

DOCKET NO. HHD-CV23-6166410-S	:	SUPERIOR COURT
	:	
STATE OF CONNECTICUT	:	J.D. OF HARTFORD
	:	AT HARTFORD
V.	:	
	:	
VISION SOLAR, LLC	:	SEPTEMBER 20, 2024

MOTION FOR JUDGMENT IN ACCORDANCE WITH STIPULATION

Plaintiff, State of Connecticut, respectfully moves that the Court enter judgment against Defendant, Vision Solar, LLC, in accordance with the stipulation (Exhibit A) between the State and Maureen Steady, Esq., Chapter 7 Trustee for Defendant Vision Solar, LLC (“Trustee”) as approved by the United States Bankruptcy Court for the District of New Jersey on September 17, 2024 (Exhibit D). In support of this Motion, the undersigned represents as follows:

1. The State brought this Connecticut Unfair Trade Practices Act, C.G.S. § 42-110a *et seq.* (CUTPA) action (“Action”) against Vision Solar, LLC by complaint dated February 27, 2023 [No. 100.31], alleging unfair and deceptive conduct in Vision Solar, LLC’s marketing, sales, permitting, and installation practices related to residential solar panel systems in Connecticut. The State sought, *inter alia*, civil penalties under General Statutes § 42-110o for Vision Solar, LLC’s allegedly willful violations of CUTPA.

2. Vision Solar, LLC appeared through counsel, Fox Rothschild LLP, on March 30, 2023 and filed an Answer with Special Defenses on May 5, 2023, [No. 104.00], admitting certain of the State’s allegations but denying liability.

3. On December 5, 2023, counsel for Vision Solar LLC moved to withdraw its appearance, representing that “grounds for Fox Rothschild’s withdrawal now exist under Rule 1.16(b) of Connecticut’s Rules of Professional Conduct.” [No. 117.00].

4. After a hearing, the Court (Graham, J.) granted counsel's motion to withdraw on January 18, 2024. [No. 117.86].
5. Since January 18, 2024, defendant Vision Solar LLC has been unrepresented and non-appearing in the Action.
6. On or about December 28, 2023, Vision Solar, LLC filed for chapter 7 bankruptcy protection in the United States Bankruptcy Court for the District of New Jersey, Docket No. 23-21939-JNP ("Bankruptcy Proceeding"). See Notice of Bankruptcy [No. 118.00].
7. As "an action or proceeding by a governmental unit...to enforce such governmental unit's...police and regulatory power," the Action is exempt from the automatic stay under the Bankruptcy Code. 11 U.S.C. § 362(a)(4).
8. Trustee was appointed Chapter 7 trustee of Vision Solar, LLC's estate by the Office of the United States Trustee on January 2, 2024 and continues to serve in that capacity.
9. On or about August 12, 2024, the State, acting through undersigned counsel, and Trustee executed a Stipulated Judgment in this Action, filed herewith as Exhibit A. The Stipulated Judgment provides for, inter alia, a civil penalty in the amount of \$5 million pursuant to General Statutes § 42-110o(b), and injunctive relief addressing Vision Solar LLC's conduct in this State.
10. On August 13, 2024, Trustee proposed in the Bankruptcy Proceeding that the Action be settled pursuant to the Stipulated Judgment. (Exhibit B.)
11. On September 11, 2024, the Deputy Clerk in the Bankruptcy Proceeding certified that the court received no objections to the Stipulated Judgment. (Exhibit C.)

12. On September 17, 2024, the United States Bankruptcy Court for the District of New Jersey entered an order approving the Stipulated Judgment. (Exhibit D.)

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WHEREFORE, the State respectfully requests that the Court enter judgment in accordance with the attached Stipulated Judgment (Exhibit A.)

Undersigned counsel is available at the Court's convenience for a status conference or hearing on this Motion. The undersigned is authorized to state that Trustee will likewise make herself available to the Court if necessary, but respectfully requests that she be permitted to appear remotely as she is based in New Jersey.

Respectfully submitted,

PLAINTIFF
STATE OF CONNECTICUT

WILLIAM TONG
ATTORNEY GENERAL

By: /s/ Joseph E. Gasser
Joseph E. Gasser, Juris No. 443231
Michael Nunes, Juris No. 444379
Assistant Attorney General
Office of the Attorney General
165 Capitol Ave.
Hartford, CT 06106
Phone: 860-808-5400
Fax: 860-808-5593
Joseph.Gasser@ct.gov

CERTIFICATION OF SERVICE

I certify that a copy of the foregoing was or will immediately be mailed or delivered electronically or nonelectronically on September 20, 2024 to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all parties so served:

Vision Solar, LLC (Non-appearing)
c/o Maureen Steady, Chapter 7 Trustee
2 Kings Highway West, Ste. 102
Haddonfield, NJ 08033
Via email: trustee@kurtzmansteady.com

/s/ Joseph E. Gasser
Joseph E. Gasser

EXHIBIT A

DOCKET NO. HHD-CV23-6166410-S	:	SUPERIOR COURT
	:	
STATE OF CONNECTICUT	:	J.D. OF HARTFORD
	:	AT HARTFORD
V.	:	
	:	
VISION SOLAR, LLC	:	AUGUST 12, 2024

STIPULATED JUDGMENT

BACKGROUND

1. This Stipulated Judgment is entered into by the Office of the Attorney General, on behalf of Plaintiff, State of Connecticut (“State”) on the one hand, and Maureen P. Steady, Chapter 7 Trustee (“Trustee”) of the bankruptcy estate of Vision Solar, LLC (“Vision Solar”) on the other.

2. On or about March 1, 2023, the State commenced this action (“Action”) pursuant to Chapter 735a of the General Statutes, alleging that Vision Solar violated the Connecticut Unfair Trade Practices Act (“CUTPA”), General Statutes § 42-110a, and particularly General Statutes § 42-110b(a).

3. Specifically, in the Action, the State alleges that Vision Solar engaged in unfair and/or deceptive acts or practices in trade or commerce in Connecticut including:

- a. engaging in marketing and/or sales tactics that, separately or taken together, cause or influence consumers to execute lengthy and expensive solar contracts without the ability to make an informed, independent choice;
- b. failing to obtain the required local permits before commencing work;
- c. causing unreasonable delays in delivering working solar panel systems as contracted for;

- d. making misrepresentations to consumers concerning the tax benefits of installing solar systems;
 - e. applying for town electrical permits falsely using the credentials of a licensed electrician not employed with Defendant at the time of the applications or without the authorized signature of such electrician;
 - f. offering and installing solar systems without a duly licensed electrician to perform the electrical work, including but not limited to the connection of the solar system to the residence's existing electrical system or utility meter; and
 - g. failing to respond to complaints and requests from consumers to address the aforesaid acts and practices.
4. On or about December 28, 2023, Vision Solar filed for Chapter 7 bankruptcy protection in the United States Bankruptcy Court for the District of New Jersey, *In re Vision Solar*, 23-bk-21939 (JNP) (Bankr. D.N.J.) ("Bankruptcy Case").
5. Trustee was appointed as Chapter 7 trustee of Vision Solar's estate by Office of the United States Trustee on January 2, 2024, has duly qualified, and is presently so acting in the Bankruptcy Case. [Doc. No. 9].
6. The filing of the Bankruptcy Case under Chapter 7 precludes Vision Solar from operating its business. Trustee did not seek permission to operate Vision Solar's business, and the business remains closed.
7. Once appointed, the trustee becomes the sole representative of the debtor's estate, thus, Vision Solar's former officers, agents, and employees have no

authority to act on behalf of Vision Solar, except to assist Trustee with the administration of the Bankruptcy Case.

8. On June 12, 2024, the State filed claim no. 357 in the Bankruptcy Case in an unliquidated amount (the “Claim”).

9. Subject to the entry of an order of the Bankruptcy Court approving this Stipulated Judgment pursuant to Federal Rule of Bankruptcy Procedure 9019 (the “Approval Order”), Trustee has the authority to bind the bankruptcy estate to the terms of this Stipulated Judgment, 11 U.S.C. § 704, but has no authority to bind or control Vision Solar’s officers, agents, and employees, or any other persons in active concert or participation with any of them.

10. Trustee, on behalf of the bankruptcy estate of Vision solar, waives all rights to appeal or otherwise challenge or contest the validity of this Stipulated Judgment.

11. The State and Trustee, by their counsel, have agreed to the entry of this Stipulated Judgment (the “Stipulation”) by this Court to resolve all matters in dispute in the Action.

12. Trustee admits or denies the allegations in the Action only as specifically stated in this Stipulated Judgment.

13. For purposes of this Action only, Trustee admits the facts necessary to establish jurisdiction.

14. The prosecution of this Action, including entry of a money judgment and the enforcement of a judgment other than a money judgment, are actions to enforce

police or regulatory powers. As a result, this action is excepted from the automatic stay pursuant to 11 U.S.C. § 362(b)(4).

DEFINITIONS

15. Clear and Conspicuous means a written visual statement, by its size, contrast, location, the length of time it appears, and other characteristics, that stands out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.

16. Complaint means a communication from a Connecticut Consumer in expressing dissatisfaction with any aspect of a Solar System offered or installed by Vision Solar.

17. Connecticut Consumer means any consumer who has executed a contract for the installation of a Vision Solar Solar System at an address in Connecticut.

18. Equipment means all hardware and other materials permanently attached in connection with a Solar System installation, Including frame/rails, panels, conduit, wiring, and inverters, whether on a rooftop, ground level, or elsewhere on a Connecticut Consumer's property.

19. Including means including but not limited to.

20. Solar System means a system for capturing solar energy that includes photovoltaic cells, whether mounted on a rooftop, at ground level, or elsewhere.

BUSINESS PRACTICES

21. Vision Solar shall comply with all provisions of Connecticut law governing its conduct in this State including CUTPA, the Home Improvement Act (General

Statutes ch. 400) the Home Solicitation Sales Act (General Statutes ch. 740) and applicable occupational licensing statutes (General Statutes ch. 393).

Marketing

22. Vision Solar shall not represent or suggest that a Connecticut Consumer will receive any certain benefit from any tax rebate, credit, or other benefit as a result of installing a Solar System.

23. Vision Solar shall not execute a contract with a Connecticut Consumer, unless Vision Solar provides a Clear and Conspicuous notice that there is no guarantee that such consumer will benefit from any certain tax rebate, credit, or other benefit as a result of installing a Solar System and should consult with their own tax professional.

24. Vision Solar shall not subtract any potential rebate, credit, or other potential financial benefit in representing the expected net cost of a Solar System.

25. Vision Solar shall not provide any estimate of solar power generation for a proposed Solar System without Clearly and Conspicuously disclosing the basis for the same, Including whether such estimates are based on conditions in the Connecticut Consumer's geographic area are elsewhere.

26. Vision Solar shall not provide any estimate of future electric utility price increases without Clearly and Conspicuously disclosing the basis for the same.

27. Vision Solar shall not falsely state or imply that it is related to, endorsed by, or connected with any electric utility or any public agency or office.

Contract Execution

28. Vision Solar shall not solicit a Connecticut Consumer's signature on a contract related to a Solar System on the same day as a Vision Solar salesperson's first visit to the Connecticut Consumer's home.

29. Vision Solar shall not solicit a Connecticut Consumer's signature on any contract on a device provided by a Vision Solar salesperson, including a smartphone, tablet, or laptop.

30. Vision Solar shall provide to the Consumer an itemized list of services to be performed relating to installation of a Solar System, including tree removal and roof replacement or repair.

31. Vision Solar shall provide and deliver to the Connecticut Consumer a completed copy of all contracts relating to installation of a Solar System, including tree removal and roof replacement or repair, at the time such contracts are executed.

32. Vision Solar shall provide, or cause to be provided, the Connecticut Consumer with a completed copy of any application(s) for financing and any agreement(s) for financing relating to installation of a Solar System, including tree removal, roof replacement or repair, or any other related work, at the time such application(s) or agreement(s) are executed.

33. Vision Solar shall provide separate Clear and Conspicuous notice of the Connecticut Consumer's right to cancel their contract, including under C.G.S. § 42-137 and any longer period pursuant to such contract.

Completion of Work

34. Vision Solar shall not commence any work relating to installation of a Solar System, including tree removal, roof replacement or repair, or any other related work, until it obtains all required permits before commencing such work.

35. Vision Solar shall use only a licensed electrical contractor to offer or perform electrical work as required by C.G.S. § 20-334.

36. Vision Solar shall not apply for permits using the credentials of an employee or contractor who is not actively working for Vision at the time the credential is used. For avoidance of doubt, Vision shall not apply for any permit or perform any work under the credential of an employee at the time such employee is on leave.

CIVIL PENALTY

37. Judgment in the amount of \$5 million (\$5,000,000.00) shall enter in favor of the State against Vision Solar as a civil penalty pursuant to Conn. Gen. Stat. § 42-110o(b).

38. This Stipulated Judgment falls entirely within and is subject to Section 726(a)(4) of the Bankruptcy Code, 11 U.S.C. § 726(a)(4). Any distribution to the State as a result of this Stipulated Judgment will be pursuant to and in accordance with Section 726(a)(4) of the Bankruptcy Code.

39. Within ten (10) days after the entry of the Approval Order, the State shall amend the Claim to conform to this Stipulated Judgment, including, without limitation, to reflect that the Claim is subject to 11 U.S.C. § 726(a)(4). Provided the claim filed in the Bankruptcy Case states that such claim falls entirely within and is subject to Section 726(a)(4) of the Bankruptcy Code, 11 U.S.C. § 726(a)(4), the Chapter 7 Trustee will not

object to allowance of the State's claim in the Bankruptcy Case as a general unsecured claim in the amount of \$5 million (\$5,000,000.00).

ADDITIONAL PROVISIONS

40. 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 State in a proceeding to enforce this Order.

41. Trustee agrees that the monetary judgment ordered by this Stipulated Judgment is not dischargeable in the Bankruptcy Case.

FOR PLAINTIFF:

STATE OF CONNECTICUT

WILLIAM TONG
ATTORNEY GENERAL

By: /s/ Joseph E. Gasser Date: August 12, 2024
Joseph E. Gasser, Juris No. 443231
Michael A. Nunes, Juris No. 444379
Assistant Attorneys General
Office of the Attorney General
165 Capitol Avenue
Hartford, CT 06105
860-808-5400
joseph.gasser@ct.gov
michael.nunes@ct.gov

FOR TRUSTEE:

/s/ Maureen P. Steady Date: August 12, 2024
Maureen P. Steady, as Chapter 7
Trustee for the Estate of Vision Solar, LLC

EXHIBIT B

In Re:
VISION SOLAR, LLC,

Debtor.

Case No.: 23-21939 (JNP)
Chapter: 7
Judge: Poslusny, Jr.

NOTICE OF PROPOSED COMPROMISE or SETTLEMENT OF CONTROVERSY

Maureen P. Steady, Chapter 7 trustee, in this case proposes a compromise, or to settle a claim and/or action as described below. If you object to the settlement or compromise, you must file a written objection with the Clerk of the United States Bankruptcy Court, and serve it on the person named below not later 7 days before the hearing date.

Address of the Clerk: U.S. Bankruptcy Court
District of New Jersey
P.O. Box 2067
Camden, NJ 08101

If an objection is filed, a hearing will be held before the Honorable Jerrold N. Poslusny, Jr on September 17, 2024 at 11:00 a.m. at the United States Bankruptcy Court, courtroom no. 4C, (hearing to be scheduled for at least 28 days from the date of the filing of the notice). If no objection is filed the clerk will enter a *Certification of No Objection* and the settlement may be completed as proposed.

Nature of action: ~~The State of Connecticut commenced a pre-petition action against the debtor to recover civil penalties based on alleged violations of state law.~~

Pertinent terms of settlement: The trustee and the State of Connecticut have entered into a Stipulated Judgment, subject to bankruptcy court approval, which liquidates the State of Connecticut's claim in the amount of \$5,000,000.00 and allows such claim under 11 U.S.C. section 726(a)(4). As a result, no distribution will be made on account of such claim unless allowed senior claims, including allowed general unsecured claims, have been paid in full. A copy of the Stipulated Judgment is available upon request.

Objections must be served on, and requests for additional information directed to:

Name: Jeffrey Kurtzman, Esquire
Address: 101 N. Washington Avenue, Suite 4A, Margate, NJ 08042
Telephone No.: (215) 839-1222

EXHIBIT C

Form loccrtno – loccrtnov27

UNITED STATES BANKRUPTCY COURT

District of New Jersey
401 Market Street
Camden, NJ 08102

Case No.: 23–21939–JNP
Chapter: 7
Judge: Jerrold N. Poslusny Jr.

In Re: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Vision Solar, LLC
511 NJ Route 168
Blackwood, NJ 08012

Social Security No.:

Employer's Tax I.D. No.:
83–1527189

CERTIFICATION OF NO OBJECTION

I Elizabeth Grassia, Deputy Clerk hereby certify that there have been no objections filed relative to the Notice of Proposed Settlement of Controversy:

Description of Property (if applicable):

The Trustee and State of Connecticut have entered into a Stipulated Judgment

Dated: September 11, 2024

JAN: eag

Jeanne Naughton
Clerk

EXHIBIT D



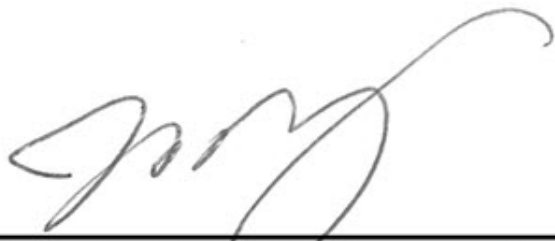
Order Filed on September 17, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1	
Jeffrey Kurtzman, Esquire (JK-7689) KURTZMAN STEADY, LLC 2 Kings Highway West, Suite 102 Haddonfield, NJ 08033 kurtzman@kurtzmansteady.com Telephone: (856) 428-1060	
Attorneys for Maureen P. Steady, as Chapter 7 Trustee	
In re:	Case No. 23-21939 (JNP)
VISION SOLAR, LLC,	Chapter 7
Debtor.	Hon. Jerrold N. Poslusny, Jr.
	Hearing Date: September 17, 2024 at 11:00 a.m.

ORDER

The relief set forth on the following page numbered two (2) is hereby **ORDERED**

DATED: September 17, 2024



Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Page 2

Case No. 23-21939 (JNP)

Case Name. VISION SOLAR, LLC

Caption: **ORDER PURSUANT TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE 9019 APPROVING STIPULATED JUDGMENT
RESOLVING STATE OF CONNECTICUT ACTION**

This matter having come before the Court on the motion of Maureen P. Steady as Chapter 7 Trustee, for an order pursuant to Federal Rule of Bankruptcy Procedure 9019 approving Stipulated Judgment resolving State of Connecticut action (the “Motion”), and any objections or responses to the relief requested therein, and after notice and an opportunity for hearing, and good cause appearing for the relief requested, it is hereby

ORDERED, pursuant to Federal Rule of Bankruptcy Procedure 9019, that the Motion be and hereby is GRANTED; and

IT IS FURTHER ORDERED that the Stipulated Judgment is hereby approved.