

STATE OF MICHIGAN  
IN THE 30TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF INGHAM

DANA NESSEL, ATTORNEY GENERAL  
OF THE STATE OF MICHIGAN, *ex rel*  
The People of the State of Michigan,

Plaintiff,

No. 24-000032-CP

HON. WANDA M. STOKES

v

AF LLC, a Mississippi limited liability  
company, d/b/a ACF Wholesale, and  
BENJAMIN CHAD MOODY,

Defendants.

---

Darrin F. Fowler (P53464)  
Assistant Attorney General  
Michigan Department of Attorney General  
Corporate Oversight Division  
P.O. Box 30736  
Lansing, MI 48909  
(517) 335-7632  
[FowlerD1@michigan.gov](mailto:FowlerD1@michigan.gov)

---

**ORDER GRANTING MOTION FOR DEFAULT JUDGMENT**

At a session of said Court held in the City of Lansing,  
County of Ingham, State of Michigan,  
on the 13, day of August 2024.

PRESENT: WANDA M. STOKES  
Circuit Court Judge

In conjunction with a Complaint filed in the above-referenced matter,  
Plaintiff Attorney General Dana Nessel brought a motion for default judgment after  
previously obtaining defaults against Defendants AF, LLC d/b/a ACF Wholesale  
and Benjamin Chad Moody.

This Court has considered the matter of personal jurisdiction and finds that it has such jurisdiction over both Defendants. This Court also has found that the forum selection clause in Defendants' Terms of Use is inapplicable to the Attorney General in her pursuit of this action.

Now, for the reasons stated on the record, it is ordered as follows:

1. The forum selection clause in ACF Wholesale's Terms of Use is declared to be void as relates to the Attorney General and all Michigan consumer class members pursuant to MCL 445.910(2), and Defendants are enjoined from any effort to enforce that forum selection clause in a manner contrary to this finding;
2. Defendants are held to have violated subsections 3(1)(n), (q), (u) and (y) of the Michigan Consumer Protection Act (MCPA), and to have committed civil conversion. Defendants are jointly and severally liable to the Attorney General for damages in the amount of \$18,561.18 for their violations of the MCPA and civil conversion. Upon collection of payment or payments from Defendants, the Attorney General shall distribute such damages to the following consumers in the following amounts:

Last Name	First Name	Unrefunded payment	Treble damages
[REDACTED]	Lydia	\$624.25	\$1,872.75
[REDACTED]	Samantha	\$559.48	\$1,678.44
[REDACTED]	Crystal	\$1,153.44	\$3,460.32
[REDACTED]	Tracy	\$286.61	\$859.83
[REDACTED]	Arlene	\$614.29	\$1,842.87
[REDACTED]	Kristen	\$1,049.00	\$3,147.00
[REDACTED]	Jennifer	\$404.83	\$1,214.49
[REDACTED]	Sara	\$519.02	\$1,557.06
[REDACTED]	Kimberly	\$655.76	\$1,967.28
[REDACTED]	Erica	\$320.38	\$961.14
	<b>Total</b>	<b>\$6,187.06</b>	<b>\$18,561.18</b>

3. Defendants are declared to have committed persistent and knowing violations of the MCPA and are held to be jointly and severally liable for civil fines totaling \$100,000. At her discretion, the Attorney General may make distributions of these funds to reimburse Michigan consumers beyond those identified in the preceding paragraph for actual damages experienced through Defendants' misconduct so long as such consumers identify themselves to the Attorney General within one year of entry of this order and supply documentation to the Attorney General sufficient to validate the entitlement to reimbursement.

4. Having committed civil conversion, Defendants are held to be jointly and severally liable to the Attorney General for attorney's fees totaling \$6,437.50.

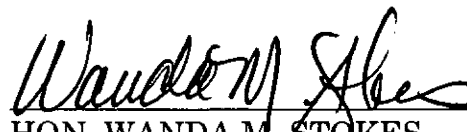
5. The damages anticipated by paragraph 2 above shall be due thirty (30) days from entry of this order. The civil fines anticipated by paragraph 3 above are due sixty (60) days from entry of this order, as are the attorney's fees due under paragraph 4. All payments shall be made through a certified check or money order made payable to the State of Michigan that is delivered or mailed to Darrin F. Fowler, Corporate Oversight Division, 525 W. Ottawa St., P.O. Box 30736, Lansing, MI 48909.

6. Defendants are permanently enjoined from selling any goods or services to any Michigan consumers through any website, online marketplace, social media platform, or any other online medium. Further, Defendant Moody is enjoined from owning, managing, or serving as an officer, member or director for any

business selling goods or services to Michigan consumers through any website, social media, or other online platform.

This Order is a final order, resolves the last pending claim, and closes the case.

**IT IS SO ORDERED.**

  
HON. WANDA M. STOKES  
Circuit Court Judge