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Drummond Financial Services LLC Order on Plaintiffs' Motion for Contempt

John J. Goger

Fulton County Superior Court Judge

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**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DRUMMOND FINANCIAL SERVICES, LLC; et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action File No.
)	2014CV253677
)	
TMX FINANCE HOLDINGS, INC.; et al.,)	BUS 4
)	
Defendants.)	

**ORDER ON PLAINTIFFS’ MOTION FOR CONTEMPT FOR DEFENDANTS’
REPEATED VIOLATION OF INTERLOCUTORY INJUNCTION ORDER**

This matter comes before the Court on Plaintiffs’ Motion for Contempt For Defendants’ Repeated Violation of Interlocutory Injunction. This Court entered the Interlocutory Injunction Order (the “Order”) on May 28, 2015, prohibiting Defendants, their agents, and employees from engaging in certain acts, including using DMV records to solicit new customers and entering Plaintiff’s Stores or parking lots to collect license plate numbers, directly solicit customers, or offer compensation to Plaintiffs’ employees for referring customers to Defendants. Under the Order, Plaintiffs were to notify Defendants of any violation of the Order within five business days of the violation. The notice must give the store location, a description of the incident, and the identity of the people involved and should identify any additional actions Plaintiffs believe necessary to cure the violation. Defendants have five business days to investigate the violation and “will have an opportunity to cure the violation(s) before being declared in contempt of this Order by (1) acting promptly to secure and preserve all evidence of the violation(s) and (2) taking all necessary steps to cure the violation(s), including disciplining the employee(s) in violation of this Order, as deemed appropriate by [Defendants].” Within ten days of the notice,

Defendants were to provide written notice to Plaintiffs summarizing the findings of their investigation and any actions taken to cure the violation.

Plaintiffs now contend that Defendants have repeatedly violated the Injunction Order and point to eight violations between June and October in which Defendants' employees entered Plaintiffs' stores or parking lots to solicit or collect information about Plaintiffs' customers or bribe Plaintiffs' employees. These violations occurred in stores in California, Georgia, and Texas. Once notified of these violations, Defendants promptly investigated the incident and took remedial action. In the instances they could identify the culpable TitleMax employee, the employee was terminated. Defendants have also included the requirements of the Order in the onboarding process for new employees, require that current employees review and acknowledge the requirements of the Order, and have implemented a policy under which store managers will be held accountable for the actions of their employees that are inconsistent with the Order. In response to the reported October incident in which an employee was terminated after entering one of Plaintiffs' stores and offering a \$50 referral fee for any customer referred to TitleMax, both the general manager and the district manager for the area were disciplined and re-trained.

Plaintiffs also note one incident in which a TitleMax employee made an unsolicited sales call to one of Plaintiffs' South Carolina customers to offer to refinance her loan at a lower rate. Neither Plaintiff nor the customer knows how the TitleMax employee got her phone number.

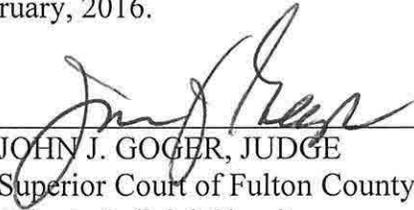
Based on these violations, Plaintiffs ask the Court to hold Defendants in contempt, to implement additional remedial measures, and for attorneys' fees. See *Vautrot v. West*, 272 Ga. App. 715, 718 (2005) ("A wilful refusal to comply with a court order or judgment generally constitutes a proper basis for a contempt action."). Specifically, Plaintiffs ask that Defendants be

required to: (1) immediately self-report any violations to Plaintiffs, (2) require all store-level employees to read the Order and sign a certification that they have read and understood the Order, (3) require that an appointed officer execute a sworn affidavit that the store-level employee certifications have been signed, and (4) provide monthly reports affirming compliance with the new certification procedure and listing all known violations.

The Court finds that Defendants have taken appropriate curative action in compliance with the Order and that the Order's requirements are sufficient to prevent further violations.

Therefore, the Motion for Contempt is **DENIED**.

SO ORDERED this 1 day of February, 2016.



 JOHN J. GOGER, JUDGE
 Superior Court of Fulton County
 Atlanta Judicial Circuit

Copies to: All Counsel registered for eFileGA.

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