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17 **UNITED STATES DISTRICT COURT**  
 18 **SOUTHERN DISTRICT OF CALIFORNIA**

19  
 20 UNITED STATES OF AMERICA,

21 Plaintiff.

22 v.  
 23

24 TONY'S AUTO CENTER INC. d/b/a  
 25 TONY'S AUTO CENTER

26 Defendant.

Case No. '24CV1499 MMAKSC

**COMPLAINT**

27  
 28 **COMPLAINT**

Plaintiff, the United States of America (United States), alleges as follows:

**INTRODUCTION**

1  
2 1. Servicemembers should be able to devote themselves fully to the Nation’s  
3 defense. Congress enacted the Servicemembers Civil Relief Act (SCRA) so that  
4 servicemembers could do just that. *See* 50 U.S.C. §§ 3901-4043.

5 2. The SCRA strengthens and expedites national defense by giving  
6 servicemembers certain protections if legal or financial transactions adversely affect  
7 their rights during military or uniformed service. These protections impose special  
8 requirements on entities seeking to dispose of the property of servicemembers, who are  
9 often overseas and unreachable.

10 3. Tony’s Auto Center Inc. d/b/a Tony’s Auto Center (hereinafter Tony’s  
11 Auto) ignored those protections and violated the SCRA when it illegally sold or  
12 auctioned—without a court order—a vehicle owned by SCRA-protected  
13 servicemember Lieutenant Jonathan Liongson (LT Liongson) while he was at sea  
14 aboard an aircraft carrier.

15 4. Tony’s Auto violated the SCRA provision that requires a lienholder to  
16 obtain court review and approval prior to enforcing a lien on the property or effects of  
17 a servicemember during a period of military service and for 90 days thereafter. *See*  
18 50 U.S.C. § 3958(a)(1).

19 5. The court reviewing such a matter may stay the proceeding for a period as  
20 justice and equity may require, or it may adjust the obligation. *See* 50 U.S.C. § 3958(b).

21 6. When Tony’s Auto failed to obtain a court order before enforcing its lien  
22 on LT Liongson’s vehicle, it deprived him of his federally protected right to have a  
23 court decide whether to postpone the sale or adjust the amount of any fees he owed to  
24 Tony’s Auto.

**JURISDICTION AND VENUE**

25  
26 7. This Court has jurisdiction over this action under 28 U.S.C. § 1331,  
27 28 U.S.C. § 1345, and 50 U.S.C. § 4041.



1           18. On December 6, 2022, while LT Liongson was still at sea, the Chula Vista  
2 Police Department impounded the Vehicle due to an expired registration, and Tony's  
3 Auto towed the Vehicle to its facility for storage.

4           19. According to Tony's Auto, sometime thereafter, it obtained, through its  
5 agent LienTek Solutions, Inc. (LienTek) from the California Department of Motor  
6 Vehicles, LT Liongson's name and address as the Vehicle's registered owner. It also  
7 obtained information that Navy Federal Credit Union was a legal owner of the Vehicle.

8           20. LT Liongson had obtained a loan from Navy Federal Credit Union to  
9 purchase the Vehicle, which he was still paying off during this time.

10           21. On approximately December 12, 2022, according to Tony's Auto's  
11 records, it had its agent LienTek mail a Notice of Pending Lien Sale to LT Liongson's  
12 address listed on the Vehicle's registration.

13           22. LT Liongson did not receive the Notice of Pending Lien Sale because he  
14 was at sea aboard the USS Bunker Hill, and he no longer lived at the address on the  
15 Vehicle's registration.

16           23. The Vehicle remained in Tony's Auto's possession or control until  
17 approximately February 10, 2023.

18           24. On approximately February 10, 2023, Tony's Auto, through its agent  
19 LienTek, enforced its lien by selling the Vehicle at auction.

20           25. In March 2023, LT Liongson returned home from deployment to find that  
21 the Vehicle had been towed. LT Liongson contacted Tony's Auto and was informed  
22 that Tony's Auto had sold his Vehicle.

23           26. Tony's Auto never obtained a court order authorizing the sale of the  
24 Vehicle.

25           27. Tony's Auto sold the Vehicle for approximately \$1,200, and Tony's Auto  
26 retained the proceeds from the sale.

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1 28. At the time Tony's Auto sold the vehicle, LT Liongson still owed  
2 approximately \$2,581 on the loan from Navy Federal Credit Union, which  
3 LT Liongson has since paid to avoid defaulting.

4 29. At all times relevant to this complaint, the Department of Defense  
5 provided lienholders and others seeking to comply with SCRA a free automated  
6 database run by the Defense Manpower Data Center (DMDC database) to check  
7 whether individuals are SCRA-protected servicemembers.

8 30. At all times relevant to this complaint, Tony's Auto's policies and  
9 procedures did not appear to include checking the DMDC database, using either an  
10 individual's Social Security Number or date of birth, to determine whether the vehicles  
11 it sold, auctioned, or otherwise disposed of were owned by SCRA-protected  
12 servicemembers.

13 31. At all times relevant to this complaint, Tony's Auto's policies and  
14 procedures did not appear to include either using a commercially available database to  
15 match vehicle and customer information to Social Security Numbers or dates of birth  
16 or otherwise requesting such information prior to selling or otherwise disposing of  
17 customers' vehicles without court orders.

18 32. LT Liongson never signed a waiver of his SCRA rights.

19 **SERVICEMEMBER CIVIL RELIEF ACT VIOLATIONS**

20 33. The SCRA provides that a "person holding a lien on the property or effects  
21 of a servicemember may not, during any period of military service of the  
22 servicemember and for 90 days thereafter, foreclose or enforce any lien on such  
23 property or effects without a court order granted before foreclosure or enforcement."  
24 50 U.S.C. § 3958(a)(1). There is no requirement that servicemembers inform lien  
25 holders of their military service.

26 34. For the purposes of 50 U.S.C. § 3958, "the term 'lien' includes a lien for  
27 storage, repair, or cleaning of the property or effects of a servicemember or a lien on  
28 such property or effects for any other reason." 50 U.S.C. § 3958(a)(2).



1 a. enforcing liens on motor vehicles of SCRA-protected  
2 servicemembers without court orders, in violation of the SCRA,  
3 50 U.S.C. § 3958;

4 b. failing or refusing to take such affirmative steps as may be  
5 necessary to restore, as nearly as practicable, LT Liongson to the  
6 position he would have been in but for that illegal conduct; and

7 c. failing or refusing to take such affirmative steps as may be  
8 necessary to prevent the recurrence of any illegal conduct in the  
9 future and to eliminate, to the extent practicable, the effects of  
10 Tony’s Auto’s illegal conduct;

11 3. awards appropriate monetary damages to LT Liongson and any other  
12 aggrieved servicemember, pursuant to 50 U.S.C. § 4041(b)(2); and

13 4. assesses civil penalties against Tony’s Auto to vindicate the public  
14 interest, pursuant to 50 U.S.C. § 4041(b)(3).

15 The United States prays for such additional relief as the interests of justice may  
16 require.

17 Respectfully submitted,

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