

STATE OF INDIANA
IN THE ALLEN COUNTY CIRCUIT COURT

CAUSE NO. 02C01-1706-PL-000212

STATE OF INDIANA,

Plaintiff,

v.

SHAVER MOTORS OF ALLEN
COUNTY, INC.,

and

JOHN B. SHAVER III, individually
and doing business as SHAVER
MOTORS OF ALLEN COUNTY,
INC.,

Defendants.

CONSENT JUDGMENT

I. INTRODUCTION

1. The State of Indiana, by Attorney General Curtis T. Hill, Jr. and Deputy Attorneys General Mark M. Snodgrass and Amanda Jane Lee, having filed its Complaint for Injunction, Restitution, Civil Penalties and Costs, and the Defendants, Shaver Motors of Allen County, Inc. and John B. Shaver III, hereby enter into this Consent Judgment without trial and adjudication of any issue of fact or law.

2. The parties believe it is in their best interest to resolve the issues presented by the State of Indiana and avoid further litigation with regard to the issues addressed in this Consent Judgment.
3. The Consent Judgment does not constitute an admission by the Defendants of any violation of Indiana's Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1 *et seq.*, the Title Delivery Act, Ind. Code § 9-32-4-1 *et seq.*, or the Motor Vehicle Unfair Practices Act, Ind. Code § 9-32-13 *et seq.*, nor shall it be construed as an abandonment by the Attorney General of his position that the Defendants violated the above referenced statutes.
4. The parties consent to entry of a final judgment in this proceeding by the Court and accept this Consent Judgment as final on the issues resolved herein.

II. RELIEF

5. By consent and agreement of the parties, this Court enters Judgment in favor of the Plaintiff for the relief described in Paragraphs 6 through 9 of this Consent Judgment.
6. Pursuant to Ind. Code §24-5-0.5-4(c)(1), the Defendant, John B. Shaver III, is permanently enjoined from owning, operating or controlling a motor vehicle dealership located in Indiana. This prohibition does not preclude Mr. Shaver from employment at a motor vehicle dealership, provided that employment does not involve an ownership interest and does not involve the control, management or running of the daily business operations of a dealership.

7. Pursuant to Ind. Code § 24-5-0.5-4(c)(2) and Ind. Code § 9-32-16-2(e), judgment is granted in favor of the Plaintiff, State of Indiana, against Defendants Shaver Motors of Allen County, Inc. and John B. Shaver III, for consumer restitution in the total amount of sixty-five thousand, five hundred six dollars and eighty-five cents (\$65,506.85), for the benefit of the following consumers in the following amounts:

<u>Consumer</u>	<u>Amount</u>
Andrew, Richard	\$1,978.00
Beaupre, Jason	\$2,300.00
Behrer, Curtis	\$2,700.00
Castro, Carmela	\$1,900.00
Cook, Gregory	\$2,000.00
Darnall, Bradley	\$1,700.00
Diaz, Ruben	\$1,674.00
Doto Sr, Michael	\$1,500.00
Eschmeyer, Rosie	\$2,000.00
Gardiner, Terry	\$2,262.00
Gilbert, Ruth	\$2,000.00
Graham, Christopher	\$2,276.00
Greene, Anthony	\$2,500.00
Guzman, Luz	\$1,998.00
Hayden, Curtis	\$1,327.00
Heagy, Kelby	\$2,000.00
Hoeffel, Joseph	\$2,100.00
Jackson, Jenelle	\$2,000.00
Jaquish, Lori	\$2,889.00
Keuneke, Stephen	\$2,079.00
Kraakman, Christina	\$2,336.00
Lomont, Tristan	\$1,842.00
Mcmullen, Aaron	\$2,365.00
Miller, Timothy	\$1,500.00
Mourey, Robert	\$162.00
Offet, Andrew	\$127.00
Phillips, Raymone	\$1,800.00
Rapp, Morgan	\$1,692.00

Razic, Ahmet & Amna	\$2,400.00
Schuller, Cheyanne	\$2,312.00
Shepherd, Dustin	\$2,000.00
Thang, Mang	\$127.00
Trice, Shanise	\$1,612.00
Porter, Valarie	\$1,410.00
Weinberg, Shawna	\$2,400.00
Absher, Ami	\$82.85
Blake, Greg	\$156.00
Total:	\$65,506.85

8. Judgment is granted in favor of the Plaintiff, State of Indiana, in the form of an Order directing the Indiana Bureau of Motor Vehicles to issue titles to the following consumers and their respective vehicles:

<u>Consumer</u>	<u>Vehicle</u>
Jack Botteron	2007 Ford F-150; VIN 1FTPX14V97FB59984
Jill Onion	2007 Ford Focus; VIN 1FAFP34N57W122998
Valerie Porter	2007 Ford Expedition; VIN 1FMFU18557LA77097

9. Pursuant to Ind. Code § 24-5-0.5-4(c)(4), judgment is granted in favor of the Plaintiff, State of Indiana, for costs in the amount of three thousand dollars (\$3,000.00) for its reasonable expenses incurred in the investigation and prosecution of this action.

III. CONTINUING JURISDICTION

10. The Court shall retain jurisdiction for the purpose of issuing such orders as may be necessary to interpret or enforce the provisions herein.

IN WITNESS WHEREOF, the parties have executed this Consent Judgment this

22nd day of February, 2018.

STATE OF INDIANA

DEFENDANTS

CURTIS T. HILL, JR.
INDIANA ATTORNEY GENERAL
Attorney Number 13999-20

SHAVER MOTORS OF ALLEN
COUNTY, INC.

By: 

Mark M. Snodgrass
Amanda Jane Lee
Deputy Attorney General
Attorney Number 29495-49

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By: 

Name: JOHN B. SHAVER

Title: PRESIDENT


JOHN B. SHAVER III