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NEWS

## 'Seize the Assets and Levy the Accounts': \$1.1M Judgment in Georgia

"He persuaded [the plaintiffs] to invest over a million dollars of their life savings with him, all of which immediately disappeared," said p Drew Beal of Beal, Sutherland, Berlin & Brown in Atlanta.

September 25, 2023 at 11:53 AM

Litigation



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### What You Need to Know

- Appeal of plaintiffs' granted summary judgment denied for ex-NBA player Elliott 'Dale' Davis.
- Cobb County Superior Court judge blocks Davis' appeal of \$1.1 million default judgment after untimely filing.
- Plaintiffs counsel with Beal, Sutherland, Berlin & Brown intend to seize Davis' assets and levy his accounts to recover clients' intended investment funds.

A trio of Atlanta litigators has succeeded at securing a seven-figure default judgment against ex-NBA player Elliott L. "Dale" Davis amid allegations he pocketed a couple's investment money.

The ruling comes more than two years after married plaintiffs Chareka and Calvin Cross filed a lawsuit alleging Davis cheated them out of more than \$1.1 million in the guise of serving as their investment counselor.

Although armed with the default judgment, plaintiff counsel with Beal, Sutherland, Berlin & Brown told the Daily Report they don't foresee an easy retrieval of their clients' funds.

"We anticipate that the recovery process will be very difficult as Mr. Davis has undoubtedly hidden his assets in anticipation of this day," plaintiff attorney Drew Beal alleged. "However, we are dedicated to following all the leads available to recover everything that the Plaintiffs are entitled to."

### **'Immediately Disappeared'**

After being left disabled by a trucking accident, plaintiff counsel said Calvin's subsequent personal injury claim resulted in "a significant settlement." Plaintiff counsel said Calvin and his wife, Chareka, then agreed to invest a portion of the funds with Davis—a onetime NBA All Star who played center and power forward for the Indiana Pacers, Portland Trail Blazers, Golden State Warriors and Detroit Pistons before retiring in 2007.

Davis had told the couple he'd handled millions of dollars in investments for an array of sports figures before taking the plaintiffs to the site of purported cannabis farms in Oregon and Washington, per the plaintiff [complaint](#) filed in Cobb County Superior Court in March 2021. The plaintiffs later invested more than \$116,000 to cover licensing fees, rent and payroll for the project.

The plaintiff complaint also alleged that Davis used his position as a financial consultant to fleece the couple by prodding them to invest in multiple projects over a period of several years with very little return on their money.

"Chareka had met Mr. Davis at various functions through her work, and he told her that he was an investment specialist, and he had several very lucrative investments that he was working on," Beal said. "Ultimately, he persuaded her and Calvin to invest over a million dollars of their life savings with him, all of which immediately disappeared."

Once served, Beal said Davis "repeatedly refused to answer" the plaintiffs' complaint.

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### **Georgia Lawsuit Accuses Ex-NBA Star of Defrauding Investors of \$1.1M**

Defense counsel for Davis changed hands several times throughout the litigation.

Atlanta attorney Scott R. King of SK Law withdrew his representation of Davis in November 2021. Atlanta attorney Chris Berney of Berney Law Firm took Davis on as a client in August 2022, but did not respond to a Daily Report request for comment.

Berney argued on Davis' behalf during a motion for summary judgment hearing the following month, but that didn't stop Cobb County Superior Court Judge Angela Z. Brown from granting plaintiff counsel's request in October 2022.

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### **Read the Summary Judgment Order**

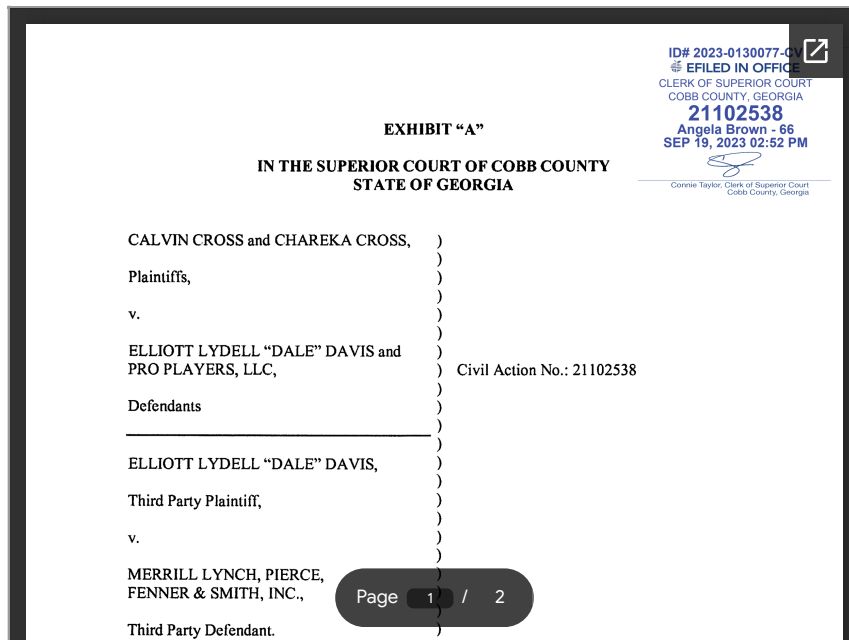
“After a lengthy evidentiary hearing, Judge Angela Brown ... held him in default and awarded damages in the amount of approximately \$1.1 million,” Beal told the Daily Report.

Upon Brown’s final order being entered Feb. 3, defense counsel appealed the summary judgment grant to the Georgia Court of Appeals in March.

But the challenge won’t be advancing, according to plaintiff counsel.

“[T]he record was not timely transmitted to the Court of Appeals,” Beal said. “Judge Brown granted our motion to dismiss Davis’ appeal based on Davis’ failure to timely pursue the appeal.”

## Read the Default Judgment



## Other Defendants

Now in the recovery phase, Beal said plaintiff counsel is moving forward with plans to recoup their clients’ funds.

“[W]e will have to seize the assets and levy the accounts of Mr. Davis to recover the funds the Crosses need to live on,” Beal said. “There are still other defendants remaining in this case who conspired with Mr. Davis on some of his failed investment schemes. We will pursue claims against those entities while seeking recovery from Mr. Davis for the judgment we have obtained.”

Beal acknowledged that the recovery attempts would likely involve an uphill battle, but shared that the plaintiffs “are extremely happy to finally be able to start the process of recovering some of their funds which were taken from them in Dale Davis’ fraudulent schemes.”

Former Daily Report reporter Greg Lang contributed to this article.

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