|   | Case 2:15-cv-00884-NVW Document 2  | Filed 05/19/15 Page 1 of 74                      |
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| 5 |  | <b>ATES DISTRICT COURT</b>                       |
|   | FOR THE DIST   | RICT OF ARIZONA                                  |
|   |  |  |
|   | Federal Trade Commission, all Fifty<br>States, and the District of Columbia, | CASE NO.   |
|   | Plaintiffs,<br>vs.   | STIPULATION RE ORDER<br>APPOINTING RECEIVER OVER |
|   |  | THE BREAST CANCER SOCIETY,                       |
|   | Cancer Fund of America, Inc., a Delaware corporation, et al.,                | INC.   |
|   | Defendants.  |  |
|   |  |  |
|   | Plaintiffs the Federal Trade Commiss   | sion ("FTC" or "Commission") and the states      |
|   | of Alabama, Alaska, Arizona, Arkansas, Cal                                   |  |
|   | Florida, Georgia, Hawaii, Idaho, Illinois, Ind                               |  |
|   | Maine, Maryland, Massachusetts, Michigan,                                    | •••••  |
|   | Nebraska, Nevada, New Hampshire, New Je                                      |  |
|   | Carolina, North Dakota, Ohio, Oklahoma, O                                    | •  |
|   | Carolina, South Dakota, Tennessee, Texas, U                                  | Jtah, Vermont, Virginia, Washington, West        |
|   | Virginia, Wisconsin, Wyoming, and the Dist                                   | rict of Columbia ("Plaintiff States"), and       |
|   | Defendant The Breast Cancer Society, Inc., a                                 | also d/b/a The Breast Cancer Society of          |
|   | America ("BCS"), having stipulated to the en                                 | ntry of a separate and concurrently filed        |
|   | Stipulated Order for Permanent Injunction an                                 | nd Monetary Relief Against The Breast            |
|   | Cancer Society, Inc., further stipulate to entr                              | y of this Stipulated Order Appointing            |
|   | Receiver Over The Breast Cancer Society, Ir                                  | nc. ("Order").                                   |
|   |  |  |
|   | STIPULATION RE ORDER APP   | OINTING RECEIVER OVER BCS                        |

| 1  | THEREFORE, IT IS ORDERED as follows:  |  |
|----|---|--|
| 2  | FINDINGS  |  |
| 3  | FINDINGS  |  |
| 4  | 1. Plaintiffs and BCS have consented to entry of a Stipulated Order for                   |  |
| 5  | Permanent Injunction and Monetary Judgment Against The Breast Cancer Society, Inc.        |  |
| 6  | ("Permanent Injunction").   |  |
| 7  | 2. The Permanent Injunction requires that the assets of BCS be liquidated to              |  |
| 8  | partially satisfy the monetary judgment entered against it and its corporate existence be |  |
| 9  | dissolved.  |  |
| 10 | 3. Plaintiffs and BCS have consented to entry of this Stipulated Order                    |  |
| 11 | Appointing Receiver Over The Breast Cancer Society, Inc.                                  |  |
| 12 | 4. Pursuant to the Federal Rules of Civil Procedure, this Court's general                 |  |
| 13 | equitable authority, and Sections 13(b) and 19 of the Federal Trade Commission Act,       |  |
| 13 | 15 U.S.C. § 53(b) and 57(b), this Court has the authority to enter the requested relief.  |  |
| 14 | DEFINITIONS   |  |
|    | DEFINITIONS   |  |
| 16 | For purposes of this Order, the following definitions shall apply:                        |  |
| 17 | 1. "BCS" means The Breast Cancer Society, Inc., also d/b/a The Breast                     |  |
| 18 | Cancer Society of America, and its successors and assigns.                                |  |
| 19 | 2. "GAIC Policies" means the Great American Insurance Company ("GAIC")                    |  |
| 20 | "Nonprofit Solution" Insurance Policies, Policy No. EPP1092321, for the Policy Periods    |  |
| 21 | of: (1) January 20, 2010 to January 20, 2011; (2) January 20, 2011 to January 20, 2012;   |  |
| 22 | (3) January 20, 2012 to January 20, 2013; (4) January 20, 2013 to January 20, 2014; and   |  |
| 23 | (5) January 20, 2014 to January 20, 2015.   |  |
| 24 | 3. "Permanent Injunction" means the Stipulated Order for Permanent                        |  |
| 25 | Injunction and Monetary Judgment Against The Breast Cancer Society, Inc., agreed to by    |  |
| 26 | BCS.  |  |
| 27 |   |  |
| 28 |   |  |
|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 2 of 24                         |  |

1 4. "STCO Fund" means the Litigation Deposits Trust Fund (Fund Code "T-2 xx-909N"), an interest bearing trust fund held by the Hawaii Attorney General's Office in 3 trust for the Plaintiff States into which Section VII.D.1 of the Permanent Injunction 4 requires the BCS Receiver to deposit all monies to be paid to the Plaintiff States.

"Person" means a natural person, an organization or other legal entity, 5. 6 including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

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8 6. "Fundraising" means a plan, program, or campaign that is conducted to 9 induce charitable contributions by mail, telephone, electronic mail, social media, or any other means. 10

7. "Nonprofit organization" means any person that is, or is represented to be, a 11 nonprofit entity, or that has, or is represented to have, a charitable purpose, specifically 12 including but not limited to any such entity that purports to benefit, either in whole or in 13 part, individuals who suffer or have suffered from cancer. 14

"HSW Assets" means the BCS assets related to operating its Hope Supply 8. 15 Warehouse program, including, e.g., inventory, equipment, furnishings, and fixtures, and, 16 separately, the cash set aside for operating the existing Hope Supply Warehouse program 17 and disbursing to an Approved Qualified Charity or Charities as set forth in Section IV, 18 below. The cash set aside for this purpose is dependent on the funds available in the BCS 19 Receivership estate and shall not exceed \$800,000. 20

9. "And" and "or" shall be construed both conjunctively and disjunctively to 21 make the applicable sentence or phrase inclusive rather than exclusive. 22

### ORDER

#### I. LIQUIDATING RECEIVER

IT IS FURTHER ORDERED that Receivership Management, Inc., 783 Old 26 Hickory Boulevard, Suite 255, Brentwood, Tennessee 37027, is appointed by this Court 27

> STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 3 of 24

as Liquidating Receiver ("Receiver") with all the rights and privileges of an equity
 receiver over BCS for the purposes of taking charge of the property and assets (except the
 GAIC Policies) of BCS, conducting the necessary steps to wind down its affairs,
 transferring or liquidating its assets as specified below, and dissolving its corporate
 existence. The Receiver shall be the agent of this Court, and solely the agent of this
 Court, in acting as Receiver under this Order. The Receiver shall be accountable directly
 to this Court.

### II. RECEIVER'S DUTIES AND AUTHORITIES

IT IS FURTHER ORDERED that the Receiver shall be authorized and directed to do any and all acts necessary to the proper and lawful conduct of this receivership, subject to the control of this Court, including but not limited to:

A. Take any and all steps that the Receiver concludes are appropriate to wind down the affairs of BCS, transfer or liquidate its assets as specified below, and dissolve its corporate existence;

Β. Exercise full control of BCS and collect, marshal, and take custody, 16 control, and possession of all the funds, property, premises, accounts, documents, mail, 17 and other assets of, or in the possession or under the control of, BCS (except the GAIC 18 Policies), wherever situated, the income and profits therefrom, and all sums of money 19 now or hereafter due or owing to BCS, with full power to collect, receive and take 20 possession of all goods, chattels, rights, credits, monies, rents, effects, lands, leases, 21 books and records, limited partnership records, work papers, and records of accounts, 22 including computer maintained information, contracts, financial records, monies on hand 23 in banks and other financial institutions, and other papers and documents of other 24 individuals, partnerships or corporations whose interests are now held by or under the 25 direction, possession, custody, or control of BCS;

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- C. Perform all acts necessary or advisable to complete an accounting of the assets of BCS, prevent unauthorized transfer, withdrawal, or misapplication of the assets
  - STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 4 of 24

of BCS, and preserve and pursue recovery of the assets of BCS from third parties (except the GAIC Policies);

<sup>3</sup> D. Make disbursements for operating expenses as required to operate the BCS
 <sup>4</sup> Hope Supply Warehouse program pursuant to Section IV.C, below, and as may be
 <sup>5</sup> appropriate to wind down the affairs of BCS, such as for undertaking repairs, and take
 <sup>6</sup> any other actions necessary to efficiently manage all real and personal property in order
 <sup>7</sup> to maintain its value;

8 E. Purchase insurance as advisable or necessary. The Receiver may keep in
9 force the existing insurance coverage(s), each of which shall name the Receiver as an
10 additional insured thereunder. The Receiver acknowledges and agrees that when this
11 Order is entered, the GAIC Policies are not part of this Order;

F. Enter into new or amended contracts, agreements, understandings, or other 12 commitments and terminate or abrogate, in the Receiver's sole sound business discretion, 13 any or all agreements, contracts, understandings, or commitments entered into by BCS, to 14 the extent permitted by applicable law. The Receiver shall not be bound by any 15 unsecured contracts, agreements, understandings, or other commitments in the nature of 16 service contracts that BCS has, had, or may have with third parties, whether oral or 17 written. The Receiver may agree to become bound by any such contracts, agreements, 18 understandings, or other commitments by affirmative written ratification executed by the 19 Receiver. *Provided that* the Receiver shall terminate any and all fundraising contracts 20 within 30 days of entry of this Order. 21

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G. Make payments and disbursements from the assets of BCS that are necessary or advisable for carrying out the provisions of, or exercising the authority granted by, this Order. The Receiver shall apply to the Court for prior approval of any payment of any debt or obligation incurred by BCS prior to the date of entry of this Order, except payments that the Receiver deems necessary or advisable to operate the BCS Hope Supply Warehouse program pursuant to Section IV.C, below, or to secure and liquidate assets of BCS, such as rental payments or payment of liens;

1 H. Issue subpoenas to obtain documents and records pertaining to the assets of BCS, and conduct discovery in this action on behalf of BCS;

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3 Institute, prosecute, defend, compromise, intervene, adjust, appear in, and L 4 become a party either in the Receiver's name or in the name of BCS to such suits, 5 actions, or proceedings in state, federal, or foreign courts as may be necessary for the 6 protection, maintenance, recoupment, or preservation of the assets of BCS, including 7 proceedings seeking the avoidance of fraudulent transfers, disgorgements of profits, 8 imposition of constructive trusts, and any other legal and equitable relief that the 9 Receiver deems necessary and appropriate to preserve and recover assets of BCS. 10 **Provided that** the Receiver may not pursue an action against any individual BCS director under Ariz. Rev. Stat. Section 10-3833; 11 J. Bring such proceedings and actions as are necessary to enforce or modify 12 the provisions of this Order; 13 K. Perform all incidental acts that the Receiver deems to be advisable or 14 necessary to operate and otherwise manage the affairs of BCS during its winding down 15 phase, transfer or liquidate its assets, and dissolve its corporate existence, including, 16 without limitation, the following powers and responsibilities to: 17 1 Retain, hire, or dismiss any employees, independent contractors, and 18 agents as the Receiver deems advisable or necessary; 19 2. Supervise and oversee the management of BCS, including making 20 payments and paying taxes as and when the Receiver has funds available from BCS, or 21

from the liquidation thereof; 22

3. Employ such counsel, real estate agents, auctioneers, appraisers, 23 accountants, contractors, other professionals, and other such persons as may be necessary 24 in order to carry out the duties as Receiver and to preserve, maintain, recover, recoup, 25 and protect the assets of BCS; 26

4. Open new accounts with, or negotiate, compromise or otherwise 27 modify the existing obligations of BCS with third parties, including utility companies and 28

other service providers or suppliers of goods and services, and to otherwise enter into such agreements, contracts, or understandings with such third parties as are necessary to maintain, preserve, and protect the assets of BCS; and

<sup>4</sup> 5. Open new bank, brokerage or investment accounts with respect to
<sup>5</sup> the Receiver's management and operation of BCS, and deposit any cash or other assets
<sup>6</sup> into said accounts;

L. 7 Dispose of, or arrange for the disposal of, the records of BCS no later than 8 six months after the Court's approval of the Receiver's final report, except that, to the 9 extent that any federal, state, or local law regulating BCS's activities requires the retention of particular records for a specified period, the Receiver shall arrange for such 10 records to be disposed of after the specified period has expired. For any such records, the 11 Receiver may elect to retain records in their original form, or to retain photographic or 12 electronic copies. Records containing personal financial information, personal 13 identifying information, or sensitive health information must be shredded, incinerated, or 14 otherwise disposed of in a secure manner. Records containing the name, address, email 15 address and/or telephone number of any person who made a donation to BCS (i.e., any 16 donor list) may not be sold, rented, leased, transferred, or otherwise disclosed to any third 17 party except as provided for in Section IV.C.1.c, below, and must be destroyed; and 18

- M. Pay to the STCO Fund any and all sums collected over and above those
   necessary to wind down the affairs of BCS, transfer HSW Assets as specified in Section
   IV, below, or otherwise liquidate its assets, and dissolve it, or those necessary to make
   payments authorized by this Receivership Order.
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### III. TRANSFER OF RECEIVERSHIP PROPERTY TO RECEIVER

IT IS FURTHER ORDERED that BCS, its representatives, agents, officers, directors, employees, managers, members, and any other persons with possession, custody, or control of property of or records relating to BCS shall:

A. Upon notice of this Order by personal service or otherwise, immediately
 notify the Receiver of all such property and records and, upon receiving a request from

the Receiver, immediately transfer or deliver to the Receiver possession, custody, and
 control of the following:

3 All assets of BCS, including but not limited to any legal or equitable 1. 4 interest in, right to, or claim to, any real, personal, or intellectual property, including 5 chattel, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, 6 contracts, mail or other deliveries, shares of stock, securities, inventory, checks, notes, 7 accounts, credits, receivables (as those terms are defined in the Uniform Commercial 8 Code), insurance policies (except the GAIC Policies), lines of credit, cash, trusts 9 (including asset protection trusts), lists of donor names, and reserve funds or any other accounts associated with any donations or other payments processed by, or on behalf of, 10 BCS, including such reserve funds held by payment processors, credit card processors, 11 caging companies, banks, or other financial institutions; 12

2. All documents of BCS, including books and records of accounts, all 13 financial and accounting records, balance sheets, income statements, bank records 14 (including monthly statements, canceled checks, records of wire transfers, and check 15 registers), client lists, donor lists, title documents, and all other materials listed in Federal 16 Rule of Civil Procedure 34(a), including writings, drawings, graphs, charts, photographs, 17 audio and video recordings, computer records, digital records, and other data 18 compilations from which information can be obtained and translated, if necessary, into 19 reasonably usable form through detection devices; 20

3. All computers, electronic devices, machines, and data in whatever
 form used to conduct the business of BCS;

4. All assets and documents belonging to other persons or entities
 whose interests are under the direction, possession, custody, or control of BCS; and
 5. All keys, codes, user names, and passwords necessary to gain or to
 secure access to any assets or documents of BCS, including access to its business
 premises, means of communication, accounts, computer systems, or other property.

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1 Β. Waive all claims to, and unconditionally release and consent to transfer 2 possession and legal and equitable title, of all property of BCS to the Receiver or a trust 3 designated by the Receiver; and

4 C Until BCS surrenders possession and legal and equitable title of all property 5 of BCS to the Receiver, BCS shall:

6 1. Maintain and take no action to diminish the value of BCS's property, 7 including any structures, fixtures, and appurtenances thereto;

2. 8 Remain current on all amounts due and payable on the property of BCS, including but not limited to taxes, insurance, maintenance, and similar fees; and 9 3. Cause existing insurance coverage for the property of BCS to remain 10 in force until the surrender of possession and legal and equitable title, and shall both 11 notify the insurance carrier(s) immediately of the appointment of the Receiver and 12 request that the Receiver be added to the insurance policy or policies as an additional 13 insured thereunder. 14

D. Notwithstanding any other term, condition, or provision of this Order, the 1.5 Receiver shall not have any legal or equitable rights to the GAIC Policies including, but 16 not limited to, the payment of \$389,500 being made by GAIC and into the STCO Fund 17 (the "GAIC Payment"). The Receiver expressly agrees that: (i) the GAIC Policies and 18 the GAIC Payment are not assets that are subject to this Order; and (ii) prior to this Order 19 becoming effective, BCS has agreed that the GAIC Policies are completely released, null 20 and void, and of no effect whatsoever. 21

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#### IV. **TRANSFER OF HOPE SUPPLY WAREHOUSE ASSETS**

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IT IS FURTHER ORDERED that the Receiver shall, if practicable, transfer BCS assets related to its existing Hope Supply Warehouse program ("HSW Assets") and cash 24 disbursements in an amount not to exceed \$800,000 to a qualified charity or charities 25 approved by the Receiver and willing to operate a similar program, as follows:

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1 **Recommending Qualified Charities:** A. 2 Any member of the BCS board of directors who held such position 1. 3 as of the date of entry of this Order may recommend to the Receiver potential qualified 4 charities to receive HSW Assets and operate a Hope Supply Warehouse-type program or 5 programs in each location where BCS currently operates such a program. 6 2. To be qualified, a charity must: 7 Be incorporated as a nonprofit corporation; a. 8 b Have been granted tax-exempt status pursuant to Section 501(c)(3) by the IRS or have filed a Form 1023 application for such status and obtained a 9 written fiscal sponsorship with another nonprofit corporation; 10 Be registered in each jurisdiction where such registration is c. 11 necessary; 12 d. Have timely filed a Form 990 or Form 990 EZ for the last 13 fiscal period when such a filing was due; 14 Have a mission related at least in part to serving the needs of e. 15 breast cancer patients; 16 f. Have adequate insurance; 17 Have a fiscally responsible budget and a plan for operating a g. 18 Hope Supply Warehouse-type program or programs for at least one (1) year in a location 19 or locations where BCS operates existing Hope Supply Warehouse programs; 20 h. Have reasonable safeguards in place to prevent violations of 21 state and federal law, specifically including laws prohibiting deceptive charitable 22 solicitations and those regarding private inurement in the governance of nonprofit 23 organizations. Any charity following practices recommended by the Better Business 24 Bureau's Wise Giving Alliance "Standards," the Evangelical Council for Financial 25 Accountability's "Standards for Responsible Stewardship," or the Independent Sector's 26 "Principles for Good" shall be deemed to have such reasonable safeguards in place; and 27 28

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| 1  | i. Agree to enter into a contract with the Receiver that includes                            |   |
| 2  | the requirements set forth in Section IV.F, below.   |   |
| 3  | 3. The Receiver shall verify the qualifications of each suggested charity                    |   |
| 4  | and may make any further inquiries reasonably necessary to assist in selecting a qualified   |   |
| 5  | charity. Any charity wishing to be selected must cooperate with the Receiver during this     |   |
| 6  | verification and selection process.  |   |
| 7  | 4. All recommendations of qualified charities must be made to the                            |   |
| 8  | Receiver within 120 days of entry of this Order.   |   |
| 9  | B. <u>Selecting a Qualified Charity</u>  |   |
| 10 | 1. If the Receiver verifies that one or more charities have the necessary                    |   |
| 11 | qualifications, the Receiver shall use the following factors to select one or more qualified |   |
| 12 | charities ("Approved Qualified Charity" or "Approved Qualified Charities"):                  |   |
| 13 | a. Its mission;  |   |
| 14 | b. Its fiscal soundness;   |   |
| 15 | c. Its governance and financial controls;  |   |
| 16 | d. Its history of compliance with federal, state, and local laws;                            |   |
| 17 | e. The background and expertise of its directors and staff;                                  |   |
| 18 | f. The nature and scope of any existing operations; and                                      |   |
| 19 | g. The nature and viability of its plans for long-term operation                             |   |
| 20 | of a Hope Supply Warehouse-type program, including, e.g., staffing, fundraising, and         |   |
| 21 | budget.  |   |
| 22 | 2. The Receiver shall give preference to qualified charities local to                        |   |
| 23 | each existing Hope Supply Warehouse that can demonstrate involvement in and support          |   |
| 24 | from the local community.  |   |
| 25 | 3. The Receiver shall select the Approved Qualified Charities within                         |   |
| 26 | 180 days of entry of the Order. If no charity or charities is recommended, or if the         |   |
| 27 | Receiver determines that no such recommended charity or charities is sufficiently            |   |
| 28 | qualified, the Receiver shall notify BCS and Plaintiffs and, except as continued             |   |
|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 11 of 24                           |   |

operations are provided for in Section IV.D, below, close the existing Hope Supply
 Warehouse programs and liquidate the HSW Assets pursuant to Section II, above.

4. If an Approved Qualified Charity is not located to operate all
 existing Hope Supply Warehouse locations, the Receiver shall liquidate the assets of each
 such Hope Supply Warehouse location for which no Approved Qualified Charity was
 selected pursuant to Section II, above.

7 5. The Receiver shall notify BCS and Plaintiffs of each selected
8 Approved Qualified Charity ten days prior to the Receiver filing its notice and request for
9 approval below with the Court, as provided under Section IV.B.6, below.

Upon selection of the Approved Qualified Charities and notice to
 BCS and Plaintiffs, the Receiver shall timely file with the Court a "Notice of Selection of
 Approved Qualified Charities" and seek the Court's authorization to transfer the HSW
 Assets to the Approved Qualified Charities.

BCS or the Plaintiffs may file an objection with the Court within ten
days of the Receiver's filing the "Notice of Selection of Approved Qualified Charities."
If no such objection is timely filed, BCS and Plaintiffs shall be deemed to have waived
any objections to the Approved Qualified Charities.

8. After receiving authorization from the Court, the Receiver shall
 close the existing Hope Supply Warehouse operations and provide the HSW Assets to the
 Approved Qualified Charities.

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C. <u>Transfer of HSW Assets</u>:

If the Receiver is operating the existing Hope Supply Warehouse
 locations at the time the Approved Qualified Charities are selected, the Receiver shall
 close them and transfer HSW Assets to each Approved Qualified Charity as follows:

a. Transfer the HSW Assets used by BCS to operate each
 existing Hope Supply Warehouse to the Approved Qualified Charity selected to operate a
 Hope Supply Warehouse-type program in that location;

b. Lease, transfer the lease, or sublet the space occupied by each
 existing Hope Supply Warehouse location to the Approved Qualified Charity that will
 operate in that location, to the extent commercially reasonable and contractually
 permitted; and

5 c. Share with each Approved Qualified Charity relevant 6 information about the operation of each existing Hope Supply Warehouse location where 7 the Approved Qualified Charity will operate a new Hope Supply Warehouse-type program, including but not limited to, inventories, volunteer lists, local community 8 contacts, corporate sponsors, and patient information. *Provided that* the Receiver shall 9 not transfer any donor list or other donor information originating from any telemarketing 10 11 call. All such telemarketing donor lists shall be destroyed pursuant to Section II.L, above. *Provided further* that, to the extent that the information is readily ascertainable, 12 the Receiver may provide each Approved Qualified Charity with lists of donors who 13 participated in any in-person or online fundraising effort specifically seeking support for 14 the BCS Hope Supply Warehouse program in any location that the Approved Qualified 15 Charity will operate. All personal identifying information or sensitive health information 16 about any volunteer, patient, donor, or other individual must be maintained and 17 transferred in compliance with appropriate security protocols and in accordance with 18 applicable laws. 19

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2. If, at the time the Approved Qualified Charities are selected, the
Receiver has closed the existing Hope Supply Warehouse operations pursuant to Section
IV.D.2, below, the Receiver may, at the Receiver's sole discretion, transfer to the
Approved Qualified Charities any HSW Asset identified in Section IV.C.1, above that
still remains in the BCS receivership estate. Any such Approved Qualified Charity shall
receive cash distributions as set forth in Section IV.E, below.

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STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 13 of 24

### D. <u>Continuing Hope Supply Warehouse Operation:</u>

1. To the extent that sufficient BCS assets exist to do so, the Receiver
 shall use reasonable best efforts to operate the existing Hope Supply Warehouse program
 for 90 days following entry of this Order.

<sup>5</sup> 2. If no qualified charity or charities is recommended pursuant to
<sup>6</sup> Section IV.A, above, within the initial 90 day operation period, the Receiver may close
<sup>7</sup> the existing Hope Supply Warehouse program and liquidate its assets pursuant to Section
<sup>8</sup> II, above.

3. 9 If the Receiver so recommends and adequate funds exist, BCS and Plaintiffs may agree to extend the Receiver's operation of the existing Hope Supply 10 Warehouse program for up to an additional 90 days. Such agreement may not be 11 unreasonably withheld. Factors that reasonably may be considered in agreeing to an 12 extension include the cost of ongoing operations and any progress in identifying and 13 selecting a qualified charity or charities. Costs related to operating the existing Hope 14 Supply Warehouse program shall be deducted from the total amount of cash available for 15 distribution to any Approved Qualified Charity pursuant to Section IV.E, below. 16

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E. <u>Cash Distributions:</u>

To the extent that funds from the BCS receivership estate are
 available, the Receiver may spend up to \$800,000 operating the existing Hope Supply
 Warehouse program and distributing cash to the Approved Qualified Charities for their
 use in operating Hope Supply Warehouse-type programs at each general location where
 BCS previously operated a Hope Supply Warehouse. In addition, the Receiver may
 distribute up to an additional \$45,000 to a charity for use in Texas, as set forth in Section
 IV.E.1.b, below. The cash shall be distributed as follows:

a. To the extent that funds from the BCS receivership estate are
 available, the Receiver shall make an initial distribution of the cash necessary to operate a
 Hope Supply Warehouse-type program for 60 days to each Approved Qualified Charity
 for each location it will operate. The Receiver shall determine that amount based on the

Receiver's experience operating the BCS Hope Supply Warehouse program and the budget initially proposed by the Approved Qualified Charity.

3 To the extent that funds from the BCS receivership estate are b. 4 available, at the time that the Receiver makes an initial distribution to any Approved 5 Qualified Charity pursuant to IV.E.1.a, above, or determines that no Approved Qualified 6 Charity can be selected pursuant to Section IV.B.3, above, the Receiver shall also make a 7 one-time distribution not to exceed \$45,000 to a charity to be used solely to provide 8 direct aid to breast cancer patients in Texas ("Texas Charity"). The Texas Charity shall 9 be recommended and selected as provided for in Sections IV.A and B., above, except that the Texas Charity need not agree to operate a Hope Supply Warehouse-type program, but 10 11 rather must agree that it will use the \$45,000 exclusively to provide direct aid to breast cancer patients and for no other purpose. 12

c. To the extent that funds from the BCS receivership estate are 13 available and some portion remains of the \$800,000 total allotted in Section IV.E.1, 14 above, the Receiver shall make a second distribution of the cash necessary to operate a 15 Hope Supply Warehouse-type program for an additional 60 days to each Approved 16 Qualified Charity for each location it is operating. The Receiver shall determine that 17 amount based on the Receiver's experience previously operating the BCS Hope Supply 18 Warehouse program, the budget initially proposed by the Approved Qualified Charity, 19 and the report of the Approved Qualified Charity made pursuant to Section IV.G, below. 20 d. To the extent that funds from the BCS receivership estate are 21 available and some portion remains of the \$800,000 total allotted in Section IV.E.1, 22 above, the Receiver shall make a third distribution of the cash necessary to operate a 23 Hope Supply Warehouse-type program for an additional 60 days to each Approved 24 Qualified Charity for each location it is operating. The Receiver shall determine that 25 amount based on the Receiver's experience previously operating the BCS Hope Supply 26 Warehouse program, the budget initially proposed by the Approved Qualified Charity, 27 and the report of the Approved Qualified Charity made pursuant to Section IV.G, below.

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1 To the extent that funds from the BCS receivership estate are e. 2 available and some portion remains of the \$800,000 total allotted in Section IV.E.1, 3 above, no later than 180 days after the Receiver's initial distribution of cash the Receiver 4 shall equally divide the remaining portion of the \$800,000 between each Approved 5 Qualified Charity for each location, not to exceed a disbursement of \$200,000 per 6 location. 2. 7 The Receiver shall make no cash distributions to any Approved Qualified Charity that has: 8 An outstanding report required by Section IV.G, below; 9 a A pending request for information by the Receiver related to 10 b. the Approved Qualified Charity's budget, its operation of the Hope Supply Warehouse-11 type program, or its compliance with the contract for transfer described in Section IV.F, 12 below; or 13 Materially violated the terms of the contract to transfer assets c. 14 described in Section IV.F below. 15 F. Contract for Transfer: 16 1. The Receiver and any Approved Qualified Charity shall enter into a 17 contract outlining the terms of the transfer of HSW Assets and cash disbursements and 18 the Approved Qualified Charity's on-going operation of a Hope Supply Warehouse-type 19 program at each location for which the charity was approved ("Transfer Contract"). The 20 Transfer Contract shall include the following requirements: 21

a. The Approved Qualified Charity may use any HSW Assets or
 cash disbursements it receives only to operate a Hope Supply Warehouse-type program
 for the benefit of financially distressed breast cancer patients;

b. The Approved Qualified Charity must operate the Hope
 Supply Warehouse-type program for at least one year, *provided that* if it becomes
 impracticable to operate such a program within six months of transfer of any HSW Assets
 or cash disbursements, the Approved Qualified Charity agrees to notify the Receiver and

transfer any remaining HSW Asset or cash disbursement monies to the Receiver pursuant
 to Section III, above.

c. The Approved Qualified Charity must, to the extent
 practicable, follow the proposed budget and operational plan described in Section IV.A.2,
 above.

d. The Approved Qualified Charity may not employ James
7 Reynolds, II or Kristina Reynolds in any capacity;

e. The Approved Qualified Charity may not permit James
Reynolds II, Kristina Reynolds, Eric Fransen, or any Individual Defendant named in this
matter, or any of their relatives, to serve as a director or officer of its Board of Directors;
and

f. The Approved Qualified Charity may not permit a majority of
 its Board of Directors to be comprised of persons who at any time served as directors or
 officers of the Boards of Directors of BCS, Cancer Fund of America, Inc., Cancer
 Support Services, Inc., or Children's Cancer Fund of America, Inc.

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G. <u>Approved Qualified Charity Reports:</u>

1. Each Approved Qualified Charity must provide three reports to the 17 Receiver at intervals of 45, 105, and 165 days following transfer of HSW Assets and 18 receipt of the initial cash disbursement described in Section IV.E, above. The reports 19 shall i) specifically describe the Approved Qualified Charity's compliance with the terms 20 of the Transfer Contract; ii) identify and describe any material changes in the charity's 21 qualifications categorized in Section IV.A.2, above which occurred since it first provided 22 them to the Receiver; and iii) identify and describe any material deviations by the charity 23 from the plan, budget, or other representation it made to the Receiver relating to its 24 proposed operation of a Hope Supply Warehouse-type program. The Receiver may seek 25 additional information from each Approved Qualified Charity about any such report or 26 otherwise related to the Approved Qualified Charity's budget, its operation of the Hope 27 Supply Warehouse-type program, or its compliance with the Transfer Contract. 28

> STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 17 of 24

## H. Breach of Contract for Transfer:

In the event that any Approved Qualified Charity breaches the terms of the
 Transfer Contract or otherwise violates the provisions of Section IV, above, the Receiver
 shall have the standing and authority to pursue the Approved Qualified Charity for breach
 of contract, damages, attorney's fees, and costs.

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## V. COOPERATION

IT IS FURTHER ORDERED that:

8 BCS, its representatives, agents, officers, directors, employees, managers, A 9 members or any other persons with possession, custody, or control of property or records relating to BCS, must cooperate fully with the Receiver and take such other steps as the 10 11 Receiver may require to transfer to the Receiver, or to his or her designated trust, possession and legal and equitable title to all assets of BCS within five days of request by 12 the Receiver, including executing any documents, procuring the signature of any person 13 or entity under their control, providing access to the property of BCS and any necessary 14 information, and turning over any property of BCS. 15

B. In the event that any person fails to deliver or transfer any asset or 16 document, or otherwise fails to comply with any provision of this Order, the Receiver 17 may file ex parte an affidavit of non-compliance regarding the failure. Upon filing of the 18 affidavit, the Court may authorize, without additional process or demand, writs of 19 possession or sequestration or other equitable writs requested by the Receiver. The writs 20 shall authorize and direct the United States Marshal or any sheriff or deputy sheriff of 21 any county, or any other federal, state, or local law enforcement officer, to seize the asset, 22 document, or other item covered by this Section and to deliver it to the Receiver. 23

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# VI. PROVISION OF INFORMATION TO RECEIVER

IT IS FURTHER ORDERED that BCS shall provide to the Receiver, immediately upon request, the following:

STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 18 of 24 A. A list of all assets and property, including accounts, of BCS that are held in any name other than the name of BCS, or by any person or entity other than BCS; and

B. A list of all agents, employees, officers, directors, managers, members, employees, agents, or those persons in active concert and participation with BCS, who have been associated with or done business with BCS.

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#### VII. PROHIBITION ON INTERFERENCE WITH THE RECEIVER

IT IS FURTHER ORDERED that BCS and its representatives, whether acting directly or through any entity, corporation, subsidiary, division, director, manager, member, employee, agent, affiliate, independent contractor, accountant, financial advisor, or other device, except as provided herein, as stipulated by the parties, or as directed by further order of the Court, are hereby restrained and enjoined from:

A. Interfering with the Receiver's efforts to manage, or take custody, control, or possession of, the assets or documents subject to this receivership;

B. Transacting any of the business of BCS;

C. Transferring, receiving, altering, selling, encumbering, pledging, assigning, liquidating, or otherwise disposing of any assets owned, controlled, or in the possession or custody of, or in which an interest is held or claimed by, BCS or the Receiver; and

D. Refusing to cooperate with the Receiver or the Receiver's duly authorized agents in the exercise of their duties or authority under any order of this Court.

#### VIII. STAY OF ACTIONS AGAINST BCS

IT IS FURTHER ORDERED that, except by leave of this Court, during pendency
 of the receivership ordered herein, BCS, its representatives, and other persons seeking to
 establish or enforce any claim, right, or interest against or on behalf of BCS, and all
 others acting for or on behalf of such persons, are hereby enjoined from taking action that
 would interfere with the exclusive jurisdiction of this Court over the assets or documents
 of BCS, including:

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1 Petitioning, or assisting in the filing of a petition, that would cause BCS to A. 2 be placed in bankruptcy;

3 Β. Commencing, prosecuting, or continuing a judicial, administrative, or other action or proceeding against BCS, including the issuance or employment of process against BCS, except that such actions may be commenced if necessary to toll any 6 applicable statute of limitations;

7 C. Filing or enforcing any lien on any asset of BCS, taking or attempting to 8 take possession, custody, or control of any asset of BCS, or attempting to foreclose, 9 forfeit, alter, or terminate any interest in any asset of BCS, whether such acts are part of a 10 judicial proceeding, are acts of self-help, or otherwise; and

11 D. Initiating any other process or proceeding that would interfere with the Receiver's efforts to manage or take custody, control, or possession of the assets or 12 documents subject to this receivership. 13

PROVIDED THAT, this Order does not stay: (i) the commencement or continuation of 14 a criminal action or proceeding; (ii) the commencement or continuation of an action or 1.5 proceeding by a governmental unit to enforce such governmental unit's police or 16 regulatory power; or (iii) the enforcement of a judgment, other than a monetary 17 judgment, obtained in an action or proceeding by a governmental unit to enforce such 18 governmental unit's police or regulatory power. 19

#### IX. **RECEIVER'S BOND**

IT IS FURTHER ORDERED that the Receiver shall file with the Clerk of this 22 Court a bond in the sum of \$ with sureties to be approved by the Court, 23 conditioned that the Receiver will well and truly perform the duties of the office and 24 abide by and perform all acts the Court directs. 28 U.S.C. § 754. 25

#### X. COMPENSATION OF RECEIVER

2 IT IS FURTHER ORDERED that the Receiver and all personnel hired by the 3 Receiver as herein authorized, including counsel to the Receiver and accountants, are 4 entitled to reasonable compensation for the performance of duties undertaken pursuant to 5 this Order and for the cost of actual out-of-pocket expenses incurred. The Receiver's 6 compensation and the compensation of any persons hired by the Receiver are to be paid 7 solely from the assets of BCS and any proceeds from the liquidation of BCS, and such 8 payments shall have priority over all other distributions except for any transfer fees, 9 recording fees, or other payments owed through the transfer of the assets of BCS. The 10 Receiver shall file with the Court and serve on the parties a request for the payment of 11 reasonable compensation at the time of the filing of periodic reports and no less than 12 every 60 days. The Receiver shall not increase the fees or rates used as the basis for such 13 fee applications without prior approval of Plaintiffs and the Court. BCS shall have no 14 right to object to the Receiver's fees or compensation. Absent a violation of this Order that causes the Receiver to incur fees or expenses, BCS shall not be liable for the 15 16 Receiver's fees or expenses.

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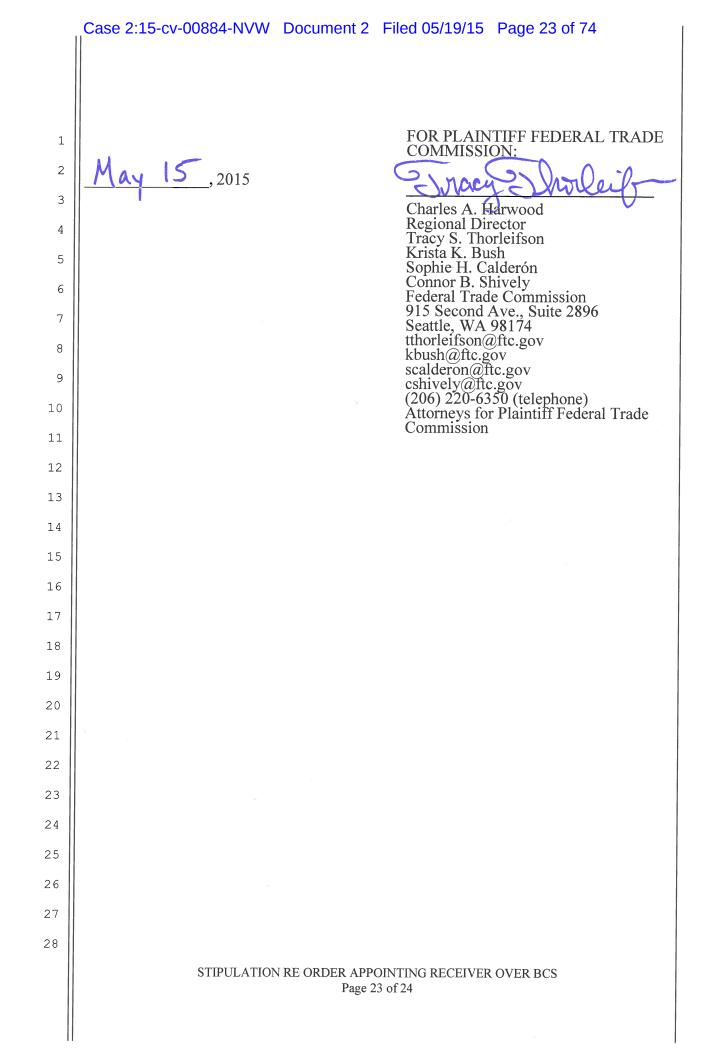
#### XI. RECEIVER REPORTS

IT IS FURTHER ORDERED that the Receiver shall periodically file with the Court, no less than every 60 days, a Receivership Report, under oath, accurately identifying any and all revenues received and expenditures made, including adequately detailed information concerning income, expenses, payables, and receivables. These periodic filings shall be served by the Receiver on Plaintiffs and BCS.

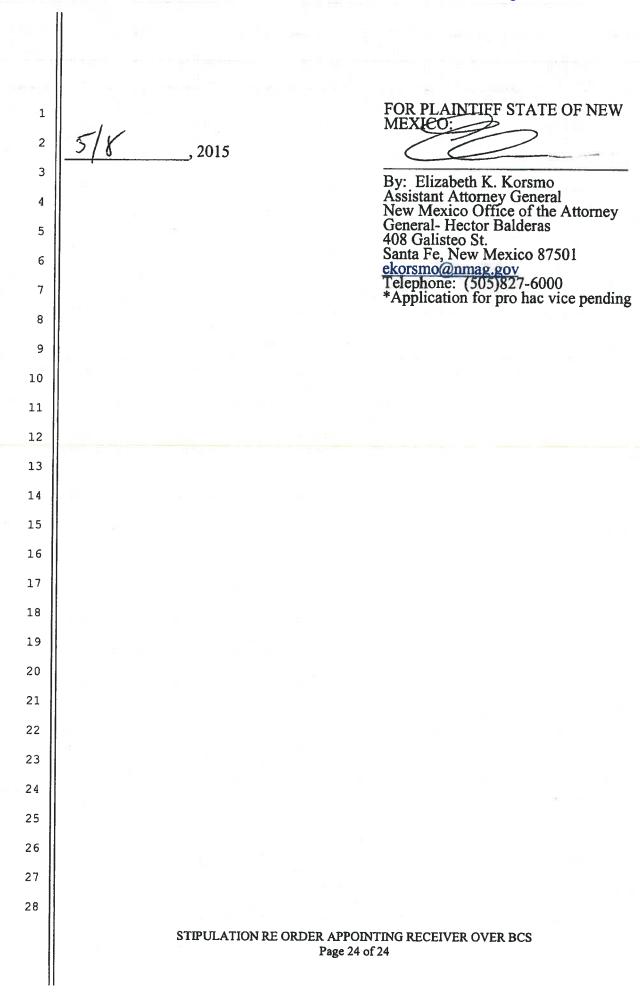
#### XII. TERMINATION OF RECEIVERSHIP

IT IS FURTHER ORDERED that, upon the final transfer of all funds to the STCO
 Fund and the dissolution of BCS, the duties of the Receiver shall terminate. The
 Receiver shall file a final application for fees, complete liquidation, and terminate his or

1 her service within 360 days of the entry of this Order, unless good cause is shown to 2 extend the receivership beyond 360 days. At the termination of the Receiver's duties, the 3 Receiver shall transfer any unliquidated assets of BCS to the STCO Fund described in 4 Section VIII.D of the Permanent Injunction. VII.D 5 SO STIPULATED AND AGREED: 6 7 FOR DEFENDANT THE BREAST CANCER SOCIETY, INC.: • 8 9 2015 Urman The Eric S. Berman Randal M. Shaheen Venable LLP 575 7<sup>th</sup> Street, NW Washington, DC 20004 esberman@Venable.com 10 11 12 rmshaheen@Venable.com 13 (202) 344-4000 (telephone) 14 Attorneys for The Breast Cancer Society, Inc. 15 FOR DEFENDANT THE BREAST 16 CANCER SOCIETY, INC .: 17 2015 18 Andrina Shields In her capacity as Chairman of the Board 19 of Directors of The Breast Cancer Society, Inc. 20 21 22 23 24 25 26 27 28 STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 22 of 24



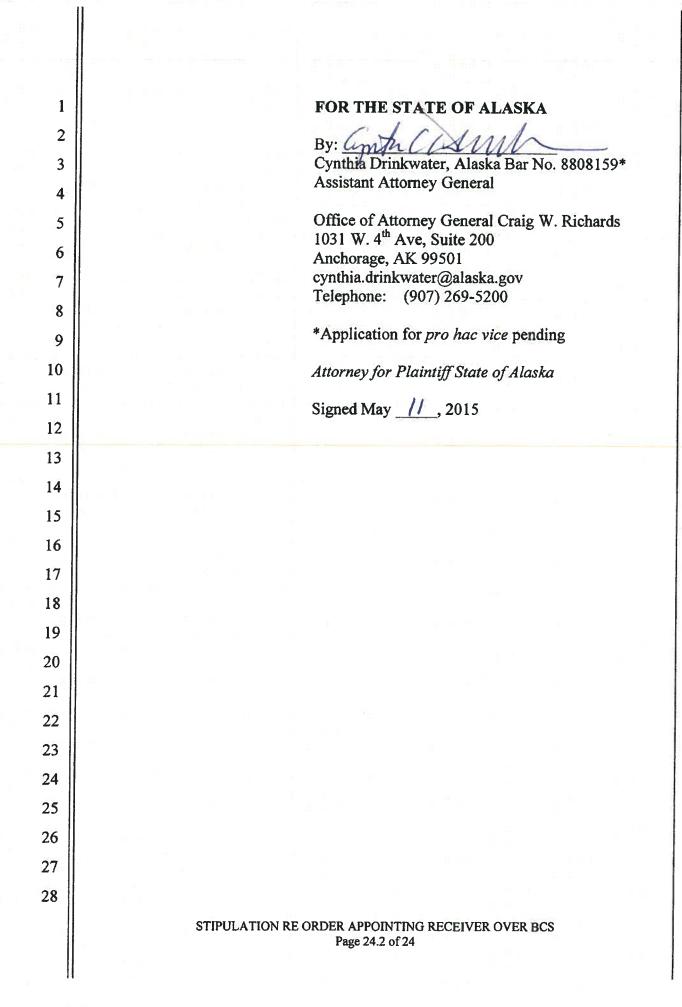
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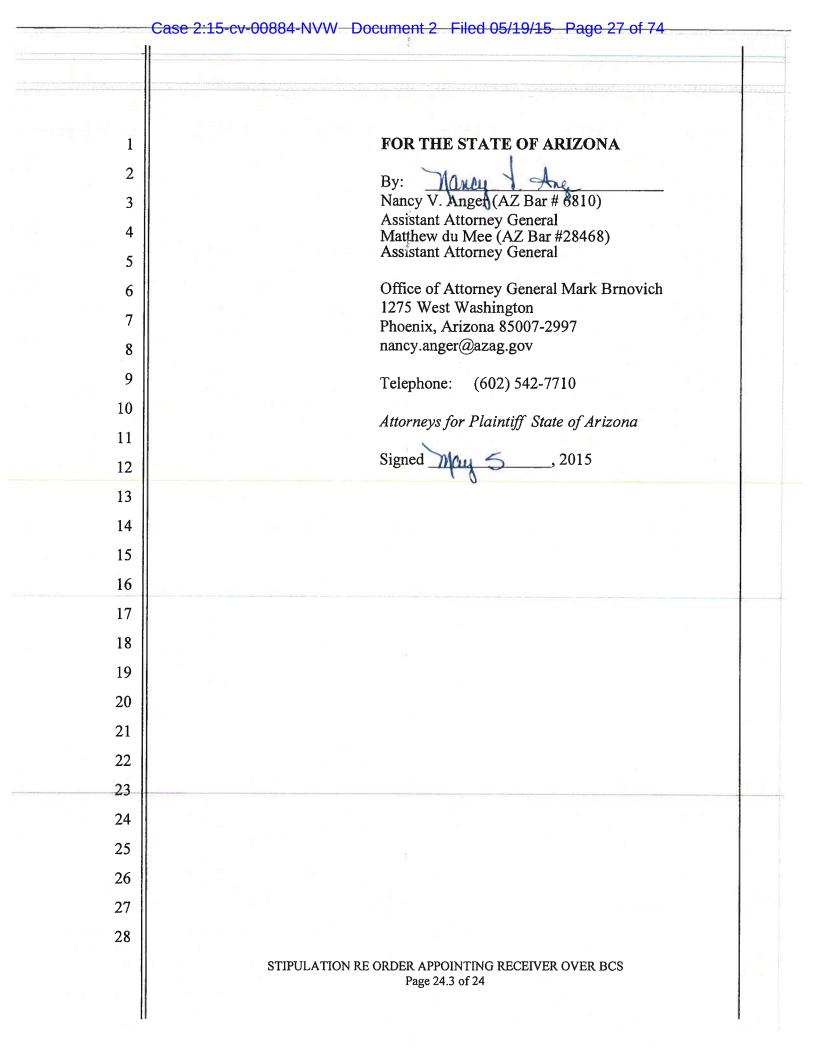


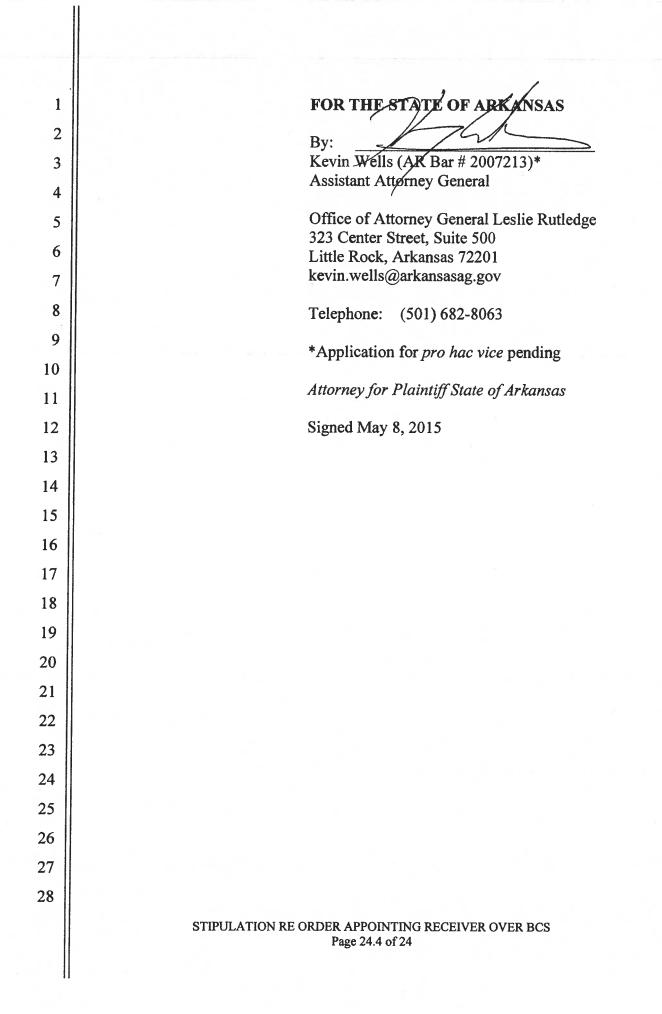
Case 2:15-cv-00884-NVW Document 2 Filed 05/19/15 Page 25 of 74

| 1  | FOR THE STATE OF ALABAMA   |
|----|--|
| 1  | FOR THE STATE OF ALABAMA   |
| 2  | By: The  |
| 3  | Kyle Beckman (AL Bar #ASB-6046-E63B)*<br>Assistant Attorney General  |
| 4  |  |
| 5  | Office of Attorney General Luther Strange                            |
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| 7  | kbeckman@ago.state.al.us   |
| 8  | Telephone: (334) 353-2619  |
| 9  | *Application for pro hac vice pending                                |
| 10 | Attorney for Plaintiff State of Alabama                              |
| 11 | action   |
| 12 | Signed $\frac{O5}{/2}$ , 2015  |
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| 1      | F              | OR THE STATE OF CALIFORNIA   |
|--------|----------------|--|
| 2      | B              | y: Anja Bund   |
| 3      | S              | onja K. Berndt (CA Bar # 131358)*                                    |
| 4      |                | Deputy Attorney General  |
| 5<br>6 | 3              | Office of Attorney General Kamala Harris<br>00 S. Spring St.         |
| 7      |                | uite #1702<br>os Angeles, California 90013<br>onja.berndt@doj.ca.gov |
| 8      | a              | 2  |
| 9      | T              | elephone: (213) 897-2179   |
| 10     | */             | Application for pro hac vice pending                                 |
| 11     | A              | ttorney for Plaintiff State of California                            |
| 12     |                | igned May 4, 2015  |
| 13     |                | .gned, 2015  |
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FOR THE COLORADO SECRETARY OF STATE 1 2 Moren By: LEANN MORRILL (CO Bar #38742) 3 First Assistant Attorney General 4 Office of Attorney General Cynthia H. Coffman Public Officials Unit 5 1300 Broadway, 6<sup>th</sup> Floor 6 Denver, Colorado 80203 Email: leann.morrill@state.co.us 7 Telephone: (720) 508-6159 8 Attorney for Plaintiff Colorado Secretary of State 9 ,2015 Signed 10 11 12 FOR THE STATE OF COLORADO 13 By: 14 ALISSA GARDENSWARTZ (CO Bar# 36126) 15 First Assistant Attorney General Office of Attorney General Cynthia H. Coffman 16 **Consumer Protection Section** 17 1300 Broadway, 7th Floor Denver, Colorado 80203 18 Email: alissa.gardenswartz@state.co.us 19 Telephone: (720) 508-6204 20 \*Application for pro hac vice pending 21 Attorney for Plaintiff Colorado Attorney General 22 Signed May 9, 2015 23 24 25 26 27 28 STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 24.6 of 24

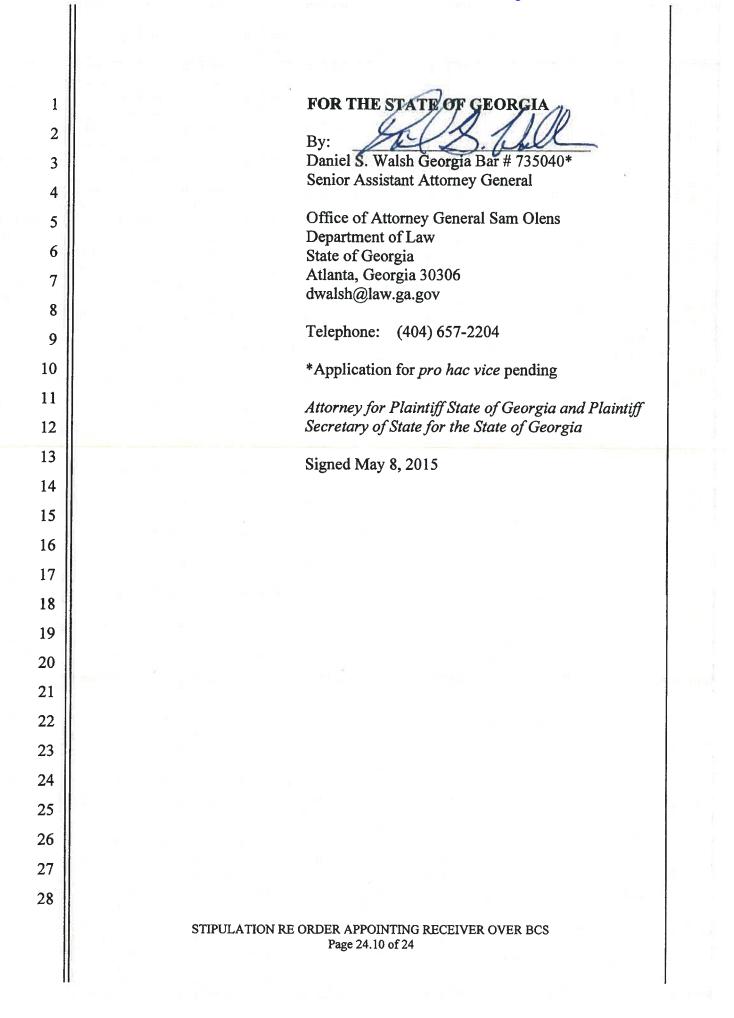
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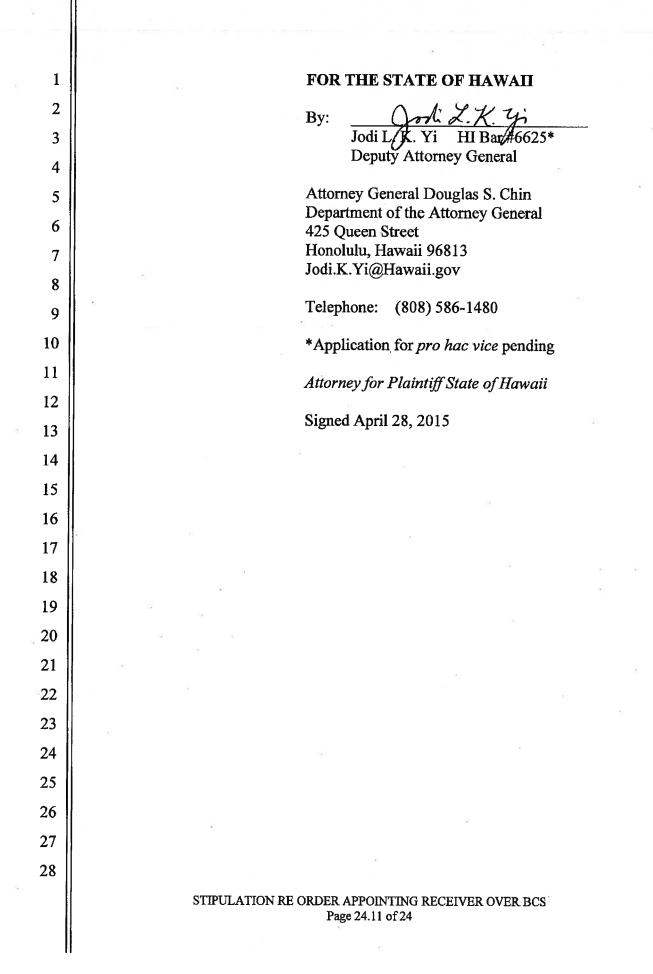
| 1  | FOR THE STATE OF CONNECTICUT   |
|----|--|
| 2  | By: Hay Attants  |
| 3  | Gary W. Hawes (CT/Bar # 415091)*                                     |
| 4  | Assistant Attorney General   |
| 5  | Office of Attorney General George Jepsen                             |
| 6  | 55 Elm Street<br>P.O. Box 120  |
| 7  | Hartford, Connecticut 06141-0120                                     |
| 8  | Gary.Hawes@ct.gov  |
| 9  | Telephone: (860) 808-5020  |
| 10 | *Application for pro hac vice pending                                |
| 11 | Attorney for Plaintiff State of Connecticut                          |
| 12 | Signed <u>3</u> /7, 2015   |
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|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 24.7 of 24 |

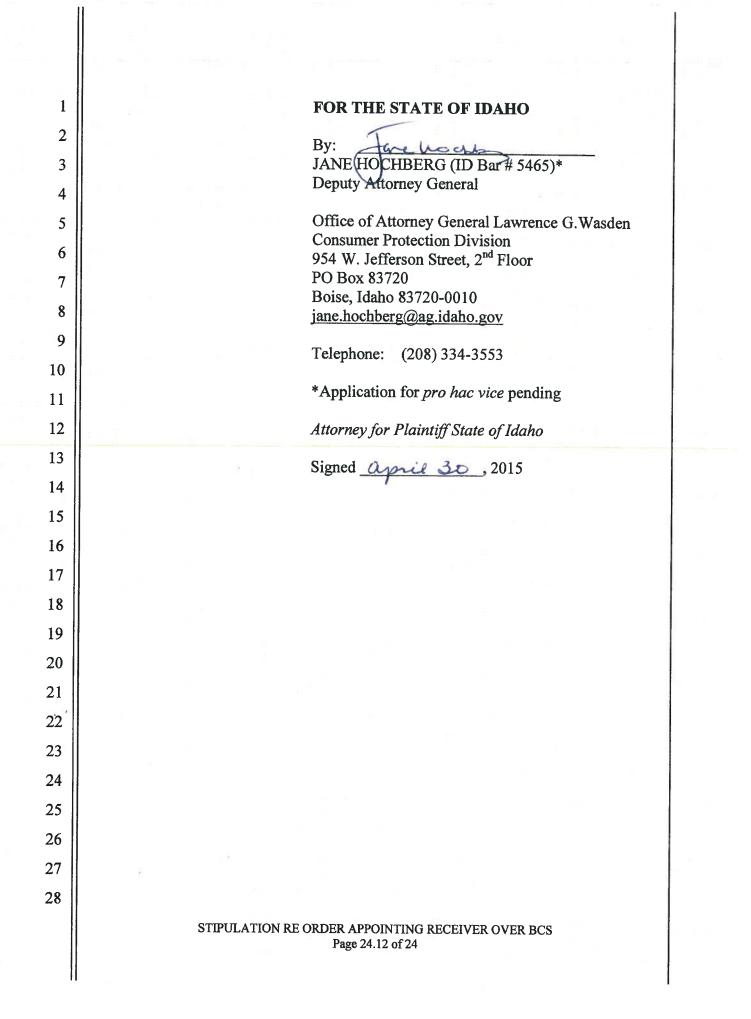
| 1  | FOR THE STATE OF DELAWARE  |
|----|--|
| 2  | By:  |
| 3  | Gregory C. Strong (DE Bar # 4664)*                                   |
| 4  | Gillian L. Andrews (DE Bar # 5719)<br>Deputy Attorneys General       |
|    |  |
| 5  | Delaware Department of Justice<br>820 N. French Street, 5th Floor    |
| 6  | Wilmington, Delaware 19801   |
| 7  | gregory.strong@state.de.us   |
| 8  | Telephone: (302) 577-8504  |
| 9  | *Application for <i>pro hac vice</i> pending                         |
| 10 |  |
| 11 | Attorneys for Plaintiff State of Delaware                            |
| 12 | Signed <b>58</b> , 2015  |
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|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 24.8 of 24 |
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FOR THE STATE OF FLORIDA By: Rebecca H. Sirkle (FL Bar # 42312)\* Assistant Attorney General Office of Attorney General Pam Bondi 135 West Central Blvd., Suite 670 Orlando, Florida 32801 Rebecca.Sirkle@myfloridalegal.com Telephone: (407) 316-4840 \*Application for pro hac vice pending Attorney for Plaintiff State of Florida Signed <u>May 5</u><sup>tt</sup>, 2015 STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 24.9 of 24

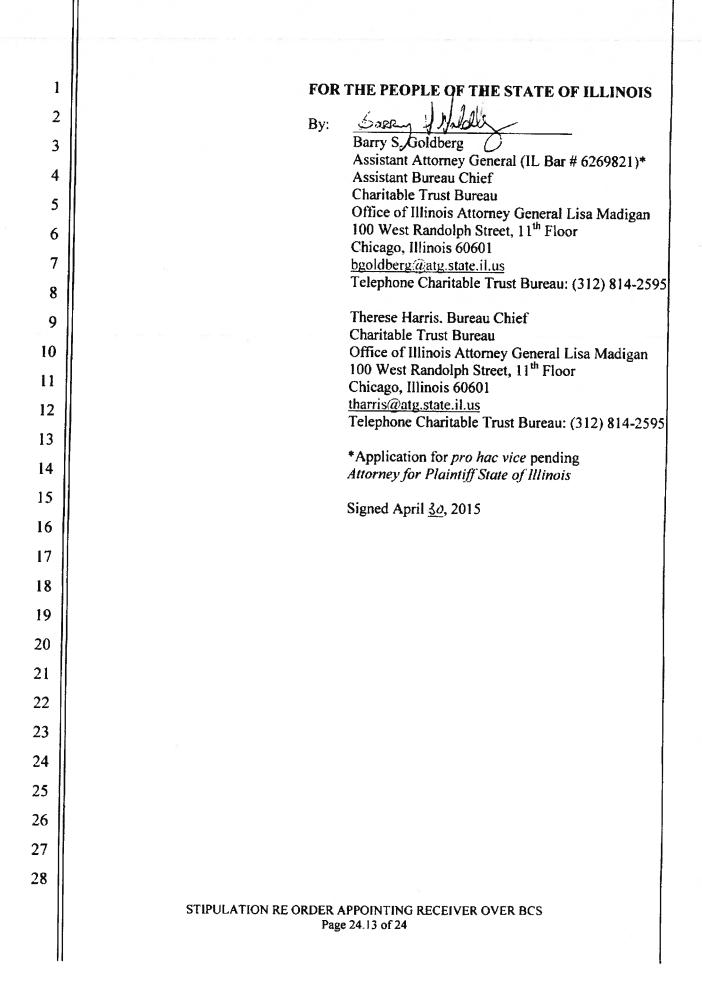
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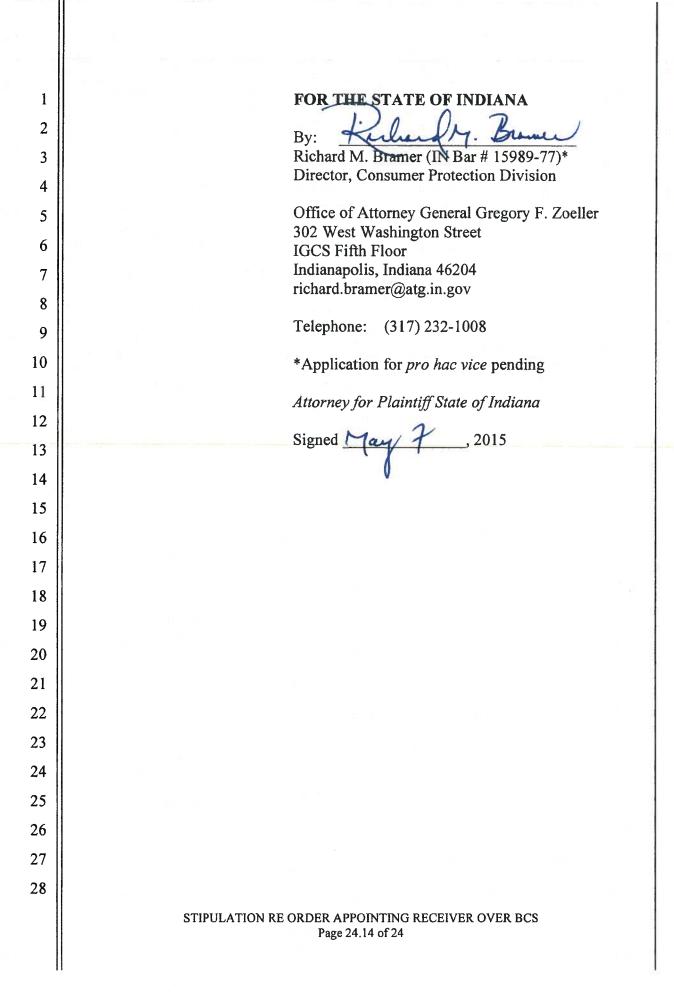






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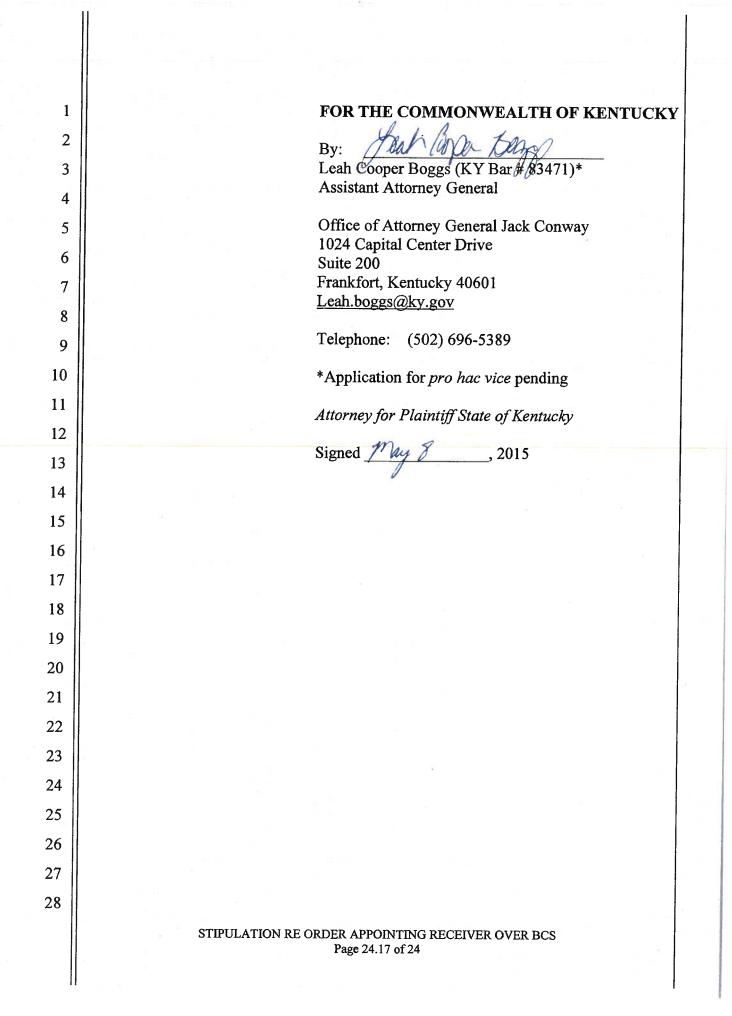




| 1  | FOR THE STATE OF IOWA   |
|----|---|
| 2  | By: CCC   |
| 3  | Steve St. Clair (IA Bar #AT0007441)*                                  |
| 4  | Assistant Attorney General  |
| 5  | Office of Attorney General Tom Miller                                 |
| 6  | Hoover Building, 2 <sup>nd</sup> Floor<br>1305 East Walnut            |
| 7  | Des Moines, Iowa 50319  |
| 8  | steve.stclair@iowa.gov  |
| 9  | Telephone: (515) 281-5926   |
| 10 | *Application for pro hac vice pending                                 |
| 11 | Attorney for Plaintiff State of Iowa                                  |
| 12 | Signed April 22, 2015   |
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| 1  | FOR THE STATE OF KANSAS   |
|----|---|
| 2  | By: Unpote R Batter   |
| 3  | Lynette R. Bakker (KS Bar # 22104)*                                   |
| 4  | Assistant Attorney General  |
| 5  | Office of Attorney General Derek Schmidt                              |
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| 7  | lynette.bakker@ag.ks.gov  |
| 8  | Telephone: (785) 296-3751   |
| 9  | *Application for <i>pro hac vice</i> pending                          |
| 10 |   |
| 11 | Attorney for Plaintiff State of Kansas                                |
| 12 | Signed <u>May 5</u> , 2015  |
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|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 24.16 of 24 |
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| 1  |   | FOR THE STATE OF LOUISIANA                             |
|----|---|--|
| 2  |   | Call of the  |
| 3  |   | By: Cathryn E. Gits (LA Bar #35144)*                   |
| 4  |   | Assistant Attorney General                             |
| 5  |   | Office of Attorney General James D. "Buddy"            |
| 6  |   | Caldwell   |
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| 8  |   | gitsc@ag.state.la.us                                   |
| 9  |   | Telephone: (225) 326-6400                              |
| 10 |   | *Application for pro hac vice pending                  |
| 11 |   |  |
| 12 |   | Attorney for Plaintiff State of Louisiana              |
| 12 |   | Signed May 7, 2015                                     |
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| 1  | FOR THE STATE OF MAINE   |
|----|--|
| 2  | Janet T. Mills   |
| 3  | Attorney General   |
| 4  | By: Carthyn a Sull   |
| 5  | Carolyn A. Silsby/(ME Bar #3030)*)<br>Assistant Attorney General           |
| 6  |  |
| 7  | Office of the Maine Attorney General<br>Burton Cross State Office Building |
| 8  | 111 Sewall Street, 6 <sup>th</sup> Floor                                   |
| 9  | Augusta, Maine 04330<br>Carolyn.silsby@maine.gov                           |
| 10 |  |
| 11 | Telephone: (207) 626-8829  |
| 12 | *Application for pro hac vice pending                                      |
| 13 | Attorney for Plaintiff State of Maine                                      |
| 14 | Signed April ZZ, 2015  |
| 15 | Signed <u>April 22</u> , 2015  |
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FOR THE STATE OF MARYLAN By: C. Beatrice Nuñez-Bellamy\* Assistant Attorney General Office of Attorney General Brian E. Frosh 200 St. Paul Place Baltimore, MD 21202 bnunezbellamy@oag.state.md.us Telephone: (410) 576-6300 \*Application for pro hac vice pending Attorney for Plaintiff State of Maryland and Secretary of State John Wobensmith Signed May 14, 2015 STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 24.20 of 24

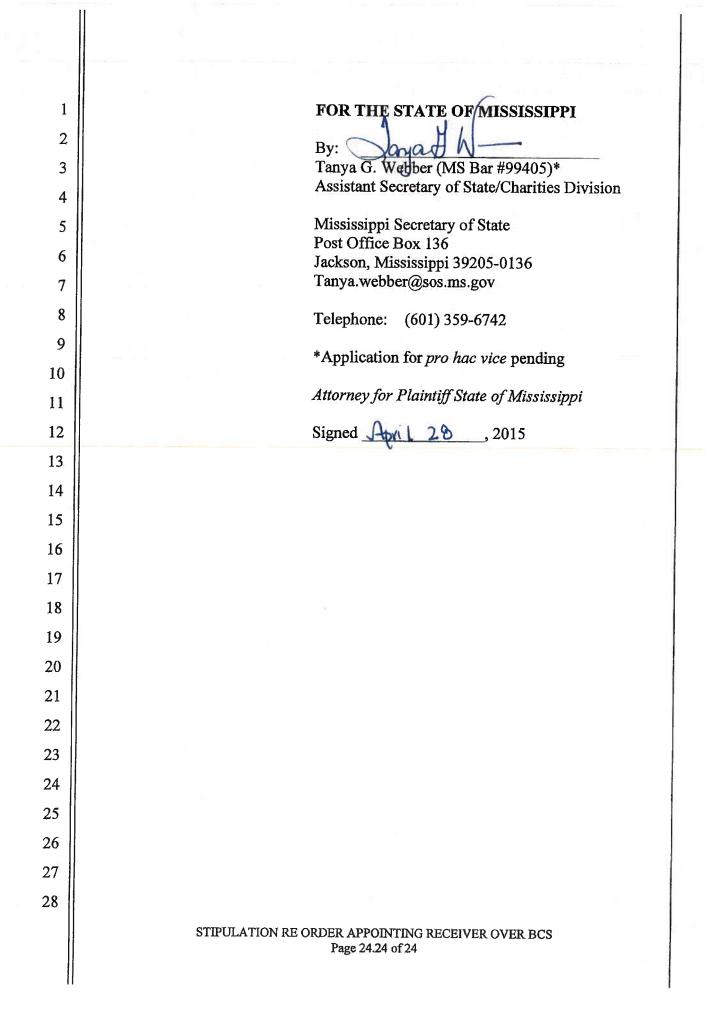
| 1  |    |                | FOR THE COMMONWEALTH OF<br>MASSACHUSETTS                 |
|----|----|----------------|--|
| 2  |    |                |  |
| 3  |    |                | MAURA HEALEY, ATTORNEY GENERAL                           |
| 4  |    |                | Kat IM   |
| 5  |    |                | By:<br>Brett J. Blank (MA Bar # 686635)*                 |
| 6  |    |                | Assistant Attorney General                               |
| 7  |    |                | Office of Attorney General Maura Healey                  |
| 8  |    |                | One Ashburton Place                                      |
| 9  |    |                | Boston, Massachusetts 02108<br>brett.blank@state.ma.us   |
| 10 |    |                | Telephone: (617) 727-2200                                |
| 11 |    |                | *Application for pro hac vice pending                    |
| 12 |    |                | Attorney for Plaintiff Commonwealth of Massachusetts     |
| 13 |    |                |  |
| 14 |    |                | Signed May 8, 2015                                       |
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| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8 | FOR THE STATE OF MICHIGAN<br>By: M. H. Bloomfield (AII Bar #68515)*<br>Assistant Attorney General<br>Office of Attorney General Bill Schuette<br>Corporate Oversight Division<br>P.O. Box 30755<br>Lansing, MI 48909<br>bloomfieldw@michigan.gov<br>Telephone: (517) 373-1160 |
|--------------------------------------|---|
| 9                                    |   |
| 10                                   | *Application for <i>pro hac vice</i> pending  |
| 11                                   | Attorney for Plaintiff State of Michigan  |
| 12<br>13                             | Signed May 4, 2015  |
| 13                                   |   |
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| 1<br>2<br>3<br>4 |            | FOR THE S<br>By: Elizabeth Kn<br>Assistant At | menak (MI<br>torney Gener | N Bar # 0<br>ral | 390461)* |  |
|------------------|------------|---|---------------------------|------------------|----------|--|
| 5<br>6           |            | Office of At<br>445 Minneso                   | ota Street, Su            | ite 1200         | wanson   |  |
| 7                |            | St. Paul, MN<br>elizabeth.kre                 |                           |                  | IS       |  |
| 8                |            | Telephone:                                    | (651) 757-3               | 1423             |          |  |
| 9<br>10          |            | *Application                                  | n for <i>pro hac</i>      | vice pend        | ling     |  |
| 11               |            | Attorney for                                  |                           |                  | nesota   |  |
| 12               |            | Signed 1                                      | m 12                      | _, 2015          |          |  |
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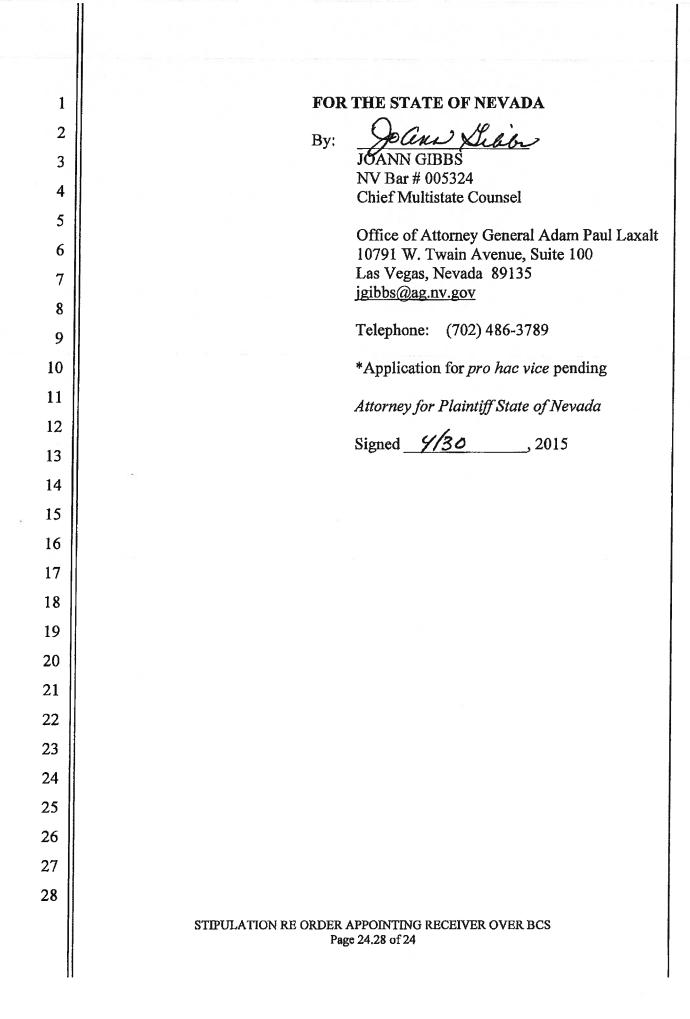


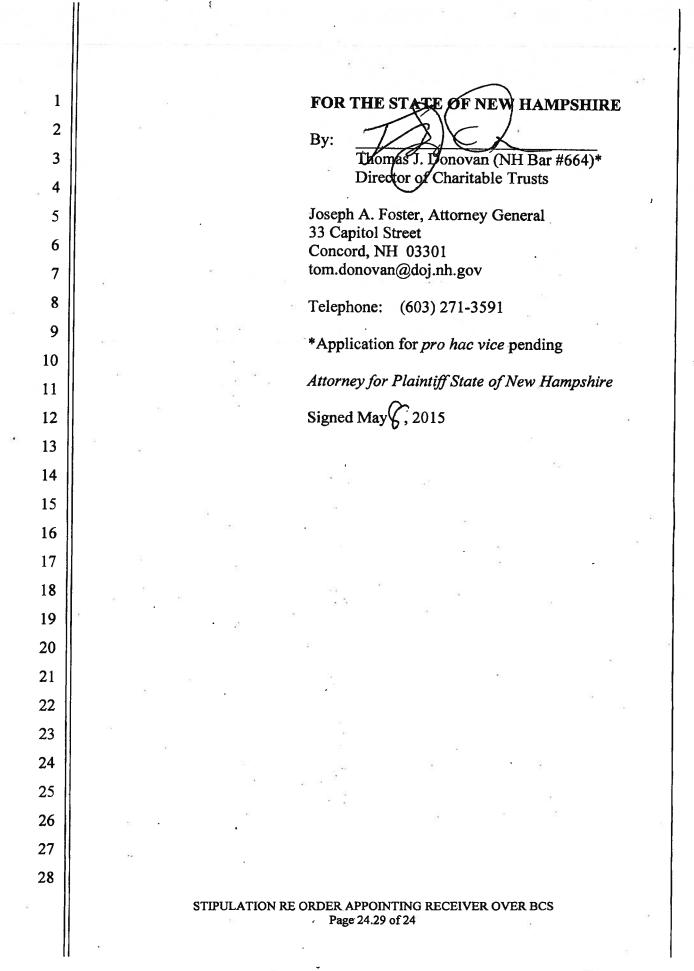
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| 1   | FOR THE STATE OF MISSOURI   |   |
|-----|---|---|
| 2   | CHRIS KOSTER  |   |
| 3   | Attorney General  |   |
| 4   | hut & a   |   |
| · 5 | ROBERT E. CARLSON, # 54602  | 8 |
| 6   | Assistant Attorney General  |   |
| 7   | P.O. Box 861  |   |
| -   | St. Louis, MO 63188   |   |
| 8   | (314) 340-6816<br>Form (214) 240 7057                                 |   |
| 9   | Fax: (314) 340-7957<br>bob.carlson@ago.mo.gov                         |   |
| 10  |   |   |
| 11  | *Application for pro hac vice pending                                 |   |
| 12  | Attorney for Plaintiff State of Missouri                              |   |
| 13  | Signed <u>May 11</u> , 2015   |   |
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|     | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 24.25 of 24 |   |

| 1  |   |                 | FOR THE STATE OF MONTANA                                       |
|----|---|-----------------|--|
| 2  |   |                 |  |
|    | = |                 |  |
| 3  |   |                 | By: Kelley L. Habbar   |
| 4  |   |                 | TIMOTHY C. FOX   |
| 5  |   |                 | Montana Attorney General                                       |
| 6  |   |                 | E. EDWIN ECK, MT Bar No. 414*                                  |
| 7  |   |                 | Deputy Attorney General<br>KELLEY L. HUBBARD, MT Bar No. 9604* |
|    |   |                 | Assistant Attorney General                                     |
| 8  |   |                 | Montana Attorney General's Office                              |
| 9  |   |                 | P. O. Box 200151   |
| 10 |   |                 | Helena, MT 59620-0151  |
| 11 |   |                 | <u>EdEck@mt.gov</u><br><u>KHubbard@mt.gov</u>                  |
| 12 |   |                 |  |
|    |   |                 | Telephone: (406) 444-2026                                      |
| 13 |   |                 | *Application for pro hac vice pending                          |
| 14 |   |                 |  |
| 15 |   |                 | Attorneys for Plaintiff State of Montana                       |
| 16 |   |                 | Signed May <u>7</u> , 2015                                     |
| 17 |   |                 |  |
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| FOR THE STATE OF NEBRASKA   |
|---|
| By: Monte   |
| Daniel Russell (NE Bar # 25302)*                                      |
| Assistant Attorney General  |
| Office of Attorney General Douglas J. Peterson<br>2115 State Capitol  |
| PO Box 98920  |
| Lincoln, Nebraska 68509<br><u>daniel.russell@nebraska.gov</u>         |
|   |
| Telephone: (402) 471-1279   |
| *Application for pro hac vice pending                                 |
| Attorney for Plaintiff State of Nebraska                              |
| Signed <u>May</u> 6, 2015   |
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| 1  | FOR THE STATE OF NEW JERSEY   |
|----|---|
| 2  | JOHN J. HOFFMAN   |
| 3  | ACTING ATTORNEY GENERAL OF NEW JERSEY                                 |
| 4  | $\cap$ $\cap$   |
| 5  | By: Ci Ihre   |
| 6  | Erin M. Greene (NJ Bar #014512010) *                                  |
| 7  | Deputy Attorney General   |
| 8  | State of New Jersey   |
| 9  | Office of Attorney General  |
| 10 | Department of Law and Public Safety<br>Division of Law                |
| 11 | 124 Halsey Street - 5th Floor<br>P.O. Box 45029                       |
| 12 | Newark, New Jersey 07101  |
| 13 | erin.greene@dol.lps.state.nj.us                                       |
| 14 | Telephone: (973) 648-4846   |
| 15 | *Application for pro hac vice pending                                 |
| 16 | Attorney for Plaintiff State of New Jersey                            |
| 17 | Signed <u>May</u> , 2015  |
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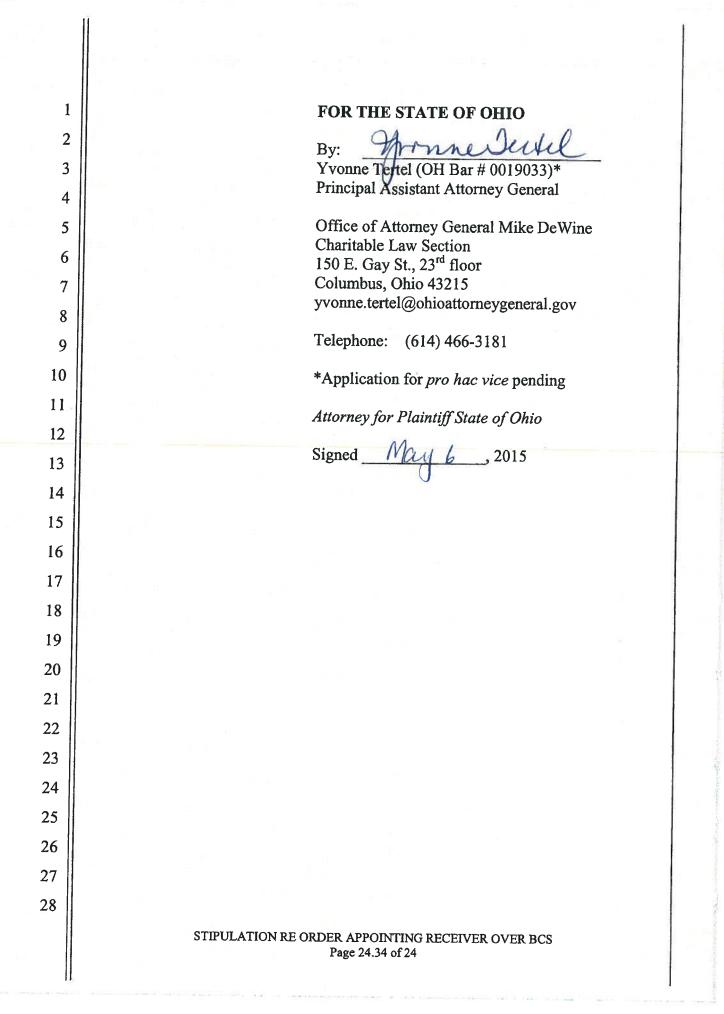
|          | a di anna meridia a sa<br>1 |   |
|----------|-----------------------------|---|
| 1        |                             | FOR THE STATE OF NEW YORK                                       |
| 2        |                             | ERIC T. SCHNEIDERMAN  |
| 3        |                             | Attorney General of the State of New York                       |
| 4        |                             | Pur II. R.C.  |
| 5        |                             | By:   |
| 6<br>7   |                             | Assistant Attorney General<br>Charities Bureau                  |
| 8        |                             | 120 Broadway, 3 <sup>rd</sup> Floor<br>New York, New York 10271 |
| 9        |                             | Telephone: (212) 416-8401                                       |
| 10       |                             | yael.fuchs@ag.ny.gov  |
| 11       |                             | *Application for pro hac vice pending                           |
| 12       |                             | Attorney for Plaintiff State of New York                        |
| 13       |                             | Signed May 6, 2015  |
| 14       |                             |   |
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| 1  | FOR THE STATE OF NORTH CAROLINA                                       |
|----|---|
| 2  |   |
| 3  | By:<br>Creecy Johnson (A)C Bar #32619)*                               |
|    | Special Deputy Attorney General                                       |
| 4  |   |
| 5  | Office of Attorney General Roy Cooper<br>9001 Mail Service Center     |
| 6  | Raleigh, NC 27699   |
| 7  | ccjohnson@ncdoj.gov   |
| 8  | Telephone: (919) 716-6000   |
| 9  | *Application for pro hac vice pending                                 |
| 10 | Attorney for Plaintiff State of North Carolina                        |
| 11 | Signed $\frac{1}{1}$ , 2015   |
| 12 | 51ghou, 2013  |
| 13 |   |
| 14 | By: Lareena & Phillips  |
| 15 | Lareena J. Phillips (NC Bar #36859)*                                  |
| 16 | Assistant Attorney General  |
| 17 | Counsel for North Carolina Secretary of State<br>Elaine F. Marshall   |
| 18 | 9001 Mail Service Center  |
| 19 | Raleigh, NC 27699   |
| 20 | lphillips@ncdoj.gov<br>Telephone: (919) 716-6610                      |
| 21 | 1 elephone: (919) /10-0010  |
|    | *Application for <i>pro hac vice</i> pending                          |
| 22 | Attours on for Disintif State of North Counting                       |
| 23 | Attorney for Plaintiff State of North Carolina                        |
| 24 | Signed <u>May 7</u> , 2015  |
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|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 24.32 of 24 |

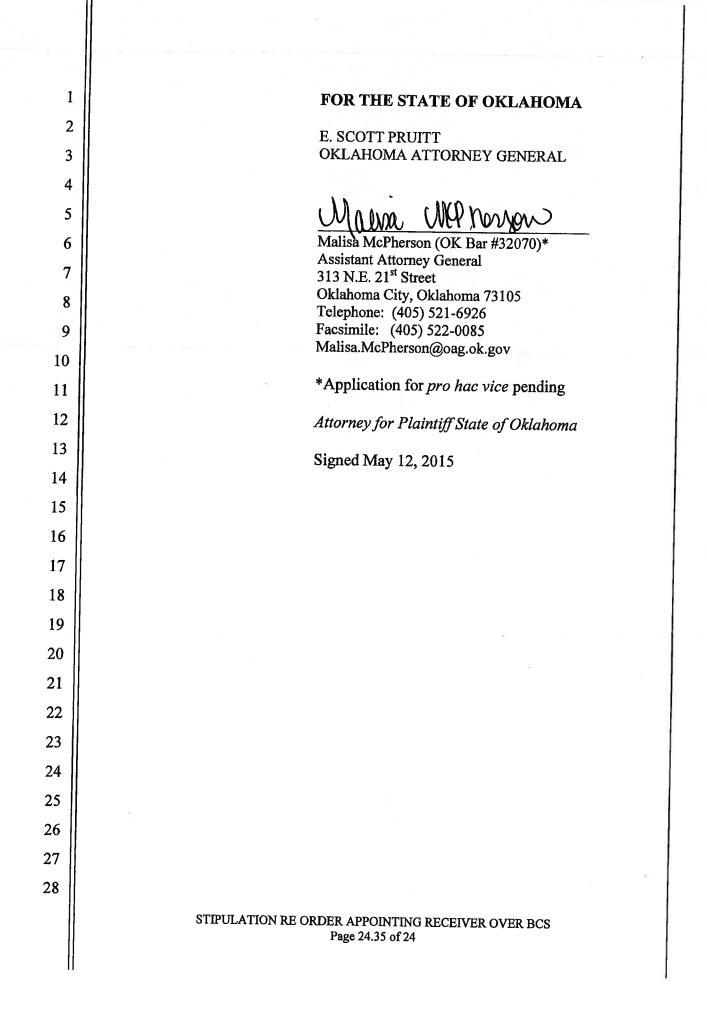
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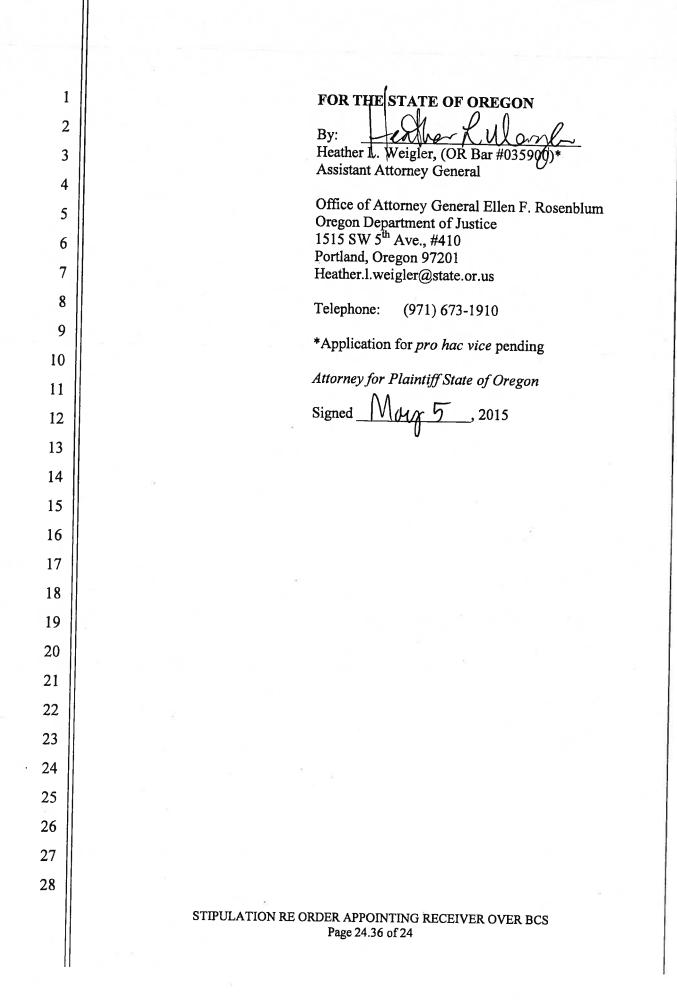
| 1       | FOR THE STATE OF FORTH DAKOTA   |
|---------|---|
| 2       | By: Mana  |
| 3       | By: $\frac{1}{M}$ Michael C. Thompson (ND Bar # 06550)*               |
| 4       | Assistant Attorney General  |
| 5       | Office of Attorney General Wayne Stenehjem                            |
| 6       | Consumer Protection Division  |
| 7       | Gateway Professional Center<br>1050 E. Interstate Ave Ste 200         |
| 8       | Bismarck, ND 58503-5574   |
|         | mcthompson@nd.gov   |
| 9<br>10 | Telephone: (701) 328-5570   |
| 11      | *Application for <i>pro hac vice</i> pending                          |
| 12      | Attorney for Plaintiff State of North Dakota                          |
| 13      | Signed April 23, 2015   |
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|         | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 24.33 of 24 |



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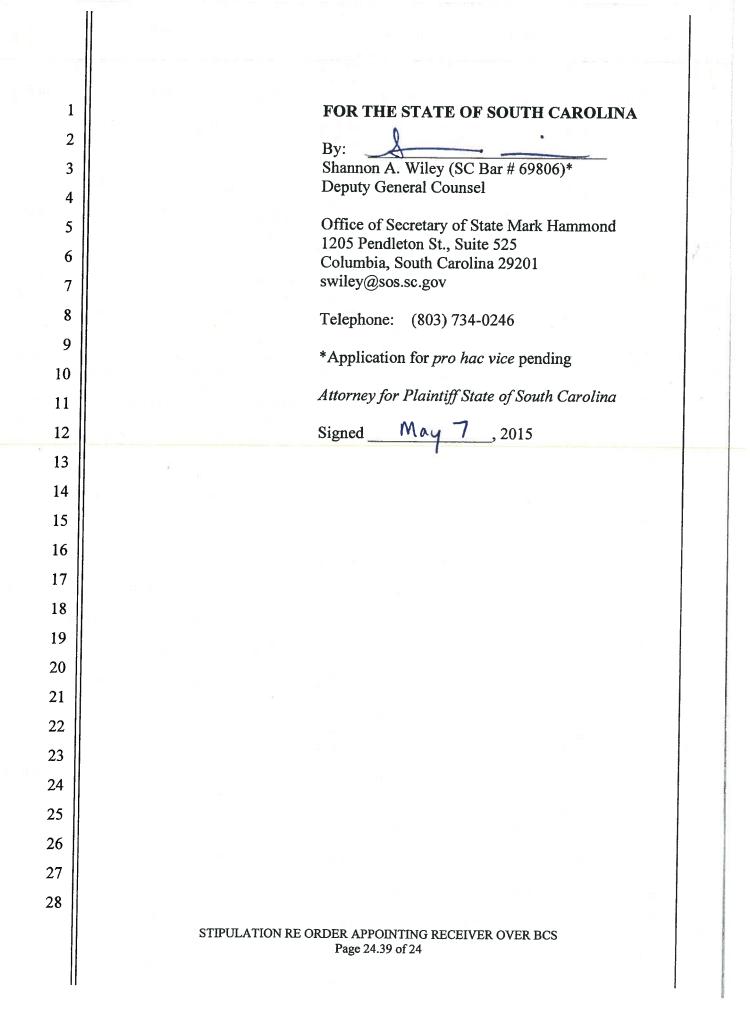


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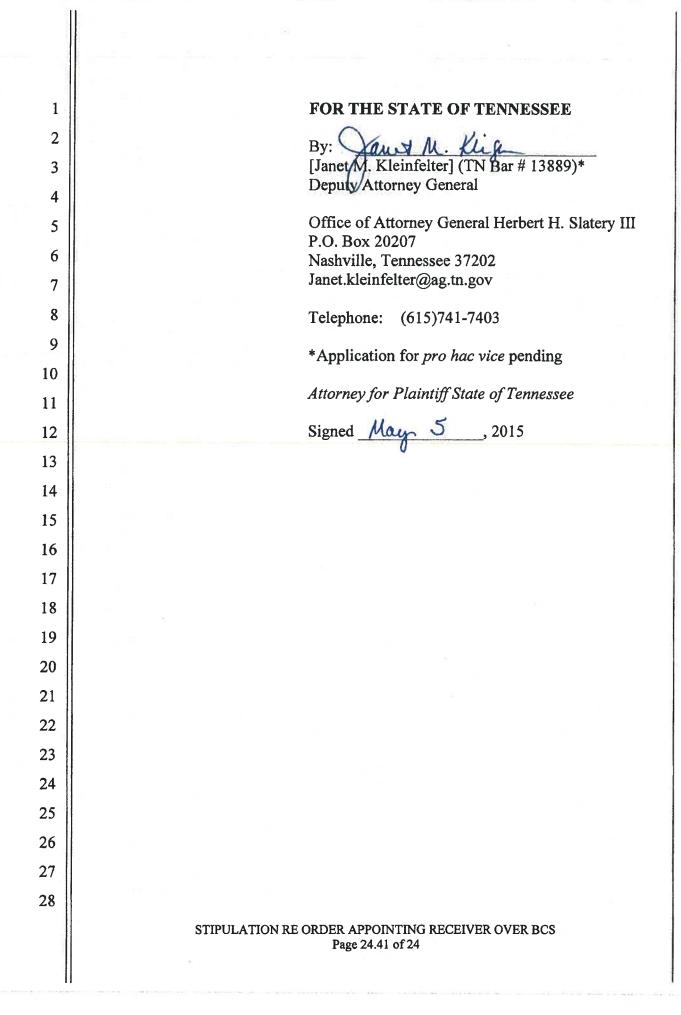
| 1  | FOR THE COMMONWEALTH OF<br>PENNSYLVANIA                                       |
|----|---|
| 2  |   |
| 3  | By: Michaelt. fourster/   |
| 4  | Michael T. Foerster (PA Bar #78766)* JuliAP<br>Senior Deputy Attorney General |
| 5  | Office of Attorney General Kathleen Kane                                      |
| 6  | 14th Floor  |
| 7  | Strawberry Square   |
| 8  | Harrisburg, Pennsylvania 17120<br>mfoerster@attorneygeneral.gov               |
| 9  | mitorister Wattorneygeneral.gov   |
| 10 | Telephone: (717) 783-6084   |
| 11 | *Application for pro hac vice pending   |
| 12 | Attorney for Plaintiff State of Pennsylvania                                  |
| 13 | Signed May 13, 2015   |
| 14 | Biglieu, 2015   |
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|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 24.37 of 24         |

| 1        | FOR THE STATE OF RHODE ISLAND                         |
|----------|---|
| 2        | By: 12/   |
| 3        | Genevieve M. Martin (RI Bar #3918)*                   |
| 4        | Assistant Attorney General                            |
| 5        | Office of Attorney General Peter Kilmartin            |
| 6        | 150 South Main Street                                 |
| 7        | Providence, Rhode Island 02903<br>GMartin@riag.ri.gov |
|          |   |
| 8        | Telephone: (401) 274-4400                             |
| 9        | *Application for pro hac vice pending                 |
| 10<br>11 | Attorney for Plaintiff State of Rhode Island          |
| 11       |   |
| 12<br>13 | Signed, 2015  |
| 13<br>14 |   |
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|  | FOR THE STATE OF SOUTH DAKOTA  |
|--|--|
|  | By:  |
|  | Philip D. Carlson (SD Bar # 3913)*<br>Assistant Attorney General       |
|  |  |
|  | Office of Attorney General Marty Jackley<br>1302 E. Highway 14, Ste. 1 |
|  | Pierre. South Dakota 57501<br>Phil.Carlson@state.sd.us                 |
|  |  |
|  | Telephone: (605) 773-3215  |
|  | *Application for pro hac vice pending                                  |
|  | Attorney for Plaintiff State of South Dakota                           |
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| 1  | FOR THE STATE OF TEXAS<br>KEN PAXTON                                      |  |
|----|---|--|
| 2  | Attorney General of Texas   |  |
| 3  | CHARLES E. ROY  |  |
| 4  | First Assistant Attorney General of Texas                                 |  |
| 5  | JAMES E. DAVIS  |  |
| 6  | Deputy Assistant Attorney General for Civil                               |  |
| 7  | Litigation  |  |
| 8  | TOMMY PRUD'HOMME  |  |
| 9  | Chief, Consumer Protection  |  |
| 10 | By: SurMosett   |  |
| 11 | GENNIFER M ROSCETTI (TX Bar No. 24066685)*                                |  |
| 12 | Assistant Attorney General<br>COREY D. KINTZER (TX Bar No. 24046219)      |  |
| 13 | Assistant Attorney General  |  |
| 14 | Office of Attorney General Ken Paxton<br>300 West 15 <sup>th</sup> Street |  |
| 15 | Austin, Texas 78701   |  |
| 16 | Jennifer.Roscetti@texasattorneygeneral.gov                                |  |
| 10 | Telephone: 512-475-4673   |  |
|    | *Application for <i>pro hac vice</i> pending                              |  |
| 18 | Application for pro nac vice pending                                      |  |
| 19 | Attorney for Plaintiff State of Texas                                     |  |
| 20 | Signed <u>May 14</u> , 2015   |  |
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|    | Page 24.42 of 24  |  |

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## FOR THE STATE OF UTAH

By: JEFFREY BUCKNER (UT Bar # 4546) ASSISTANT ATTORNEY GENERAL OFFICE OF ATTORNEY GENERAL SEAN REYES 160 EAST 300 SOUTH, FIFTH FLOOR P.O. BOX 140872 SALT LAKE CITY, UTAH 84114-0872 jbuckner@utah.gov Telephone: (801) 366-0310 Application for *pro hac vice* pending

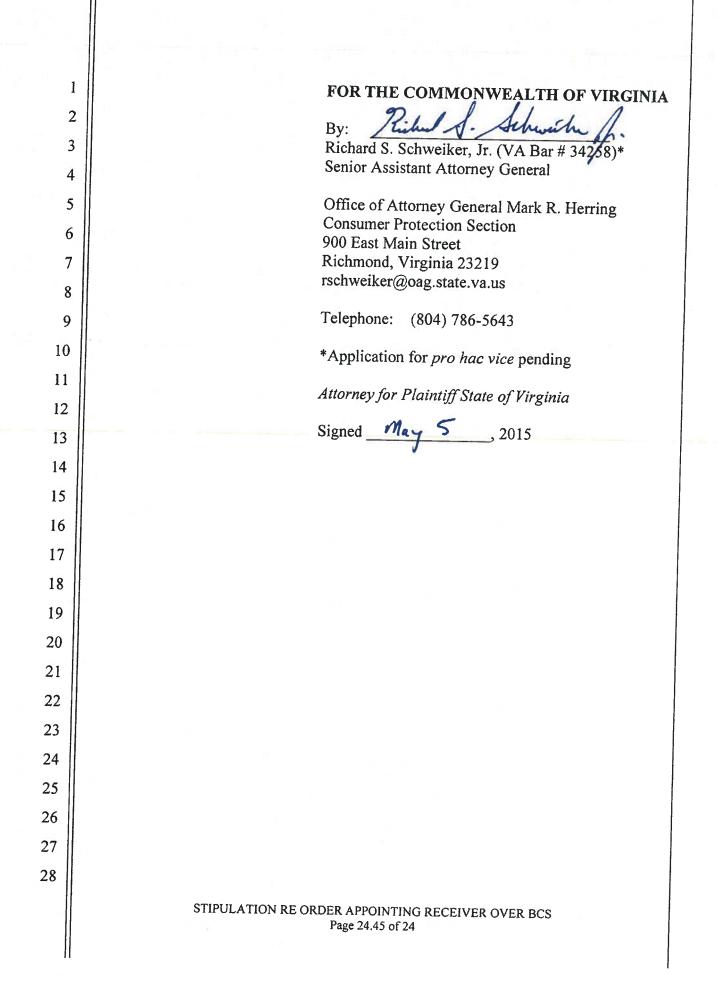
Attorney for Plaintiff State of Utah

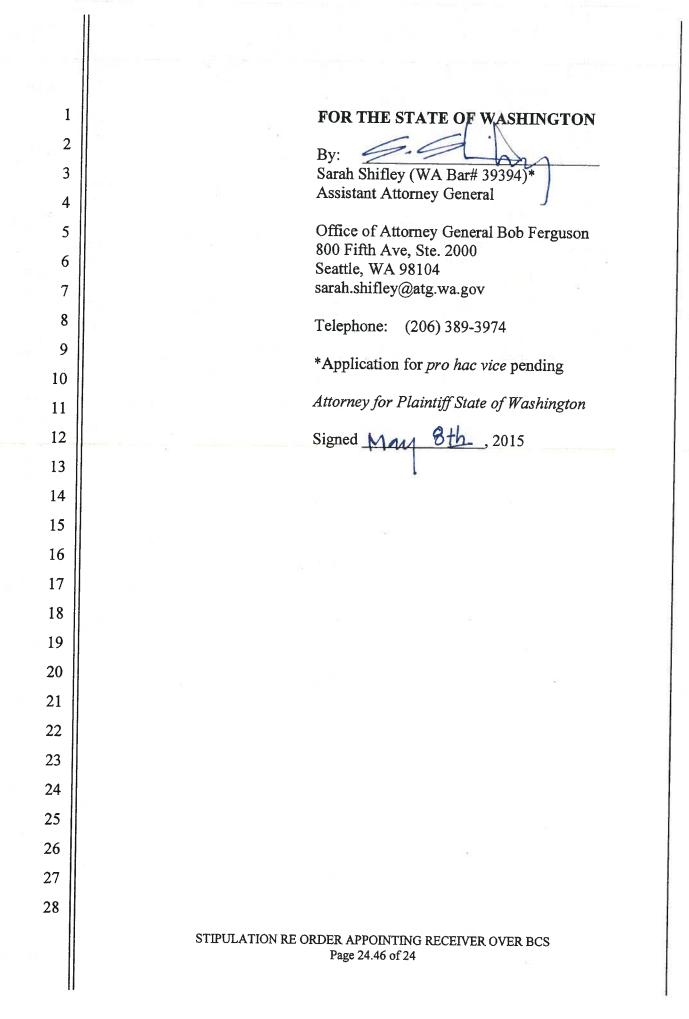
Signed <u>April 22</u>, 2015

STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 24.43 of 24

FOR THE STATE OF VERMONT WILLIAM H. SORRELL ATTORNEY GENERAL By <Todd W. Daloz (T Bar # 4734)\* Assistant Attorney General Office of Attorney General 109 State St. Montpelier, Vermont 05609 Todd.Daloz@state.vt.us Telephone: (802) 828-4605 \*Application for pro hac vice pending Attorney for Plaintiff State of Vermont Signed \_ STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS Page 24.44 of 24

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| 1  | FOR THE STATE OF WEST VIRGINIA                                |
|----|---|
| 2  | By: MUMIN   |
| 3  | Michael M. Morrison (WV Bar # 9822)*                          |
| 4  | Assistant Attorney General                                    |
| 5  | Office of Attorney General Patrick Morrisey                   |
| 6  | 812 Quarrier Street, 1st Floor                                |
| 7  | Charleston, West Virginia 25301<br>P.O. Box 1789              |
|    | Charleston, West Virginia 25326                               |
| 8  | Matt.M.Morrison@wvago.gov                                     |
| 9  |   |
| 10 | Telephone: (304) 558-8986                                     |
| 11 | *Application for pro hac vice pending                         |
| 12 | Signed <u>May</u> 7 <sup>4</sup> , 2015                       |
| 13 | By: How   |
| 14 | Laurel K. Lackey (WV Bar # 10267)*                            |
| 15 | Assistant Attorney General                                    |
| 16 | Counsel for Secretary of State Natalie E. Tennant             |
| 17 | Office of Attorney General Patrick Morrisey                   |
| 18 | 209 Aikens Center   |
|    | Martinsburg, West Virginia 25404<br>Laurel.K.Lackey@wvago.gov |
| 19 |   |
| 20 | Telephone: (304) 267-0239                                     |
| 21 | *Application for pro hac vice pending                         |
| 22 |   |
| 23 | Attorneys for Plaintiff State of West Virginia                |
| 24 | Signed <u>April 30</u> , 2015                                 |
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|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS             |
|    | Page 24.47 of 24  |

| 1  | FOR THE STATE OF WISCONSIN                           |
|----|--|
| 2  |  |
| 3  | BRAD D. SCHIMEL<br>ATTORNEY GENERAL                  |
| 4  |  |
|    | The second of the second                             |
| 5  | By: <b>There</b><br>Francis X. Sullivin              |
| 6  | Assistant Attorney General                           |
| 7  | Wisconsin State Bar no. 1030932*                     |
| 8  |  |
| 9  | Wisconsin Department of Justice                      |
| 10 | Post Office Box 7857<br>Medigen Wisconsin 52707 7857 |
| 11 | Madison, Wisconsin 53707-7857<br>(608) 267-2222      |
|    | (608) 267-8906 (Fax)                                 |
| 12 | sullivanfx@doj.state.wi.us                           |
| 13 | *Application for pro hac vice pending                |
| 14 |  |
| 15 | Attorney for Plaintiff State of Wisconsin            |
| 16 | Signed <b>May 4</b> , 2015                           |
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|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS    |
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| 1  | FOD THE CLATE OF MELO   |
|----|---|
| 2  | FOR THE STATE OF WYOMING  |
| 3  | 2   |
| 4  | Pluit   |
| 5  | By:<br>Clyde W. Hutonins (WY Bar # 6-3549)*                           |
| 6  | Senior Assistant Attorney General                                     |
| 7  | Office of Attorney General Peter K. Michael                           |
| 8  | 123 State Capitol   |
| 9  | Cheyenne, WY 82002<br>clyde.hutchins@wyo.gov                          |
| 10 | Telephone: (307) 777-7847   |
| 11 |   |
| 12 | *Application for <i>pro hac vice</i> pending                          |
| 13 | Attorney for Plaintiff State of Wyoming                               |
| 14 | Signed <u>May</u> 8, 2015   |
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|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 24.49 of 24 |

| 1       | FOR THE DISTRICT OF COLUMBIA  |
|---------|---|
|         | FOR THE DISTRICT OF COLUMBIA  |
| 2       | KARL A. RACINE  |
| 3       | Attorney General for the District of Columbia                         |
| 4       | ELIZABETH SARAH GERE  |
| 5       | Acting Deputy Attorney General  |
| 6       | Public Interest Division  |
| 7       | BENNETT RUSHKOFF  |
| 8       | Chief, Public Advocacy Section  |
| °<br>9  | 1   |
| 9<br>10 | By: The whole   |
| 11      | BRIAN R. CALDWELL (DC Bar # 979680)*                                  |
| 12      | Assistant Attorney General  |
| 12      | Office of Attorney General Karl A. Racine                             |
| 13      | 441 Fourth Street, N.W., Suite # 650-S<br>Washington, D.C. 20001      |
| 14      | brian.caldwell@dc.gov   |
| 15      | Telephone: (202) 727-6211   |
| 16      | *Application for pro hac vice pending                                 |
| 17      | Attorney for Plaintiff District of Columbia                           |
| 18      |   |
| 19      | Signed: May 7, 2015   |
| 20      |   |
| 21      |   |
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|         | STIPULATION RE ORDER APPOINTING RECEIVER OVER BCS<br>Page 24.50 of 24 |

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|   | ATES DISTRICT COURT<br>RICT OF ARIZONA   |
| Federal Trade Commission; all Fifty States;   | CASE NO.   |
| and the District of Columbia;<br>Plaintiffs,  | STIPULATION RE ORDER FOR   |
| VS.   | PERMANENT INJUNCTION AND<br>MONETARY JUDGMENT AGAINS   |
| Cancer Fund of America, Inc., a Delaware  | THE BREAST CANCER SOCIETY,   |
| corporation, et al.;  | INC.   |
| Defendants.   |  |
|   |  |
|   | sion ("FTC" or "Commission") and the st  |
| of Alabama, Alaska, Arizona, Arkansas, Cal<br>Florida, Georgia, Hawaii, Idaho, Illinois, Ind  |  |
| Tionda, Ocorgia, mawan, idano, inniois, ind   |  |
| Maine Maryland Massachusetts Michigan   | Winnesota Wississippi Wissouri Wonta   |
| Maine, Maryland, Massachusetts, Michigan,<br>Nebraska, Nevada, New Hampshire, New Je  |  |
| Maine, Maryland, Massachusetts, Michigan,<br>Nebraska, Nevada, New Hampshire, New Je<br>Carolina, North Dakota, Ohio, Oklahoma, O   | rsey, New Mexico, New York, North  |
| Nebraska, Nevada, New Hampshire, New Je   | rsey, New Mexico, New York, North<br>regon, Pennsylvania, Rhode Island, South  |
| Nebraska, Nevada, New Hampshire, New Je<br>Carolina, North Dakota, Ohio, Oklahoma, O  | rsey, New Mexico, New York, North<br>regon, Pennsylvania, Rhode Island, South<br>Jtah, Vermont, Virginia, Washington, We   |
| Nebraska, Nevada, New Hampshire, New Je<br>Carolina, North Dakota, Ohio, Oklahoma, O<br>Carolina, South Dakota, Tennessee, Texas, U   | rsey, New Mexico, New York, North<br>regon, Pennsylvania, Rhode Island, South<br>Jtah, Vermont, Virginia, Washington, We<br>rrict of Columbia filed a Complaint for a  |
| Nebraska, Nevada, New Hampshire, New Je<br>Carolina, North Dakota, Ohio, Oklahoma, O<br>Carolina, South Dakota, Tennessee, Texas, U<br>Virginia, Wisconsin, Wyoming, and the Dist   | rsey, New Mexico, New York, North<br>regon, Pennsylvania, Rhode Island, South<br>Jtah, Vermont, Virginia, Washington, We<br>rict of Columbia filed a Complaint for a<br>ief against Defendants Cancer Fund of  |
| Nebraska, Nevada, New Hampshire, New Je<br>Carolina, North Dakota, Ohio, Oklahoma, O<br>Carolina, South Dakota, Tennessee, Texas, U<br>Virginia, Wisconsin, Wyoming, and the Dist<br>permanent injunction and other equitable reli  | rsey, New Mexico, New York, North<br>regon, Pennsylvania, Rhode Island, South<br>Jtah, Vermont, Virginia, Washington, We<br>rrict of Columbia filed a Complaint for a<br>ief against Defendants Cancer Fund of<br>ncial Assistance Fund ("CFA"), Cancer  |
| Nebraska, Nevada, New Hampshire, New Je<br>Carolina, North Dakota, Ohio, Oklahoma, O<br>Carolina, South Dakota, Tennessee, Texas, U<br>Virginia, Wisconsin, Wyoming, and the Dist<br>permanent injunction and other equitable reli<br>America, Inc., also d/b/a Breast Cancer Finan   | rsey, New Mexico, New York, North<br>regon, Pennsylvania, Rhode Island, South<br>Jtah, Vermont, Virginia, Washington, We<br>rict of Columbia filed a Complaint for a<br>ief against Defendants Cancer Fund of<br>ncial Assistance Fund ("CFA"), Cancer<br>Cancer Fund of America, Inc. ("CCFOA") |
| Nebraska, Nevada, New Hampshire, New Je<br>Carolina, North Dakota, Ohio, Oklahoma, O<br>Carolina, South Dakota, Tennessee, Texas, U<br>Virginia, Wisconsin, Wyoming, and the Dist<br>permanent injunction and other equitable reli<br>America, Inc., also d/b/a Breast Cancer Finan<br>Support Services, Inc. ("CSS"), Children's C<br>and The Breast Cancer Society, Inc., also d/b<br>STIPULATION RE ORDER FOR PERM | rsey, New Mexico, New York, North<br>regon, Pennsylvania, Rhode Island, South<br>Jtah, Vermont, Virginia, Washington, We<br>rict of Columbia filed a Complaint for a<br>ief against Defendants Cancer Fund of<br>ncial Assistance Fund ("CFA"), Cancer<br>Cancer Fund of America, Inc. ("CCFOA") |

| 1        | ("BCS"), and certain individuals, pursuant to Sections 13(b) and 19 of the Federal Trade  |   |  |
|----------|---|---|--|
| 2        | Commission Act, 15 U.S.C. § 53(b) and 57(b); the Telemarketing and Consumer Fraud         |   |  |
| 3        | and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. §§ 6101-6108; and the           |   |  |
| 4        | Unfair and Decep  | tive Acts and Practices and Charitable Solicitation laws of the Plaintiff   |  |
| 5        | States. Plaintiffs  | and Defendant The Breast Cancer Society, Inc. have stipulated to the  |  |
| 6        | entry of this Stipu   | lated Order for Permanent Injunction and Monetary Relief Against The  |  |
| 7        | Breast Cancer Soc   | ciety ("Order"), and to the entry of a separate and concurrently filed  |  |
| 8        | Stipulated Order A  | Appointing Receiver Over The Breast Cancer Society, Inc. ("BCS  |  |
| 9        | Receivership Orde   | er"). Together, this Order and the BCS Receivership Order resolve all   |  |
| 10       | matters in dispute  | in this action between Plaintiffs and Defendant BCS.  |  |
| 11       | THEREFO   | RE, IT IS ORDERED as follows:   |  |
| 12       |   | FINDINGS  |  |
| 13       | 1. This   | Court has jurisdiction over this matter.  |  |
| 14       |   | ue is proper in the District of Arizona.  |  |
| 15       |   |   |  |
| 16       |   | Complaint charges that Defendant BCS and others engaged in  |  |
| 17       |   | practices by making false and misleading claims in charitable   |  |
| 18       | solicitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the Telemarketing |   |  |
| 19       | Sales Rule ("TSR  | "), 16 C.F.R. Part 310, and the following state statutes regulating   |  |
| 20       | charitable solicita   | tions and prohibiting deceptive and/or unfair trade practices:  |  |
| 21       | Alabama:  | ALA. CODE §§ 8-19-1 through -15; and §§ 13A-9-70 through 76.  |  |
|          | Alaska:   | ALASKA STAT. §§ 45.50.471 through 45.50.561; and §§ 45.68.010 through 45.68.900.  |  |
| 22<br>23 | Arizona:  | ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1535; and §§ 44-  |  |
|          | Arkansas:   | 6551 through 44-6561.<br>ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101                                     |  |
| 24       |   | through 4-88-115.   |  |
| 25       | California:   | CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF.<br>CODE §§ 17200 through 17206; and §§ 17510 through 17510.95. |  |
| 26       |   | 2000  ss 17200  mough  17200,  and  ss 17510  mough  17510.55.  |  |
| 27<br>28 | STIPU   | JLATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 2 of 14   |  |
|          |   |   |  |

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| Colorado:      | COLO. REV. STAT. §§ 6-1-101 through 115; and §§ 6-16-101 through 114.                                     |
|----------------|---|
| Connecticut:   | CONN. GEN. STAT. §§ 21a-175 through 21a-1901; and §§ 42-110a  |
|                | through 42-110q.  |
| Delaware:      | DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); an tit. 6, §§ 2595(a) – (b) (1995).    |
| Florida:       | FLA. STAT. ch. 501, Part II; and ch. 496 (2013).  |
| Georgia:       | GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).   |
| Hawaii:        | HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and §§ 467B-10.5; §   |
|                | 480-15; and Act 217 §2 Haw. Sess. Laws (2014).  |
| Idaho:         | IDAHO CODE ANN. §§ 48-601 through 619; and §§ 48-1201 through 1206.                                       |
| Illinois:      | 225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.  |
| Indiana:       | IND. CODE §§ 23-7-8-1 through -9; and §§ 24-5-0.5-1 through -12.  |
| Iowa:          | IOWA CODE § 714.16.   |
| Kansas:        | KAN. STAT. ANN. §§ 17-1759 through 17-1776.   |
| Kentucky:      | KY. REV. STAT. ANN. §§ 367.110 through 367.300.   |
| Louisiana:     | LA. REV. STAT. ANN. §§ 51:1401 through 1427; and §§ 51:1901 through 1909.1.                               |
| Maine:         | ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.   |
| Maryland:      | MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).   |
| Massachusetts: | MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through $35$ ; and ch. 93A §§ 1 through 11.      |
| Michigan:      | MICH. COMP. LAWS §§ 400.271 through 400.294.  |
| Minnesota:     | MINN. STAT. ch. 309.  |
| Mississippi:   | MISS. CODE ANN. §§ 79-11-501 through 79-11-529.   |
| Missouri:      | Mo. REV. STAT. ch. 407.   |
| Montana:       | MONT. CODE ANN. § 30-14-103.  |
| Nebraska:      | NEB. REV. STAT. §§ 21-1901 through 21-19,177; §§ 59-1601 throug<br>59-1622; and §§ 87-301 through 87-306. |
| Nevada:        | NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, an 598.097.                                 |
| New            | N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-                                       |
| Hampshire:     | and 641:8.  |
| New Jersey:    | N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); §§ 56:8-1  |
| 5              | through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:48 15.1.                                    |
| New Mexico:    | N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).                           |
| STIPU          | 57-22-11 (1978).<br>JLATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 3 of 14                 |

## Case 2:15-cv-00884-NVW Document 1 Filed 05/19/15 Page 4 of 64 N.Y. EXEC. LAW §§ 63 (12); §§ 171-a through 175; and N.Y. GEN. New York: 1 BUS. LAW § 349. 2 N.C. GEN. STAT. ANN. §§ 75-1.1; and § 131F. North Carolina: N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 North Dakota: 3 through 51-15-11. 4 Ohio: OHIO REV. CODE ANN. § 1716. Oklahoma: OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22. 5 Oregon: OR. REV. STAT. §§ 128.886; and §§ 646.605 through 646.636. 6 Pennsylvania: 10 PA. STAT. ANN. §§ 162.1 through .14 (1990). Rhode Island: R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18. 7 S.C. CODE ANN. §§ 33-56-10 through 33-56-200. South Carolina: 8 South Dakota: S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and §§ 21-34-1 through 21-34-14. 9 TENN. CODE ANN. §§ 48-101-501 through 48-101-522. Tennessee: 10 TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63. Texas: UTAH CODE ANN. §§ 13-11-1 through 13-11-23; §§ 13-22-1 through Utah: 11 13-22-23; and §§ 13-26-1 through 13-26-11. 12 VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and §§ 2471 through Vermont: 2479. 13 VA. CODE ANN. §§ 57-48 through 57-69. Virginia: 14 Washington: WASH. REV. CODE §§ 19.86; and §19.09. West Virginia: W.VA. CODE §§ 29-19-1 -15b; and §§ 46A-1-101 through 46a-6-110. 15 Wisconsin: WIS. STAT. §§ 202.11-202.18. 16 Wyoming: WYO. STAT. ANN. §§ 40-12-101 through 114. 17 4 Defendant BCS neither admits nor denies any of the allegations in the 18 Complaint, except as specifically stated in this Order. Only for purposes of this action, 19 Defendant BCS admits the facts necessary to establish jurisdiction. 20 5. Defendant BCS waives any claim that it may have under the Equal Access 21 to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the 22 date of this Order, and agrees to bear its own costs and attorney fees. 23 6. Defendant BCS waives all rights to appeal or otherwise challenge or 24 contest the validity of this Order. 25 7. Entry of this Order is in the public interest. 26 27 28 STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS Page 4 of 14

| 1  |  |  |
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| 1  | DEFINITIONS  |  |
| 2  | For purposes of this Order, the following definitions shall apply:                           |  |
| 3  | 1. "BCS" means The Breast Cancer Society, Inc., also d/b/a The Breast                        |  |
| 4  | Cancer Society of America, and its successors and assigns.                                   |  |
| 5  | 2. "BCS Receivership Order" means the "Stipulated Order Appointing                           |  |
| 6  | Receiver Over The Breast Cancer Society, Inc."   |  |
| 7  | 3. "BCS Receiver" means the receiver appointed by the BCS Receivership                       |  |
| 8  | Order.   |  |
| 9  | 4. "Person" means a natural person, an organization or other legal entity,                   |  |
| 10 | including a corporation, partnership, sole proprietorship, limited liability company,        |  |
| 11 | association, cooperative, or any other group or combination acting as an entity.             |  |
| 12 | 5. "Charitable contribution" means any donation or gift of money or any other                |  |
| 13 | thing of value.  |  |
| 14 | 6. "Donor" or "consumer" means any person solicited to make a charitable                     |  |
| 15 | contribution.  |  |
| 16 | 7. "Fundraising" means a plan, program, or campaign that is conducted to                     |  |
| 17 | induce charitable contributions by mail, telephone, electronic mail, social media, or any    |  |
| 18 | other means.   |  |
| 19 | 8. "Nonprofit organization" means any person that is, or is represented to be, a             |  |
| 20 | nonprofit entity, or that has, or is represented to have, a charitable purpose, specifically |  |
| 21 | including but not limited to any such entity that purports to benefit, either in whole or in |  |
| 22 | part, individuals who suffer or have suffered from cancer.                                   |  |
| 23 | 9. "Plaintiff States" means the states of Alabama, Alaska, Arizona, Arkansas,                |  |
| 24 | California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois,      |  |
| 25 | Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts,                  |  |
| 26 | Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New                   |  |
| 27 | Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio,             |  |
| 28 | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 5 of 14                    |  |
|    |  |  |

1 Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, 2 Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, 3 Wyoming, and the District of Columbia. "Solicitor" means any person who solicits a charitable contribution. 4 10. 5 "Telemarketing" means a plan, program, or campaign that is conducted to 11. 6 induce the purchase of goods or services or a charitable contribution, by use of one or 7 more telephones and that involves a telephone call, whether or not covered by the Telemarketing Sales Rule. 8 9 12. "And" and "or" shall be construed both conjunctively and disjunctively to make the applicable sentence or phrase inclusive rather than exclusive. 10 11 ORDER 12 I. **CORPORATE DISSOLUTION** 13 IT IS FURTHER ORDERED that, pursuant to the BCS Receivership Order of 14 which BCS has consented to entry, the BCS Receiver shall take the steps necessary to 15 cause BCS to be dissolved and to cease to exist as a corporate entity. 16 17 II. **PROHIBITION ON MISREPRESENTATIONS** 18 IT IS FURTHER ORDERED that BCS, its officers, agents, employees, and 19 independent contractors, and all other persons in active concert or participation with it 20 who receive actual notice of this Order, whether acting directly or indirectly, are hereby 21 permanently restrained and enjoined from making, or assisting in making, material 22 misrepresentations in connection with the sale of consumer goods or services. 23 III. **TELEMARKETING SALES RULE COMPLIANCE** 24 IT IS FURTHER ORDERED that BCS, its officers, agents, employees, and 25 independent contractors, and all other persons in active concert or participation with it 26 27 28 STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS Page 6 of 14

1 who receive actual notice of this Order, whether acting directly or indirectly, are hereby 2 permanently restrained and enjoined from violating, or assisting others in violating, any 3 provision of the Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310, as currently 4 promulgated or as it hereafter may be amended.

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### IV. **COMPLIANCE WITH STATE LAW**

IT IS FURTHER ORDERED that BCS, its officers, agents, employees, and independent contractors, whether acting directly or indirectly, are hereby permanently 8 restrained and enjoined from violating, or assisting others in violating, any provision of the following state laws:

| Alabama:     | ALA. CODE §§ 8-19-1 through -15; and §§ 13A-9-70 through 76.           |
|--------------|--|
| Alaska:      | ALASKA STAT. §§ 45.50.471 through 45.50.561; and §§ 45.68.010          |
|              | through 45.68.900.   |
| Arizona:     | ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534; and §§ 44-           |
|              | 6551 through 44-6561.  |
| Arkansas:    | ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101           |
|              | through 4-88-115.  |
| California:  | CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF.             |
|              | CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.            |
| Colorado:    | COLO. REV. STAT. §§ 6-1-101 through 115; and §§ 6-16-101 through       |
|              | 114.   |
| Connecticut: | CONN. GEN. STAT. §§ 21a-175 through 21a-1901; and §§ 42-110a           |
|              | through 42-110q.   |
| Delaware:    | DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and |
|              | tit. 6, $\$$ 2595(a) – (b) (1995).                                     |
| Florida:     | FLA. STAT. ch. 501, Part II; and ch. 496 (2013).                       |
| Georgia:     | GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).                      |
| Hawaii:      | HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; § 480-        |
|              | 15; and Act 217 §2 Haw. Sess. Laws (2014).                             |
| Idaho:       | IDAHO CODE ANN. §§ 48-601 through 619; and §§ 48-1201 through          |
|              | 1206.  |
| Illinois:    | 225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.                       |
| Indiana:     | IND. CODE §§ 23-7-8-1 through -9; and §§ 24-5-0.5-1 through -12.       |
| Iowa:        | IOWA CODE § 714.16.  |
| Kansas:      | KAN. STAT. ANN. §§ 17-1759 through 17-1776.                            |
|              |  |
| STI          | PULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS                 |
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| Kentucky:       | KY. REV. STAT. ANN. §§ 367.110 through 367.300.   |
|-----------------|---|
| Louisiana:      | LA. REV. STAT. ANN. §§ 51:1401 through 1427; and §§ 51:1901   |
|                 | through 1909.1.   |
| Maine:          | ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.   |
| Maryland:       | MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).   |
| Massachusetts:  | MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 throu 35; and ch. 93A §§ 1 through 11.                                   |
| Michigan:       | MICH. COMP. LAWS §§ 400.271 through 400.294.  |
| Minnesota:      | MINN. STAT. ch. 309.  |
| Mississippi:    | MISS. CODE ANN. §§ 79-11-501 through 79-11-529.   |
| Missouri:       | MO. REV. STAT. ch. 407.   |
| Montana:        | MONT. CODE ANN. § 30-14-103.  |
| Nebraska:       | NEB. REV. STAT. §§ 21-1901 through 21-19,177; §§ 59-1601 through 59-1622; and §§ 87-301 through 87-306.                           |
| Nevada:         | NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, a 598.097.  |
| New             | N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:2   |
| Hampshire:      | and 641:8.  |
| New Jersey:     | N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); §§ 56:8-1 through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13: 15.1. |
| New Mexico:     | N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).   |
| New York:       | N.Y. EXEC. LAW §§ 63 (12); §§ 171-a through 175; and N.Y. GEN BUS. LAW § 349.   |
| North Carolina: | N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.   |
| North Dakota:   | N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and §§ 51-15-0 through 51-15-11.  |
| Ohio:           | Ohio Rev. Code Ann. § 1716.   |
| Oklahoma:       | OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.   |
| Oregon:         | OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.   |
| Pennsylvania:   | 10 PA. STAT. ANN. §§ 162.1 through .14 (1990).  |
| Rhode Island:   | R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.   |
| South Carolina: | S.C. CODE ANN. §§ 33-56-10 through 33-56-200.   |
| South Dakota:   | S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and §§ 21-34   |
|                 | through 21-34-14.   |
| Tennessee:      | TENN. CODE ANN. §§ 48-101-501 through 48-101-522.   |
| Texas:          | ТЕХ. BUS. & COM. CODE ANN. §§17.41 through 17.63.   |
| Utah:           | UTAH CODE ANN. §§ 13-11-1 through 13-11-23; §§ 13-22-1 throu  |
|                 | 13-22-23; and §§ 13-26-1 through 13-26-11.  |

## Case 2:15-cv-00884-NVW Document 1 Filed 05/19/15 Page 9 of 64 VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and §§ 2471 through Vermont: 1 2479. 2 Virginia: VA. CODE ANN. §§ 57-48 through 57-69. WASH. REV. CODE §§ 19.86; and §19.09. Washington: 3 West Virginia: W.VA. CODE §§ 29-19-1 -15b; and §§ 46A-1-101through 46a-6-110. 4 Wisconsin: WIS. STAT. §§ 202.11-202.18. WYO. STAT. ANN. §§ 40-12-101 through 114. Wyoming: 5 6 V. **COOPERATION** 7 IT IS FURTHER ORDERED that BCS must cooperate fully with Plaintiffs' 8 representatives in this case and in any investigation related to or associated with the 9 transactions or the occurrences that are the subject of the Complaint. BCS must provide 10 truthful and complete information, evidence, and testimony. BCS must cause its officers, 11 employees, representatives, or agents to appear for interviews, discovery, hearings, trials, 12 and any other proceedings that any Plaintiff's representative may reasonably request 13 upon five days written notice, or other reasonable notice, at such places and times as any 14 Plaintiff's representative may designate, without the service of a subpoena. 15 VI. **MONETARY JUDGMENT** 16 17 IT IS FURTHER ORDERED that judgment is hereby entered against BCS as follows: 18 A. Judgment in the amount of sixty-five million five hundred sixty-four 19 thousand three hundred sixty dollars (\$65,564,360) is entered in favor of Plaintiffs 20 against BCS, as equitable monetary relief. 21 B. In partial satisfaction of this judgment, the BCS Receiver shall take the 22 necessary steps to wind down the affairs of BCS and liquidate and distribute its assets in 23 the manner set forth in the BCS Receivership Order, and deposit all remaining net assets 24 to the short term court ordered trust fund (hereinafter "STCO Fund") described in Section 25 VII.D, below. 26 27 28 STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS Page 9 of 14

C. Payments made by the BCS Receiver to the STCO Fund and to any approved qualified charity as authorized by the BCS Receivership Order shall be credited towards satisfaction of the judgment entered against it.

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## VII. ADDITIONAL MONETARY PROVISIONS

IT IS FURTHER ORDERED that:

A. BCS relinquishes dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and the BCS Receivership Order, and may not seek the return of any assets.

B. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Plaintiffs, including in a proceeding to enforce their rights to any payment or monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case.

C. The facts alleged in the Complaint establish all elements necessary to sustain an action by the Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

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D.

Payment to the Plaintiff States:

 All money paid to the Plaintiff States pursuant to this Order shall be made by wire transfer to the Litigation Deposits Trust Fund (Fund Code "T-xx-909N"), an interest bearing trust fund held by the Hawaii Attorney General's Office in trust for the Plaintiff States ("the short-term court ordered trust fund" or "STCO Fund").

2. The STCO Fund shall be used to pay: (a) pursuant to cy pres, qualifying charitable organizations with charitable purposes substantially similar to the purposes for which BCS solicited funds, and (b) the Plaintiff States to reimburse costs of the investigation and to pay attorneys' fees. When payment(s) from the STCO Fund are appropriate, the Plaintiff States shall submit to this Court a Motion and Proposed Order

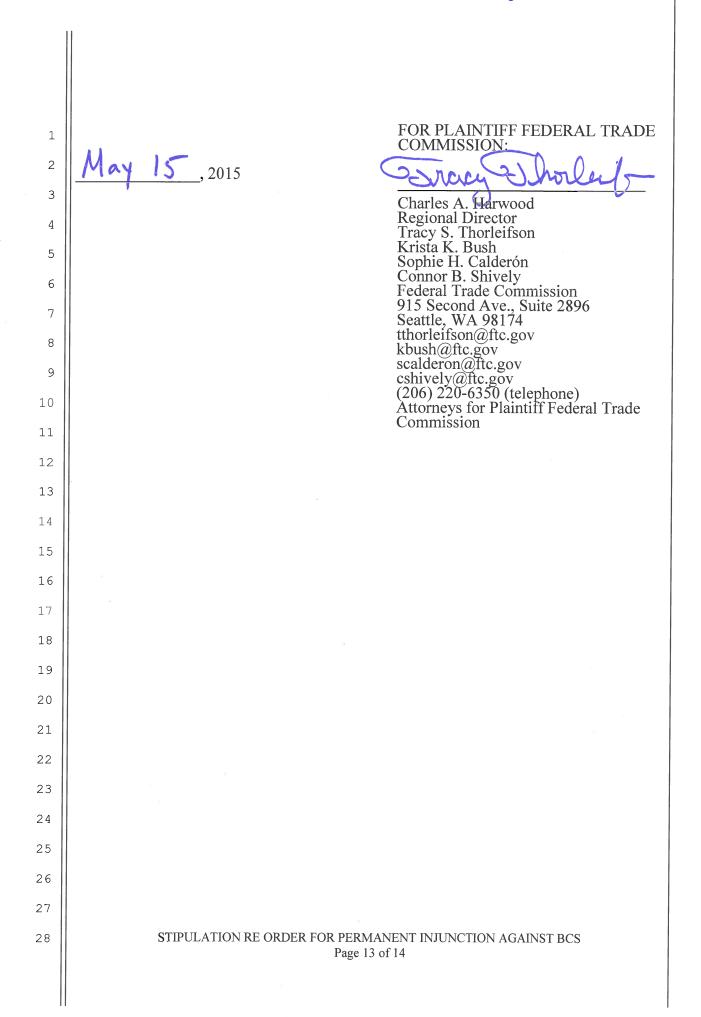
> STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS Page 10 of 14

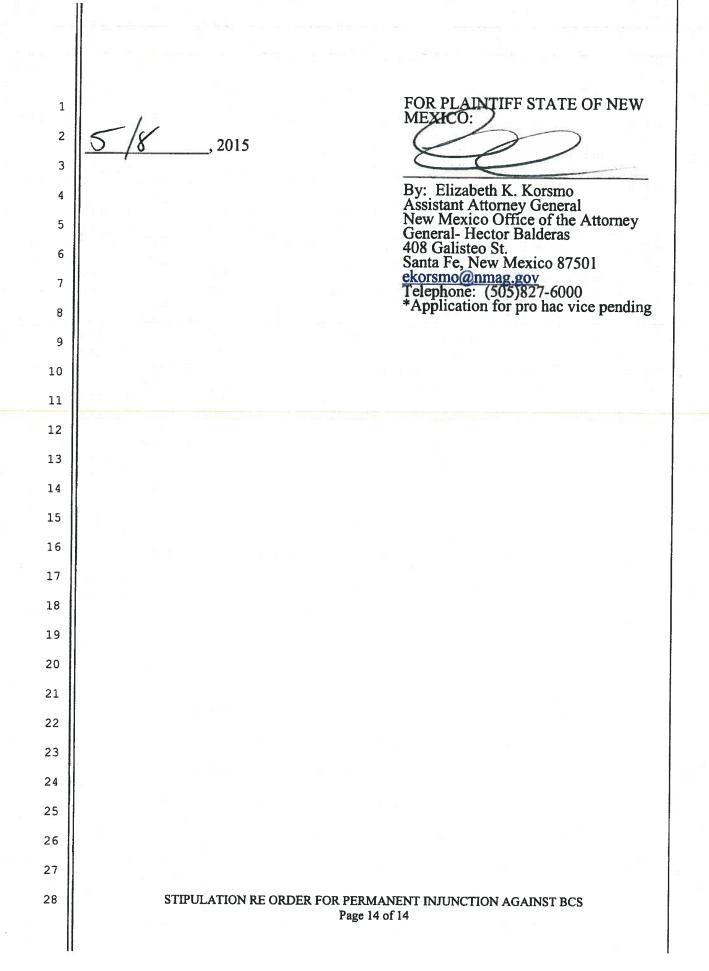
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| 1  | recommending cy pres recipients and the amounts to be paid to such recipients and/or the          |
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| 2  | amounts to be paid to reimburse the Plaintiff States for their costs and attorneys' fees.         |
| 3  | The Hawaii Attorney General shall distribute monies from the STCO Fund only as                    |
| 4  | authorized and directed by this Court. BCS has no right to challenge any                          |
| 5  | recommendations regarding monetary distributions made by the Plaintiff States.                    |
| 6  | VIII. RETENTION OF JURISDICTION   |
| 7  |   |
| 8  | IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for                     |
| 9  | purposes of construction, modification, and enforcement of this Order.                            |
| 10 | IX. STATE COURT ENFORCEMENT   |
| 11 | Without limiting the above provisions, BCS agrees that the provisions of Sections                 |
| 12 | II and IV of this Order may be enforced by any Plaintiff State in a court of general              |
| 13 | jurisdiction in that Plaintiff's state if that Plaintiff state has reason to believe that persons |
| 14 | in its state have been affected. Defendant BCS consents to any such court's jurisdiction          |
| 15 | for purposes of enforcing the terms of Sections II and IV of this Order.                          |
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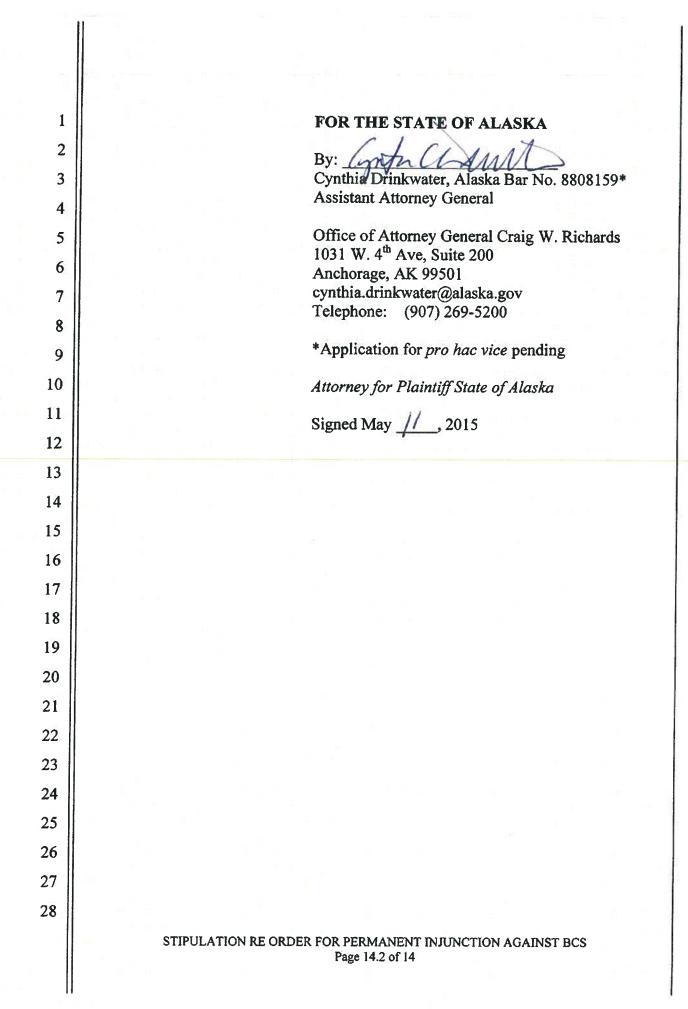
SO STIPULATED AND AGREED: FOR DEFENDANT THE BREAST CANCER SOCIETY, INC.: yax Eric S. Berman Eric S. Berman Randal M. Shaheen Venable LLP 575 7<sup>th</sup> Street, NW Washington, DC 20004 esberman@Venable.com rmshaheen@Venable.com (202) 344-4000 (telephone) Attorneys for The Breast Ca Attorneys for The Breast Cancer Society, Inc. FOR DEFENDANT THE BREAST CANCER SOCIETY, INC .: Andrina Shields In her capacity as Chairman of the Board of Directors of of The Breast Cancer Society, Inc. STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS Page 12 of 14



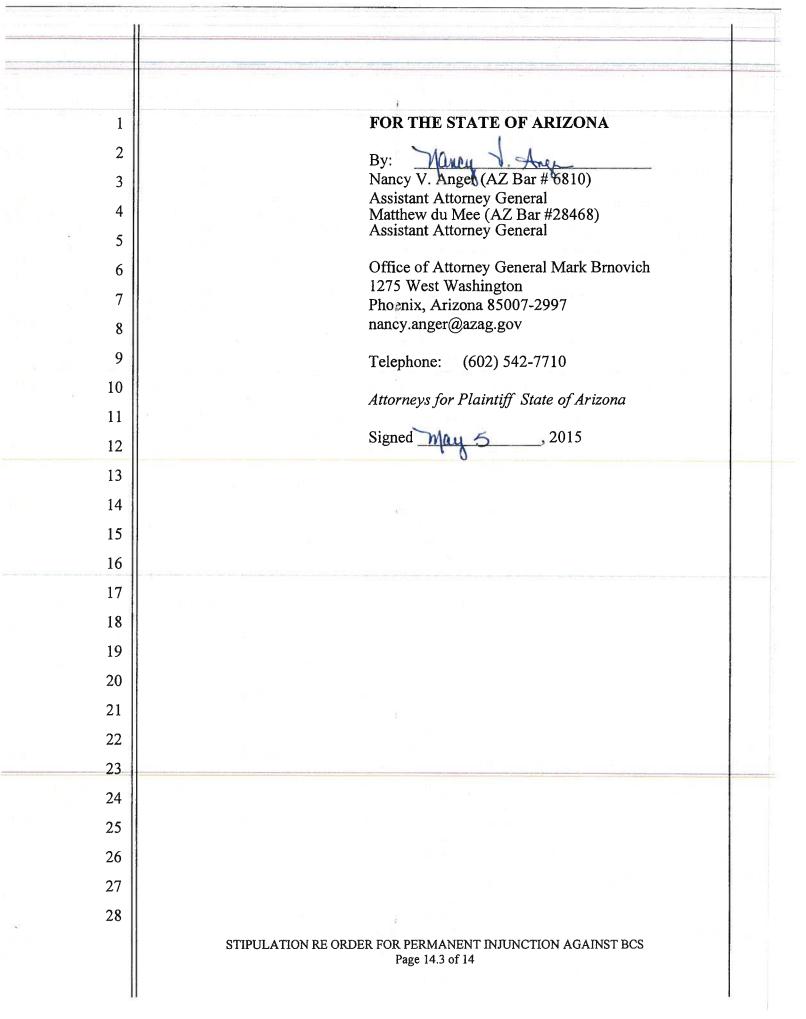


| 1  | FOR THE STATE OF ALABAMA   |
|----|--|
|    | FOR THE STATE OF ALADAMA   |
| 2  | By:  |
| 3  | Kyle Beckman (AL Bar #ASB-6046-E63B)*  |
| 4  | Assistant Attorney General   |
| 5  | Office of Attorney General Luther Strange                                    |
| 6  | 501 Washington Avenue  |
|    | Montgomery, AL 36104-0152<br>kbeckman@ago.state.al.us                        |
| 7  | KUCCKIIIaii@ag0.statc.ai.us  |
| 8  | Telephone: (334) 353-2619  |
| 9  | *Annligation for much as wise monding  |
| 10 | *Application for <i>pro hac vice</i> pending                                 |
| 11 | Attorney for Plaintiff State of Alabama                                      |
| 12 | Signed, 2015   |
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|    | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.1 of 14 |
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| 1  | FOR THE STATE OF ARKANSAS  |
|----|--|
| 2  | Pui Etala  |
| 3  | By:<br>Kevin Wells (AR Bar # 2007213)*                                       |
| 4  | Assistant Attorney General   |
| 5  | Office of Attorney General Leslie Rutledge                                   |
| 6  | 323 Center Street, Suite 500<br>Little Rock, Arkansas 72201                  |
| 7  | kevin.wells@arkansasag.gov   |
| 8  | Telephone: (501) 682-8063  |
| 9  | *Application for <i>pro hac vice</i> pending                                 |
| 10 | representation for province perioding  |
| 11 | Attorney for Plaintiff State of Arkansas                                     |
| 12 | Signed May 8, 2015   |
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|    | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.4 of 14 |

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| 1    | FOR THE STATE OF CALIFORNIA  |
| 2    | By: Bonjakberrat   |
| 3    | Sonja K. Berndt (CA Bar # 131358)*   |
| 4    | Deputy Attorney General  |
| 5    | Office of Attorney General Kamala Harris                                     |
| 6    | 300 S. Spring St.,<br>Suite #1702  |
| 7    | Los Angeles, California 90013  |
| 8    | <u>Sonja.berndt@doj.ca.gov</u>   |
| 9 ·  | Telephone: (213) 897-2179  |
| 10   | *Application for pro hac vice pending  |
| . 11 | Attorney for Plaintiff State of California                                   |
| 12   |  |
| 13   | Signed <u>May 4</u> , 2015   |
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| _    | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.5 of 14 |

| 1    | FOR THE COLORADO SECRETARY OF STATE  |
|------|--|
| 2    | By: Luchan Morriel   |
| 3    | By: <u>Juhn</u> Virul<br>LEANN MORRILL (CO Bar #38742)                       |
|      | First Assistant Attorney General   |
| 4    | Office of Attorney General Cynthia H. Coffman                                |
| 5    | Public Officials Unit<br>1300 Broadway, 6 <sup>th</sup> Floor                |
| 6    | Denver, Colorado 80203   |
|      | Email: leann.morrill@state.co.us   |
| 7    | Telephone: (720) 508-6159  |
| 8    |  |
| 9    | Attorney for Plaintiff Colorado Secretary of State                           |
| 10   | Signed <u>May</u> 7, 2015  |
| 11   |  |
| 12   |  |
| 13   | FOR THE STATE OF COLORADO  |
| 14   | By:  |
|      | ALISSA GARDENSWARTZ (CO Bar# 36126)  |
| 15   | First Assistant Attorney General   |
| 16   | Office of Attorney General Cynthia H. Coffman                                |
| 1.77 | Consumer Protection Section  |
| 17   | 1300 Broadway, 7 <sup>th</sup> Floor   |
| 18   | Denver, Colorado 80203   |
| 19   | Email: alissa.gardenswartz@state.co.us<br>Telephone: (720) 508-6204          |
| 20   |  |
|      | *Application for <i>pro hac vice</i> pending                                 |
| 21   | Attorney for Plaintiff Colorado Attorney General                             |
| 22   |  |
| 23   | Signed <u>Mary</u> <u>6</u> , 2015   |
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|      | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.6 of 14 |
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| FOR THE STATE OF CONNECTICUT   |
|--|
| By: May WHann  |
| Gary W. Hawes (CT Bar # 415091)*   |
| Assistant Attorney General   |
| Office of Attorney General George Jepsen                                     |
| 55 Elm Street  |
| P.O. Box 120   |
| Hartford, Connecticut 06141-0120<br>Gary.Hawes@ct.gov                        |
| Gulfinanosujongov  |
| Telephone: (860) 808-5020  |
| *Application for pro hac vice pending  |
| Attorney for Plaintiff State of Connecticut                                  |
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| Signed <u>3/7</u> , 2015   |
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| STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.7 of 14 |
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By: Gregory C. Strong (DE Bar # 4664)\* Gillian L. Andrews (DE Bar # 5719) Deputy Attorneys General

Delaware Department of Justice 820 N. French Street, 5th Floor Wilmington, Delaware 19801 gregory.strong@state.de.us

Telephone: (302) 577-8504

\*Application for pro hac vice pending

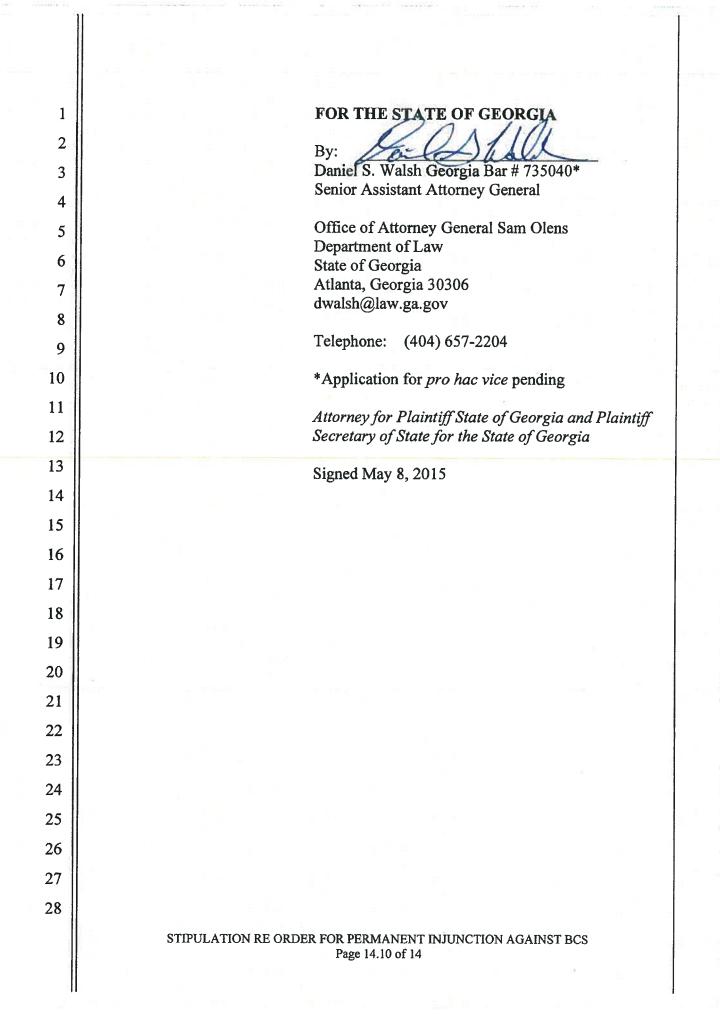
Attorneys for Plaintiff State of Delaware

Signed **58**, 2015

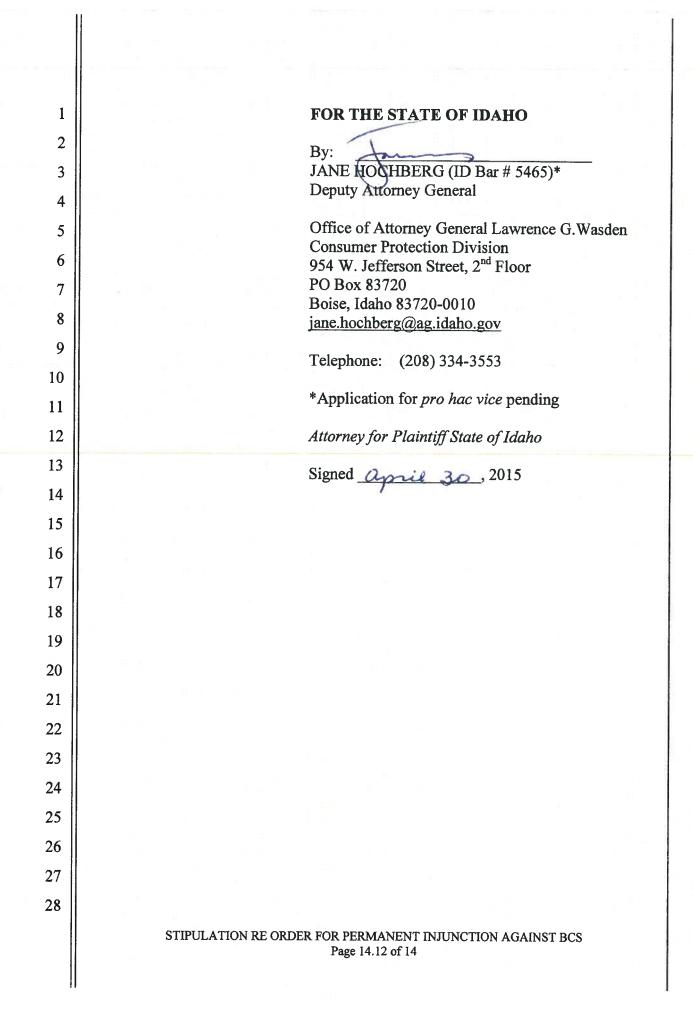


FOR THE STATE OF FLORIDA By: Rebecca H. Sirkle (FL Bar # 42312)\* Assistant Attorney General Office of Attorney General Pam Bondi 135 West Central Blvd., Suite 670 Orlando, Florida 32801 Rebecca.Sirkle@myfloridalegal.com Telephone: (407) 316-4840 \*Application for pro hac vice pending Attorney for Plaintiff State of Florida Signed <u>May 5</u><sup>th</sup>, 2015 STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS Page 14.9 of 14

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| 1  | FOR THE STATE OF HAWAII                                   |
|----|---|
| 2  | By: John Z. K. Yi<br>Jodi V. K. Yi HI Bar#6625*           |
| 3  |   |
| 4  | Deputy Attorney General                                   |
| 5  | Attorney General Douglas S. Chin                          |
| 6  | Department of the Attorney General<br>425 Queen Street    |
| 7  | Honolulu, Hawaii 96813                                    |
| 8  | Jodi.K.Yi@Hawaii.gov                                      |
| 9  | Telephone: (808) 586-1480                                 |
| 10 | *Application for <i>pro hac vice</i> pending              |
| 11 | Attorney for Plaintiff State of Hawaii                    |
| 12 | Signed April 28, 2015                                     |
| 13 | Signou ripin 20, 2015                                     |
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| 1  | FOR THE PEOPLE OF THE STATE OF ILLINOIS                                     |
|----|---|
| 2  | By: Super & polle   |
| 3  | Barry S. Goldberg<br>Assistant Attorney General (IL Bar # 6269821)*         |
| 4  | Assistant Bureau Chief  |
| 5  | Charitable Trust Bureau<br>Office of Illinois Attorney General Lisa Madigan |
| 6  | 100 West Randolph Street, 11th Floor  |
| 7  | Chicago, Illinois 60601<br>bgoldberg@atg.state.il.us                        |
| 8  | Telephone Charitable Trust Bureau: (312) 814-2595                           |
| 9  | Therese Harris, Bureau Chief  |
| 10 | Charitable Trust Bureau<br>Office of Illinois Attorney General Lisa Madigan |
| 11 | 100 West Randolph Street, 11 <sup>th</sup> Floor                            |
| 12 | Chicago, Illinois 60601<br>tharris/@atg.state.il.us                         |
| 12 | Telephone Charitable Trust Bureau: (312) 814-2595                           |
|    | *Application for <i>pro hac vice</i> pending                                |
| 14 | Attorney for Plaintiff State of Illinois                                    |
| 15 | Signed April <u>ارت</u> , 2015  |
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| FOR THE STATE OF INDIANA  |
|---|
| By: Fichn M. Brown  |
| Richard M. Bramer (IN Bar # 15989-77)*  |
| Director, Consumer Protection Division  |
| Office of Attorney General Gregory F. Zoeller                                 |
| 302 West Washington Street<br>IGCS Fifth Floor                                |
| Indianapolis, Indiana 46204   |
| richard.bramer@atg.in.gov   |
| Telephone: (317) 232-1008   |
| *Application for pro hac vice pending   |
| Attorney for Plaintiff State of Indiana                                       |
|   |
| Signed <u>Mary</u> 7, 2015  |
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| STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.14 of 14 |
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| 1  | FOR THE STATE OF IOWA   |
|----|---|
| 2  | By: DOC   |
| 3  | Steve St. Clair (IA Bar #AT0007441)*  |
| 4  | Assistant Attorney General  |
| 5  | Office of Attorney General Tom Miller   |
| 6  | Hoover Building, 2 <sup>nd</sup> Floor<br>1305 East Walnut                    |
| 7  | Des Moines, Iowa 50319  |
| 8  | steve.stclair@iowa.gov  |
| 9  | Telephone: (515) 281-5926   |
| 10 | *Application for <i>pro hac vice</i> pending                                  |
| 11 | Attorney for Plaintiff State of Iowa  |
| 12 |   |
| 13 | Signed April 22, 2015   |
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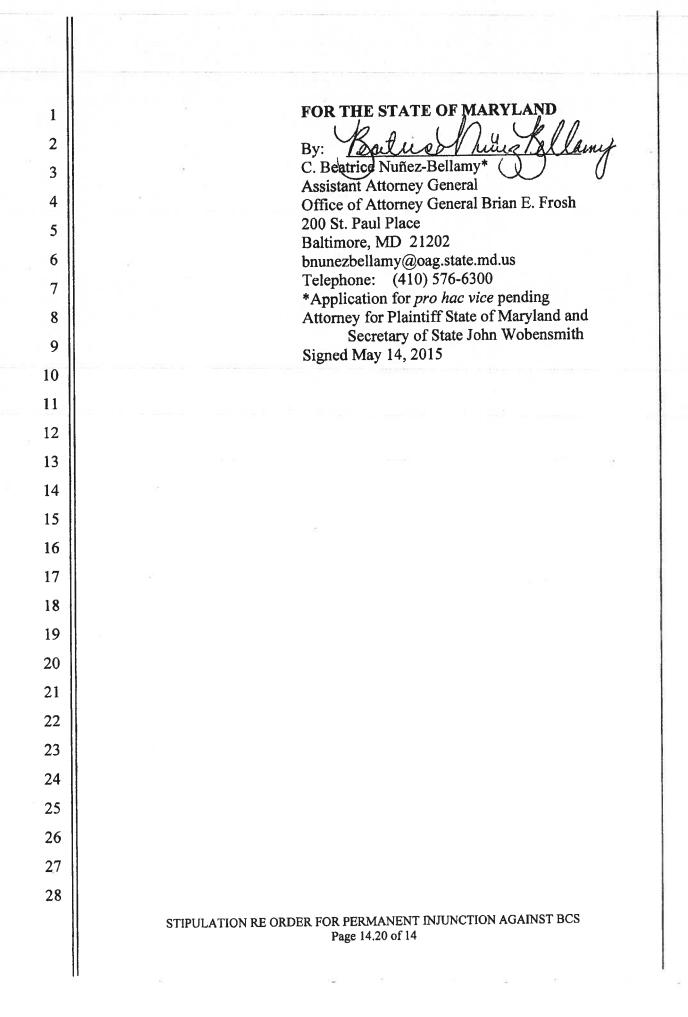
| 1<br>2<br>3<br>4<br>5 | FOR THE STATE OF KANSAS<br>By: <u>Mutte Radde</u><br>Lynette R. Bakker (KS Bar # 22104)*<br>Assistant Attorney General<br>Office of Attorney General Derek Schmidt |
|-----------------------|--|
| 6<br>7                | 120 S.W. 10th Avenue, 2nd Floor<br>Topeka, Kansas 66612-1597<br>lynette.bakker@ag.ks.gov   |
| 8                     | Telephone: (785) 296-3751  |
| 9                     |  |
| 10                    | *Application for <i>pro hac vice</i> pending   |
| 11                    | Attorney for Plaintiff State of Kansas   |
| 12                    | Signed May 5, 2015   |
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|                       | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.16 of 14  |
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| 1  |      |       |       |           | FOR THE COMMONWEALTH OF K                                   | ENTUCKY |
|----|------|-------|-------|-----------|---|---------|
| 2  |      |       |       |           | By: Den linger bog  |         |
| 3  |      |       |       |           | Leah Cooper Boggs (KY Bar #/83471)*                         |         |
| 4  |      |       |       |           | Assistant Attorney General                                  |         |
| 5  |      |       |       |           | Office of Attorney General Jack Conway                      |         |
| 6  | 1    |       |       |           | 1024 Capital Center Drive                                   |         |
|    |      |       |       |           | Suite 200<br>Frankfort, Kentucky 40601                      |         |
| 7  | - ×  | ě.    |       |           | Leah.boggs@ky.gov   |         |
| 8  |      |       |       |           |   |         |
| 9  |      |       |       |           | Telephone: (502) 696-5389                                   |         |
| 10 |      |       |       |           | *Application for pro hac vice pending                       |         |
| 11 |      |       |       |           |   |         |
| 12 | 1875 |       |       |           | Attorney for Plaintiff State of Kentucky                    |         |
| 13 |      |       |       |           | Signed May 7 , 2015   |         |
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| FOR THE STATE OF LOUISIANA                              |
|---|
| At CAT  |
| By: Cathryn E. Gits (LAD5144)*                          |
| Assistant Attorney General                              |
|   |
| Office of Attorney General James D. "Buddy'<br>Caldwell |
| 1885 N. Third Street                                    |
| Baton Rouge, Louisiana 70802                            |
| gitsc@ag.state.la.us                                    |
| Telephone: (225) 326-6400                               |
| * Application for the heating the                       |
| *Application for <i>pro hac vice</i> pending            |
| Attorney for Plaintiff State of Louisiana               |
| Signed May 7, 2015                                      |
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| 1  | FOR THE STATE OF MAINE   |
|----|--|
| 2  | Janet T. Mill  |
| 3  | Maine Attorney General   |
| 4  | By: Currhand Sill  |
| 5  | Carolyn A. Silsby (ME Bar # 3030)*   |
| 6  | Assistant Attorney General   |
| 7  | Office of the Maine Attorney General   |
| 8  | Burton Cross State Office Building<br>111 Sewall Street, 6 <sup>th</sup> Floor |
| 9  | Augusta, Maine 04330<br>Carolyn.silsby@maine.gov                               |
| 10 |  |
| 11 | Telephone: (207) 626-8829  |
| 12 | *Application for pro hac vice pending  |
| 13 | Attorney for Plaintiff State of Maine  |
| 14 | Signed April 22, 2015  |
| 15 | Signed <u>Upun 22</u> , 2015   |
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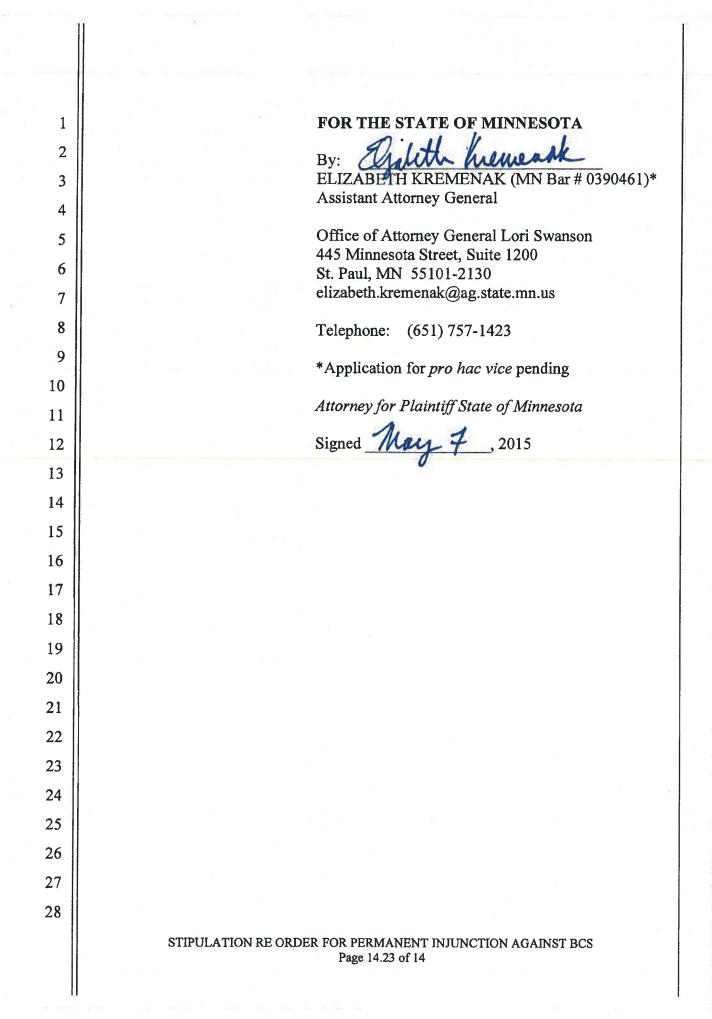
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| 1<br>2 | FOR THE COMMONWEALTH OF<br>MASSACHUSETTS                                      |
|--------|---|
| 3      | MAURA HEALEY, ATTORNEY GENERAL  |
| 4      |   |
| 5      | By:<br>Prott I. Plank (MA Par # 686625)*                                      |
| 6      | Brett J. Blank (MA Bar # 686635)*<br>Assistant Attorney General               |
| 7      | Office of Attorney General Maura Healey                                       |
| 8      | One Ashburton Place   |
| 9      | Boston, Massachusetts 02108<br>brett.blank@state.ma.us                        |
| 10     | Telephone: (617) 727-2200   |
| 11     | *Application for pro hac vice pending   |
| 12     | Attorney for Plaintiff Commonwealth of Massachusetts                          |
| 13     |   |
| 14     | Signed May 8, 2015  |
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| 1        | FOR THE STATE OF MICHIGAN   |
|----------|---|
| 2        | By: 2 i Chaliel   |
| 3        | William R. Bloomfield (MI Bar #68515)*  |
| 4        | Assistant Attorney General  |
| 5        | Office of Attorney General Bill Schuette<br>Corporate Oversight Division      |
| 6        | P.O. Box 30755  |
| 7        | Lansing, MI 48909   |
| 8        | Telephone: (517) 373-1160   |
| 9        | *Application for pro hac vice pending   |
| 10       | Attorney for Plaintiff State of Michigan                                      |
| 11       |   |
| 12       | Signed <u>May</u> 4, 2015   |
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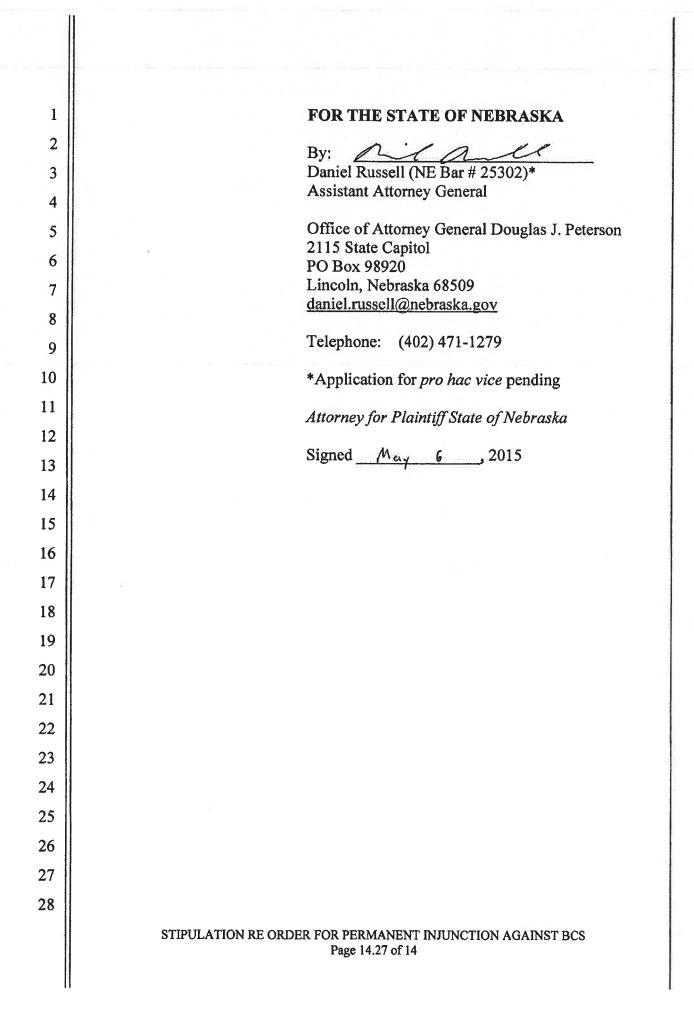
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| 1  | FOR THE STATE OF MISSISSIPPI                                |
|----|---|
| 2  |   |
| 3  | By: Tanya G. Webber (MS Bar #99405)*                        |
| 4  | Assistant Secretary of State/Charities Division             |
| 5  | Mississippi Secretary of State                              |
| 6  | Post Office Box 136   |
| 7  | Jackson, Mississippi 392015-0136<br>Tanya.webber@sos.ms.gov |
| 8  | Telephone: (601) 359-6742                                   |
| 9  |   |
| 10 | *Application for <i>pro hac vice</i> pending                |
| 11 | Attorney for Plaintiff State of Mississippi                 |
| 12 | Signed April 28, 2015                                       |
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|    | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS   |
|    | Page 14.24 of 14  |
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| 1  | FOR THE STATE OF MISSOURI   |     |
|----|---|-----|
| 2  | CHRIS KOSTER  |     |
| 3  | Attorney General  |     |
| 4  | 16.TG Com   | 4   |
| 5  | ROBERT E. CARLSON, # 54602  |     |
| 6  | Assistant Attorney General  |     |
|    | P.O. Box 861  | 1.0 |
| 7  | St. Louis, MO 63188   |     |
| 8  | (314) 340-6816  |     |
| 9  | Fax: (314) 340-7957<br>bob.carlson@ago.mo.gov                                 |     |
| 10 |   |     |
| 11 | *Application for <i>pro hac vice</i> pending                                  |     |
| 12 | Attorney for Plaintiff State of Missouri                                      |     |
| 13 | Signed <u>May</u> 1/, 2015  |     |
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|    | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.25 of 14 |     |
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| FOR THE STATE OF MONTANA                                  |
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| $\bigcirc$  |
| By: Kelly L. Hubbard                                      |
|   |
| TIMOTHY C. FOX<br>Montana Attorney General                |
| Montana Attorney General<br>E. EDWIN ECK, MT Bar No. 414* |
| Deputy Attorney General                                   |
| KELLEY L. HUBBARD, MT Bar No. 9604*                       |
| Assistant Attorney General                                |
| Montana Attorney General's Office                         |
| P. O. Box 200151  |
| Helena, MT 59620-0151                                     |
| <u>EdEck@mt.gov</u><br><u>KHubbard@mt.gov</u>             |
| <u>TETTEOOura (Wittengo v</u>                             |
| Telephone: (406) 444-2026                                 |
| *Application for pro hac vice pending                     |
| Application for provide vice pending                      |
| Attorneys for Plaintiff State of Montana                  |
| Signed May <b>7</b> , 2015                                |
| Signed May, 2015  |
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| RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS             |



FOR THE STATE OF NEVADA and thee By: **OANN GIBBS** NV Bar # 005324 Chief Multistate Counsel Office of Attorney General Adam Paul Laxalt 10791 W. Twain Avenue, Suite 100 Las Vegas, Nevada 89135 jgibbs@ag.nv.gov Telephone: (702) 486-3789 \*Application for pro hac vice pending Attorney for Plaintiff State of Nevada Signed *april 30*, 2015 STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS Page 14.28 of 14

|    | • .                 | . *  |     |
|----|---------------------|--|-----|
| 1  |                     | FOR THE STATE OF NEW HAMPSHIRE                             |     |
| 2  |                     | By: The m  |     |
| 3  |                     | Thomas J. Donovan (NH Bar #664)*                           |     |
| 4  |                     | Director of Charitable Trusts                              |     |
| 5  |                     | Joseph A. Foster, Attorney General                         |     |
| 6  | 2                   | 33 Capitol Street<br>Concord, NH 03301                     |     |
| 7  |                     | tom.donovan@doj.nh.gov                                     |     |
| 8  |                     | Telephone: (603) 271-3591                                  |     |
| 9  |                     |  |     |
| 10 |                     | *Application for <i>pro hac vice</i> pending               |     |
| 11 |                     | Attorney for Plaintiff State of New Hampshire              |     |
| 12 |                     | Signed May 2015  |     |
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| 3      |   |
|--------|---|
|        |   |
| 1      | FOR THE STATE OF NEW JERSEY   |
| 2<br>3 | JOHN J. HOFFMAN<br>ACTING ATTORNEY GENERAL OF NEW JERSEY                      |
| 4      |   |
| 5      | O. $VI.$  |
|        | By: <u>The Mun</u><br>Erin M. Greene (NJ Bar #014512010) *                    |
| 6      | Deputy Attorney General   |
| 7      |   |
| 8      | State of New Jersey   |
| 9      | Office of Attorney General<br>Department of Law and Public Safety             |
| 10     | Division of Law<br>124 Halsey Street - 5th Floor                              |
| 11     | P.O. Box 45029  |
| 12     | Newark, New Jersey 07101<br>erin.greene@dol.lps.state.nj.us                   |
| 13     |   |
| 14     | Telephone: (973) 648-4846   |
| 15     | *Application for <i>pro hac vice</i> pending                                  |
| 16     | Attorney for Plaintiff State of New Jersey                                    |
| 17     | Signed May , 2015   |
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| 20     | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.30 of 14 |

| 1  | FOR THE STATE OF NEW YORK   |
|----|---|
| 2  | ERIC T. SCHNEIDERMAN  |
| 3  | Attorney General of the State of New York                                     |
| 4  |   |
| 5  | By: Jacks   |
| 6  | Yael Fuchs (NY Bar # 4542684)*  |
| 7  | Assistant Attorney General<br>Charities Bureau                                |
|    | 120 Broadway, 3 <sup>rd</sup> Floor   |
| 8  | New York, New York 10271<br>Telephone: (212) 416-8401                         |
| 9  | yael.fuchs@ag.ny.gov  |
| 10 | *Application for <i>pro hac vice</i> pending                                  |
| 11 | Application for pro-nuc vice pending  |
| 12 | Attorney for Plaintiff State of New York                                      |
| 13 | Signed <u>May (p.</u> , 2015  |
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|    | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.31 of 14 |
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| 1      | FOR THE STATE OF NORTH CAROLINA   |
|--------|---|
| 2      | By: neer hu   |
| 3      | Creecy Johnson (Mg/Bar #32619)*   |
| 4      | Special Deputy Attorney General   |
| 5      | Office of Attorney General Roy Cooper   |
| 6      | 9001 Mail Service Center<br>Relaigh NC 27600                                  |
| 7      | Raleigh, NC 27699<br>ccjohnson@ncdoj.gov                                      |
|        | Telephone: (919) 716-6000   |
| 8<br>9 | *Application for pro hac vice pending   |
| 10     | Attorney for Plaintiff State of North Carolina                                |
| 11     |   |
| 12     | Signed, 2015  |
| 12     | James A Pini  |
| 13     | By: <u>Jaruhas J. Hullips</u><br>Lareena J. Phillips (NOBar #36859)*          |
|        | Assistant Attorney General  |
| 15     | Counsel for North Carolina Secretary of State                                 |
| 16     | Elaine F. Marshall  |
| 17     | 9001 Mail Service Center  |
| 18     | Raleigh, NC 27699<br>lphillips@ncdoj.gov                                      |
| 19     | Telephone: (919) 716-6610   |
| 20     | *Application for pro hac vice pending   |
| 21     |   |
| 22     | Attorney for Plaintiff State of North Carolina                                |
| 23     | Signed <u>May</u> 7, 2015   |
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| 28     | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.32 of 14 |

| 1        | FOR THE STATE OF NORTH DAKOTA   |
|----------|---|
| 2        | By: Mul Maype   |
| 3        | Michael C. Thompson (ND Bar # 06550)*   |
| 4        | Assistant Attorney General  |
| 5        | Office of Attorney General Wayne Stenehjem                                    |
| 6        | Consumer Protection Division  |
| 7        | Gateway Professional Center<br>1050 E. Interstate Ave Ste 200                 |
|          | Bismarck, ND 58503-5574   |
| 8        | mcthompson@nd.gov   |
| 9        | Telephone: (701) 328-5570   |
| 10<br>11 | *Application for pro hac vice pending   |
| 12       | Attorney for Plaintiff State of North Dakota                                  |
| 12       |   |
| 14       | Signed April 23, 2015   |
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| 1        | FOR THE STATE OF OHIO   |
|----------|---|
| 2        | By: <u>Aronne Serkel</u><br>Yvonne Tertel (OH Bar # 0019033)*                 |
| 3        | Yvonne Tertel (OH Bar # 0019033)*<br>Principal Assistant Attorney General     |
| 4        |   |
| 5        | Office of Attorney General Mike DeWine<br>Charitable Law Section              |
| 6        | 150 E. Gay St., 23 <sup>rd</sup> floor  |
| 7        | Columbus, Ohio 43215<br>yvonne.tertel@ohioattorneygeneral.gov                 |
| 8        | Telephone: (614) 466-3181   |
| 9        |   |
| 10       | *Application for <i>pro hac vice</i> pending                                  |
| 11       | Attorney for Plaintiff State of Ohio  |
| 12<br>13 | Signed <u>May 6</u> , 2015  |
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|          | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.34 of 14 |
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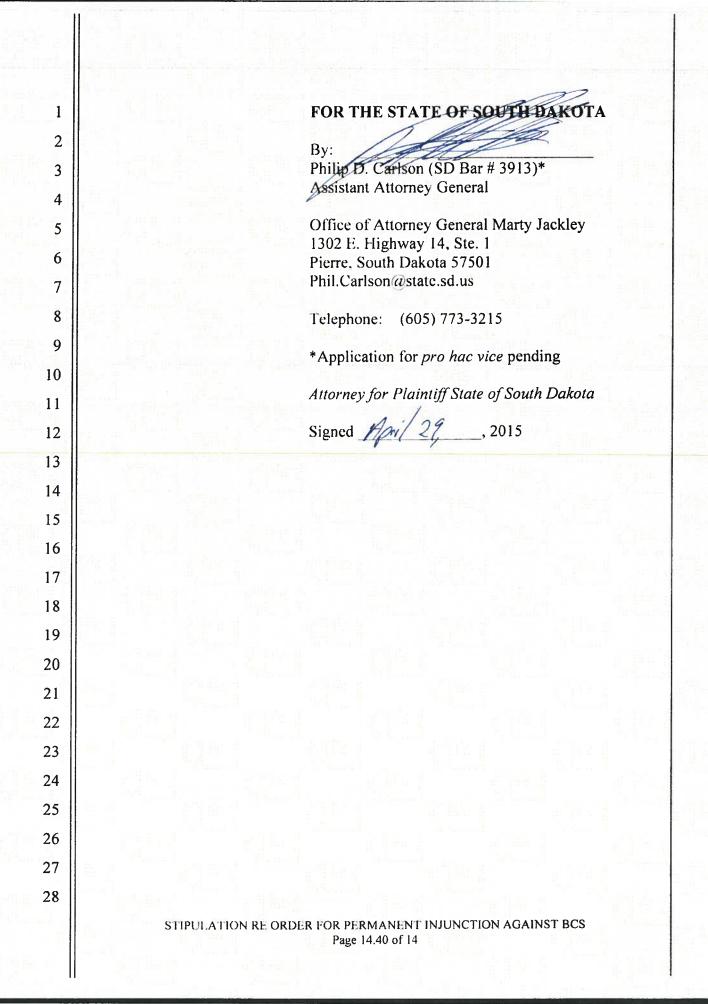
| 1        | FOR THE STATE OF OKLAHOMA   |
|----------|---|
| 2        | E. SCOTT PRUITT   |
| 3        | OKLAHOMA ATTORNEY GENERAL   |
| 4        |   |
| 5        | Malina Mynerson   |
| 6        | Malisa McPherson (OK Bar #32070)*<br>Assistant Attorney General               |
| 7        | 313 N.E. 21 <sup>st</sup> Street<br>Oklahoma City, Oklahoma 73105             |
| 8        | Telephone: (405) 521-6926   |
| 9        | Facsimile: (405) 522-0085<br>Malisa.McPherson@oag.ok.gov                      |
| - 10     | *Application for <i>pro hac vice</i> pending                                  |
| 11       |   |
| 12       | Attorney for Plaintiff State of Oklahoma                                      |
| 13       | Signed May 12, 2015   |
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|          | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.35 of 14 |

FOR THE STATE OF OREGON By: Heather I 'eigler, (OR Assistant Attorney General Office of Attorney General Ellen F. Rosenblum Oregon Department of Justice 1515 SW 5<sup>th</sup> Ave., #410 Portland, Oregon 97201 Heather.l.weigler@state.or.us Telephone: (971) 673-1910 \*Application for pro hac vice pending Attorney for Plaintiff State of Oregon Signed May 5, 2015 STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS Page 14.36 of 14

| 1  | FOR THE COMMONWEALTH OF   |
|----|---|
| 2  | PENNSYLVANIA  |
| 3  | By: Michael T. Joerster   |
|    | Michael T. Foerster (PA Bar #78766)* MIAP                                     |
| 4  | Senior Deputy Attorney General  |
| 5  | Office of Attorney General Kathleen Kane                                      |
| 6  | 14th Floor  |
| 7  | Strawberry Square   |
| 8  | Harrisburg, Pennsylvania 17120<br>mfoerster@attorneygeneral.gov               |
| 9  |   |
| 10 | Telephone: (717) 783-6084   |
| 11 | *Application for pro hac vice pending   |
| 12 | Attorney for Plaintiff State of Pennsylvania                                  |
| 13 | Signed <u>May 13</u> , 2015   |
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|    | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.37 of 14 |
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| 1  | FOR THE STATE OF RHODE ISLAND   |
|----|---|
| 2  | By: 12 22   |
| 3  | Genevieve M. Martin (RI Bar#3918)*  |
| 4  | Assistant Attorney General  |
| 5  | Office of Attorney General Peter Kilmartin                                    |
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| 7  | Providence, Rhode Island 02903<br>GMartin@riag.ri.gov                         |
| 8  | Telephone: (401) 274-4400   |
| 9  |   |
| 10 | *Application for <i>pro hac vice</i> pending                                  |
| 11 | Attorney for Plaintiff State of Rhode Island                                  |
| 12 | Signed <u>5</u> , 2015  |
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|    | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.38 of 14 |

| FOR THE STATE OF SOUTH CARO   | LINA |
|---|------|
| By:   |      |
| Shannon A. Wiley (SC Bar # 69806)*  |      |
| Deputy General Counsel  |      |
| Office of Secretary of State Mark Hammo                                       | ond  |
| 1205 Pendleton St., Suite 525<br>Columbia, South Carolina 29201               |      |
| swiley@sos.sc.gov   |      |
| Telephone: (803) 734-0246   |      |
| *Application for pro hac vice pending   |      |
| Attorney for Plaintiff State of South Carol                                   | ina  |
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| STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.39 of 14 |      |
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| 1        | FOR THE STATE OF TENNESSEE  |
|----------|---|
| 2        | By: Klip<br>[Janet M. Kleinfelter] (TN Bar # 13889)*                          |
| 3        | [Janet M. Kleinfelter] (TN Bar # 13889)*<br>Deputy AttorneyGeneral            |
| 4        | Office of Attorney General Herbert H. Slatery III                             |
| 5        | P.O. Box 20207  |
| 7        | Nashville, Tennessee 37202<br>Janet.kleinfelter@ag.tn.gov                     |
| 8        | Telephone: (615) 741-7403   |
| 9        | *Application for <i>pro hac vice</i> pending                                  |
| 10       |   |
| 11       | Attorney for Plaintiff State of Tennessee                                     |
| 12<br>13 | Signed <u>May 5</u> , 2015  |
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|          | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.41 of 14 |
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| 1  | FOR THE STATE OF TEXAS  |
|----|---|
| 2  | KEN PAXTON  |
| 3  | Attorney General of Texas   |
| 4  | CHARLES E. ROY  |
| 5  | First Assistant Attorney General of Texas                                     |
| 6  | JAMES E. DAVIS  |
| 7  | Deputy Assistant Attorney General for Civil                                   |
| 8  | Litigation  |
| 9  | TOMMY PRUD'HOMME  |
| 10 | Chief, Consumer Protection  |
| 10 | By: Smullboath  |
| 12 | JENNIFER M ROSCETTI (TX Bar No. 24066685)*<br>Assistant Attorney General      |
| 13 | COREY D. KINTZER (TX Bar No. 24046219)  |
|    | Assistant Attorney General  |
| 14 | Office of Attorney General Ken Paxton<br>300 West 15 <sup>th</sup> Street     |
| 15 | Austin, Texas 78701   |
| 16 | Jennifer.Roscetti@texasattorneygeneral.gov                                    |
| 17 | Telephone: 512-475-4673   |
| 18 | *Application for <i>pro hac vice</i> pending                                  |
| 19 | Application for pro nac vice pending  |
| 20 | Attorney for Plaintiff State of Texas   |
| 21 | Signed May 14, 2015   |
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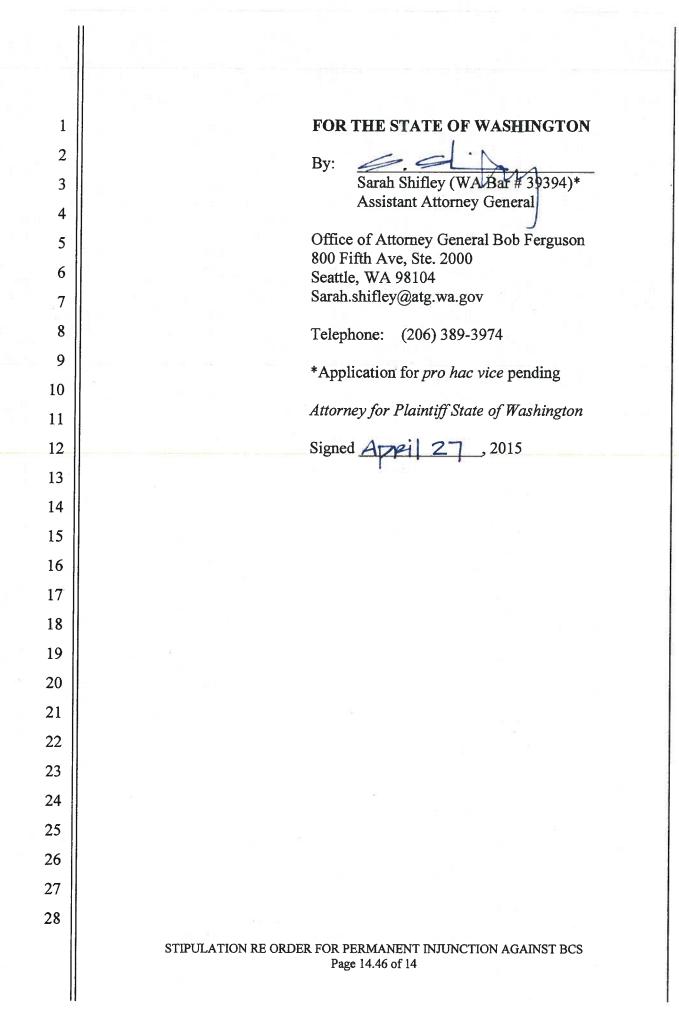
## FOR THE STATE OF UTAH

By: JEFFREY BUCKNER (UT Bar # 4546) UTAH ASSISTANT ATTORNEY GENERAL OFFICE OF ATTORNEY GENERAL SEAN REYES 160 EAST 300 SOUTH, FIFTH FLOOR P.O. BOX 140872 SALT LAKE CITY, UTAH 84114-0872 jbuckner@utah.gov Telephone: (801) 366-0310 Application for pro hac vice pending Attorney for Plaintiff State of Utah

Signed April 22, 2015

× 1 FOR THE STATE OF VERMONT 2 WILLIAM H. SORRELL ATTORNEY GENERAL 3 4 By: < Todd W. Daloz (VT Bar # 4734)\* 5 Assistant Attorney General 6 Office of Attorney General 7 109 State St. 8 Montpelier, Vermont 05609 Todd.Daloz@state.vt.us 9 10 Telephone: (802) 828-4605 11 \*Application for pro hac vice pending 12 Attorney for Plaintiff State of Vermont 13 Signed <u>Man 8</u>, 2015 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS Page 14.44 of 14

| 1 == 1 |               |  |  |                                   |                  |    |
|--------|---------------|--|--|-----------------------------------|------------------|----|
|        |               | FOR THE C<br>By: 22<br>Richard S. So<br>Senior Assist<br>Office of Att<br>Consumer Pr<br>900 East Mai<br>Richmond, V | chweiker, Jr<br>tant Attorne<br>orney Gene<br>totection Sec<br>in Street | (VA B<br>y Generation<br>ral Mark | ar # 34258<br>al | )* |
|        |               | rschweiker@  | oag.state.va   | .us                               |                  |    |
|        |               | Telephone:   | (804) 786-   | 5643                              |                  |    |
|        |               | *Application   | for pro hac  | vice per                          | nding            |    |
|        |               | Attorney for 1   | Plaintiff Sta  | te of Vir                         | ainia            |    |
|        |               |  |  |                                   | ξιπια            |    |
| -      |               | Signed   | ray 3  | _, 2015                           |                  |    |
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| <ul> <li>812 Quarrier Street, 1st Floor<br/>Charleston, West Virginia 25301<br/>P.O. Box 1789<br/>Charleston, West Virginia 25326<br/>Matt.M.Morrison@wvago.gov</li> <li>Telephone: (304) 558-8986</li> <li>*Application for pro hac vice pending</li> <li>Signed Marth, 2015</li> <li>By: Marth, 2015</li> <li>By: Marth, 2015</li> <li>Assistant Attorney General</li> </ul>   | 1                          | FOR THE STATE OF WEST VIRGINIA  |
|--|----------------------------|---|
| 3Michael M. Morrison (WV Bar # 9822)*<br>Assistant Attorney General4Office of Attorney General Patrick Morrise<br>812 Quarrier Street, 1st Floor<br>Charleston, West Virginia 25301<br>P.O. Box 1789<br>Charleston, West Virginia 25326<br>Matt.M.Morrison@wvago.gov9Charleston, West Virginia 25326<br>Matt.M.Morrison@wvago.gov9Telephone: (304) 558-89861* Application for pro hac vice pending2Signed<br>Matt.M.Lackey (WV Bar # 10267)*<br>Assistant Attorney General<br>Counsel for Secretary of State Natalie E. Tec6Office of Attorney General Patrick Morrise;<br>269 Aikens Center<br>Martinsburg, West Virginia 25404<br>   | 2                          | By:   |
| 4Assistant Attorney General5Office of Attorney General Patrick Morrise6Charleston, West Virginia 253017P.O. Box 17898Charleston, West Virginia 253268Matt.M.Morrison@wvago.gov9Telephone: (304) 558-89861*Application for pro hac vice pending2Signed3By:4Lauret K. Lackey (WV Bar # 10267)*4Assistant Attorney General5Office of Attorney General6Office of Attorney General7269 Aikens Center8Martinsburg, West Virginia 254049Telephone: (304) 267-02391*Application for pro hac vice pending2Signed7269 Aikens Center8Martinsburg, West Virginia 254049Telephone: (304) 267-02391*Application for pro hac vice pending4Attorneys for Plaintiff State of West Virginia3Signed4Signed4Signed5Signed6Application for pro hac vice pending7Application for pro hac vice pending7Signed8Application for pro hac vice pending7Signed7Signed8Signed9Signed9Signed9Signed9Signed9Signed9Signed9Signed9Signed | 3                          |   |
| 6       812 Quarrier Street, 1st Floor         7       Charleston, West Virginia 25301         7       D. Box 1789         8       Charleston, West Virginia 25326         9       Charleston, West Virginia 25326         9       Telephone: (304) 558-8986         * Application for pro hac vice pending         9       Signed         9       .         1       .         2       .         3       .         4       .         5       .         6       .         7       .         8       .         9       .         9       .         10       .         11       .         12       .         13       .         14       .         15       .         16       .         17       .         18       .         19       .         10       .         11       .         12       .         13       .         14       .         15       .<  |                            |   |
| Charleston, West Virginia 25301<br>P.O. Box 1789<br>Charleston, West Virginia 25326<br>Matt.M.Morrison@wvago.gov<br>Telephone: (304) 558-8986<br>* Application for pro hac vice pending<br>Signed  | 5                          | Office of Attorney General Patrick Morrisey   |
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| Charleston, West Virginia 25326<br>Matt.M.Morrison@wvago.gov<br>Telephone: (304) 558-8986<br>*Application for pro hac vice pending<br>Signed Mar 1, 2015<br>By:, 2015<br>By:   |                            |   |
| Matt.M.Morrison@wvago.gov<br>Telephone: (304) 558-8986<br>* Application for pro hac vice pending<br>Signed May 74, 2015<br>By: Application for pro hac vice pending<br>Laurel K. Lackey (WV Bar # 10267)*<br>Assistant Attorney General<br>Counsel for Secretary of State Natalie E. Te<br>Office of Attorney General Patrick Morrise;<br>269 Aikens Center<br>Martinsburg, West Virginia 25404<br>Laurel.K.Lackey@wvago.gov<br>Telephone: (304) 267-0239<br>* Application for pro hac vice pending<br>Attorneys for Plaintiff State of West Virginia<br>Signed April 30, 2015   | 7                          | 그는 것 같아요. 이는 사람들은 것은 것은 사람이 지금 것을 통신했다. 이 것은 것 같아요. 같아요. 것 같아요. 이는 것 같아요. 이는 것이 같아요. 이는 것이 같아요. 이는 것이 같아요. 이는 것 |
| Telephone: (304) 558-8986<br>*Application for pro hac vice pending<br>Signed 1, 2015<br>By: 1, 2015<br>By: 1, 2015<br>By: 1, 2015<br>By: 1, 2015<br>By: 1, 2015<br>By: 1, 2015<br>Counsel for Lackey (WV Bar # 10267)*<br>Assistant Attorney General<br>Counsel for Secretary of State Natalie E. Te<br>Office of Attorney General Patrick Morrise:<br>269 Aikens Center<br>Martinsburg, West Virginia 25404<br>Laurel.K.Lackey@wvago.gov<br>Telephone: (304) 267-0239<br>*Application for pro hac vice pending<br>Attorneys for Plaintiff State of West Virginia  |                            |   |
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| Signed 1, 2015<br>By: 1, Laurel K. Lackey (WV Bar # 10267)*<br>Assistant Attorney General<br>Counsel for Secretary of State Natalie E. Te<br>Office of Attorney General Patrick Morrisey<br>269 Aikens Center<br>Martinsburg, West Virginia 25404<br>Laurel.K.Lackey@wvago.gov<br>Telephone: (304) 267-0239<br>*Application for pro hac vice pending<br>Attorneys for Plaintiff State of West Virginia   |                            |   |
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| Laurel K. Lackey (WV Bar # 10267)*<br>Assistant Attorney General<br>Counsel for Secretary of State Natalie E. Te<br>Office of Attorney General Patrick Morrisey<br>269 Aikens Center<br>Martinsburg, West Virginia 25404<br>Laurel.K.Lackey@wvago.gov<br>Telephone: (304) 267-0239<br>*Application for pro hac vice pending<br>Attorneys for Plaintiff State of West Virginia<br>Signed <u>April 30</u> , 2015   | 3                          | Pro 111   |
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| Counsel for Secretary of State Natalie E. Te<br>Office of Attorney General Patrick Morrises<br>269 Aikens Center<br>Martinsburg, West Virginia 25404<br>Laurel.K.Lackey@wvago.gov<br>Telephone: (304) 267-0239<br>*Application for pro hac vice pending<br>Attorneys for Plaintiff State of West Virginia<br>Signed <u>April 30</u> , 2015   |                            | Assistant Attorney General  |
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| *Application for pro hac vice pending<br>Attorneys for Plaintiff State of West Virginia  |                            | Dualon.it. Duokoy (g) w vago.go v   |
| Attorneys for Plaintiff State of West Virginia   |                            | Telephone: (304) 267-0239   |
| Signed <u>April 30</u> , 2015  |                            | *Application for pro hac vice pending   |
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| Signed <u>April 30</u> , 2015  |                            | Attorneys for Plaintiff State of West Virginia  |
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1 FOR THE STATE OF WISCONSIN 2 **BRAD D. SCHIMEL** ATTORNEY GENERAL 3 4 By: 5 Francis X. Sull van 6 Assistant Attorney General Wisconsin State Bar no. 1030932\* 7 8 Wisconsin Department of Justice 9 Post Office Box 7857 Madison, Wisconsin 53707-7857 10 (608) 267-2222 11 (608) 267-8906 (Fax) 12 sullivanfx@doj.state.wi.us 13 \*Application for pro hac vice pending 14 Attorney for Plaintiff State of Wisconsin 15 **May 4**, 2015 Signed \_ 16 17 18 19 20 21 22 23 24 25 26 27 28 STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS Page 14.48 of 14

| 1  |               | FOR THE STATE OF WYOMING   |
|----|---------------|--|
| 2  |               |  |
| 3  |               | <i>D</i> <sub>1</sub>  |
| 4  |               | By:  |
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| 12 |               | *Application for <i>pro hac vice</i> pending                     |
| 13 |               | Attorney for Plaintiff State of Wyoming                          |
| 14 |               | Signed <u>May</u> 8, 2015  |
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|    | STIPULATION R | E ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.49 of 14 |
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| 1  | FOR THE DISTRICT OF COLUMBIA  |
|----|---|
| 2  | KARL A. RACINE  |
| 3  | Attorney General for the District of Columbia                                       |
| 4  | ELIZABETH SARAH GERE  |
| 5  | Acting Deputy Attorney General  |
|    | Public Interest Division  |
| 6  | BENNETT RUSHKOFF  |
| 7  | Chief, Public Advocacy Section  |
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| 10 | By: Jai aldure  |
| 11 | BRIAN B. CALDWELL (DC Bar # 979680)*  |
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| 12 | Office of Attorney General Karl A. Racine<br>441 Fourth Street, N.W., Suite # 650-S |
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| 16 | *Application for pro hac vice pending   |
|    |   |
| 17 | Attorney for Plaintiff District of Columbia   |
| 18 | Signed: May 7, 2015   |
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| 28 | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST BCS<br>Page 14.50 of 14       |

|  | Case 2:15-cv-00884-NVW Document 4  | Filed 05/19/15 Page 1 of 65   |
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| 1<br>2<br>3<br>4<br>5  |  |   |
| 6<br>7   | IN THE UNITED STAT<br>FOR THE DIST   | ES DISTRICT COURT<br>RICT OF ARIZONA  |
| 8<br>9<br>10<br>11<br>12<br>13<br>14<br>15   | Federal Trade Commission; all Fifty<br>States; and the District of Columbia;<br>Plaintiffs,<br>vs.<br>Cancer Fund of America, Inc., a Delaware<br>corporation, et al.;<br>Defendants.  | CASE NO.<br>STIPULATION RE ORDER<br>APPOINTING RECEIVER OVER<br>CHILDREN'S CANCER FUND OF<br>AMERICA, INC.  |
| <ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> <li>28</li> </ol> | Plaintiffs, the Federal Trade Commiss<br>of Alabama, Alaska, Arizona, Arkansas, Cali<br>Florida, Georgia, Hawaii, Idaho, Illinois, Ind<br>Maine, Maryland, Massachusetts, Michigan,<br>Nebraska, Nevada, New Hampshire, New Jer<br>Carolina, North Dakota, Ohio, Oklahoma, Or<br>Carolina, South Dakota, Tennessee, Texas, U<br>Virginia, Wisconsin, Wyoming, and the Distr<br>Cancer Fund of America, Inc. ("CCFOA"), h<br>and concurrently filed Stipulated Order for Pa<br>Against Children's Cancer Fund of America, | iana, Iowa, Kansas, Kentucky, Louisiana,<br>Minnesota, Mississippi, Missouri, Montana,<br>rsey, New Mexico, New York, North<br>regon, Pennsylvania, Rhode Island, South<br>tah, Vermont, Virginia, Washington, West<br>fict of Columbia, and Defendant Children's<br>aving stipulated to the entry of a separate<br>ermanent Injunction and Monetary Judgment |
| 20   | STIPULATION RE ORDER APPOI<br>Page 1   |   |

| 1  | the entry of this Stipulated Order Appointing a Receiver Over Children's Cancer Fund of      |
|----|--|
| 2  | America, Inc. ("Order").   |
| 3  | THEREFORE, IT IS ORDERED as follows:   |
| 4  | FINDINGS   |
| 5  |  |
| 6  | 1. Plaintiffs and CCFOA have consented to entry of a Stipulated Order for                    |
| 7  | Permanent Injunction and Monetary Judgment Against Children's Cancer Fund of                 |
| 8  | America, Inc., and Rose Perkins ("Permanent Injunction").                                    |
| 9  | 2. The Permanent Injunction requires that the assets of CCFOA be liquidated                  |
| 10 | to partially satisfy the monetary judgment entered against it and its corporate existence be |
| 11 | dissolved.   |
| 12 | 3. Plaintiffs and CCFOA have consented to entry of this Stipulated Order                     |
| 13 | Appointing Receiver Over Children's Cancer Fund of America, Inc.                             |
| 14 | 4. Pursuant to the Federal Rules of Civil Procedure, this Court's general                    |
| 15 | equitable authority, and Sections 13(b) and 19 of the Federal Trade Commission Act,          |
| 16 | 15 U.S.C. § 53(b) and 57b, this Court has the authority to enter the requested relief.       |
| 17 | DEFINITIONS  |
| 18 | For purposes of this Order, the following definitions shall apply:                           |
| 19 | 1. "CCFOA" means Children's Cancer Fund of America, Inc. ("CCFOA"),                          |
| 20 | and its successors and assigns.  |
| 21 | 2. "GAIC Policies" means the Great American Insurance Company ("GAIC")                       |
| 22 | "Nonprofit Solution" Insurance Policies, Policy No. EPP8196687, for the Policy Periods       |
| 23 | of: (1) August 7, 2009 to August 7, 2010; (2) August 7, 2010 to August 7, 2011; (3)          |
| 24 | August 7, 2011 to August 7, 2012; (4) August 7, 2012 to August 7, 2013; and (5) a            |
| 25 | Discovery Period from August 7, 2013 to August 7, 2016.                                      |
| 26 | 3. "Permanent Injunction" means the Stipulated Order for Permanent                           |
| 27 | Injunction and Monetary Judgment Against Children's Cancer Fund of America, Inc.,            |
| 28 | and Rose Perkins, agreed to by CCFOA and Rose Perkins.                                       |
|    | STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 2 of 15                          |

1 4 "STCO Fund" means the Litigation Deposits Trust Fund (Fund Code "T-2 xx-909N"), an interest bearing trust fund held by the Hawaii Attorney General's Office in 3 trust for the Plaintiff States into which Section VIII.E.1 of the Permanent Injunction 4 requires the CCFOA Receiver to deposit all monies to be paid to the Plaintiff States. 5 5. "Person" means a natural person, an organization or other legal entity, 6 including a corporation, partnership, sole proprietorship, limited liability company, 7 association, cooperative, or any other group or combination acting as an entity. 8 6. "Fundraising" means a plan, program, or campaign that is conducted to induce charitable contributions by mail, telephone, electronic mail, social media, or any 9 other means. 10 7. "Nonprofit organization" means any person that is, or is represented to be, a 11 nonprofit entity, or that has, or is represented to have, a charitable purpose, specifically 12 including but not limited to any entity that purports to benefit, either in whole or in part, 13 individuals who suffer or have suffered from cancer. 14 "And" and "or" shall be construed both conjunctively and disjunctively to 8. 15 make the applicable sentence or phrase inclusive rather than exclusive. 16 17 ORDER 18 I. **APPOINTMENT OF LIQUIDATING RECEIVER** 19 IT IS FURTHER ORDERED that Receivership Management, Inc., 783 Old 20 Hickory Boulevard, Suite 255, Brentwood, Tennessee 37027, is appointed by this Court 21 as Liquidating Receiver ("Receiver") with all the rights and privileges of an equity 22 receiver over CCFOA for the purposes of taking charge of CCFOA's property and assets 23 (except for the GAIC Policies), conducting the necessary steps to wind down the affairs 24 of CCFOA, liquidating its assets, dissolving its corporate existence, and paying all net 25 assets to the STCO Fund. The Receiver shall be the agent of this Court, and solely the 26 agent of this Court, in acting as Receiver under this Order. The Receiver shall be 27 accountable directly to this Court. 28

STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 3 of 15

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## П. **RECEIVER'S DUTIES AND AUTHORITIES**

IT IS FURTHER ORDERED that the Receiver shall be authorized and directed to do any and all acts necessary to the proper and lawful conduct of this receivership, subject to the control of this Court, including but not limited to:

Take any and all steps that the Receiver concludes are appropriate to wind A down the affairs of CCFOA, liquidate its assets, and dissolve its corporate existence;

7 Β. Exercise full control of CCFOA and collect, marshal, and take custody, 8 control, and possession of all the funds, property, premises, accounts, documents, mail, 9 and other assets of, or in the possession or under the control of, CCFOA (except the 10 GAIC Policies), wherever situated, the income and profits therefrom, and all sums of 11 money now or hereafter due or owing to CCFOA, with full power to collect, receive and 12 take possession of all goods, chattels, rights, credits, monies, rents, effects, lands, leases, 13 books and records, limited partnership records, work papers, and records of accounts, 14 including computer maintained information, contracts, financial records, monies on hand 15 in banks and other financial institutions, and other papers and documents of other individuals, partnership or corporations whose interest are now held by or under the 16 direction, possession, custody, or control of CCFOA; 17

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C. Perform all acts necessary or advisable to complete an accounting of the assets of CCFOA, prevent unauthorized transfer, withdrawal, or misapplication of the 19 assets of CCFOA, and preserve and pursue recovery of the assets of CCFOA from third 20 parties (except the GAIC Policies); 21

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D. Make disbursements for operating expenses as may be appropriate to wind down the affairs of CCFOA, such as for undertaking repairs, and take any other actions necessary to efficiently manage all real and personal property in order to maintain its value;

E. Purchase insurance as advisable or necessary. The Receiver may keep in force the existing insurance coverage(s), each of which shall name the Receiver as an

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STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 4 of 15

additional insured thereunder. The Receiver acknowledges and agrees that when this Order is entered, the GAIC Policies are not part of this Order;

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F. Enter into new or amended contracts, agreements, understandings, or other 4 commitments and terminate or abrogate, in the Receiver's sole sound business discretion, 5 any or all agreements, contracts, understandings, or commitments entered into by 6 CCFOA, to the extent permitted by applicable law. The Receiver shall not be bound by 7 any unsecured contracts, agreements, understandings, or other commitments in the nature 8 of service contracts that CCFOA had, have, or may have with third parties, whether oral or written. The Receiver may agree to become bound by any such contracts, agreements, 9 understandings, or other commitments by affirmative written ratification executed by the 10 Receiver. *Provided that* the Receiver shall terminate any and all fundraising contracts 11 within 30 days of entry of this Order. 12

G. Make payments and disbursements from the assets of CCFOA that are necessary or advisable for carrying out the provisions of, or exercising the authority granted by, this Order. The Receiver shall apply to the Court for prior approval of any payment of any debt or obligation incurred by CCFOA prior to the date of entry of this Order, except payments that the Receiver deems necessary or advisable to secure and liquidate assets of CCFOA, such as rental payments or payment of liens;

H. Issue subpoenas to obtain documents and records pertaining to the assets of
 CCFOA and conduct discovery in this action on behalf of CCFOA;

I. Institute, prosecute, defend, compromise, intervene, adjust, appear in, and become a party either in the Receiver's own name or in the name of CCFOA to such suits, actions, or proceedings in state, federal, or foreign courts as may be necessary for the protection, maintenance, recovery, recoupment, or preservation of the assets of CCFOA, including proceedings seeking the avoidance of fraudulent transfers, disgorgements of profits, imposition of constructive trusts, and any other legal and equitable relief that the Receiver deems necessary and appropriate to preserve and recover CCFOA's assets;

## STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 5 of 15

J. Bring such proceedings and actions as are necessary to enforce or modify
 the provisions of this Order;

K. Perform all incidental acts that the Receiver deems to be advisable or
 necessary to manage the affairs of CCFOA during its winding down phase, liquidate its
 assets, and dissolve its corporate existence, including, without limitation, the following
 powers and responsibilities to:

Retain, hire, or dismiss any employees, independent contractors, and
agents as the Receiver deems advisable or necessary;

9 2. Supervise and oversee the management of CCFOA, including
10 making payments and paying taxes as and when the Receiver has funds available from
11 CCFOA, or from the liquidation thereof;

3. Employ such counsel, real estate agents, auctioneers, appraisers,
accountants, contractors, other professionals, and other such persons as may be necessary
in order to carry out the duties as Receiver and to preserve, maintain, recover, recoup,
and protect the assets of CCFOA;

4. Open new accounts with, or negotiate, compromise or otherwise
 modify CCFOA's existing obligations with third parties, including utility companies and
 other service providers or suppliers of goods and services, and to otherwise enter into
 such agreements, contracts, or understandings with such third parties as are necessary to
 maintain, preserve, and protect the assets of CCFOA; and

5. Open new bank, brokerage or investment accounts with respect to
 the Receiver's management and operation of CCFOA, and deposit any cash or other
 assets into said accounts;

L. Dispose of, or arrange for the disposal of, the records of CCFOA no later than six months after the Court's approval of the Receiver's final report, except that, to the extent that any federal, state, or local law regulating CCFOA's activities requires the retention of particular records for a specified period, the Receiver shall arrange for such records to be disposed of after the specified period has expired. For any such records, the

> STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 6 of 15

Receiver may elect to retain records in their original form, or to retain photographic or
 electronic copies. Records containing personal financial information, personal
 identifying information, or sensitive health information must be shredded, incinerated, or
 otherwise disposed of in a secure manner. Records containing the name, address, email
 address and/or telephone number of any person who made a donation to CCFOA (i.e.,
 any donor list) may not be sold, rented, leased, transferred, or otherwise disclosed to any
 third party and must be destroyed; and

M. Pay to the STCO Fund any and all sums collected over and above those
 necessary to wind down the affairs of CCFOA, liquidate its assets, and dissolve it, or
 those necessary to make payments authorized by this Receivership Order.

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# III. TRANSFER OF RECEIVERSHIP PROPERTY TO RECEIVER

IT IS FURTHER ORDERED that CCFOA, its representatives, agents, officers, directors, employees, managers, members, and any other persons with possession, custody, interest in, or control of property or records relating to CCFOA shall:

- A. Upon notice of this Order by personal service or otherwise, immediately notify the Receiver of all such property and records and, upon receiving a request from the Receiver, immediately transfer or deliver to the Receiver possession, custody, and control of the following:
- 19 1. All assets of CCFOA, including but not limited to any legal or 20 equitable interest in, right to, or claim to, any real, personal, or intellectual property, 21 including chattel, goods, instruments, equipment, fixtures, general intangibles, effects, 22 leaseholds, contracts, mail or other deliveries, shares or stock, securities, inventory, 23 checks, notes, accounts, credits, receivables (as those terms are defined in the Uniform 24 Commercial Code), insurance policies (except for the GAIC Policies), lines of credit, 25 cash, trusts (including asset protection trusts), lists of donor names, and reserve funds or 26 any other accounts associated with any donations or other payments processed by, or on
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STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 7 of 15 <sup>1</sup> behalf of, CCFOA, including such reserve funds held by payment processors, credit card
 <sup>2</sup> processors, caging companies, banks, or other financial institutions;

3 2. All documents of CCFOA, including books and records of accounts, 4 all financial and accounting records, balance sheets, income statements, bank records 5 (including monthly statements, canceled checks, records of wire transfers, and check 6 registers), client lists, donor lists, title documents, and all other materials listed in Federal 7 Rule of Civil Procedure 34(a), including writings, drawings, graphs, charts, photographs, 8 audio and video recordings, computer records, digital records, and other data compilations from which information can be obtained and translated, if necessary, into 9 reasonably usable form through detection devices; 10

All computers, electronic devices, machines, and data in whatever
 form used to conduct the business of CCFOA, and all passwords and other credentials
 related thereto;

4. All assets and documents belonging to other persons or entities
 whose interests are under the direction, possession, custody, or control of CCFOA; and

5. All keys, codes, user names, and passwords necessary to gain or to
 secure access to any assets or documents of CCFOA, including access to its business
 premises, means of communication, accounts, computer systems, or other property; and

B. Waive all claims to, and unconditionally release and consent to transfer
 possession and legal and equitable title of all property of CCFOA to the Receiver or a
 trust designated by the Receiver; and

C. Until CCFOA surrenders possession and legal and equitable title of all
 property of CCFOA to the Receiver:

241.Maintain and take no action to diminish the value of CCFOA's25property, including any structures, fixtures, and appurtenances thereto;

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2. Remain current on all amounts due and payable on the property of CCFOA, including but not limited to taxes, insurance, maintenance, and similar fees; and

STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 8 of 15

3. Cause existing insurance coverage for the property of CCFOA to remain in force until the surrender of possession and legal and equitable title, and both 3 notify the insurance carrier(s) immediately of the appointment of the Receiver and request that the Receiver be added to the insurance policy or policies as an additional 5 insured thereunder.

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D. Notwithstanding any other term, condition, or provision of this Order, the Receiver shall not have any legal or equitable rights to the GAIC Policies including, but not limited to, the payment of \$389,500 being made by GAIC and into the STCO Fund (the "GAIC Payment"). The Receiver expressly agrees that: (i) the GAIC Policies and the GAIC Payment are not assets that are subject to this Order; and (ii) prior to this Order becoming effective, CCFOA has agreed that the GAIC Policies are completely released, null and void, and of no effect whatsoever.

#### IV. **COOPERATION**

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IT IS FURTHER ORDERED that:

CCFOA, its representatives, agents, officers, directors, employees, A. managers, members or any other persons with possession, custody, or control of property or records relating to CCFOA, must cooperate fully with the Receiver and take such other steps as the Receiver may require to transfer to the Receiver, or to the Receiver's designated trust, possession and legal and equitable title to all assets of CCFOA within five days of request by the Receiver, including executing any documents, procuring the signature of any person or entity under their control, providing access to the property of CCFOA and any necessary information, and turning over any property of CCFOA.

23 B. In the event that any person fails to deliver or transfer any asset or 24 document, or otherwise fails to comply with any provision of this Order, the Receiver 25 may file, ex parte, an affidavit of non-compliance regarding the failure. Upon filing of 26 the affidavit, the Court may authorize, without additional process or demand, writs of 27 possession or sequestration or other equitable writs requested by the Receiver. The writs

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STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 9 of 15

shall authorize and direct the United States Marshal or any sheriff or deputy sheriff of
any county, or any other federal, state, or local law enforcement officer, to seize the asset,
document, or other item covered by this Section and to deliver it to the Receiver.

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# V. PROVISION OF INFORMATION TO RECEIVER

IT IS FURTHER ORDERED that CCFOA shall provide to the Receiver, immediately upon request, the following:

A. A list of all assets and property, including accounts, of CCFOA that are held in CCFOA's name, any name other than the name of CCFOA, or by any person or entity other than CCFOA; and

B. A list of all agents, employees, officers, directors, managers, members,
 employees, agents, or those persons in active concert and participation with CCFOA,
 who have been associated with or done business with CCFOA.

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## VI. PROHIBITION ON INTERFERENCE WITH THE RECEIVER

IT IS FURTHER ORDERED that CCFOA and its representatives, whether acting
 directly or through any entity, corporation, subsidiary, division, director, manager,
 member, employee, agent, affiliate, independent contractor, attorney, accountant,
 financial advisor, or other device, except as provided herein, as stipulated by the parties,
 or as directed by further order of the Court, are hereby restrained and enjoined from:

A. Interfering with the Receiver's efforts to manage, or take custody, control,
 or possession of, the assets or documents subject to this receivership;

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B. Transacting any of the business of CCFOA;

C. Transferring, receiving, altering, selling, encumbering, pledging, assigning,
 liquidating, or otherwise disposing of any assets owned, controlled, or in the possession
 or custody of, or in which an interest is held or claimed by, CCFOA or the Receiver; and
 D. Refusing to cooperate with the Receiver or the Receiver's duly authorized
 agents in the exercise of their duties or authority under any order of this Court.

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STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 10 of 15

## VII. STAY OF ACTIONS AGAINST CCFOA

IT IS FURTHER ORDERED that, except by leave of this Court, during pendency of the receivership ordered herein, CCFOA, its representatives, and other persons seeking to establish or enforce any claim, right, or interest against or on behalf of CCFOA, and all others acting for or on behalf of such persons, are hereby enjoined from taking action that would interfere with the exclusive jurisdiction of this Court over the assets or documents of CCFOA, including:

<sup>8</sup> A. Petitioning, or assisting in the filing of a petition, that would cause CCFOA
 <sup>9</sup> to be placed in bankruptcy;

<sup>10</sup> B. Commencing, prosecuting, or continuing a judicial, administrative, or other
 <sup>11</sup> action or proceeding against CCFOA, including the issuance or employment of process
 <sup>12</sup> against CCFOA, except that such actions may be commenced if necessary to toll any
 <sup>13</sup> applicable statute of limitations;

C. Filing or enforcing any lien on any asset of CCFOA, taking or attempting to
 take possession, custody, or control of any asset of CCFOA, or attempting to foreclose,
 forfeit, alter, or terminate any interest in any asset of CCFOA, whether such acts are part
 of a judicial proceeding, are acts of self-help, or otherwise; and

D. Initiating any other process or proceeding that would interfere with the
 Receiver's efforts to manage or take custody, control, or possession of the assets or
 documents subject to this receivership.

PROVIDED THAT, this Order does not stay: (i) the commencement or continuation of
a criminal action or proceeding; (ii) the commencement or continuation of an action or
proceeding by a governmental unit to enforce such governmental unit's police or
regulatory power; or (iii) the enforcement of a judgment, other than a monetary
judgment, obtained in an action or proceeding by a governmental unit to enforce such
governmental unit's police or regulatory power.

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STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 11 of 15

#### VIII. RECEIVER'S BOND

IT IS FURTHER ORDERED that the Receiver shall file with the Clerk of this Court a bond in the sum of \$\_\_\_\_\_\_ with sureties to be approved by the Court, conditioned that the Receiver will well and truly perform the duties of the office and abide by and perform all acts the Court directs. 28 U.S.C. § 754.

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### IX. COMPENSATION OF RECEIVER

IT IS FURTHER ORDERED that the Receiver and all personnel hired by the 8 Receiver as herein authorized, including counsel to the Receiver and accountants, are 9 entitled to reasonable compensation for the performance of duties undertaken pursuant to 10 this Order and for the cost of actual out-of-pocket expenses incurred. The Receiver's 11 compensation and the compensation of any persons hired by the Receiver are to be paid 12 solely from the assets of CCFOA and any proceeds from the liquidation of CCFOA, and 13 such payments shall have priority over all other distributions except for any transfer fees, 14 recording fees, or other payments owed through the transfer of CCFOA's assets. The 15 Receiver shall file with the Court and serve on the parties a request for the payment of 16 reasonable compensation at the time of the filing of periodic reports and no less than 17 every 60 days. The Receiver shall not increase the fees or rates used as the basis for such 18 fee applications without prior approval of Plaintiffs and the Court. CCFOA shall have no 19 right to object to the Receiver's fees or compensation. Absent a violation of this Order 20 that causes the Receiver to incur fees or expenses, CCFOA shall not be liable for the 21 Receiver's fees or expenses. 22

## X. RECEIVER REPORTS

IT IS FURTHER ORDERED that the Receiver shall periodically file with the
 Court, no less than every 60 days, a Receivership Report, under oath, accurately
 identifying any and all revenues received and expenditures made, including adequately
 detailed information concerning income, expenses, payables, and receivables. These

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STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 12 of 15 periodic filings shall be served by the Receiver on Plaintiffs and CCFOA, and their
 respective counsel.

#### XI. TERMINATION OF RECEIVERSHIP

IT IS FURTHER ORDERED that, upon the final transfer of all funds to the STCO Fund and the dissolution of CCFOA, the duties of the Receiver shall terminate. The Receiver shall file a final application for fees, complete liquidation, and terminate his or her service within 360 days of the entry of this Order, unless good cause is shown to extend the receivership beyond 360 days. At the termination of the Receiver's duties, the Receiver shall transfer any unliquidated assets of CCFOA to the STCO Fund.

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SO STIPULATED AND AGREED:

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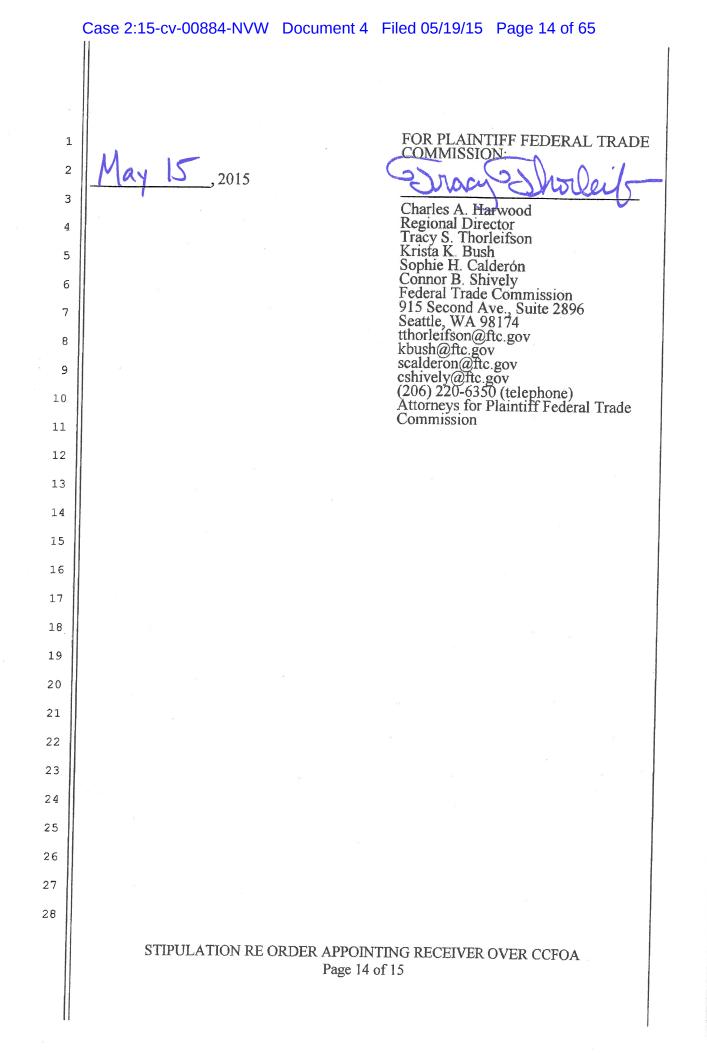
FOR DEFENDANTS ROSE PERKINS AND CHILDREN'S CANCER FUND OF AMERICA, INC.:

Eric S. Berman Randal M. Shaheen Venable LLP 575 7<sup>th</sup> Street, NW Washington, DC 20004 esberman@Venable.com rmshaheen@Venable.com (202) 344-4000 (telephone) Attorneys for Rose Perkins and Children's Cancer Fund of America, Inc.

FOR DEFENDANTS ROSE PERKINS AND CHILDREN'S CANCER FUND OF AMERICA, INC.

Rose Perkins On behalf of herself, individually, and in her capacity as an officer of Children's Cancer Fund of America, Inc.

STIPULATION RE ORDER APPOINTING RECEIVER OVER CCFOA Page 13 of 15



| 1  | FOR THE STATE OF ALABAMA  |
|----|---|
| 2  | By: KITC  |
| 3  | Kyle Beckman (AL Bar #ASB-6046-E63B)*                                   |
|    | Assistant Attorney General  |
| 4  |   |
| 5  | Office of Attorney General Luther Strange<br>501 Washington Avenue      |
| 6  | Montgomery, AL 36104-0152   |
| 7  | kbeckman@ago.state.al.us  |
| 8  | Telephones (224) 252 2(10   |
|    | Telephone: (334) 353-2619   |
| 9  | *Application for <i>pro hac vice</i> pending                            |
| 10 |   |
| 11 | Attorney for Plaintiff State of Alabama                                 |
| 12 | Signed <u>05/12</u> , 2015  |
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|    | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.1 of 15 |

| 1<br>2<br>3<br>4<br>5<br>6<br>7 | FOR THE STATE OF ALASKA<br>By: Cynthia Drinkwater, Alaska Bar No. 8808159*<br>Assistant Attorney General<br>Office of Attorney General Craig W. Richards<br>1031 W. 4 <sup>th</sup> Ave, Suite 200<br>Anchorage, AK 99501<br>cynthia.drinkwater@alaska.gov |
|---------------------------------|--|
| 8                               | Telephone: (907) 269-5200  |
| 9                               | *Application for pro hac vice pending  |
| 10                              | Attorney for Plaintiff State of Alaska   |
| 11                              | Signed May //, 2015  |
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|                                 | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.2 of 15  |

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|          |   | 10700 2762<br>[] |
| 1        | FOR THE STATE OF ARIZONA  |                  |
| 2        | By: Marcu J. An   |                  |
| 3        | Nancy V. Anger (AZ Bar # 6810)  |                  |
| 4        | Assistant Attorney General  |                  |
| 5        | Office of Attorney General Mark Brnovich<br>1275 West Washington        |                  |
| 6        | Phoenix, Arizona 85007-2997   |                  |
| 7        | nancy.anger@azag.gov  |                  |
| 8<br>9   | Telephone: 6025424686   | 2                |
| 9<br>10  | Attorney for Plaintiff State of Arizona                                 |                  |
| 10       | Signed <u>May 5</u> , 2015  |                  |
| 12       |   |                  |
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|          | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.3 of 15 |                  |
|          |   |                  |

FOR THE STATE OF ARKANSAS By: Kevin Wells (AR Bar # 2007213)\* Assistant Attorney General Office of Attorney General Leslie Rutledge 323 Center Street, Suite 500 Little Rock, Arkansas 72201 kevin.wells@arkansasag.gov Telephone: (501) 682-8063 \*Application for pro hac vice pending Attorney for Plaintiff State of Arkansas Signed May 8, 2015 STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA Page 15.4 of 15

| 1<br>2<br>3<br>4<br>5<br>6<br>7 | FOR THE STATE OF CALIFORNIA<br>By: Sonja K. Berndt (CA Ba) #131358)*<br>Deputy Attorney General<br>Office of Attorney General Kamala Harris<br>300 S. Spring St.<br>Suite #1702<br>Los Angeles, California 90013 |
|---------------------------------|--|
| 8                               | Sonja.berndt@doj.ca.gov  |
| 9                               | Telephone: (213) 897-2179  |
| 10                              | *Application for <i>pro hac vice</i> pending   |
| 11                              | Attorney for Plaintiff State of California   |
| 12                              | Signed Mary 4, 2015  |
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|                                 | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.5 of 15  |

| 1   | FOR THE COLORADO SECRETARY OF STATE  |
|-----|--|
| 2   | By: Juan Moriel  |
| 3   | LEANN MORRILL (CO Bar #38742)  |
| 4 - | First Assistant Attorney General   |
| 5   | Office of Attorney General Cynthia H. Coffman<br>Public Officials Unit       |
|     | 1300 Broadway, 6 <sup>th</sup> Floor   |
| 6   | Denver, Colorado 80203   |
| 7   | Email: leann.morrill@state.co.us<br>Telephone: (720) 508-6159                |
| 8   |  |
| 9   | Attorney for Plaintiff Colorado Secretary of State                           |
| 10  | Signed <u>May</u> 7, 2015  |
| 11  |  |
| 12  |  |
| 13  | FOR THE STATE OF COLORADO  |
| 14  | By:  |
| ii. | ALISSA GARDENSWARTZ (CO Bar# 36126)  |
| 15  | First Assistant Attorney General   |
| 16  | Office of Attorney General Cynthia H. Coffman<br>Consumer Protection Section |
| 17  | 1300 Broadway, 7 <sup>th</sup> Floor   |
| 18  | Denver, Colorado 80203   |
|     | Email: alissa.gardenswartz@state.co.us                                       |
| 19  | Telephone: (720) 508-6204  |
| 20  | *Application for <i>pro hac vice</i> pending                                 |
| 21  |  |
| 22  | Attorney for Plaintiff Colorado Attorney General                             |
| 23  | Signed6, 2015  |
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|     | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.6 of 15      |
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| FOR THE STATE OF CONNECTICUT                                   |
|--|
| By: Manufacture (CTD and # 415001)*                            |
| Gary W. Hawes (CT/Bar # 415091)*<br>Assistant Attorney General |
| Office of Attorney General George Jepsen                       |
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| P.O. Box 120<br>Hartford, Connecticut 06141-0120               |
| Gary.Hawes@ct.gov  |
| Telephone: (860) 808-5020                                      |
| *Application for pro hac vice pending                          |
| Attorney for Plaintiff State of Connecticut                    |
| Signed April 30, 2015  |
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| 1       | FOR THE STATE OF DELAWARE   |
|---------|---|
| 2       | By: Brite   |
| 3       | Gregory C. Strong (DE Bar # 4064)*                                      |
| 4       | Gillian L. Andrews (DE Bar # 5719)<br>Deputy Attorneys General          |
| 5       | Delaware Department of Justice  |
| 6       | 820 N. French Street, 5th Floor   |
| 7       | Wilmington, Delaware 19801<br>gregory.strong@state.de.us                |
| 8       |   |
| 9       | Telephone: (302) 577-8504   |
| 9<br>10 | *Application for <i>pro hac vice</i> pending                            |
| 10      | Attorneys for Plaintiff State of Delaware                               |
| 11      | Signed April 10, 2015   |
| 12      |   |
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|         | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.8 of 15 |
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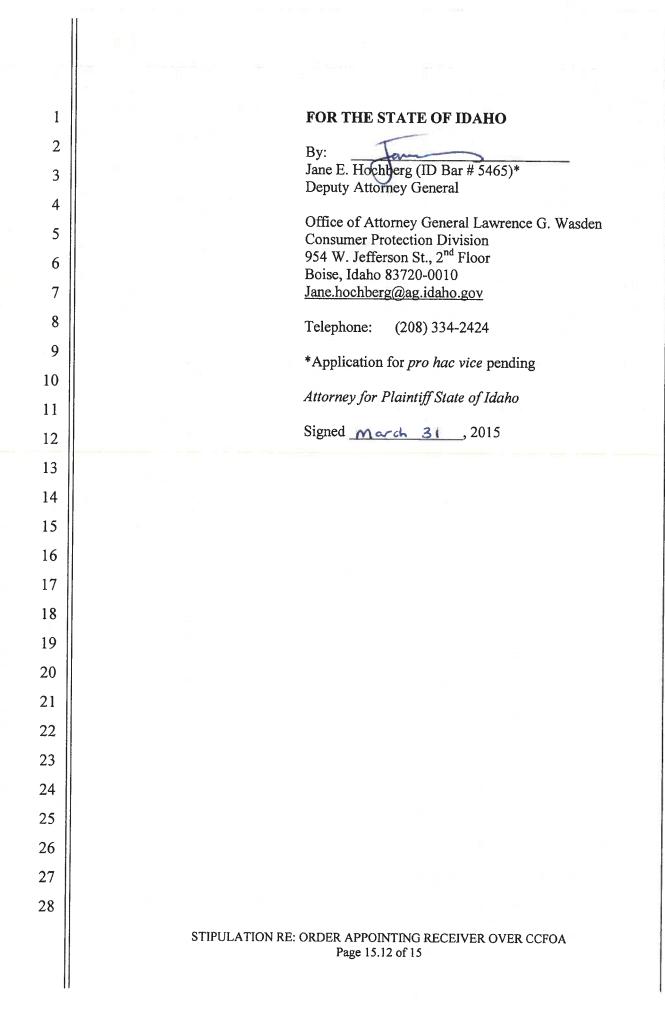
FOR THE STATE OF FLORIDA By: Rebecca H. Sirkle (FL-Bar # 0042312)\* Assistant Attorney General Office of Attorney General Pam Bondi 135 W. Central Blvd., Suite 670 Orlando, Florida 32801 Rebecca.Sirkle@myfloridalegal.com Telephone: 407-316-4840 \*Application for pro hac vice pending Attorney for Plaintiff State of Florida Signed April 9th, 2015 STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA Page 15.9 of 15

| 1  |               | FOR THE STATE OF GEORGIA   |   |
|----|---------------|--|---|
| 2  |               | By: Hall ball  |   |
| 3  |               | Daniel S. Walsh Georgia Bar # 735040*  |   |
| 4  |               | Senior Assistant Attorney General  |   |
| 5  |               | Office of Attorney General Sam Olens   |   |
| 6  |               | Department of Law<br>State of Georgia  |   |
| 7  |               | Atlanta, Georgia 30306   |   |
| 8  |               | dwalsh@law.ga.gov  |   |
| 9  |               | Telephone: (404) 657-2204  |   |
| 10 |               | *Application for pro hac vice pending  |   |
| 11 |               | Attorney for Divisifi State of Council and Division  |   |
| 12 |               | Attorney for Plaintiff State of Georgia and Plaintiff<br>Secretary of State for the State of Georgia |   |
| 13 |               | Signed May 8, 2015   | _ |
| 14 |               |  |   |
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|    | STIPULATION R | E: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.10 of 15  |   |

| 1  | FOR THE STATE OF HAWAII  |
|----|--|
| 2  | By: Jorli Z. K. Zi   |
| 3  | Jodi L/K. Yi HI Bar #6625*   |
| 4  | Deputy Attorney General  |
| 5  | Attorney General Douglas S. Chin<br>Department of the Attorney General |
| 6  | 425 Queen Street   |
| 7  | Honolulu, Hawaii 96813<br>Jodi.K.Yi@Hawaii.gov                         |
| 8  |  |
| 9  | Telephone: (808)586-1480   |
| 10 | *Application for pro hac vice pending                                  |
| 11 | Attorney for Plaintiff State of Hawaii                                 |
| 12 | Signed April 28, 2015  |
| 13 | Signed April 26, 2015  |
| 14 | 0.<br>   |
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STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA Page 15.11 of 15

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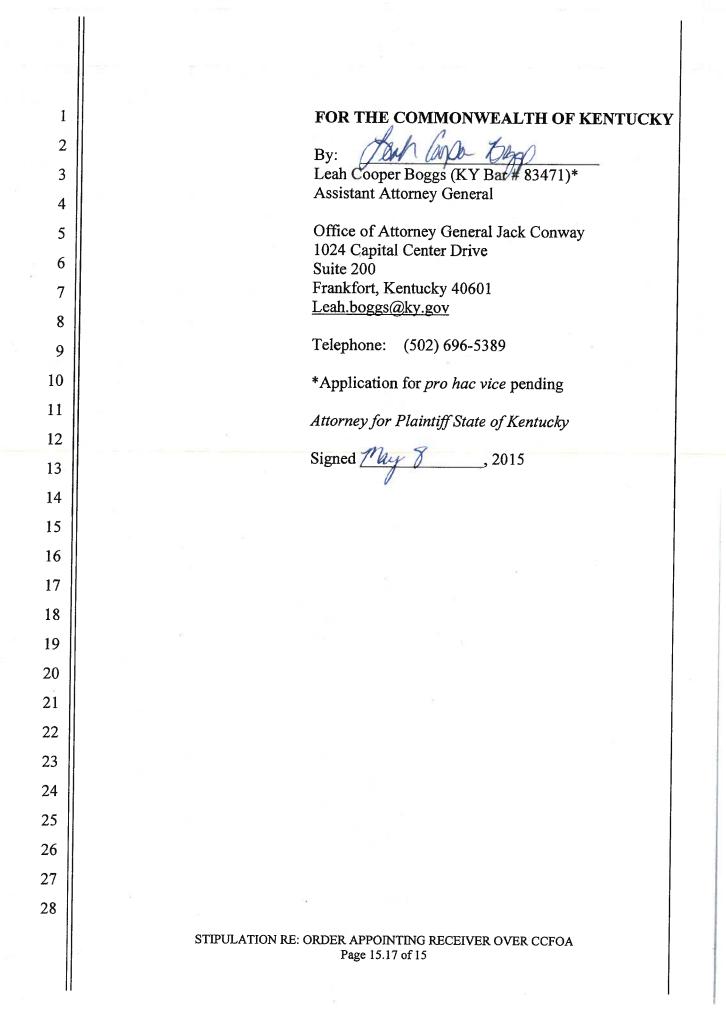
1 FOR THE PEOPLE OF THE STATE OF ILLINOIS 2 By: NOD A .Goldberg 3 Assistant Attorney General (IL Bar # 6269821)\* 4 Assistant Bureau Chief Charitable Trust Bureau 5 Office of Illinois Attorney General Lisa Madigan 100 West Randolph Street, 11th Floor 6 Chicago, Illinois 60601 7 bgoldberg@atg.state.il.us Telephone Charitable Trust Bureau: (312) 814-2595 8 Therese Harris, Bureau Chief 9 Charitable Trust Bureau 10 Office of Illinois Attorney General Lisa Madigan 100 West Randolph Street, 11th Floor 11 Chicago, Illinois 60601 tharris@atg.state.il.us 12 Telephone Charitable Trust Bureau: (312) 814-2595 13 \*Application for pro hac vice pending 14 Attorney for Plaintiff State of Illinois 15 Signed April 2, 2015 16 17 18 19 20 21 22 23 24 25 26 27 28 STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA Page 15.13 of 15

| 1  | FOR THE STATE OF INDIANA  |
|----|---|
| 2  | By: Tichard Bromer  |
| 3  | Richard M. Bramer (IN Bar # 15989-77)<br>Director, Consumer Protection Division |
| 4  | Office of Attorney General Gregory F. Zoeller                                   |
| 5  | 302 West Washington Street  |
| 6  | IGCS Fifth Floor<br>Indianapolis, Indiana 46204                                 |
| 7  | richard.bramer@atg.in.gov   |
| 8  | Telephone: (317) 232-1008   |
| 9  | *Application for pro hac vice pending   |
| 10 | Attorney for Plaintiff State of Indiana   |
| 11 | Signed April 9, 2015  |
| 12 | Signed John 1. 2013   |
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|    | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.14 of 15        |
|    |   |

FOR THE STATE OF IOWA By: Steve St. Clair AT0007441\* Assistant Attorney General Office of Attorney General Tom Miller Hoover Building, 2<sup>nd</sup> Floor 1305 East Walnut Des Moines, Iowa 50319 steve.stclair@iowa.gov Telephone: (515) 281-3731 \*Application for pro hac vice pending Attorney for Plaintiff State of Iowa Signed <u>April 10</u>, 2015 STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA Page 15.15 of 15

| 1  | FOR THE STATE OF KANSAS   |
|----|---|
| 2  |   |
| 3  | Lynette R Bakker (KS Bar # 22104)*  |
| 4  |   |
| 5  | Office of Attorney General Derek Schmidt<br>120 S.W. 10th Avenue, 2nd Floor |
| 6  | Topeka, KS 66612-1597   |
| 7  | lynette.bakker@ag.ks.gov  |
| 8  | Telephone: (785) 368-8451   |
| 9  | *Application for pro hac vice pending                                       |
| 10 | Attorney for Plaintiff State of Kansas                                      |
| 11 | Signed April 08, 2015   |
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|    | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.16 of 15    |
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| 1        |                | FOR THE STATE OF LOUISIANA                                 |
| 2        |                | By: Catturn & Bits   |
| 3        |                | Cathryn E. Gits (LA Bar #35144)*                           |
| 4        |                | Assitant Attorney General                                  |
| 5        |                | Office of Attorney General James D. "Buddy"<br>Caldwell    |
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| 8        |                | Ensewag.state.na.us  |
| 9        |                | Telephone: (225) 326-6400                                  |
| 10       |                | *Application for pro hac vice pending                      |
| 11<br>12 |                | Attorney for Plaintiff State of Louisiana                  |
| 12       |                | Signed May 7, 2015   |
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|          | STIPULATION RE | : ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.18 of 15 |
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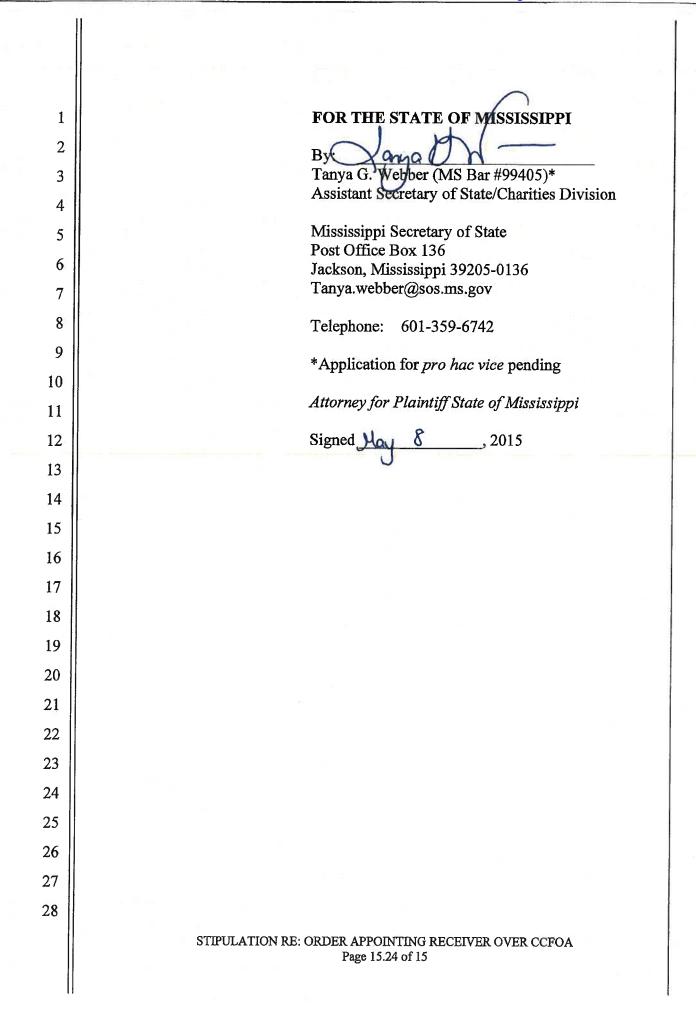
| 1      | FOR THE STATE OF MAINE   |
|--------|--|
| 2      | By: (utlynd Add<br>Carolyn A. Silsby, ME Bar # 3030* )                   |
| 3      | Assistant Attorney General   |
| 4      | Office of Attorney General Janet T. Mills                                |
| 5      | 6 State House Station<br>Augusta, Maine 04333-0006                       |
| 6      | <u>Carolyn.silsby@maine.gov</u>  |
| 7      | Telephone: (207) 626-8829  |
| 8<br>9 | *Application for <i>pro hac vice</i> pending                             |
| 10     | Attorney for Plaintiff State of Maine                                    |
| 11     | Signed <u>March 31</u> , 2015  |
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|        | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.19 of 15 |
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FOR THE STATE OF MARYLAND By: C. Beatrice Nuñez-Bellamy\* Assistant Attorney General Office of Attorney General Brian E. Frosh 200 St. Paul Place Baltimore, MD 21202 bnunezbellamy@oag.state.md.us Telephone: (410) 576-6300 \*Application for pro hac vice pending Attorney for Plaintiff State of Maryland and Secretary of State John Wobensmith Signed May 14, 2015 STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA Page 15.20 of 15

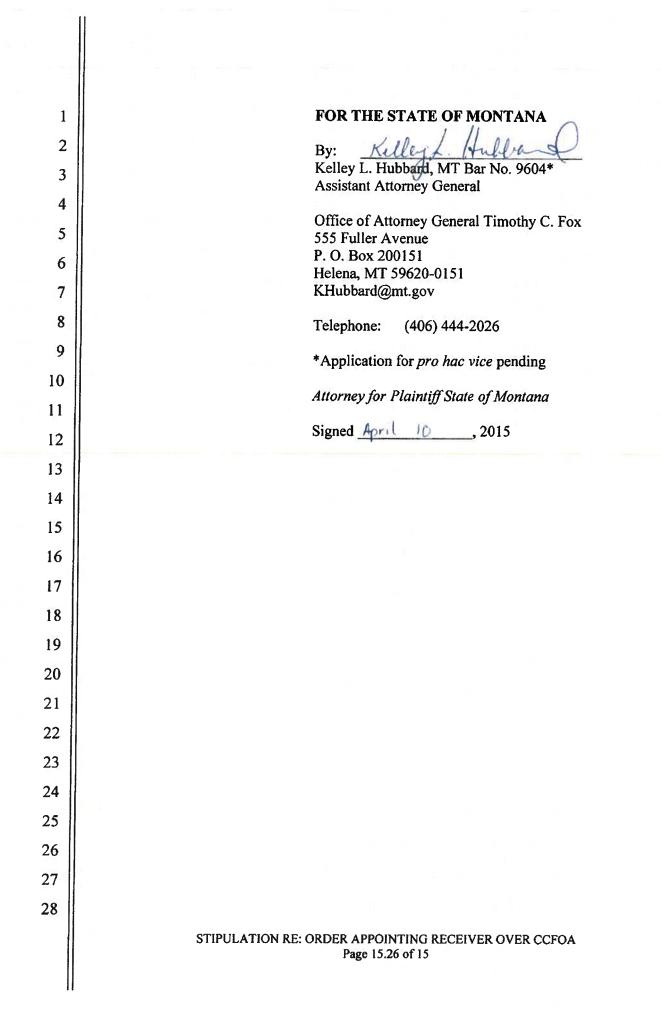
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|------|----------------|---|
| 1    |                | FOR THE COMMONWEALTH OF   |
| 2    |                | MASSACHUSETTS   |
| 3    |                | MAURA HEALEY, ATTORNEY GENERAL                                  |
| 4    |                | NIL IRAL  |
| 5    |                | By:   |
| 6    |                | Brett J. Blank (MA Bar # 686635)*<br>Assistant Attorney General |
| 7    |                |   |
| 8    |                | Office of Attorney General Maura Healey<br>One Ashburton Place  |
| 9    |                | Boston, Massachusetts 02108                                     |
| 10   |                | brett.blank@state.ma.us<br>Telephone: (617) 727-2200            |
| 11   |                | Telephone. (017) 727-2200                                       |
| - 12 |                | *Application for pro hac vice pending                           |
|      |                | Attorney for Plaintiff Commonwealth of Massachusetts            |
| 13   |                | Signed May 8, 2015  |
| 14   |                | Signed May 8, 2015  |
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|      | STIPULATION RE | C: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.21 of 15     |
|      |                |   |

| 1<br>2<br>3           | FOR THE STATE OF MICHIGAN<br>By:<br>William R. Bloomfield (MI Bar #68515)*<br>Assistant Attorney General                                    |
|-----------------------|---|
| 4<br>5<br>6<br>7<br>8 | Office of Attorney General Bill Schuette<br>Corporate Oversight Division<br>P.O. Box 30755<br>Lansing, MI 48917<br>bloomfieldw@michigan.gov |
| 9                     | Telephone: (517) 373-1160   |
| 10                    | *Application for <i>pro hac vice</i> pending  |
| 11                    | Attorney for Plaintiff State of Michigan  |
| 12                    | Signed <u>May 4</u> , 2015  |
| 13                    | Signou, 2015  |
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| Ē        |                |  |   |
| 1        |                | FOR THE STATE OF MINNESOTA   |   |
| 2<br>3   |                | By: Elizabeth Kremenak (MN Bar # 0390461)<br>Assistant Attorney General                                | * |
| 4        |                |  |   |
| 5        |                | Office of Attorney General Lori Swanson<br>445 Minnesota Street, Suite 1200<br>St. Paul, MN 55101-2130 |   |
| 6        |                | elizabeth.kremenak@ag.state.mn.us  |   |
| 7<br>8   |                | Telephone: (651) 757-1423  |   |
| 9        |                | *Application for pro hac vice pending  |   |
| 10       |                | Attorney for Plaintiff State of Minnesota  |   |
| 11       |                | Signed March 31, 2015  |   |
| 12       |                |  |   |
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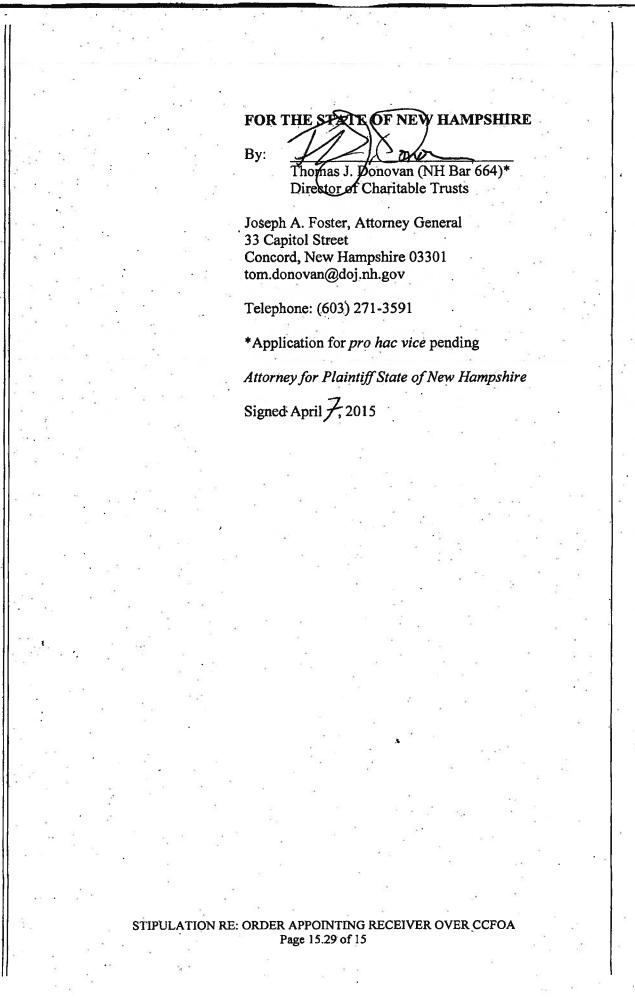


| 1            |                      |                    | FOD THE STATE OF MISSOURI                                     |
|--------------|----------------------|--------------------|---|
|              |                      |                    | FOR THE STATE OF MISSOURI                                     |
| 2            |                      |                    | CHRIS KOSTER  |
| 3            | 5 - 1000-000 - 1000  | 54<br>20 00 000 00 | Attorney General  |
| 4            | 12 0.000 (100)<br>18 |                    | the com   |
| 5            |                      |                    | ROBERT E. CARLSON, # 54602                                    |
| 6            |                      |                    | Assistant Attorney General                                    |
| 7            |                      |                    | P.O. Box 861  |
| 8            |                      |                    | St. Louis, MO 63188<br>(314) 340-6816                         |
| 9            |                      |                    | Fax: (314) 340-7957   |
| 1 gens = 1   | 08. <b>X</b> E       |                    | bob.carlson@ago.mo.gov  |
| 10           |                      |                    | *Application for pro hac vice pending                         |
| 11           |                      |                    |   |
| · 12         |                      | 027                | Attorney for Plaintiff State of Missouri                      |
| 13           | 8 U                  |                    | Attorney for Plaintiff State of Missouri<br>Signed May , 2015 |
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| Arton dud og |                      | STIPULATION R      | E: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.25 of 15   |
|              |                      |                    |   |



| 1  | FOR THE STATE OF NEBRASKA  |
|----|--|
| 2  | By: pont   |
| 3  | By: Daniel Russell (NE Bar # 25302)*                                     |
| 5  | Assistant Attorney General   |
| 4  | Assistant Attorney Ceneral   |
| 5  | Office of Attorney General Douglas J. Peterson                           |
| ,  | 2115 State Capitol   |
| 6  | PO Box 98920   |
| 7  | Lincoln, Nebraska 68509  |
| 8  | daniel.russell@nebraska.gov  |
| 9  | Telephone: (402) 471-1279  |
| 10 | * Amplication for an investigation                                       |
|    | *Application for <i>pro hac vice</i> pending                             |
| 11 | Attorney for Plaintiff State of Nebraska                                 |
| 12 |  |
| 13 | Signed <u>Mary</u> 6, 2015   |
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|    | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.27 of 15 |
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FOR THE STATE OF NEVADA O ana Seve By: **JOANN GIBBS** NV Bar # 005324 Chief Multistate Counsel Office of Attorney General Adam Paul Laxalt 10791 W. Twain Avenue, Suite 100 Las Vegas, Nevada 89135 jgibbs@ag.nv.gov (702) 486-3789 Telephone: \*Application for pro hac vice pending Attorney for Plaintiff State of Nevada Signed Upric 30, 2015 STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA Page 15.28 of 15



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| 1        | FOR THE STATE OF NEW JERSEY  |
|----------|--|
| 2        | JOHN J. HOFFMAN  |
| 3        | ACTING ATTORNEY GENERAL OF NEW JERSEY                                    |
| 4        | $Q \cdot 0$  |
| 5        | By: <u>Ch XM</u><br>Erin M. Greene (NJ Bar #014512010) *                 |
| 6<br>7   | Deputy Attorney General  |
| 8        |  |
| 9        | State of New Jersey<br>Office of Attorney General                        |
| 10       | Department of Law and Public Safety<br>Division of Law                   |
| 11       | 124 Halsey Street - 5th Floor<br>P.O. Box 45029                          |
| 12       | Newark, New Jersey 07101   |
| 13       | erin.greene@dol.lps.state.nj.us  |
| 14       | Telephone: (973) 648-4846  |
| 15       | *Application for <i>pro hac vice</i> pending                             |
| 16       | Attorney for Plaintiff State of New Jersey                               |
| 17       | Signed May , 2015  |
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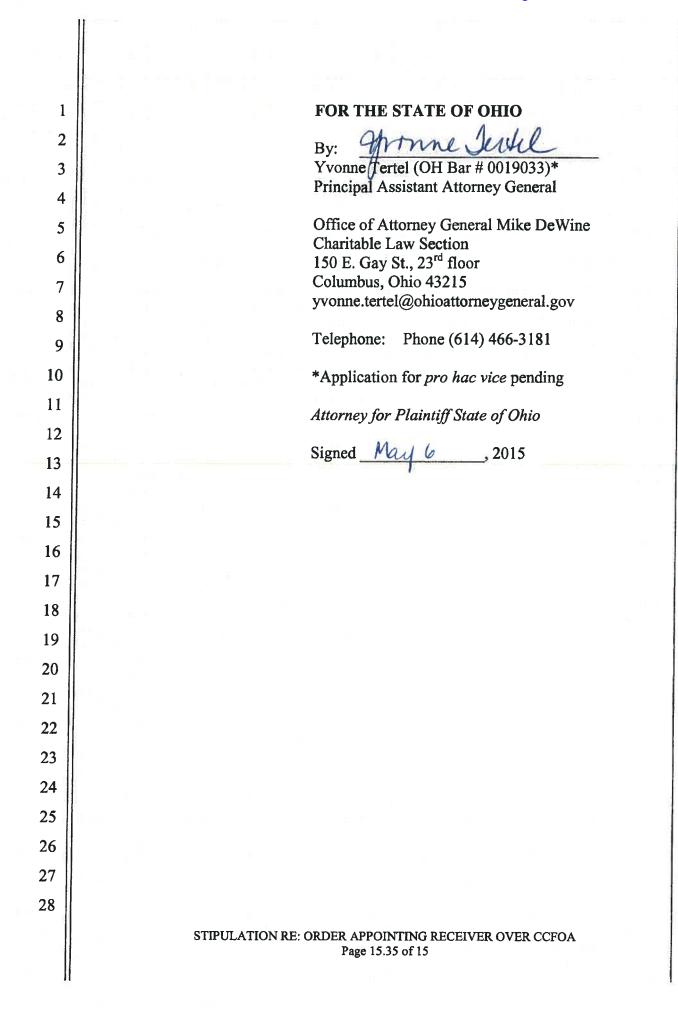
| 1  | FOR THE SPATE OF NEW MEXICO                          |
|----|--|
| 2  | By:  |
| 3  | Elizabeth Korsmo (NM Bar # 8989)*                    |
| 4  | Assistant Attorney General                           |
| 5  | Office of Attorney General Hector Balderas           |
| 6  | 408 Galisteo St.                                     |
|    | Santa Fe, New Mexico 87501<br>ekorsmo@nmag.gov       |
| 7  | CKOISHIO(CHIIIag.gov                                 |
| 8  | Telephone: (505) 827-6000                            |
| 9  | *Application for <i>pro hac vice</i> pending         |
| 10 |  |
| 11 | Attorney for Plaintiff State of New Mexico           |
| 12 | Signed <u>5</u> , 2015                               |
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|    | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA |
|    | Page 15.31 of 15                                     |
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| 1   | FOR THE STATE OF NEW YORK  |
|-----|--|
| 2   | ERIC T. SCHNEIDERMAN   |
| 3   | Attorney General of the State of New York                                |
|     |  |
| 4   | - 11 AA  |
| 5   | By: <u>Jan Function</u><br>Yael Fuchs (NY Bar # 4542684)*                |
| 6   | Assistant Attorney General   |
| - 7 | Charities Bureau   |
|     | 120 Broadway, 3 <sup>rd</sup> Floor                                      |
| 8   | New York, New York 10271   |
| 9   | Telephone: (212) 416-8401  |
| 10  | yael.fuchs@ag.ny.gov   |
|     | *Application for <i>pro hac vice</i> pending                             |
| 11  | rippiloution for pro-nuc vice pending                                    |
| 12  | Attorney for Plaintiff State of New York                                 |
| 13  | Signed May 6, 2015   |
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|     | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.32 of 15 |

1 FOR THE STATE OF NORTH CAROLINA 2 By: noors Creecy Johnson (AC Bar #32619)\* 3 Special Deputy Attorney General 4 Office of Attorney General Roy Cooper 5 9001 Mail Service Center 6 Raleigh, NC 27699 ccjohnson@ncdoj.gov 7 Telephone: (919) 716-6000 8 \*Application for pro hac vice pending 9 10 Attorney for Plaintiff State of North Carolina 11 Signed 2015 12 13 14 By: Lareena J. Phillips (N& Bar #3685 15 Assistant Attorney General 16 Counsel for North Carolina Secretary of State 17 Elaine F. Marshall 18 9001 Mail Service Center Raleigh, NC 27699 19 lphillips@ncdoj.gov 20 Telephone: (919) 716-6610 21 \*Application for *pro hac vice* pending 22 Attorney for Plaintiff State of North Carolina 23 Signed <u>11/04</u> 7, 2015 24 25 26 27 28 STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA Page 15.33 of 15

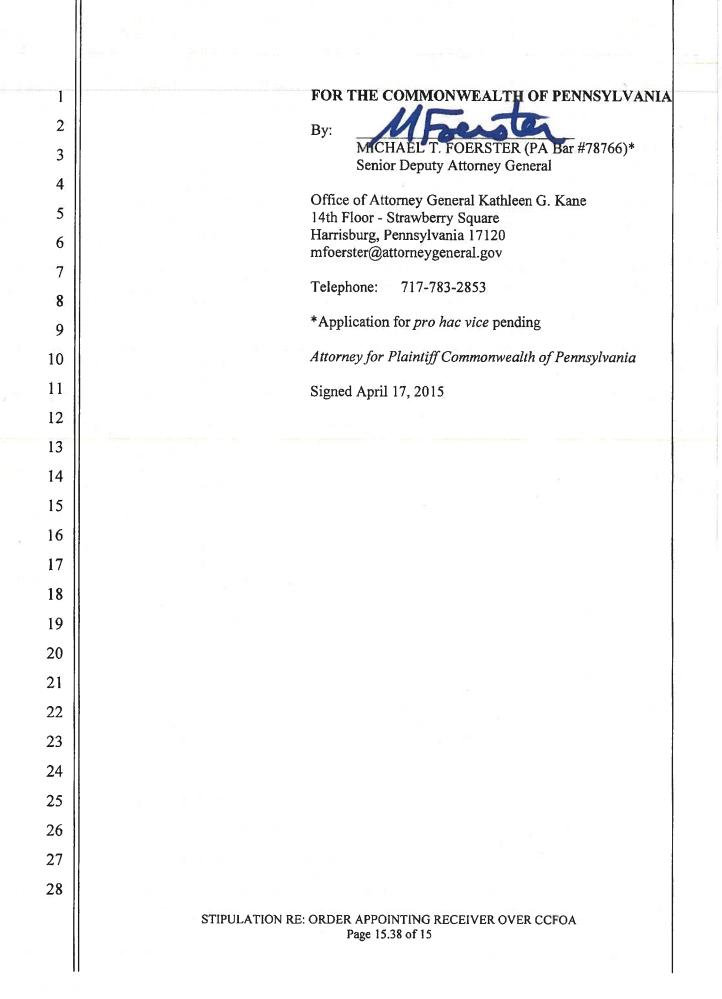
| 1  | FOR THE STATE OF NORTH DAKOTA  |
|----|--|
| 2  | By: Un lu / hump   |
| 3  | Michael C. Thompson (ND Bar #06550)*<br>Assistant Attorney General       |
| 4  | Office of Attorney General Wayne Stenehjen                               |
| 5  | Consumer Protection Division<br>Gateway Professional Center              |
| 6  | 1050 E. Interstate Ave Ste 200   |
| 7  | Bismarck, ND 58503-5574<br>mcthompson@nd.gov                             |
| 8  | Telephone: (701) 328-5570  |
| 9  |  |
| 10 | *Application for <i>pro hac vice</i> pending                             |
| 11 | Attorney for Plaintiff State of North Dakota                             |
| 12 | Signed April 8, 2015   |
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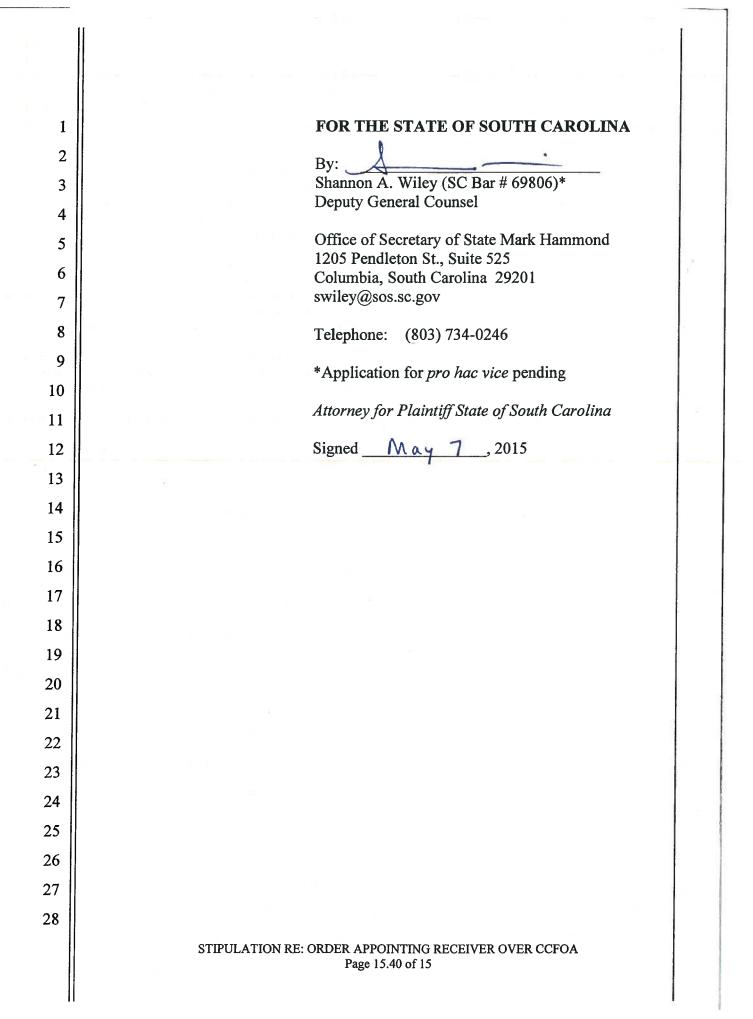


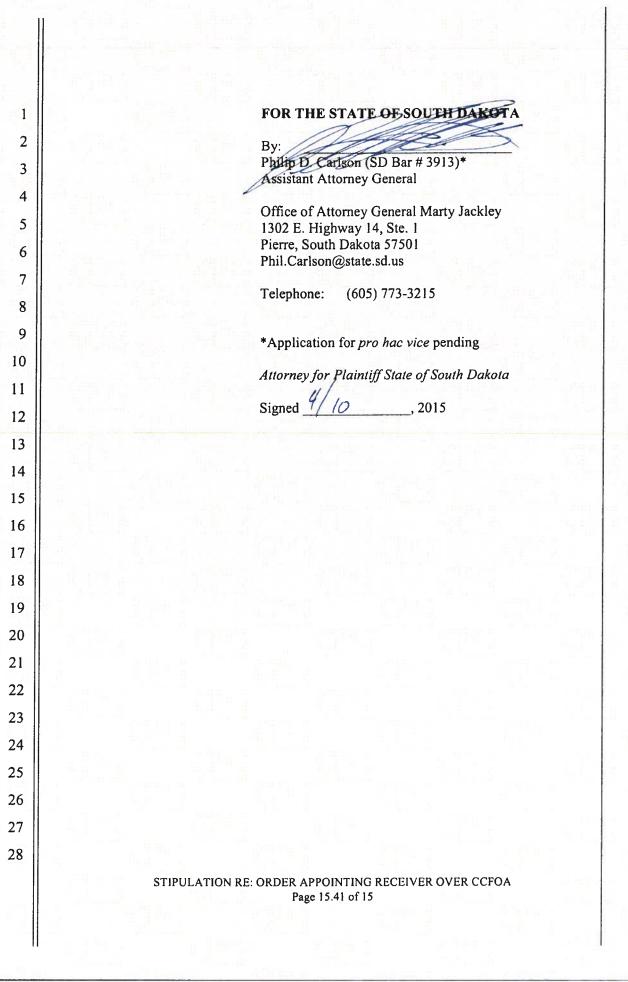
| 1  | FOR THE STATE OF OKLAHOMA  |
|----|--|
| 2  | E. SCOTT PRUITT  |
| 3  | OKLAHOMA ATTORNEY GENERAL  |
| 4  |  |
| 5  | Walloa Wepharson   |
| 6  | Malisa McPherson (OK Bar #32070)*  |
| 7  | Assistant Attorney General<br>313 N.E. 21 <sup>st</sup> Street           |
| 8  | Oklahoma City, Oklahoma 73105<br>Telephone: (405) 521-6926               |
| 9  | Facsimile: (405) 522-0085  |
| 10 | Malisa.McPherson@oag.ok.gov  |
| 11 | *Application for <i>pro hac vice</i> pending                             |
| 12 | Attorney for Plaintiff State of Oklahoma                                 |
| 13 | Signed May 12, 2015  |
| 14 | Signou Way 12, 2015  |
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|    | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.36 of 15 |

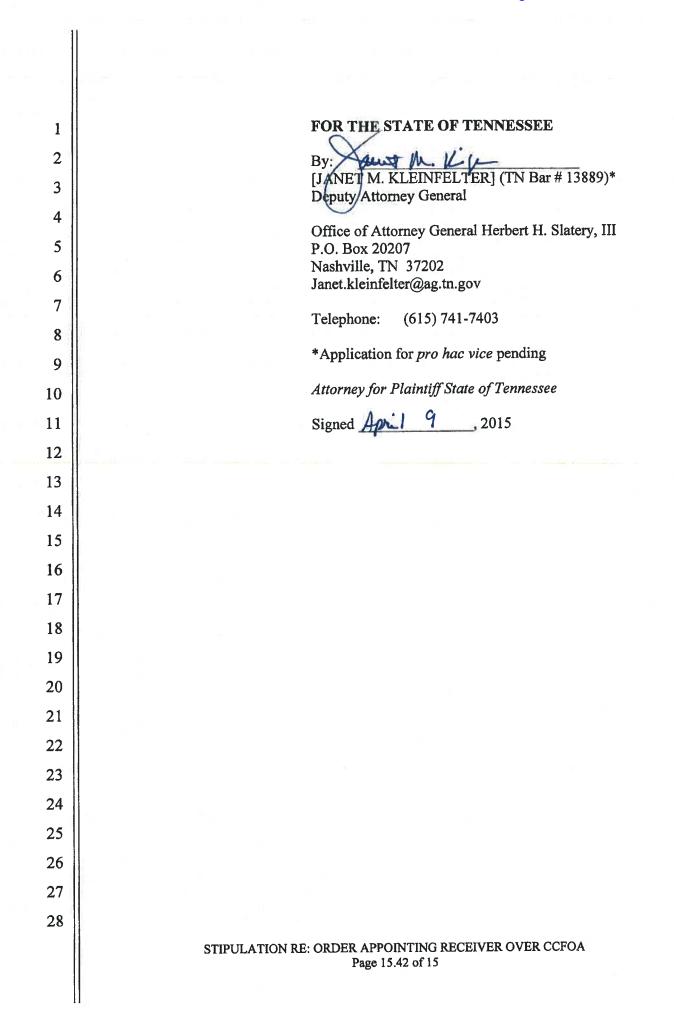
| 1  | FOR THE STATE OF OREGON  |
|----|--|
| 2  | By: Heather & Mergler  |
| 3  | Heather L. Weigler, (OR Bar #085900)*<br>Assistant Attorney General      |
| 4  | Office of Attorney General Ellen F. Rosenblum                            |
| 5  | Oregon Department of Jutice<br>1515 SW 5 <sup>th</sup> Ave., #410        |
| 6  | 1515 SW 5" Ave., #410<br>Portland, Oregon 97201                          |
| 7  | Heather.l.weigler@state.or.us  |
| 8  | Telephone: (971) 673-1910  |
| 9  | *Application for <i>pro hac vice</i> pending                             |
| 10 | Attorney for Plaintiff State of Oregon                                   |
| 11 | Signed <u>May 5</u> , 2015   |
| 12 | Signed <u>IV (My)</u> , 2015   |
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|    | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.37 of 15 |
|    | 25.<br>No  |



| 1          | FOR THE STATE OF RHODE ISLAND   |
|------------|---|
| 2          | By: 12-   |
| 3          | Genevieve M. Martin (RI Bar # 3918)*<br>Assistant Attorney General                                    |
| 4          |   |
| 5          | Office of Attorney General Peter Kilmartin<br>150 South Main Street<br>Providence, Phode Jeland 02003 |
| 6          | Providence, Rhode Island 02903<br>gmartin@riag.ri.gov   |
| 7          | Telephone: (401) 274-4400   |
| 8          |   |
| 9          | *Application for <i>pro hac vice</i> pending  |
| 10         | Attorney for Plaintiff State of Rhode Island  |
| 11         | Signed <u>511</u> , 2015  |
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|            | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.39 of 15                              |
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| 1  |                 | FOR THE STATE OF TEXAS   |
|----|-----------------|--|
| 2  |                 | KEN PAXTON   |
| 3  |                 | Attorney General of Texas  |
| 4  |                 | CHARLES E. ROY   |
| 5  |                 | First Assistant Attorney General of Texas                            |
| 6  |                 | JAMES E. DAVIS   |
| 7  |                 | Deputy Assistant Attorney General for Civil                          |
| 8  |                 | Litigation   |
| 9  |                 | TOMMY PRUD'HOMME   |
| 10 |                 | Chief, Consumer Protection   |
|    | By:             | Jun Mas 10th   |
| 11 | 0               | JENNIFER M ROSCETTI (TX Bar No. 24066685)*                           |
| 12 |                 | Assistant Attorney General<br>COREY D. KINTZER (TX Bar No. 24046219) |
| 13 |                 | Assistant Attorney General   |
| 14 |                 | Office of Attorney General Ken Paxton                                |
| 15 |                 | 300 West 15 <sup>th</sup> Street<br>Austin, Texas 78701              |
| 16 |                 | Jennifer.Roscetti@texasattorneygeneral.gov                           |
| 17 |                 | Telephone: 512-475-4673  |
| 18 |                 | -  |
| 19 |                 | *Application for <i>pro hac vice</i> pending                         |
| 20 |                 | Attorney for Plaintiff State of Texas                                |
| 21 |                 | Signed <u>May</u> 7, 2015  |
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#### FOR THE STATE OF UTAH

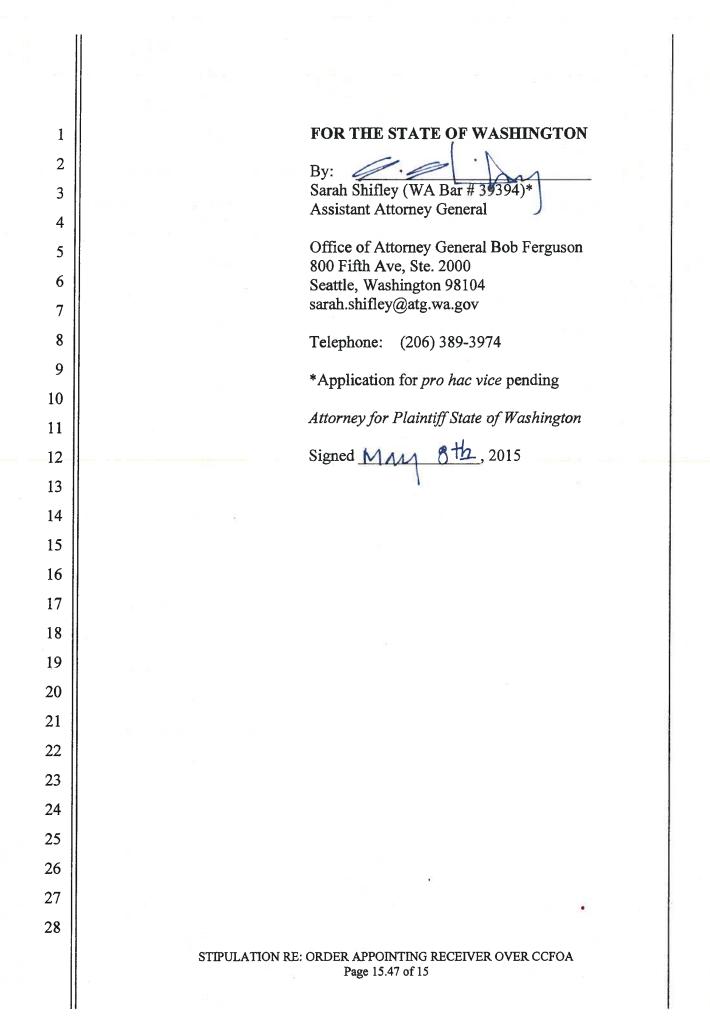
By: JEFFREY BUCKNER (UT Bar # 4546) UTAH ASSISTANT ATTORNEY GENERAL OFFICE OF ATTORNEY GENERAL SEAN REYES 160 EAST 300 SOUTH, 5<sup>TH</sup> FLOOR P.O. BOX 140872 SALT LAKE CITY, UTAH 84114-0872 jbuckner@utah.gov Telephone: (801) 366-0310 Application for *pro hac vice* pending

Attorney for Plaintiff State of Utah

Signed <u>April 22</u>, 2015

| 1        | FOR THE STATE OF VERMONT   |
|----------|--|
| 2        |  |
| - 3      | WILLIAM H. SORRELL<br>ATTORNEY GENERAL                                   |
| 4        | By: 1 HAR  |
| 5        | Todd W. Daloz (VT Bar # 4734)*   |
| 6        | Assistant Attorney General   |
| 7        | Office of Attorney General   |
| 8        | 109 State St.<br>Montpelier, Vermont 05609                               |
| 9        | Todd.Daloz@state.vt.us   |
| 10       | Telephone: (802) 828-4605  |
| 11       | *Application for pro hac vice pending                                    |
| 12       | Attorney for Plaintiff State of Vermont                                  |
| 13       |  |
| 14       | Signed <u>Man</u> 8, 2015  |
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|          | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.45 of 15 |
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| 1        | FOR THE COMMONWEALTH OF VIRGINIA   |
|----------|--|
| 2        | By: Richard S. Schweiten 1.  |
| 3        | Richard S. Schweiker, Jr. (VA Bar # 34758)*                              |
| 4        | Senior Assistant Attorney General  |
| 5        | Office of Attorney General Mark R. Herring                               |
| 6        | Consumer Protection Section<br>900 East Main Street                      |
| 7        | Richmond, Virginia 23219   |
| 8        | rschweiker@oag.state.va.us   |
| 9        | Telephone: (804) 786-5643  |
| 10       | *Application for <i>pro hac vice</i> pending                             |
| 11       | Attorney for Plaintiff State of Virginia                                 |
| 12       | Signed April 27, 2015  |
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|          | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.46 of 15 |
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#### FOR THE STATE OF WEST VIRGINIA

Michael M. Morrison (WV Bar # 9822)\* Assistant Attorney General

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\*Application for pro hac vice pending

Signed May 7<sup>th</sup> , 2015

By: /

Laurel K. Lackey (WV Bar # 10267)\* Assistant Attorney General Counsel for Secretary of State Natalie E. Tennant

Office of Attorney General Patrick Morrisey 269 Aikens Center Martinsburg, West Virginia 25404 Laurel.K.Lackey@wvago.gov

Telephone: (304) 267-0239

\*Application for pro hac vice pending

Attorneys for Plaintiff State of West Virginia

Signed <u>April 30</u>, 2015

STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA Page 15.48 of 15

FOR THE STATE OF WISCONSIN 1 2 **BRAD D. SCHIMEL** ATTORNEY GENERAL 3 4 By: 5 Francis X. Sullivan 6 Assistant Attorney General Wisconsin State Bar no. 1030932\* 7 8 Wisconsin Department of Justice 9 Post Office Box 7857 Madison, Wisconsin 53707-7857 10 (608) 267-2222 11 (608) 267-8906 (Fax) sullivanfx@doj.state.wi.us 12 13 \*Application for pro hac vice pending 14 Attorney for Plaintiff State of Wisconsin 15 ,2015 Signed 16 17 18 19 20 21 22 23 24 25 26 27 28 STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA Page 15.49 of 15

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|   |                         |  |
| 1 |                         | FOR THE STATE OF WYOMING   |
| 2 |                         | By: Unliket  |
| 3 |                         | Clyde W. Hatchins, WY Bar # 6-3549*<br>Senior Assistant Attorney General |
| 4 |                         |  |
| 5 |                         | Office of Attorney General Peter K. Michael<br>123 State Capitol         |
| 5 |                         | Cheyenne, Wyoming 82002<br>clyde.hutchins@wyo.gov                        |
|   |                         |  |
|   |                         | Telephone: (307) 777 - 7847  |
|   |                         | *Application for pro hac vice pending                                    |
|   |                         | Attorney for Plaintiff State of Wyoming                                  |
|   |                         | Signed 12, 2015  |
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|   | STIPULATION RE          | : ORDER APPOINTING RECEIVER OVER CCFOA                                   |
|   |                         | Page 15.50 of 15   |
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| 1     | FOR THE DISTRICT OF COLUMBIA  |
|-------|---|
| 2     | KARL A. RACINE  |
| 3     | Attorney General for the District of Columbia                                       |
| 4     | ELIZABETH SARAH GERE  |
| 5     | Acting Deputy Attorney General  |
| 6     | Public Interest Division  |
| 7     | BENNETT RUSHKOFF  |
| 8     | Chief, Public Advocacy Section  |
| 9     |   |
| 5 A I | E la pe   |
| 10    | By:   |
| 11    | Assistant Attorney General  |
| 12    | Office of Attorney General Karl A. Racine<br>441 Fourth Street, N.W., Suite # 650-S |
| 13    | Washington, D.C. 20001  |
| 14    | brian.caldwell@dc.gov   |
| 15    | Telephone: (202) 727-6211   |
| 16    | *Application for pro hac vice pending   |
| 17    | Attorney for Plaintiff District of Columbia   |
| 18    | Signed: May 7, 2015   |
| 19    | Signed. Way 7, 2015   |
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|       | STIPULATION RE: ORDER APPOINTING RECEIVER OVER CCFOA<br>Page 15.51 of 15            |

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| 6  | IN THE UNITED STAT  | ES DISTRICT COURT                                     |  |
| 7  | FOR THE DIST  | RICT OF ARIZONA                                       |  |
| 8  |   |   |  |
| 9  | Federal Trade Commission; all Fifty<br>States; and the District of Columbia;            | CASE NO.  |  |
| 10 |   | STIPULATION RE ORDER FOR                              |  |
| 11 | Plaintiffs,<br>vs.  | PERMANENT INJUNCTION AND<br>MONETARY JUDGMENT AGAINST |  |
| 12 | Cancer Fund of America Inc. a Delawara  | CHILDREN'S CANCER FUND OF                             |  |
| 13 | Cancer Fund of America, Inc., a Delaware corporation, et al.;                           | AMERICA, INC., AND ROSE<br>PERKINS                    |  |
| 14 | Defendants.   |   |  |
| 15 |   |   |  |
| 16 | Plaintiffs, the Federal Trade Commiss   | ion ("FTC" or "Commission") and the states            |  |
| 17 | of Alabama, Alaska, Arizona, Arkansas, Cali   | fornia, Colorado, Connecticut, Delaware,              |  |
| 18 | Florida, Georgia, Hawaii, Idaho, Illinois, Ind  | iana, Iowa, Kansas, Kentucky, Louisiana,              |  |
| 19 | Maine, Maryland, Massachusetts, Michigan,   | Minnesota, Mississippi, Missouri, Montana,            |  |
| 20 | Nebraska, Nevada, New Hampshire, New Jer  | rsey, New Mexico, New York, North                     |  |
| 21 | Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South       |   |  |
| 22 | Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West     |   |  |
| 23 | Virginia, Wisconsin, Wyoming, and the District of Columbia have filed a complaint for a |   |  |
| 24 | permanent injunction and other equitable relief against Defendants Cancer Fund of       |   |  |
| 25 | America, Inc., also d/b/a Breast Cancer Financial Assistance Fund ("CFA"), Cancer       |   |  |
| 26 | Support Services, Inc. ("CSS"), Children's Cancer Fund of America, Inc. ("CCFOA"),      |   |  |
| 27 | and The Breast Cancer Society, Inc., also d/b/a The Breast Cancer Society of America    |   |  |
| 28 | ("BCS"), Rose Perkins, and other individuals  | s, alleging that all named Defendants                 |  |

| 1      | violated, among other statutes, the Federal Trade Commission Act, 15 U.S.C. § 45, the                 |   |  |
|--------|---|---|--|
| 2      | Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"),                      |   |  |
| 3      | 15 U.S.C. §§ 6101-6108, and the Unfair and Deceptive Acts and Practices and Charitable                |   |  |
| 4      | Solicitation laws of  | of the Plaintiff States. Plaintiffs and Defendants Children's Cancer  |  |
| 5      | Fund of America,  | Inc., and Rose Perkins stipulate to the entry of this Stipulated Order for  |  |
| 6      | Permanent Injunc  | tion and Monetary Judgment Against Children's Cancer Fund of  |  |
| 7      | America, Inc. and   | Rose Perkins ("Order"). Plaintiffs and Defendant Children's Cancer  |  |
| 8      | Fund of America,  | Inc. also stipulate to the entry of a separate and concurrently filed   |  |
| 9      | Stipulated Order  | Appointing Receiver Over Children's Cancer Fund of America, Inc   |  |
| 0      | Together, this Ord  | der and the CCFOA Receivership Order resolve all matters in dispute in  |  |
| 1      | this action betwee  | en Plaintiffs and Defendants Children's Cancer Fund of America, Inc.  |  |
| 2      | and Rose Perkins.   |   |  |
| 3      | THEREFORE, IT IS ORDERED as follows:  |   |  |
| 4      |   |   |  |
| 5      | FINDINGS  |   |  |
| 6      | 1. This Court has jurisdiction over this matter.  |   |  |
| 7      | 2. Venue is proper in the District of Arizona.  |   |  |
| 8      | 3. The  | Complaint charges that Defendants CCFOA and Perkins, among  |  |
| 9      | others, engaged in  | n deceptive acts or practices by making false and misleading claims in  |  |
| 0      | charitable solicita   | tions in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the   |  |
| 1      | Telemarketing Sa  | les Rule ("TSR"), 16 C.F.R. Part 310, and the following state statutes  |  |
| 2      | regulating charitat   | ble solicitations and prohibiting deceptive and/or unfair trade practices:  |  |
| 3      | Alabama:  | ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.   |  |
| 4      | Alaska:   | ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.   |  |
| 5      | Arizona:         ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6           through 44-6561. |   |  |
| 6<br>7 | Arkansas:   | ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.  |  |
| 8      | California:   | CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF.<br>CODE §§ 17200 through 17206; and §§ 17510 through 17510.95. |  |
|        | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 2 of 21                           |   |  |

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| COLO. REV. STAT. §§ 6-1-101through 115; and 6-16-101 through 11       |
|---|
| CONN. GEN. STAT. §§ 21a-175 through 21a-1901; and 42-110a             |
| through 42-110q.  |
| DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); ar |
| tit. 6, §§ $2595(a) - (b)$ (1995).                                    |
| FLA. STAT. ch. 501, Part II; and ch. 496 (2013).                      |
| GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).                     |
| HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480-1        |
| and Act 217 §2 Haw. Sess. Laws (2014).                                |
| IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through            |
| 1206.   |
| 225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.                      |
| IND. CODE §§ 24-5-0.5-1 through -12.                                  |
| IOWA CODE § 714.16.   |
| KAN. STAT. ANN. §§ 17-1759 through 17-1776.                           |
| Ky. REV. STAT. ANN. §§ 367.110 through 367.300.                       |
| LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through      |
| 1909.1.   |
| ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.                     |
| MD. CODE ANN., BUS. REG. §§ 6-101through 6-701 (2010).                |
| MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 throug       |
| 35; and ch. 93A §§ 1 through 11.                                      |
| MICH. COMP. LAWS §§ 400.271 through 400.294.                          |
| MINN. STAT. ch. 309.  |
| MISS. CODE ANN. §§ 79-11-501 through 79-11-529.                       |
| MO. REV. STAT. ch. 407.   |
| MONT. CODE ANN. § 30-14-103.  |
| NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through         |
| 59-1622; and 87-301 through 87-306.                                   |
| NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, an      |
| 598.097.  |
| N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-   |
| and 641:8.  |
| N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1             |
| through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:48      |
| 15.1.   |
| N.M. STAT. §§ 57-12-1through 57-12-22; and §§ 57-22-1through 57       |
| 22-11 (1978).   |
| N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BU        |
|   |
| LAW § 349.  |
| · · · · · · · · · · · · · · · · · · ·                                 |

STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 3 of 21

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| North Dakota: N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-2                     |   |  |
|--|---|--|
| through 51-15-11.  |   |  |
| Ohio: OHIO REV. CODE ANN. § 1716.  |   |  |
| Oklahoma: OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.                              |   |  |
| Oregon: OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.                          |   |  |
| Pennsylvania:  | 10 PA. STAT. ANN. §§ 162.1 through .14 (1990).  |  |
| Rhode Island:  | R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.   |  |
| South Carolina:  | S.C. CODE ANN. §§ 33-56-10 through 33-56-200.   |  |
| South Dakota:  | S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1                                |  |
|  | through 21-34-14.   |  |
| Tennessee:   | TENN. CODE ANN. §§ 48-101-501 through 48-101-522.   |  |
| Texas:   | TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.   |  |
| Utah:  | UTAH CODE ANN. §§ 13-11-1 through 13-11-23; 13-22-1 through 13-                             |  |
| X7   | 22-23; and 13-26-1 through 13-26-11.  |  |
| Vermont:   | VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.                          |  |
| Virginia:  | VA. CODE ANN. §§ 57-48 through 57-69.   |  |
| Washington:  | WASH. REV. CODE §§ 19.86; and §19.09.   |  |
| West Virginia:<br>Wisconsin:   | W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101through 46a-6-110.<br>WIS. STAT. §§ 202.11-202.18. |  |
| Wyoming:   | WYO. STAT. ANN. §§ 40-12-101 through 114.   |  |
| w yonnig.  | w 10. 51A1. ANN. 38 40-12-101 through 114.  |  |
| 4. Def   | endants CCFOA and Perkins neither admit nor deny any of the                                 |  |
| allegations in the   | Complaint, except as specifically stated in this Order. Only for                            |  |
| purposes of this action, Defendants admit the facts necessary to establish jurisdiction. |   |  |
| 5. Defendants CCFOA and Perkins waive any claim that they may have under                 |   |  |
| he Equal Access  | to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this                        |  |
| iction through the   | e date of this Order, and agree to bear their own costs and attorney fees.                  |  |
| 6. Def   | endants CCFOA and Perkins waive all rights to appeal or otherwise                           |  |
| challenge or conte   | est the validity of this Order.   |  |
| 7. Entr  | ry of this Order is in the public interest.   |  |
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| STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 4 of 21              |   |  |
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| 1  | DEFINITIONS  |  |  |  |
|----|--|--|--|--|
| 2  | For purposes of this Order, the following definitions shall apply:                           |  |  |  |
| 3  | 1. "Defendants" means the individual defendant Rose Perkins and the                          |  |  |  |
| 4  | corporate defendant Children's Cancer Fund of America, Inc., individually, collectively,     |  |  |  |
| 5  | or in any combination.   |  |  |  |
| 6  | 2. "CCFOA" means Children's Cancer Fund of America, Inc., and its                            |  |  |  |
| 7  | successors and assigns.  |  |  |  |
| 8  | 3. "Perkins" means individual defendant Rose Perkins.  |  |  |  |
| 9  | 4. "CCFOA Receivership Order" means the "Stipulated Order Appointing                         |  |  |  |
| 10 | Receiver Over Children's Cancer Fund of America, Inc."                                       |  |  |  |
| 11 | 5. "CCFOA Receiver" means the receiver appointed by the CCFOA                                |  |  |  |
| 12 | Receivership Order.  |  |  |  |
| 13 | 6. "Person" means a natural person, an organization or other legal entity,                   |  |  |  |
| 14 | including a corporation, partnership, sole proprietorship, limited liability company,        |  |  |  |
| 15 | association, cooperative, or any other group or combination acting as an entity.             |  |  |  |
| 16 | 7. "Charitable contribution" means any donation or gift of money or any other                |  |  |  |
| 17 | thing of value.  |  |  |  |
| 18 | 8. "Donor" or "consumer" means any person solicited to make a charitable                     |  |  |  |
| 19 | contribution.  |  |  |  |
| 20 | 9. "Fundraising" means a plan, program, or campaign that is conducted to                     |  |  |  |
| 21 | induce charitable contributions by mail, telephone, electronic mail, social media, or any    |  |  |  |
| 22 | other means.   |  |  |  |
| 23 | 10. "Nonprofit organization" means any person that is, or is represented to be, a            |  |  |  |
| 24 | nonprofit entity, or that has, or is represented to have, a charitable purpose, specifically |  |  |  |
| 25 | including but not limited to any such entity that purports to benefit, either in whole or in |  |  |  |
| 26 | part, individuals who suffer or have suffered from cancer.                                   |  |  |  |
| 27 | 11. "Plaintiff States" means the states of Alabama, Alaska, Arizona, Arkansas,               |  |  |  |
| 28 | California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois,      |  |  |  |
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Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts,
 Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New
 Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio,
 Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota,
 Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin,
 Wyoming, and the District of Columbia.
 "Solicitor" means any person who solicits a charitable contribution.

8 13. "Telemarketing" means a plan, program, or campaign that is conducted to
9 induce the purchase of goods or services or a charitable contribution, by use of one or
10 more telephones and that involves a telephone call, whether or not covered by the
11 Telemarketing Sales Rule.

12 14. "And" and "or" shall be construed both conjunctively and disjunctively to
 13 make the applicable sentence or phrase inclusive rather than exclusive.

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#### ORDER

#### **CORPORATE DISSOLUTION**

IT IS FURTHER ORDERED that, pursuant to the CCFOA Receivership Order of
 which CCFOA has consented to entry, the CCFOA Receiver shall take the steps
 necessary to cause CCFOA to be dissolved and to cease to exist as a corporate entity.

I.

## PROHIBITIONS RELATED TO THE SOLICITATION AND CONTROL OF CHARITABLE ASSETS

IT IS FURTHER ORDERED that Perkins is permanently restrained and enjoined from engaging in the following activities individually or in concert with other persons or entities, directly or indirectly:

A. Receiving any payment or other financial benefit for: (1) participating or assisting in the solicitation of charitable contributions, directly or indirectly, including by advising, acting as an independent contractor or as a fundraising consultant, supplying

STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 6 of 21

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contact or donor lists, or providing caging, mail processing, or fulfillment services, or (2) controlling, directly or indirectly, or holding a majority ownership interest in, any entity engaged in the business of fundraising; and

B. Establishing, operating, controlling, or managing any nonprofit
organization or other entity that holds charitable assets, or any program thereof, directly
or indirectly, whether compensated or not, including by serving as a founder,
incorporator, officer, director, trustee, chief executive, manager, supervisor, or other
fiduciary; and

C. Managing, controlling, directing, distributing, or accounting for the use or
application of any charitable asset, or participating or assisting in managing, controlling,
directing, distributing, or accounting for the use or application of any charitable asset,
directly or indirectly, whether compensated or not, including by acting as an independent
contractor, advisor, or consultant;

D. **Provided that**, subject to the limitations of subsections II.A - C above, Perkins may be employed by or volunteer for any nonprofit organization in any capacity not prohibited by the above, such as working in any non-supervisory role unrelated to the solicitation, management, custody, control, or distribution of any charitable asset.

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#### III. PROHIBITION ON MISREPRESENTATIONS

IT IS FURTHER ORDERED that Perkins, CCFOA, its officers, agents, employees, and independent contractors, and all other persons in active concert or participation with them who receive actual notice of this Order, whether acting directly or indirectly, are hereby permanently restrained and enjoined from making material misrepresentations in connection with the sale of consumer goods or services.

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#### IV. TELEMARKETING SALES RULE COMPLIANCE

IT IS FURTHER ORDERED that Perkins, CCFOA, its officers, agents,
 employees, and independent contractors, and all other persons in active concert or
 participation with them who receive actual notice of this Order, whether acting directly or

STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 7 of 21 indirectly, are hereby permanently restrained and enjoined from violating, or assisting
 others in violating, any provision of the TSR, 16 C.F.R. Part 310, as currently
 promulgated or as it hereafter may be amended.

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### V. COMPLIANCE WITH STATE LAW

IT IS FURTHER ORDERED that CCFOA, its officers, agents, employees, and independent contractors, and Perkins, whether acting directly or indirectly, are hereby permanently restrained and enjoined from violating, or assisting others in violating, any provision of the following state laws:

| Alabama:     | ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.              |
|--------------|--|
| Alaska:      | ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010             |
|              | through 45.68.900.   |
| Arizona:     | ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551           |
|              | through 44-6561.   |
| Arkansas:    | ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101           |
|              | through 4-88-115.  |
| California:  | CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF.             |
|              | CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.            |
| Colorado:    | COLO. REV. STAT. §§ 6-1-101through 115; and 6-16-101 through           |
|              | 114.   |
| Connecticut: | CONN. GEN. STAT. §§ 21a-175 through 21a-1901; and 42-110a              |
|              | through 42-110q.   |
| Delaware:    | DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and |
|              | tit. 6, §§ $2595(a) - (b)$ (1995).                                     |
| Florida:     | FLA. STAT. ch. 501, Part II; and ch. 496 (2013).                       |
| Georgia:     | GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).                      |
| Hawaii:      | HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480-15        |
|              | and Act 217 §2 Haw. Sess. Laws (2014).                                 |
| Idaho:       | IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through             |
|              | 1206.  |
| Illinois:    | 225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.                       |
| Indiana:     | IND. CODE §§ 24-5-0.5-1 through -12.                                   |
| Iowa:        | IOWA CODE § 714.16.  |
| Kansas:      | KAN. STAT. ANN. §§ 17-1759 through 17-1776.                            |
| Kentucky:    | KY. REV. STAT. ANN. §§ 367.110 through 367.300.                        |
| Rentaeky.    |  |
| Louisiana:   | LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through       |

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| Maine:          | ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.  |  |
|-----------------|--|--|
| Maryland:       | MD. CODE ANN., BUS. REG. §§ 6-101through 6-701 (2010).   |  |
| Massachusetts:  | MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 throu   |  |
|                 | 35; and ch. 93A §§ 1 through 11.   |  |
| Michigan:       | MICH. COMP. LAWS §§ 400.271 through 400.294.   |  |
| Minnesota:      | MINN. STAT. ch. 309.   |  |
| Mississippi:    | MISS. CODE ANN. §§ 79-11-501 through 79-11-529.  |  |
| Missouri:       | MO. REV. STAT. ch. 407.  |  |
| Montana:        | MONT. CODE ANN. § 30-14-103.   |  |
| Nebraska:       | NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through  |  |
|                 | 59-1622; and 87-301 through 87-306.  |  |
| Nevada:         | NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, a  |  |
|                 | 598.097.   |  |
| New             | N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:2  |  |
| Hampshire:      | and 641:8.   |  |
| New Jersey:     | N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1  |  |
|                 | through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:   |  |
|                 | 15.1.  |  |
| New Mexico:     | N.M. STAT. §§ 57-12-1through 57-12-22; and §§ 57-22-1through   |  |
|                 | 22-11 (1978).  |  |
| New York:       | N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. B  |  |
|                 | LAW § 349.   |  |
| North Carolina: | N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.  |  |
| North Dakota:   | N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01   |  |
|                 | through 51-15-11.  |  |
| Ohio:           | Ohio Rev. Code Ann. § 1716.  |  |
| Oklahoma:       | OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.  |  |
| Oregon:         | OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.  |  |
| Pennsylvania:   | 10 PA. STAT. ANN. §§ 162.1 through .14 (1990).   |  |
| Rhode Island:   | R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.  |  |
| South Carolina: | S.C. CODE ANN. §§ 33-56-10 through 33-56-200.  |  |
| South Dakota:   | S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1   |  |
| South Dakola.   | through 21-34-14.  |  |
| Tonnossoo:      | Ŭ  |  |
| Tennessee:      | TENN. CODE ANN. §§ 48-101-501 through 48-101-522.           TEX. BUS. & COM. CODE ANDL. §§ 17.41 through 17.62 |  |
| Texas:          | TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.  |  |
| Utah:           | UTAH CODE ANN. §§ 13-11-1 through 13-11-23; 13-22-1 through  |  |
| <b>X</b> 7 /    | 22-23; and 13-26-1 through 13-26-11.   |  |
| Vermont:        | VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through   |  |
| <del></del>     | 2479.  |  |
| Virginia:       | VA. CODE ANN. §§ 57-48 through 57-69.  |  |
| Washington:     | WASH. REV. CODE §§ 19.86; and §19.09.  |  |
| West Virginia:  | W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101through 46a-6-110.  |  |

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#### Wisconsin: WIS. STAT. §§ 202.11-202.18. Wyoming: WYO. STAT. ANN. §§ 40-12-101 through 114. 2 3 VI. **COOPERATION** 4 IT IS FURTHER ORDERED that CCFOA and Perkins must cooperate fully with 5 Plaintiffs' representatives in this case and in any investigation related to or associated 6 with the transactions or the occurrences that are the subject of the Complaint. CCFOA 7 and Perkins must provide truthful and complete information, evidence, and testimony. 8 Perkins must appear, and CCFOA must cause its officers, employees, representatives, or 9 agents to appear for interviews, discovery, hearings, trials, and any other proceedings that 10 any Plaintiff's representative may reasonably request upon five days written notice, or 11 other reasonable notice, at such places and times as any Plaintiff's representative may 12 designate, without the service of a subpoena. 13 VII. **MONETARY JUDGMENT** 14 IT IS FURTHER ORDERED that judgment is hereby entered against Defendants 15 as follows: 16 Judgment in the amount of thirty million, seventy-nine thousand, eight A. 17 hundred twenty-one dollars (\$30,079,821) is entered in favor of Plaintiffs against 18 CCFOA and Perkins, jointly and severally, as equitable monetary relief; 19 B. Payments by CCFOA: 20 1. In partial satisfaction of this judgment, the CCFOA Receiver shall 21 take the necessary steps to wind down the affairs of CCFOA and liquidate its assets in the 22 manner set forth in the CCFOA Receivership Order, and deposit all net assets to the short 23 term court ordered trust fund (hereinafter "STCO Fund") described in Section VIII.E, 24 below: 25 2. Payments made by the CCFOA Receiver to the STCO Fund on 26 behalf of CCFOA shall be credited toward satisfaction of the judgment against CCFOA; 27 C. Payments by Perkins: 28 STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 10 of 21

1. The judgment shall be suspended as to Perkins, subject to
 2 Subsections VII.C.2 - 3, below. Plaintiffs' agreement to the suspension of the judgment
 3 owed by Perkins is expressly premised upon the truthfulness, accuracy, and completeness
 4 of Perkins' sworn financial statements and related documents submitted to Plaintiffs,
 5 namely, the Financial Statement of Individual, signed on March 16, 2015, including
 6 attachments;

2. 7 The suspension of the judgment will be lifted as to Perkins if, upon 8 motion by any Plaintiff, the Court finds that Perkins failed to disclose any material asset, 9 materially misstated the value of any asset, or made any other material misstatement or omission in the representations made in her Financial Statement, identified above. If the 10 suspension of the judgment is lifted pursuant to this provision, the judgment becomes 11 immediately due in the amount specified in Subsection VII.A above as to Perkins (which 12 the Parties stipulate for purposes only of this Section represents the consumer injury 13 alleged in the Complaint for which Perkins is jointly and severally liable with CCFOA), 14 less any payment previously made pursuant to this Section, plus interest computed from 15 the date of entry of this Order. 16

The suspension of the judgment will be lifted as to Perkins if, upon
 motion by any Plaintiff State, the Court finds that Perkins has violated any provision of
 Section II, above, and a judgment in the amount set forth in Subsection VII.A above, less
 any prior payments by Perkins or CCFOA, becomes immediately due as to Perkins. The
 judgment amount shall be payable to the moving Plaintiff State, which shall use any
 money collected pursuant to the requirements of Section VIII.E.2, below.

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STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 11 of 21

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### VIII. ADDITIONAL MONETARY PROVISIONS

IT IS FURTHER ORDERED that:

A. CCFOA and Perkins relinquish dominion and all legal and equitable right,
 title, and interest in all assets transferred pursuant to this Order and the CCFOA
 Receivership Order, and may not seek the return of any assets;

B. The facts alleged in the Complaint will be taken as true, without further
 proof, in any subsequent civil litigation by or on behalf of the Plaintiffs or the CCFOA
 Receiver, including in a proceeding to enforce their rights to any payment or monetary
 judgment pursuant to this Order, such as a nondischargeability complaint in any
 bankruptcy case;

C. The facts alleged in the Complaint establish all elements necessary to
 sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,
 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such
 purposes;

D. CCFOA and Perkins acknowledge that their Taxpayer Identification
 Numbers, Social Security Numbers and/or Employer Identification Numbers, which
 Defendants previously submitted to Plaintiffs, may be used for collecting and reporting
 on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701;
 E. Payment to the Plaintiff States:

All money paid to the Plaintiff States pursuant to this Order shall be
 made by wire transfer to the Litigation Deposits Trust Fund (Fund Code "T-xx-909N"),
 an interest bearing trust fund held by the Hawaii Attorney General's Office in trust for
 the Plaintiff States ("the short-term court ordered trust fund" or "STCO Fund");

The STCO Fund shall be used to pay: (a) pursuant to cy pres,
 qualifying charitable organizations with charitable purposes substantially similar to the
 purposes for which CCFOA solicited funds, and (b) the Plaintiff States to reimburse costs
 of the investigation and to pay attorneys' fees. When payment(s) from the STCO Fund
 are appropriate, the Plaintiff States shall submit to this Court a Motion and Proposed

Order recommending cy pres recipients and the amounts to be paid to such recipients and/or the amounts to be paid to reimburse the Plaintiff States for their costs and attorneys' fees. The Hawaii Attorney General shall distribute monies from the STCO Fund only as authorized and directed by this Court. CCFOA and Perkins have no right to challenge any recommendations regarding monetary distributions made by the Plaintiff 6 States.

#### IX. **ORDER ACKNOWLEDGMENTS**

IT IS FURTHER ORDERED that Perkins provide acknowledgment of receipt of this Order:

A. Perkins, within seven days of entry of this Order, must submit to Plaintiff Federal Trade Commission an acknowledgment of receipt of this Order sworn under penalty of perjury;

Β. For five years after entry of this Order, Perkins, for any business that she, 14 individually or collectively with any other Defendant named in this matter, is the majority 15 owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all 16 principals, officers, directors, and LLC managers and members; (2) all employees, 17 agents, and representatives who participate in conduct related to the subject matter of this 18 Order; and (3) any business entity resulting from any change in structure as set forth in 19 Section X below. Delivery must occur within seven days of entry of this Order for 20 current personnel. For all others, delivery must occur before they assume their 21 responsibilities; and

C. From each individual or entity to which Perkins delivered a copy of this Order, Perkins must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

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#### X. **COMPLIANCE REPORTING**

IT IS FURTHER ORDERED that Perkins make timely submissions to Plaintiff 27 Federal Trade Commission. 28

> STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 13 of 21

1 A. One year after entry of this Order, Perkins must submit a compliance 2 report, sworn under penalty of perjury. Perkins must: 3 1. identify all her telephone numbers and all physical, postal, email and 4 Internet addresses, including all residences; identify all her business activities, including any business for which 5 2. 6 she performs services whether as an employee or otherwise and any entity in which she 7 has any ownership interest; 8 3. describe in detail her involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership; 9 4 identify all such businesses by all of their names, telephone 10 numbers, and physical, postal, email, and Internet addresses; 11 5. describe the activities of each business, including the goods and 12 services offered, the means of advertising, marketing, sales, methods of payment, and the 13 involvement of any other Defendant named in this matter (which Perkins must describe if 14 she knows or should know due to her own involvement); 15 6. identify the primary physical, postal, and email address and 16 telephone number, as designated points of contact, which Plaintiffs or their 17 representatives may use to communicate with her; 18 7. for all her activities with any nonprofit organization that Perkins 19 undertakes in connection with Section II.D of this Order: 20 identify all such nonprofit organizations by all of their names, a. 21 telephone number[s], and physical, postal, email, and Internet addresses; and 22 describe in detail her involvement in each such nonprofit b. 23 organization, including any title, role, responsibilities, participation, authority, and 24 control; 25 8. describe in detail whether and how Perkins is in compliance with 26 each Section of this Order; and 27 28 STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 14 of 21

9. provide a copy of each Order Acknowledgment obtained pursuant
 to this Order, unless previously submitted to Plaintiff Federal Trade Commission.

- B. For ten years after entry of this Order, Perkins must submit a compliance
   notice, sworn under penalty of perjury, within 14 days of any change in the following:
- Perkins must report any change in: (a) any designated point of
   contact; or (b) the structure of any entity that she has any ownership interest in or controls
   directly or indirectly that may affect compliance obligations arising under this Order,
   including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or
   affiliate that engages in any acts or practices subject to this Order.
- Perkins must report any change in: (a) name, including aliases or
   fictitious names, or residence address; or (b) title or role in any business activity,
   including any business for which she performs services, whether as an employee or
   otherwise, and any entity in which she has any ownership interest or controls, directly or
   indirectly, and identify the name, physical address, and any Internet address of the
   business or entity.
- 3. If Perkins is employed by any nonprofit organization in any capacity
   permitted by Section II.D of this Order or otherwise, she must report any change in title
   or role with that nonprofit organization.
- C. Perkins must submit notice of the filing of any bankruptcy petition,
   insolvency proceeding, or similar proceeding by or against her within 14 days of its
   filing.

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- D. Any submission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on [date] at [location]" and supplying the date, location, signatory's full name, title (if applicable), and signature.
  - STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 15 of 21

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| 1        | E. Unless otherwise directed by a Commission representative in writing, all                  |   |
| 2        | submissions to Plaintiff Federal Trade Commission pursuant to this Order must be             |   |
| 3        | emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:    |   |
| 4        | Associate Director for Enforcement,  |   |
| 5        | Bureau of Consumer Protection,   |   |
| 6        | Federal Trade Commission,<br>600 Pennsylvania Avenue NW,                                     |   |
| 7        | Washington, DC 20580   |   |
| 8        | The subject line of each submission must begin: FTC v. Cancer Fund of America, et al.        |   |
| 9        | XI. RECORDKEEPING  |   |
| 10<br>11 | IT IS FURTHER ORDERED that Perkins must create certain records for ten years                 |   |
| 12       | after entry of this Order, and retain each such record for five years. Specifically, for any |   |
| 13       | business that she, individually or collectively with any other Defendant named in this       |   |
| 14       | matter, is a majority owner or controls directly or indirectly, she must create and retain   |   |
| 15       | the following records:   |   |
| 16       | A. Accounting records showing revenues from all goods or services sold or                    |   |
| 17       | billed;  |   |
| 18       | B. Personnel records showing, for each person providing services, whether as                 |   |
| 19       | an employee or otherwise, that person's name; address; telephone number; job title or        |   |
| 20       | position; dates of service; and reason for termination (if applicable);                      |   |
| 21       | C. Records of all consumer complaints, whether received directly or indirectly,              | , |
| 22       | such as through a third party, and any response;   |   |
| 23       | D. All records necessary to demonstrate full compliance with each provision                  |   |
| 24       | of this Order, including all submissions to Plaintiff Federal Trade Commission; and          |   |
| 25       | E. A copy of each unique advertisement or other marketing material.                          |   |
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|          | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 16 of 21                 |   |
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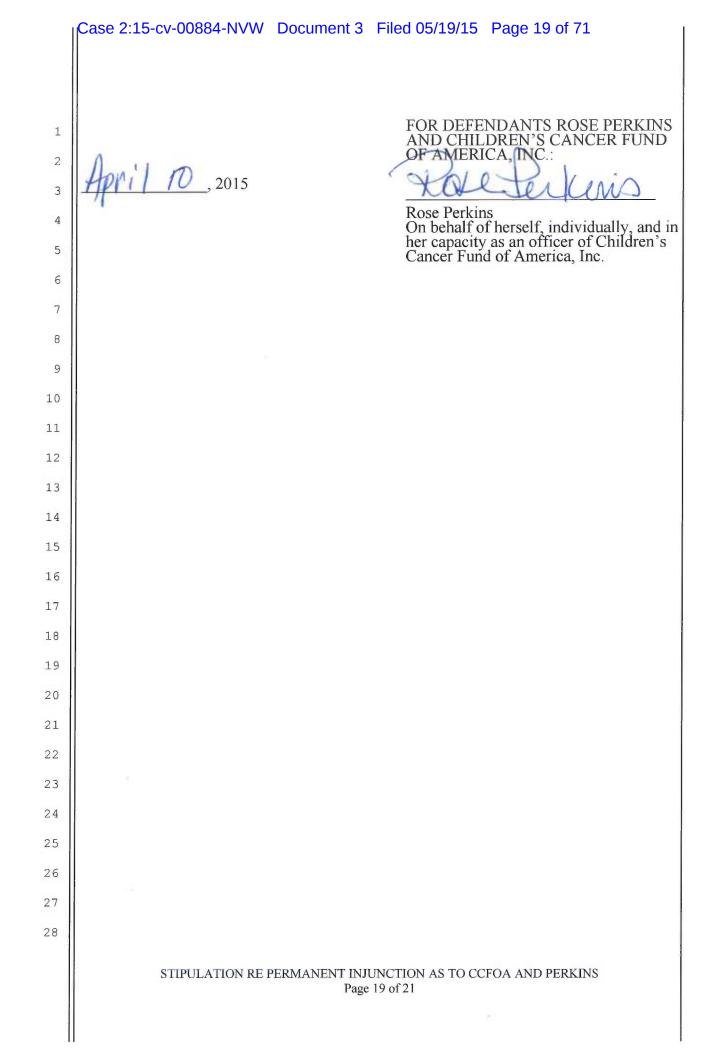
| 1  | XII. COMPLIANCE MONITORING   |
|----|--|
| 2  | IT IS FURTHER ORDERED that, for purposes of monitoring Perkins'                                |
| 3  | compliance with this Order, including the accuracy of the financial representations upon       |
| 4  | which the judgment was suspended:  |
| 5  | A. Within 14 days of receipt of a written request from a representative of any                 |
| 6  | Plaintiff, Perkins must submit additional compliance reports or other requested                |
| 7  | information, which must be sworn under penalty of perjury; appear for depositions; and         |
| 8  | produce documents for inspection and copying. Plaintiffs are also authorized to obtain         |
| 9  | discovery, without further leave of court, using any of the procedures prescribed by           |
| 10 | Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34,        |
| 11 | 36, 45, and 69.  |
| 12 | B. For matters concerning this Order, Plaintiffs are authorized to communicate                 |
| 13 | directly with Perkins. Perkins must permit representatives of any Plaintiff to interview       |
| 14 | any employee or other person affiliated with her who has agreed to such an interview.          |
| 15 | The person interviewed may have counsel present.   |
| 16 | C. Plaintiffs may use all other lawful means, including posing, through its                    |
| 17 | representatives, as consumers, suppliers, or other individuals or entities, to Perkins or any  |
| 18 | individual or entity affiliated with her, without the necessity of identification or prior     |
| 19 | notice. Nothing in this Order limits Plaintiff Federal Trade Commission's lawful use of        |
| 20 | compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-        |
| 21 | 1, or the Plaintiff States' lawful use of relevant state laws governing pre-suit investigation |
| 22 | and discovery.   |
| 23 | D. Upon written request from a representative of the Commission or any                         |

D. Upon written request from a representative of the Commission or any
 Plaintiff state, any consumer reporting agency must furnish a consumer report concerning
 Perkins pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C.
 §1681b(a)(1).

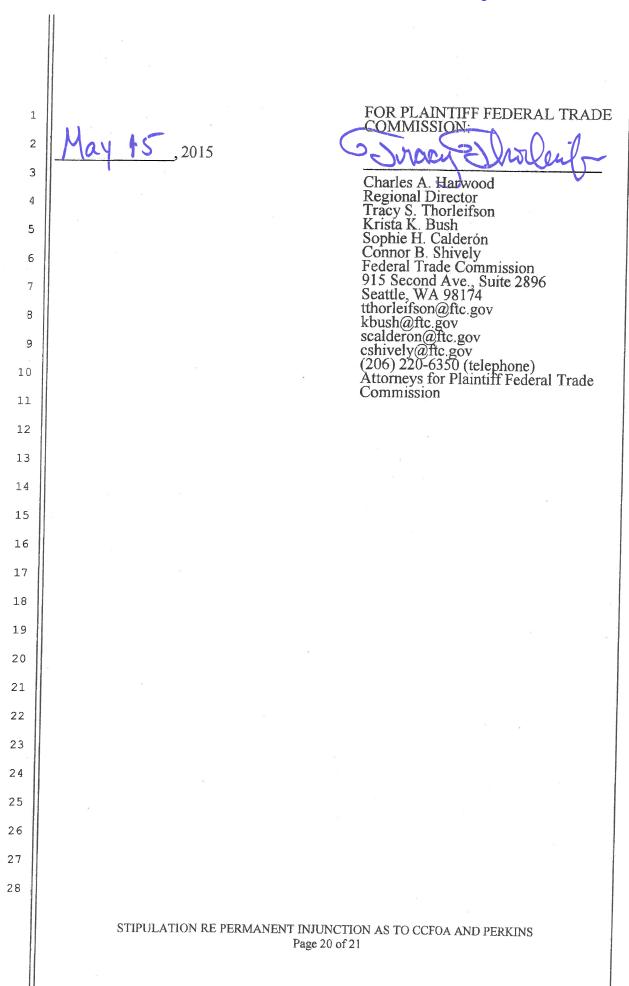
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| 1        | XIII. RETENTION OF JURISDICTION   |
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| 2        | IT IS FURTHER ORDERED that that this Court retains jurisdiction of this matter                          |
| 3        | for purposes of construction, modification, and enforcement of this Order.                              |
| 4        |   |
| 5        | XIV. STATE COURT ENFORCEMENT  |
| 6        | Without limiting the above provisions, CCFOA and Perkins agree that the                                 |
| 7        | provisions of Sections II, III, and V of this Order may be enforced by any Plaintiff State              |
| 8        | in a court of general jurisdiction in that Plaintiff's state if that Plaintiff state has reason to      |
| 9        | believe that persons in its state have been affected, and Defendants CCFOA and Perkins                  |
| 10       | consent to any such court's jurisdiction for purposes of enforcing the terms of Sections II,            |
| 11       | III, and V of this Order.   |
| 12       |   |
| 13       | SO STIPULATED AND AGREED:   |
| 14       |   |
| 15       | FOR DEFENDANTS ROSE PERKINS<br>AND CHILDREN'S CANCER FUND<br>OF AMERICA, INC.:                          |
| 16       | April 13, 2015 Eric S. Berman Igu   |
| 17       | Eric S. Berman  |
| 18       | Randal M. Shaheen<br>Venable LLP  |
| 19<br>20 | 575 7 <sup>th</sup> Street, NW<br>Washington, DC 20004<br>esberman@Venable.com                          |
| 20       | rmshaheen@Venable.com   |
| 22       | (202) 344-4000 (telephone)<br>Attorneys for Rose Perkins and<br>Children's Cancer Fund of America, Inc. |
| 23       |   |
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|          | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 18 of 21                            |



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| 1       | FOR THE STATE OF ALABAMA   |
| 2       | By:  |
| 3       | Kyle Beckman (AL Bar #ABS-6046-E63B)*<br>Assistant Attorney General            |
| 4       | Office of Attomay Consult Lyther Strenge                                       |
| 5       | Office of Attorney General Luther Strange<br>501 Washington Avenue             |
| 6       | PO Box 300152  |
|         | Montgomery, Alabama 36130  |
| 7       | kbeckman@ago.state.al.us   |
| 8       | Telephone: (334) 353-2619  |
| 9<br>10 | *Application for <i>pro hac vice</i> pending                                   |
| 10      | Attorney for Plaintiff State of Alabama  |
|         | Signed 05/12, 2015   |
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|         | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.1 of 21 |

| 1  |    |     |            |        | FOR THE STATE OF ALASKA  |
|----|----|-----|------------|--------|--|
| 2  |    |     |            |        | C. C. M  |
| 3  |    |     |            |        | By:<br>Cynthia Drinkwater, Alaska Bar No. 8808159*                                     |
| 4  |    |     |            |        | Assistant Attorney General   |
| 5  |    |     |            |        | Office of Attorney General Craig W. Richards   |
| 6  |    |     |            |        | Office of Attorney General Craig W. Richards<br>1031 W. 4 <sup>th</sup> Ave, Suite 200 |
| 7  |    |     |            |        | Anchorage, AK 99501<br>cynthia.drinkwater@alaska.gov                                   |
| 8  |    |     |            |        | Telephone: (907) 269-5200  |
| 9  | Ξ. |     |            |        | *Application for pro hac vice pending  |
| 10 |    |     |            |        | Attorney for Plaintiff State of Alaska   |
| 11 |    |     |            |        | Signed May 11, 2015  |
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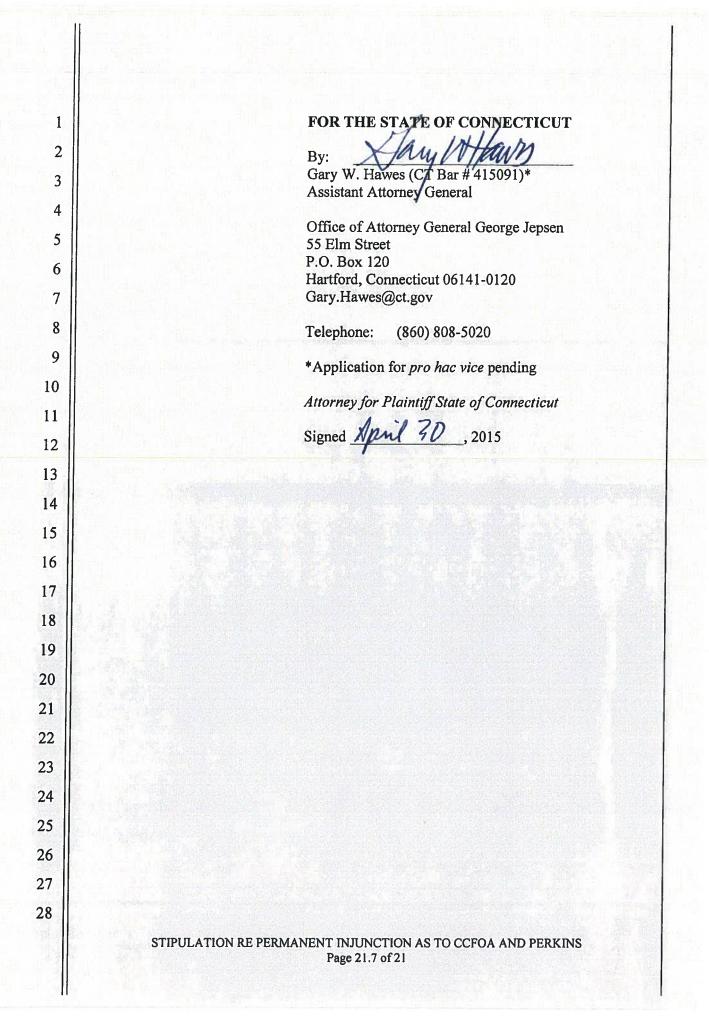
| 1  | FOR THE STATE OF ARIZONA   |
|----|--|
| 2  | By: Mancy & Any  |
| 3  | Nancy V. Anger AZ Bar # 6810)<br>Assistant Attorney General                    |
| 4  |  |
| 5  | Office of Attorney General Mark Brnovich<br>1275 West Washington               |
| 6  | Phoenix, Arizona 85007-2997  |
| 7  | nancy.anger@azag.gov   |
| 8  | Telephone: (602) 542-4686  |
| 9  |  |
| 10 | Attorney for Plaintiff State of Arizona  |
| 11 | Signed May 5, 2015   |
| 12 | Signed, 2015   |
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|    | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.3 of 21 |
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| 1        | FOR THE STATE OF ARKANSAS  |
|----------|--|
| 2        | By: The  |
| 3        | Kevin Wells (AR Bar # 2007213)*  |
| 4        | Assistant Attorney General   |
| 5        | Office of Attorney General Leslie Rutledge                                     |
| 6        | 323 Center Street, Suite 500<br>Little Rock, Arkansas 72201                    |
| 7        | kevin.wells@arkansasag.gov   |
| 8        | Telephone: (501) 682-8063  |
| 9<br>10  | *Application for <i>pro hac vice</i> pending                                   |
| 10       | Attorney for Plaintiff State of Arkansas                                       |
| 11       |  |
| 12       | Signed May 8, 2015   |
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| 28       | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.4 of 21 |

| 1           | FOR THE STATE OF CALIFORNIA   |
|-------------|---|
| 2           | By: Anin Bernd  |
| 3           | Sonja K. Berndt (CA Bar #131358)*                                     |
| 4           | Deputy Attorney General   |
| 5           | Office of Attorney General Kamala Harris                              |
| 6           | 300 S. Spring St.   |
| 7           | Suite #1702<br>Los Angeles, California ZIP                            |
| 8           | Sonja.berndt@doj.ca.gov   |
| 9           | Telephone: (213) 897-2179   |
| 10          | *Application for <i>pro hac vice</i> pending                          |
| 11          | Attorney for Plaintiff State of California                            |
| 12   <br>13 | Signed May 4, 2015  |
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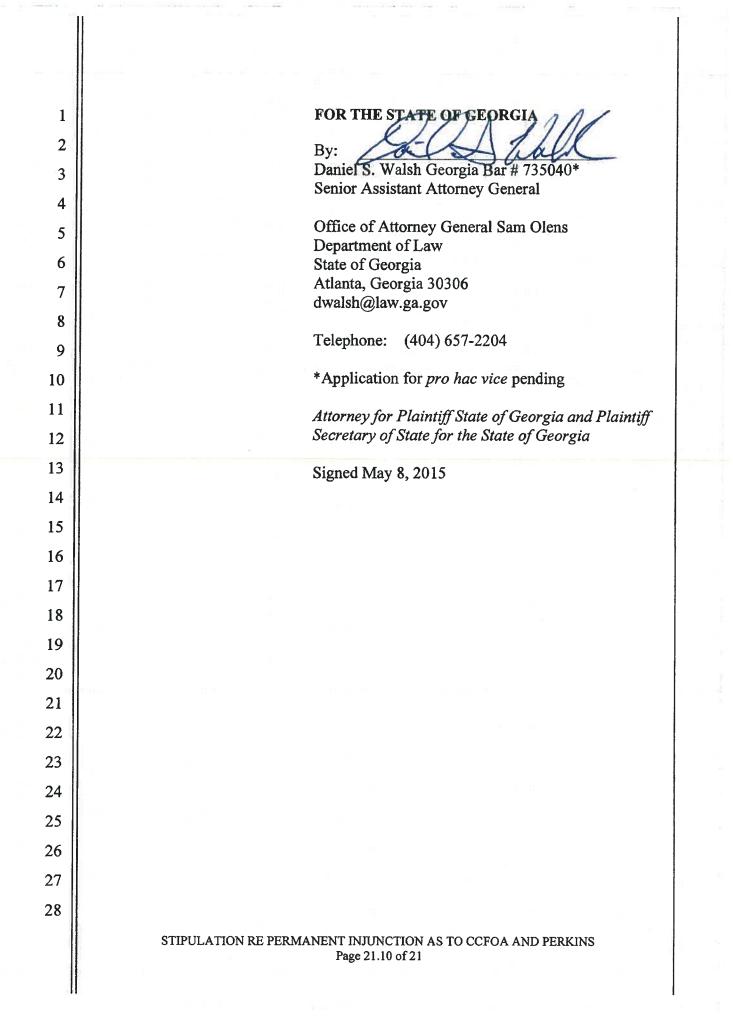
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| 1  |                     | FOR THE COLORADO SECRETARY OF STATE  |
| 2  |                     |  |
| 2  |                     | By: Juli Morull<br>LEANN MORRILL (CO Bar #38742)                             |
|    |                     | First Assistant Attorney General   |
| 4  |                     | Office of Attorney General Cynthia H. Coffman                                |
| 5  |                     | Public Officials Unit  |
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| 7  |                     | Telephone: (720) 508-6159  |
| 8  |                     |  |
| 9  |                     | Attorney for Plaintiff Colorado Secretary of State                           |
| 10 |                     | Signed, 2015   |
| 11 |                     |  |
| 12 |                     |  |
| 13 |                     | FOR THE STATE OF COLORADO  |
| 14 |                     | By:  |
| 15 |                     | ALISSA GARDENSWARTZ (CO Bar# 36126)  |
|    |                     | First Assistant Attorney General   |
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| 19 |                     | Email: alissa.gardenswartz@state.co.us                                       |
|    |                     | Telephone: (720) 508-6204  |
| 20 |                     | *Application for <i>pro hac vice</i> pending                                 |
| 21 |                     |  |
| 22 |                     | Attorney for Plaintiff Colorado Attorney General                             |
| 23 |                     | Signed <u>Mury</u> 6, 2015   |
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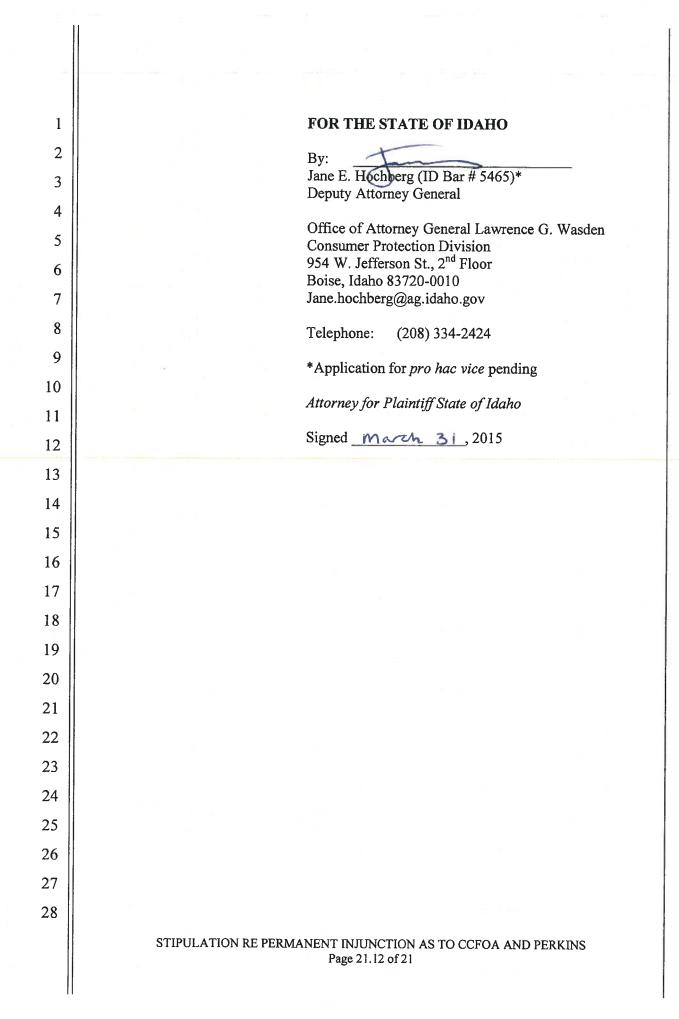


| 1  | FOR THE STATE OF DELAWARE  |
|----|--|
| 2  | By: Mth  |
| 3  | Gregory C. Strong (DE Bar # 4664)*   |
| 4  | Gillian L. Andrews (DE Bar # 5719)<br>Deputy Attorneys General                 |
| 5  | Delaware Department of Justice   |
| 6  | Delaware Department of Justice<br>820 N. French Street, 5 <sup>th</sup> Floor  |
| 7  | Wilmington, Delaware 19801<br>gregory.strong@state.de.us                       |
|    |  |
| 8  | Telephone: (302) 577-8405  |
| 9  | *Application for <i>pro hac vice</i> pending                                   |
| 10 | Attorneys for Plaintiff State of Delaware                                      |
| 11 | Signed April 10, 2015  |
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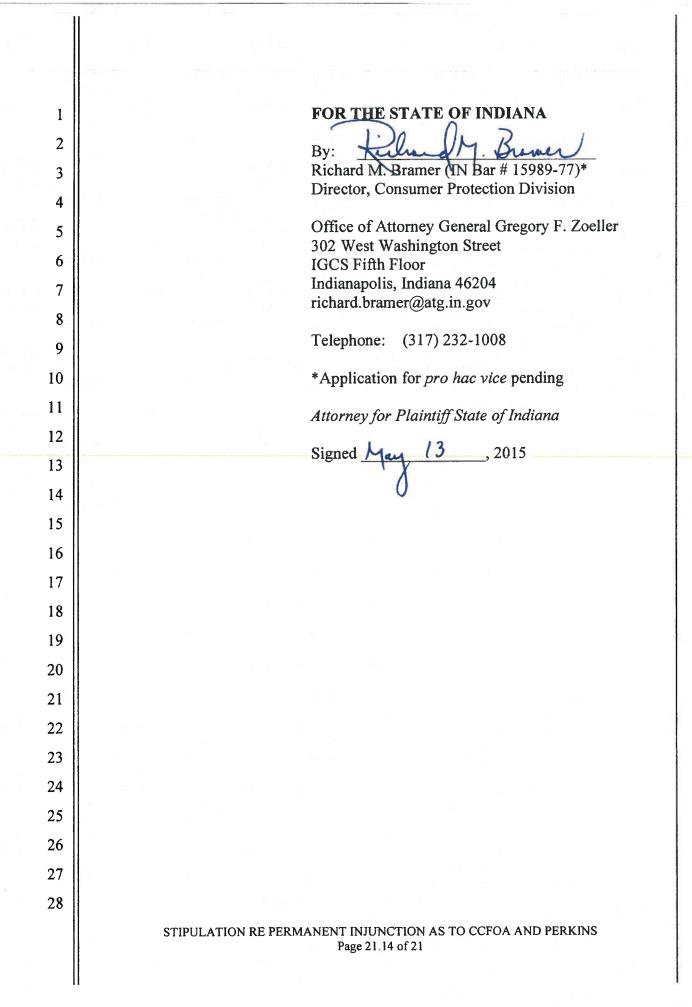
| FOR THE STATE OF FLORIDA<br>By:<br>Rebecca H. Sirkle (PL Bar#0042312)*<br>Assistant Attorney General |
|--|
| Office of Attorney General Pam Bondi   |
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| Orlando, Florida 32801<br>Rebecca.Sirkle@myfloridalegal.com  |
| Telephone: (407) 316-4840  |
| *Application for <i>pro hac vice</i> pending   |
| Attorney for Plaintiff State of Florida  |
| Signed <u>April 9<sup>th</sup></u> , 2015  |
| Signed <b>71011</b> , 2015   |
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| 1        | FOR THE STATE OF HAWAII   |
|----------|---|
| 2        | By: Ordi Z.K.Zi   |
| 3        | Jodi L.K. Yi HI Bar #6625<br>Deputy Attorney General                            |
| 4        | Office of Attorney General Douglas S. Chin                                      |
| 5        | Department of the Attorney General, Hawaii<br>425 Queen Street                  |
| 6        | Honolulu, Hawaii 96813  |
| 7        | Jodi.K.Yi@Hawaii.gov  |
| 8        | Telephone: (808) 586-1479   |
| 9        | *Application for <i>pro hac vice</i> pending                                    |
| 10       | Attorney for Plaintiff State of Hawaii  |
| 11       | Signed March 30, 2015   |
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|          | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.11 of 21 |



1 FOR THE PEOPLE OF THE STATE OF ILLINOIS 2 By: 3 Barry oldberg Assistant Attorney General (IL Bar # 6269821)\* 4 Assistant Bureau Chief Charitable Trust Bureau 5 Office of Illinois Attorney General Lisa Madigan 100 West Randolph Street, 11th Floor 6 Chicago, Illinois 60601 7 bgoldberg a atg.state.il.us Telephone Charitable Trust Bureau: (312) 814-2595 8 Therese Harris, Bureau Chief 9 Charitable Trust Bureau 10 Office of Illinois Attorney General Lisa Madigan 100 West Randolph Street, 11th Floor 11 Chicago, Illinois 60601 tharris@atg.state.il.us 12 Telephone Charitable Trust Bureau: (312) 814-2595 13 \*Application for pro hac vice pending 14 Attorney for Plaintiff State of Illinois 15 Signed April 2, 2015 16 17 18 19 20 21 22 23 24 25 26 27 28 STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 21.13 of 21



| 1        | FOR THE STATE OF IOWA   |   |
|----------|---|---|
| 2        | By: DOCT.   |   |
| 3        | Steve St. Clair AT0007441*<br>Assistant Attorney General                        |   |
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| 8        | Telephone: (515) 281-3731   |   |
| 9        | *Application for <i>pro hac vice</i> pending                                    |   |
| 10<br>11 | Attorney for Plaintiff State of Iowa  |   |
| 11       | Signed May 13, 2015   |   |
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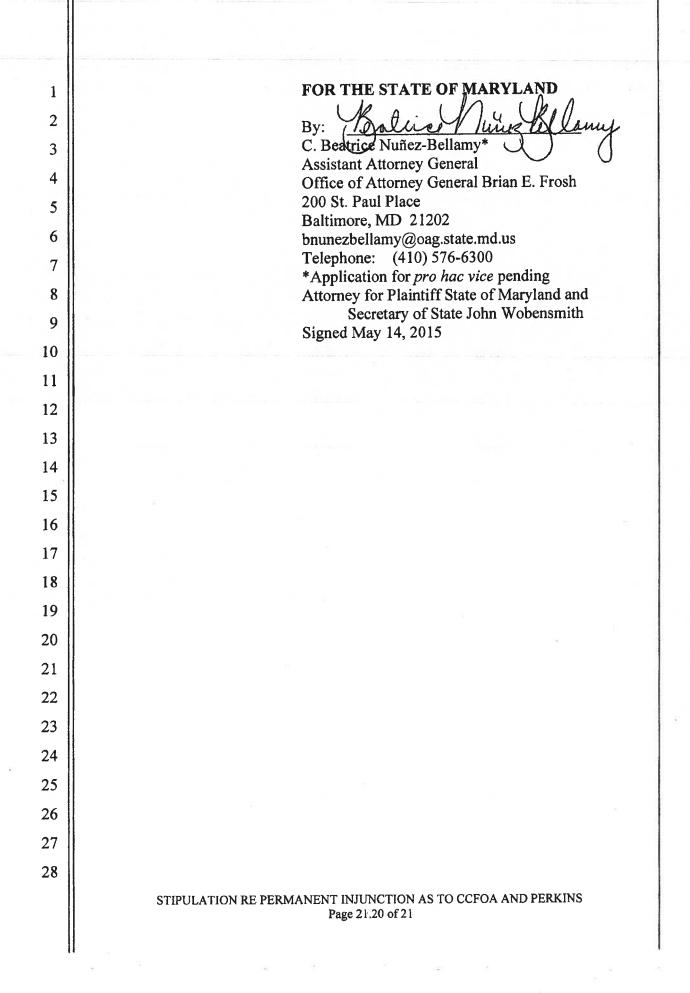
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| 1  | FOR THE STATE OF KANSAS   |
|----|---|
| 2  | By: Synette R Bakkers   |
| 3  |   |
| 4  |   |
| 5  | Office of Attorney General Derek Schmidt<br>120 S.W. 10th Avenue, 2nd Floor     |
| 6  | Topeka, KS 66612-1597   |
| 7  | lynette.bakker@ag.ks.gov  |
| 8  | Telephone: (785) 368-8451   |
| 9  | *Application for pro hac vice pending   |
| 10 | Attorney for Plaintiff State of Kansas  |
| 11 | Signed April 08, 2015   |
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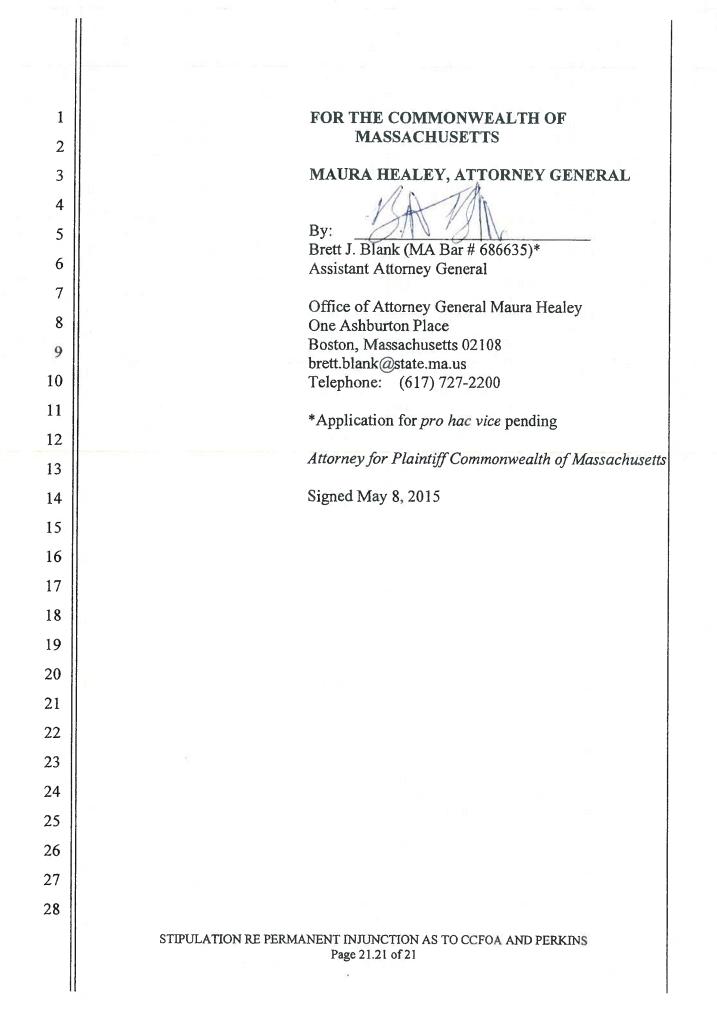
| FOR THE COMMONWEALTH OF KENTUCKY  |
|---|
| By: Jah Work topp   |
| Leah Čooper Boggs (K <sup>*</sup> Y Bar #834741)*<br>Assistant Attorney General |
|   |
| Office of Attorney General Jack Conway<br>1024 Capital Center Drive             |
| Suite 200   |
| Frankfort, KY 40601<br>Leah.boggs@ky.gov  |
| Telephone: (502) 696-5389   |
|   |
| *Application for <i>pro hac vice</i> pending                                    |
| Attorney for Plaintiff State of Kentucky  |
| Signed <u>May</u> <b>7</b> , 2015   |
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| Page 21.17 of 21  |
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| FOR THE STATE OF LOUISIANA  |
|---|
| By: Cathurn G. Bits   |
| Califyn E. Gits (LA Bar #35144)*  |
| Assistant Attorney General  |
| Office of Attorney General James D. "Buddy"<br>Caldwell                         |
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| Baton Rouge, Louisiana 70802<br>gitsc@ag.state.la.us                            |
|   |
| Telephone: (225) 326-6400   |
| *Application for pro hac vice pending   |
| Attorney for Plaintiff State of Louisiana                                       |
| Signed May 7, 2015  |
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FOR THE STATE OF MAINE Allen By: Carolyn A. Silsby, ME Bar # 3030\* Assistant Attorney General Office of Attorney General Janet T. Mills 6 State House Station Augusta, Maine 04333-0006 Carolyn.silsby@maine.gov Telephone: (207) 626-8829 \*Application for pro hac vice pending Attorney for Plaintiff State of Maine Signed March 31, 2015 STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 21.19 of 21

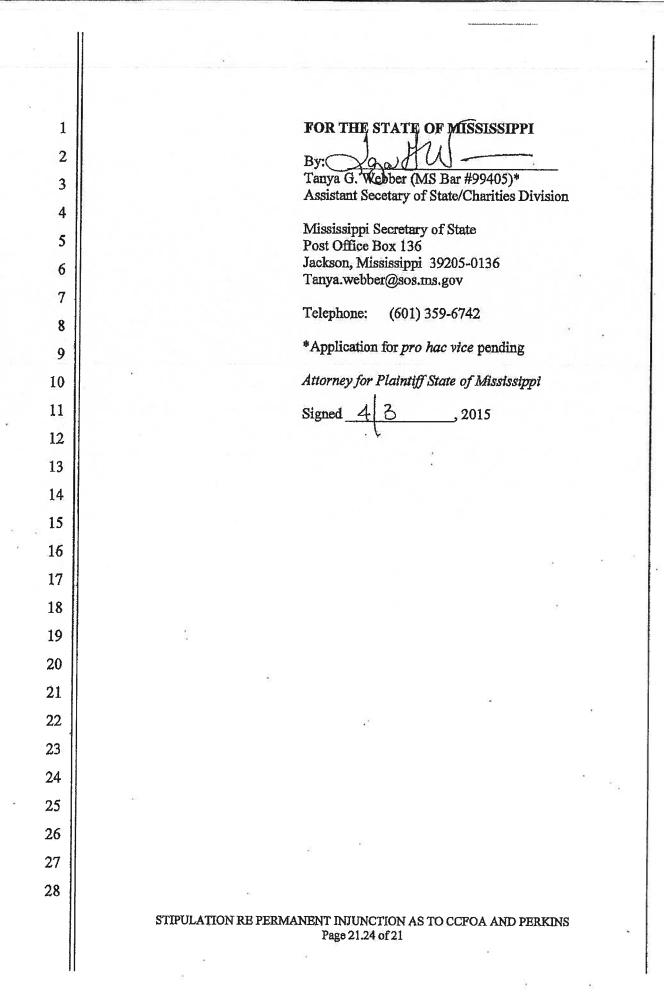


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| 1  | FOR THE STATE OF MICHIGAN   |
|----|---|
| 2  | By: Will Confiel  |
| 3  | William R. Bloomfield (MI Bar #68515)*  |
| 4  | Assistant Attorney General  |
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| 6  | Corporate Oversight Division<br>P.O. Box 30755                                  |
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| 8  | bloomfieldw@michigan.gov  |
| 9  | Telephone: (517) 373-1160   |
| 10 | *Application for pro hac vice pending   |
| 11 | Attorney for Plaintiff State of Michigan  |
| 12 | Signed <u>May</u> 4, 2015   |
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|    | FOR THE STATE OF MINNESOTA   |
| 2  | By: Bright human   |
| 3  | Elizabeth Kremenak (MN Bar # 0390461)*<br>Assistant Attorney General |
|    | Office of Attorney General Lori Swanson                              |
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| 6  | St. Paul, MN 55101-2130<br>elizabeth.kremenak@ag.state.mn.us         |
| 7  | Telephone: (651) 757-1423  |
| 8  |  |
| >  | *Application for <i>pro hac vice</i> pending                         |
| 0  | Attorney for Plaintiff State of Minnesota                            |
| 1  | Signed 31, 2015  |
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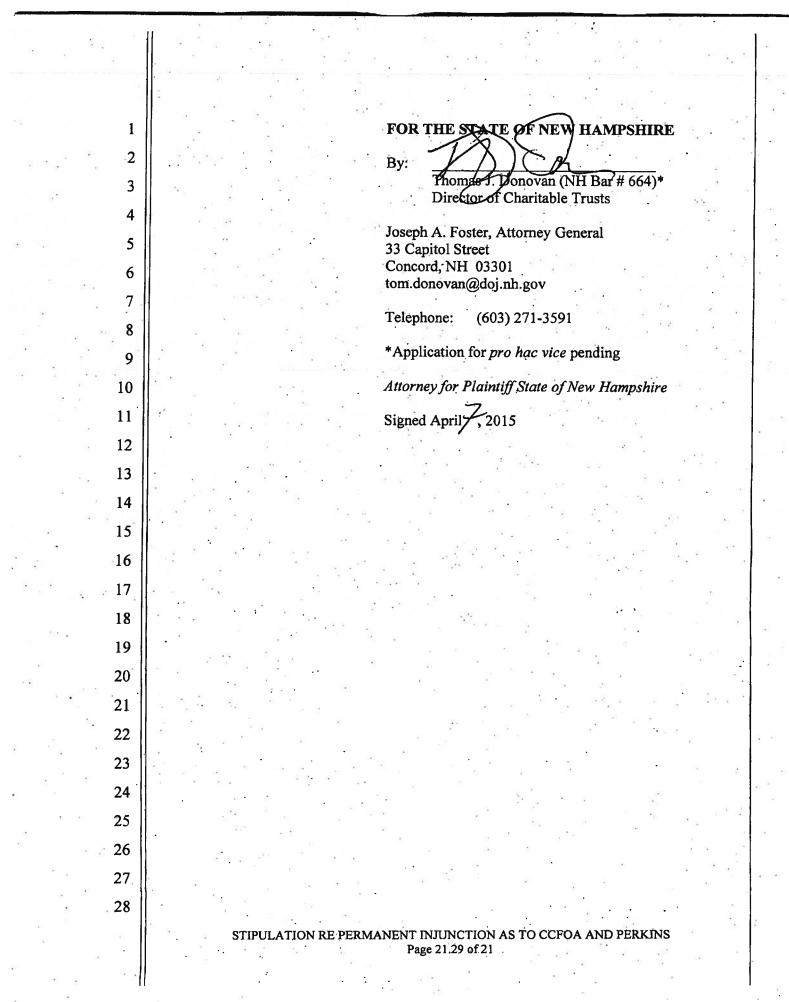
| 1  | FOR THE STATE OF MISSOURI   |
|----|---|
| 2  | CHRIS KOSTER  |
| 3  | Attorney General  |
| 4  | 1/2 Car   |
| 5  | ROBERT E. CARLSON, # 54602  |
| 6  | Assistant Attorney General  |
| 7  | P.O. Box 861  |
| 8  | St. Louis, MO 63188<br>(314) 340-6816   |
| 9  | Fax: (314) 340-7957   |
| 10 | bob.carlson@ago.mo.gov  |
| 11 | *Application for pro hac vice pending   |
| 12 | Attorney for Plaintiff State of Missouri  |
| 13 | Signed <u>May 11</u> , 2015   |
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| 1    |   | FOR THE STATE OF MONTANA  |
| 2    | l i i i i i i i i i i i i i i i i i i i | By: <u>Kelley L. Hubbard</u> , MT Bar No. 9604*<br>Assistant Attorney General |
| 4    |   |   |
| 5    |   | Office of Attorney General Timothy C. Fox<br>555 Fuller Avenue                |
| 6    | ŀ                                       | P. O. Box 200151  |
| 1    |   | Helena, MT 59620-0151   |
| 7    |   | KHubbard@mt.gov   |
| 8    | ]                                       | Felephone: (406) 444-2026   |
| 9    | *                                       | Application for pro hac vice pending  |
| 0    |   | Attorney for Plaintiff State of Montana                                       |
| 1    |   |   |
| 2    | 2                                       | Signed <u>April 10</u> , 2015   |
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|      |   | Page 21.26 of 21  |

| 1  | FOR THE STATE OF NEBRASKA   |
|----|---|
| 2  | By: <u>Mil Mul</u><br>Daniel Russell (NE Bar # 25302)*                          |
| 3  |   |
| 4  | Assistant Attorney General  |
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| 8  | daniel.russell@nebraska.gov   |
| 9  | Telephone: (402) 471-1279   |
| 10 | *Application for pro hac vice pending   |
| 11 | Attorney for Plaintiff State of Nebraska  |
| 12 | Signed <u>May</u> 6, 2015   |
| 13 | Signed <u>ready</u> , 2013  |
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|    | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.27 of 21 |

| 1  | FOR THE STATE OF NEVADA   |
|----|---|
| 2  | By: Jo ann School   |
| 3  | JÓANN GIBBS   |
| 4  | NV Bar # 005324<br>Chief Multistate Counsel                                     |
| 5  |   |
| 6  | Office of Attorney General Adam Paul Laxalt<br>10791 W. Twain Avenue, Suite 100 |
| 7  | Las Vegas, Nevada 89135   |
| 8  | jgibbs@ag.nv.gov  |
| 9  | Telephone: (702) 486-3789   |
| 10 | *Application for pro hac vice pending   |
| 11 | Attorney for Plaintiff State of Nevada  |
| 12 | Signed Upril 30, 2015   |
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|    | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.28 of 21 |

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| 1  |                                       | FOR THE STATE OF NEW JERSEY                                       |
|----|---------------------------------------|---|
| 2  | 41                                    | JOHN J. HOFFMAN   |
| 3  |                                       | ACTING ATTORNEY GENERAL OF NEW JERSEY                             |
| 4  |                                       | C = C +   |
| 5  |                                       | By: _ Ci Alue   |
| 6  |                                       | Erin M. Greene (NJ Bar #014512010) *<br>Deputy Attorney General   |
| 7  |                                       |   |
| 8  |                                       | State of New Jersey   |
| 9  |                                       | Office of Attorney General<br>Department of Law and Public Safety |
| 10 | I                                     | Division of Law   |
| 11 |                                       | 24 Halsey Street - 5th Floor<br>P.O. Box 45029                    |
| 12 | 1                                     | Newark, New Jersey 07101  |
| 13 | e e e e e e e e e e e e e e e e e e e | erin.greene@dol.lps.state.nj.us                                   |
| 13 |                                       | felephone: (973) 648-4846   |
| 15 | *                                     | Application for pro hac vice pending                              |
| 16 | l .                                   | Attorney for Plaintiff State of New Jersey                        |
| 17 | S                                     | Signed May 1, 2015  |
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|    | STIPULATION RE PERMAN                 | IENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.30 of 21       |

| 1  | FOR THE STATE OF NEW MEXICO   |
|----|---|
| 2  | By:   |
| 3  | Elizabeth Korsmo (NM Bar # 8989)*   |
| 4  | Assistant Attorney General  |
| 5  | Office of Attorney General Hector Balderas                                      |
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| 8  | Telephone: (505) 827-6000   |
| 9  | *Application for pro hac vice pending   |
| 10 | Attorney for Plaintiff State of New Mexico                                      |
| 11 |   |
| 12 | Signed <u>S/15</u> , 2015   |
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|    | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.31 of 21 |
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| 1        | FOR THE STATE OF NEW YORK   |
|----------|---|
| 2        | ERIC T. SCHNEIDERMAN  |
| 3        | Attorney General of the State of New York                                       |
| 4        |   |
| 5        | By: Mark  |
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| 6        | Assistant Attorney General  |
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| 9        | Telephone: (212) 416-8401   |
|          | yael.fuchs@ag.ny.gov  |
| 10<br>11 | *Application for pro hac vice pending   |
| 12       | Attorney for Plaintiff State of New York  |
| 13       |   |
| 14       | Signed May 6, 2015  |
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|          | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.32 of 21 |

| 1  | FOR THE STATE OF NORTH CAROLINA   |
|----|---|
| 2  | By: Reer Mon  |
| 3  | Creecy Johnson (NC Bar #32619)*   |
| 4  | Special Deputy Attorney General   |
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|    | Raleigh, NC 27699   |
| 7  | ccjohnson@ncdoj.gov<br>Telephone: (919) 716-6000                                |
| 8  |   |
| 9  | *Application for pro hac vice pending   |
| 10 | Attorney for Plaintiff State of North Carolina                                  |
| 11 | Signed $\sqrt{a_V}$ , 2015  |
| 12 |   |
| 13 | By: Karena Chillips   |
| 14 | Lareena J. Phillips (NC Bar #36859)*  |
| 15 | Assistant Attorney General  |
| 16 | Counsel for North Carolina Secretary of State                                   |
| 17 | Elaine F. Marshall  |
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| 18 | lphillips@ncdoj.gov   |
| 19 | Telephone: (919) 716-6610   |
| 20 | *Application for pro hac vice pending   |
| 21 |   |
| 22 | Attorney for Plaintiff State of North Carolina                                  |
| 23 | Signed <u>May</u> 7, 2015   |
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|    | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.33 of 21 |

| 1 | FOR THE STATE OF NORTH DAKOTA   |
|---|---|
| 2 | By: MM Monper   |
| 3 | Michael C. Thompson (ND Bar #06550)*<br>Assistant Attorney General        |
|   | Office of Attorney General Wayne Stenehjen                                |
|   | Consumer Protection Division  |
|   | Gateway Professional Center<br>1050 E. Interstate Ave Ste 200             |
|   | Bismarck, ND 58503-5574   |
|   | mcthompson@nd.gov   |
|   | Telephone: (701) 328-5570   |
|   | *Application for pro hac vice pending                                     |
|   | Attorney for Plaintiff State of North Dakota                              |
|   | Signed April 8, 2015  |
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|   | LATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKIN<br>Page 21.34 of 21 |

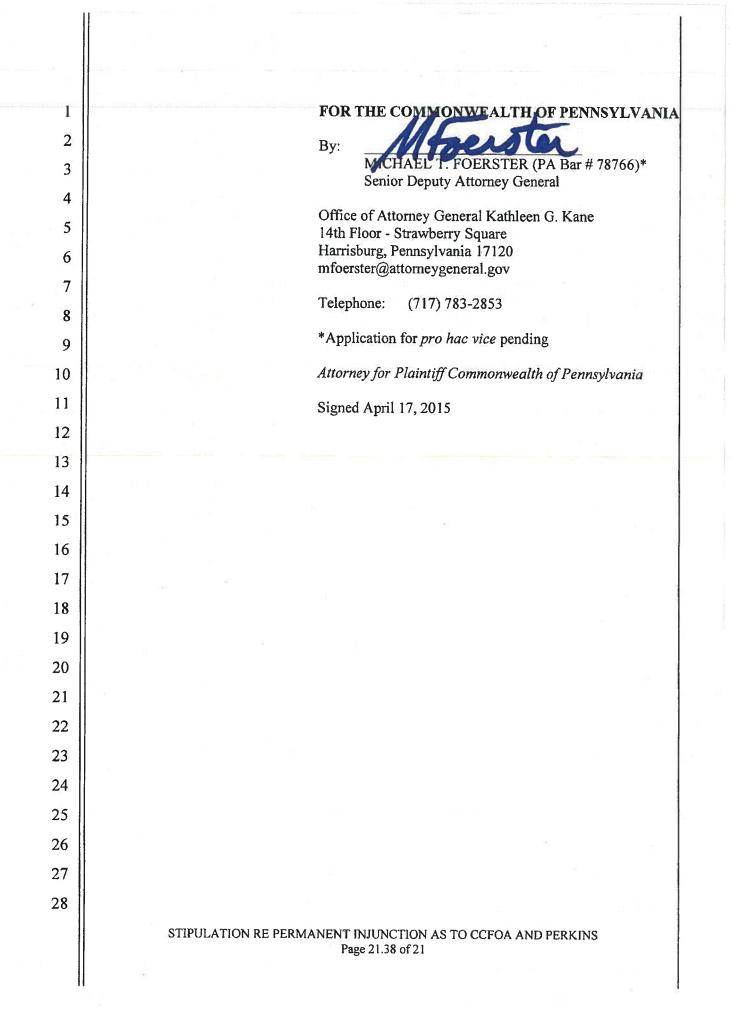
Case 2:15-cv-00884-NVW Document 3 Filed 05/19/15 Page 55 of 71

|             | FOR THE STATE OF OHIO                        |   |
|-------------|--|---|
|             |  |   |
|             | Yvonne Tertel (OH Bar # 0019033)*            |   |
|             | Principal Assitant Attorney General          |   |
|             |  | ne  |
|             | 150 E. Gay St., 23 <sup>rd</sup> floor       |   |
|             |  |   |
|             |  |   |
|             |  |   |
|             | *Application for <i>pro hac vice</i> pending |   |
|             | Attorney for Plaintiff State of Ohio         |   |
|             | Signed May 6, 2015                           |   |
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|             | Page 21.35 of 21                             |   |
|             | STIPULATION                                  | Columbus, Ohio 43215<br>yvonne.tertel@ohioattorneygeneral.gov<br>Telephone: (614) 466-3181<br>*Application for <i>pro hac vice</i> pending<br><i>Attorney for Plaintiff State of Ohio</i><br>Signed, 2015 |

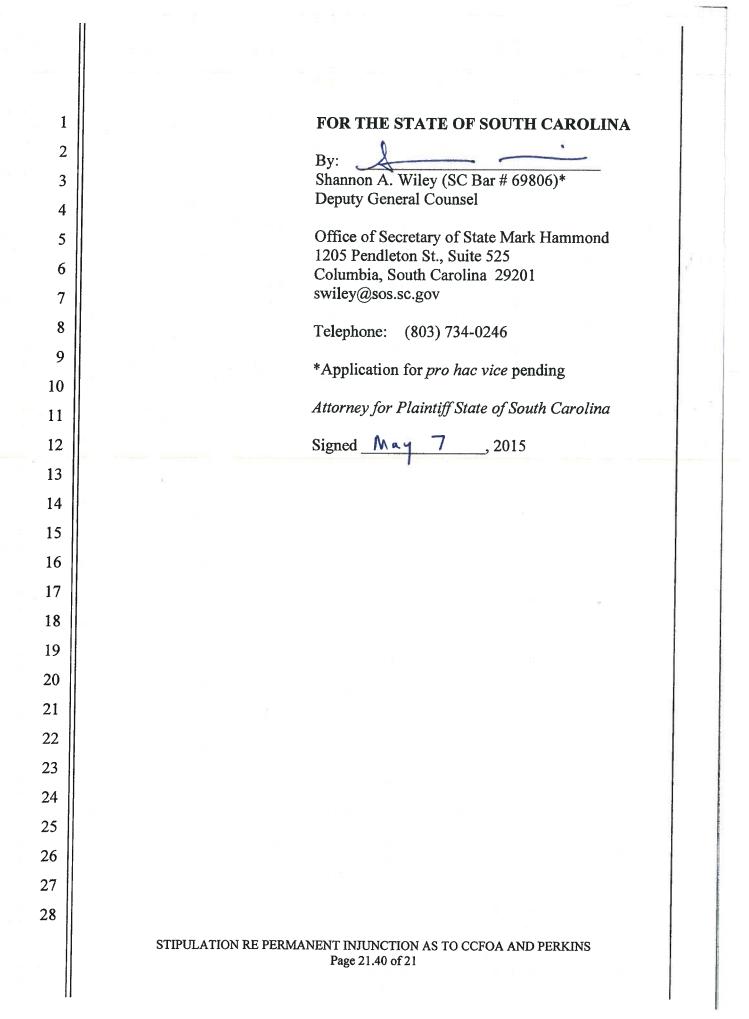
| 1  | FOR THE STATE OF OKLAHOMA   |   |
|----|---|---|
| 2  | E. SCOTT PRUITT   |   |
| 3  | OKLAHOMA ATTORNEY GENERAL   |   |
| 4  |   |   |
| 5  | Malina Mennow   |   |
| 6  | Malisa McPherson (OK Bar #32070)*<br>Assistant Attorney General                 |   |
| 7  | 313 N.E. 21 <sup>st</sup> Street<br>Oklahoma City, Oklahoma 73105               |   |
| 8  | Telephone: (405) 521-6926   |   |
| 9  | Facsimile: (405) 522-0085<br>Malisa.McPherson@oag.ok.gov                        |   |
| 10 |   |   |
| 11 | *Application for <i>pro hac vice</i> pending                                    |   |
| 12 | Attorney for Plaintiff State of Oklahoma  |   |
| 13 | Signed May 12, 2015   |   |
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|    | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.36 of 21 |   |

| 1      | FOR THE STATE OF OREGON   |
|--------|---|
| 2<br>3 | By: <u>Heather LVWeigler</u> , (OR Bar #035900)*                                |
| 4      | Assistant Attorney General  |
| 5      | Office of Attorney General Ellen F. Rosenblum<br>Oregon Department of Justice   |
| 6      | Oregon Department of Justice<br>1515 SW 5 <sup>th</sup> Ave., #410              |
| 7      | Portland, Oregon 97201<br>Heather.l.weigler@state.or.us                         |
| 8      | Telephone: (971) 673-1910   |
| 9      | *Application for <i>pro hac vice</i> pending                                    |
| 10     | Attorney for Plaintiff State of Oregon  |
| 11     |   |
| 12     | Signed May 5, 2015  |
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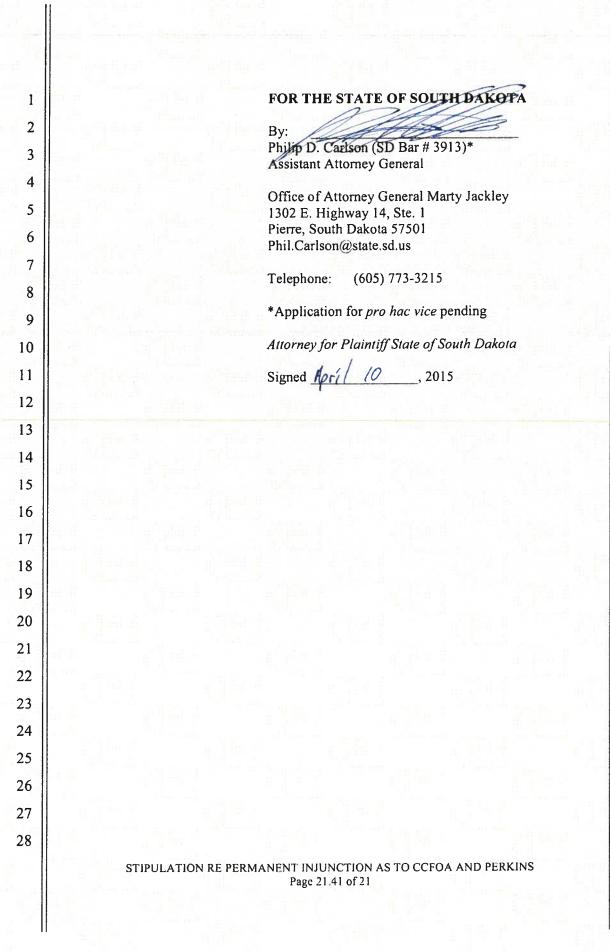
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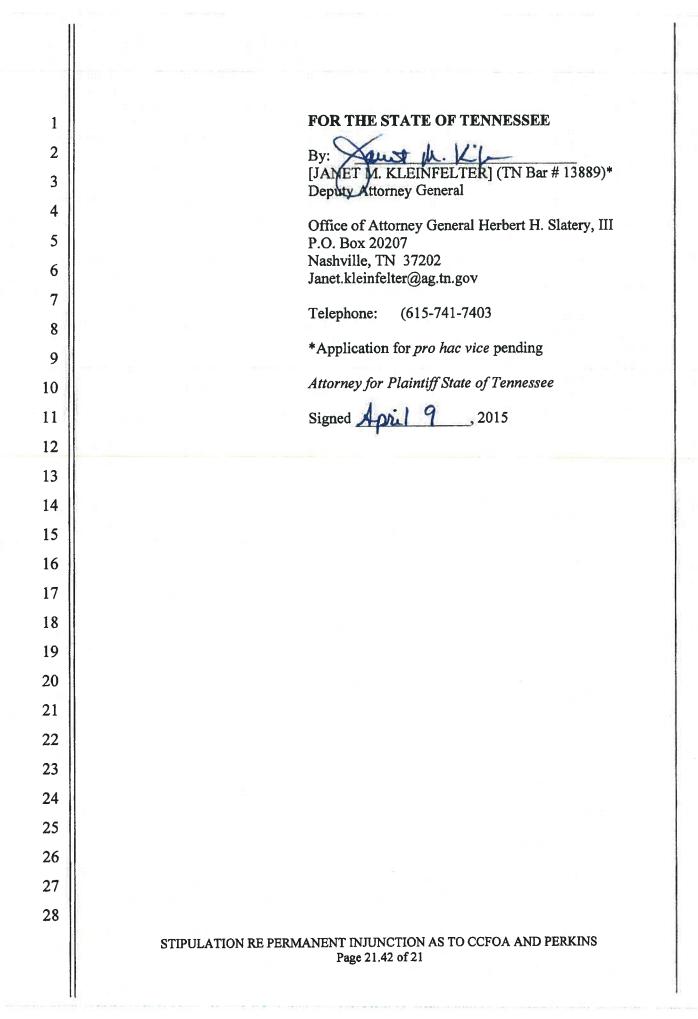


| 1  | FOR THE STATE OF RHODE ISLAND   |
|----|---|
| 2  | By: 22  |
| 3  | Genevieve M. Martin (RI Bar # 3918)*  |
| 4  | Assistant Attorney General  |
| 5  | Office of Attorney General Peter Kilmartin<br>150 South Main Street             |
| 6  | Providence, Rhode Island 02903  |
| 7  | gmartin@riag.ri.gov   |
| 8  | Telephone: (401) 274-4400   |
| 9  | *Application for <i>pro hac vice</i> pending                                    |
| 10 | Attorney for Plaintiff State of Rhode Island                                    |
| 11 | Signed <u>571</u> , 2015  |
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|    | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.39 of 21 |
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| 1  | FOR THE STATE OF TEXAS  |
|----|---|
| 2  | KEN PAXTON  |
| 3  | Attorney General of Texas   |
| 4  | CHARLES E. ROY  |
| 5  | First Assistant Attorney General of Texas                           |
| 6  | JAMES E. DAVIS  |
| 7  | Deputy Assistant Attorney General for Civil                         |
| 8  | Litigation  |
| 9  | TOMMY PRUD'HOMME  |
|    | Chief, Consumer Protection  |
| 10 | By: Jun Rosett  |
| 11 | JENNIFER M ROSCETTI (TX Bar No. 24066685)*                          |
| 12 | Assistant Attorney General  |
| 13 | COREY D. KINTZER (TX Bar No. 24046219)                              |
| 14 | Assistant Attorney General<br>Office of Attorney General Ken Paxton |
|    | 300 West 15 <sup>th</sup> Street                                    |
| 15 | Austin, Texas 78701   |
| 16 | Jennifer.Roscetti@texasattorneygeneral.gov                          |
| 17 | Telephone: 512-475-4673   |
| 18 | *Application for pro hac vice pending                               |
| 19 | reprioritor for provide vice pending                                |
| 20 | Attorney for Plaintiff State of Texas                               |
| 21 | Signed <u>May 7</u> , 2015  |
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|    | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS         |
|    | Page 21.43 of 21  |
|    |   |

#### FOR THE STATE OF UTAH

By: JEFFREY BUCKNER (UT Bar # 4546) UTAH ASSISTANT ATTORNEY GENERAL OFFICE OF ATTORNEY GENERAL SEAN REYES 160 EAST 300 SOUTH, 5<sup>TH</sup> FLOOR P.O. BOX 140872 SALT LAKE CITY, UTAH 84114-0872 jbuckner@utah.gov Telephone: (801) 366-0310 Application for *pro hac vice* pending

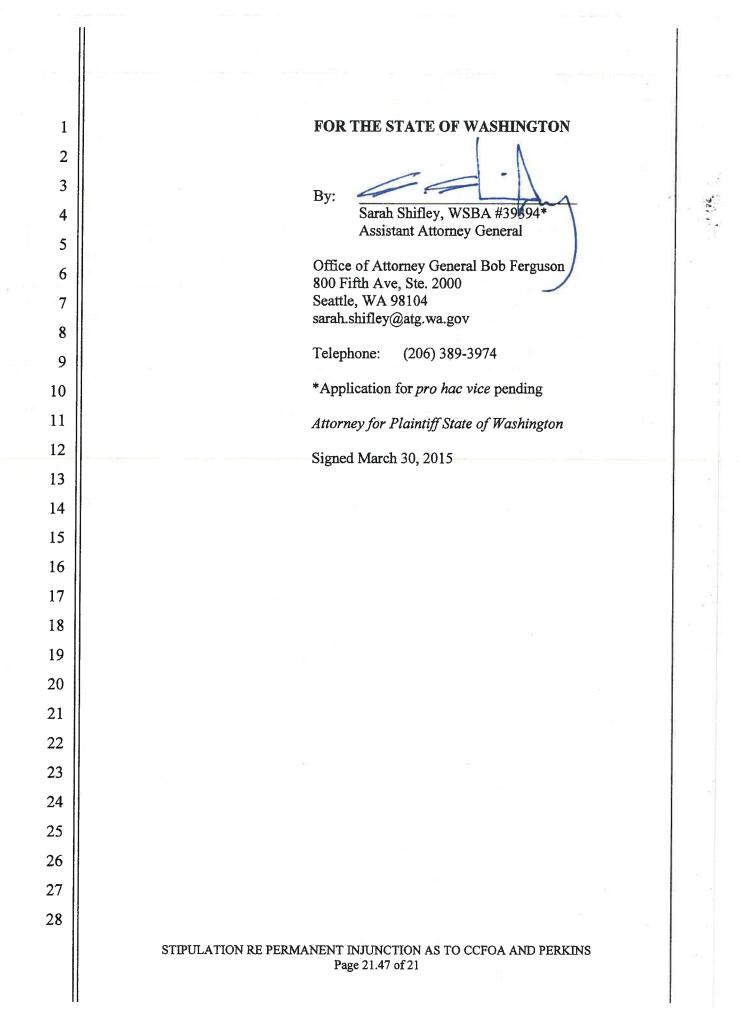
Attorney for Plaintiff State of Utah

Signed <u>April 22</u>, 2015

| 1        | FOR THE STATE OF VERMONT  |
|----------|---|
| 2        | WILLIAM H. SORRELL  |
| 3        | ATTORNEY GENERAL  |
| 4        | By: J. M. M.  |
| 5        | Todd W. Daloz (VP Bar #4734)*<br>Assistant Attorney General                     |
| 6        |   |
| 7        | Office of Attorney General<br>109 State St.                                     |
| 8        | Montpelier, Vermont 05609<br>Todd.Daloz@state.vt.us                             |
| 9        |   |
| 10       | Telephone: (802) 828-4605   |
| 11<br>12 | *Application for pro hac vice pending   |
| 12       | Attorney for Plaintiff State of Vermont   |
| 13       | Signed Mar 5th, 2015  |
| 14       | 5.g, 2015   |
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|          | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.45 of 21 |
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| 1  |   |             |           | FOR THE COMMONWEALTH OF VIRGINIA   |
|----|---|-------------|-----------|--|
| 2  |   |             |           | By: Richer Schweiher f.  |
| 3  |   |             |           | Richard S. Schweiker, Jr. (VA Bar # 34258)*<br>Senior Assistant Attorney General |
| 4  |   |             |           |  |
| 5  |   |             |           | Office of Attorney General Mark R. Herring<br>Consumer Protection Section        |
| 6  |   |             |           | 900 East Main Street   |
| 7  |   |             |           | Richmond, Virginia 23219<br>rschweiker@oag.state.va.us                           |
| 8  |   |             |           | Isonwerker@oag.state.va.us   |
| 9  |   |             |           | Telephone: (804) 786-5643  |
| 10 |   |             |           | *Application for pro hac vice pending  |
| 11 |   |             |           | Attorney for Plaintiff State of Virginia   |
| 12 |   |             |           | Signed Apr. 1 27, 2015   |
| 13 |   |             |           | Signed, 2015   |
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#### FOR THE STATE OF WEST VIRGINIA

By:

Michael M. Morrison (WV Bar # 9822)\* Assistant Attorney General

Office of Attorney General Patrick Morrisey 812 Quarrier Street, 1st Floor Charleston, West Virginia 25301 P.O. Box 1789 Charleston, West Virginia 25326 Matt.M.Morrison@wvago.gov

Telephone: (304) 558-8986

\*Application for pro hac vice pending

Signed May 74 \_\_\_\_\_, 2015

By:

Laurel K. Lackey (WV Bar # 10267)\* Assistant Attorney General Counsel for Secretary of State Natalie E. Tennant

Office of Attorney General Patrick Morrisey 269 Aikens Center Martinsburg, West Virginia 25404 Laurel.K.Lackey@wvago.gov

Telephone: (304) 267-0239

\*Application for pro hac vice pending

Attorneys for Plaintiff State of West Virginia

Signed <u>April 30</u>, 2015

STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS Page 21.48 of 21

| 1  | FOR THE STATE OF WISCONSIN  |
|----|---|
| 2  | BRAD D. SCHIMEL   |
| 3  | ATTORNEY GENERAL  |
| 4  |   |
| 5  | By: tramere Tulleria  |
| 6  | Francis X. Sullivan   |
| 7  | Assistant Attorney General<br>Wisconsin State Bar no. 1030932*                  |
| 8  |   |
|    | Wisconsin Department of Justice   |
| 9  | Post Office Box 7857  |
| 10 | Madison, Wisconsin 53707-7857   |
| 11 | (608) 267-2222<br>(608) 267-8906 (Fax)  |
| 12 | sullivanfx@doj.state.wi.us  |
| 13 | *Application for pro hac vice pending   |
| 14 |   |
| 15 | Attorney for Plaintiff State of Wisconsin                                       |
| 16 | Signed, 2015  |
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|    | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.49 of 21 |
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|----|---|
|    |   |
| 1  | FOR THE STATE OF WYOMING  |
| 2  | By: Inthe   |
| 3  | Clyde W. Hutchins, WY Bar # 6-3549<br>Senior Assistant Attorney General         |
| 4  |   |
| 5  | Office of Attorney General Peter K. Michael<br>123 State Capitol                |
| 6  | Cheyenne, Wyoming 82002<br>clyde.hutchins@wyo.gov                               |
| 7  | Telephone: (307) 777-7847   |
| 8  |   |
| 9  | *Application for <i>pro hac vice</i> pending                                    |
| 10 | Attorney for Plaintiff State of Wyoming   |
| 11 | Signed April 10, 2015   |
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|    | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS<br>Page 21.50 of 21 |
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| 1      | FOR THE DISTRICT OF COLUMBIA  |
|--------|---|
| 1      |   |
| 2<br>3 | KARL A. RACINE<br>Attorney General for the District of Columbia                   |
| 4      |   |
| 5      | By:<br>Brian R. Całdwell (DC Bar# 979680)*  |
| 6      | Assistant Attorney General<br>Office of the Attorney for the District of Columbia |
| 7      | 441 Fourth Street, N.W., Suite 650-S  |
| 8      | Washington, D.C. 20001<br>brian.caldwell@dc.gov                                   |
| 9      | Telephone: (202) 727-6211   |
| 10     | *Application for <i>pro hac vice</i> pending                                      |
| 11     |   |
| 12     | Attorney for the Plaintiff District of Columbia                                   |
| 13     | Signed <u>Apr. 1 10</u> , 2015  |
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|        | STIPULATION RE PERMANENT INJUNCTION AS TO CCFOA AND PERKINS                       |
|        | Page 21.51 of 21  |
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| 1<br>2<br>3<br>4<br>5<br>6<br>7  | IN THE UNITED STAT<br>FOR THE DISTR  | ES DISTRICT COURT<br>RICT OF ARIZONA   |
| 8<br>9<br>10<br>11<br>12<br>13<br>14<br>15   | Federal Trade Commission; all Fifty<br>States, and the District of Columbia;<br>Plaintiffs,<br>vs.<br>Cancer Fund of America, Inc., a Delaware<br>corporation, et al.;<br>Defendants.  | CASE NO.<br>STIPULATION RE ORDER FOR<br>PERMANENT INJUNCTION AND<br>MONETARY JUDGMENT AGAINST<br>KYLE EFFLER   |
| 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25<br>24<br>25<br>26<br>27<br>28 | Plaintiffs, the Federal Trade Commissi<br>of Alabama, Alaska, Arizona, Arkansas, Cali<br>Florida, Georgia, Hawaii, Idaho, Illinois, Indi<br>Maine, Maryland, Massachusetts, Michigan,<br>Nebraska, Nevada, New Hampshire, New Jer<br>Carolina, North Dakota, Ohio, Oklahoma, Or<br>Carolina, South Dakota, Tennessee, Texas, U<br>Virginia, Wisconsin, Wyoming, and the Distr<br>permanent injunction and other equitable relia<br>America, Inc., also d/b/a Breast Cancer Finan<br>Support Services, Inc. ("CSS"), Children's Ca<br>and The Breast Cancer Society, Inc., also d/b/a | ana, Iowa, Kansas, Kentucky, Louisiana,<br>Minnesota, Mississippi, Missouri, Montana,<br>sey, New Mexico, New York, North<br>egon, Pennsylvania, Rhode Island, South<br>tah, Vermont, Virginia, Washington, West<br>cict of Columbia have filed a complaint for a<br>ef against Defendants Cancer Fund of<br>acial Assistance Fund ("CFA"), Cancer<br>ancer Fund of America, Inc. ("CCFOA"), |

| 1 | ("BCS"), Kyle Ef   | fler, and other individuals, alleging that all named Defendants violated,   |  |
|---|--|---|--|
| 2 | among other statutes, the Federal Trade Commission Act, 15 U.S.C. § 45, the                  |   |  |
| 3 | Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"),             |   |  |
| : |  | 1-6108, and the Unfair and Deceptive Acts and Practices and Charitable  |  |
|   |  | -   |  |
|   |  | of the Plaintiff States. Plaintiffs and Defendant Kyle Effler stipulate to  |  |
|   | the entry of this S  | tipulated Order for Permanent Injunction and Monetary Judgment  |  |
|   | Against Kyle Eff.  | ler ("Order") to resolve all matters in dispute in this action between  |  |
|   | them.  |   |  |
|   | THEREFO  | ORE, IT IS ORDERED as follows:  |  |
|   |  |   |  |
|   |  | FINDINGS  |  |
|   | 1. Thi   | s Court has jurisdiction over this matter.  |  |
|   | 2. Ver   | nue is proper in the District of Arizona.   |  |
|   | 3. The   | e Complaint charges that Defendant Kyle Effler ("Effler") and others  |  |
|   | engaged in decep   | tive acts or practices by making false and misleading claims in   |  |
|   | charitable solicitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the       |   |  |
|   | Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310, and the following state statutes       |   |  |
|   | regulating charitable solicitations and prohibiting deceptive and/or unfair trade practices: |   |  |
|   |  |   |  |
|   | Alabama:   | ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.   |  |
|   | Alaska:  | ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.   |  |
|   | Arizona:   | ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551  |  |
|   |  | through 44-6561.  |  |
|   | Arkansas:  | ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101  |  |
|   | California   | through 4-88-115.   |  |
|   | California:  | CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF.<br>CODE §§ 17200 through 17206; and §§ 17510 through 17510.95. |  |
|   | Colorado:  | COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.  |  |
|   | Connecticut:   | CONN. GEN. STAT. §§ 21a-175 through 21a-1901; and 42-110a   |  |
|   |  | through 42-110q.  |  |
|   | Delaware:  | DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and  |  |
|   |  | tit. 6, §§ 2595(a) – (b) (1995).  |  |
|   | Florida:   | FLA. STAT. ch. 501, Part II; and ch. 496 (2013).  |  |
|   |  |   |  |
|   | STIPUI   | LATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER<br>Page 2 of 19   |  |
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| Georgia:         | GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).   |
|------------------|---|
| Hawaii:          | HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480  |
|                  | and Act 217 §2 Haw. Sess. Laws (2014).  |
| Idaho:           | IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through  |
|                  | 1206.   |
| Illinois:        | 225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.  |
| Indiana:         | IND. CODE §§ 24-5-0.5-1 through -12.  |
| Iowa:            | IOWA CODE § 714.16.   |
| Kansas:          | KAN. STAT. ANN. §§ 17-1759 through 17-1776.   |
| Kentucky:        | KY. REV. STAT. ANN. §§ 367.110 through 367.300.   |
| Louisiana:       | LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 thro                                       |
|                  | 1909.1.   |
| Maine:           | ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.   |
| Maryland:        | MD. CODE ANN., BUS. REG. §§ 6-101through 6-701 (2010).  |
| Massachusetts:   | MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 throu                                      |
| 11400401100      | 35; and ch. 93A §§ 1 through 11.  |
| Michigan:        | MICH. COMP. LAWS §§ 400.271 through 400.294.  |
| Minnesota:       | MINN. STAT. ch. 309.  |
| Mississippi:     | MISS. CODE ANN. §§ 79-11-501 through 79-11-529.   |
| Missouri:        | Miss. Code Ann. §§ 79-11-501 though 79-11-529.<br>Mo. Rev. Stat. ch. 407.                           |
| Montana:         | MO. REV. STAT. Cli. 407.<br>MONT. CODE ANN. § 30-14-103.  |
|                  |   |
| Nebraska:        | NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 50, 1622; and 87, 201 through 87, 206 |
| Navada           | 59-1622; and 87-301 through 87-306.   |
| Nevada:          | NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, 598.097.                              |
| New              | N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:2                                   |
| Hampshire:       | and 641:8.  |
| New Jersey:      | N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1   |
| •                | through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13                                       |
|                  | 15.1.   |
| New Mexico:      | N.M. STAT. §§ 57-12-1through 57-12-22; and §§ 57-22-1through  |
|                  | 22-11 (1978).   |
| New York:        | N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. E                                       |
|                  | LAW § 349.  |
| North Carolina:  | N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.   |
| North Dakota:    | N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01  |
|                  | through 51-15-11.   |
| Ohio:            | Ohio Rev. Code Ann. § 1716.   |
| Oklahoma:        | OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.   |
| Oregon:          | OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.   |
| Pennsylvania:    | 10 PA. STAT. ANN. §§ 162.1 through .14 (1990).  |
| i onno yi vanna. | 10171.01A1.71MM. 38 102.1 unougn .14 (1990).  |

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| South Carolina:          | S.C. CODE ANN. §§ 33-56-10 through 33-56-200.   |
|--------------------------|---|
| South Dakota:            | S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1  |
|                          | through 21-34-14.   |
| Tennessee:               | TENN. CODE ANN. §§ 48-101-501 through 48-101-522.   |
| Texas:                   | TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.   |
| Utah:                    | UTAH CODE ANN. §§ 13-11-1 through 13-11-23; 13-22-1 through 13-   |
| V                        | 22-23; and 13-26-1 through 13-26-11.  |
| Vermont:                 | VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.<br>VA. CODE ANN. §§ 57-48 through 57-69. |
| Virginia:<br>Washington: | WASH. REV. CODE §§ 19.86; and §19.09.   |
| West Virginia:           | W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101through 46a-6-110.   |
| Wisconsin:               | WIS. STAT. §§ 202.11-202.18.  |
| Wyoming:                 | WYO. STAT. ANN. §§ 40-12-101 through 114.   |
| 4. Defe                  | endant Effler neither admits nor denies any of the allegations in the                                       |
| Complaint, except        | t as specifically stated in this Order. Only for purposes of this action,                                   |
| Defendant Effler a       | admits the facts necessary to establish jurisdiction.   |
| 5. Plain                 | ntiffs and Defendant Effler agree that this Order resolves all allegation                                   |
| n the Complaint a        | as to Defendant Effler.   |
| 6. Defe                  | endant Effler waives any claim that he may have under the Equal   |
| Access to Justice A      | Act, 28 U.S.C. § 2412, concerning the prosecution of this action  |
| hrough the date o        | f this Order, and agrees to bear his own costs and attorney fees.   |
| 7. Defe                  | endant Effler waives all rights to appeal or otherwise challenge or   |
| contest the validity     | y of this Order.  |
| 8. Entr                  | ry of this Order is in the public interest.   |
|                          | DEFINITIONS   |
| For purpose              | es of this Order, the following definitions shall apply:  |
| 1. "Det                  | fendant" and "Effler" means the individual defendant Kyle Effler.   |
| 2. "Per                  | rson" means a natural person, an organization or other legal entity,  |
| ncluding a corpor        | ration, partnership, sole proprietorship, limited liability company,  |
| association, coope       | erative, or any other group or combination acting as an entity.   |
|                          |   |
|                          |   |
| STIPUL                   | ATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER<br>Page 4 of 19                                      |

3. "Charitable contribution" means any donation or gift of money or any other
 thing of value.

4. "Donor" or "consumer" means any person solicited to make a charitable
contribution.

5 5. "Fundraising" means a plan, program, or campaign that is conducted to
6 induce charitable contributions by mail, telephone, electronic mail, social media, or any
7 other means.

6. "Nonprofit organization" means any person that is, or is represented to be, a
nonprofit entity, or that has, or is represented to have, a charitable purpose, specifically
including but not limited to any such entity that purports to benefit, either in whole or in
part, individuals who suffer or have suffered from cancer.

7. "Plaintiff States" means the states of Alabama, Alaska, Arizona, Arkansas, 12 California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 13 Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, 14 Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New 15 Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, 16 Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, 17 Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, 18 Wyoming, and the District of Columbia. 19

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"Solicitor" means any person who solicits a charitable contribution.

9. "Telemarketing" means a plan, program, or campaign that is conducted to
 induce the purchase of goods or services or a charitable contribution, by use of one or
 more telephones and that involves a telephone call, whether or not covered by the
 Telemarketing Sales Rule.

10. "And" and "or" shall be construed both conjunctively and disjunctively to
 make the applicable sentence or phrase inclusive rather than exclusive.

STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER Page 5 of 19

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I.

#### ORDER

## PROHIBITIONS RELATED TO THE SOLICITATION AND CONTROL **OF CHARITABLE ASSETS**

IT IS FURTHER ORDERED that Effler is permanently restrained and enjoined from engaging in the following activities individually or in concert with other persons or entities, directly or indirectly:

A. Receiving any payment or other financial benefit for: (1) participating or assisting in the solicitation of charitable contributions, directly or indirectly, including by advising, acting as an independent contractor or as a fundraising consultant, supplying contact or donor lists, or providing caging, mail processing, or fulfillment services, or (2) controlling, directly or indirectly, or holding a majority ownership interest in, any entity engaged in the business of fundraising; and

Β. Establishing, operating, controlling, or managing any nonprofit 14 organization or other entity that holds charitable assets, or any program thereof, directly 15 or indirectly, whether compensated or not, including by serving as a founder, 16 incorporator, officer, director, trustee, chief executive, manager, supervisor, or other 17 fiduciary; and 18

C. Managing, controlling, directing, distributing, or accounting for the use or application of any charitable asset, or participating or assisting in managing, controlling, directing, distributing, or accounting for the use or application of any charitable asset, directly or indirectly, whether compensated or not, including by acting as an independent contractor, advisor, or consultant;

23 D. **Provided that**, subject to the limitations of subsections I.A - C above, Effler may be employed by or volunteer for any nonprofit organization in any capacity not prohibited by the above, such as working in any non-supervisory role unrelated to the solicitation, management, custody, control, or distribution of any charitable asset.

> STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER Page 6 of 19

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#### II. PROHIBITION ON MISREPRESENTATIONS

IT IS FURTHER ORDERED that Effler and all other persons in active concert or participation with him who receive actual notice of this Order, whether acting directly or indirectly, are hereby permanently restrained and enjoined from making, or assisting in making, material misrepresentations in connection with the sale of consumer goods or services.

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III.

#### TELEMARKETING SALES RULE COMPLIANCE

IT IS FURTHER ORDERED that Effler and all other persons in active concert or
 participation with him who receive actual notice of this Order, whether acting directly or
 indirectly, are hereby permanently restrained and enjoined from violating, or assisting
 others in violating, any provision of the TSR, 16 C.F.R. Part 310, as currently
 promulgated or as it hereafter may be amended.

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#### IV. COMPLIANCE WITH STATE LAW

IT IS FURTHER ORDERED that Effler, whether acting directly or indirectly, is
 hereby permanently restrained and enjoined from violating, or assisting others in
 violating, any provision of the following state laws:

| ama:     | ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.                            |
|----------|--|
| ka:      | ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010                           |
|          | through 45.68.900.   |
| ona:     | ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551                         |
|          | through 44-6561.   |
| nsas:    | ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101                         |
|          | through 4-88-115.  |
| ornia:   | CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF.                           |
|          | CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.                          |
| rado:    | COLO. REV. STAT. §§ 6-1-101through 115; and 6-16-101 through 114.                    |
| ecticut: | CONN. GEN. STAT. §§ 21a-175 through 21a-1901; and 42-110a                            |
|          | through 42-110q.   |
| ware:    | DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and               |
|          | tit. 6, §§ 2595(a) – (b) (1995).   |
| da:      | FLA. STAT. ch. 501, Part II; and ch. 496 (2013).                                     |
| Ja.      | FLA. STAT. CII. 301, Part II, and CII. 496 (2013).                                   |
|          | ama:<br>ca:<br>ona:<br>ona:<br>nsas:<br>ornia:<br>rado:<br>recticut:<br>ware:<br>da: |

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| Georgia:        | GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).                 |
|-----------------|---|
| Hawaii:         | HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480      |
|                 | and Act 217 §2 Haw. Sess. Laws (2014).                            |
| Idaho:          | IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through        |
|                 | 1206.   |
| Illinois:       | 225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.                  |
| Indiana:        | IND. CODE §§ 24-5-0.5-1 through -12.                              |
| Iowa:           | IOWA CODE § 714.16.   |
| Kansas:         | KAN. STAT. ANN. §§ 17-1759 through 17-1776.                       |
| Kentucky:       | KY. REV. STAT. ANN. §§ 367.110 through 367.300.                   |
| Louisiana:      | LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 thro     |
|                 | 1909.1.   |
| Maine:          | ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.                 |
| Maryland:       | MD. CODE ANN., BUS. REG. §§ 6-101through 6-701 (2010).            |
| Massachusetts:  | MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 throu    |
|                 | 35; and ch. 93A §§ 1 through 11.                                  |
| Michigan:       | MICH. COMP. LAWS §§ 400.271 through 400.294.                      |
| Minnesota:      | MINN. STAT. ch. 309.  |
| Mississippi:    | MISS. CODE ANN. §§ 79-11-501 through 79-11-529.                   |
| Missouri:       | MO. REV. STAT. ch. 407.   |
| Montana:        | MONT. CODE ANN. § 30-14-103.                                      |
| Nebraska:       | NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through     |
| 1 (oorusina.    | 59-1622; and 87-301 through 87-306.                               |
| Nevada:         | NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963,     |
| 1107444         | 598.097.  |
| New             | N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:2 |
| Hampshire:      | and 641:8.  |
| New Jersey:     | N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1         |
| 11011 001005.   | through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13     |
|                 | 15.1.   |
| New Mexico:     | N.M. STAT. §§ 57-12-1through 57-12-22; and §§ 57-22-1through      |
|                 | 22-11 (1978).   |
| New York:       | N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. E     |
|                 | LAW § 349.  |
| North Carolina: | N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.                         |
| North Dakota:   | N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01        |
| Hortin Dukotu.  | through 51-15-11.   |
| Ohio:           | OHIO REV. CODE ANN. § 1716.                                       |
| Oklahoma:       | OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.                 |
| Oregon:         | OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.           |
| Pennsylvania:   |   |
| PATTICATIVATIVA | 10 PA. STAT. ANN. §§ 162.1 through .14 (1990).                    |
| Rhode Island:   | R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.                     |

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| 1  | South Carolina: | S.C. CODE ANN. §§ 33-56-10 through 33-56-200.                                  |
|----|-----------------|--|
| 2  | South Dakota:   | S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1 through 21-34-14. |
| 3  | Tennessee:      | TENN. CODE ANN. §§ 48-101-501 through 48-101-522.                              |
|    | Texas:          | TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.                              |
| 4  | Utah:           | UTAH CODE ANN. §§ 13-11-1 through 13-11-23; 13-22-1 through 13-                |
| 5  |                 | 22-23; and 13-26-1 through 13-26-11.   |
|    | Vermont:        | VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.             |
| 6  | Virginia:       | VA. CODE ANN. §§ 57-48 through 57-69.  |
| 7  | Washington:     | WASH. REV. CODE §§ 19.86; and §19.09.  |
|    | West Virginia:  | W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101through 46a-6-110.                    |
| 8  | Wisconsin:      | WIS. STAT. §§ 202.11-202.18.   |
| 9  | Wyoming:        | WYO. STAT. ANN. §§ 40-12-101 through 114.                                      |
| 10 |                 | V. COOPERATION   |
| 11 |                 | V. COOPERATION   |
| 12 | IT IS FUR       | THER ORDERED that Effler must cooperate fully with Plaintiffs'                 |
|    | l , ,• •        |  |

representatives in this case and in any investigation related to or associated with the 13 transactions or the occurrences that are the subject of the Complaint. Effler must provide 14 truthful and complete information, evidence, and testimony. Effler must appear for 15 interviews, discovery, hearings, trials, and any other proceedings that any Plaintiff's 16 representative may reasonably request upon fourteen days written notice, or other 17 reasonable notice, at such places and times as any Plaintiff's representative may 18 designate, without the service of a subpoena.

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#### VI. **MONETARY JUDGMENT**

IT IS FURTHER ORDERED that judgment is hereby entered against Effler as follows: 22

A. Judgment in the amount of forty-one million one hundred fifty-two 23 thousand two hundred thirty-one dollars (\$41,152,231) is entered in favor of Plaintiffs 24 against Effler, as equitable monetary relief; 25

Effler shall pay sixty thousand dollars (\$60,000) to the STCO Fund Β. 26 described in Section VII.E, below within seven (7) days of entry of the Order. Upon such 27

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payment, the remainder of the judgment shall be suspended as to Effler, subject to 2 Section VI.C-E, below;

3 C. Plaintiffs' agreement to the suspension of the judgment owed by Effler is 4 expressly premised upon the truthfulness, accuracy, and completeness of Effler's sworn 5 financial statements and related documents (collectively, "financial representations") б submitted to Plaintiffs, namely:

- 1. the Financial Statement of Individual, signed on December 4, 2014, including attachments; and
- 2. Effler's representations, made through his counsel, in correspondence dated January 20, 2015; January 27, 2015; January 30, 2015; and February 24, 2015;

D. The suspension of the judgment will be lifted as to Effler if, upon motion 12 by any Plaintiff, the Court finds that Effler failed to disclose any material asset, 13 materially misstated the value of any asset, or made any other material misstatement or 14 omission in the financial representations submitted to Plaintiffs, identified above. If the 15 suspension of the judgment is lifted pursuant to this provision, the judgment becomes 16 immediately due in the amount specified in Section VI.A above as to Effler (which the 17 Parties stipulate for purposes only of this Section represents the consumer injury that the 18 Complaint alleges was caused by Cancer Support Services, Inc., and for which the 19 Complaint alleges Effler, Cancer Fund of America, Inc., Cancer Support Services, Inc., 20 and James Reynolds, Sr. are jointly and severally liable), less any payment previously 21 made by Defendant Effler pursuant to this Section, or by Defendants Cancer Fund of 22 America, Inc., Cancer Support Services, Inc., or James Reynolds, Sr., pursuant to any 23 other order entered in connection with this matter, plus interest computed from the date 2.4 of entry of this Order; and 25

E. The suspension of the judgment will be lifted as to Effler if, upon motion 26 by any Plaintiff State, the Court finds that Effler has violated any provision of Section I, 27 above, and a judgment in the amount set forth in Section VI.A above, less any prior 28

payments by Defendants Effler, Cancer Fund of America, Inc., Cancer Support Services,
Inc., or James Reynolds, Sr., becomes immediately due as to Effler. The judgment
amount shall be payable to the moving Plaintiff State, which shall use any money
collected pursuant to the requirements of Section VII.E.2, below.

#### VII. ADDITIONAL MONETARY PROVISIONS

IT IS FURTHER ORDERED that:

A. Effler relinquishes dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order, and may not seek the return of any assets;

B. The facts alleged in the Complaint will be taken as true, without further
proof, in any subsequent civil litigation by or on behalf of the Plaintiffs, including in a
proceeding to enforce their rights to any payment or monetary judgment pursuant to this
Order, such as a nondischargeability complaint in any bankruptcy case;

C. The facts alleged in the Complaint establish all elements necessary to sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes;

D. Effler acknowledges that his Social Security Number, which he previously submitted to Plaintiffs, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701;

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E. Payment to the Plaintiff States:

1. All money paid to the Plaintiff States pursuant to this Order shall be
 made by wire transfer to the Litigation Deposits Trust Fund (Fund Code "T-xx-909N"),
 an interest bearing trust fund held by the Hawaii Attorney General's Office in trust for
 the Plaintiff States ("the short-term court ordered trust fund" or "STCO Fund");

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 qualifying charitable organizations with charitable purposes substantially similar to the
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1 purposes for which the Defendants named in this matter solicited funds, and (b) the 2 Plaintiff States to reimburse costs of the investigation and to pay attorneys' fees. When 3 payment(s) from the STCO Fund are appropriate, the Plaintiff States shall submit to this 4 Court a Motion and Proposed Order recommending cy pres recipients and the amounts to 5 be paid to such recipients and/or the amounts to be paid to reimburse the Plaintiff States б for their costs and attorneys' fees. The Hawaii Attorney General shall distribute monies 7 from the STCO Fund only as authorized and directed by this Court. Effler has no right to 8 challenge any recommendations regarding monetary distributions made by the Plaintiff 9 States.

#### VIII. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Effler provide acknowledgment of receipt of this Order:

A. Effler, within seven days of entry of this Order, must submit to Plaintiff Federal Trade Commission an acknowledgment of receipt of this Order sworn under penalty of perjury;

B. For five years after entry of this Order, Effler, for any business that he, 17 individually or collectively with any other Defendant named in this matter, is the majority 18 owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all 19 principals, officers, directors, and LLC managers and members; (2) all employees, 20 agents, and representatives who participate in conduct related to the subject matter of this 21 Order; and (3) any business entity resulting from any change in structure as set forth in 22 Section IX below. Delivery must occur within seven days of entry of this Order for 23 current personnel. For all others, delivery must occur before they assume their 24 responsibilities; and

<sup>25</sup> C. From each individual or entity to which Effler delivered a copy of this
 <sup>26</sup> Order, Effler must obtain, within 30 days, a signed and dated acknowledgment of receipt
 <sup>27</sup> of this Order.

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| 1  | IX. COMPLIANCE REPORTING  |
|----|---|
| 2  | IT IS FURTHER ORDERED that Effler make timely submissions to Plaintiff                    |
| 3  | Federal Trade Commission.   |
| 4  | A. One year after entry of this Order, Effler must submit a compliance report,            |
| 5  | sworn under penalty of perjury. Effler must:  |
| 6  | 1. identify all his telephone numbers and all physical, postal, email and                 |
| 7  | Internet addresses, including all residences;   |
| 8  | 2. identify all his business activities, including any business for which                 |
| 9  | he performs services whether as an employee or otherwise and any entity in which he has   |
| 10 | any ownership interest;   |
| 11 | 3. describe in detail his involvement in each such business, including                    |
| 12 | title, role, responsibilities, participation, authority, control, and any ownership;      |
| 13 | 4. identify all such businesses by all of their names, telephone                          |
| 14 | numbers, and physical, postal, email, and Internet addresses;                             |
| 15 | 5. describe the activities of each business, including the goods and                      |
| 16 | services offered, the means of advertising, marketing, sales, methods of payment, and the |
| 17 | involvement of any other Defendant named in this matter (which Effler must describe if    |
| 18 | he knows or should know due to his own involvement);                                      |
| 19 | 6. identify the primary physical, postal, and email address and                           |
| 20 | telephone number, as designated points of contact, which Plaintiffs or their              |
| 21 | representatives may use to communicate with him;  |
| 22 | 7. for all his activities with any nonprofit organization that Effler                     |
| 23 | undertakes in connection with Section I.D of this Order:                                  |
| 24 | a. identify all such nonprofit organizations by all of their names,                       |
| 25 | telephone number[s], and physical, postal, email, and Internet addresses; and             |
| 26 | b. describe in detail his involvement in each such nonprofit                              |
| 27 | organization, including any title, role, responsibilities, participation, authority, and  |
| 28 | control;  |
|    | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER                              |

8. describe in detail whether and how Effler is in compliance with each
 Section of this Order; and

- <sup>3</sup>
  9. provide a copy of each Order Acknowledgment obtained pursuant
  <sup>4</sup> to this Order, unless previously submitted to Plaintiff Federal Trade Commission.
- <sup>5</sup> B. For ten years after entry of this Order, Effler must submit a compliance
  <sup>6</sup> notice, sworn under penalty of perjury, within 14 days of any change in the following:

1. Effler must report any change in: (a) any designated point of contact;
or (b) the structure of any entity that he has any ownership interest in or controls directly
or indirectly that may affect compliance obligations arising under this Order, including:
creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate
that engages in any acts or practices subject to this Order.

Effler must report any change in: (a) name, including aliases or
 fictitious names, or residence address; or (b) title or role in any business activity,
 including any business for which he performs services, whether as an employee or
 otherwise, and any entity in which he has any ownership interest or controls, directly or
 indirectly, and identify the name, physical address, and any Internet address of the
 business or entity.

3. If Effler is employed by any nonprofit organization in any capacity
 permitted by Section I.D of this Order or otherwise, he must report any change in title or
 role with that nonprofit organization.

C. Effler must submit notice of the filing of any bankruptcy petition,
 insolvency proceeding, or similar proceeding by or against him within 14 days of its
 filing.

D. Any submission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on [date] at [location]" and supplying the date, location, signatory's full name, title (if applicable), and signature.

| 1        | E. Unless otherwise directed by a Commission representative in writing, all                   |  |  |  |  |  |  |  |
|----------|---|--|--|--|--|--|--|--|
| 2        | submissions to Plaintiff Federal Trade Commission pursuant to this Order must be              |  |  |  |  |  |  |  |
| 3        | emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:     |  |  |  |  |  |  |  |
| 4        | Associate Director for Enforcement,   |  |  |  |  |  |  |  |
| 5        | Bureau of Consumer Protection,  |  |  |  |  |  |  |  |
| 6        | Federal Trade Commission,<br>600 Pennsylvania Avenue NW,                                      |  |  |  |  |  |  |  |
| 7        | Washington, DC 20580  |  |  |  |  |  |  |  |
| 8        | The subject line of each submission must begin: FTC v. Cancer Fund of America, et al.         |  |  |  |  |  |  |  |
| 9        | X. RECORDKEEPING  |  |  |  |  |  |  |  |
| 10       | IT IS FURTHER ORDERED that Effler must create certain records for ten years                   |  |  |  |  |  |  |  |
| 11<br>12 | after entry of this Order, and retain each such record for five years. Specifically, for any  |  |  |  |  |  |  |  |
| 12       | business that he, individually or collectively with any other Defendant named in this         |  |  |  |  |  |  |  |
| 14       | matter, is a majority owner or controls directly or indirectly, he must create and retain the |  |  |  |  |  |  |  |
| 15       | following records:  |  |  |  |  |  |  |  |
| 16       | A. Accounting records showing revenues from all goods or services sold or                     |  |  |  |  |  |  |  |
| 17       | billed;   |  |  |  |  |  |  |  |
| 18       | B. Personnel records showing, for each person providing services, whether as                  |  |  |  |  |  |  |  |
| 19       | an employee or otherwise, that person's name; address; telephone number; job title or         |  |  |  |  |  |  |  |
| 20       | position; dates of service; and reason for termination (if applicable);                       |  |  |  |  |  |  |  |
| 21       | C. Records of all consumer complaints, whether received directly or indirectly,               |  |  |  |  |  |  |  |
| 22       | such as through a third party, and any response;  |  |  |  |  |  |  |  |
| 23       | D. All records necessary to demonstrate full compliance with each provision                   |  |  |  |  |  |  |  |
| 24       | of this Order, including all submissions to Plaintiff Federal Trade Commission; and           |  |  |  |  |  |  |  |
| 25       | E. A copy of each unique advertisement or other marketing material.                           |  |  |  |  |  |  |  |
| 26       |   |  |  |  |  |  |  |  |
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| -        | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER<br>Page 15 of 19                 |  |  |  |  |  |  |  |
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## XI. **COMPLIANCE MONITORING**

IT IS FURTHER ORDERED that, for purposes of monitoring Effler's compliance with this Order, including the accuracy of the financial representations upon which the judgment was suspended:

5 Within 14 days of receipt of a written request from a representative of any A. б Plaintiff, Effler must submit additional compliance reports or other requested 7 information, which must be sworn under penalty of perjury; appear for depositions; and 8 produce documents for inspection and copying. Plaintiffs are also authorized to obtain 9 discovery, without further leave of court, using any of the procedures prescribed by 10 Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 11 36, 45, and 69;

12

Β. For matters concerning this Order, Plaintiffs are authorized to communicate 13 directly with Effler. Effler must permit representatives of any Plaintiff to interview any 14 employee or other person affiliated with him who has agreed to such an interview. The 15 person interviewed may have counsel present;

С. Plaintiffs may use all other lawful means, including posing, through its 16 representatives, as consumers, suppliers, or other individuals or entities, to Effler or any 17 individual or entity affiliated with him, without the necessity of identification or prior 18 notice. Nothing in this Order limits Plaintiff Federal Trade Commission's lawful use of 19 compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-20 1, or the Plaintiff States' lawful use of relevant state laws governing pre-suit investigation 21 and discovery; and 22

D. Upon written request from a representative of the Commission or any 23 Plaintiff state, any consumer reporting agency must furnish a consumer report concerning 24 Effler pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. 25 §1681b(a)(1). 26

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## **RETENTION OF JURISDICTION** XII.

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

## STATE COURT ENFORCEMENT XIII.

Without limiting the above provisions, Effler agrees that the provisions of Sections I, II, and IV of this Order may be enforced by any Plaintiff State in a court of general jurisdiction in that Plaintiff's State if that Plaintiff state has reason to believe that persons in its state have been affected, and Effler consents to any such court's jurisdiction for purposes of enforcing the terms of Sections I, II, and IV of this Order.

SO STIPULATED AND AGREED:

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FOR DEFENDANT KYLE EFFLER:

'illiam Doyle The Doyle Firm, P.C 1313 E. Osborn Road Suite 220 Phoenix, AZ 85014 WDoyle@doylelawgroup.com (602) 240-6711 (telephone) Attorneys for Kyle Effler and Cancer Fund of America, Inc.

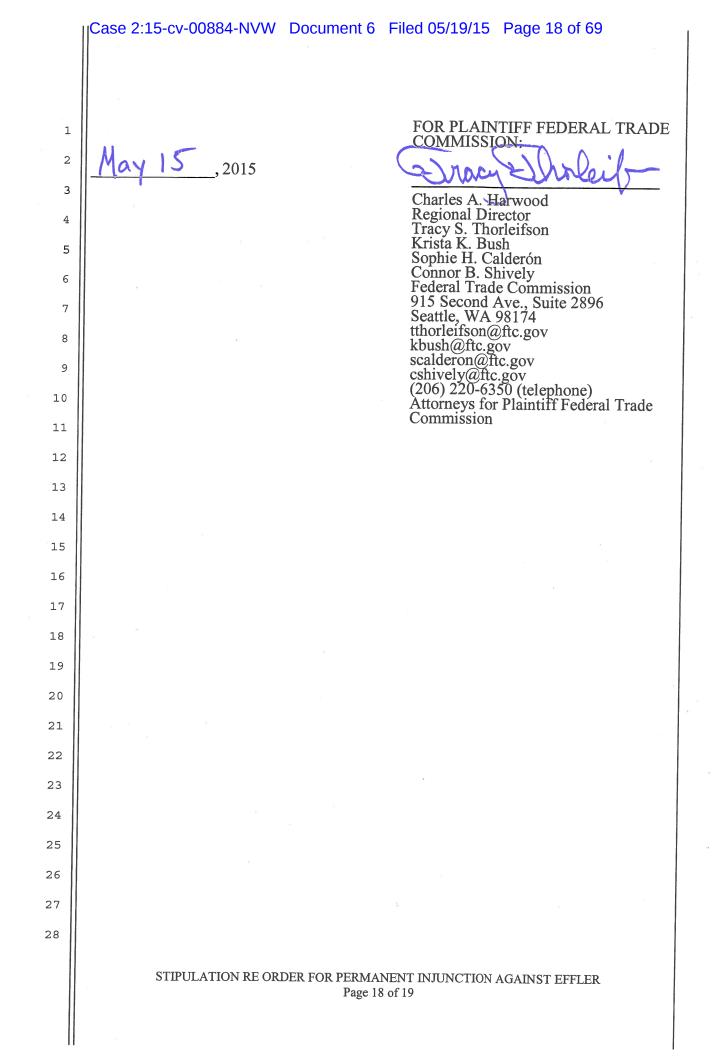
FOR DEFENDANT KYLE EFFLER:

Karen Donnelly Copilevitz & Canter, LL 310 W. 20<sup>th</sup> St, Suite 300 Kansas City, MO 64108 kdonnelly@cckc-law.com (816) 472-4900 (telephone) Attorneys for Kyle Effler and Cancer Support Services, Inc.

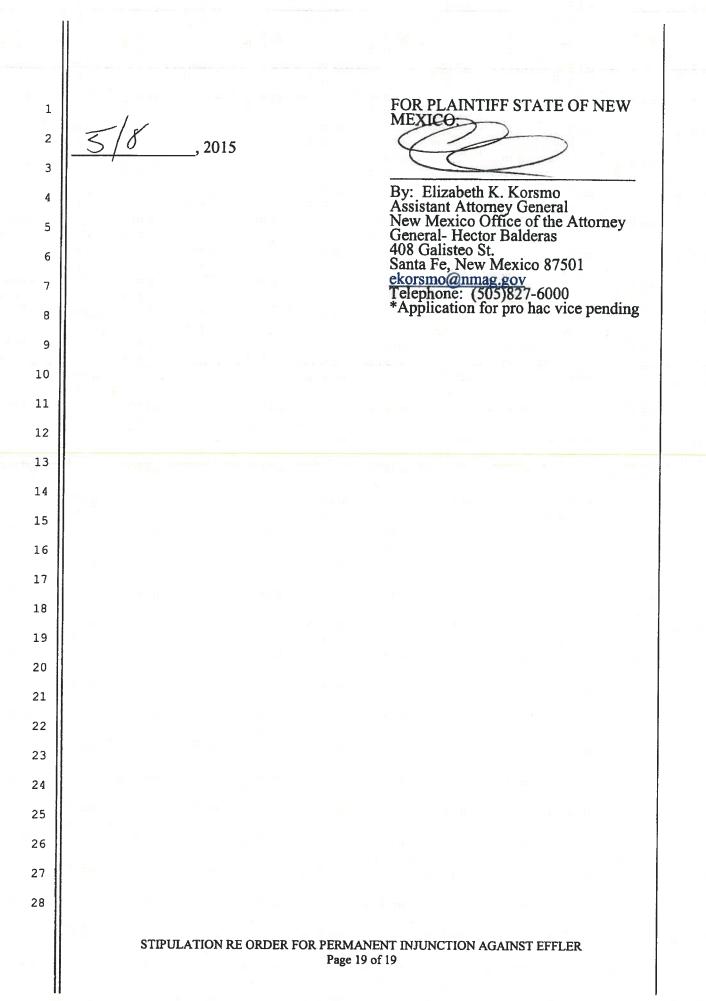
FOR DEFENDANT KYLE EFFLER:

On behalf of himself, individually

STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER Page 17 of 19

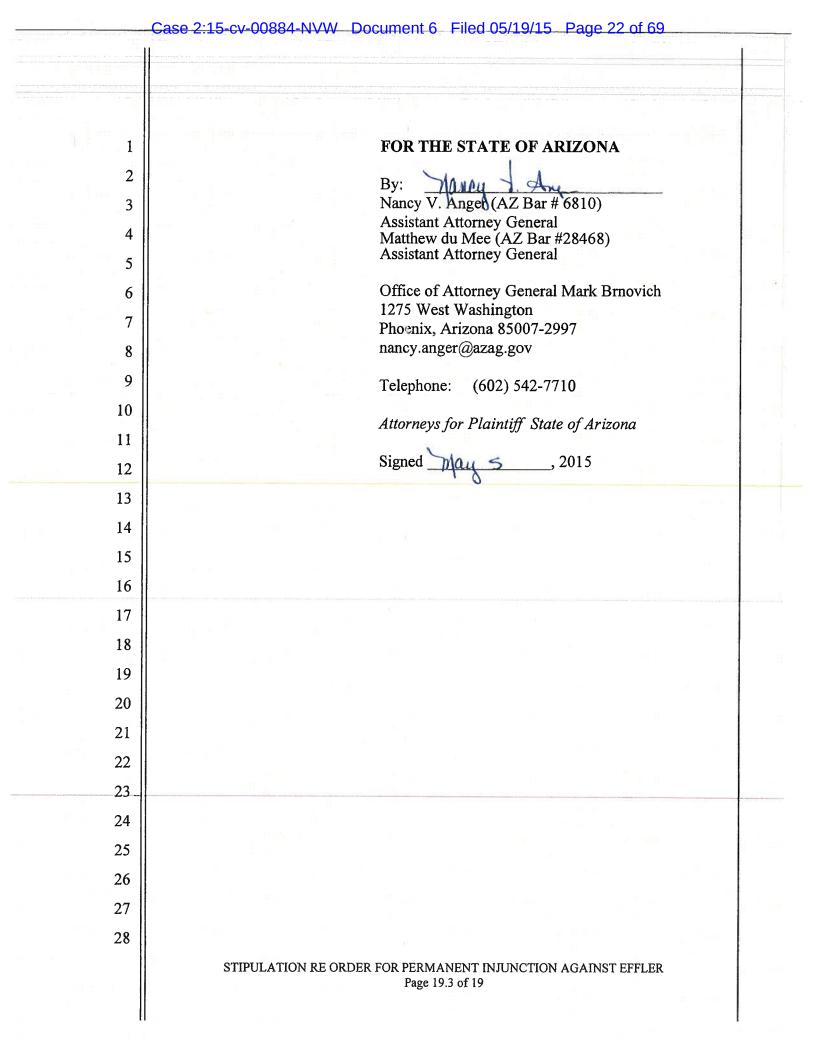


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| _       | - 1 ID                   |  |
|---------|--------------------------|--|
| 1       | FO                       | R THE STATE OF ALABAMA                                 |
| 2       | By                       | KA   |
| 3       | Ky                       | le Beckman (AL Bar #ASB-6046-E63B)*                    |
| 4       | Ass                      | sistant Attorney General                               |
| 5       |                          | ice of Attorney General Luther Strange                 |
| 6       |                          | Washington Avenue<br>ntgomery, AL 36104-0152           |
| 7       |                          | ckman@ago.state.al.us                                  |
| 8       | Tel                      | ephone: (334) 353-2619                                 |
| 9<br>10 | *Aj                      | pplication for pro hac vice pending                    |
| 11      | Atte                     | orney for Plaintiff State of Alabama                   |
| 12      | Sig                      | ned $OS/12$ , 2015                                     |
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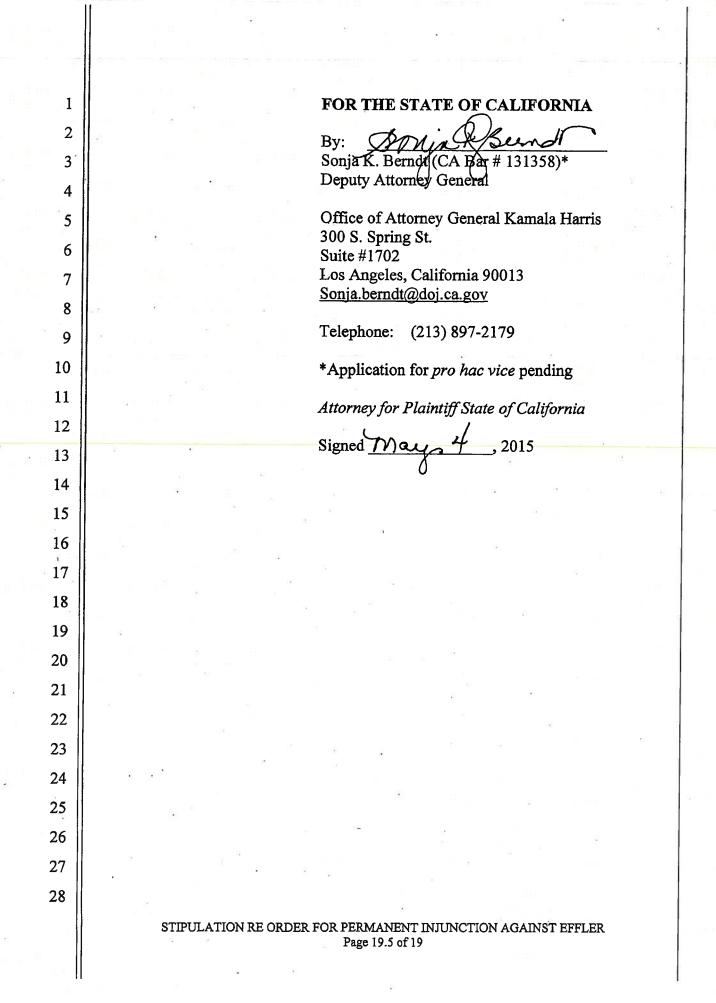
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| 1<br>2<br>3<br>4<br>5<br>6<br>7 | FOR THE STATE OF ALASKA<br>By: August State S |
| 8                               | *Application for <i>pro hac vice</i> pending  |
| 9<br>10                         | Attorney for Plaintiff State of Alaska  |
| 11                              |   |
| 12                              | Signed May _//, 2015  |
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|                                 | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER<br>Page 19.2 of 19   |



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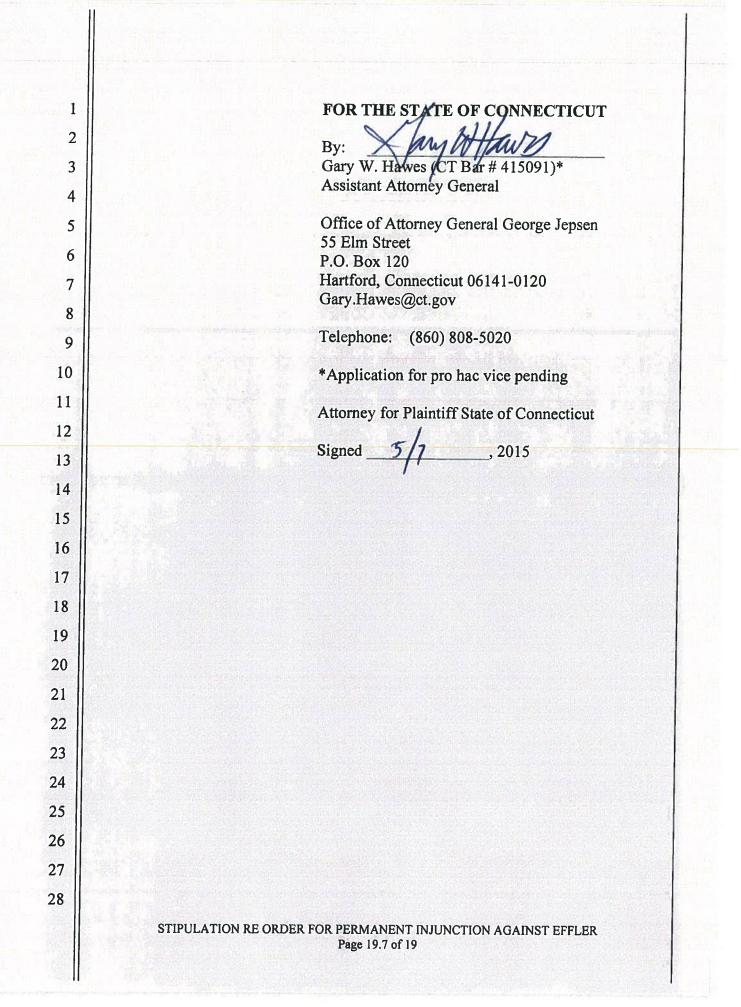
| 1  | FOR THE SPATE OF ARKANSAS   |
|----|---|
| 2  | By:   |
| 3  | Kevin Wells (AR Bar # 2007213)*   |
| 4  | Assistant Attorney General  |
| 5  | Office of Attorney General Leslie Rutledge                                      |
| 6  | 323 Center Street, Suite 500<br>Little Rock, Arkansas 72201                     |
| 7  | kevin.wells@arkansasag.gov  |
| 8  | Telephone: (501) 682-8063   |
| 9  |   |
| 10 | *Application for <i>pro hac vice</i> pending                                    |
| 11 | Attorney for Plaintiff State of Arkansas  |
| 12 | Signed May 8, 2015  |
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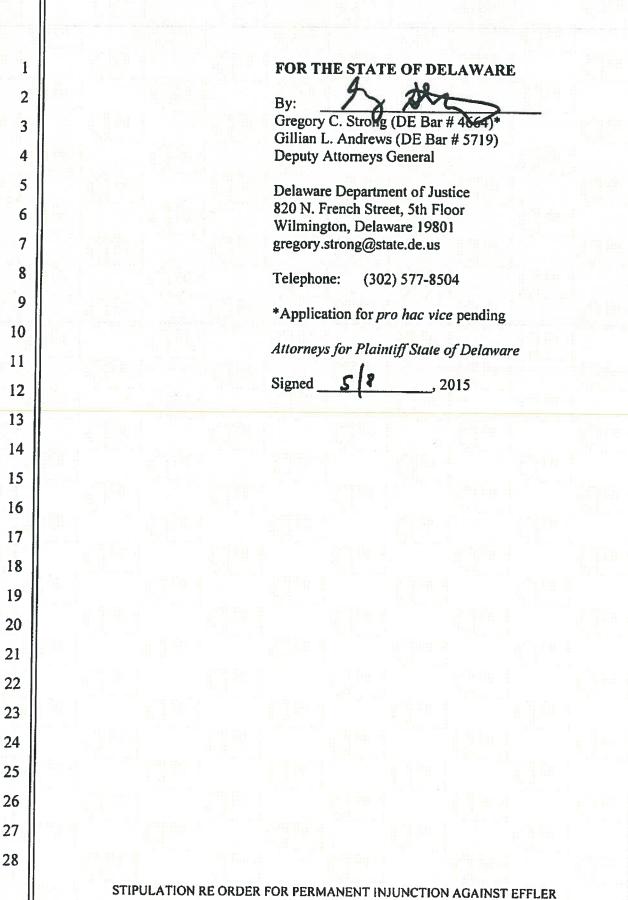
Case 2:15-cv-00884-NVW Document 6 Filed 05/19/15 Page 24 of 69



FOR THE COLORADO SECRETARY OF STATE 1 2 By: LEANN MORRILL (CO Bar #38742) 3 First Assistant Attorney General 4 Office of Attorney General Cynthia H. Coffman Public Officials Unit 5 1300 Broadway, 6th Floor Denver, Colorado 80203 6 Email: leann.morrill@state.co.us 7 Telephone: (720) 508-6159 8 Attorney for Plaintiff Colorado Secretary of State 9 2015 10 Signed May 11 12 FOR THE STATE OF COLORADO 13 By: 14 ALISSA GARDENSWARTZ (CO Bar# 36126) 15 First Assistant Attorney General Office of Attorney General Cynthia H. Coffman 16 **Consumer Protection Section** 1300 Broadway, 7th Floor 17 Denver, Colorado 80203 18 Email: alissa.gardenswartz@state.co.us 19 Telephone: (720) 508-6204 20 \*Application for pro hac vice pending 21 Attorney for Plaintiff Colorado Attorney General 22 Signed Alung B ,2015 23 24 25 26 27 28 STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER Page 19.6 of 19

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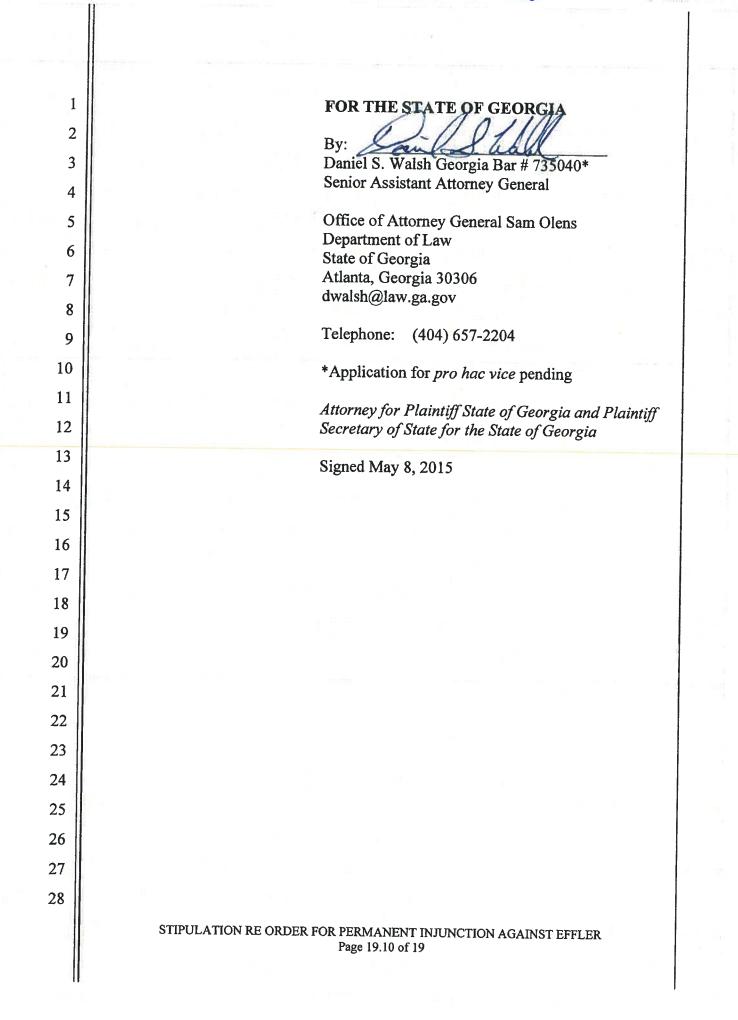


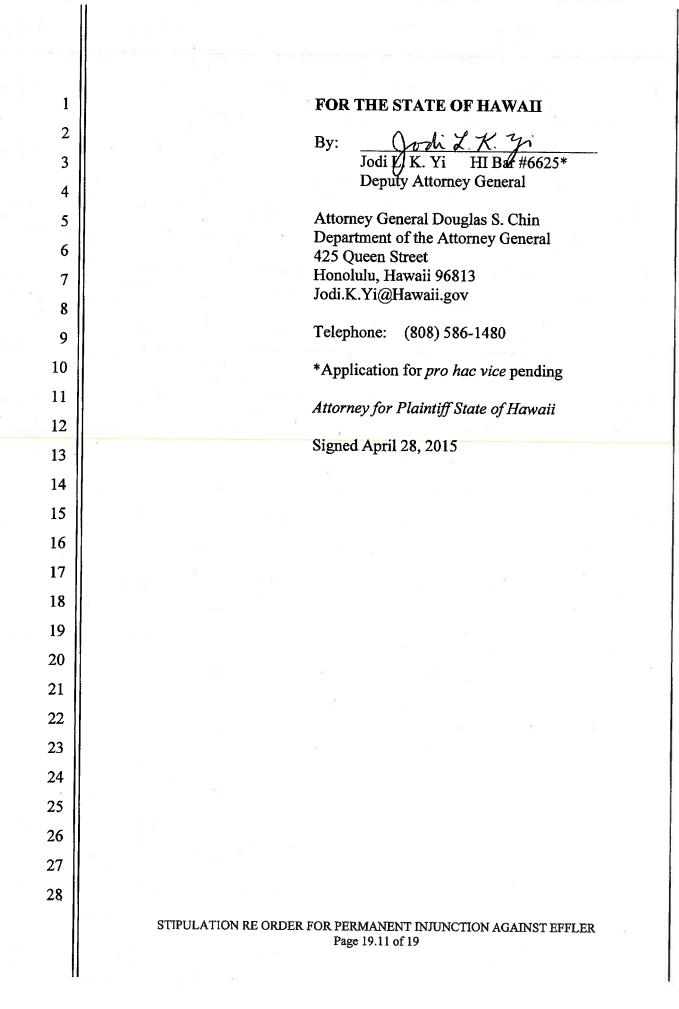
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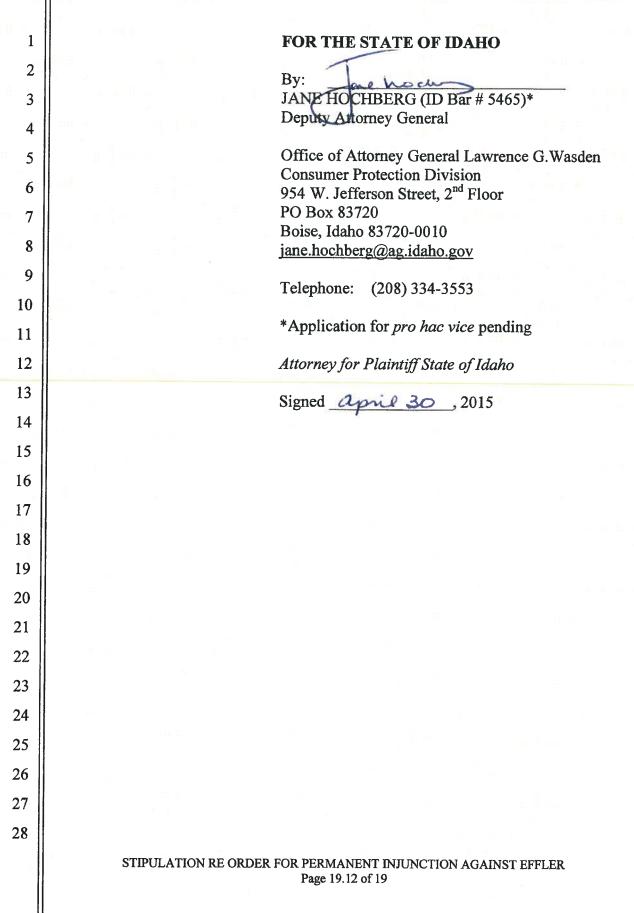
| 1   |                  | FOR THE STATE OF FLORIDA                                    |
|-----|------------------|---|
| 2   |                  | By: HAR N   |
| 3   |                  | Rebecca H. Sirkle (FL Bar # 42312)*                         |
| 4   |                  | Assistant Attorney General                                  |
| 5   |                  | Office of Attorney General Pam Bondi                        |
| 6   |                  | 135 West Central Blvd., Suite 670<br>Orlando, Florida 32801 |
| 7   | i i a secondaria | Rebecca.Sirkle@myfloridalegal.com                           |
| 8   |                  | Telephone: (407) 316-4840                                   |
| 9   |                  | *Application for pro hac vice pending                       |
| 10  |                  |   |
| 11  |                  | Attorney for Plaintiff State of Florida                     |
| 12  |                  | Signed May 5th, 2015  |
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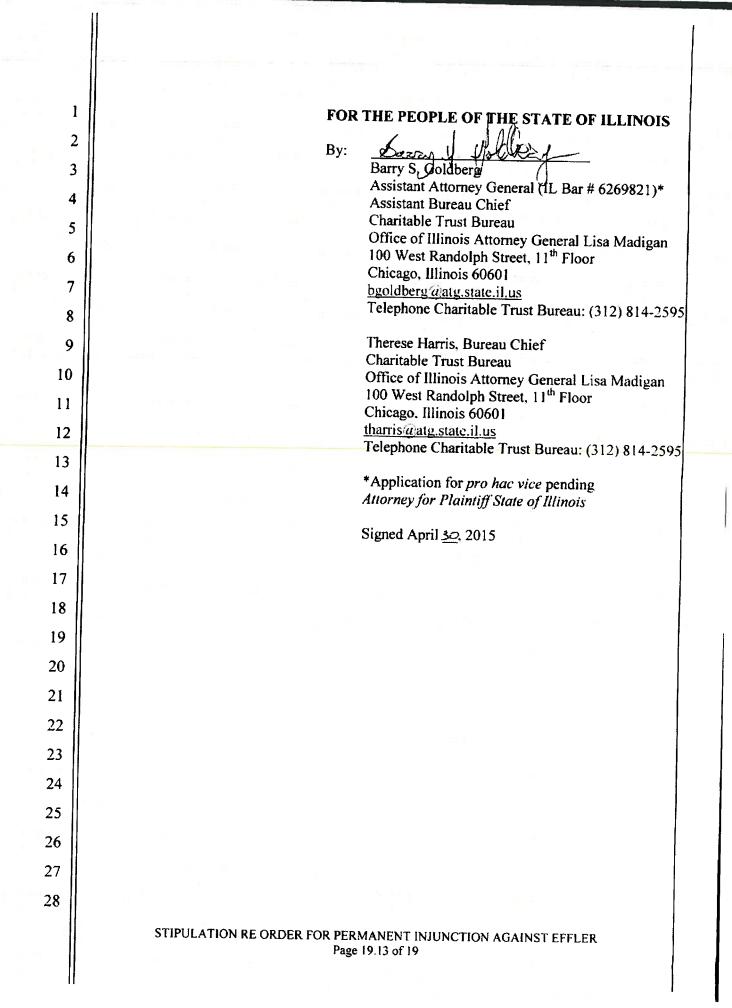


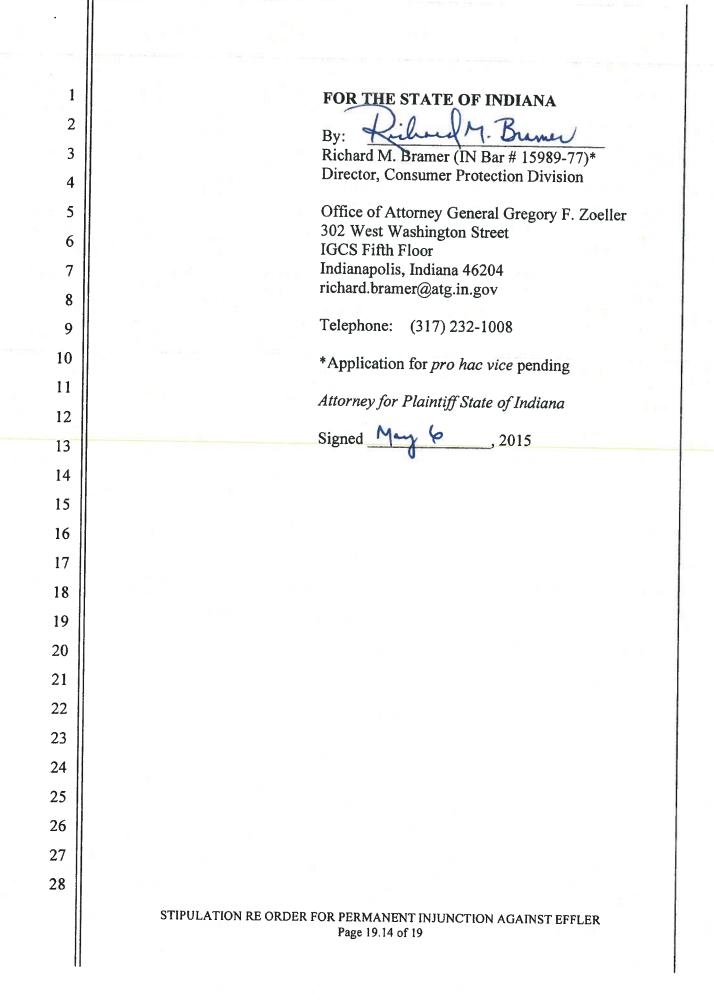


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and the second





| 1  | FOR THE STATE OF IOWA  |
|----|--|
| 2  | By: CCC  |
| 3  | Steve St. Clair (IA Bar # AT0007441)*  |
| 4  | Assistant Attorney General   |
| 5  | Office of Attorney General Tom Miller  |
| 6  | Hoover Building, 2 <sup>nd</sup> Floor   |
|    | 1305 East Walnut<br>Des Moines, Iowa 50319                                       |
| 7  | steve.stclair@iowa.gov   |
| 8  | T-1  |
| 9  | Telephone: (515) 281-5926  |
| 10 | *Application for <i>pro hac vice</i> pending                                     |
| 11 | Attorney for Plaintiff State of Iowa   |
| 12 |  |
| 13 | Signed April 22, 2015  |
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| 1  | FOR THE STATE OF KANSAS  |         |
|----|--|---------|
| 2  | U. I. Phila  |         |
| 3  | By:<br>Lynette R. Bakker (KS Bar # 22104)*                                       | and and |
| 4  | Assistant Attorney General   |         |
| 5  | Office of Attorney General Derek Schmidt   |         |
| 6  | 120 S.W. 10th Avenue, 2nd Floor  | E H     |
| 7  | Topeka, Kansas 66612-1597<br>lynette.bakker@ag.ks.gov                            |         |
| 8  | Telephone: (785) 296-3751  |         |
| 9  | *Application for <i>pro hac vice</i> pending                                     |         |
| 10 |  |         |
| 11 | Attorney for Plaintiff State of Kansas   |         |
| 12 | Signed <u>May 5</u> , 2015   |         |
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| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10 | FOR THE COMMONWEALTH OF KENTUCKY<br>By: Leah Cooper Boggs (KY Bar # 83471)*<br>Assistant Attorney General<br>Office of Attorney General Jack Conway<br>1024 Capital Center Drive<br>Suite 200<br>Frankfort, Kentucky 40601<br>Leah.boggs@ky.gov<br>Telephone: (502) 696-5389<br>*Application for <i>pro hac vice</i> pending |
|---|--|
| 11<br>12  | Attorney for Plaintiff State of Kentucky   |
| 12  | Signed May 8, 2015   |
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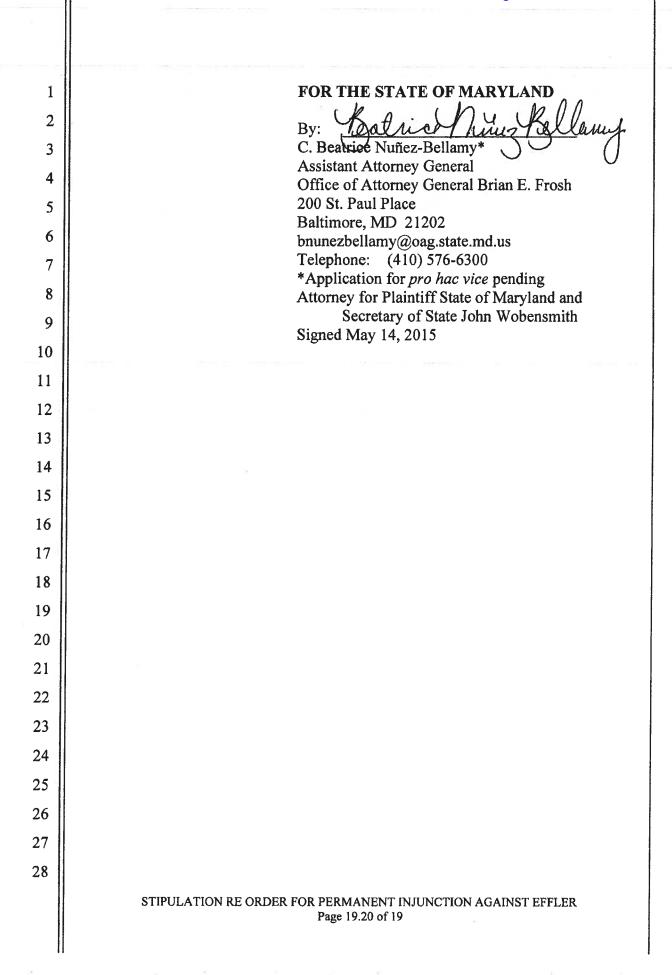
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|----|---|-------|
| 1  | 1 FOR THE STATE OF LOUISIANA                              |       |
| 2  | By: Cathrin E. Dit  |       |
| 3  | 3 Cathryn E. Gits (LA Bar #35144)                         |       |
| 4  | 4 Assistant Attorney General                              |       |
| 5  |   | uddy" |
| 6  | 6 Caldwell<br>1885 N. Third Street                        |       |
| 7  | 7 Baton Rouge, Louisiana 70802                            |       |
| 8  | gitsc@ag.state.la.us                                      |       |
| 9  | 9 Telephone: (225) 326-6400                               |       |
| 10 | <sup>0</sup> *Application for <i>pro hac vice</i> pending |       |
| 11 | 1 Attorney for Plaintiff State of Louisiana               |       |
| 12 | 2   |       |
| 13 | Signed May T_, 2015                                       |       |
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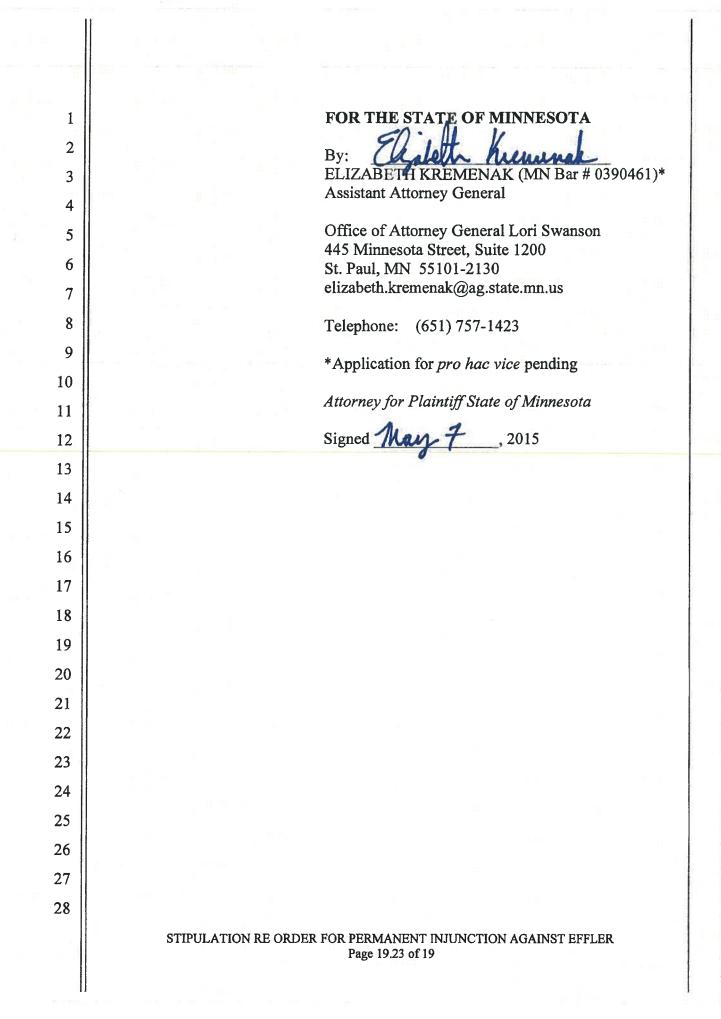
|    | FOR THE STATE OF MAINE   |
|----|--|
| 1  | FOR THE STATE OF MAINE   |
| 2  | Janet T. Mills   |
| 3  | Maine Attorney General   |
| 4  | By: Carolyn A. Silsby (ME Bar #3030)*  |
| 5  | Assistant Attorney General   |
| 6  | Office of Maine Attorney General   |
| 7  | Burton Cross State Office Building<br>111 Sewall Street, 6 <sup>th</sup> Floor   |
| 8  | 111 Sewall Street, 6 <sup>th</sup> Floor<br>Augusta, Maine 04330                 |
| 9  | Carolyn.silsby@maine.gov   |
| 10 | Telephone: (207) 626-8829  |
| 11 |  |
| 12 | *Application for <i>pro hac vice</i> pending                                     |
| 13 | Attorney for Plaintiff State of Maine  |
| 14 | Signed April 22, 2015  |
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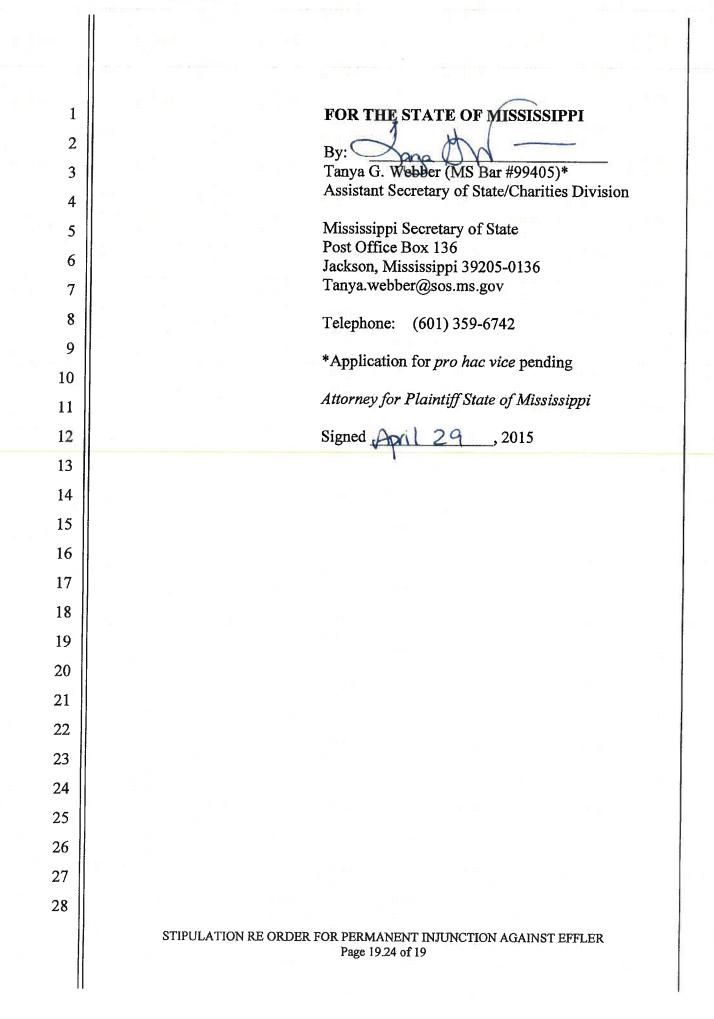
Case 2:15-cv-00884-NVW Document 6 Filed 05/19/15 Page 39 of 69



| 1<br>2 | FOR THE COMMONWEALTH OF<br>MASSACHUSETTS   |
|--------|--|
| 2      | MAURA HEALEY, ATTORNEY GENERAL   |
| 4      |  |
| - 5    | By: ZAT ZAT  |
| 6      | Brett J. Blank (MA Bar # 686635)*  |
| 7      | Assistant Attorney General   |
| 8      | Office of Attorney General Maura Healey<br>One Ashburton Place                   |
| 9      | Boston, Massachusetts 02108  |
| 10     | brett.blank@state.ma.us<br>Telephone: (617) 727-2200                             |
| 11     | *Application for pro hac vice pending  |
| 12     |  |
| 13     | Attorney for Plaintiff Commonwealth of Massachusetts                             |
| 14     | Signed May 8, 2015   |
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|---|----------------|---|--|--|-------------|
| 10<br>11<br>12<br>13                      |                | Attorn  | lication for pro h<br>ney for Plaintiff S<br>d   | State of Michigan  |             |
| 14<br>15<br>16<br>17<br>18                |                |   |  |  |             |
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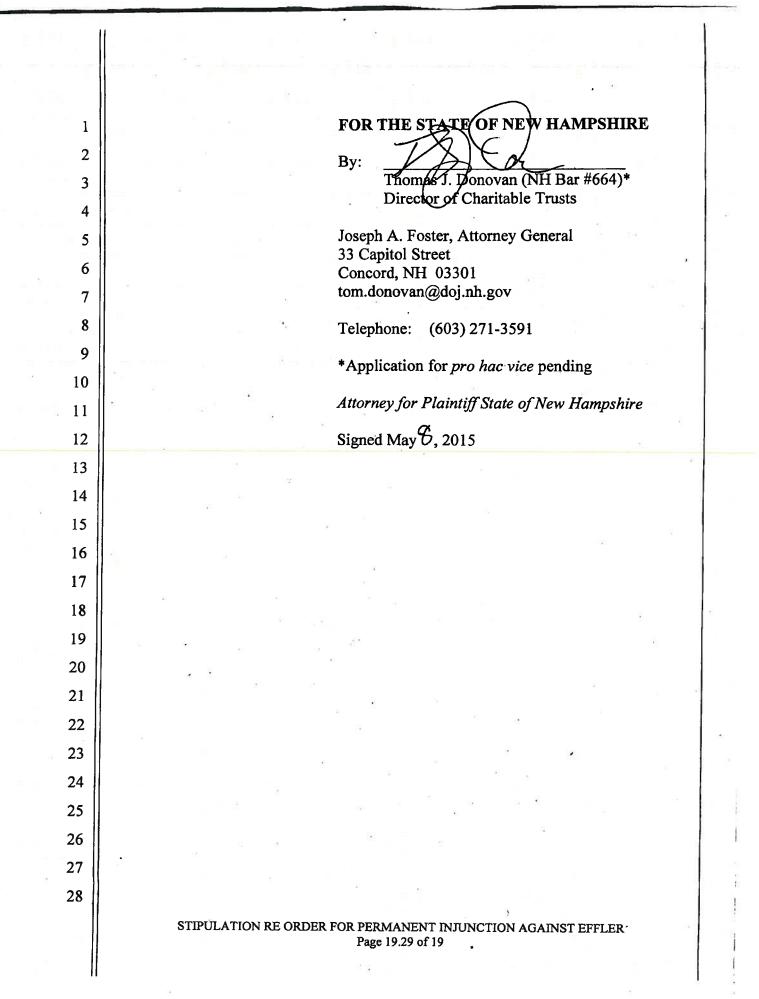


|                      | FOR THE STATE OF MISSOURI                                   |
|----------------------|---|
|                      | CHRIS KOSTER  |
|                      | Attorney General  |
|                      | And Go-   |
| ing in a             | ROBERT E. CARLSON, # 54602                                  |
|                      | Assistant Attorney General                                  |
| ing a big            | P.O. Box 861  |
|                      | St. Louis, MO 63188<br>(314) 340-6816                       |
|                      | Fax: (314) 340-7957   |
|                      | bob.carlson@ago.mo.gov                                      |
| 2                    | *Application for pro hac vice pending                       |
|                      |   |
|                      | Attorney for Plaintiff State of Missouri                    |
|                      | Signed <u>May</u> , 2015                                    |
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|     |                  |        |   |
| 1   |                  |        | FOR THE STATE OF MONTANA                                    |
| 2   |                  |        |   |
| 3   |                  |        | Bu VII. 1 Heller  |
| 4   |                  |        | By: Kelley L. Hubbarg                                       |
| 5   |                  |        | TIMOTHY C. FOX<br>Montana Attorney General                  |
| 6   |                  |        | E. EDWIN ECK, MT Bar No. 414*<br>Deputy Attorney General    |
| 7   |                  |        | KELLEY L. HUBBARD, MT Bar No. 9604*                         |
| 8   |                  |        | Assistant Attorney General                                  |
| 9   |                  |        | Montana Attorney General's Office<br>P. O. Box 200151       |
| 10  |                  | ]      | Helena, MT 59620-0151                                       |
| 11  |                  |        | <u>EdEck@mt.gov</u><br><u>KHubbard@mt.gov</u>               |
| 12  |                  |        | Telephone: (406) 444-2026                                   |
| -13 |                  |        | *Application for <i>pro hac vice</i> pending                |
| 14  |                  |        |   |
| 15  |                  |        | Attorneys for Plaintiff State of Montana                    |
| 16  |                  | ŝ      | Signed May <b>7</b> , 2015                                  |
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| 1  |            |             | FOR THE STATE OF NEBRASKA                                     |
|----|------------|-------------|---|
| 2  |            |             | By: Milall  |
| 3  |            |             | Daniel Russell (NE Bar # 25302)*                              |
| 4  |            |             | Assistant Attorney General                                    |
| 5  |            |             | Office of Attorney General Douglas J. Peterson                |
|    |            |             | 2115 State Capitol  |
| 6  |            |             | PO Box 98920  |
| 7  |            |             | Lincoln, Nebraska 68509<br><u>daniel.russell@nebraska.gov</u> |
| 8  |            |             | damentussen(whebraska.gov                                     |
| 9  |            |             | Telephone: (402) 471-1279                                     |
| 10 |            |             | *Application for pro hac vice pending                         |
| 11 |            |             | Attorney for Plaintiff State of Nebraska                      |
| 12 |            |             |   |
| 13 |            |             | Signed <u>May</u> 6, 2015                                     |
| 14 |            |             |   |
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|    | STIPULATIO | ON RE ORDER | R FOR PERMANENT INJUNCTION AGAINST EFFLER<br>Page 19.27 of 19 |
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FOR THE STATE OF NEVADA 1 Like 2 By: JOANN GIBBS •3 NV Bar # 005324 4 **Chief Multistate Counsel** 5 Office of Attorney General Adam Paul Laxalt 6 10791 W. Twain Avenue, Suite 100 Las Vegas, Nevada 89135 7 jgibbs@ag.nv.gov 8 Telephone: (702) 486-3789 9 \*Application for pro hac vice pending 10 11 Attorney for Plaintiff State of Nevada 12 30 \_\_\_\_,2015 Signed 4 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER Page 19.28 of 19



| 1  |   |      |          |          | FOR THE STATE OF NEW JERSEY                                   |
|----|---|------|----------|----------|---|
| 2  |   |      |          |          | JOHN J. HOFFMAN   |
| 3  |   |      |          |          | ACTING ATTORNEY GENERAL OF NEW JERSEY                         |
| 4  |   |      |          |          |   |
| 5  |   |      |          |          | By: Ein thu   |
| 6  |   |      |          |          | Erin M. Greene (NJ Bar #014512010) *                          |
| 7  |   |      |          |          | Deputy Attorney General                                       |
| 8  |   |      |          |          |   |
|    |   |      |          |          | State of New Jersey<br>Office of Attorney General             |
| 9  |   |      |          |          | Department of Law and Public Safety                           |
| 10 |   |      |          |          | Division of Law   |
| 11 |   |      |          |          | 124 Halsey Street - 5th Floor<br>P.O. Box 45029               |
| 12 |   |      |          |          | Newark, New Jersey 07101                                      |
| 13 |   |      |          |          | erin.greene@dol.lps.state.nj.us                               |
|    |   |      |          |          | Telephone: (973) 648-4846                                     |
| 14 |   |      |          |          | *Application for pro hac vice pending                         |
| 15 |   |      |          |          |   |
| 16 |   |      |          |          | Attorney for Plaintiff State of New Jersey                    |
| 17 |   |      |          |          | Signed <u>May 1</u> , 2015                                    |
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| 1  |                      |  |            |
| 2  |                      | FOR THE STATE OF NEW YORK                                    |            |
| 3  |                      | ERIC T. SCHNEIDERMAN   |            |
| 4  |                      | Attorney General of the State of New York                    |            |
| 5  |                      | 11 AA  |            |
| 6  |                      | By: Janton   |            |
|    |                      | Yael Fuchs (NY Bar # 4542684)*<br>Assistant Attorney General |            |
| 7  |                      | Charities Bureau   |            |
| 8  |                      | 120 Broadway, 3 <sup>rd</sup> Floor                          |            |
| 9  |                      | New York, New York 10271<br>Telephone: (212) 416-8401        |            |
| 10 |                      | yael.fuchs@ag.ny.gov   |            |
| 11 |                      | *Application for pro hac vice pending                        |            |
| 12 |                      |  |            |
| 13 |                      | Attorney for Plaintiff State of New York                     |            |
| 14 |                      | Signed May 6, 2015   |            |
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|----|------------|-------------|--|
| 1  |            |             | FOR THE STATE OF NORTH CAROLINA                                    |
| 2  |            |             | By: Reed Mm  |
| 3  |            |             | Creecy Johnson (MC/Bar #32619)*<br>Special Deputy Attorney General |
| 4  |            |             |  |
| 5  | -          |             | Office of Attorney General Roy Cooper<br>9001 Mail Service Center  |
| 6  |            |             | Raleigh, NC 27699  |
| 7  |            |             | ccjohnson@ncdoj.gov<br>Telephone: (919) 716-6000                   |
| 8  |            |             | Telephone. (919) /10-0000  |
| 9  |            |             | *Application for pro hac vice pending                              |
| 10 |            |             | Attorney for Plaintiff State of North Carolina                     |
| 11 |            |             | Signed, 2015   |
| 12 |            |             |  |
| 13 |            |             | By: Karena J. Phillips   |
| 14 |            |             | Lareena J. Phillips (NC Bar #36859)*                               |
| 15 |            |             | Assistant Attorney General   |
| 16 |            |             | Counsel for North Carolina Secretary of State                      |
| 17 |            |             | Elaine F. Marshall<br>9001 Mail Service Center                     |
| 18 |            |             | Raleigh, NC 27699  |
| 19 |            |             | lphillips@ncdoj.gov<br>Telephone: (919) 716-6610                   |
| 20 |            |             |  |
| 21 |            |             | *Application for pro hac vice pending                              |
| 22 |            |             | Attorney for Plaintiff State of North Carolina                     |
| 23 |            |             | Signed <u>May</u> 7, 2015  |
| 24 |            |             | U  |
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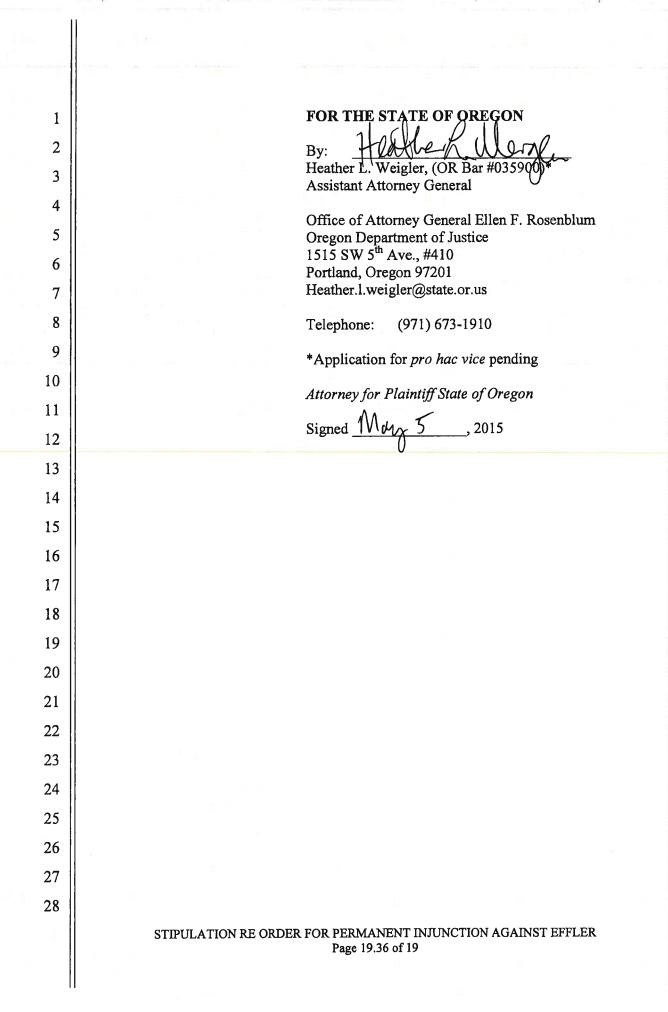
| 1  |            |            | FOR THE STATE OF NORTH DAKOTA  |  |
|----|------------|------------|--|--|
| 2  |            |            | By: M le home  |  |
| 3  |            |            | Michael C. Thompson (ND Bar # 06550)*                                      |  |
| 4  |            |            | Assistant Attorney General   |  |
| 5  |            |            | Office of Attorney General Wayne Stenehjen<br>Consumer Protection Division |  |
| 6  |            |            | Gateway Professional Center  |  |
| 7  |            |            | 1050 E. Interstate Ave Ste 200<br>Bismarck, ND 58503-5574                  |  |
| 8  |            |            | mcthompson@nd.gov  |  |
| 9  |            |            | Telephone: (701) 328-5570  |  |
| 10 |            |            |  |  |
| 11 |            |            | *Application for <i>pro hac vice</i> pending                               |  |
| 12 |            |            | Attorney for Plaintiff State of North Dakota                               |  |
| 13 |            |            | Signed April 23, 2015  |  |
| 14 |            |            |  |  |
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| 1  | FOR THE STATE OF OHIO   |
|----|---|
| 2  | By: Monne Sutel   |
| 3  | Yvonne Terlel (OH Bar # 0019033)*<br>Principal Assistant Attorney General |
| 4  |   |
| 5  | Office of Attorney General Mike DeWine<br>Charitable Law Section          |
| 6  | 150 E. Gay St., 23 <sup>rd</sup> floor                                    |
| 7  | Columbus, Ohio 43215<br>yvonne.tertel@ohioattorneygeneral.gov             |
| 8  | yvonne.terter@ontoattorneygeneral.gov                                     |
| 9  | Telephone: (614) 466-3181   |
| 10 | *Application for pro hac vice pending                                     |
| 11 | Attorney for Plaintiff State of Ohio                                      |
| 12 |   |
| 13 | Signed <u>May6</u> , 2015   |
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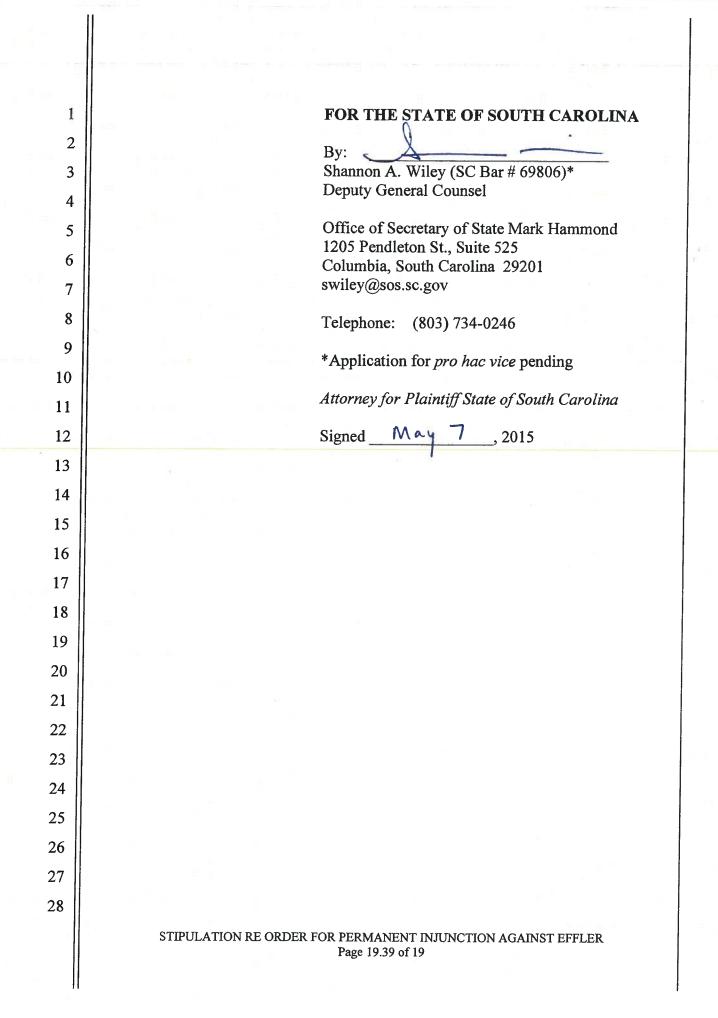
| 1        | FOR THE STATE OF OKLAHOMA  |   |
|----------|--|---|
| 2        | E. SCOTT PRUITT  |   |
| 3        | OKLAHOMA ATTORNEY GENERAL  |   |
| 4        |  |   |
| 5        | Malina WAPharson   |   |
| 6        | Malisa McPherson (OK Bar #32070)*<br>Assistant Attorney General                  |   |
| 7        | 313 N.E. 21 <sup>st</sup> Street<br>Oklahoma City, Oklahoma 73105                |   |
| 8        | Telephone: (405) 521-6926<br>Facsimile: (405) 522-0085                           |   |
| 9        | Malisa.McPherson@oag.ok.gov  |   |
| 10<br>11 | *Application for <i>pro hac vice</i> pending                                     |   |
| 12       | Attorney for Plaintiff State of Oklahoma   |   |
| 13       | Signed May 12, 2015  | - |
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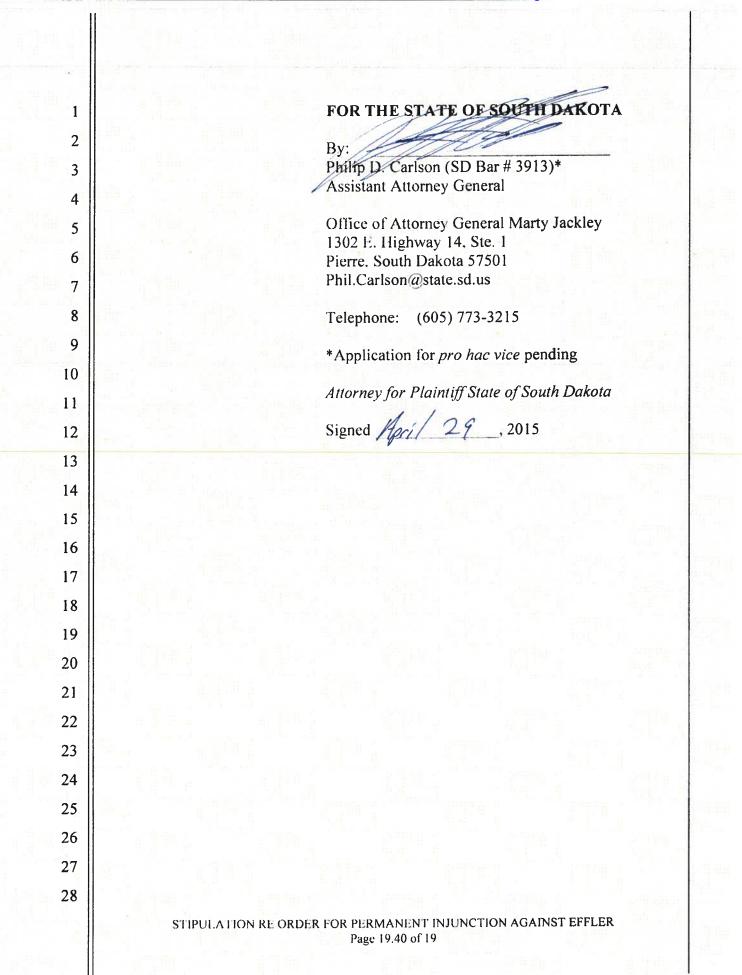
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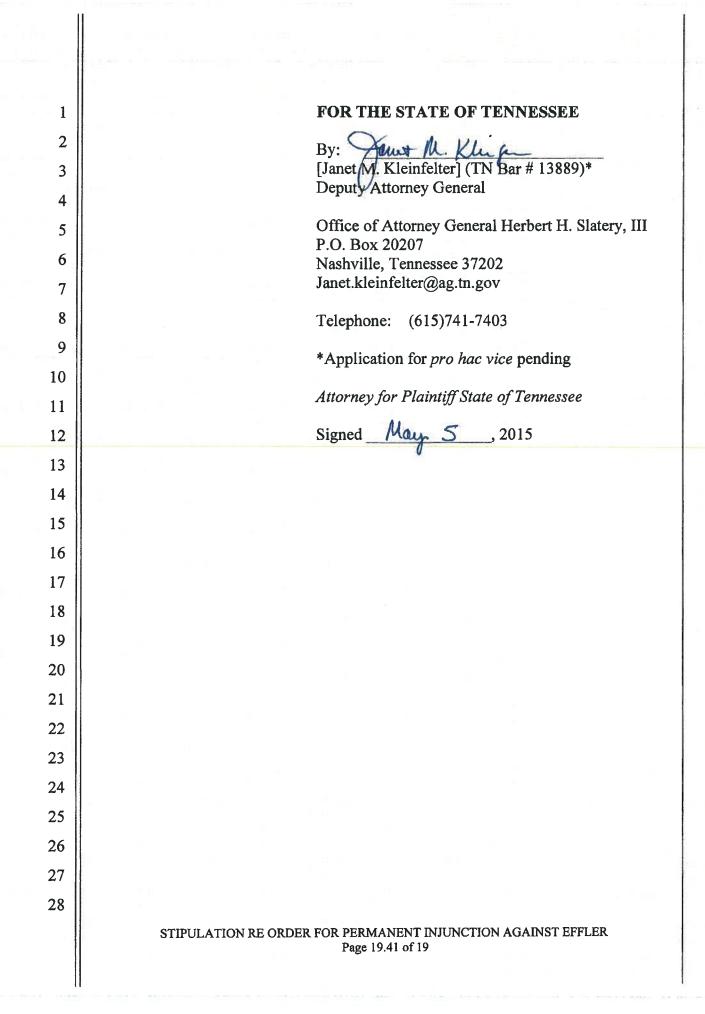


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| 1  | H esti z - H trit    | FOR THE COMMONWEALTH OF   |
| 2  |                      | PENNSYLVANIA  |
| 3  |                      | By: Wichael T. Joerster   |
| 4  |                      | By: <u>Michael T. Joerstey</u><br>Michael T. Foerster (PA Bar #78766)* MIHP |
| 5  |                      | Senior Deputy Attorney General  |
| 6  |                      | Office of Attorney General Kathleen Kane                                    |
| 7  |                      | 14th Floor<br>Strawberry Square   |
| 8  |                      | Harrisburg, Pennsylvania 17120  |
| 9  |                      | mfoerster@attorneygeneral.gov   |
| 10 |                      | Telephone: (717) 783-6084   |
| 10 |                      | *Application for pro hac vice pending                                       |
| 11 |                      |   |
| 12 |                      | Attorney for Plaintiff State of Pennsylvania                                |
| 13 |                      | Signed <u>May 13</u> , 2015   |
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| 1                 | FOR THE STATE OF RHODE ISLAND  |
| 2                 | By: 22-5-  |
| 3                 | Genevieve M. Martin (RI Bar#3918)*   |
| 4                 | Assistant Attorney General   |
| 5                 | Office of Attorney General Peter Kilmartin                                       |
|                   | 150 South Main Street  |
| 6                 | Providence, Rhode Island 02903<br>GMartin@riag.ri.gov                            |
| 7                 | Oiviartin@riag.11.gov  |
| 8                 | Telephone: (401) 274-4400  |
| 9                 | *Application for <i>pro hac vice</i> pending                                     |
| 10                | reprication for provide vice pending   |
| 11                | Attorney for Plaintiff State of Rhode Island                                     |
| 12                | Signed 5/1, 2015   |
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| 1          | F                       | FOR THE STATE OF TEXAS   |
|------------|-------------------------|--|
| 2          | K                       | KEN PAXTON   |
| 3          | A                       | Attorney General of Texas  |
| 4          |                         | CHARLES E. ROY   |
| 5          | 14                      | First Assistant Attorney General of Texas                                |
| 6          | Т                       | AMES E. DAVIS  |
| 7          | -                       | Deputy Assistant Attorney General for Civil                              |
| 8          | L                       | itigation  |
| 9          | Т                       | OMMY PRUD'HOMME  |
| 1.63 1.040 |                         | Chief, Consumer Protection   |
| 10         | By:                     | Jun Masoth!  |
| 11         |                         | ENNIFER M ROSCETTI (TX Bar No. 24066685)*                                |
| 12         |                         | ssistant Attorney General<br>OREY D. KINTZER (TX Bar No. 24046219)       |
| 13         | A                       | ssistant Attorney General  |
| 14         |                         | office of Attorney General Ken Paxton<br>00 West 15 <sup>th</sup> Street |
| - 15       | 11                      | Lustin, Texas 78701  |
| 16         | Je                      | ennifer.Roscetti@texasattorneygeneral.gov                                |
| 17         | П                       | elephone: 512-475-4673   |
| 18         |                         |  |
| 19         |                         | Application for <i>pro hac vice</i> pending                              |
| 20         |                         | ttorney for Plaintiff State of Texas                                     |
| 21         | ll Si                   | igned <u>May 14</u> , 2015   |
| 22         |                         |  |
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#### FOR THE STATE OF UTAH

By: JEFFREY BUCKNER (UT Bar # 4546) UTAH ASSISTANT ATTORNEY GENERAL OFFICE OF ATTORNEY GENERAL SEAN REYES 160 EAST 300 SOUTH, 5<sup>TH</sup> FLOOR P.O. BOX 140872 SALT LAKE CITY, UTAH 84114-0872 jbuckner@utah.gov Telephone: (801) 366-0310 Application for *pro hac vice* pending

Attorney for Plaintiff State of Utah

Signed <u>April 22</u>, 2015

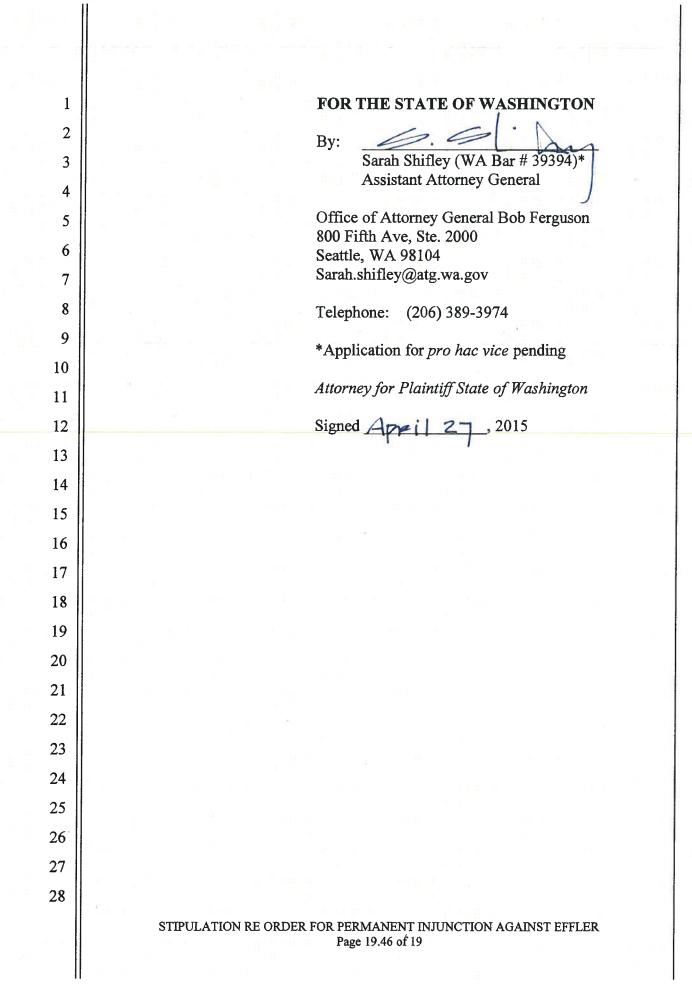
STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER Page 19.43 of 19

| 1                | FOR THE STATE OF VERMONT   |  |
|------------------|--|--|
| 2<br>3           | WILLIAM H. SORRELL<br>ATTORNEY GENERAL   |  |
| 4                | By:<br>Todd W. Daloz (VT Bar # 4734)<br>Assistant Attorney General                                 |  |
| 6<br>7<br>8<br>9 | Office of Attorney General<br>109 State St.<br>Montpelier, Vermont 05609<br>Todd.Daloz@state.vt.us |  |
| 10               | Telephone: (802) 828-4605  |  |
| 11               | *Application for pro hac vice pending  |  |
| 12               | Attorney for Plaintiff State of Vermont  |  |
| 13               | Signed Mr Ft, 2015   |  |
| 14               | Signed 1- 2015   |  |
| 15               |  |  |
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|                  | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER<br>Page 19.44 of 19                   |  |

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| 1   | FOI  | R THE COMMONWEALTH OF VIRGINIA                        |
|-----|------|---|
| 2   | By:  | Richard J. Schweiten A.                               |
| 3   | Rich | hard S. Schweiker, Jr. (VA Bar # 34258)*              |
| 4   | Seni | ior Assistant Attorney General                        |
| 5   |      | ce of Attorney General Mark R. Herring                |
| 6   |      | sumer Protection Section<br>East Main Street          |
| 7   | Rich | mond, Virginia 23219                                  |
| 8   | rsch | weiker@oag.state.va.us                                |
| 9   | Tala | phone: (804) 786-5643                                 |
| 10  | *Ap  | plication for pro hac vice pending                    |
| 11  | Atto | rney for Plaintiff State of Virginia                  |
| 12  |      |   |
| 13  | Sign | ed <u>May 5</u> , 2015                                |
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| 1      | FOR THE STATE OF WEST VIRGINIA   |
|--------|--|
| 2      | By: Millan.  |
| 3      | Michael M. Morrison (WV Bar # 9822)*   |
| 4      | Assistant Attorney General   |
| 5      | Office of Attorney General Patrick Morrisey                                      |
| 299    | 812 Quarrier Street, 1st Floor   |
| 6      | Charleston, West Virginia 25301  |
| 7      | P.O. Box 1789<br>Charleston, West Virginia 25326                                 |
| 8      | Matt.M.Morrison@wvago.gov  |
| 9      | Telephone: (304) 558-8986  |
| 10     |  |
| 11     | *Application for pro hac vice pending  |
| 12     | Signed May 7 <sup>th</sup> , 2015  |
| 13     | By: Aun U  |
| 14     | Laurel K Lackey (WV Bar # 10267)*  |
| 15     | Assistant Attorney General   |
| 1.55   | Counsel for Secretary of State Natalie E. Tennant                                |
| 16     | Office of Attorney General Patrick Morrisey                                      |
| 17     | 269 Aikens Center  |
| 18     | Martinsburg, West Virginia 25404   |
| 19     | Laurel.K.Lackey@wvago.gov  |
| 20     | Telephone: (304) 267-0239  |
| 21     | *Application for pro hac vice pending  |
| 22     | Attorneys for Plaintiff State of West Virginia                                   |
| 23     |  |
| 24     | Signed <u>April 30</u> , 2015  |
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| 1  |              |            |            | FOR THE ST                           | ATE OF WIS        | CONSIN        |  |
| 2  |              |            |            |                                      |                   |               |  |
| 3  |              |            |            | BRAD D. SCH<br>ATTORNEY (            |                   |               |  |
|    | 9 <b>9</b> 9 |            |            |                                      | - 1 - <b>1</b>    | • =:          |  |
| 4  |              |            |            |                                      | X.Jall            |               |  |
| 5  |              |            |            | By: <b>Matter</b><br>Francis X. Sulf |                   |               |  |
| 6  |              |            |            | Assistant Attor                      |                   |               |  |
| 7  |              |            |            | Wisconsin Stat                       |                   | 932*          |  |
| 8  | 1            |            |            |                                      |                   |               |  |
| 9  |              |            |            | Wisconsin Dep                        |                   | tice          |  |
|    |              |            |            | Post Office Bo                       |                   |               |  |
| 10 |              |            |            | Madison, Wisc<br>(608) 267-2222      |                   | 857           |  |
| 11 |              |            |            | (608) 267-2222                       |                   |               |  |
| 12 |              |            |            | sullivanfx@do                        |                   |               |  |
| 13 |              |            |            | *Application for                     | or pro hac vice   | pending       |  |
| 14 | 0            |            |            | Application                          |                   | pending       |  |
| 15 |              |            |            | Attorney for Pl                      | laintiff State of | Wisconsin     |  |
|    |              |            |            | Signed Ma                            | , 20              | 115           |  |
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|---|------------|-----------|--|------------------------|----|
| 1   |            |           | FOR THE STATE                            | <b>OF WYOMING</b>      |    |
| 2   |            |           |  |                        |    |
| 3   |            |           | 1  | 2                      |    |
| 4   |            |           | P. 11                                    |                        |    |
| 5   |            |           | By: Clyde W. Huchins (                   | WY Bar # 6-3549)*      |    |
| 6   |            |           | Senior Assistant Atto                    |                        |    |
| 7   |            |           | Office of Attorney G                     | eneral Peter K. Michae | 1  |
| 8   |            |           | 123 State Capitol                        |                        |    |
| 9   |            |           | Cheyenne, WY 8200<br>clyde.hutchins@wyo  |                        |    |
| 0   |            |           | er e i è i i                             |                        |    |
|   |            |           | Telephone: (307) 7                       | //-/04/                |    |
| 1   |            |           | *Application for pro                     | hac vice pending       |    |
| 2   |            |           | Attorney for Plaintiff                   | State of Wyoming       |    |
| 3   |            |           | Signed May                               |                        |    |
| 4   |            |           |  | , 2015                 |    |
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| a de la constante de la constan | STIPULATIO | N RE ORDE | R FOR PERMANENT INJU<br>Page 19.49 of 19 | NCTION AGAINST EFFLER  | 13 |

| -  |  |   |
|----|--|---|
| 1  | FOR THE DISTRICT OF COLUMBIA   |   |
| 2  | KARL A. RACINE   |   |
| 3  | Attorney General for the District of Columbia                                    | - |
| 4  | ELIZABETH SARAH GERE   |   |
| 5  | Acting Deputy Attorney General   |   |
| 6  | Public Interest Division   |   |
| 7  | BENNETT RUSHKOFF   |   |
| 8  | Chief, Public Advocacy Section   |   |
|    |  |   |
| 9  | By: Jain Caloball  |   |
| 10 | BRIAN R. CALDWELL (DC Bar # 979680)*<br>Assistant Attorney General               |   |
| 11 | Office of Attorney General Karl A. Racine  |   |
| 12 | 441 Fourth Street, N.W., Suite 650-S   |   |
| 13 | Washington, D.C. 20001<br>Telephone: (202) 727-6211                              |   |
| 14 | Brian.caldwell@dc.gov  |   |
| 15 |  |   |
| 16 | *Application for <i>pro hac vice</i> pending                                     |   |
|    | Attorney for Plaintiff District of Columbia                                      |   |
| 17 | Signed: May 7, 2015  |   |
| 18 | Signed. May 7, 2015  |   |
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| 20 | STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST EFFLER<br>Page 19.50 of 19 |   |
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|          | Case 2:15-cv-00884-NVW Document 5  | Filed 05/19/15 Page 1 of 70                           |
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| 6        | IN THE UNITED STAT   | TES DISTRICT COURT                                    |
| 7        |  | RICT OF ARIZONA                                       |
| 8        |  |   |
| 9        | Federal Trade Commission; all Fifty<br>States, and the District of Columbia; | CASE NO.  |
| 10       | Plaintiffs,  | STIPULATION RE ORDER FOR                              |
| 11       | VS.  | PERMANENT INJUNCTION AND<br>MONETARY JUDGMENT AGAINST |
| 12<br>13 | Cancer Fund of America, Inc., a Delaware corporation, et al.;                | JAMES REYNOLDS, II                                    |
| 14       | Defendants.  |   |
| 15       |  |   |
| 16       | Plaintiffs the Federal Trade Commiss   | ion ("FTC" or "Commission") and the states            |
| 17<br>18 | of Alabama, Alaska, Arizona, Arkansas, Cali                                  |   |
| 19       | Florida, Georgia, Hawaii, Idaho, Illinois, Ind                               |   |
| 20       | Maine, Maryland, Massachusetts, Michigan,                                    |   |
| 20       | Nebraska, Nevada, New Hampshire, New Jer                                     |   |
| 22       | Carolina, North Dakota, Ohio, Oklahoma, Or                                   |   |
| 23       | Carolina, South Dakota, Tennessee, Texas, U                                  |   |
| 24       | Virginia, Wisconsin, Wyoming, and the Dist                                   | rict of Columbia have filed a complaint for a         |
| 25       | permanent injunction and other equitable reli                                | ef against Defendants Cancer Fund of                  |
| 26       | America, Inc., also d/b/a Breast Cancer Finar                                | ncial Assistance Fund ("CFA"), Cancer                 |
| 27       | Support Services, Inc. ("CSS"), Children's C                                 | ancer Fund of America, Inc. ("CCFOA"),                |
| 28       | and The Breast Cancer Society, Inc., also d/b                                | /a The Breast Cancer Society of America               |

| that all named Defendants violated, among other statutes, the Federal Trade Commission  |   |
|---|---|
| Act, 15 U.S.C.  | § 45, the Telemarketing and Consumer Fraud and Abuse Prevention Act   |
|   | ng Act"), 15 U.S.C. §§ 6101-6108, and the Unfair and Deceptive Acts and   |
| ·   |   |
|   | Charitable Solicitation laws of the Plaintiff States. Plaintiffs and Defenda  |
| James Reynolds, II stipulate to the entry of this Stipulated Order for Permanent        |   |
| Injunction and Monetary Judgment Against James Reynolds, II ("Order") to resolve all    |   |
| matters in dispute in this action between them.   |   |
| THEREFORE, IT IS ORDERED as follows:  |   |
|   |   |
|   | FINDINGS  |
| 1.  | This Court has jurisdiction over this matter.   |
| 2.  | Venue is proper in the District of Arizona.   |
| 3.  | The Complaint charges that Defendant James Reynolds, II ("Reynolds, II"   |
| and others engaged in deceptive acts or practices by making false and misleading claims |   |
| •   |   |
|   | olicitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the  |
| Telemarketing   | Sales Rule ("TSR"), 16 C.F.R. Part 310, and the following state statutes  |
| regulating cha  | ritable solicitations and prohibiting deceptive and/or unfair trade practices   |
| Alabama:  | ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.   |
| Alaska:   | ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010  |
| <b>A</b>  | through 45.68.900.  |
| Arizona:  | ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551 through 44-6561.   |
| Arkansas:   | ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101  |
|   | through 4-88-115.   |
| California:   | CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF.  |
| Colorado:   | CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.           COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through |
|   | 114.  |
| Connecticut:  | CONN. GEN. STAT. §§ 21a-175 through 21a-1901; and 42-110a   |
|   | through 42-110q.  |
| Delaware:   | DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and  |

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| Florida:        | FLA. STAT. ch. 501, Part II; and ch. 496 (2013).  |
|-----------------|---|
| Georgia:        | GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).   |
| Hawaii:         | HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480                                      |
|                 | and Act 217 § 2 Haw. Sess. Laws (2014).   |
| Idaho:          | IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through  |
|                 | 1206.   |
| Illinois:       | 225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.  |
| Indiana:        | IND. CODE §§ 23-7-8-1 through -9; and 24-5-0.5-1 through -12.                                     |
| Iowa:           | IOWA CODE § 714.16.   |
| Kansas:         | KAN. STAT. ANN. §§ 17-1759 through 17-1776.   |
| Kentucky:       | KY. REV. STAT. ANN. §§ 367.110 through 367.300.   |
| Louisiana:      | LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 thro<br>1909.1.                          |
| Maine:          | ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.   |
| Maryland:       | MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).   |
| Massachusetts:  | MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 throu                                    |
|                 | 35; and ch. 93A §§ 1 through 11.  |
| Michigan:       | MICH. COMP. LAWS §§ 400.271 through 400.294.  |
| Minnesota:      | MINN. STAT. ch. 309.  |
| Mississippi:    | MISS. CODE ANN. §§ 79-11-501 through 79-11-529.   |
| Missouri:       | MO. REV. STAT. ch. 407.   |
| Montana:        | MONT. CODE ANN. § 30-14-103.  |
| Nebraska:       | NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306. |
| Nevada:         | NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, 598.097.                            |
| New             | N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:2                                 |
| Hampshire:      | and 641:8.  |
| New Jersey:     | N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1   |
|                 | through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13                                     |
|                 | 15.1.   |
| New Mexico:     | N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 throug 57-22-11 (1978).                    |
| New York:       | N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. E                                     |
|                 | LAW § 349.  |
| North Carolina: | N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.   |
| North Dakota:   | N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.                      |
| Ohio:           | Ohio Rev. Code Ann. § 1716.   |
| Oklahoma:       | OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.   |
| Oregon:         | OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.   |
| Pennsylvania:   | 10 PA. STAT. ANN. §§ 162.1 through .14 (1990).  |
|                 | ION RE ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II  |

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| Rhode Island:                 | R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.  |
|-------------------------------|--|
| South Carolina:               | S.C. CODE ANN. §§ 33-56-10 through 33-56-200.  |
| South Dakota:                 | S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1                                 |
| Tennessee:                    | through 21-34-14.<br>TENN. CODE ANN. §§ 48-101-501 through 48-101-522.                       |
| Texas:                        | TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.  |
| Utah:                         | UTAH CODE ANN. §§ 13-11-1 through 13-11-23; 13-22-1 through 13-                              |
|                               | 22-23; and 13-26-1 through 13-26-11.   |
| Vermont:                      | VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.                           |
| Virginia:                     | VA. CODE ANN. §§ 57-48 through 57-69.  |
| Washington:<br>West Virginia: | WASH. REV. CODE §§ 19.86; and §19.09.  |
| Wisconsin:                    | W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101 through 46a-6-110.<br>WIS. STAT. §§ 202.11-202.18. |
| Wyoming:                      | WYO. STAT. ANN. §§ 40-12-101 through 114.  |
|                               | endant Reynolds, II neither admits nor denies any of the allegations in                      |
|                               |  |
| the Complaint, exe            | cept as specifically stated in this Order. Only for purposes of this                         |
| action, Defendant             | Reynolds, II admits the facts necessary to establish jurisdiction.                           |
| 5. Plair                      | ntiffs and Defendant James Reynolds, II agree that this Order resolves                       |
| all allegations in th         | he Complaint.  |
| 6. Defe                       | endant Reynolds, II waives any claim that he may have under the Equal                        |
| Access to Justice             | Act, 28 U.S.C. § 2412, concerning the prosecution of this action                             |
| through the date o            | f this Order, and agrees to bear his own costs and attorney fees.                            |
| 7. Defe                       | endant Reynolds, II waives all rights to appeal or otherwise challenge or                    |
| contest the validity          | y of this Order.   |
| 8. Entr                       | y of this Order is in the public interest.   |
|                               | DEFINITIONS  |
| For purpose                   | es of this Order, the following definitions shall apply:                                     |
| 1. "De                        | fendant" and "Reynolds, II" mean the individual defendant James                              |
| Reynolds, II, a/k/a           | a James Reynolds, Jr.  |
| 2. "Per                       | rson" means a natural person, an organization or other legal entity,                         |
| including a corpor            | ration, partnership, sole proprietorship, limited liability company,                         |
| association, coope            | erative, or any other group or combination acting as an entity.                              |
|                               |  |

3. "Charitable contribution" means any donation or gift of money or any other
 thing of value.

4. "Donor" or "consumer" means any person solicited to make a charitable
contribution.

5 5. "Fundraising" means a plan, program, or campaign that is conducted to
6 induce charitable contributions by mail, telephone, electronic mail, social media, or any
7 other means.

6. "Nonprofit organization" means any person that is, or is represented to be, a
nonprofit entity, or that has, or is represented to have, a charitable purpose, specifically
including but not limited to any such entity that purports to benefit, either in whole or in
part, individuals who suffer or have suffered from cancer.

7. "Plaintiff States" means the states of Alabama, Alaska, Arizona, Arkansas, 12 California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 13 Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, 14 Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New 15 Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, 16 Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, 17 Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, 18 Wyoming, and the District of Columbia. 19

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8.

"Solicitor" means any person who solicits a charitable contribution.

9. "Telemarketing" means a plan, program, or campaign that is conducted to
 induce the purchase of goods or services or a charitable contribution, by use of one or
 more telephones and that involves a telephone call, whether or not covered by the
 Telemarketing Sales Rule.

10. "And" and "or" shall be construed both conjunctively and disjunctively to
 make the applicable sentence or phrase inclusive rather than exclusive.

STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 5 of 20

#### ORDER

## PROHIBITIONS RELATED TO THE SOLICITATION AND CONTROL **OF CHARITABLE ASSETS**

IT IS FURTHER ORDERED that Reynolds, II is permanently restrained, enjoined, and prohibited from engaging in the following activities, directly or indirectly, individually, or in concert with other persons or entities:

A. Receiving any payment or other financial benefit for: (1) participating or assisting in the solicitation of charitable contributions, directly or indirectly, including by advising, acting as an independent contractor or a fundraising consultant, supplying contact or donor lists, or providing caging, mail processing, or fulfillment services; and (2) controlling, directly or indirectly, or holding a majority ownership interest in, any entity engaged in the business of fundraising; and

B. Establishing, operating, controlling, or managing any nonprofit organization or other entity that holds charitable assets, or any program thereof, directly or indirectly, whether compensated or not, including by serving as a founder, 16 incorporator, officer, director, trustee, chief executive, officer, manager, or other fiduciary; and 18

C. Managing, controlling, directing, distributing, or accounting for the use or application of any charitable asset, or participating or assisting in managing, controlling, directing, distributing, or accounting for the use or application of any charitable asset, directly or indirectly, whether compensated or not, including by acting as an independent contractor, advisor, or consultant.

D. **Provided that**, Reynolds, II may: (1) subject to the limitations of Section I.A-C, above, be employed in the capacity of a licensed medical professional by any nonprofit hospital or other nonprofit health care facility federally certified by the Centers for Medicare and Medicaid Services (CMS) and/or licensed by the relevant state authorities, and use the supplies and equipment necessary to perform his duties as such a

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1 licensed medical professional; he may also volunteer in a non-fiduciary capacity on an 2 advisory board of any such nonprofit hospital or other nonprofit health care facility 3 federally certified by the Centers for Medicare and Medicaid Services (CMS) and/or 4 licensed by the relevant state authorities; (2) be employed by or volunteer for any 5 nonprofit organization or other entity that holds charitable assets in any capacity not 6 prohibited by Section I.A-C above, such as working in any non-supervisory role 7 unrelated to the solicitation, management, custody, control, or distribution of any 8 charitable asset; or (3) be employed or volunteer as a clergyman or similar position at his 9 church.

E. Provided further that Reynolds, II may not be employed by any nonprofit 10 11 organization or other entity that holds charitable assets that is directed, controlled, managed, or operated by any person affiliated with, or formerly affiliated with, Cancer 12 Fund of America, Inc., Children's Cancer Fund of America, Inc., or The Breast Cancer 13 Society, Inc., as an employee, officer, director, or contractor. 14

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#### II. **PROHIBITION ON MISREPRESENTATIONS**

IT IS FURTHER ORDERED that Reynolds, II and all other persons in active concert or participation with him who receive actual notice of this Order, whether acting directly or indirectly, are hereby permanently restrained and enjoined from making, or assisting in making, material misrepresentations in connection with the sale of consumer goods or services.

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#### III. **TELEMARKETING SALES RULE COMPLIANCE**

IT IS FURTHER ORDERED that Reynolds, II and all other persons in active concert or participation with him who receive actual notice of this Order, whether acting 24 directly or indirectly, are hereby permanently restrained and enjoined from violating, or 25 assisting others in violating, any provision of the TSR, 16 C.F.R. Part 310, as currently 26 promulgated or as it hereafter may be amended. 27

|                     | IV. COMPLIANCE WITH STATE LAW   |
|---------------------|---|
| IT IS FUR           | THER ORDERED that Reynolds, II, whether acting directly or  |
| indirectly, is here | by permanently restrained and enjoined from violating, or assisting                                     |
| others in violating | g, any provision of the following state laws:   |
| Alabama:            | ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.   |
| Alaska:             | ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.                           |
| Arizona:            | ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551  |
|                     | through 44-6561.  |
| Arkansas:           | ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.                          |
| California:         | CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF.  |
|                     | CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.   |
| Colorado:           | COLO. REV. STAT. §§ 6-1-101through 115; and 6-16-101 through 1  |
| Connecticut:        | CONN. GEN. STAT. §§ 21a-175 through 21a-1901; and 42-110a   |
|                     | through 42-110q.  |
| Delaware:           | DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); a                                    |
|                     | tit. 6, §§ 2595(a) – (b) (1995).  |
| Florida:            | FLA. STAT. ch. 501, Part II; and ch. 496 (2013).  |
| Georgia:            | GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).   |
| Hawaii:             | HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480-<br>and Act 217 §2 Haw. Sess. Laws (2014). |
| Idaho:              | IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.  |
| Illinois:           | 225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.  |
| Indiana:            | IND. CODE §§ 23-7-8-1 through -9; and 24-5-0.5-1 through -12.   |
| Iowa:               | IOWA CODE § 714.16.   |
| Kansas:             | KAN. STAT. ANN. §§ 17-1759 through 17-1776.   |
| Kentucky:           | Ky. Rev. STAT. ANN. §§ 367.110 through 367.300.   |
| Louisiana:          | LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 throu<br>1909.1.                               |
| Maine:              | ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.   |
| Maryland:           | MD. CODE ANN., BUS. REG. §§ 6-101through 6-701 (2010).  |
| Massachusetts:      | MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through  |
|                     | 35; and ch. 93A §§ 1 through 11.  |
| Michigan:           | MICH. COMP. LAWS §§ 400.271 through 400.294.  |
| Minnesota:          | MINN. STAT. ch. 309.  |
| Mississippi:        | MISS. CODE ANN. §§ 79-11-501 through 79-11-529.   |
| Missouri:           | MO. REV. STAT. ch. 407.   |

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| Montana:             | MONT. CODE ANN. § 30-14-103.   |
|----------------------|--|
| Nebraska:            | NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through              |
|                      | 59-1622; and 87-301 through 87-306.  |
| Nevada:              | NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, an           |
|                      | 598.097.   |
| New                  | N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-        |
| Hampshire:           | and 641:8.   |
| New Jersey:          | N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1                  |
|                      | through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:48           |
|                      | 15.1.  |
| New Mexico:          | N.M. STAT. §§ 57-12-1through 57-12-22; and §§ 57-22-1through 5'            |
|                      | 22-11 (1978).  |
| New York:            | N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BU             |
|                      | LAW § 349.   |
| North Carolina:      | N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.                                  |
| North Dakota:        | N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01                 |
|                      | through 51-15-11.  |
| Ohio:                | Ohio Rev. Code Ann. § 1716.  |
| Oklahoma:            | OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.                          |
| Oregon:              | OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.                    |
| Pennsylvania:        | 10 PA. STAT. ANN. §§ 162.1 through .14 (1990).                             |
| Rhode Island:        | R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.                              |
| South Carolina:      | S.C. CODE ANN. §§ 33-56-10 through 33-56-200.                              |
| South Dakota:        | S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1               |
|                      | through 21-34-14.  |
| Tennessee:           | TENN. CODE ANN. §§ 48-101-501 through 48-101-522.                          |
| Texas:               | TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.                          |
| Utah:                | UTAH CODE ANN. §§ 13-11-1 through 13-11-23; 13-22-1 through 1              |
|                      | 22-23; and 13-26-1 through 13-26-11.                                       |
| Vermont:             | VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479          |
| Virginia:            | VA. CODE ANN. §§ 57-48 through 57-69.                                      |
| Washington:          | WASH. REV. CODE §§ 19.86; and §19.09.                                      |
| West Virginia:       | W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101through 46a-6-110.                |
| Wisconsin:           | WIS. STAT. §§ 202.11-202.18.   |
| Wyoming:             | WYO. STAT. ANN. §§ 40-12-101 through 114.                                  |
| • •                  |  |
|                      | V. COOPERATION   |
| IT IS FUR            | THER ORDERED that Reynolds, II must cooperate fully with                   |
| Plaintiffs' represe  | ntatives in this case and in any investigation related to or associated    |
| with the transaction | ons or the occurrences that are the subject of the Complaint. Reynold      |
| STIPULAT             | ION RE ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 9 of 20 |

II must provide truthful and complete information, evidence, and testimony. Reynolds, II must appear for interviews, discovery, hearings, trials, and any other proceedings that any 3 Plaintiff's representative may reasonably request upon five days written notice, or other 4 reasonable notice, at such places and times as any Plaintiff's representative may 5 designate, without the service of a subpoena.

#### VI. **MONETARY JUDGMENT**

IT IS FURTHER ORDERED that judgment is hereby entered against Reynolds, II as follows:

A Judgment in the amount of sixty-five million, five hundred sixty-four thousand, three hundred sixty dollars (\$65,564,360) is entered in favor of Plaintiffs against Reynolds, II, as equitable monetary relief; 12

Reynolds, II shall pay seventy-five thousand dollars (\$75,000) to the STCO B. 13 Fund described in Section VII.E, below, within seven (7) days of entry of the Order. 14 Upon such payment, the remainder of the judgment shall be suspended as to Reynolds, II, 15 subject to Section VI.C-E, below; 16

C. Plaintiffs' agreement to the suspension of the judgment owed by Reynolds, 17 II is expressly premised upon the truthfulness, accuracy, and completeness of Reynolds, 18 II's sworn financial statements and related documents (collectively, "financial 19 representations") submitted to Plaintiffs, namely:

20 1. the Financial Statement of Individual, signed on April 15, 2015, 21 including attachments; and

22 2. Reynolds, II's representations, made through his counsel, in 23 correspondence dated March 16, 2015, March 19, 2015, March 25, 2015, and April 16, 24 2015;

25 D. The suspension of the judgment will be lifted as to Reynolds, II if, upon 26 motion by any Plaintiff, the Court finds that Reynolds, II failed to disclose any material 27 asset, materially misstated the value of any asset, or made any other material

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1 misstatement or omission in his financial representations, identified above. If the 2 suspension of the judgment is lifted pursuant to this provision, the judgment becomes 3 immediately due in the amount specified in Section VI.A, above, as to Reynolds, II 4 (which the Parties stipulate for purposes only of this Section represents the consumer 5 injury alleged in the Complaint for which Reynolds, II is liable), less any payment 6 previously made by Reynolds, II pursuant to this Section, or by Defendant The Breast 7 Cancer Society, Inc. pursuant to any other order entered in connection with this matter, 8 plus interest computed from the date of entry of this Order; and

<sup>9</sup> E. The suspension of the judgment will be lifted as to Reynolds, II if, upon
<sup>10</sup> motion by any Plaintiff State, the Court finds that Reynolds, II has violated any provision
<sup>11</sup> of Section I, above, and a judgment in the amount set forth in Section VI.A, above, less
<sup>12</sup> any prior payments by Defendant Reynolds, II or The Breast Cancer Society, Inc.,
<sup>13</sup> becomes immediately due as to Reynolds, II. The judgment amount shall be payable to
<sup>14</sup> the moving Plaintiff State, which shall use any money collected pursuant to the
<sup>15</sup> requirements of Section VII.E.2, below.

## VII. ADDITIONAL MONETARY PROVISIONS

## IT IS FURTHER ORDERED that:

A. Reynolds, II relinquishes dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order, and may not seek the return of any assets;

B. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Plaintiffs, including in a proceeding to enforce their rights to any payment or monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case;

C. The facts alleged in the Complaint establish all elements necessary to sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,

STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 11 of 20

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1 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such 2 purposes;

3 D. Reynolds, II acknowledges that his Social Security Number, which he previously submitted to Plaintiffs, may be used for collecting and reporting on any 5 delinguent amount arising out of this Order, in accordance with 31 U.S.C. § 7701;

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Payment to the Plaintiff States: E.

7 1. All money paid to the Plaintiff States pursuant to this Order shall be 8 made by wire transfer to the Litigation Deposits Trust Fund (Fund Code "T-xx-909N"), 9 an interest bearing trust fund held by the Hawaii Attorney General's Office in trust for the Plaintiff States ("the short-term court ordered trust fund" or "STCO Fund"); 10

2. The STCO Fund shall be used to pay: (a) pursuant to cy pres, 11 qualifying charitable organizations with charitable purposes substantially similar to the 12 purposes for which the Defendants named in this matter solicited funds, and (b) the 13 Plaintiff States to reimburse costs of the investigation and to pay attorneys' fees. When 14 payment(s) from the STCO Fund are appropriate, the Plaintiff States shall submit to this 15 Court a Motion and Proposed Order recommending cy pres recipients and the amounts to 16 be paid to such recipients and/or the amounts to be paid to reimburse the Plaintiff States 17 for their costs and attorneys' fees. The Hawaii Attorney General shall distribute monies 18 from the STCO Fund only as authorized and directed by this Court. Reynolds, II has no 19 right to challenge any recommendations regarding monetary distributions made by the 20 Plaintiff States. 21

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#### VIII. **ORDER ACKNOWLEDGMENTS**

IT IS FURTHER ORDERED that Reynolds, II provide acknowledgment of receipt of this Order:

25 A. Reynolds, II, within seven days of entry of this Order, must submit to 26 Plaintiff Federal Trade Commission an acknowledgment of receipt of this Order sworn 27 under penalty of perjury;

- STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 12 of 20
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1 B. For five years after entry of this Order, Reynolds, II, for any business that 2 he, individually or collectively with any other Defendant named in this matter, is the 3 majority owner or controls directly or indirectly, must deliver a copy of this Order to: 4 (1) all principals, officers, directors, and LLC managers and members; (2) all employees, 5 agents, and representatives who participate in conduct related to the subject matter of this 6 Order; and (3) any business entity resulting from any change in structure as set forth in 7 Section IX below. Delivery must occur within seven days of entry of this Order for 8 current personnel. For all others, delivery must occur before they assume their 9 responsibilities; and C. From each individual or entity to which Reynolds, II delivered a copy of 10 11

this Order, Reynolds, II must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

### IX. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Reynolds, II make timely submissions to Plaintiff Federal Trade Commission.

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A. One year after entry of this Order, Reynolds, II must submit a compliance report, sworn under penalty of perjury. Reynolds, II must:

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 1. identify all his telephone numbers and all physical, postal, email and
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 Internet addresses, including all residences;

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<sup>23</sup>
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 <sup>23</sup> describe in detail his involvement in each such business, including
 <sup>24</sup> title, role, responsibilities, participation, authority, control, and any ownership;

4. identify all such businesses by all of their names, telephone
 numbers, and physical, postal, email, and Internet addresses;

STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 13 of 20

1 5. describe the activities of each business, including the goods and 2 services offered, the means of advertising, marketing, sales, methods of payment, and the 3 involvement of any other Defendant named in this matter (which Reynolds, II must 4 describe if he knows or should know due to his own involvement); 5 6. identify the primary physical, postal, and email address and 6 telephone number, as designated points of contact, which Plaintiffs or their 7 representatives may use to communicate with him; 8 7. for all his activities with any nonprofit organization that Reynolds, II undertakes in connection with Section I.D of this Order: 9 identify all such nonprofit organizations by all of their names, 10 a telephone number[s], and physical, postal, email, and Internet addresses; and 11 b. describe in detail his involvement in each such nonprofit 12 organization, including any title, role, responsibilities, participation, authority, and 13 control; 14 8. describe in detail whether and how Reynolds, II is in compliance 15 with each Section of this Order; and 16 9. provide a copy of each Order Acknowledgment obtained pursuant to 17 this Order, unless previously submitted to Plaintiff Federal Trade Commission. 18 B For ten years after entry of this Order, Reynolds, II must submit a 19 compliance notice, sworn under penalty of perjury, within 14 days of any change in the 20 following: 21 1. Reynolds, II must report any change in: (a) any designated point of 22 contact; or (b) the structure of any entity that he has any ownership interest in or controls 23 directly or indirectly that may affect compliance obligations arising under this Order, 24 including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or 25 affiliate that engages in any acts or practices subject to this Order. 26 2. Reynolds, II must report any change in: (a) name, including aliases 27 or fictitious names, or residence address; or (b) title or role in any business activity, 28

including any business for which he performs services, whether as an employee or
 otherwise, and any entity in which he has any ownership interest or controls, directly or
 indirectly, and identify the name, physical address, and any Internet address of the
 business or entity.

3. If Reynolds, II is employed by any nonprofit organization in any
 capacity permitted by Section I.D of this Order or otherwise, he must report any change
 in title or role with that nonprofit organization.

<sup>8</sup> C. Reynolds, II must submit notice of the filing of any bankruptcy petition,
 <sup>9</sup> insolvency proceeding, or similar proceeding by or against him within 14 days of its
 <sup>10</sup> filing.

D. Any submission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on [date] at [location]" and supplying the date, location, signatory's full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all
 submissions to Plaintiff Federal Trade Commission pursuant to this Order must be
 emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:

 Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580

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The subject line of each submission must begin: FTC v. Cancer Fund of America, et al.

## X. RECORDKEEPING

IT IS FURTHER ORDERED that Reynolds, II must create certain records for ten
 years after entry of this Order, and retain each such record for five years. Specifically,
 for any business that he, individually or collectively with any other Defendant named in

STIPULATION RE ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 15 of 20 1 this matter, is a majority owner or controls directly or indirectly, he must create and 2 retain the following records:

3 A. Accounting records showing revenues from all goods or services sold or 4 billed:

B. Personnel records showing, for each person providing services, whether as an employee or otherwise, that person's name; address; telephone number; job title or position; dates of service; and reason for termination (if applicable);

8 C. Records of all consumer complaints, whether received directly or indirectly, such as through a third party, and any response; 9

D All records necessary to demonstrate full compliance with each provision 10 of this Order, including all submissions to Plaintiff Federal Trade Commission; and 11

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#### XI. **COMPLIANCE MONITORING**

A copy of each unique advertisement or other marketing material.

IT IS FURTHER ORDERED that, for purposes of monitoring Reynolds, II's compliance with this Order, including the accuracy of the financial representations upon which the judgment was suspended:

Within 14 days of receipt of a written request from a representative of any A. Plaintiff, Reynolds, II must submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. Plaintiffs are also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69;

24 B. For matters concerning this Order, Plaintiffs are authorized to communicate directly with Reynolds, II. Reynolds, II must permit representatives of any Plaintiff to 26 interview any employee or other person affiliated with him who has agreed to such an 27 interview. The person interviewed may have counsel present;

C. Plaintiffs may use all other lawful means, including posing, through their
 representatives, as consumers, suppliers, or other individuals or entities, to Reynolds, II
 or any individual or entity affiliated with him, without the necessity of identification or
 prior notice. Nothing in this Order limits Plaintiff Federal Trade Commission's lawful
 use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§
 49, 57b-1, or the Plaintiff States' lawful use of relevant state laws governing pre-suit
 investigation and discovery; and

<sup>8</sup> D. Upon written request from a representative of the Commission or any
<sup>9</sup> Plaintiff State, any consumer reporting agency must furnish a consumer report
<sup>10</sup> concerning Reynolds, II pursuant to Section 604(1) of the Fair Credit Reporting Act, 15
<sup>11</sup> U.S.C. §1681b(a)(1).

### XII. RETENTION OF JURISDICTION

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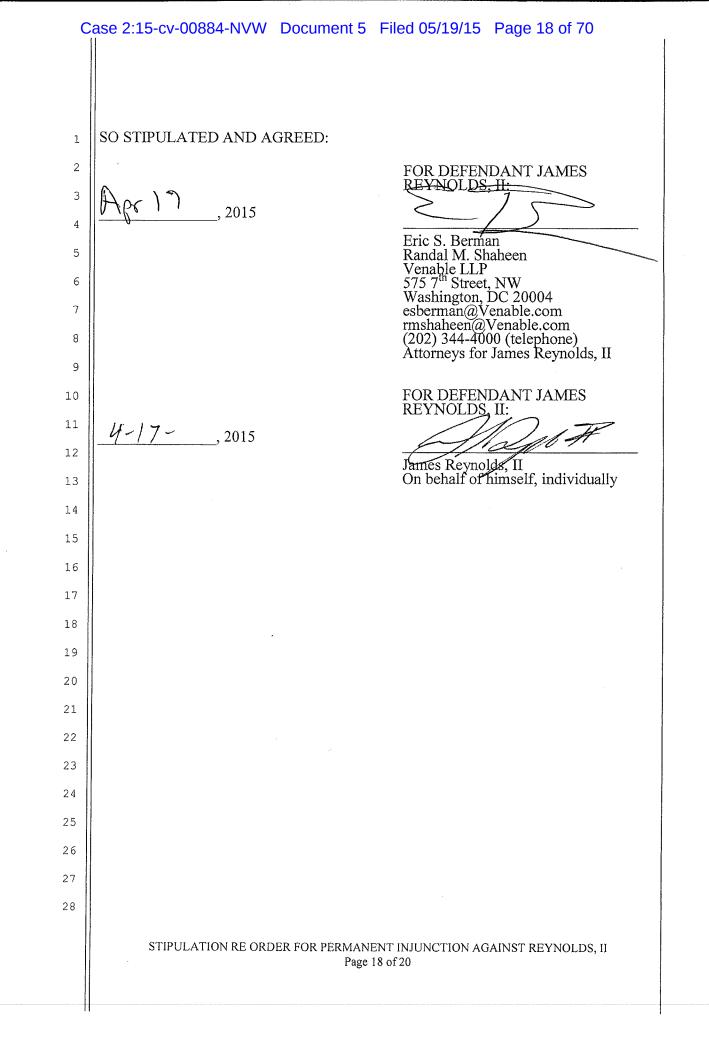
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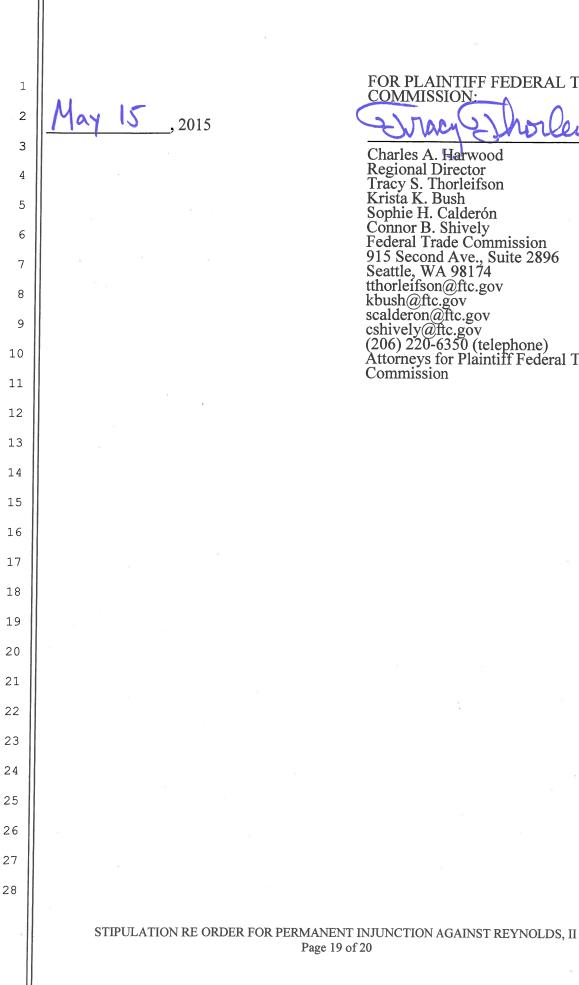
IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

#### XIII. STATE COURT ENFORCEMENT

Without limiting the above provisions, Reynolds, II agrees that the provisions of
Sections I, II, and IV of this Order may be enforced by any Plaintiff State in a court of
general jurisdiction in that Plaintiff's state if that Plaintiff State has reason to believe that
persons in its state have been affected. Reynolds, II consents to any such court's
jurisdiction for purposes of enforcing the terms of Sections I, II, and IV of this Order.
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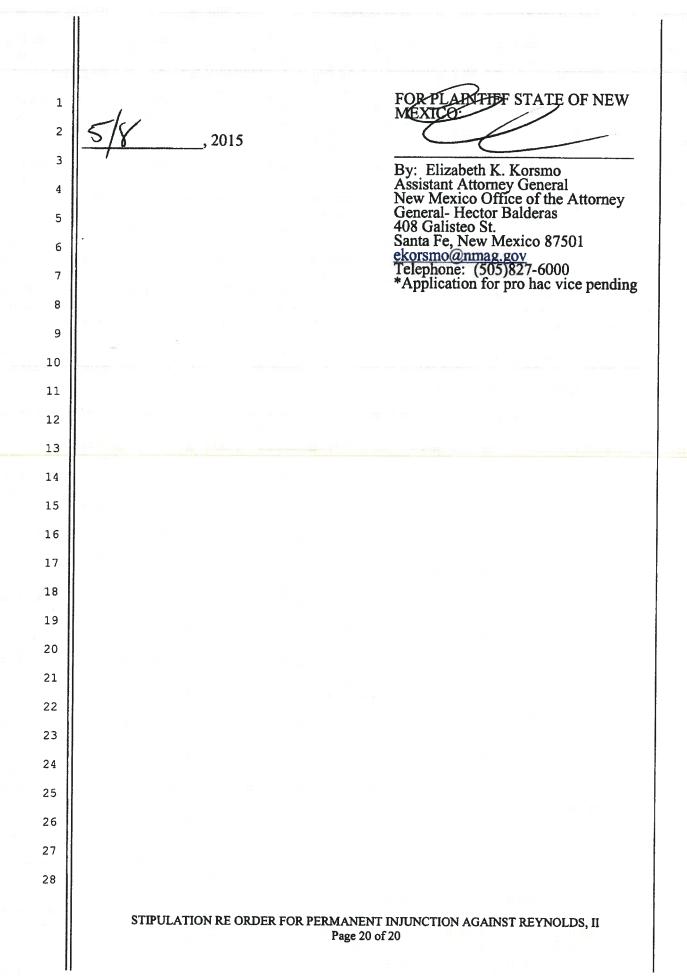


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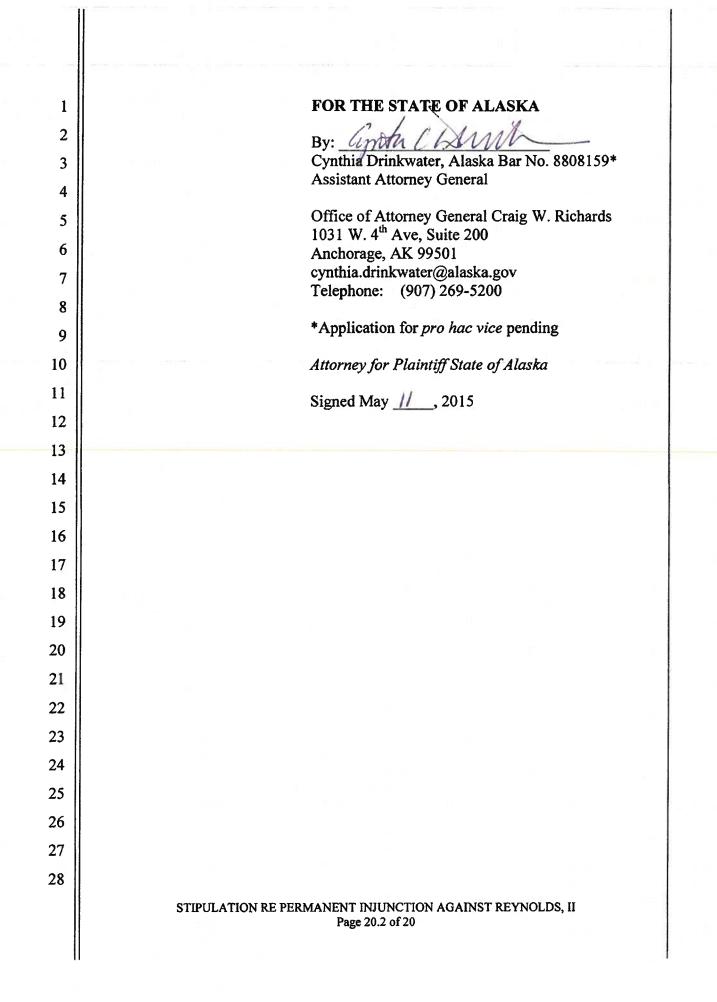


FOR PLAINTIFF FEDERAL TRADE **COMMISSION:** 

Charles A. Harwood Regional Director Tracy S. Thorleifson Krista K. Bush Sophie H. Calderón Connor B. Shively Federal Trade Commission 915 Second Ave., Suite 2896 Seattle, WA 98174 tthorleifson@ftc.gov kbush@ftc.gov scalderon@ftc.gov cshively@ftc.gov (206) 220-6350 (telephone) Attorneys for Plaintiff Federal Trade Commission Charles A. Harwood Commission



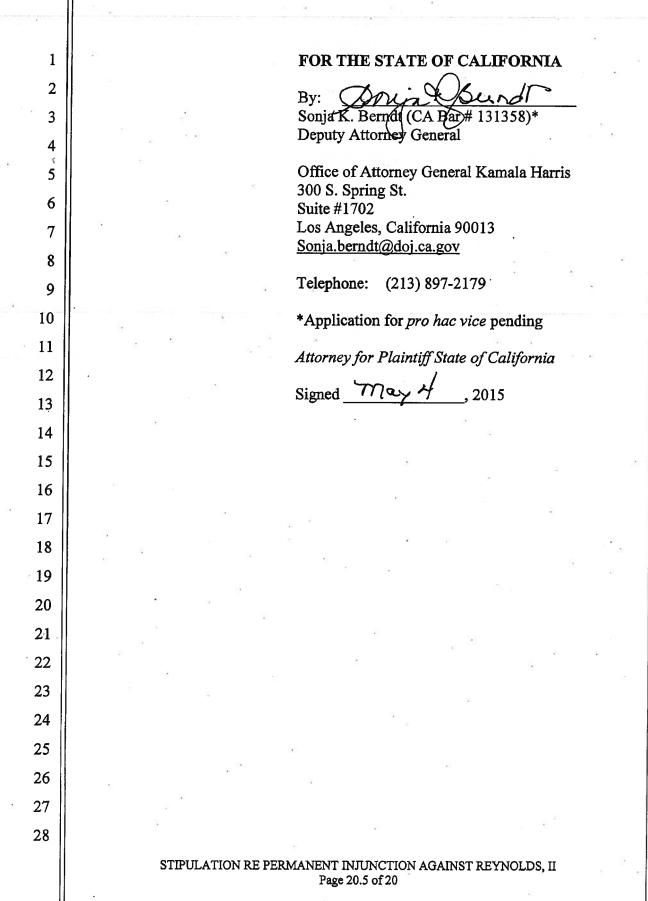
| 1  | FOR THE STATE OF ALABAMA  |
|----|---|
| 2  | By: Kitte   |
| 3  | Kyle Beckman (AL Bar #ASB-6046-E63B)*                                       |
| 4  | Assistant Attorney General  |
| 5  | Office of Attorney General Luther Strange<br>501 Washington Avenue          |
| 6  | Montgomery, AL 36104-0152   |
| 7  | kbeckman@ago.state.al.us  |
| 8  | Telephone: (334) 353-2619   |
| 9  | *Application for pro hac vice pending                                       |
| 10 | Attorney for Plaintiff State of Alabama                                     |
| 11 | Attorney for Plaintiff State of Alabama                                     |
| 12 | Signed $\frac{05}{2}$ , 2015  |
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|    | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.1 of 20 |



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FOR THE STATE OF ARIZONA By: Maney Ane Nancy V. Anger (AZ Bar # 6810) Assistant Attorney General Matthew du Mee (AZ Bar #28468) Assistant Attorney General Office of Attorney General Mark Brnovich 1275 West Washington Phoenix, Arizona 85007-2997 nancy.anger@azag.gov Telephone: (602) 542-7710 Attorneys for Plaintiff State of Arizona Signed May 5, 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.3 of 20

FOR THE STATE OF ARKANSAS By: Kevin Wells (AR Bar # 2007213)\* Assistant Attorney General Office of Attorney General Leslie Rutledge 323 Center St., Suite 500 Little Rock, Arkansas 72201 kevin.wells@arkansasag.gov Telephone: (501) 682-8063 \*Application for pro hac vice pending Attorney for Plaintiff State of Arkansas Signed May 8, 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.4 of 20

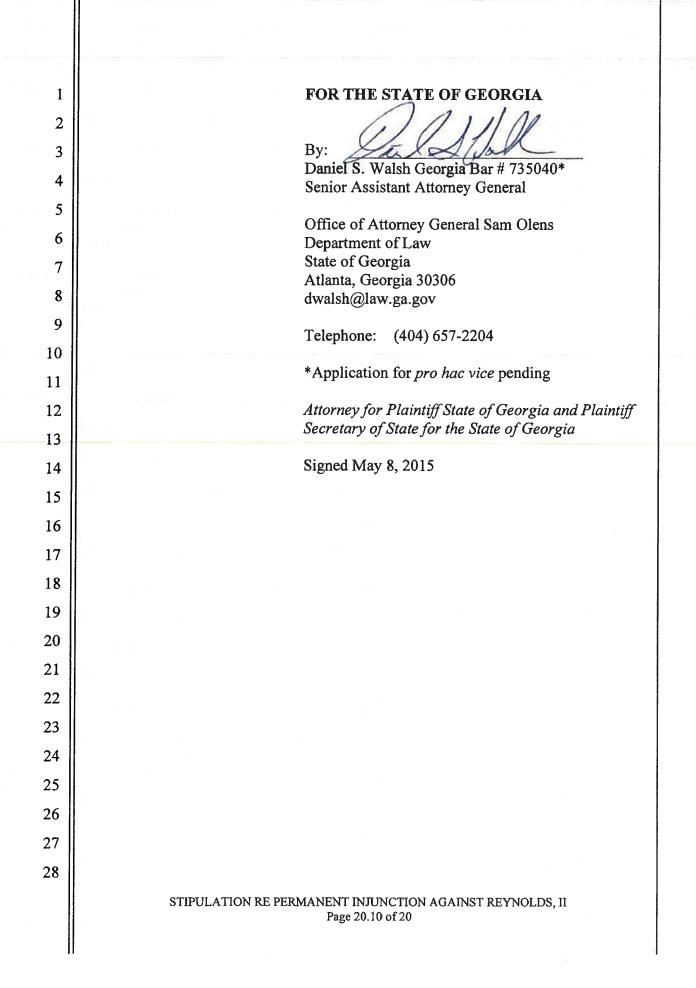


1 FOR THE COLORADO SECRETARY OF STATE 2 By: LEANN MORRILL (CO Bar #38742) 3 First Assistant Attorney General 4 Office of Attorney General Cynthia H. Coffman Public Officials Unit 5 1300 Broadway, 6<sup>th</sup> Floor 6 Denver, Colorado 80203 Email: leann.morrill@state.co.us 7 Telephone: (720) 508-6159 8 Attorney for Plaintiff Colorado Secretary of State 9 2015 10 Signed 11 12 FOR THE STATE OF COLORADO 13 By: 14 ALISSA GARDENSWARTZ (CO Bar# 36126) 15 First Assistant Attorney General Office of Attorney General Cynthia H. Coffman 16 Consumer Protection Section 17 1300 Broadway, 7th Floor Denver, Colorado 80203 18 Email: alissa.gardenswartz@state.co.us 19 Telephone: (720) 508-6204 20 \*Application for pro hac vice pending 21 Attorney for Plaintiff Colorado Attorney General 22 Signed May 2015 23 24 25 26 27 28 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.6 of 20

| 1   | FOR THE STATE OF CONNECTICUT  |
|-----|---|
| 2   | By: XaydHawn  |
| 3   | Gary W. Hawes (CT Bar # 415091)*  |
| 4   | Assistant Attorney General  |
| 5   | Office of Attorney General George Jepsen                                    |
| 6   | 55 Elm Street<br>P.O. Box 120   |
| 7   | Hartford, Connecticut 06141-0120  |
| 8   | Gary.Hawes@ct.gov   |
| 9   | Telephone: (860) 808-5020   |
| 10  |   |
| 1.0 | *Application for pro hac vice pending                                       |
| 11  | Attorney for Plaintiff State of Connecticut                                 |
| 12  | Signed $\frac{5}{7}$ , 2015   |
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|     | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.7 of 20 |
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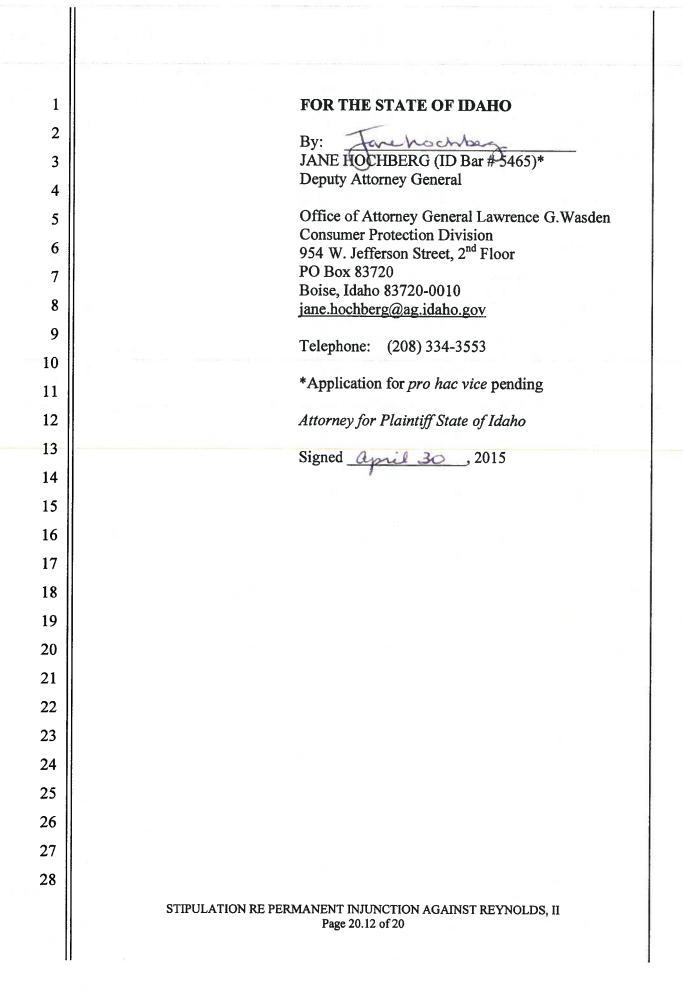
FOR THE STATE OF DELAWARE By: Gregory C. Strong DE Bar # 4664)\* Gillian L. Andrews (DE Bar # 5719) Deputy Attorneys General Delaware Department of Justice 820 N. French Street, 5th Floor Wilmington, Delaware 19801 gregory.strong@state.de.us Telephone: (302) 577-8504 \*Application for pro hac vice pending Attorneys for Plaintiff State of Delaware Signed 5 8 , 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.8 of 20

FOR THE STATE OF FLORIDA By: C Rebecca H. Sirkl&(F) 42312)\* Assistant Attorney General Office of Attorney General Pam Bondi 135 West Central Blvd., Suite 670 Orlando, Florida 32801 Rebecca.Sirkle@myfloridalegal.com Telephone: (407) 316-4840 \*Application for pro hac vice pending Attorney for Plaintiff State of Florida Signed  $May 5^{+-}$ , 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.9 of 20



| 1  | FOR THE STATE OF HAWAII  |
|----|--|
| 2  |  |
| 3  | By: Jodi L. K. Yi<br>Jodi I. K. Yi HI Bar #6625*                             |
| 4  | Deputy Attorney General  |
| 5  | Attorney General Douglas S. Chin   |
| 6  | Department of the Attorney General   |
| 7  | 425 Queen Street<br>Honolulu, Hawaii 96813                                   |
| 8  | Jodi.K.Yi@Hawaii.gov   |
| 9  | Telephone: (808) 586-1480  |
| 10 | *Application for pro hac vice pending  |
| 11 | Attorney for Plaintiff State of Hawaii                                       |
| 12 | Signed April 28, 2015  |
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| 8  | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.11 of 20 |

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1 FOR THE PEOPLE OF THE STATE OF ILLINOIS 2 By: Duzzn y Barry S. Goldberg 0 3 Assistant Attorney General (IL Bar # 6269821)\* 4 Assistant Bureau Chief Charitable Trust Bureau 5 Office of Illinois Attorney General Lisa Madigan 100 West Randolph Street, 11th Floor 6 Chicago, Illinois 60601 7 bgoldberg@atg.state.il.us Telephone Charitable Trust Bureau: (312) 814-2595 8 Therese Harris, Bureau Chief 9 Charitable Trust Bureau 10 Office of Illinois Attorney General Lisa Madigan 100 West Randolph Street, 11th Floor Chicago, Illinois 60601 tharris@atg.state.il.us 12 Telephone Charitable Trust Bureau: (312) 814-2595 \*Application for pro hac vice pending Attorney for Plaintiff State of Illinois Signed April 30, 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.13 of 20

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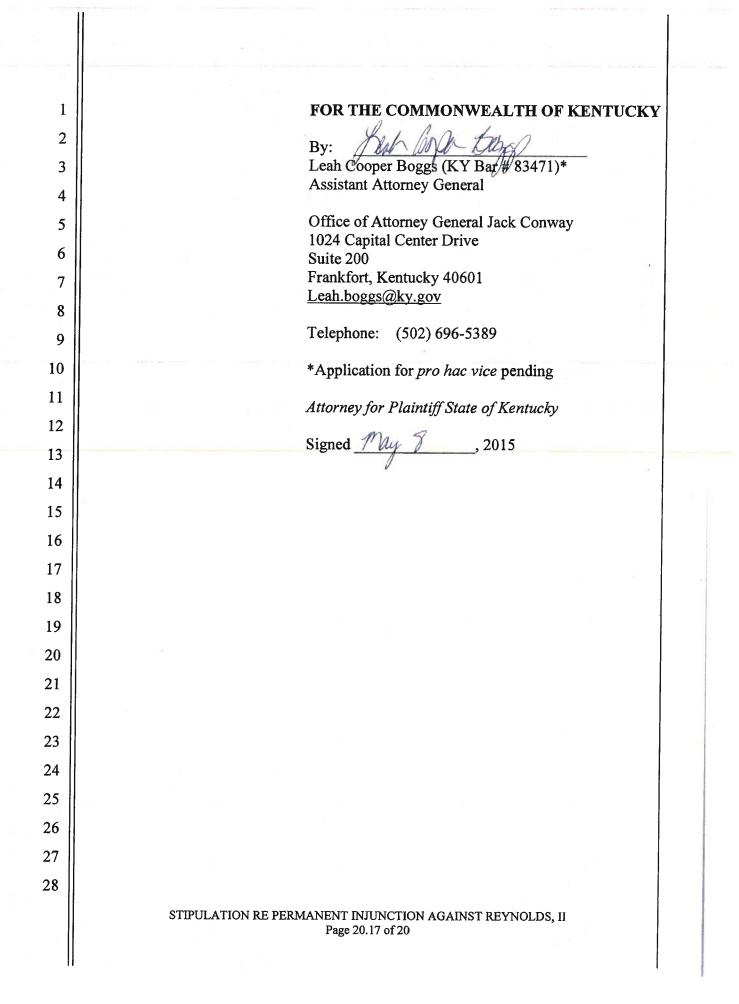
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## Case 2:15-cv-00884-NVW Document 5 Filed 05/19/15 Page 34 of 70

| 1       FOR THE STATE OF INDIANA         2       By:       Hard M. Bramer (IN Bar # 15989-77)*         3       Nichard M. Bramer (IN Bar # 15989-77)*         4       Director, Consumer Protection Division         5       Office of Attorney General Gregory F. Zoeller         6       1002 West Washington Street         10CS Fifth Floor       Indianapolis, Indiana 46204         7       Indianapolis, Indiana 46204         8       Telephone: (317) 232-1008         *Application for pro hac vice pending         11       Attorney for Plaintiff State of Indiana         12       Signed         13       Telephone:         14       Signed         15       Indianapolis, Indiana 45204         16       Attorney for Plaintiff State of Indiana         17       Signed         18       Indianapolis         19       Indianapolis         20       Indianapolis         21       Indianapolis         22       Indianapolis         23       Indianapolis         24       Indianapolis         25       Indianapolis         26       Indianapolis         27       Indiapolis         28<   | G 2-21- |                |   |
|--|---------|----------------|---|
| 3       Richard M. Bramer (IN Bar # 15989-77)*         4       Director, Consumer Protection Division         5       Office of Attorney General Gregory F. Zoeller         302 West Washington Street       IGCS Fifth Floor         6       Indianapolis, Indiana 46204         7       Indianapolis, Indiana 46204         8       Telephone: (317) 232-1008         9       Telephone: (317) 232-1008         10       *Application for pro hac vice pending         11       Attorney for Plaintiff State of Indiana         12       Signed May H., 2015         14       15         15       16         17       18         19       20         21       22         23       24         24       25         26       27         28       STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, IJ   | 1       |                | FOR THE STATE OF INDIANA                      |
| 3       Richard M. Bramer (IN Bar # 15989-77)*         4       Director, Consumer Protection Division         5       Office of Attorney General Gregory F. Zoeller         302 West Washington Street       IGCS Fifth Floor         6       Indianapolis, Indiana 46204         7       Indianapolis, Indiana 46204         8       Telephone: (317) 232-1008         9       Telephone: (317) 232-1008         10       *Application for pro hac vice pending         11       Attorney for Plaintiff State of Indiana         12       Signed May H., 2015         14       15         15       16         17       18         19       20         21       22         23       24         24       25         26       27         28       STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, IJ   | 2       |                | By: Dedrendry. Braner                         |
| 4       S         5       Office of Attorney General Gregory F. Zoeller         302 West Washington Street       IGCS Fifth Floor         1       Indianapolis, Indiana 46204         richard.bramer@atg.in.gov       8         9       Telephone: (317) 232-1008         10       *Application for pro hac vice pending         11       Attorney for Plaintiff State of Indiana         12       Signed Mary H., 2015         14       15         15       16         17       18         19       20         21       22         23       24         25       26         27       28         STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, IJ   | 3       |                | Richard M. Bramer (IN Bar # 15989-77)*        |
| 302 West Washington Street         IGCS Fifth Floor         Indianapolis, Indiana 46204         richard.bramer@atg.in.gov         9         Telephone:         10         * Application for pro hac vice pending         11         Attorney for Plaintiff State of Indiana         12         13         14         15         16         17         18         19         20         21         22         23         24         25         26         27         28         STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II  | 4       |                | Director, Consumer Protection Division        |
| 6       IGCS Fifth Floor         7       Indianapolis, Indiana 46204         8       richard.braner@atg.in.gov         9       Telephone: (317) 232-1008         10       *Application for pro hac vice pending         11       Attorney for Plaintiff State of Indiana         12       Signed Mary H., 2015         14       15         16       17         17       18         19       20         21       22         23       24         25       26         27       28         STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II  | 5       |                | Office of Attorney General Gregory F. Zoeller |
| richard.bramer@atg.in.gov         7         9         10         *Application for pro hac vice pending         11         Attorney for Plaintiff State of Indiana         12         13         14         15         16         17         18         19         20         21         22         23         24         25         26         27         28         STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II  | 6       |                |   |
| 8       Felephone: (317) 232-1008         10       *Application for pro hac vice pending         11       Attorney for Plaintiff State of Indiana         12       Signed  | 7       |                |   |
| *Application for <i>pro hac vice</i> pending<br><i>Attorney for Plaintiff State of Indiana</i><br>Signed May H., 2015<br><i>Aug H.</i> , 2015<br><i>Aug </i> | 8       |                | richard.bramer@alg.in.gov                     |
| 11       Attorney for Plaintiff State of Indiana         12       Signed May H., 2015         14       Signed May H., 2015         15       Signed May H., 2015         16       Signed May H., 2015         17       Signed May H., 2015         18       Signed May H., 2015         19       Signed May H., 2015         20       Signed May H., 2015         21       Signed May H., 2015         22       Signed May H., 2015         23       Signed May H., 2015         24       Signed May H., 2015         25       Signed May H., 2015         26       Signed May H., 2015         27       Signed May H., 2015         28       Signed May H., 2015   | 9       |                | Telephone: (317) 232-1008                     |
| 12       13         13       Signed, 2015         14       15         16       17         18       19         20       21         21       22         23       24         25       26         27       28         STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II   | 10      |                | *Application for pro hac vice pending         |
| 12       Signed May H, 2015         14       15         16       17         18       19         20       21         21       22         23       24         25       26         27       28         STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II   | 11      |                | Attorney for Plaintiff State of Indiana       |
| 14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25<br>26<br>27<br>28<br>STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II   | 12      |                |   |
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| 16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25<br>26<br>27<br>28<br>STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II   | 14      |                | 0   |
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| <ul> <li>26</li> <li>27</li> <li>28</li> <li>STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II</li> </ul>   | 24      |                |   |
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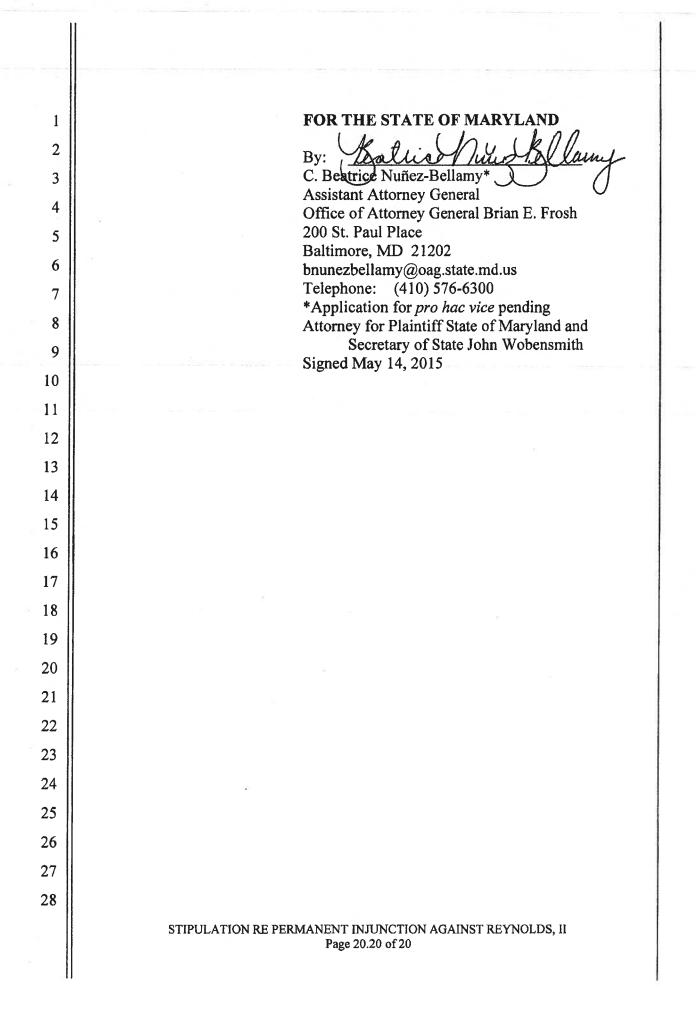
|       | FOR THE STATE OF IOWA  |
|-------|--|
|       | By: COC  |
|       | Steve St. Clair (IA Bar #AT0007441)*                                 |
|       | Assistant Attorney General   |
|       | Office of Attorney General Tom Miller                                |
|       | Hoover Building, 2 <sup>nd</sup> Floor                               |
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|       | Des Moines, Iowa 50319<br>steve.stclair@iowa.gov                     |
|       | Telephone: (515) 281-5926  |
|       | *Application for <i>pro hac vice</i> pending                         |
|       | Attorney for Plaintiff State of Iowa                                 |
|       |  |
|       | Signed April 22, 2015  |
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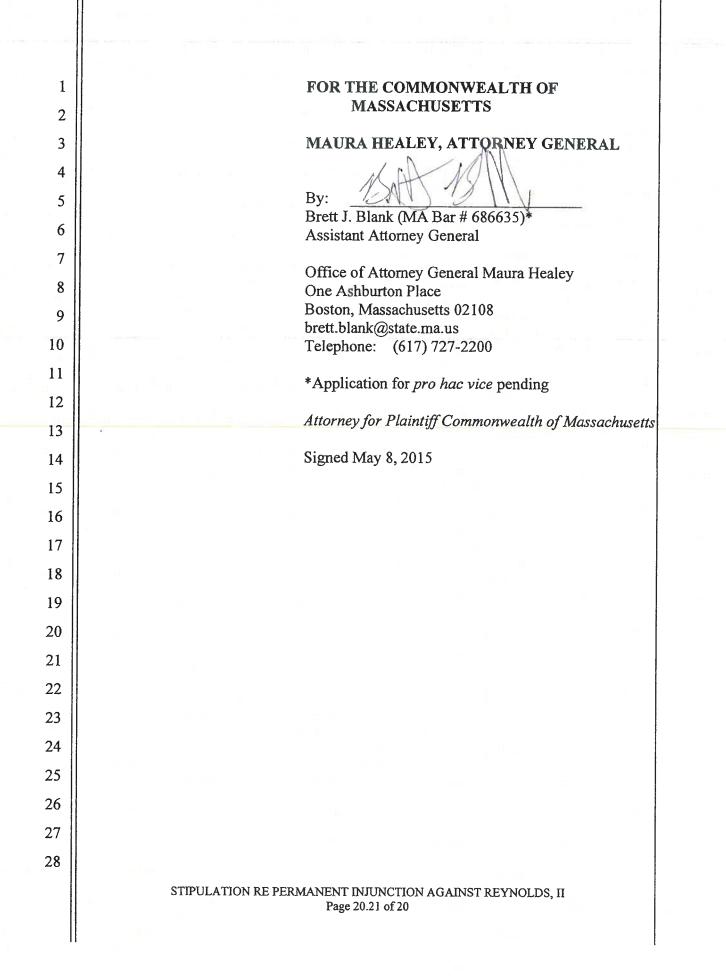
| FOR THE STATE OF KANSAS                    |
|--|
| Quille Rolling                             |
| By:<br>Lynette R. Bakker (KS Bar # 22104)* |
| Assistant Attorney General                 |
| Office of Attorney General Derek Schmidt   |
| 120 S.W. 10th Avenue, 2nd Floor            |
| Topeka, Kansas 66612-1597                  |
| lynette.bakker@ag.ks.gov                   |
| Telephone: (785) 296-3751                  |
| *Application for pro hac vice pending      |
| Attorney for Plaintiff State of Kansas     |
| Signed <u>May 5</u> , 2015                 |
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FOR THE STATE OF LOUISIANA By: Cathryn E. Gits (LA Bar #35144) Assistant Attorney General Office of Attorney General James D. "Buddy" Caldwell 1885 N. Third Street Baton Rouge, Louisiana 70802 gitsc@ag.state.la.us Telephone: (225) 326-6400 \*Application for pro hac vice pending Attorney for Plaintiff State of Louisiana Signed , 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.18 of 20

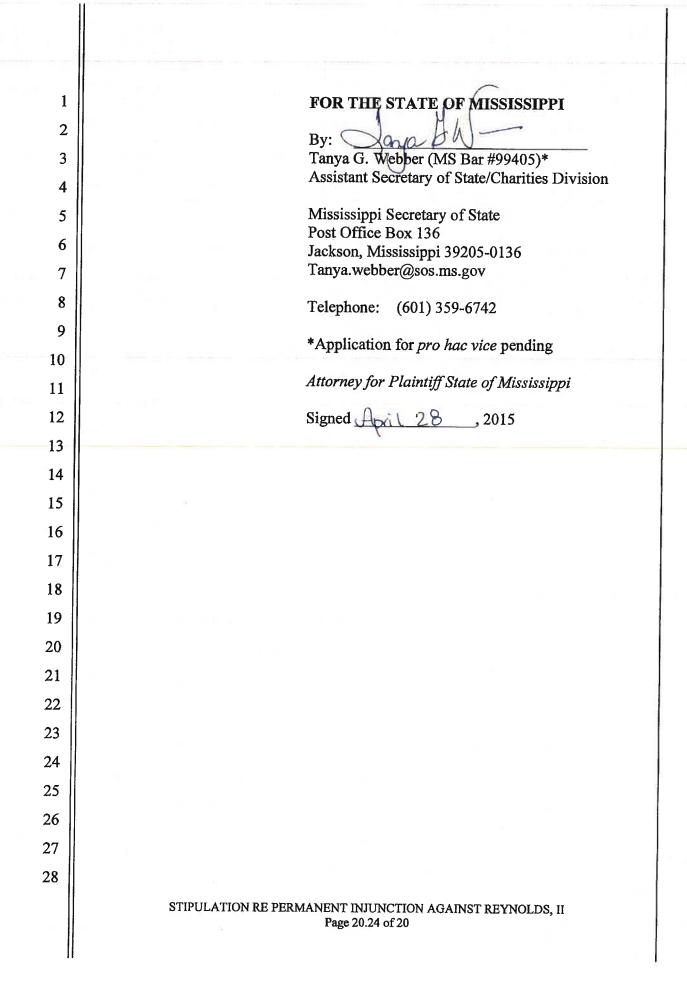
FOR THE STATE OF MAINE Janet T. Mills Maine Attorney General By: Carolyn A. Silsby (ME Bar #3030)\* Assistant Attorney General Office of the Maine Attorney General Burton Cross State Office Building 111 Sewall Street, 6<sup>th</sup> Floor Augusta, Maine 04330 Carolyn.silsby@maine.gov Telephone: (207) 626-8829 \*Application for pro hac vice pending Attorney for Plaintiff State of Maine Signed <u>April 22</u>, 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, !! Page 20.19 of 20





| 1  | FOR THE STATE OF MICHIGAN  |
|----|--|
| 2  | By: Wirk Blackel   |
| 3  | William R. Bloomfield (MI Bar #68515)*                                       |
| 4  | Assistant Attorney General   |
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| 8  | bloomfieldw@michigan.gov   |
| 9  | Telephone: (517) 373-1160  |
| 10 | *Application for pro hac vice pending  |
| 11 | Attorney for Plaintiff State of Michigan                                     |
| 12 | Signed May 4, 2015   |
| 13 | Signed, 2015   |
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|    | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.22 of 20 |
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|  | FURINES                      |                       |                                  |
|  | By:                          | nlett                 | hemend                           |
|  | Assistant Att                | emenak (I<br>ornev Ge | MN Bar # 0390461)*<br>neral      |
|  |                              | ·                     |                                  |
|  | Office of Att<br>445 Minneso |                       | neral Lori Swanson<br>Suite 1200 |
|  | St. Paul, MN                 |                       |                                  |
|  | elizabeth.krei               | menak@a               | ng.state.mn.us                   |
|  | Telephone:                   | (651) 75              | 7-1423                           |
|  | *Application                 | for <i>pro h</i>      | ac vice pending                  |
|  |                              |                       | State of Minnesota               |
|  | Signed Ma                    | . 12                  | 2015                             |
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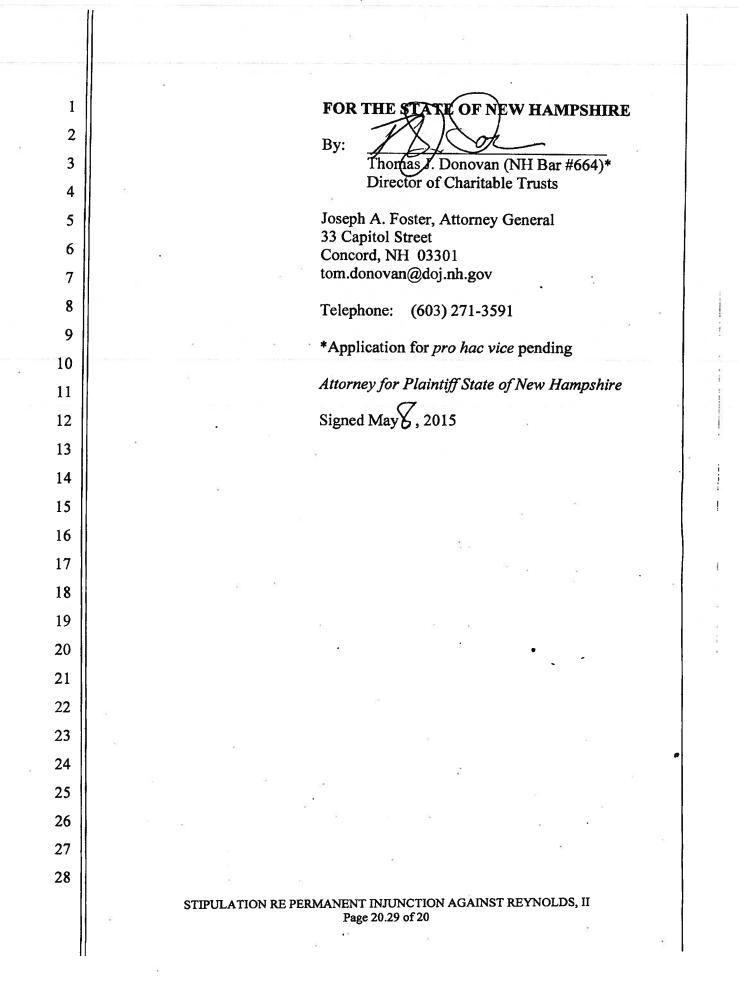
| FOR THE STATE OF MISSOURI  |
|--|
| CHRIS KOSTER   |
| Attorney General   |
| AFG GE   |
| ROBERT E. CARLSON, # 54602   |
| Assistant Attorney General   |
|  |
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| Fax: (314) 340-7957  |
| bob.carlson@ago.mo.gov   |
| *Application for pro hac vice pending  |
|  |
| Attorney for Plaintiff State of Missouri                                     |
| Signed, 2015   |
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Case 2:15-cv-00884-NVW Document 5 Filed 05/19/15 Page 46 of 70

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|----|--|------------------|
| 1  | FOR THE STATE OF MONTANA   |                  |
| 2  |  |                  |
| 3  | But I la L II I have the   | * E 1            |
| 4  | By: Kelley L. Hubbar   |                  |
| 5  | TIMOTHY C. FOX<br>Montana Attorney General                                   |                  |
| 6  | E. EDWIN ECK, MT Bar No. 414*  |                  |
| 7  | Deputy Attorney General<br>KELLEY L. HUBBARD, MT Bar No. 9604*               |                  |
| 8  | Assistant Attorney General   |                  |
| 9  | Montana Attorney General's Office<br>P. O. Box 200151                        |                  |
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| 11 | <u>EdEck@mt.gov</u><br>KHubbard@mt.gov                                       |                  |
| 12 | Telephone: (406) 444-2026  |                  |
| 13 |  |                  |
| 14 | *Application for <i>pro hac vice</i> pending                                 |                  |
| 15 | Attorneys for Plaintiff State of Montana                                     |                  |
| 16 | Signed May <u>7</u> , 2015   |                  |
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| 20 | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.26 of 20 |                  |

| 1  | FOR THE STATE OF NEBRASKA  |
|----|--|
| 2  | By: Male   |
| 3  | Daniel Russell (NE Bar # 25302)*   |
| 4  | Assistant Attorney General   |
| 5  | Office of Attorney General Douglas J. Peterson                               |
| 6  | 2115 State Capitol<br>PO Box 98920   |
| 7  | Lincoln, Nebraska 68509  |
| 8  | <u>daniel.russell@nebraska.gov</u>   |
| 9  | Telephone: (402) 471-1279  |
| 10 | *Application for <i>pro hac vice</i> pending                                 |
| 11 | Attorney for Plaintiff State of Nebraska                                     |
| 12 | Signed M. C 2015   |
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| 20 | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.27 of 20 |

FOR THE STATE OF NEVADA Enn Sileba By: FOANN GIBBS NV Bar # 005324 Chief Multistate Counsel Office of Attorney General Adam Paul Laxalt 10791 W. Twain Avenue, Suite 100 Las Vegas, Nevada 89135 jgibbs@ag.nv.gov Telephone: (702) 486-3789 \*Application for pro hac vice pending Attorney for Plaintiff State of Nevada Signed <u>april 30</u>, 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.28 of 20



| 1  | FOR THE STATE OF NEW JERSEY  |
|----|--|
| 2  | JOHN J. HOFFMAN  |
| 3  | ACTING ATTORNEY GENERAL OF NEW JERSEY  |
| 4  | $\bigcirc$ $\bigcirc$  |
| 5  | By: Cir Uhren  |
| 6  | Erin M. Greene (NJ Bar #014512010) *<br>Deputy Attorney General              |
| 7  | Deputy Attorney General  |
| 8  | State of New Jersey  |
| 9  | Office of Attorney General   |
| 10 | Department of Law and Public Safety<br>Division of Law                       |
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| 14 | Telephone: (973) 648-4846  |
| 15 | *Application for pro hac vice pending  |
| 16 | Attorney for Plaintiff State of New Jersey                                   |
| 17 | Signed May 1, 2015   |
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|    | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.30 of 20 |

| FOR THE STATE OF NEW YORK                      |
|--|
| ERIC T. SCHNEIDERMAN                           |
| Attorney General of the State of New York      |
| 2 1  |
| By: Marth                                      |
| Yael Fuchs (NY Bar # 4542684)*                 |
| Assistant Attorney General<br>Charities Bureau |
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| New York, New York 10271                       |
| Telephone: (212) 416-8401                      |
| yael.fuchs@ag.ny.gov                           |
| *Application for pro hac vice pending          |
| Attorney for Plaintiff State of New York       |
| Signed May 2015                                |
| Signed May 6, 2015                             |
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| 1  | FOR THE STATE OF NORTH CAROLINA  |
|----|--|
| 2  | By: read that  |
| 3  | Creecy Johnson (NC Bar #32619)*  |
| 4  | Special Deputy Attorney General  |
| 5  | Office of Attorney General Roy Cooper  |
| 6  | 9001 Mail Service Center<br>Raleigh, NC 27699                                |
| 7  | ccjohnson@ncdoj.gov  |
| 8  | Telephone: (919) 716-6000  |
| 9  | *Application for pro hac vice pending  |
| 10 | Attorney for Plaintiff State of North Carolina                               |
| 11 | Signed $M_{4y}$ , 2015   |
| 12 | 51glicu, 2015  |
| 13 | By: Jaruna Phillips  |
| 14 | Lareena J. Phillips (NC(Bar #36859)*   |
| 15 | Assistant Attorney General   |
| 16 | Counsel for North Carolina Secretary of State                                |
| 17 | Elaine F. Marshall   |
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| 18 | lphillips@ncdoj.gov  |
| 19 | Telephone: (919) 716-6610  |
| 20 | *Application for pro hac vice pending  |
| 21 | Attom on for Disintiff State of North Coroling                               |
| 22 | Attorney for Plaintiff State of North Carolina                               |
| 23 | Signed <u>4May</u> 7, 2015   |
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| 40 | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.32 of 20 |

FOR THE STATE OF NORTH DAKOTA By: hank Michael C. Thompson (ND Bar # 06550)\* Assistant Attorney General Office of Attorney General Wayne Stenehjem Consumer Protection Division Gateway Professional Center 1050 E. Interstate Ave Ste 200 Bismarck, ND 58503-5574 mcthompson@nd.gov Telephone: (701) 328-5570 \*Application for pro hac vice pending Attorney for Plaintiff State of North Dakota Signed April 23, 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.33 of 20

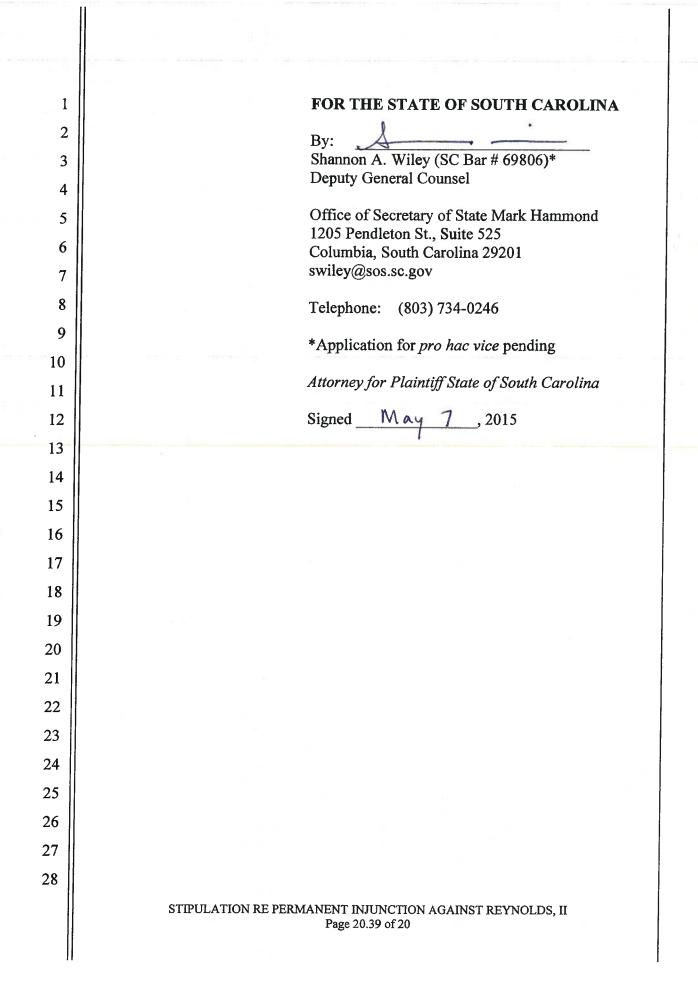
| 1        |     |          |             | FOR THE ST                       | FATE OF O                 | OHIO           |   |
|----------|-----|----------|-------------|----------------------------------|---------------------------|----------------|---|
| 2        |     |          |             | By: Th                           | mae                       | Jule           |   |
| 3        |     |          |             | Yvonne Terre                     | l (OH Bar #               | 0019033)*      |   |
| 4        |     |          |             | Principal Assi                   | stant Attorn              | ey General     |   |
| 5        |     |          |             | Office of Atto<br>Charitable Lav |                           | l Mike DeWin   | e |
| 6        |     |          |             | 150 E. Gay St                    | ., 23 <sup>rd</sup> floor |                |   |
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| 8        |     |          |             |                                  |                           |                |   |
| 9        |     |          |             | Telephone:                       | (614) 466-31              | 181            |   |
| 10       |     |          |             | *Application f                   | for pro hac v             | vice pending   |   |
| 11       |     |          |             | Attorney for P                   | laintiff State            | of Ohio        |   |
| 12       |     |          |             | Signed Ma                        | erth                      | . 2015         |   |
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| 1  | FOR THE STATE OF OKLAHOMA  |
|----|--|
| 2  | E. SCOTT PRUITT  |
| 3  | OKLAHOMA ATTORNEY GENERAL  |
| 4  |  |
| 5  | Malina Manara  |
| 6  | Malisa McPherson (OK Bar #32070)*<br>Assistant Attorney General              |
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| 9  | Facsimile: (405) 522-0085<br>Malisa.McPherson@oag.ok.gov                     |
| 10 |  |
| 11 | *Application for <i>pro hac vice</i> pending                                 |
| 12 | Attorney for Plaintiff State of Oklahoma                                     |
| 13 | Signed May 12, 2015  |
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| 2  | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.35 of 20 |
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FOR THE STATE OF OREGON By: Heather Weigler, (OR Bar #03 00) Assistant Attorney General Office of Attorney General Ellen F. Rosenblum Oregon Department of Justice 1515 SW 5<sup>th</sup> Ave., #410 Portland, Oregon 97201 Heather.1.weigler@state.or.us Telephone: (971) 673-1910 \*Application for pro hac vice pending Attorney for Plaintiff State of Oregon Signed 1 ay 5, 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.36 of 20

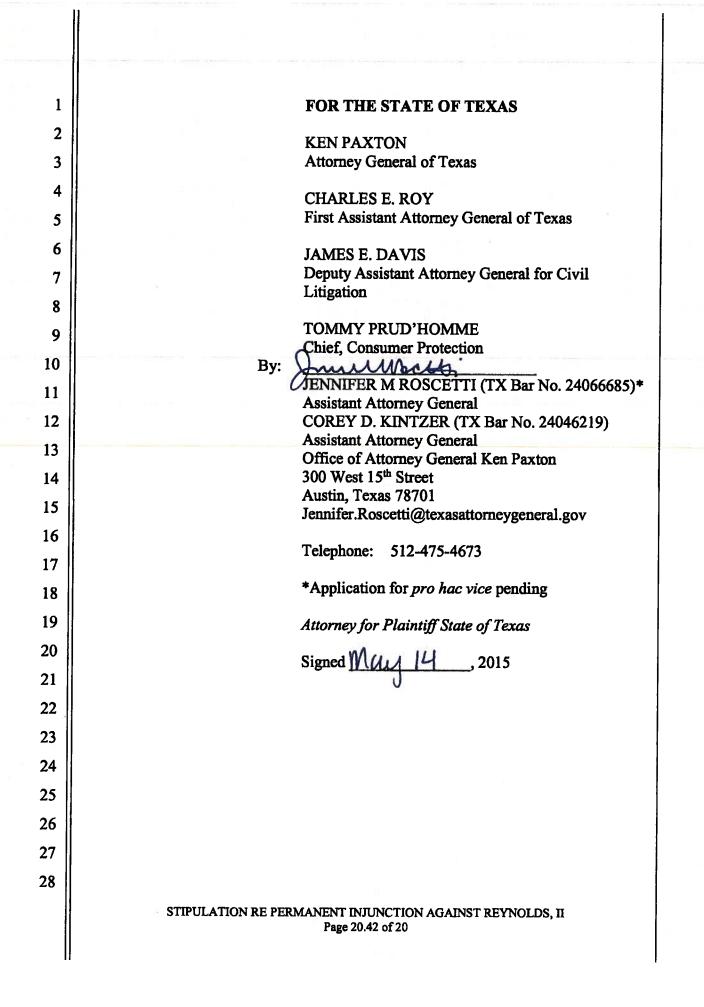
| 1   | FOR THE COMMONWEALTH OF   |
|-----|---|
| 2   | PENNSYLVANIA  |
| 3   | By: Michaelt. Toersty   |
|     | Michael T. Foerster (PA Bar #78766)*  |
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| 8   | Harrisburg, Pennsylvania 17120  |
| 1.0 | mfoerster@attorneygeneral.gov   |
| 9   | Telephone: (717) 783-6084   |
| 10  | e l'estre servers et ser en regiserent sinter au server sintere et server et server et server et server et serv |
| 11  | *Application for pro hac vice pending   |
| 12  | Attorney for Plaintiff State of Pennsylvania  |
| 13  | Signed May 13, 2015   |
| 14  | Signed <u>rug 15</u> , 2015   |
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|     | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.37 of 20                                    |
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| 1    | FOR   | THE STATE OF R                                  |                 |
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| 2    | By:   | the ke  |                 |
| 3    |       | vieve M. Martin (RI I<br>stant Attorney General |                 |
| 4    | *     |   |                 |
| 5    |       | e of Attorney General<br>South Main Street      | Peter Kilmartin |
| 6    | Provi | dence, Rhode Island (                           | )2903           |
| 7    | GMa   | rtin@riag.ri.gov                                |                 |
| 8    | Teler | ohone: (401) 274-44                             | 00              |
| 9    | *App  | lication for <i>pro hac</i> v                   | ice pending     |
| 10   | Attor | ney for Plaintiff State                         | of Rhode Island |
|      |       |   |                 |
| 12   | Signe | d,  | 2015            |
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| 1  |   |                   | FOR THE STATE OF SO                                       | UTHDAKOTA       |
| 2  |   |                   | By:   | <i>f</i>        |
| 3  |   |                   | Philip D. Carlson (SD Bar #<br>Assistant Attorney General | 3913)*          |
| 4  |   |                   | 7   |                 |
| 5  |   |                   | Office of Attorney General<br>1302 E. Highway 14, Ste. 1  | Marty Jackley   |
| 6  |   |                   | Pierre, South Dakota 57501                                |                 |
| 7  |   |                   | Phil.Carlson@state.sd.us                                  |                 |
| 8  |   |                   | Telephone: (605) 773-321                                  | 5               |
| 9  |   |                   |   |                 |
| 10 |   |                   | *Application for pro hac vie                              | e pending       |
| 11 |   |                   | Attorney for Plaintiff State of                           | of South Dakota |
| 12 |   |                   | Signed April 29   | 2015            |
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|    |   | STIPULATION RE PI | ERMANENT INJUNCTION AGAINST<br>Page 20.40 of 20           | REYNOLDS, II    |
|    |   |                   |   |                 |

| 1        | F                    | OR THE STATE OF TENNESSEE                                |
|----------|----------------------|--|
| 2        | В                    | v: Jaust M. Kin  |
| 3        | []                   | y: Kleinfelter] (TN Bar # 13889)*                        |
| 4        |                      | eputy Attorney General                                   |
| 5        |                      | ffice of Attorney General Herbert H. Slatery III         |
| 6        |                      | O. Box 20207<br>ashville, Tennessee 37202                |
| 7        | T                    | net.kleinfelter@ag.tn.gov                                |
| 8        | Ţ                    | elephone: (615)741-7403                                  |
| 9        | *                    | Application for pro hac vice pending                     |
| 10<br>11 | A                    | ttorney for Plaintiff State of Tennessee                 |
| 12       | Si                   | gned May 5, 2015   |
| 13       |                      | g, ,, ,  |
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|          | STIPULATION RE PERMA | NENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.41 of 20 |



#### FOR THE STATE OF UTAH

By: <u>JEFFREY BUCKNER (UT Bar # 4546)</u> UTAH ASSISTANT ATTORNEY GENERAL OFFICE OF ATTORNEY GENERAL SEAN REYES 160 EAST 300 SOUTH, FIFTH FLOOR P.O. BOX 140872 SALT LAKE CITY, UTAH 84114-0875 <u>jbuckner@utah.gov</u> Telephone: (123) 456-7890 Application for pro hac vice pending Attorney for Plaintiff State of Utah

Signed <u>April 22</u>, 2015

STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.43 of 20

| 1                  |  | FOR THE STATE OF VERMONT                                   |
|--------------------|--|--|
| 2                  |  | WILLIAM H. SORRELL   |
| 3                  |  | ATTORNEY GENERAL   |
| 4                  |  | By: JULA   |
| 5                  |  | Todd W. Daloz (VT Bar # 4734)*                             |
| 6                  | Ŧ  | Assistant Attorney General                                 |
| 7                  |  | Office of Attorney General                                 |
| 8                  | 1  | 109 State St.<br>Montpelier, Vermont 05609                 |
| 9                  |  | Todd.Daloz@state.vt.us                                     |
| 10                 |  | Telephone: (802) 828-4605                                  |
| 11 *               |  | *Application for pro hac vice pending                      |
| 12                 | а = 107 то а со на | Application for pro nac vice pending                       |
| 13                 |  | Attorney for Plaintiff State of Vermont                    |
| 14                 |  | Signed May FE, 2015  |
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| 1      |                   | FOR THE COMMONWEALTH OF VIRGINIA   |
|--------|-------------------|--|
| 2      |                   | By: Richel S. Schweich f.  |
| 3<br>4 |                   | Richard S. Schweiker, Jr. (VA Bar # 34258)*<br>Senior Assistant Attorney General |
| 5      | 5                 | Office of Attorney General Mark R. Herring                                       |
| 6      | 5                 | Consumer Protection Section<br>900 East Main Street                              |
| 7      | 7                 | Richmond, Virginia 23219   |
| 8      | 8                 | rschweiker@oag.state.va.us   |
| 9      |                   | Telephone: (804) 786-5643  |
| 10     |                   | *Application for pro hac vice pending  |
| 11     |                   | Attorney for Plaintiff State of Virginia   |
| 12     |                   |  |
| 13     |                   | Signed $M_{ay} 5$ , 2015   |
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|        | STIPULATION RE PE | RMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.45 of 20                      |

| 1        | FOR THE S  | TATE OF WASHINGTON              |    |
|----------|--|---------------------------------|----|
| 2        | By:  | G. N.                           |    |
| 3        | Sarah  | Shifley (WA Bar # 39394)*       |    |
| 4        | Assista  | ant Attorney General            |    |
| 5        | Office of Atto<br>800 Fifth Ave                  | orney General Bob Ferguson      |    |
| 6        | Seattle, WA 9                                    | 98104                           |    |
| 7        | Sarah.shifley(                                   | @atg.wa.gov                     |    |
| 8        | Telephone:                                       | (206) 389-3974                  |    |
| 9        | *Application                                     | for pro hac vice pending        |    |
| 10       |  | Plaintiff State of Washington   |    |
| 11       |  |                                 |    |
| 12       | Signed Appe                                      | 21 27,2015                      | -  |
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|          | STIPULATION RE PERMANENT INJUNC<br>Page 20.46 of | TION AGAINST REYNOLDS, II<br>20 |    |
|          |  |                                 |    |

1 FOR THE STATE OF WEST VIRGINIA 2 By: 3 Michael M. Morrison (WV Bar # 9822)\* Assistant Attorney General 4 Office of Attorney General Patrick Morrisey 5 812 Quarrier Street, 1st Floor 6 Charleston, West Virginia 25301 P.O. Box 1789 7 Charleston, West Virginia 25326 8 Matt.M.Morrison@wvago.gov 9 Telephone: (304) 558-8986 10 \*Application for pro hac vice pending 11 12 Signed Man ,2015 By:/ m Lauret K. Lackey (WV Bar # 10267)\* Assistant Attorney General Counsel for Secretary of State Natalie E. Tennant Office of Attorney General Patrick Morrisey 269 Aikens Center Martinsburg, West Virginia 25404 Laurel.K.Lackey@wvago.gov Telephone: (304) 267-0239 \*Application for pro hac vice pending Attorneys for Plaintiff State of West Virginia Signed \_\_\_\_\_\_, 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II

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FOR THE STATE OF WISCONSIN **BRAD D. SCHIMEL** ATTORNEY GENERAL By: Francis X. Sullivan Assistant Attorney General Wisconsin State Bar no. 1030932\* Wisconsin Department of Justice Post Office Box 7857 Madison, Wisconsin 53707-7857 (608) 267-2222 (608) 267-8906 (Fax) sullivanfx@doj.state.wi.us \*Application for pro hac vice pending Attorney for Plaintiff State of Wisconsin Signed STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.48 of 20

FOR THE STATE OF WYOMING By: Clyde W. Hutchins (WY Bar # 6-3549)\* Senior Assistant Attorney General Office of Attorney General Peter K. Michael 123 State Capitol Cheyenne, WY 82002 clyde.hutchins@wyo.gov Telephone: (307) 777-7847 \*Application for pro hac vice pending Attorney for Plaintiff State of Wyoming Signed <u>May</u> 8, 2015 STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 20.49 of 20

| 1      | FOR THE DISTRICT OF COLUMBIA   |
|--------|--|
| 2<br>3 | KARL A. RACINE<br>Attorney General for the District of Columbia              |
| 4      | ELIZABETH SARAH GERE   |
| 5      | Acting Deputy Attorney General   |
| 6      | Public Interest Division   |
| 7      | BENNETT RUSHKOFF   |
| 8      | Chief, Public Advocacy Section   |
| 9      |  |
| 10     | By: Jim Caldwell   |
| 11     | BRIAN R CALDWELL (DC Bar # 979680)*  |
| 12     | Assistant Attorney General<br>Office of Attorney General Karl A. Racine      |
| 13     | 441 Fourth Street, N.W., Suite # 650-S                                       |
| 14     | Washington, D.C. 20001<br>brian.caldwell@dc.gov                              |
| 14     | Telephone: (202) 727-6211  |
| 15     | *Application for pro hac vice pending  |
| 17     | Attorney for Plaintiff District of Columbia                                  |
| 18     | Anorney for Training District of Columbia                                    |
| 19     | Signed: May 7, 2015  |
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|        | STIPULATION RE PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 20.50 of 20 |

|  | Case 2:15-cv-00884-NVW Document 5-1  | Filed 05/19/15  | Page 1 of 17  |
|--|--|---|---|
| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8         | IN THE UNITED STAT<br>FOR THE DISTR  |   |   |
| 9<br>10<br>11<br>12<br>13<br>14              | Federal Trade Commission; all Fifty<br>States, and the District of Columbia;<br>Plaintiffs,<br>vs.<br>Cancer Fund of America, Inc., a Delaware<br>corporation, et al.;<br>Defendants.  | PERMANENT   | O ORDER FOR<br>T INJUNCTION AND<br>JUDGMENT AGAINST<br>VOLDS, II  |
| 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22 | Plaintiffs, the Federal Trade Commissi<br>of Alabama, Alaska, Arizona, Arkansas, Calif<br>Florida, Georgia, Hawaii, Idaho, Illinois, India<br>Maine, Maryland, Massachusetts, Michigan, N<br>Nebraska, Nevada, New Hampshire, New Jers<br>Carolina, North Dakota, Ohio, Oklahoma, Ore<br>Carolina, South Dakota, Tennessee, Texas, U | fornia, Colorado<br>ana, Iowa, Kans<br>Minnesota, Miss<br>sey, New Mexic<br>egon, Pennsylva | , Connecticut, Delaware,<br>as, Kentucky, Louisiana,<br>issippi, Missouri, Montana,<br>o, New York, North<br>nia, Rhode Island, South |
| 23<br>24<br>25<br>26<br>27<br>28             | Virginia, South Dakota, Tennessee, Texas, Un<br>Virginia, Wisconsin, Wyoming, and the Distr<br>permanent injunction and other equitable relie<br>America, Inc., also d/b/a Breast Cancer Finan<br>Support Services, Inc. ("CSS"), Children's Ca<br>and The Breast Cancer Society, Inc., also d/b/                                    | ict of Columbia<br>ef against Defen<br>cial Assistance I<br>ancer Fund of Ar                | have filed a complaint for a<br>dants Cancer Fund of<br>Fund ("CFA"), Cancer<br>merica, Inc. ("CCFOA"),                               |

| that all named D  | Defendants violated, among other statutes, the Federal Trade Commissi   |
|-------------------|---|
| Act, 15 U.S.C. §  | § 45, the Telemarketing and Consumer Fraud and Abuse Prevention Ac  |
| ("Telemarketing   | g Act"), 15 U.S.C. §§ 6101-6108, and the Unfair and Deceptive Acts and  |
| -                 | naritable Solicitation laws of the Plaintiff States. Plaintiffs and Defend  |
|                   | , II stipulate to the entry of this Stipulated Order for Permanent  |
| •                 |   |
| ·                 | Monetary Judgment Against James Reynolds, II ("Order") to resolve al  |
| matters in disput | te in this action between them.   |
| THEREF            | ORE, IT IS ORDERED as follows:  |
|                   | FINDINGS  |
| 1. Th             | nis Court has jurisdiction over this matter.  |
| 2. Ve             | enue is proper in the District of Arizona.  |
| 3. Th             | ne Complaint charges that Defendant James Reynolds, II ("Reynolds, I  |
|                   | ged in deceptive acts or practices by making false and misleading clair   |
|                   |   |
|                   | icitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the  |
| Telemarketing S   | Sales Rule ("TSR"), 16 C.F.R. Part 310, and the following state statute   |
| regulating charit | table solicitations and prohibiting deceptive and/or unfair trade practic   |
| Alabama:          | ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.   |
| Alaska:           | ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010  |
| Arizona:          | through 45.68.900.           ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551                                 |
| AllZolla.         | through 44-6561.  |
| Arkansas:         | ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101  |
|                   | through 4-88-115.   |
|                   | CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF.<br>CODE §§ 17200 through 17206; and §§ 17510 through 17510.95. |
| California:       |   |
| Colorado:         | $\downarrow$ COLO. KEV. STAT. 88 0-1-101 through 115; and 0-10-101 through  |
| Colorado:         | COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.  |
|                   | 114.           CONN. GEN. STAT. §§ 21a-175 through 21a-1901; and 42-110a  |
| Colorado:         | 114.  |

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| Florida:        | FLA. STAT. ch. 501, Part II; and ch. 496 (2013).  |
|-----------------|---|
| Georgia:        | GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).   |
| Hawaii:         | HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480-                                     |
|                 | and Act 217 § 2 Haw. Sess. Laws (2014).   |
| Idaho:          | IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through  |
|                 | 1206.   |
| Illinois:       | 225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.  |
| Indiana:        | IND. CODE §§ 23-7-8-1 through -9; and 24-5-0.5-1 through -12.                                     |
| Iowa:           | IOWA CODE § 714.16.   |
| Kansas:         | KAN. STAT. ANN. §§ 17-1759 through 17-1776.   |
| Kentucky:       | KY. REV. STAT. ANN. §§ 367.110 through 367.300.   |
| Louisiana:      | LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 throu                                    |
|                 | 1909.1.   |
| Maine:          | ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.   |
| Maryland:       | MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).   |
| Massachusetts:  | MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 throug                                   |
|                 | 35; and ch. 93A §§ 1 through 11.  |
| Michigan:       | MICH. COMP. LAWS §§ 400.271 through 400.294.  |
| Minnesota:      | MINN. STAT. ch. 309.  |
| Mississippi:    | MISS. CODE ANN. §§ 79-11-501 through 79-11-529.   |
| Missouri:       | MO. REV. STAT. ch. 407.   |
| Montana:        | MONT. CODE ANN. § 30-14-103.  |
| Nebraska:       | NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306. |
| Nevada:         | NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, a 598.097.                          |
| New             | N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28                                |
| Hampshire:      | and 641:8.  |
| New Jersey:     | N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1   |
| 1.0             | through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:4                                   |
|                 | 15.1.   |
| New Mexico:     | N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).                   |
| New York:       | N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BU                                    |
|                 | LAW § 349.  |
| North Carolina: | N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.   |
| North Dakota:   | N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01  |
|                 | through 51-15-11.   |
| Ohio:           | Ohio Rev. Code Ann. § 1716.   |
| Oklahoma:       | OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.   |
| Oregon:         | OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.   |
| <u> </u>        | 10 PA. STAT. ANN. §§ 162.1 through .14 (1990).  |

## Case 2:15-cv-00884-NVW Document 5-1 Filed 05/19/15 Page 4 of 17

| Rhode Island:                | R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.  |
|------------------------------|--|
| South Carolina:              | S.C. CODE ANN. §§ 33-56-10 through 33-56-200.  |
| South Dakota:                | S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1                                     |
|                              | through 21-34-14.  |
| Tennessee:                   | TENN. CODE ANN. §§ 48-101-501 through 48-101-522.  |
| Texas:                       | TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.  |
| Utah:                        | UTAH CODE ANN. §§ 13-11-1 through 13-11-23; 13-22-1 through 22-23; and 13-26-1 through 13-26-11. |
| Vermont:                     | VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 24                                  |
| Virginia:                    | VA. CODE ANN. §§ 57-48 through 57-69.  |
| Washington:                  | WASH. REV. CODE §§ 19.86; and §19.09.  |
| West Virginia:<br>Wisconsin: | W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101 through 46a-6-110.<br>WIS. STAT. §§ 202.11-202.18.     |
| Wyoming:                     | WYO. STAT. ANN. §§ 40-12-101 through 114.  |
|                              | · · · · · · · · · · · · · · · · · · ·  |
| 4. Defe                      | endant Reynolds, II neither admits nor denies any of the allegations                             |
| the Complaint, ex-           | cept as specifically stated in this Order. Only for purposes of this                             |
| action, Defendant            | Reynolds, II admits the facts necessary to establish jurisdiction.                               |
| 5. Plai                      | ntiffs and Defendant James Reynolds, II agree that this Order resolv                             |
| all allegations in t         | he Complaint.  |
| 6. Defe                      | endant Reynolds, II waives any claim that he may have under the Ed                               |
| Access to Justice            | Act, 28 U.S.C. § 2412, concerning the prosecution of this action                                 |
| through the date o           | of this Order, and agrees to bear his own costs and attorney fees.                               |
| 7. Defe                      | endant Reynolds, II waives all rights to appeal or otherwise challeng                            |
| contest the validit          | y of this Order.   |
| 8. Entr                      | ry of this Order is in the public interest.  |
|                              | DEFINITIONS  |
| For purpos                   | es of this Order, the following definitions shall apply:   |
| 1. "De                       | fendant" and "Reynolds, II" mean the individual defendant James                                  |
| Reynolds, II, a/k/a          | a James Reynolds, Jr.  |
| 2. "Per                      | rson" means a natural person, an organization or other legal entity,                             |
| including a corpor           | ration, partnership, sole proprietorship, limited liability company,                             |
| association, coope           | erative, or any other group or combination acting as an entity.                                  |
|                              |  |

3. "Charitable contribution" means any donation or gift of money or any other
 thing of value.

4. "Donor" or "consumer" means any person solicited to make a charitable
contribution.

5 5. "Fundraising" means a plan, program, or campaign that is conducted to
6 induce charitable contributions by mail, telephone, electronic mail, social media, or any
7 other means.

6. "Nonprofit organization" means any person that is, or is represented to be, a
nonprofit entity, or that has, or is represented to have, a charitable purpose, specifically
including but not limited to any such entity that purports to benefit, either in whole or in
part, individuals who suffer or have suffered from cancer.

7. "Plaintiff States" means the states of Alabama, Alaska, Arizona, Arkansas, 12 California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 13 Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, 14 Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New 15 Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, 16 Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, 17 Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, 18 Wyoming, and the District of Columbia. 19

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8.

"Solicitor" means any person who solicits a charitable contribution.

9. "Telemarketing" means a plan, program, or campaign that is conducted to
induce the purchase of goods or services or a charitable contribution, by use of one or
more telephones and that involves a telephone call, whether or not covered by the
Telemarketing Sales Rule.

10. "And" and "or" shall be construed both conjunctively and disjunctively to
 make the applicable sentence or phrase inclusive rather than exclusive.

STIPULATED ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 5 of 17

#### ORDER

#### PROHIBITIONS RELATED TO THE SOLICITATION AND CONTROL OF CHARITABLE ASSETS

IT IS FURTHER ORDERED that Reynolds, II is permanently restrained, enjoined, and prohibited from engaging in the following activities, directly or indirectly, individually, or in concert with other persons or entities:

A. Receiving any payment or other financial benefit for: (1) participating or assisting in the solicitation of charitable contributions, directly or indirectly, including by advising, acting as an independent contractor or a fundraising consultant, supplying contact or donor lists, or providing caging, mail processing, or fulfillment services; and (2) controlling, directly or indirectly, or holding a majority ownership interest in, any entity engaged in the business of fundraising; and

B. Establishing, operating, controlling, or managing any nonprofit
 organization or other entity that holds charitable assets, or any program thereof, directly
 or indirectly, whether compensated or not, including by serving as a founder,
 incorporator, officer, director, trustee, chief executive, officer, manager, or other
 fiduciary; and

C. Managing, controlling, directing, distributing, or accounting for the use or application of any charitable asset, or participating or assisting in managing, controlling, directing, distributing, or accounting for the use or application of any charitable asset, directly or indirectly, whether compensated or not, including by acting as an independent contractor, advisor, or consultant.

D. Provided that, Reynolds, II may: (1) subject to the limitations of Section
I.A-C, above, be employed in the capacity of a licensed medical professional by any
nonprofit hospital or other nonprofit health care facility federally certified by the Centers
for Medicare and Medicaid Services (CMS) and/or licensed by the relevant state
authorities, and use the supplies and equipment necessary to perform his duties as such a

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1 licensed medical professional; he may also volunteer in a non-fiduciary capacity on an 2 advisory board of any such nonprofit hospital or other nonprofit health care facility 3 federally certified by the Centers for Medicare and Medicaid Services (CMS) and/or 4 licensed by the relevant state authorities; (2) be employed by or volunteer for any 5 nonprofit organization or other entity that holds charitable assets in any capacity not 6 prohibited by Section I.A-C above, such as working in any non-supervisory role 7 unrelated to the solicitation, management, custody, control, or distribution of any 8 charitable asset; or (3) be employed or volunteer as a clergyman or similar position at his church. 9

E. Provided further that Reynolds, II may not be employed by any nonprofit
organization or other entity that holds charitable assets that is directed, controlled,
managed, or operated by any person affiliated with, or formerly affiliated with, Cancer
Fund of America, Inc., Children's Cancer Fund of America, Inc., or The Breast Cancer
Society, Inc., as an employee, officer, director, or contractor.

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#### II. PROHIBITION ON MISREPRESENTATIONS

IT IS FURTHER ORDERED that Reynolds, II and all other persons in active concert or participation with him who receive actual notice of this Order, whether acting directly or indirectly, are hereby permanently restrained and enjoined from making, or assisting in making, material misrepresentations in connection with the sale of consumer goods or services.

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#### III. TELEMARKETING SALES RULE COMPLIANCE

IT IS FURTHER ORDERED that Reynolds, II and all other persons in active
 concert or participation with him who receive actual notice of this Order, whether acting
 directly or indirectly, are hereby permanently restrained and enjoined from violating, or
 assisting others in violating, any provision of the TSR, 16 C.F.R. Part 310, as currently
 promulgated or as it hereafter may be amended.

|                     | IV. COMPLIANCE WITH STATE LAW  |
|---------------------|--|
| IT IS FUR           | THER ORDERED that Reynolds, II, whether acting directly or   |
| indirectly, is here | by permanently restrained and enjoined from violating, or assisting                                  |
| others in violating | g, any provision of the following state laws:  |
| Alabama:            | ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.  |
| Alaska:             | ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.                        |
| Arizona:            | ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551   |
|                     | through 44-6561.   |
| Arkansas:           | ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.                       |
| California:         | CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF.   |
|                     | CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.  |
| Colorado:           | COLO. REV. STAT. §§ 6-1-101through 115; and 6-16-101 through 114                                     |
| Connecticut:        | CONN. GEN. STAT. §§ 21a-175 through 21a-1901; and 42-110a  |
| <u> </u>            | through 42-110q.   |
| Delaware:           | DEL. CODE ANN. tit. 6, § $2513(a)$ (1998); tit. 6, § $2532(a)$ (1995); and                           |
| T <sup>1</sup> ' 1  | tit. 6, §§ $2595(a) - (b)$ (1995).   |
| Florida:            | FLA. STAT. ch. 501, Part II; and ch. 496 (2013).   |
| Georgia:            | GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).  |
| Hawaii:             | HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480-15                                      |
| Idaho:              | and Act 217 §2 Haw. Sess. Laws (2014).<br>IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through |
| Iuano.              | 1206.  |
| Illinois:           | 225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.   |
| Indiana:            | IND. CODE §§ 23-7-8-1 through -9; and 24-5-0.5-1 through -12.  |
| Iowa:               | IOWA CODE § 714.16.  |
| Kansas:             | KAN. STAT. ANN. §§ 17-1759 through 17-1776.  |
| Kentucky:           | Ky. Rev. STAT. ANN. §§ 367.110 through 367.300.  |
| Louisiana:          | LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through                                     |
|                     | 1909.1.  |
| Maine:              | ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.  |
| Maryland:           | MD. CODE ANN., BUS. REG. §§ 6-101through 6-701 (2010).   |
| Massachusetts:      | MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through                                     |
|                     | 35; and ch. 93A §§ 1 through 11.   |
| Michigan:           | MICH. COMP. LAWS §§ 400.271 through 400.294.   |
| Minnesota:          | MINN. STAT. ch. 309.   |
| Mississippi:        | MISS. CODE ANN. §§ 79-11-501 through 79-11-529.<br>MO. REV. STAT. ch. 407.                           |

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| Montana:             | Mont. Code Ann. § 30-14-103.   |
|----------------------|--|
| Nebraska:            | NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through            |
|                      | 59-1622; and 87-301 through 87-306.                                      |
| Nevada:              | NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, an         |
|                      | 598.097.   |
| New                  | N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-      |
| Hampshire:           | and 641:8.   |
| New Jersey:          | N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1                |
|                      | through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:48         |
|                      | 15.1.  |
| New Mexico:          | N.M. STAT. §§ 57-12-1through 57-12-22; and §§ 57-22-1through 57          |
|                      | 22-11 (1978).  |
| New York:            | N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS          |
|                      | LAW § 349.   |
| North Carolina:      | N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.                                |
| North Dakota:        | N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01               |
|                      | through 51-15-11.  |
| Ohio:                | Ohio Rev. Code Ann. § 1716.  |
| Oklahoma:            | OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.                        |
| Oregon:              | OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.                  |
| Pennsylvania:        | 10 PA. STAT. ANN. §§ 162.1 through .14 (1990).                           |
| Rhode Island:        | R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.                            |
| South Carolina:      | S.C. CODE ANN. §§ 33-56-10 through 33-56-200.                            |
| South Dakota:        | S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1             |
|                      | through 21-34-14.  |
| Tennessee:           | TENN. CODE ANN. §§ 48-101-501 through 48-101-522.                        |
| Texas:               | TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.                        |
| Utah:                | UTAH CODE ANN. §§ 13-11-1 through 13-11-23; 13-22-1 through 13           |
|                      | 22-23; and 13-26-1 through 13-26-11.                                     |
| Vermont:             | VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479        |
| Virginia:            | VA. CODE ANN. §§ 57-48 through 57-69.                                    |
| Washington:          | WASH. REV. CODE §§ 19.86; and §19.09.                                    |
| West Virginia:       | W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101through 46a-6-110.              |
| Wisconsin:           | WIS. STAT. §§ 202.11-202.18.   |
| Wyoming:             | WYO. STAT. ANN. §§ 40-12-101 through 114.                                |
|                      | · · · · · · · · · · · · · · · · · · ·                                    |
|                      | V. COOPERATION   |
| IT IS FUR            | THER ORDERED that Reynolds, II must cooperate fully with                 |
|                      |  |
| -                    | ntatives in this case and in any investigation related to or associated  |
| with the transaction | ons or the occurrences that are the subject of the Complaint. Reynold    |
| STIPULA              | ATED ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II<br>Page 9 of 17 |

II must provide truthful and complete information, evidence, and testimony. Reynolds, II
 must appear for interviews, discovery, hearings, trials, and any other proceedings that any
 Plaintiff's representative may reasonably request upon five days written notice, or other
 reasonable notice, at such places and times as any Plaintiff's representative may
 designate, without the service of a subpoena.

#### VI. MONETARY JUDGMENT

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IT IS FURTHER ORDERED that judgment is hereby entered against Reynolds, II as follows:

A. Judgment in the amount of sixty-five million, five hundred sixty-four thousand, three hundred sixty dollars (\$65,564,360) is entered in favor of Plaintiffs against Reynolds, II, as equitable monetary relief;

B. Reynolds, II shall pay seventy-five thousand dollars (\$75,000) to the STCO
Fund described in Section VII.E, below, within seven (7) days of entry of the Order.
Upon such payment, the remainder of the judgment shall be suspended as to Reynolds, II,
subject to Section VI.C-E, below;

C. Plaintiffs' agreement to the suspension of the judgment owed by Reynolds, II is expressly premised upon the truthfulness, accuracy, and completeness of Reynolds, II's sworn financial statements and related documents (collectively, "financial representations") submitted to Plaintiffs, namely:

1. the Financial Statement of Individual, signed on April 15, 2015,
 including attachments; and

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 2. Reynolds, II's representations, made through his counsel, in
 correspondence dated March 16, 2015, March 19, 2015, March 25, 2015, and April 16,
 2015;

D. The suspension of the judgment will be lifted as to Reynolds, II if, upon
 motion by any Plaintiff, the Court finds that Reynolds, II failed to disclose any material
 asset, materially misstated the value of any asset, or made any other material

STIPULATED ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 10 of 17

1 misstatement or omission in his financial representations, identified above. If the 2 suspension of the judgment is lifted pursuant to this provision, the judgment becomes 3 immediately due in the amount specified in Section VI.A, above, as to Reynolds, II 4 (which the Parties stipulate for purposes only of this Section represents the consumer 5 injury alleged in the Complaint for which Reynolds, II is liable), less any payment б previously made by Reynolds, II pursuant to this Section, or by Defendant The Breast 7 Cancer Society, Inc. pursuant to any other order entered in connection with this matter, 8 plus interest computed from the date of entry of this Order; and

<sup>9</sup> E. The suspension of the judgment will be lifted as to Reynolds, II if, upon
<sup>10</sup> motion by any Plaintiff State, the Court finds that Reynolds, II has violated any provision
<sup>11</sup> of Section I, above, and a judgment in the amount set forth in Section VI.A, above, less
<sup>12</sup> any prior payments by Defendant Reynolds, II or The Breast Cancer Society, Inc.,
<sup>13</sup> becomes immediately due as to Reynolds, II. The judgment amount shall be payable to
<sup>14</sup> the moving Plaintiff State, which shall use any money collected pursuant to the
<sup>15</sup> requirements of Section VII.E.2, below.

#### VII. ADDITIONAL MONETARY PROVISIONS

#### IT IS FURTHER ORDERED that:

A. Reynolds, II relinquishes dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order, and may not seek the return of any assets;

B. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Plaintiffs, including in a proceeding to enforce their rights to any payment or monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case;

C. The facts alleged in the Complaint establish all elements necessary to sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,

STIPULATED ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 11 of 17

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1 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such
 2 purposes;

<sup>3</sup> D. Reynolds, II acknowledges that his Social Security Number, which he
 <sup>4</sup> previously submitted to Plaintiffs, may be used for collecting and reporting on any
 <sup>5</sup> delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701;

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E. Payment to the Plaintiff States:

All money paid to the Plaintiff States pursuant to this Order shall be
made by wire transfer to the Litigation Deposits Trust Fund (Fund Code "T-xx-909N"),
an interest bearing trust fund held by the Hawaii Attorney General's Office in trust for
the Plaintiff States ("the short-term court ordered trust fund" or "STCO Fund");

2. 11 The STCO Fund shall be used to pay: (a) pursuant to cy pres, qualifying charitable organizations with charitable purposes substantially similar to the 12 purposes for which the Defendants named in this matter solicited funds, and (b) the 13 Plaintiff States to reimburse costs of the investigation and to pay attorneys' fees. When 14 payment(s) from the STCO Fund are appropriate, the Plaintiff States shall submit to this 15 Court a Motion and Proposed Order recommending cy pres recipients and the amounts to 16 be paid to such recipients and/or the amounts to be paid to reimburse the Plaintiff States 17 for their costs and attorneys' fees. The Hawaii Attorney General shall distribute monies 18 from the STCO Fund only as authorized and directed by this Court. Reynolds, II has no 19 right to challenge any recommendations regarding monetary distributions made by the 20 Plaintiff States. 21

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#### VIII. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Reynolds, II provide acknowledgment of receipt of this Order:

A. Reynolds, II, within seven days of entry of this Order, must submit to
 Plaintiff Federal Trade Commission an acknowledgment of receipt of this Order sworn
 under penalty of perjury;

1 For five years after entry of this Order, Reynolds, II, for any business that Β. 2 he, individually or collectively with any other Defendant named in this matter, is the 3 majority owner or controls directly or indirectly, must deliver a copy of this Order to: 4 (1) all principals, officers, directors, and LLC managers and members; (2) all employees, 5 agents, and representatives who participate in conduct related to the subject matter of this б Order; and (3) any business entity resulting from any change in structure as set forth in 7 Section IX below. Delivery must occur within seven days of entry of this Order for 8 current personnel. For all others, delivery must occur before they assume their 9 responsibilities; and C. From each individual or entity to which Reynolds, II delivered a copy of 10 11 this Order, Reynolds, II must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order. 12 13 IX. **COMPLIANCE REPORTING** 14 IT IS FURTHER ORDERED that Reynolds, II make timely submissions to 15 Plaintiff Federal Trade Commission. 16 One year after entry of this Order, Reynolds, II must submit a compliance A. 17 report, sworn under penalty of perjury. Reynolds, II must: 18 1. identify all his telephone numbers and all physical, postal, email and 19 Internet addresses, including all residences; 20 2. identify all his business activities, including any business for which 21 he performs services whether as an employee or otherwise and any entity in which he has 22 any ownership interest; 23 3. describe in detail his involvement in each such business, including 24 title, role, responsibilities, participation, authority, control, and any ownership; 25 4. identify all such businesses by all of their names, telephone 26 numbers, and physical, postal, email, and Internet addresses; 27 28 STIPULATED ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 13 of 17

1 5. describe the activities of each business, including the goods and 2 services offered, the means of advertising, marketing, sales, methods of payment, and the 3 involvement of any other Defendant named in this matter (which Reynolds, II must 4 describe if he knows or should know due to his own involvement); 5 6. identify the primary physical, postal, and email address and б telephone number, as designated points of contact, which Plaintiffs or their 7 representatives may use to communicate with him; 8 7. for all his activities with any nonprofit organization that Reynolds, II undertakes in connection with Section I.D of this Order: 9 identify all such nonprofit organizations by all of their names, 10 a. telephone number[s], and physical, postal, email, and Internet addresses; and 11 b. describe in detail his involvement in each such nonprofit 12 organization, including any title, role, responsibilities, participation, authority, and 13 control; 14 8. describe in detail whether and how Reynolds, II is in compliance 15 with each Section of this Order; and 16 9. provide a copy of each Order Acknowledgment obtained pursuant to 17 this Order, unless previously submitted to Plaintiff Federal Trade Commission. 18 Β. For ten years after entry of this Order, Reynolds, II must submit a 19 compliance notice, sworn under penalty of perjury, within 14 days of any change in the 20 following: 21 1. Reynolds, II must report any change in: (a) any designated point of 22 contact; or (b) the structure of any entity that he has any ownership interest in or controls 23 directly or indirectly that may affect compliance obligations arising under this Order, 24 including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or 25 affiliate that engages in any acts or practices subject to this Order. 26 2. Reynolds, II must report any change in: (a) name, including aliases 27 or fictitious names, or residence address; or (b) title or role in any business activity, 28 STIPULATED ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II

including any business for which he performs services, whether as an employee or
 otherwise, and any entity in which he has any ownership interest or controls, directly or
 indirectly, and identify the name, physical address, and any Internet address of the
 business or entity.

3. If Reynolds, II is employed by any nonprofit organization in any
capacity permitted by Section I.D of this Order or otherwise, he must report any change
in title or role with that nonprofit organization.

<sup>8</sup> C. Reynolds, II must submit notice of the filing of any bankruptcy petition,
 <sup>9</sup> insolvency proceeding, or similar proceeding by or against him within 14 days of its
 <sup>10</sup> filing.

D. Any submission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on [date] at [location]" and supplying the date, location, signatory's full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all
 submissions to Plaintiff Federal Trade Commission pursuant to this Order must be
 emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:

 Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission,
 600 Pennsylvania Avenue NW, Washington, DC 20580

The subject line of each submission must begin: FTC v. Cancer Fund of America, et al.

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#### X. RECORDKEEPING

IT IS FURTHER ORDERED that Reynolds, II must create certain records for ten
 years after entry of this Order, and retain each such record for five years. Specifically,
 for any business that he, individually or collectively with any other Defendant named in

STIPULATED ORDER FOR PERMANENT INJUNCTION AGAINST REYNOLDS, II Page 15 of 17

this matter, is a majority owner or controls directly or indirectly, he must create and
 retain the following records:

A. Accounting records showing revenues from all goods or services sold or
 billed;

<sup>5</sup> B. Personnel records showing, for each person providing services, whether as
<sup>6</sup> an employee or otherwise, that person's name; address; telephone number; job title or
<sup>7</sup> position; dates of service; and reason for termination (if applicable);

<sup>8</sup> C. Records of all consumer complaints, whether received directly or indirectly,
<sup>9</sup> such as through a third party, and any response;

10D.All records necessary to demonstrate full compliance with each provision11of this Order, including all submissions to Plaintiff Federal Trade Commission; and

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#### XI. COMPLIANCE MONITORING

A copy of each unique advertisement or other marketing material.

IT IS FURTHER ORDERED that, for purposes of monitoring Reynolds, II's compliance with this Order, including the accuracy of the financial representations upon which the judgment was suspended:

A. Within 14 days of receipt of a written request from a representative of any Plaintiff, Reynolds, II must submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. Plaintiffs are also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69;

<sup>24</sup> B. For matters concerning this Order, Plaintiffs are authorized to communicate
 <sup>25</sup> directly with Reynolds, II. Reynolds, II must permit representatives of any Plaintiff to
 <sup>26</sup> interview any employee or other person affiliated with him who has agreed to such an
 <sup>27</sup> interview. The person interviewed may have counsel present;

C. Plaintiffs may use all other lawful means, including posing, through their
 representatives, as consumers, suppliers, or other individuals or entities, to Reynolds, II
 or any individual or entity affiliated with him, without the necessity of identification or
 prior notice. Nothing in this Order limits Plaintiff Federal Trade Commission's lawful
 use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§
 49, 57b-1, or the Plaintiff States' lawful use of relevant state laws governing pre-suit
 investigation and discovery; and

<sup>8</sup> D. Upon written request from a representative of the Commission or any
<sup>9</sup> Plaintiff State, any consumer reporting agency must furnish a consumer report
<sup>10</sup> concerning Reynolds, II pursuant to Section 604(1) of the Fair Credit Reporting Act, 15
<sup>11</sup> U.S.C. §1681b(a)(1).

#### XII. RETENTION OF JURISDICTION

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IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

#### XIII. STATE COURT ENFORCEMENT

Without limiting the above provisions, Reynolds, II agrees that the provisions of
 Sections I, II, and IV of this Order may be enforced by any Plaintiff State in a court of
 general jurisdiction in that Plaintiff's state if that Plaintiff State has reason to believe that
 persons in its state have been affected. Reynolds, II consents to any such court's
 jurisdiction for purposes of enforcing the terms of Sections I, II, and IV of this Order.
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