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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES
12 NORTHEAST DISTRICT
13

14 THE PEOPLE OF THE STATE OF
CALIFORNIA,

15 Plaintiff,

16 v.

17 CHRISTOPH HOPPE a.k.a. CHRIS TOPH, an
individual doing business as FAST CASH;
18 DEJARDIN ENTERPRISES, INC., doing
business as FAST CASH; MARQUIS FUND,
19 INC. doing business as KAMPEN; and DOES 1
through 20, inclusive,
20

21 Defendants.

Case No.

COMPLAINT FOR CIVIL PENALTIES,
INJUNCTION AND OTHER
EQUITABLE RELIEF

22 Plaintiff, the People of the State of California (the “People” or “Plaintiff”), is informed
23 and believes, and on such information and belief alleges:

24 **INTRODUCTION**

25 1. Defendants operated a “payday” lending business, under the terms of which
26 Defendants made loans secured by post-dated checks. Typically, Defendants would seek to cash
27 these post-dated checks to obtain repayment on the loans, defined under California Law as
28 “deferred deposits” or “deferred deposit transactions.” However, Defendants also unlawfully

1 filed numerous small claims actions for treble damages against consumers whose checking
2 accounts did not hold sufficient funds to honor the checks. Among other laws, Defendants'
3 misconduct violated provisions of California law expressly prohibiting lenders from suing for
4 treble damages in such "payday loan" transactions. The People now bring this action for
5 restitution, civil penalties, and all appropriate equitable relief, including the voiding of all
6 improperly obtained judgments.

7 **DEFENDANTS**

8 2. Defendant CHRISTOPH HOPPE ("Hoppe"), also known as CHRIS TOPH, is a
9 resident of Los Angeles County, California. Defendant Hoppe, is now, and was at all times
10 mentioned herein, doing business as Fast Cash in Los Angeles County, California. Defendant
11 Hoppe is the president, chief executive officer, secretary, and chief financial officer of Defendant
12 DEJARDIN ENTERPRISES, INC. ("Dejardin") and the vice president of Defendant MARQUIS
13 FUND, INC. ("Marquis Fund"). As such, Hoppe manages, controls and directs, and at all times
14 mentioned herein managed, controlled and directed, the activities of each of these entities.
15 Defendant Hoppe is sued individually.

16 3. Defendant Dejardin Enterprises, Inc. is a California corporation located in Los
17 Angeles County, California. Dejardin is, and was at all times mentioned herein, doing business
18 as Fast Cash.

19 4. Defendant Marquis Fund, Inc. is a Delaware corporation located in Los Angeles
20 County, California. Marquis Fund is, and was at all times mentioned herein, doing business as
21 Kampen.

22 5. Plaintiff is not aware of the true names and capacities of the defendants sued
23 herein as DOES 1 through 20, inclusive, and therefore sues these defendants by such fictitious
24 names. Each of said fictitiously named defendants is responsible in some manner for the
25 violations of law herein alleged. Plaintiff will amend this complaint to add the true names of the
26 fictitiously named defendants once they are discovered. Whenever reference is made in this
27 complaint to "Defendants," such reference shall include Does 1 through 20 and Defendants
28 Hoppe, Dejardin, and Marquis Fund.

1 references to Financial Code section 23000 et seq. refer to conduct on or after December 31,
2 2004.

3 13. Defendants Hoppe and Dejardin engaged in the business of offering, originating,
4 arranging, and making deferred deposits pursuant to Civil Code sections 1789.30 et seq. and
5 deferred deposit transactions pursuant to Financial Code sections 23000 et seq.

6 14. At all times relevant to this Complaint, it was and is unlawful for parties making
7 deferred deposit and deferred deposit transactions to seek or recover treble damages in instances
8 where the check given by the borrower as security for the transaction is dishonored.

9 15. Defendants Hoppe and Dejardin transacted deferred deposits with borrowers,
10 pursuant to a standard written agreement entitled "Payday Advance Disclosure."

11 16. Whenever a personal check written pursuant to a deferred deposit transaction with
12 Defendants Hoppe and/or Dejardin could not be honored due to insufficient funds in the drafter's
13 account, Defendants Hoppe and Dejardin engaged in the following practices:

14 a. Filed or threatened to file small claims court actions against the
15 borrower/payor, in which Defendants Hoppe and/or Dejardin sought to recover the amount of the
16 dishonored check, plus treble damages;

17 b. Obtained or attempted to obtain an agreement from the payor/borrower to
18 pay the amount of the dishonored check, plus treble damages, and additional fees;

19 c. Obtained or attempted to obtain a judgment against the borrower/payor for
20 the full amount of the dishonored check, plus treble damages; and

21 d. Collected or attempted to collect on a judgment for the full amount of the
22 dishonored check, plus treble damages.

23 17. In addition, Defendants Hoppe and/or Dejardin assigned a number of dishonored
24 checks, written pursuant to deferred deposit transactions, to Defendant Marquis Fund. In such
25 cases, Marquis Fund, doing business as Kampen, engaged in the following practices:

26 a. Filed or threatened to file actions in small claims court against the
27 borrower/payor, in which Defendant Marquis Fund sought to recover the amount of the
28 dishonored check, plus treble damages;

1 b. Obtained or attempted to obtain an agreement from the payor/borrower to
2 pay the amount of the dishonored check, plus treble damages;

3 c. Obtained or attempted to obtain a judgment in small claims court against
4 the borrower/payor for the full amount of the dishonored check, plus treble damages; and

5 d. Collected or attempted to collect on a judgment obtained in small claims
6 court for the full amount of the dishonored check, plus treble damages.

7
8 **FIRST CAUSE OF ACTION**
9 **VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200**
10 **(UNFAIR COMPETITION)**
11 **(Against Defendants Hoppe, Dejardin and Does 1-15, inclusive)**

12 18. Plaintiff restates and incorporates each of the paragraphs above as though fully set
13 forth herein.

14 19. Defendants engaged in, and continue to engage in, unlawful, unfair or fraudulent
15 business acts or practices within the meaning of Business and Professions Code section 17200,
16 including but not limited to the following acts:

17 a. Violating Civil Code section 1789.35(f) and Financial Code section
18 23036(d), by engaging in the practices alleged in paragraph 16;

19 b. Violating Civil Code section 1789.35(h) and Financial Code section
20 23036(f), by collecting or attempting to collect amounts in excess of the amounts authorized by
21 Civil Code section 1789.35 and Financial Code section 23036, as alleged in paragraph 16;

22 c. Violating Civil Code section 1788.17 by collecting or attempting to
23 collect consumer debts through the use of false, deceptive and misleading representations, as
24 alleged in paragraph 16; and

25 d. Using unfair, fraudulent, unconscionable and unlawful means to collect or
26 attempt to collect consumer debts, including improperly seeking treble damages, as alleged in
27 paragraph 16.

28 e. Improperly, unfairly and fraudulently representing in court filings that
they are entitled to damages in excess of the amounts authorized by Civil Code section 1789.35
and Financial Code section 23036 when in fact they are not.

1 this Complaint, and be ordered to provide all other equitable relief necessary to remedy past
2 harms resulting from defendants' practices including, without limitation, the voiding of any
3 improperly obtained judgments.

4 2. Pursuant to Business and Professions Code section 17206, that the Court assess a
5 civil penalty of two thousand five hundred dollars (\$2,500) against Defendants and each of them
6 for each violation of Business and Professions Code section 17200, as proved at trial, but in an
7 amount not less than two million dollars (\$2,000,000) for each Defendant.

8 3. That Defendants be ordered to make full restitution of any money or other
9 property that may have been acquired by its violations of Business and Professions Code section
10 17200, as alleged in this complaint.

11 4. That the People recover their costs of suit.

12 5. Such other and further relief that the Court deems just and proper.

13 DATED: July __, 2006

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