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Filed
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3/11/13

By: Nicholas Kant
Deputy Attorney General

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, PASSAIC COUNTY
DOCKET NO. PAS-C-36-12

JEFFREY S. CHIESA, Attorney General of the State of New Jersey, and ERIC T. KANEFSKY, Acting Director of the New Jersey Division of Consumer Affairs,

Civil Action

Plaintiffs,

v.

PROGRESSIVE MOVERS, INC. d/b/a MODERN ONE VERSATILE EXPERT RELOCATION SERVICE, M.O.V.E.R.S. INC. and MODERN M.O.V.E.R.S. INC.; ABC PACKING SUPPLIES, INC. d/b/a STATE WIDE BOX COMPANY, INC.; KONSTANTIN EGOROV, individually and as owner, officer, director, manager, employee, representative and/or agent of PROGRESSIVE MOVERS, INC. d/b/a MODERN ONE VERSATILE EXPERT RELOCATION SERVICE, M.O.V.E.R.S. INC. and MODERN M.O.V.E.R.S. INC., and/or ABC PACKING SUPPLIES, INC. d/b/a STATE WIDE BOX COMPANY, INC.; YEVGENIY PISKUN a/k/a YEVGENIY PESKUN a/k/a EUGENE PISKUN a/k/a EUGENE PESKUN a/k/a EUGENE PESKIN a/k/a SAM PISKUN a/k/a SAM PESKUN a/k/a SAM PESKIN, individually and as owner, officer, director, manager, employee, representative and/or agent of PROGRESSIVE MOVERS, INC. d/b/a MODERN ONE VERSATILE EXPERT RELOCATION SERVICE, M.O.V.E.R.S. INC. and MODERN M.O.V.E.R.S. INC., and/or ABC PACKING SUPPLIES, INC. d/b/a STATE WIDE BOX COMPANY, INC.; JANE AND JOHN DOES 1-20, individually and as owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives and/or independent contractors of PROGRESSIVE MOVERS, INC. d/b/a MODERN ONE VERSATILE EXPERT RELOCATION SERVICE, M.O.V.E.R.S. INC. and MODERN M.O.V.E.R.S. INC., and/or ABC PACKING SUPPLIES, INC. d/b/a STATE WIDE BOX COMPANY, INC.; and XYZ CORPORATIONS 1-20,

**FINAL
JUDGMENT BY
DEFAULT AND
ORDER**

Defendants.

THIS MATTER was opened to the Court on the application of plaintiffs Jeffrey S. Chiesa, Attorney General of the State of New Jersey (“Attorney General”), and Eric T. Kanefsky, Acting Director of the New Jersey Division of Consumer Affairs (“Director”) (collectively, “Plaintiffs”), (by Nicholas Kant, Deputy Attorney General, appearing), by way of a Complaint filed on May 4, 2012, alleging that defendants Progressive Movers, Inc. d/b/a Modern One Versatile Expert Relocation Service, M.O.V.E.R.S. Inc. and Modern M.O.V.E.R.S. Inc. (“Progressive Movers”), ABC Packing Supplies, Inc. d/b/a State Wide Box Company, Inc. (“ABC Packing”), Konstantin Egorov, individually and as owner, officer, director, manager, employee, representative and/or agent of Progressive Movers, Inc. d/b/a Modern One Versatile Expert Relocation Service, M.O.V.E.R.S. Inc. and Modern M.O.V.E.R.S. Inc., and/or ABC Packing Supplies, Inc. d/b/a State Wide Box Company, Inc. (“Egorov”), Yevgeniy Piskun a/k/a Yevgeniy Peskun a/k/a Eugene Piskun a/k/a Eugene Peskun a/k/a Eugene Peskin a/k/a Sam Piskun a/k/a Sam Peskun a/k/a Sam Peskin, individually and as owner, officer, director, manager, employee, representative and/or agent of Progressive Movers, Inc. d/b/a Modern One Versatile Expert Relocation Service, M.O.V.E.R.S. Inc. and Modern M.O.V.E.R.S. INC., and/or ABC Packing Supplies, Inc. d/b/a State Wide Box Company, Inc. (“Piskun”) (collectively, “Defendants”) engaged in conduct in violation of the Public Movers & Warehousemen Licensing Act, N.J.S.A. 45:14D-1 et seq. (“Public Movers Licensing Act”), the Regulations Governing Public Movers and Warehousemen, N.J.A.C. 13:44D-1 et seq. (“Public Movers Regulations”), and the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. (“CFA”).

Defendants failed to file an Answer. On October 25, 2012, the Court entered default against Progressive Movers, ABC Packing, Egorov and Piskun. To date, Progressive Movers, ABC Packing, Egorov and Piskun have not moved to vacate the defaults entered against them.

THIS COURT NOW FINDS THAT:

1. The Court has jurisdiction over the subject matter of this action and over the named Defendants.
2. Based upon all of the evidence submitted by Plaintiffs, including the Certification of Nicholas Kant with accompanying exhibits, Certification of Vincent Buonanno with accompanying exhibits, Certification of Imran Ahmed with accompanying exhibits, Certification of Darcy Gilson with accompanying exhibits, Certification of Hiliary Johnson with accompanying exhibits, Certification of Jodi Massare with accompanying exhibits, Certification of Geraldine Robinson with accompanying exhibits, Certification of Pamela Schmierer with accompanying exhibits, Certification of Paul Schwarzenberger with accompanying exhibits, Certification of Pamela Smith with accompanying exhibits and Certification of Stavros Tourkodimitris with accompanying exhibits, the Defendants have engaged in conduct in violation of the Public Movers Licensing Act, the Public Movers Regulations and the CFA, with the following breakdown:
 - a. Progressive Movers and Egorov have committed one hundred fifty-six (156) violations of the Public Movers Licensing Act, N.J.S.A. 45:14D-1 et seq., excluding violations of N.J.S.A. 45:14D-29(d);
 - b. Progressive Movers and Egorov have committed thirty-seven (37) violations of the Public Movers Licensing Act, specifically N.J.S.A. 45:14D-29(d);

- c. Progressive Movers and Egorov have committed one hundred eighteen (118) violations of the Public Movers Regulations, N.J.A.C. 13:44D-1 et seq., specifically license and tariff requirements;
- d. Progressive Movers and Egorov have committed two hundred fifty-nine (259) violations of the Public Movers Regulations, N.J.A.C. 13:44D-1 et seq., specifically consumer documents and other requirements;
- e. Progressive Movers and Egorov have committed five hundred twenty-five (525) unconscionable commercial practices, in violation of the CFA, N.J.S.A. 56:8-2;
- f. Progressive Movers and Egorov have committed one hundred eleven (111) acts of deception, false promises and/or misrepresentations, in violation of the CFA, N.J.S.A. 56:8-2;
- g. Progressive Movers and Egorov have committed seventy-one acts of bait and switch, in violation of the CFA, N.J.S.A. 56:8-2 and N.J.S.A. 56:8-2.2;
- h. Progressive Movers and Egorov have committed seventy-one acts of failure to provide copies of documents presented for signature, in violation of the CFA, N.J.S.A. 56:8-2.22;
- i. ABC Packing and Piskun have committed two hundred thirty-three (233) violations of the Public Movers Licensing Act, N.J.S.A. 45:14D-1 et seq., and Public Movers Regulations, N.J.A.C. 13:44D-1 et seq., excluding violations of N.J.S.A. 45:14D-29(d);
- j. ABC Packing and Piskun have committed nineteen (19) violations of the Public Movers Licensing Act, specifically N.J.S.A. 45:14D-29(d); and
- k. ABC Packing and Piskun have committed two hundred seventy-seven (277) violations of the CFA, N.J.S.A. 56:8-1 et seq.

THEREFORE, IT IS on this 11th day of March, 2013:

1. **ORDERED** that the acts and omissions of Defendants constitute conduct in violation of the Public Movers Licensing Act, the Public Movers Regulations, and the CFA.

2. **IT IS FURTHER ORDERED** that the acts and omissions of Progressive Movers and Egorov are in violation of the injunctive relief and business practices provisions of the Consent Order, filed July 19, 2010, between the New Jersey Division of Consumer Affairs (“Division”) and Progressive Movers and Egorov (“Progressive Movers Consent Order”), and Progressive Movers and Egorov are thus subject to enhanced civil penalties for second and subsequent violations of the Public Movers Licensing Act, the Public Movers Regulations and the CFA.

3. **IT IS FURTHER ORDERED** that Defendants are permanently enjoined from engaging in, continuing to engage in or doing any acts or practices in violation of the Public Movers Licensing Act, the Public Movers Regulations and the CFA.

4. **IT IS FURTHER ORDERED** that, pursuant to the CFA, N.J.S.A. 56:8-8, Egorov and Piskun are permanently enjoined from managing or owning any business organization in the State of New Jersey (“State” or “New Jersey”) and from serving as an officer, director, trustee, member of an executive board or similar governing body, principal, manager, and/or stockholder owning 10% or more of the aggregate outstanding capital stock of all classes of any corporation doing business in the State.

5. **IT IS FURTHER ORDERED** that, pursuant to the CFA, N.J.S.A. 56:8-8, the corporate charters in the State of Progressive Movers and ABC Packing are permanently vacated and/or annulled.

6. **IT IS FURTHER ORDERED** that Defendants are permanently enjoined from advertising, offering for sale, selling and/or performing public moving services ("Mover's Services") and/or storage for consumers in the State.

7. **IT IS FURTHER ORDERED** that Defendants are permanently enjoined from using the websites located at http://www.vanlines.com/moving_company_info/progressive_movers.html, http://www.topmovingcompanies.com/companies/progressive_movers_2078468.html, http://www.relocation.com/moving_services/company/progressive_movers_NJ.html and www.myownmovers.com, and any other websites to advertise, offer for sale and/or sell Mover's Services and/or storage to consumers in the State;

8. **IT IS FURTHER ORDERED** that any contracts or agreements between consumers and Defendants for Mover's Services and/or storage are null and void.

9. **IT IS FURTHER ORDERED** that Egorov is personally liable for the violations of the Public Movers Licensing Act, the Public Movers Regulations, and the CFA committed by Progressive Movers and ABC Packing.

10. **IT IS FURTHER ORDERED** that Piskun is personally liable for the violations of the Public Movers Licensing Act, the Public Movers Regulations, and the CFA committed by Progressive Movers and ABC Packing.

11. **IT IS FURTHER ORDERED** that, pursuant to the CFA, N.J.S.A. 56:8-8, Defendants, jointly and severally, shall pay to the Division consumer restitution in the amount of \$ 123532.26. The funds paid by Defendants pursuant to this section of the Final

Judgment by Default and Order (“Judgment and Order”) shall be used for equitable relief including, but not limited to, consumer redress and any attendant expenses for the administration of any redress fund. If Plaintiffs determine, in their sole discretion, that redress to consumers is wholly or partially impracticable, any funds not so used shall be retained by the Division in lieu of redress. Defendants shall have no right to contest the manner of distribution chosen by Plaintiffs. Plaintiffs in their sole discretion may use a designated agent to administer consumer redress.

12. **IT IS FURTHER ORDERED** that Progressive Movers and Egorov shall pay enhanced civil penalties in the amount of \$ 17,515,000, pursuant to N.J.S.A. 45D-16, N.J.S.A. 45:14D-29(d) and N.J.S.A. 56:8-13, as a result of their violation of the Progressive Movers Consent Order.

13. **IT IS FURTHER ORDERED** that ABC Packing and Piskun shall pay civil penalties in the amount of \$ 3,447,566, pursuant to N.J.S.A. 45D-16, N.J.S.A. 45:14D-29(d) and N.J.S.A. 56:8-13.

14. **IT IS FURTHER ORDERED** that Progressive Movers and Egorov shall pay the \$55,000 suspended penalty that became due and payable as a result of their violation of the Progressive Movers Consent Order.

15. **IT IS FURTHER ORDERED** that Defendants, jointly and severally, shall reimburse Plaintiffs for all attorneys’ fees incurred in the prosecution of this action, in the total amount of \$ 46,752.50, for the use of the State of New Jersey, pursuant to the Public Movers Licensing Act, N.J.S.A. 45D-16, and the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19.

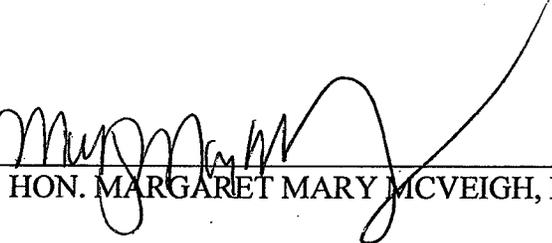
16. **IT IS FURTHER ORDERED** that Defendants, jointly and severally, shall reimburse Plaintiffs for their investigative costs and fees, in the total amount of \$ 12,203.67, for the use of the State of New Jersey, pursuant to the Public Movers Licensing Act, N.J.S.A. 45D-16, and the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19.

17. **IT IS FURTHER ORDERED** that nothing contained in this Judgment and Order, including the Court's determinations herein, shall bind or affect the rights of any persons not a party hereto, or preclude actions against any unnamed parties.

18. **IT IS FURTHER ORDERED** that nothing contained in this Judgment and Order shall bind or affect any position which any party may take in future or unrelated actions.

19. **IT IS FURTHER ORDERED** that this Judgment and Order may be enforced only by Plaintiffs or Defendants or their successors hereto.

20. **IT IS FURTHER ORDERED** that this Court retains jurisdiction for the purpose of enabling Plaintiffs or Defendants to apply to this Court for any such further orders and directions as may be necessary and appropriate for the enforcement of, or compliance with, this Judgment and Order.



HON. MARGARET MARY MCVEIGH, P.J.CH.

In accordance with the required statement of R. 1:6-2(a), this motion was _____ opposed
 unopposed.