

Cause No. DC-08-14573-L

JAMES R. PRUITT,

Plaintiff,

v.

NEW WORLD AUTO IMPORTS, INC.
d/b/a SOUTHWEST KIA,

Defendant.

IN THE DISTRICT COURT

193rd JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

FINAL JUDGMENT

Came on the 9th day of February, 2010, to be heard was the above-entitled and numbered cause wherein JAMES R. PRUITT, Plaintiff, appeared in person and by attorneys of record and announced ready for trial, and NEW WORLD AUTO IMPORTS, INC. d/b/a SOUTHWEST KIA, Defendant, appeared by attorney of record and announced not ready for trial. The Court heard the evidence and argument of counsel and finds in favor of the Plaintiff.

It is; therefore, ORDERED, ADJUDGED AND DECREED that Plaintiff, JAMES R. PRUITT, shall recover from NEW WORLD AUTO IMPORTS, INC. d/b/a SOUTHWEST KIA actual damages in the amount of \$2,539.45 for conversion and \$10,000.00 in punitive damages for conversion; and

It is further; therefore, ORDERED, ADJUDGED AND DECREED that Plaintiff, JAMES R. PRUITT, shall recover from NEW WORLD AUTO IMPORTS, INC. d/b/a SOUTHWEST KIA damages in the amount of \$2,000.00 for mental anguish and \$4,000.00 in additional damages for Defendant's knowing and intentional violation of the Texas Deceptive Trade Practices Act.

It is further; therefore, ORDERED, ADJUDGED AND DECREED that Plaintiff, JAMES R. PRUITT, shall recover from NEW WORLD AUTO IMPORTS, INC. d/b/a SOUTHWEST KIA \$53,000.00 for reasonable and necessary attorneys' fees for the Plaintiff's attorneys' preparation and trial of this case.

It is further; therefore, ORDERED, ADJUDGED AND DECREED that Plaintiff, JAMES R. PRUITT, shall recover from NEW WORLD AUTO IMPORTS, INC. d/b/a SOUTHWEST KIA additional attorneys' fees of \$7,500.00 for any successful appeal to the Dallas Court of Appeals or successful defense of any appeal by the Defendant to the Dallas Court of Appeals, \$2,500.00 for any successful petition of review to the Texas Supreme Court or successful defense of any petition of review filed by the Defendant to the Texas Supreme Court, and \$3,000.00 for any successful appeal to the Texas Supreme court or successful defense of any appeal by the Defendant to the Texas Supreme Court (if the petition for review is granted).

It is further; therefore, ORDERED, ADJUDGED AND DECREED that Plaintiff, JAMES R. PRUITT, shall recover from NEW WORLD AUTO IMPORTS, INC. d/b/a SOUTHWEST KIA all court costs, and post-judgment interest at the rate of five percent (5%) per annum on the total of these amounts from the date of this judgment until the amount is paid in full.

It is further; therefore, ORDERED, ADJUDGED AND DECREED that Defendant, NEW WORLD AUTO IMPORTS, INC. d/b/a SOUTHWEST KIA, shall be and is hereby permanently enjoined from (hereinafter referred to as the "Permanent Injunction"):

- (1) Telling consumers that the sale of a vehicle is a completed transaction when it is not;
- (2) Telling consumers that the sale of a vehicle is not a completed transaction when it is;
- (3) Having a consumer sign a retail installment sales contract and drive away with the vehicle if in fact the sale of the vehicle is not complete.

It is further; therefore, ORDERED, ADJUDGED AND DECREED that Defendant, NEW WORLD AUTO IMPORTS, INC. d/b/a SOUTHWEST KIA, shall:

- (1) Immediately adopt and implement written procedures that are reasonably calculated to ensure compliance with the Permanent Injunction;
- (2) Provide a copy of the written procedures Defendant adopts pursuant to the preceding paragraph to this Court and attorney for Plaintiff within thirty (30) days of this Order;
- (3) Provide a copy of the written procedures Defendant adopts pursuant to paragraph 1, *supra*, to all current and future employees of Defendant who interact with the public concerning new and used automobile sales;
- (4) Institute a training program for all employees who interact with the public concerning new and used automobile sales in which employees will receive instruction with the written procedures Defendant adopts pursuant to paragraph 1, *supra*;
- ~~(5) Conspicuously post and maintain a copy of this Order on the front page of its website for the period of one (1) year; and~~
- (5) Designate a Compliance Officer who shall be responsible for compliance with the Permanent Injunction, whose duties shall include reporting in writing to this Court on a monthly basis for the period of one (1) year that Defendant is in compliance with the terms of the Permanent Injunction.

To the extent that the provisions of this Final Judgement conflict with any Texas or Federal Law or regulation which now exist, or is later enacted or amended, such law, and not this Judgement, shall apply where such conflict exists.

It is further ORDERED that Plaintiff shall be allowed such writs and processes as may be necessary in the enforcement and collection of this Judgment.

All relief not expressly granted herein is DENIED. This Judgment disposes of all issues and parties in this case, and is final for purposes of appeal.

SIGNED this 22nd day of March, 2010.


JUDGE PRESIDING