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FILED

JUL 22 2014

STEPHAN C. HANSBURY
PRESIDING JUDGE
CHANCERY DIVISION

By: David M. Reap (025632012)
Deputy Attorney General
[REDACTED]

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MORRIS COUNTY
DOCKET NO. MRS-C-148-13

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,

Civil Action

v.

JLT MILLWORKS INC. D/B/A LUMBER JANE
MILLWORKS D/B/A LUMBER JANE WIDE PLANK
FLOORING D/B/A LUMBER JANE RECLAIMED
BARN BEAMS D/B/A LUMBER JANE RUSTIC
MANTELS D/B/A LUMBER JANE ANTIQUE BARN
SIDING, JANICE TUPPER individually and as officer,
director, shareholder, founder, owner, agent, servant and/or
employee of JLT MILLWORKS INC. D/B/A LUMBER
JANE MILLWORKS D/B/A LUMBER JANE WIDE
PLANK FLOORING D/B/A LUMBER JANE
RECLAIMED BARN BEAMS D/B/A LUMBER JANE
RUSTIC MANTELS D/B/A LUMBER JANE ANTIQUE
BARN SIDING, JANE AND JOHN DOES 1-20,
individually and as officers, directors, shareholders,
founders, owners, managers, agents, servants, employees,
representatives, sales representatives and/or independent
contractors of JLT MILLWORKS INC. D/B/A LUMBER
JANE MILLWORKS D/B/A LUMBER JANE WIDE
PLANK FLOORING D/B/A LUMBER JANE
RECLAIMED BARN BEAMS D/B/A LUMBER JANE
RUSTIC MANTELS D/B/A LUMBER JANE ANTIQUE
BARN SIDING, and XYZ CORPORATIONS 1-20,

Defendants.

**FINAL JUDGMENT BY
DEFAULT AND ORDER**

THIS MATTER was opened to the Court on the application of plaintiffs John J. Hoffman, Acting Attorney General of the State of New Jersey (“Attorney General”), and Steve C. Lee, Acting Director of the New Jersey Division of Consumer Affairs (“Director”) (collectively, “Plaintiffs”),¹ (by David M. Reap, Deputy Attorney General, appearing), by way of a Complaint filed on November 22, 2013, alleging that JLT Millworks d/b/a Lumber Jane Millworks d/b/a Lumber Jane Wide Plank Flooring d/b/a Lumber Jane Reclaimed Barn Beams d/b/a Lumber Jane Rustic Mantels d/b/a Lumber Jane Antique Barn Siding (“JLT Millworks”) and Janice Tupper (“Tupper”), individually, (collectively, “Defendants”) have, directly or through others, engaged in conduct in violation of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. (“CFA”) and the Regulations Governing the Delivery of Household Furniture and Furnishings, N.J.A.C. 13:45A-5.1 et seq. (“Furniture and Furnishings Regulations”). JLT Millworks and Tupper failed to file Answers.

On February 12, 2014, the Court entered default against JLT Millworks and Tupper, pursuant to R. 4:43-1. Defendants have not moved to vacate the defaults entered against them.

THIS COURT NOW FINDS THAT:

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

B. Based upon the evidence submitted by Plaintiffs, including the Certification of Investigator Jared O’Cone with accompanying exhibits, and the Certification of Deputy Attorney General David M. Reap with accompanying exhibits, the Defendants have engaged in conduct which comprises **one hundred seventeen (117) violations of the CFA and the Furniture and Furnishings Regulations with the following breakdown: (a) Unconscionable Commercial**

¹ This action was commenced on behalf of former Director Eric T. Kanefsky. Pursuant to R. 4:34-4, the caption has been revised to reflect the current Acting Director.

Practices – forty-nine (49) violations; (b) False Promises and/or Misrepresentations – twenty-nine (29) violations; and (c) Furniture and Furnishings Regulations – thirty-nine (39) violations.

THEREFORE, IT IS on this 22nd day of July, 2014:

1. **ORDERED** that the acts and omissions of Defendants constitute unconscionable commercial practices and false promises and/or misrepresentations in violation of the CFA, N.J.S.A. 56:8-2 et seq., as well as violations of the Furniture and Furnishings Regulations, N.J.A.C. 13:45A-5.1 et seq.

2. **IT IS FURTHER ORDERED** that Defendants and their owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives, independent contractors, corporations, subsidiaries, affiliates, successors, assigns and all other persons or entities directly under their control or under common control with them and all other persons or entities in active concert or participation with them are permanently enjoined from engaging in, continuing to engage in or doing any acts or practices in violation of the CFA, N.J.S.A. 56:8-1 et seq., and the Furniture and Furnishings Regulations, N.J.A.C. 13:45A-5.1 et seq.

3. **IT IS FURTHER ORDERED** that Tupper is permanently enjoined from managing or owning any business organization within this State and from serving as an officer, director, trustee, member of an executive board or similar governing body, principal, manager or stockholder owning 10% or more of the aggregate outstanding capital stock of all classes of any corporation doing business in this State, as authorized by the CFA, N.J.S.A. 56:8-8.

4. **IT IS FURTHER ORDERED** that JLT Millworks' corporate charter in the State is permanently vacated and/or annulled, as authorized by the CFA, N.J.S.A. 56:8-8.

5. **IT IS FURTHER ORDERED** that, pursuant to the CFA, N.J.S.A. 56:8-8 Defendants, jointly and severally, shall pay to Plaintiffs consumer restitution in the total amount of \$ 66,537.05 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 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.

6. **IT IS FURTHER ORDERED** that, pursuant to 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 \$ 1,170,000

7. **IT IS FURTHER ORDERED** that, pursuant to 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 \$ 26,481.50

8. **IT IS FURTHER ORDERED** that, pursuant to 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 \$ 4219.45

9. **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.

10. **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.

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

12. **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. STEPHAN C. HANSBURY, P.J.CH.

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

per attached statement of reasons

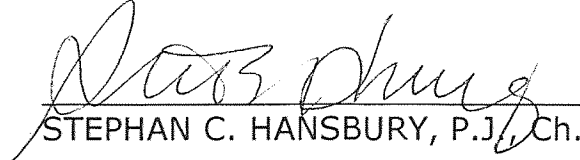
**JOHN J. HOFFMAN, ACTING ATTORNEY GENERAL OF THE STATE OF
NEW JERSEY, et al. v. JLT MILLOWORKS, INC., etc., et als.
Docket No. MRS-C-148-13**

STATEMENT OF REASONS

This is an action brought by the Attorney General alleging 117 violations of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1, *et seq.* Defendants filed no Answer, nor have they responded to this motion. Judgment is entered as requested as all of the facts are not disputed. No proof hearing is required as permitted by R.4:43-2(b).

Defendants' conduct is the kind of egregious behavior the Consumer Fraud Act was intended to stop. Janice Tupper, the President and "face" of the various defendants received money in exchange for promises to deliver various wood products. In most cases, she never produced what was promised. There were technical violations of the Furniture and Furnishing Regulations, N.J.A.C. 13:45A-5.1. This matter is not a case of technical violations of rules, such as delivery dates. This cases involves the most egregious type of consumer fraud—taking money from customers; not providing the material and refusing to refund deposits. Many of the complainants suffered great inconvenience in construction projects. Projects were delayed and unnecessary expense incurred as a result waiting for flooring which never arrived. This matter calls out for the maximum penalty of \$10,000 for each of the 117 violations. Her personal involvement in these violations also calls out for her personal liability. See Hyland v. Aquarian Age 2000, Inc., 148 N.J. Super. 186 (Ch. Div. 1977). She cannot hide behind a corporate shield. She and she alone perpetrated these frauds upon innocent customers who relied upon her initial promise and then continued lies about deliveries which never took place. See N.J.S.A. 56:8-8.

Counsel fees and costs are deemed reasonable as well as investigation fees. Restitution is properly documented and is granted. The injunctive relief is very appropriate and is, therefore, granted.


STEPHAN C. HANSBURY, P.J., Ch.