

MAY 18 2018

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16 [Additional Attorneys for Plaintiff Listed on Following Page]

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18 Attorneys for Plaintiff, the People
of the State of California

19 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA**

20 THE PEOPLE OF THE STATE OF
21 CALIFORNIA,

22 Plaintiff,

23
24 v.

25 FIRST AMERICAN TITLE COMPANY, a
26 California Corporation,

27 Defendant.
28

COURT NO.

COMPLAINT FOR INJUNCTION,
CIVIL PENALTIES AND OTHER
RELIEF

1 [Additional Attorneys for Plaintiff Continued from Previous Page]

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10 1. Plaintiff, the People of the State of California, by GREGORY D. TOTTEN,
11 District Attorney of Ventura County, by Senior Deputy District Attorney Mitchell F. Disney;
12 SUMMER STEPHAN, District Attorney of San Diego County, by Thomas A. Papageorge,
13 Head Deputy District Attorney; TONY RACKAUCKAS, District Attorney of Orange County,
14 by Joseph D'Agostino, Senior Assistant District Attorney; and JACKIE LACEY, District
15 Attorney of Los Angeles County, by Jessie L. McGrath, Deputy District Attorney, brings this
16 action pursuant to sections 17200, 17203, 17206, 17500, 17535 and 17536 of the California
17 Business and Professions Code.

18 2. Defendant, FIRST AMERICAN TITLE COMPANY, organized and existing
19 under the laws of the State of California ("First American"), is, and at all relevant times was,
20 headquartered at 1 First American Way, Santa Ana, California 92707, and engaged in the
21 business of providing, offering for sale, selling and marketing real estate settlement services,
22 such as title insurance, escrow, and other services necessary to real estate transactions,
23 throughout the State of California, including in the Counties of Ventura, Los Angeles, Orange
24 and San Diego.

25 **FIRST CAUSE OF ACTION**

26 **(False or Misleading Statements — Business and Professions Code Section 17500)**

27 3. Plaintiff realleges and incorporates herein by this reference paragraphs 1 and 2 as
28 though set forth in full here. The acts and omissions alleged in this cause of action were

1 committed within three (3) years of the date of commencement of this action or were covered
2 by a tolling agreement between the parties.

3 4. Defendants made and caused to be disseminated to California consumers,
4 expressly and by implication, representations that were deceptive, false and/or misleading to a
5 reasonable consumer, by billing or collecting from title insurance or escrow customers an
6 amount that exceeded the actual cost to Defendants of any overnight mail, courier, or notary
7 service provided by a third party in connection with Defendants' performance of escrow or title
8 services, where not permitted by federal and state law and without disclosing clearly,
9 conspicuously and in close proximity to the HUD-1 Form statement or estimate of the charge,
10 that the third-party charge was marked up or increased.

11 5. The unlawful conduct, acts, and omissions of Defendants in violation of section
12 17500 of the Business and Professions Code, as set forth herein, demonstrate the necessity and
13 legal basis for granting injunctive relief, disgorgement and restitution to victims and imposing
14 civil penalties pursuant to sections 17535 and 17536 of the Business and Professions Code.

15 SECOND CAUSE OF ACTION

16 (Unfair Competition — Business and Professions Code Section 17200)

17 6. Plaintiff realleges and incorporates herein by this reference paragraphs 1 through
18 5, inclusive, as though set forth in full here. The acts and omissions alleged in this cause of
19 action were committed within four (4) years of the date of commencement of this action or were
20 covered by a tolling agreement between the parties.

21 7. Defendants engaged in unlawful businesses acts constituting unfair competition
22 within the meaning of section 17200 of the Business and Professions Code, as more fully
23 alleged in paragraph 4, above.

24 PRAYER FOR RELIEF

25 WHEREFORE, Plaintiff prays for judgment as follows:

26 1. That, pursuant to Business and Professions Code sections 17203 and 17535,
27 Defendants, and their respective officers, employees, agents, representatives, successors and
28

1 assigns, and all persons acting in concert or participation with any of them with actual or
2 constructive knowledge of the terms of this judgment, be permanently restrained and enjoined
3 from engaging in the unlawful business practices violating Business and Professions Code
4 sections 17200 and 17500 described in paragraph 4 of this Complaint.

5 2. That, pursuant to Business and Professions Code sections 17206 and 17536,
6 Defendants be ordered to pay a civil penalty in the amount of twenty-five hundred dollars
7 (\$2500) for each violation of sections 17200 and 17500, as alleged herein, according to proof at
8 trial; and

9 3. That the Court order such further relief as the nature of the case may require.

10 Respectfully submitted,

11 GREGORY D. TOTTEN, District Attorney
12 County of Ventura, State of California

13
14 DATED: *May 17, 2018*

15 By *Mitchell F. Disney*
16 MITCHELL F. DISNEY
17 Senior Deputy District Attorney

18 SUMMER STEPHAN, District Attorney
19 County of San Diego, State of California

20 DATED: *May 17, 2018*

21 By *Thomas A. Papageorge*
22 THOMAS A. PAPAGEORGE
23 Head, Consumer Protection Unit

24 TONY RACKAUCKAS, District Attorney
25 County of Los Angeles, State of California

26 DATED: *May 17, 2018*

27 By *Joseph D'Agostino*
28 JOSEPH D'AGOSTINO
Senior Assistant District Attorney

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JACKIE LACEY, District Attorney
County of Los Angeles, State of California

DATED: *May 17, 2018*

By *Jessie L. McGrath*
JESSIE L. McGRATH
Deputy District Attorney