

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street – 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for Plaintiffs

FILED

AUG 21 2015

THOMAS J. WALSH,
J.S.C.

By: Alina Wells (029512006)
Deputy Attorney General
[REDACTED]

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
UNION COUNTY
DOCKET NO. UNN-L-2429-15

JOHN J. HOFFMAN, Acting Attorney General of
the State of New Jersey, and STEVE C. LEE,
Acting Director of the New Jersey Division of
Consumer Affairs,

Plaintiffs,

v.

JUST IN TIME MOVING & DELIVERY
SERVICE, INC.; JUST IN TIME MOVING AND
STORAGE, INC.; HALIRU GUSAU,
individually and as owner, officer, director and/or
manager of JUST IN TIME MOVING &
DELIVERY SERVICE, INC. and JUST IN TIME
MOVING AND STORAGE, INC.; JANE AND
JOHN DOES 1-10, individually and as owners,
officers, directors, shareholders, founders,
managers, agents, servants, employees,
representatives and/or independent contractors of
JUST IN TIME MOVING & DELIVERY
SERVICE, INC. and/or JUST IN TIME MOVING
AND STORAGE, INC.; and XYZ
CORPORATIONS 1-10,

Defendants.

Civil Action

FINAL JUDGMENT AND ORDER

WHEREAS John J. Hoffman, Acting Attorney General of the State of New Jersey

("Attorney General") is charged with the responsibility of enforcing the Public Movers & Warehousemen Licensing Act, N.J.S.A. 45:14D-1 et seq. ("Public Movers Licensing Act"), the Public Movers Regulations, N.J.A.C. 13:44D-1 et seq., the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. ("CFA"), and the Regulations Governing General Advertising, N.J.A.C. 13:45A-9.1 et seq. ("Advertising Regulations");

WHEREAS Steve C. Lee, Acting Director of the New Jersey Division of Consumer Affairs ("Director") is charged with administering the Public Movers Licensing Act, the Public Movers Regulations, the CFA and the Advertising Regulations on behalf of the Attorney General;

WHEREAS this matter was opened to the Court on July 1, 2015, by the filing of a Verified Complaint by way of Order to Show Cause Summary Action pursuant to R. 4:67-1(a), on behalf of the Attorney General and Director (collectively, "Plaintiffs"), pursuant to the provisions of the Public Movers Licensing Act, specifically N.J.S.A. 45:14D-16 and 45:14D-21, and the CFA, specifically N.J.S.A. 56:8-8, 56:8-11, 56:8-13 and 56:8-19, alleging that defendants Just In Time Moving & Delivery Service, Inc. ("Just In Time Moving & Delivery"), Just In Time Moving and Storage, Inc. ("Just In Time Moving and Storage") (collectively, "Just In Time Moving") and Haliru Gusau ("Gusau") (collectively, "Defendants") engaged in conduct in violation of the Public Movers Licensing Act, the Public Movers Regulations, the CFA and the Advertising Regulations through their advertisement, offering for sale, sale and provision of public moving services ("Mover's Services") and/or warehousemen services ("Storage Services") in the State of New Jersey ("New Jersey" or "State");

WHEREAS service of the Verified Complaint, Order to Show Cause Summary Action and supporting papers was effected upon Defendants on July 18, 2015, through personal service

upon Gusau, individually and as owner of Just In Time Moving & Delivery and Just In Time Moving and Storage;

WHEREAS Defendants have failed file and serve a written Answer, answering Affidavit, Motion or other response to the Order to Show Cause Summary Action; ; and

WHEREAS this Court having considered the Verified Complaint, Memorandum of Law, Certification of Investigator Vincent Buonanno with accompanying exhibits, Certification of Investigator Oscar Mejia with accompanying exhibits, Certification of Investigator Barby Menna with accompanying exhibits, and Certification of Deputy Attorney General Alina Wells with accompanying exhibits.

THIS COURT NOW FINDS THAT:

A. The Court has jurisdiction over the subject matter of this action and over the named and served Defendants.

B. Based upon the evidence submitted by Plaintiffs, Defendants have engaged in conduct which comprises twenty three (23) violations of the Public Movers Licensing Act, the Public Movers Regulations, the CFA, and the Advertising Regulations, with the following breakdown: (a) Public Movers Licensing Act (N.J.S.A. 45:14D-1 et seq.) – two (2) violations; (b) Public Movers Regulations, (N.J.A.C. 13:44D-1 et seq.) – two (2) violations; (c) Unconscionable Commercial Practices (N.J.S.A. 56:8-2) – four (4) violations; (d) False Promises and/or Misrepresentations (N.J.S.A. 56:8-2) – eight (8) violations; and (e) Advertising Regulations (N.J.A.C. 13:45A-9.1 et seq.) – seven (7) violations.

THEREFORE, IT IS on this 21st day of August, 2015:

1. **ORDERED** that this matter may be heard in a summary manner pursuant to the Public Movers Licensing Act, N.J.S.A. 45:14D-21, and the CFA, N.J.S.A. 56:8-8.

2. **ORDERED** that the acts and omissions of Defendants constitute multiple violations of the Public Movers Licensing Act, N.J.S.A. 45:14D-1 et seq., the Public Movers Regulations, N.J.A.C. 13:44D-1 et seq., the CFA, N.J.S.A. 56:8-1 et seq., as well as and the Advertising Regulations, N.J.A.C. 13:45A-9.1 et seq.

3. **IT IS FURTHER ORDERED** that the acts and omissions of Defendants are in violation of the Consent Order, filed March 29, 2005, with the New Jersey Division of Consumer Affairs (“Division”) (“3/29/05 Consent Order”) for which they are subject to enhanced civil penalties for second and subsequent violations of the Public Movers Licensing Act, the Public Movers Regulations and the CFA, pursuant to N.J.S.A. 45D-16, N.J.S.A. 45:14D-29(d) and N.J.S.A. 56:8-13.

4. **IT IS FURTHER ORDERED** that Defendants have engaged in the advertisement, offer for sale, sale and/or performance of Mover’s Services and/or Storage Services within New Jersey, in violation of the Final Order of Discipline, filed March 30, 2007, with the Division.

5. **IT IS FURTHER ORDERED** that Defendants and their owners, officers, directors, shareholders, founders, members, managers, agents, servants, employees, representatives, independent contractors, corporations, subsidiaries, affiliates, successors, assigns and all other persons or entities directly under their control, are permanently enjoined from engaging in, continuing to engage in, or doing any acts or practices in violation of the Public Movers Licensing Act, N.J.S.A. 45:14D-1 et seq., the Public Movers Regulations, N.J.A.C. 13:44D-1 et seq., the CFA, N.J.S.A. 56:8-1 et seq., and/or the Advertising Regulations, N.J.A.C. 13:45A-9.1 et seq.

6. **IT IS FURTHER ORDERED** that Defendants are permanently enjoined from

advertising, offering for sale, selling and/or performing Mover's Services and/or Storage Services within the State.

7. **IT IS FURTHER ORDERED** that, pursuant to the CFA, N.J.S.A. 56:8-8, Gusau is permanently enjoined from owning, operating or otherwise managing any business or other entity in the State, whether or not registered with the Division, that advertises, offers for sale, sells and/or performs Mover's Services and/or Storage Services within the State.

8. **IT IS FURTHER ORDERED** that, pursuant to the CFA, N.J.S.A. 56:8-8, the corporate charters in the State for Just In Time Moving & Delivery. and Just In Time Moving and Storage are permanently annulled.

9. **IT IS FURTHER ORDERED** that the Defendants' website, located at <http://www.justintimemoving.com> shall be immediately shut down.

10. **IT IS FURTHER ORDERED** that, pursuant to the Public Movers Licensing Act, N.J.S.A. 45:14D-16 and 45:14D-21, and the CFA, N.J.S.A. 56:8-8, the Defendants, jointly and severally, shall pay to Plaintiffs consumer restitution in the total amount of \$775.00. The funds paid by Defendants pursuant to this section of the Final Judgment 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 of Consumer Affairs 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.

11. **IT IS FURTHER ORDERED** that, pursuant to the Public Movers Licensing Act, N.J.S.A. 45:14D-16 and 45:14D-29(d), and the CFA, N.J.S.A. 56:8-13, Defendants, jointly

and severally, shall pay to the Division civil penalties in the total amount of \$23,000.00.

12. **IT IS FURTHER ORDERED** that, pursuant to the Public Movers Licensing Act, N.J.S.A. 45:14D-16, and the CFA, N.J.S.A. 56:8-19, Defendants, jointly and severally, shall reimburse Plaintiffs for all attorneys' fees incurred in the prosecution of this action, in the total amount of \$36,204.00.

13. **IT IS FURTHER ORDERED** that, pursuant to the Public Movers Licensing Act, N.J.S.A. 45:14D-16, and the CFA, N.J.S.A. 56:8-11, Defendants, jointly and severally, shall reimburse Plaintiffs for their investigative costs, in the total amount of \$1,411.06.

14. **IT IS FURTHER ORDERED** that, Defendants, jointly and severally, shall pay to Plaintiffs the civil penalties of \$31,187.44 provided for in the 3/29/05 Consent Order.

15. **IT IS FURTHER ORDERED** that, Defendants, jointly and severally, shall pay the arbitration award of \$21,550.00, which was ordered in accordance with the 3/29/05 Consent Order.

16. **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.

17. **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.

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

19. **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.

A handwritten signature in cursive script, appearing to read 'T. J. Walsh', written in dark ink.

HON. THOMAS J. WALSH, J.S.C.