, is  
13 reached.

14 8. If any portion of this Consent Judgment is held invalid by operation of law,  
15 the remaining terms thereof shall not be affected and shall remain in full force and effect.

16 9. Jurisdiction is retained by this Court for the purpose of entertaining an  
17 application by the State for the enforcement of this Judgment.

18 10. This judgment resolves all outstanding claims. Because no further matters  
19 remain pending, this is a final judgment entered pursuant to Ariz. R. Civ. P. 54(c).

20  
21 DATED this 14<sup>th</sup> day of November, 2018.

22  
23  
24 

25 Judge of the Superior Court

26 HONORABLE STEVEN P. LYNCH  
MARICOPA COUNTY SUPERIOR COURT