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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

<p>Federal Trade Commission, all Fifty States, and the District of Columbia, Plaintiffs, vs. Cancer Fund of America, Inc., a Delaware corporation, et al., Defendants.</p>	<p>CASE NO. STIPULATION RE ORDER APPOINTING RECEIVER OVER THE BREAST CANCER SOCIETY, INC.</p>
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Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”) and the states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 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 (“Plaintiff States”), and Defendant The Breast Cancer Society, Inc., also d/b/a The Breast Cancer Society of America (“BCS”), having stipulated to the entry of a separate and concurrently filed Stipulated Order for Permanent Injunction and Monetary Relief Against The Breast Cancer Society, Inc., further stipulate to entry of this Stipulated Order Appointing Receiver Over The Breast Cancer Society, Inc. (“Order”).

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

8 **II. RECEIVER’S DUTIES AND AUTHORITIES**

9
10 IT IS FURTHER ORDERED that the Receiver shall be authorized and directed to
11 do any and all acts necessary to the proper and lawful conduct of this receivership,
12 subject to the control of this Court, including but not limited to:

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

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

27 C. Perform all acts necessary or advisable to complete an accounting of the
28 assets of BCS, prevent unauthorized transfer, withdrawal, or misapplication of the assets

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

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

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

22 G. Make payments and disbursements from the assets of BCS that are
23 necessary or advisable for carrying out the provisions of, or exercising the authority
24 granted by, this Order. The Receiver shall apply to the Court for prior approval of any
25 payment of any debt or obligation incurred by BCS prior to the date of entry of this
26 Order, except payments that the Receiver deems necessary or advisable to operate the
27 BCS Hope Supply Warehouse program pursuant to Section IV.C, below, or to secure and
28 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
2 BCS, and conduct discovery in this action on behalf of BCS;

3 I. Institute, prosecute, defend, compromise, intervene, adjust, appear in, and
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
11 under Ariz. Rev. Stat. Section 10-3833;

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

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

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

20 2. Supervise and oversee the management of BCS, including making
21 payments and paying taxes as and when the Receiver has funds available from BCS, or
22 from the liquidation thereof;

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

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

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

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

7 L. 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
10 retention of particular records for a specified period, the Receiver shall arrange for such
11 records to be disposed of after the specified period has expired. For any such records, the
12 Receiver may elect to retain records in their original form, or to retain photographic or
13 electronic copies. Records containing personal financial information, personal
14 identifying information, or sensitive health information must be shredded, incinerated, or
15 otherwise disposed of in a secure manner. Records containing the name, address, email
16 address and/or telephone number of any person who made a donation to BCS (i.e., any
17 donor list) may not be sold, rented, leased, transferred, or otherwise disclosed to any third
18 party except as provided for in Section IV.C.1.c, below, and must be destroyed; and

19 M. Pay to the STCO Fund any and all sums collected over and above those
20 necessary to wind down the affairs of BCS, transfer HSW Assets as specified in Section
21 IV, below, or otherwise liquidate its assets, and dissolve it, or those necessary to make
22 payments authorized by this Receivership Order.

23 **III. TRANSFER OF RECEIVERSHIP PROPERTY TO RECEIVER**

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

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

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

3 1. All assets of BCS, including but not limited to any legal or equitable
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
10 accounts associated with any donations or other payments processed by, or on behalf of,
11 BCS, including such reserve funds held by payment processors, credit card processors,
12 caging companies, banks, or other financial institutions;

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

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

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

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

1 B. 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;

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

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

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

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

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

1 A. Recommending Qualified Charities:

2 1. Any member of the BCS board of directors who held such position
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 a. Be incorporated as a nonprofit corporation;
8 b. Have been granted tax-exempt status pursuant to Section
9 501(c)(3) by the IRS or have filed a Form 1023 application for such status and obtained a
10 written fiscal sponsorship with another nonprofit corporation;

11 c. Be registered in each jurisdiction where such registration is
12 necessary;

13 d. Have timely filed a Form 990 or Form 990 EZ for the last
14 fiscal period when such a filing was due;

15 e. Have a mission related at least in part to serving the needs of
16 breast cancer patients;

17 f. Have adequate insurance;

18 g. Have a fiscally responsible budget and a plan for operating a
19 Hope Supply Warehouse-type program or programs for at least one (1) year in a location
20 or locations where BCS operates existing Hope Supply Warehouse programs;

21 h. Have reasonable safeguards in place to prevent violations of
22 state and federal law, specifically including laws prohibiting deceptive charitable
23 solicitations and those regarding private inurement in the governance of nonprofit
24 organizations. Any charity following practices recommended by the Better Business
25 Bureau's Wise Giving Alliance "Standards," the Evangelical Council for Financial
26 Accountability's "Standards for Responsible Stewardship," or the Independent Sector's
27 "Principles for Good" shall be deemed to have such reasonable safeguards in place; and
28

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. Selecting a Qualified Charity

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

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

3 4. If an Approved Qualified Charity is not located to operate all
4 existing Hope Supply Warehouse locations, the Receiver shall liquidate the assets of each
5 such Hope Supply Warehouse location for which no Approved Qualified Charity was
6 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.

10 6. Upon selection of the Approved Qualified Charities and notice to
11 BCS and Plaintiffs, the Receiver shall timely file with the Court a “Notice of Selection of
12 Approved Qualified Charities” and seek the Court’s authorization to transfer the HSW
13 Assets to the Approved Qualified Charities.

14 7. BCS or the Plaintiffs may file an objection with the Court within ten
15 days of the Receiver’s filing the “Notice of Selection of Approved Qualified Charities.”
16 If no such objection is timely filed, BCS and Plaintiffs shall be deemed to have waived
17 any objections to the Approved Qualified Charities.

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

21 C. Transfer of HSW Assets:

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

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

1 b. Lease, transfer the lease, or sublet the space occupied by each
2 existing Hope Supply Warehouse location to the Approved Qualified Charity that will
3 operate in that location, to the extent commercially reasonable and contractually
4 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
8 program, including but not limited to, inventories, volunteer lists, local community
9 contacts, corporate sponsors, and patient information. **Provided that** the Receiver shall
10 not transfer any donor list or other donor information originating from any telemarketing
11 call. All such telemarketing donor lists shall be destroyed pursuant to Section II.L,
12 above. **Provided further** that, to the extent that the information is readily ascertainable,
13 the Receiver may provide each Approved Qualified Charity with lists of donors who
14 participated in any in-person or online fundraising effort specifically seeking support for
15 the BCS Hope Supply Warehouse program in any location that the Approved Qualified
16 Charity will operate. All personal identifying information or sensitive health information
17 about any volunteer, patient, donor, or other individual must be maintained and
18 transferred in compliance with appropriate security protocols and in accordance with
19 applicable laws.

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

1 D. Continuing Hope Supply Warehouse Operation:

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

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

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

17 E. Cash Distributions:

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

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

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

3 b. To the extent that funds from the BCS receivership estate are
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
10 the Texas Charity need not agree to operate a Hope Supply Warehouse-type program, but
11 rather must agree that it will use the \$45,000 exclusively to provide direct aid to breast
12 cancer patients and for no other purpose.

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

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

1 e. To the extent that funds from the BCS receivership estate are
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.

7 2. The Receiver shall make no cash distributions to any Approved
8 Qualified Charity that has:

9 a. An outstanding report required by Section IV.G, below;
10 b. A pending request for information by the Receiver related to
11 the Approved Qualified Charity's budget, its operation of the Hope Supply Warehouse-
12 type program, or its compliance with the contract for transfer described in Section IV.F,
13 below; or

14 c. Materially violated the terms of the contract to transfer assets
15 described in Section IV.F below.

16 F. Contract for Transfer:

17 1. The Receiver and any Approved Qualified Charity shall enter into a
18 contract outlining the terms of the transfer of HSW Assets and cash disbursements and
19 the Approved Qualified Charity's on-going operation of a Hope Supply Warehouse-type
20 program at each location for which the charity was approved ("Transfer Contract"). The
21 Transfer Contract shall include the following requirements:

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

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

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

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

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

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

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

16 G. Approved Qualified Charity Reports:

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

1 H. Breach of Contract for Transfer:

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

6 **V. COOPERATION**

7 IT IS FURTHER ORDERED that:

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

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

24 **VI. PROVISION OF INFORMATION TO RECEIVER**

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

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

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

6
7 **VII. PROHIBITION ON INTERFERENCE WITH THE RECEIVER**

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

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

15 B. Transacting any of the business of BCS;

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

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

21 **VIII. STAY OF ACTIONS AGAINST BCS**

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

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

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

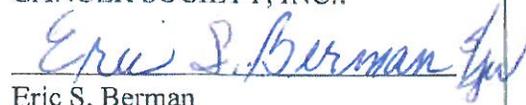
1 her service within 360 days of the entry of this Order, unless good cause is shown to
2 extend the receivership beyond 360 days. At the termination of the Receiver's duties, the
3 Receiver shall transfer any unliquidated assets of BCS to the STCO Fund described in
4 Section ~~VIII.D~~ of the Permanent Injunction.

5 VII.D

6 SO STIPULATED AND AGREED:

7
8 FOR DEFENDANT THE BREAST
CANCER SOCIETY, INC.:

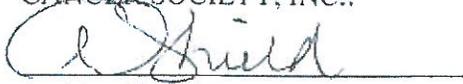
9 4/14, 2015



10 Eric S. Berman
11 Randal M. Shaheen
12 Venable LLP
13 575 7th Street, NW
14 Washington, DC 20004
15 esberman@Venable.com
16 rmshaheen@Venable.com
17 (202) 344-4000 (telephone)
18 Attorneys for The Breast Cancer Society,
19 Inc.

16 FOR DEFENDANT THE BREAST
CANCER SOCIETY, INC.:

17 4/14, 2015

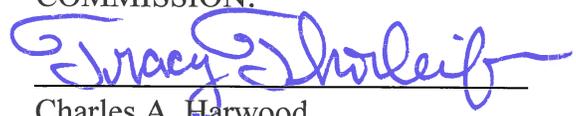


19 Andrina Shields
20 In her capacity as Chairman of the Board
21 of Directors of The Breast Cancer
22 Society, Inc.

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May 15, 2015

FOR PLAINTIFF FEDERAL TRADE COMMISSION:

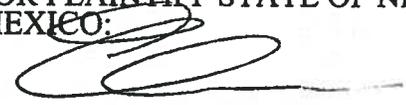


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Regional Director
Tracy S. Thorleifson
Krista K. Bush
Sophie H. Calderón
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5/8, 2015

FOR PLAINTIFF STATE OF NEW MEXICO:



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*Application for pro hac vice pending

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FOR THE STATE OF ALABAMA

By: 
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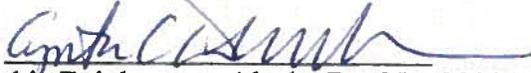
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Alabama

Signed 05/12, 2015

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FOR THE STATE OF ALASKA

By: 
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Assistant Attorney General

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Alaska

Signed May 11, 2015

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FOR THE STATE OF ARIZONA

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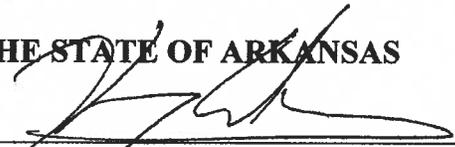
Telephone: (602) 542-7710

Attorneys for Plaintiff State of Arizona

Signed Mary S, 2015

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FOR THE STATE OF ARKANSAS

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Arkansas

Signed May 8, 2015

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FOR THE STATE OF CALIFORNIA

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of California

Signed May 4, 2015

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FOR THE COLORADO SECRETARY OF STATE

By: 
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Signed May 7, 2015

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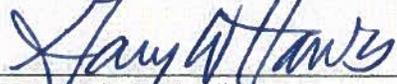
*Application for *pro hac vice* pending

Attorney for Plaintiff Colorado Attorney General

Signed May 8, 2015

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FOR THE STATE OF CONNECTICUT

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*Application for pro hac vice pending

Attorney for Plaintiff State of Connecticut

Signed 5/7, 2015

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FOR THE STATE OF DELAWARE

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*Application for *pro hac vice* pending

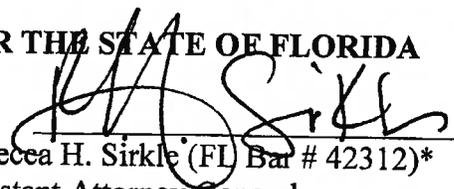
Attorneys for Plaintiff State of Delaware

Signed 5/8, 2015

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FOR THE STATE OF FLORIDA

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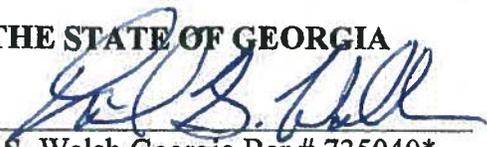
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Florida

Signed May 5th, 2015

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FOR THE STATE OF GEORGIA

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*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Georgia and Plaintiff
Secretary of State for the State of Georgia*

Signed May 8, 2015

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FOR THE STATE OF HAWAII

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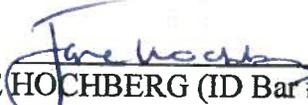
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Hawaii

Signed April 28, 2015

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FOR THE STATE OF IDAHO

By: 
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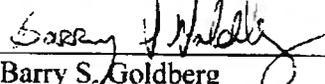
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Idaho

Signed April 30, 2015

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FOR THE PEOPLE OF THE STATE OF ILLINOIS

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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Illinois

Signed April 30, 2015

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FOR THE STATE OF INDIANA

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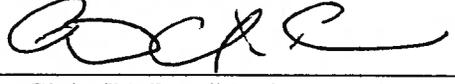
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Indiana

Signed May 7, 2015

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FOR THE STATE OF IOWA

By: 

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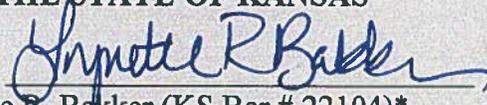
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Iowa

Signed April 22, 2015

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FOR THE STATE OF KANSAS

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kansas

Signed May 5, 2015

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FOR THE COMMONWEALTH OF KENTUCKY

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kentucky

Signed May 8, 2015

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FOR THE STATE OF LOUISIANA

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*Application for *pro hac vice* pending

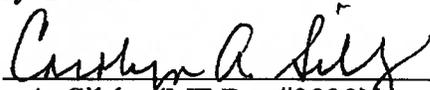
Attorney for Plaintiff State of Louisiana

Signed May 7, 2015

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FOR THE STATE OF MAINE

Janet T. Mills
Attorney General

By: 
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Assistant Attorney General

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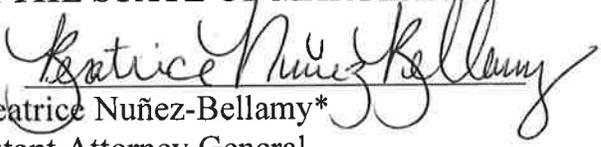
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Maine

Signed April 22, 2015

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FOR THE STATE OF MARYLAND

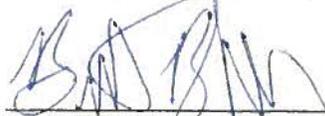
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Office of Attorney General Brian E. Frosh
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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Maryland and
Secretary of State John Wobensmith
Signed May 14, 2015

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**FOR THE COMMONWEALTH OF
MASSACHUSETTS**

MAURA HEALEY, ATTORNEY GENERAL

By: 
Brett J. Blank (MA Bar # 686635)*
Assistant Attorney General

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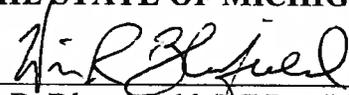
*Application for *pro hac vice* pending

Attorney for Plaintiff Commonwealth of Massachusetts

Signed May 8, 2015

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FOR THE STATE OF MICHIGAN

By: 
William R. Bloomfield (MI Bar #68515)*
Assistant Attorney General

Office of Attorney General Bill Schuette
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Michigan

Signed May 4, 2015

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FOR THE STATE OF MINNESOTA

By: Elizabeth Kremenak
Elizabeth Kremenak (MN Bar # 0390461)*
Assistant Attorney General

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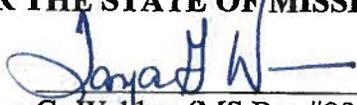
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Minnesota

Signed May 12, 2015

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FOR THE STATE OF MISSISSIPPI

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Mississippi

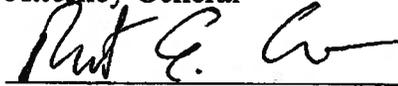
Signed April 28, 2015

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FOR THE STATE OF MISSOURI

CHRIS KOSTER

Attorney General



ROBERT E. CARLSON, # 54602

Assistant Attorney General

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St. Louis, MO 63188

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**Application for pro hac vice pending*

Attorney for Plaintiff State of Missouri

Signed May 11, 2015

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FOR THE STATE OF MONTANA

By: Kelley L. Hubbard

TIMOTHY C. FOX
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Telephone: (406) 444-2026

*Application for *pro hac vice* pending

Attorneys for Plaintiff State of Montana

Signed May 7, 2015

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FOR THE STATE OF NEBRASKA

By: 
Daniel Russell (NE Bar # 25302)*
Assistant Attorney General

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Lincoln, Nebraska 68509
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nebraska

Signed May 6, 2015

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FOR THE STATE OF NEVADA

By: 
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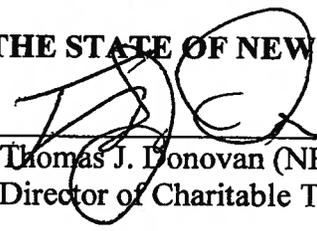
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nevada

Signed 4/30, 2015

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FOR THE STATE OF NEW HAMPSHIRE

By: 
Thomas J. Donovan (NH Bar #664)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Hampshire

Signed May 8, 2015

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FOR THE STATE OF NEW JERSEY

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 
Erin M. Greene (NJ Bar #014512010) *
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P.O. Box 45029
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Jersey

Signed May 1, 2015

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FOR THE STATE OF NEW YORK

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

By: 
Yael Fuchs (NY Bar # 4542684)*
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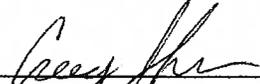
**Application for pro hac vice pending*

Attorney for Plaintiff State of New York

Signed May 6, 2015

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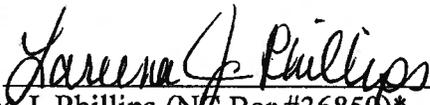
FOR THE STATE OF NORTH CAROLINA

By: 
Creecy Johnson (NC Bar #32619)*
Special Deputy Attorney General

Office of Attorney General Roy Cooper
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ccjohnson@ncdoj.gov
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*Application for *pro hac vice* pending
Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

By: 
Lareena J. Phillips (NC Bar #36859)*
Assistant Attorney General

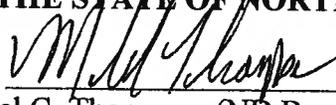
Counsel for North Carolina Secretary of State
Elaine F. Marshall
9001 Mail Service Center
Raleigh, NC 27699
lphillips@ncdoj.gov
Telephone: (919) 716-6610

*Application for *pro hac vice* pending
Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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FOR THE STATE OF NORTH DAKOTA

By: 
Michael C. Thompson (ND Bar # 06550)*
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Office of Attorney General Wayne Stenehjem
Consumer Protection Division
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of North Dakota

Signed April 23, 2015

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FOR THE STATE OF OHIO

By: Yvonne Tertel
Yvonne Tertel (OH Bar # 0019033)*
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Office of Attorney General Mike DeWine
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*Application for *pro hac vice* pending

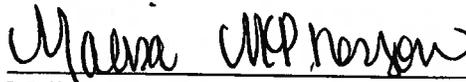
Attorney for Plaintiff State of Ohio

Signed May 6, 2015

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FOR THE STATE OF OKLAHOMA

E. SCOTT PRUITT
OKLAHOMA ATTORNEY GENERAL



Malisa McPherson (OK Bar #32070)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oklahoma

Signed May 12, 2015

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FOR THE STATE OF OREGON

By: Heather L. Weigler
Heather L. Weigler, (OR Bar #035900)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oregon

Signed May 5, 2015

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**FOR THE COMMONWEALTH OF
PENNSYLVANIA**

By: *Michael T. Foerster*
Michael T. Foerster (PA Bar #78766)* *M.T.F.*
Senior Deputy Attorney General

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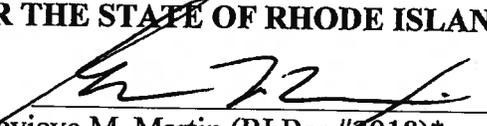
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Pennsylvania

Signed *May 13*, 2015

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FOR THE STATE OF RHODE ISLAND

By: 

Genevieve M. Martin (RI Bar #3918)*
Assistant Attorney General

Office of Attorney General Peter Kilmartin
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Rhode Island

Signed 5/1, 2015

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FOR THE STATE OF SOUTH CAROLINA

By: 
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swiley@sos.sc.gov

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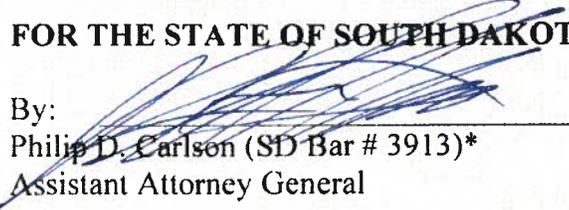
*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Carolina

Signed May 7, 2015

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FOR THE STATE OF SOUTH DAKOTA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Dakota

Signed April 29, 2015

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FOR THE STATE OF TENNESSEE

By: Janet M. Kleinfelter
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Tennessee

Signed May 5, 2015

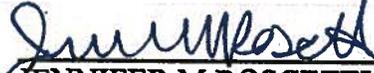
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FOR THE STATE OF TEXAS
KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
First Assistant Attorney General of Texas

JAMES E. DAVIS
Deputy Assistant Attorney General for Civil
Litigation

TOMMY PRUD'HOMME
Chief, Consumer Protection

By: 
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COREY D. KINTZER (TX Bar No. 24046219)
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*Application for *pro hac vice* pending

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Signed May 14, 2015

FOR THE STATE OF UTAH

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SALT LAKE CITY, UTAH 84114-0872
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Telephone: (801) 366-0310
Application for *pro hac vice* pending

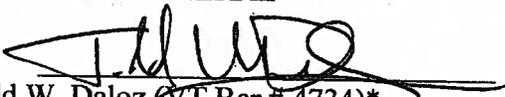
Attorney for Plaintiff State of Utah

Signed April 22, 2015

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FOR THE STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

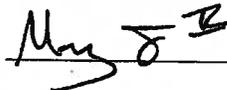
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Todd W. Daloz (VT Bar # 4734)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Vermont

Signed , 2015

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FOR THE COMMONWEALTH OF VIRGINIA

By: Richard S. Schweiker, Jr.
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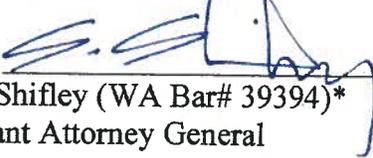
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Virginia

Signed May 5, 2015

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FOR THE STATE OF WASHINGTON

By: 

Sarah Shifley (WA Bar# 39394)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Washington

Signed May 8th, 2015

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FOR THE STATE OF WEST VIRGINIA

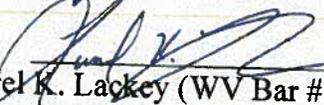
By: 
Michael M. Morrison (WV Bar # 9822)*
Assistant Attorney General

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*Application for pro hac vice pending

Signed May 7th, 2015

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*Application for pro hac vice pending

Attorneys for Plaintiff State of West Virginia

Signed April 30, 2015

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FOR THE STATE OF WISCONSIN

**BRAD D. SCHIMEL
ATTORNEY GENERAL**

By: *Francis X. Sullivan*
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Assistant Attorney General
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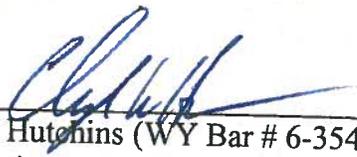
*Application for pro hac vice pending

Attorney for Plaintiff State of Wisconsin

Signed *May 4*, 2015

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FOR THE STATE OF WYOMING

By: 
Clyde W. Hutchins (WY Bar # 6-3549)*
Senior Assistant Attorney General

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clyde.hutchins@wyo.gov

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Wyoming

Signed May 8, 2015

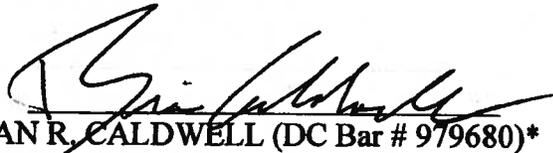
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FOR THE DISTRICT OF COLUMBIA

KARL A. RACINE
Attorney General for the District of Columbia

ELIZABETH SARAH GERE
Acting Deputy Attorney General
Public Interest Division

BENNETT RUSHKOFF
Chief, Public Advocacy Section

By: 
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*Application for pro hac vice pending

Attorney for Plaintiff District of Columbia

Signed: May 7, 2015

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

<p>Federal Trade Commission; all Fifty States; and the District of Columbia; Plaintiffs, vs. Cancer Fund of America, Inc., a Delaware corporation, et al.;</p> <p>Defendants.</p>	<p>CASE NO.</p> <p>STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST THE BREAST CANCER SOCIETY, INC.</p>
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Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”) and the states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 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 filed a Complaint for a permanent injunction and other equitable relief against Defendants Cancer Fund of America, Inc., also d/b/a Breast Cancer Financial Assistance Fund (“CFA”), Cancer Support Services, Inc. (“CSS”), Children’s Cancer Fund of America, Inc. (“CCFOA”), and The Breast Cancer Society, Inc., also d/b/a The Breast Cancer Society of America

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 Deceptive 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 Stipulated Order for Permanent Injunction and Monetary Relief Against The
 7 Breast Cancer Society (“Order”), and to the entry of a separate and concurrently filed
 8 Stipulated Order Appointing Receiver Over The Breast Cancer Society, Inc. (“BCS
 9 Receivership Order”). Together, this Order and the BCS Receivership Order resolve all
 10 matters in dispute in this action between Plaintiffs and Defendant BCS.

11 THEREFORE, IT IS ORDERED as follows:

12 **FINDINGS**

- 13 1. This Court has jurisdiction over this matter.
- 14 2. Venue is proper in the District of Arizona.
- 15 3. The Complaint charges that Defendant BCS and others engaged in
 16 deceptive acts or practices by making false and misleading claims in charitable
 17 solicitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the Telemarketing
 18 Sales Rule (“TSR”), 16 C.F.R. Part 310, and the following state statutes regulating
 19 charitable solicitations and prohibiting deceptive and/or unfair trade practices:

20 Alabama:	ALA. CODE §§ 8-19-1 through -15; and §§ 13A-9-70 through 76.
21 Alaska:	ALASKA STAT. §§ 45.50.471 through 45.50.561; and §§ 45.68.010 through 45.68.900.
22 Arizona:	ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1535; and §§ 44- 6551 through 44-6561.
23 Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.
24 California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.

1	Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and §§ 6-16-101 through 114.
2	Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and §§ 42-110a through 42-110q.
3	Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
4	Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).
5	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
6	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).
7	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and §§ 48-1201 through 1206.
8	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
9	Indiana:	IND. CODE §§ 23-7-8-1 through -9; and §§ 24-5-0.5-1 through -12.
10	Iowa:	IOWA CODE § 714.16.
11	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
12	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
13	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and §§ 51:1901 through 1909.1.
14	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
15	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
16	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
17	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
18	Minnesota:	MINN. STAT. ch. 309.
19	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
20	Missouri:	MO. REV. STAT. ch. 407.
21	Montana:	MONT. CODE ANN. § 30-14-103.
22	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; §§ 59-1601 through 59-1622; and §§ 87-301 through 87-306.
23	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
24	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
25	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.
26	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).

1	New York:	N.Y. EXEC. LAW §§ 63 (12); §§ 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
2	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and § 131F.
3	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
4	Ohio:	OHIO REV. CODE ANN. § 1716.
5	Oklahoma:	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
6	Oregon:	OR. REV. STAT. §§ 128.886; and §§ 646.605 through 646.636.
7	Pennsylvania:	10 PA. STAT. ANN. §§ 162.1 through .14 (1990).
8	Rhode Island:	R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.
9	South Carolina:	S.C. CODE ANN. §§ 33-56-10 through 33-56-200.
10	South Dakota:	S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and §§ 21-34-1 through 21-34-14.
11	Tennessee:	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
12	Texas:	TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.
13	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.
14	Vermont:	VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and §§ 2471 through 2479.
15	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
16	Washington:	WASH. REV. CODE §§ 19.86; and §19.09.
17	West Virginia:	W.VA. CODE §§ 29-19-1 -15b; and §§ 46A-1-101 through 46a-6-110.
18	Wisconsin:	WIS. STAT. §§ 202.11-202.18.
19	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

20 4. Defendant BCS neither admits nor denies any of the allegations in the
21 Complaint, except as specifically stated in this Order. Only for purposes of this action,
22 Defendant BCS admits the facts necessary to establish jurisdiction.

23 5. Defendant BCS waives any claim that it may have under the Equal Access
24 to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the
25 date of this Order, and agrees to bear its own costs and attorney fees.

26 6. Defendant BCS waives all rights to appeal or otherwise challenge or
27 contest the validity of this Order.

28 7. Entry of this Order is in the public interest.

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. “BCS” means The Breast Cancer Society, Inc., also d/b/a The Breast Cancer Society of America, and its successors and assigns.
2. “BCS Receivership Order” means the “Stipulated Order Appointing Receiver Over The Breast Cancer Society, Inc.”
3. “BCS Receiver” means the receiver appointed by the BCS Receivership Order.
4. “Person” means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.
5. “Charitable contribution” means any donation or gift of money or any other thing of value.
6. “Donor” or “consumer” means any person solicited to make a charitable contribution.
7. “Fundraising” means a plan, program, or campaign that is conducted to induce charitable contributions by mail, telephone, electronic mail, social media, or any other means.
8. “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.
9. “Plaintiff States” means the states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 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,

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.

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

5 11. "Telemarketing" means a plan, program, or campaign that is conducted to
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
8 Telemarketing Sales Rule.

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

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

24 **III. TELEMARKETING SALES RULE COMPLIANCE**

25 IT IS FURTHER ORDERED that BCS, its officers, agents, employees, and
26 independent contractors, and all other persons in active concert or participation with it
27

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.

5 **IV. COMPLIANCE WITH STATE LAW**

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

10	Alabama:	ALA. CODE §§ 8-19-1 through -15; and §§ 13A-9-70 through 76.
11	Alaska:	ALASKA STAT. §§ 45.50.471 through 45.50.561; and §§ 45.68.010 12 through 45.68.900.
13	Arizona:	ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534; and §§ 44- 14 6551 through 44-6561.
15	Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 16 through 4-88-115.
17	California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. 18 CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.
19	Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and §§ 6-16-101 through 20 114.
21	Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and §§ 42-110a 22 through 42-110q.
23	Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and 24 tit. 6, §§ 2595(a) – (b) (1995).
25	Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).
26	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
27	Hawaii:	HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; § 480- 28 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.

1	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
2	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and §§ 51:1901 through 1909.1.
3	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
4	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
5	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
6	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
7	Minnesota:	MINN. STAT. ch. 309.
8	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
9	Missouri:	MO. REV. STAT. ch. 407.
10	Montana:	MONT. CODE ANN. § 30-14-103.
11	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; §§ 59-1601 through 59-1622; and §§ 87-301 through 87-306.
12	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
13	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
14	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.
15	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
16	New York:	N.Y. EXEC. LAW §§ 63 (12); §§ 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
17	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
18	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and §§ 51-15-01 through 51-15-11.
19	Ohio:	OHIO REV. CODE ANN. § 1716.
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21	Oregon:	OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.
22	Pennsylvania:	10 PA. STAT. ANN. §§ 162.1 through .14 (1990).
23	Rhode Island:	R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.
24	South Carolina:	S.C. CODE ANN. §§ 33-56-10 through 33-56-200.
25	South Dakota:	S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and §§ 21-34-1 through 21-34-14.
26	Tennessee:	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
27	Texas:	TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.
28	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.

1	Vermont:	VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and §§ 2471 through 2479.
2	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
3	Washington:	WASH. REV. CODE §§ 19.86; and §19.09.
4	West Virginia:	W.VA. CODE §§ 29-19-1 -15b; and §§ 46A-1-101through 46a-6-110.
5	Wisconsin:	WIS. STAT. §§ 202.11-202.18.
6	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

V. COOPERATION

IT IS FURTHER ORDERED that BCS must cooperate fully with Plaintiffs' representatives in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. BCS must provide truthful and complete information, evidence, and testimony. BCS must cause its officers, employees, representatives, or agents to 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

IT IS FURTHER ORDERED that judgment is hereby entered against BCS 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 BCS, as equitable monetary relief.

B. In partial satisfaction of this judgment, the BCS Receiver shall take the necessary steps to wind down the affairs of BCS and liquidate and distribute its assets in the manner set forth in the BCS Receivership Order, and deposit all remaining net assets to the short term court ordered trust fund (hereinafter "STCO Fund") described in Section VII.D, below.

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

4
5 **VII. ADDITIONAL MONETARY PROVISIONS**

6 IT IS FURTHER ORDERED that:

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

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

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

18 D. Payment to the Plaintiff States:

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

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

1 recommending cy pres recipients and the amounts to be paid to such recipients and/or the
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
7 **VIII. RETENTION OF JURISDICTION**

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.

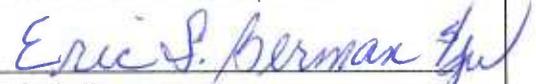
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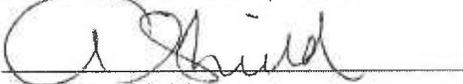
FOR DEFENDANT THE BREAST
CANCER SOCIETY, INC.:

4/14, 2015


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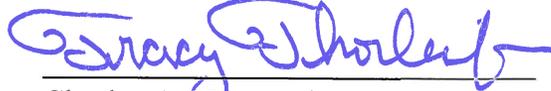
4/14, 2015


Andrina Shields
In her capacity as Chairman of the Board
of Directors of of The Breast Cancer
Society, Inc.

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May 15, 2015

FOR PLAINTIFF FEDERAL TRADE
COMMISSION:



Charles A. Harwood
Regional Director
Tracy S. Thorleifson
Krista K. Bush
Sophie H. Calderón
Connor B. Shively
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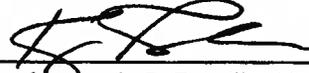
FOR PLAINTIFF STATE OF NEW MEXICO:



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New Mexico Office of the Attorney
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ekorsmo@nmag.gov
Telephone: (505)827-6000
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FOR THE STATE OF ALABAMA

By: 
Kyle Beckman (AL Bar #ASB-6046-E63B)*
Assistant Attorney General

Office of Attorney General Luther Strange
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Montgomery, AL 36104-0152
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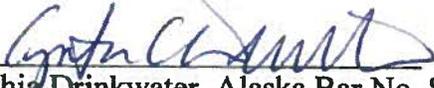
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Attorney for Plaintiff State of Alabama

Signed May 12, 2015

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FOR THE STATE OF ALASKA

By: 
Cynthia Drinkwater, Alaska Bar No. 8808159*
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Attorney for Plaintiff State of Alaska

Signed May 11, 2015

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FOR THE STATE OF ARIZONA

By: Nancy V. Anger
Nancy V. Anger (AZ Bar # 6810)
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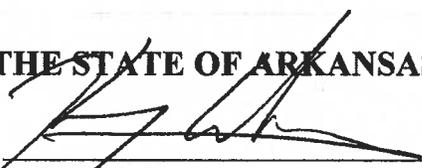
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Attorneys for Plaintiff State of Arizona

Signed May 5, 2015

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FOR THE STATE OF ARKANSAS

By: 
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kevin.wells@arkansasag.gov

Telephone: (501) 682-8063

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Arkansas

Signed May 8, 2015

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FOR THE STATE OF CALIFORNIA

By: 
Sonja K. Berndt (CA Bar # 131358)*
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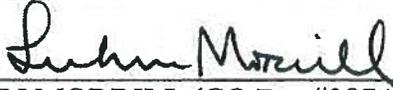
*Application for *pro hac vice* pending

Attorney for Plaintiff State of California

Signed May 4, 2015

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FOR THE COLORADO SECRETARY OF STATE

By: 
LEANN MORRILL (CO Bar #38742)
First Assistant Attorney General
Office of Attorney General Cynthia H. Coffman
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Denver, Colorado 80203
Email: leann.morrill@state.co.us
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Attorney for Plaintiff Colorado Secretary of State

Signed May 7, 2015

FOR THE STATE OF COLORADO

By: 
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Email: alissa.gardenswartz@state.co.us
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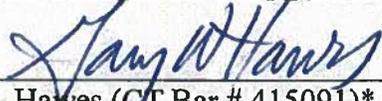
*Application for *pro hac vice* pending

Attorney for Plaintiff Colorado Attorney General

Signed May 8, 2015

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FOR THE STATE OF CONNECTICUT

By: 
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*Application for pro hac vice pending

Attorney for Plaintiff State of Connecticut

Signed 5/7, 2015

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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

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Wilmington, Delaware 19801
gregory.strong@state.de.us

Telephone: (302) 577-8504

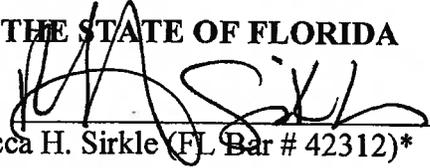
*Application for *pro hac vice* pending

Attorneys for Plaintiff State of Delaware

Signed 5/8, 2015

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FOR THE STATE OF FLORIDA

By: 
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Rebecca.Sirkle@myfloridalegal.com

Telephone: (407) 316-4840

*Application for *pro hac vice* pending
Attorney for Plaintiff State of Florida

Signed May 5th, 2015


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FOR THE STATE OF GEORGIA

By: 
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*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Georgia and Plaintiff
Secretary of State for the State of Georgia*

Signed May 8, 2015

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FOR THE STATE OF HAWAII

By: Jodi L. K. Yi
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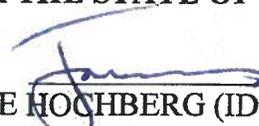
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Hawaii

Signed April 28, 2015

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FOR THE STATE OF IDAHO

By: 
JANE HOCHBERG (ID Bar # 5465)*
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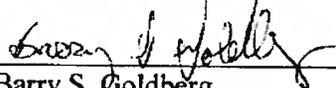
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Idaho

Signed April 30, 2015

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FOR THE PEOPLE OF THE STATE OF ILLINOIS

By: 
Barry S. Goldberg
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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Illinois

Signed April 22, 2015

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~~FOR THE STATE OF INDIANA~~

By: Richard M. Bramer
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Indiana

Signed Mary F, 2015

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FOR THE STATE OF IOWA

By: 
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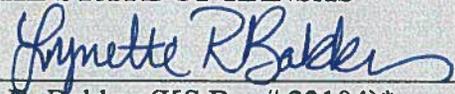
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Iowa

Signed April 22, 2015

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FOR THE STATE OF KANSAS

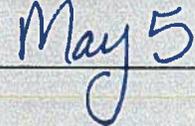
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kansas

Signed , 2015

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FOR THE COMMONWEALTH OF KENTUCKY

By: Leah Cooper Boggs
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kentucky

Signed May 7, 2015

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FOR THE STATE OF LOUISIANA

By: Cathryn E. Gits
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Telephone: (225) 326-6400

*Application for *pro hac vice* pending

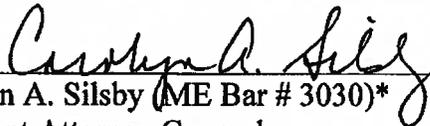
Attorney for Plaintiff State of Louisiana

Signed May 7, 2015

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FOR THE STATE OF MAINE

Janet T. Mill
Maine Attorney General

By: 
Carolyn A. Silsby (ME Bar # 3030)*
Assistant Attorney General

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Telephone: (207) 626-8829

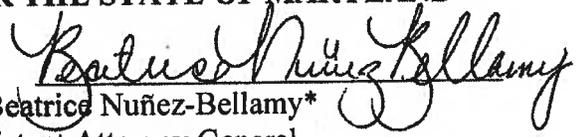
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Maine

Signed April 22, 2015

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FOR THE STATE OF MARYLAND

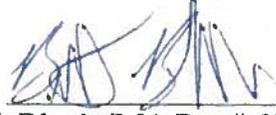
By: 
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Assistant Attorney General
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bnunezbellamy@oag.state.md.us
Telephone: (410) 576-6300
*Application for *pro hac vice* pending
Attorney for Plaintiff State of Maryland and
Secretary of State John Wobensmith
Signed May 14, 2015

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**FOR THE COMMONWEALTH OF
MASSACHUSETTS**

MAURA HEALEY, ATTORNEY GENERAL

By: 
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Assistant Attorney General

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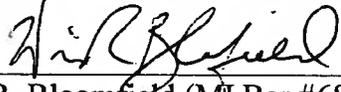
*Application for *pro hac vice* pending

Attorney for Plaintiff Commonwealth of Massachusetts

Signed May 8, 2015

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FOR THE STATE OF MICHIGAN

By: 
William R. Bloomfield (MI Bar #68515)*
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Lansing, MI 48909

Telephone: (517) 373-1160

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Michigan

Signed May 4, 2015

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FOR THE STATE OF MINNESOTA

By: Elizabeth Kremenak
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445 Minnesota Street, Suite 1200
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Telephone: (651) 757-1423

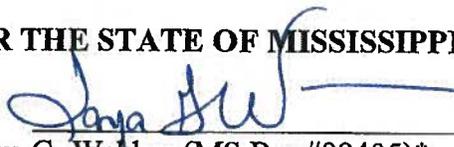
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Minnesota

Signed May 7, 2015

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FOR THE STATE OF MISSISSIPPI

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Mississippi

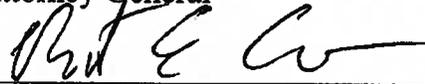
Signed April 28, 2015

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FOR THE STATE OF MISSOURI

CHRIS KOSTER

Attorney General



ROBERT E. CARLSON, # 54602

Assistant Attorney General

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Missouri

Signed May 11, 2015

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FOR THE STATE OF MONTANA

By: Kelley L. Hubbard

TIMOTHY C. FOX
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Deputy Attorney General
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*Application for *pro hac vice* pending

Attorneys for Plaintiff State of Montana

Signed May 7, 2015

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FOR THE STATE OF NEBRASKA

By: 
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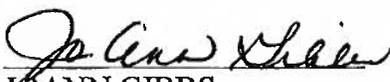
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nebraska

Signed May 6, 2015

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FOR THE STATE OF NEVADA

By: 
JOANN GIBBS
NV Bar # 005324
Chief Multistate Counsel

Office of Attorney General Adam Paul Laxalt
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nevada

Signed April 30, 2015

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FOR THE STATE OF NEW HAMPSHIRE

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Hampshire

Signed May 6, 2015

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FOR THE STATE OF NEW JERSEY

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 
Erin M. Greene (NJ Bar #014512010) *
Deputy Attorney General

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Jersey

Signed May 1, 2015

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FOR THE STATE OF NEW YORK

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New York

Signed May 16, 2015

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FOR THE STATE OF NORTH CAROLINA

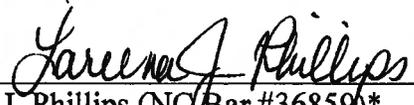
By: 
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Special Deputy Attorney General

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*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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Assistant Attorney General

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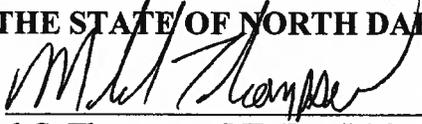
*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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FOR THE STATE OF NORTH DAKOTA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of North Dakota

Signed April 23, 2015

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FOR THE STATE OF OHIO

By: Yvonne Tertel
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*Application for *pro hac vice* pending

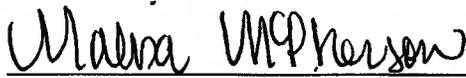
Attorney for Plaintiff State of Ohio

Signed May 6, 2015

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FOR THE STATE OF OKLAHOMA

E. SCOTT PRUITT
OKLAHOMA ATTORNEY GENERAL



Malisa McPherson (OK Bar #32070)*
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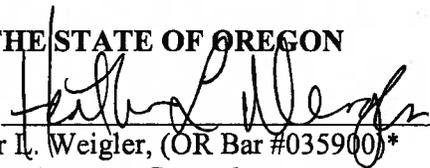
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oklahoma

Signed May 12, 2015

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FOR THE STATE OF OREGON

By: 
Heather L. Weigler, (OR Bar #035900)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oregon

Signed May 5, 2015

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**FOR THE COMMONWEALTH OF
PENNSYLVANIA**

By: *Michael T. Foerster*
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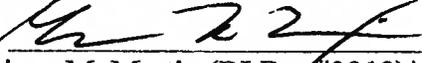
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Pennsylvania

Signed *May 13*, 2015

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FOR THE STATE OF RHODE ISLAND

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Rhode Island

Signed 5/1, 2015

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FOR THE STATE OF SOUTH CAROLINA

By: 
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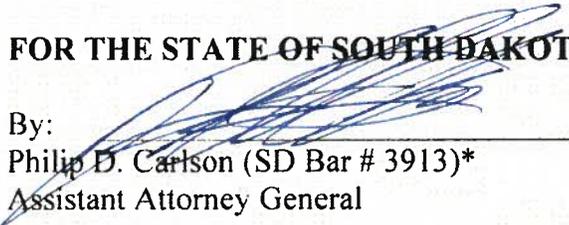
*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Carolina

Signed May 7, 2015

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FOR THE STATE OF SOUTH DAKOTA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Dakota

Signed April 29, 2015

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FOR THE STATE OF TENNESSEE

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Tennessee

Signed May 5, 2015

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FOR THE STATE OF TEXAS

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Texas

Signed May 14, 2015

FOR THE STATE OF UTAH

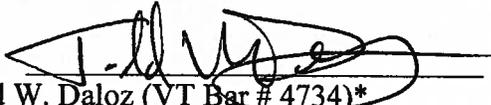
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Signed April 22, 2015

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FOR THE STATE OF VERMONT

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Vermont

Signed May 8, 2015

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FOR THE COMMONWEALTH OF VIRGINIA

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Virginia

Signed May 5, 2015

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FOR THE STATE OF WASHINGTON

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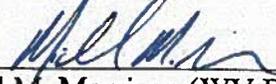
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Washington

Signed April 27, 2015

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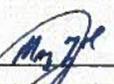
FOR THE STATE OF WEST VIRGINIA

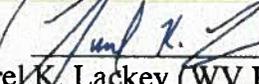
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*Application for pro hac vice pending

Signed , 2015

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*Application for pro hac vice pending

Attorneys for Plaintiff State of West Virginia

Signed April 30, 2015

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FOR THE STATE OF WISCONSIN

BRAD D. SCHIMEL
ATTORNEY GENERAL

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*Application for pro hac vice pending

Attorney for Plaintiff State of Wisconsin

Signed *May 4*, 2015

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FOR THE STATE OF WYOMING

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Wyoming

Signed May 8, 2015

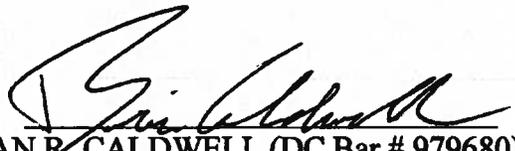
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FOR THE DISTRICT OF COLUMBIA

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Attorney General for the District of Columbia

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***Application for pro hac vice pending**

Attorney for Plaintiff District of Columbia

Signed: May 7, 2015

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

<p>Federal Trade Commission; all Fifty States; and the District of Columbia;</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs.</p> <p>Cancer Fund of America, Inc., a Delaware corporation, et al.;</p> <p style="text-align: center;">Defendants.</p>	<p>CASE NO.</p> <p>STIPULATION RE ORDER APPOINTING RECEIVER OVER CHILDREN’S CANCER FUND OF AMERICA, INC.</p>
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Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”) and the states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 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, and Defendant Children’s Cancer Fund of America, Inc. (“CCFOA”), having stipulated to the entry of a separate and concurrently filed Stipulated Order for Permanent Injunction and Monetary Judgment Against Children’s Cancer Fund of America, Inc., and Rose Perkins, further stipulate to

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
5 **FINDINGS**

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.

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

3 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
9 or written. The Receiver may agree to become bound by any such contracts, agreements,
10 understandings, or other commitments by affirmative written ratification executed by the
11 Receiver. ***Provided that*** the Receiver shall terminate any and all fundraising contracts
12 within 30 days of entry of this Order.

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

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

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

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

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

7 1. Retain, hire, or dismiss any employees, independent contractors, and
8 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;

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

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

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

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

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

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

11 **III. TRANSFER OF RECEIVERSHIP PROPERTY TO RECEIVER**

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

15 A. Upon notice of this Order by personal service or otherwise, immediately
16 notify the Receiver of all such property and records and, upon receiving a request from
17 the Receiver, immediately transfer or deliver to the Receiver possession, custody, and
18 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
27

1 behalf of, CCFOA, including such reserve funds held by payment processors, credit card
2 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
9 compilations from which information can be obtained and translated, if necessary, into
10 reasonably usable form through detection devices;

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

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

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

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

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

24 1. Maintain and take no action to diminish the value of CCFOA's
25 property, including any structures, fixtures, and appurtenances thereto;

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

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

4
5 **V. PROVISION OF INFORMATION TO RECEIVER**

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

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

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

14 **VI. PROHIBITION ON INTERFERENCE WITH THE RECEIVER**

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

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

22 B. Transacting any of the business of CCFOA;

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

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

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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:

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

B. Commencing, prosecuting, or continuing a judicial, administrative, or other action or proceeding against CCFOA, including the issuance or employment of process against CCFOA, except that such actions may be commenced if necessary to toll any 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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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.

IX. COMPENSATION OF RECEIVER

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

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

1 periodic filings shall be served by the Receiver on Plaintiffs and CCFOA, and their
2 respective counsel.

3
4 **XI. TERMINATION OF RECEIVERSHIP**

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

11 SO STIPULATED AND AGREED:

12
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14 April 13, 2015

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

Eric S. Berman

Eric S. Berman
Randal M. Shaheen
Venable LLP
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(202) 344-4000 (telephone)
Attorneys for Rose Perkins and
Children's Cancer Fund of America, Inc.

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22 April 10, 2015

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

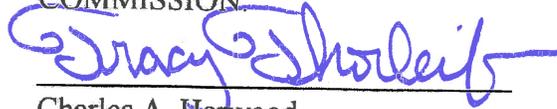
Rose Perkins

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

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May 15, 2015

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
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Attorneys for Plaintiff Federal Trade
Commission

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FOR THE STATE OF ALABAMA

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Alabama

Signed 05/12, 2015

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FOR THE STATE OF ALASKA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Alaska

Signed May 11, 2015

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FOR THE STATE OF ARIZONA

By: Nancy V. Anger
Nancy V. Anger (AZ Bar # 6810)
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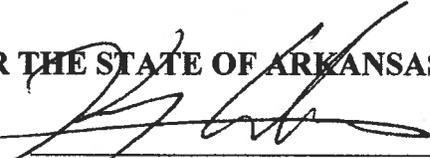
Telephone: 6025424686

Attorney for Plaintiff State of Arizona

Signed May 5, 2015

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FOR THE STATE OF ARKANSAS

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Arkansas

Signed May 8, 2015

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FOR THE STATE OF CALIFORNIA

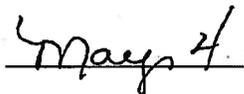
By: 
Sonja K. Berndt (CA Bar #131358)*
Deputy Attorney General

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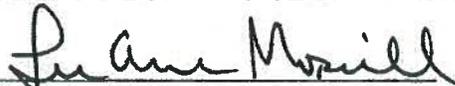
*Application for *pro hac vice* pending

Attorney for Plaintiff State of California

Signed , 2015

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FOR THE COLORADO SECRETARY OF STATE

By: 
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Signed May 7, 2015

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*Application for *pro hac vice* pending

Attorney for Plaintiff Colorado Attorney General

Signed May 8, 2015

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FOR THE STATE OF CONNECTICUT

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Connecticut

Signed April 30, 2015

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FOR THE STATE OF DELAWARE

By: 
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Deputy Attorneys General

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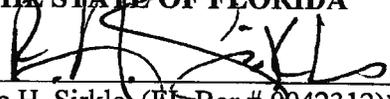
*Application for *pro hac vice* pending

Attorneys for Plaintiff State of Delaware

Signed April 10, 2015

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FOR THE STATE OF FLORIDA

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Florida

Signed April 9th, 2015

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FOR THE STATE OF GEORGIA

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*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Georgia and Plaintiff
Secretary of State for the State of Georgia*

Signed May 8, 2015

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FOR THE STATE OF HAWAII

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**Application for pro hac vice pending*

Attorney for Plaintiff State of Hawaii

Signed April 28, 2015

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FOR THE STATE OF IDAHO

By: Jane E. Hochberg
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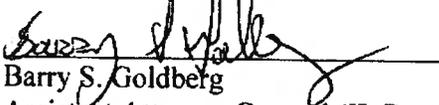
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Idaho

Signed March 31, 2015

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FOR THE PEOPLE OF THE STATE OF ILLINOIS

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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Illinois

Signed April 2, 2015

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FOR THE STATE OF INDIANA

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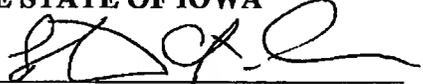
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Indiana

Signed April 9, 2015

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FOR THE STATE OF IOWA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Iowa

Signed April 10, 2015

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FOR THE STATE OF KANSAS

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kansas

Signed April 08, 2015

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FOR THE COMMONWEALTH OF KENTUCKY

By: Leah Cooper Boggs
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kentucky

Signed May 8, 2015

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FOR THE STATE OF LOUISIANA

By: Cathryn E. Gits
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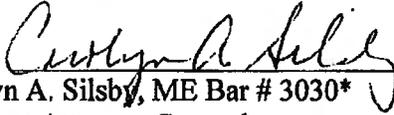
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Louisiana

Signed May 7, 2015

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FOR THE STATE OF MAINE

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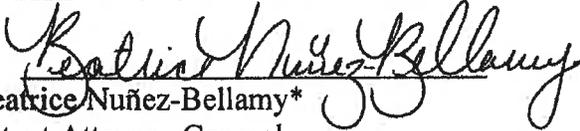
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Maine

Signed March 31, 2015

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FOR THE STATE OF MARYLAND

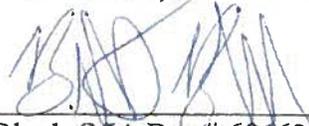
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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Maryland and
Secretary of State John Wobensmith
Signed May 14, 2015

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**FOR THE COMMONWEALTH OF
MASSACHUSETTS**

MAURA HEALEY, ATTORNEY GENERAL

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Brett J. Blank (MA Bar # 686635)*
Assistant Attorney General

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*Application for *pro hac vice* pending

Attorney for Plaintiff Commonwealth of Massachusetts

Signed May 8, 2015

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FOR THE STATE OF MICHIGAN

By: Will Bloomfield
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Michigan

Signed May 4, 2015

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FOR THE STATE OF MINNESOTA

By: Elizabeth Kremenak
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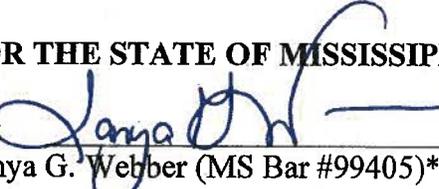
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Minnesota

Signed March 31, 2015

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FOR THE STATE OF MISSISSIPPI

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Mississippi

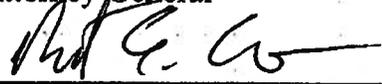
Signed May 8, 2015

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FOR THE STATE OF MISSOURI

CHRIS KOSTER

Attorney General



ROBERT E. CARLSON, # 54602

Assistant Attorney General

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**Application for pro hac vice pending*

Attorney for Plaintiff State of Missouri

Signed May 11, 2015

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FOR THE STATE OF MONTANA

By: Kelley L. Hubbard
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Assistant Attorney General

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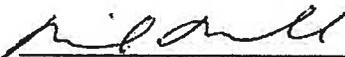
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Montana

Signed April 10, 2015

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FOR THE STATE OF NEBRASKA

By: 
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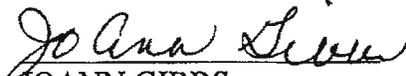
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nebraska

Signed May 6, 2015

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FOR THE STATE OF NEVADA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nevada

Signed April 30, 2015

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FOR THE STATE OF NEW HAMPSHIRE

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Hampshire

Signed April 7, 2015

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FOR THE STATE OF NEW JERSEY

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 
Erin M. Greene (NJ Bar #014512010) *
Deputy Attorney General

State of New Jersey
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Telephone: (973) 648-4846

*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Jersey

Signed May 1, 2015

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FOR THE STATE OF NEW MEXICO

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Mexico

Signed 5/5, 2015

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FOR THE STATE OF NEW YORK

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

By: 
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Assistant Attorney General
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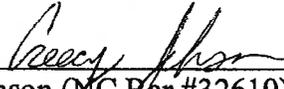
**Application for pro hac vice pending*

Attorney for Plaintiff State of New York

Signed May 6, 2015

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FOR THE STATE OF NORTH CAROLINA

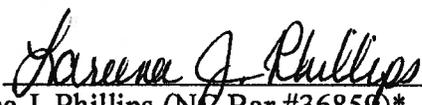
By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of North Carolina

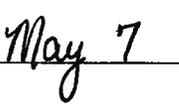
Signed , 2015

By: 
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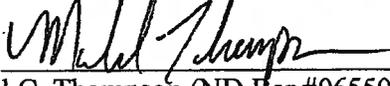
*Application for *pro hac vice* pending

Attorney for Plaintiff State of North Carolina

Signed , 2015

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FOR THE STATE OF NORTH DAKOTA

By: 
Michael C. Thompson (ND Bar #06550)*
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Gateway Professional Center
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of North Dakota

Signed April 8, 2015

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FOR THE STATE OF OHIO

By: Yvonne Tertel
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Telephone: Phone (614) 466-3181

*Application for *pro hac vice* pending

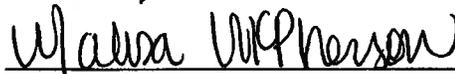
Attorney for Plaintiff State of Ohio

Signed May 6, 2015

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FOR THE STATE OF OKLAHOMA

E. SCOTT PRUITT
OKLAHOMA ATTORNEY GENERAL



Malisa McPherson (OK Bar #32070)*
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Malisa.McPherson@oag.ok.gov

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oklahoma

Signed May 12, 2015

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FOR THE STATE OF OREGON

By: Heather L. Weigler
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oregon

Signed May 5, 2015

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FOR THE COMMONWEALTH OF PENNSYLVANIA

By: 
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Senior Deputy Attorney General

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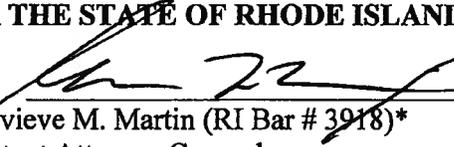
*Application for *pro hac vice* pending

Attorney for Plaintiff Commonwealth of Pennsylvania

Signed April 17, 2015

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FOR THE STATE OF RHODE ISLAND

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Rhode Island

Signed 5/1, 2015

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FOR THE STATE OF SOUTH CAROLINA

By: 
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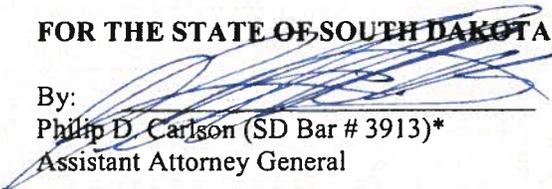
*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Carolina

Signed May 7, 2015

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FOR THE STATE OF SOUTH DAKOTA

By: 
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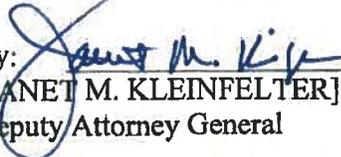
*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Dakota

Signed 4/10, 2015

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FOR THE STATE OF TENNESSEE

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Tennessee

Signed April 9, 2015

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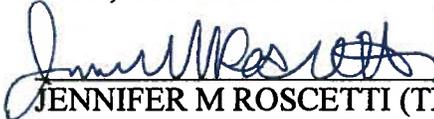
FOR THE STATE OF TEXAS

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
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JAMES E. DAVIS
Deputy Assistant Attorney General for Civil
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TOMMY PRUD'HOMME
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Assistant Attorney General
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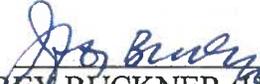
Telephone: 512-475-4673

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Texas

Signed May 7, 2015

FOR THE STATE OF UTAH

By: 
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Telephone: (801) 366-0310
Application for *pro hac vice* pending

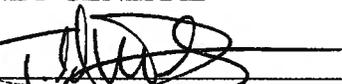
Attorney for Plaintiff State of Utah

Signed April 22, 2015

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FOR THE STATE OF VERMONT

**WILLIAM H. SORRELL
ATTORNEY GENERAL**

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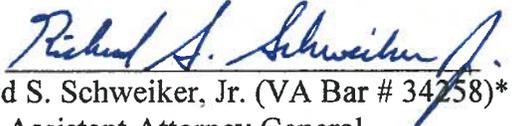
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Vermont

Signed May 8, 2015

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FOR THE COMMONWEALTH OF VIRGINIA

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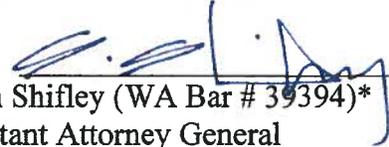
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Virginia

Signed April 27, 2015

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FOR THE STATE OF WASHINGTON

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Washington

Signed May 8th, 2015

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FOR THE STATE OF WEST VIRGINIA

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

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*Application for pro hac vice pending

Signed May 7th, 2015

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*Application for pro hac vice pending

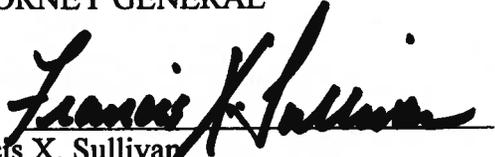
Attorneys for Plaintiff State of West Virginia

Signed April 30, 2015

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FOR THE STATE OF WISCONSIN

BRAD D. SCHIMEL
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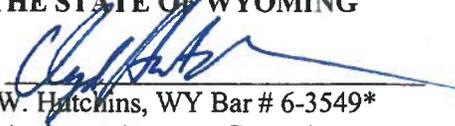
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Wisconsin

Signed , 2015

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FOR THE STATE OF WYOMING

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Wyoming

Signed April 10, 2015

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FOR THE DISTRICT OF COLUMBIA

KARL A. RACINE
Attorney General for the District of Columbia

ELIZABETH SARAH GERE
Acting Deputy Attorney General
Public Interest Division

BENNETT RUSHKOFF
Chief, Public Advocacy Section

By: 
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***Application for pro hac vice pending**

Attorney for Plaintiff District of Columbia

Signed: May 7, 2015

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

<p>Federal Trade Commission; all Fifty States; and the District of Columbia;</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs.</p> <p>Cancer Fund of America, Inc., a Delaware corporation, et al.;</p> <p style="text-align: center;">Defendants.</p>	<p>CASE NO.</p> <p>STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST CHILDREN’S CANCER FUND OF AMERICA, INC., AND ROSE PERKINS</p>
--	---

Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”) and the states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 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 have filed a complaint for a permanent injunction and other equitable relief against Defendants Cancer Fund of America, Inc., also d/b/a Breast Cancer Financial Assistance Fund (“CFA”), Cancer Support Services, Inc. (“CSS”), Children’s Cancer Fund of America, Inc. (“CCFOA”), and The Breast Cancer Society, Inc., also d/b/a The Breast Cancer Society of America (“BCS”), Rose Perkins, and other individuals, 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 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 Injunction 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..
 10 Together, this Order and the CCFOA Receivership Order resolve all matters in dispute in
 11 this action between Plaintiffs and Defendants Children’s Cancer Fund of America, Inc.
 12 and Rose Perkins.

13 THEREFORE, IT IS ORDERED as follows:

14 **FINDINGS**

- 15 1. This Court has jurisdiction over this matter.
 16 2. Venue is proper in the District of Arizona.
 17 3. The Complaint charges that Defendants CCFOA and Perkins, among
 18 others, engaged in deceptive acts or practices by making false and misleading claims in
 19 charitable solicitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the
 20 Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, and the following state statutes
 21 regulating charitable solicitations and prohibiting deceptive and/or unfair trade practices:
 22

23 Alabama:	ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.
24 Alaska:	ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.
25 Arizona:	ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551 through 44-6561.
26 Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.
27 California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.

1	Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.
2	Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190i; and 42-110a through 42-110q.
3	Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
4	Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).
5	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
6	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).
7	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
8	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
9	Indiana:	IND. CODE §§ 24-5-0.5-1 through -12.
10	Iowa:	IOWA CODE § 714.16.
11	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
12	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
13	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
14	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
15	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
16	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
17	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
18	Minnesota:	MINN. STAT. ch. 309.
19	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
20	Missouri:	MO. REV. STAT. ch. 407.
21	Montana:	MONT. CODE ANN. § 30-14-103.
22	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
23	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
24	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
25	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.
26	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
27	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
28	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.

1	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
2	Ohio:	OHIO REV. CODE ANN. § 1716.
3	Oklahoma:	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
4	Oregon:	OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.
5	Pennsylvania:	10 PA. STAT. ANN. §§ 162.1 through .14 (1990).
6	Rhode Island:	R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.
7	South Carolina:	S.C. CODE ANN. §§ 33-56-10 through 33-56-200.
8	South Dakota:	S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1 through 21-34-14.
9	Tennessee:	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
10	Texas:	TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.
11	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.
12	Vermont:	VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.
13	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
14	Washington:	WASH. REV. CODE §§ 19.86; and §19.09.
15	West Virginia:	W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101through 46a-6-110.
16	Wisconsin:	WIS. STAT. §§ 202.11-202.18.
17	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

4. Defendants 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 the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agree to bear their own costs and attorney fees.

6. Defendants CCFOA and Perkins waive all rights to appeal or otherwise challenge or contest the validity of this Order.

7. Entry of this Order is in the public interest.

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. “Defendants” means the individual defendant Rose Perkins and the corporate defendant Children’s Cancer Fund of America, Inc., individually, collectively, or in any combination.

2. “CCFOA” means Children’s Cancer Fund of America, Inc., and its successors and assigns.

3. “Perkins” means individual defendant Rose Perkins.

4. “CCFOA Receivership Order” means the “Stipulated Order Appointing Receiver Over Children’s Cancer Fund of America, Inc.”

5. “CCFOA Receiver” means the receiver appointed by the CCFOA Receivership Order.

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

7. “Charitable contribution” means any donation or gift of money or any other thing of value.

8. “Donor” or “consumer” means any person solicited to make a charitable contribution.

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

10. “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.

11. “Plaintiff States” means the states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois,

1 Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts,
2 Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New
3 Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio,
4 Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota,
5 Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin,
6 Wyoming, and the District of Columbia.

7 12. “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.

14 ORDER

15 I. CORPORATE DISSOLUTION

16 IT IS FURTHER ORDERED that, pursuant to the CCFOA Receivership Order of
17 which CCFOA has consented to entry, the CCFOA Receiver shall take the steps
18 necessary to cause CCFOA to be dissolved and to cease to exist as a corporate entity.
19

20 II. PROHIBITIONS RELATED TO THE SOLICITATION AND CONTROL 21 OF CHARITABLE ASSETS

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

25 A. Receiving any payment or other financial benefit for: (1) participating or
26 assisting in the solicitation of charitable contributions, directly or indirectly, including by
27 advising, acting as an independent contractor or as a fundraising consultant, supplying
28

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

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

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

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

18 **III. PROHIBITION ON MISREPRESENTATIONS**

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

24 **IV. TELEMARKETING SALES RULE COMPLIANCE**

25 IT IS FURTHER ORDERED that Perkins, CCFOA, its officers, agents,
26 employees, and independent contractors, and all other persons in active concert or
27 participation with them who receive actual notice of this Order, whether acting directly or
28

1 indirectly, are hereby permanently restrained and enjoined from violating, or assisting
 2 others in violating, any provision of the TSR, 16 C.F.R. Part 310, as currently
 3 promulgated or as it hereafter may be amended.

4 V. COMPLIANCE WITH STATE LAW

5 IT IS FURTHER ORDERED that CCFOA, its officers, agents, employees, and
 6 independent contractors, and Perkins, whether acting directly or indirectly, are hereby
 7 permanently restrained and enjoined from violating, or assisting others in violating, any
 8 provision of the following state laws:
 9

10 Alabama:	ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.
11 Alaska:	ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.
12 Arizona:	ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551 through 44-6561.
13 Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.
14 California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.
15 Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.
16 Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and 42-110a through 42-110q.
17 Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
18 Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).
19 Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
20 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).
21 Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
22 Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
23 Indiana:	IND. CODE §§ 24-5-0.5-1 through -12.
24 Iowa:	IOWA CODE § 714.16.
25 Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
26 Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
27 Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
28	

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

1	Wisconsin:	Wis. STAT. §§ 202.11-202.18.
2	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

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 A. Judgment in the amount of thirty million, seventy-nine thousand, eight
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:

1 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;

7 2. 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
10 omission in the representations made in her Financial Statement, identified above. If the
11 suspension of the judgment is lifted pursuant to this provision, the judgment becomes
12 immediately due in the amount specified in Subsection VII.A above as to Perkins (which
13 the Parties stipulate for purposes only of this Section represents the consumer injury
14 alleged in the Complaint for which Perkins is jointly and severally liable with CCFOA),
15 less any payment previously made pursuant to this Section, plus interest computed from
16 the date of entry of this Order.

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

1 **VIII. ADDITIONAL MONETARY PROVISIONS**

2 IT IS FURTHER ORDERED that:

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

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

11 C. The facts alleged in the Complaint establish all elements necessary to
12 sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,
13 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such
14 purposes;

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

19 E. Payment to the Plaintiff States:

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

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

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

7
8 **IX. ORDER ACKNOWLEDGMENTS**

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

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

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

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

26 **X. COMPLIANCE REPORTING**

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

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;

5 2. identify all her business activities, including any business for which
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
9 title, role, responsibilities, participation, authority, control, and any ownership;

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

12 5. describe the activities of each business, including the goods and
13 services offered, the means of advertising, marketing, sales, methods of payment, and the
14 involvement of any other Defendant named in this matter (which Perkins must describe if
15 she knows or should know due to her own involvement);

16 6. identify the primary physical, postal, and email address and
17 telephone number, as designated points of contact, which Plaintiffs or their
18 representatives may use to communicate with her;

19 7. for all her activities with any nonprofit organization that Perkins
20 undertakes in connection with Section II.D of this Order:

21 a. identify all such nonprofit organizations by all of their names,
22 telephone number[s], and physical, postal, email, and Internet addresses; and

23 b. describe in detail her involvement in each such nonprofit
24 organization, including any title, role, responsibilities, participation, authority, and
25 control;

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

28

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

3 B. For ten years after entry of this Order, Perkins must submit a compliance
4 notice, sworn under penalty of perjury, within 14 days of any change in the following:

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

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

16 3. If Perkins is employed by any nonprofit organization in any capacity
17 permitted by Section II.D of this Order or otherwise, she must report any change in title
18 or role with that nonprofit organization.

19 C. Perkins must submit notice of the filing of any bankruptcy petition,
20 insolvency proceeding, or similar proceeding by or against her within 14 days of its
21 filing.

22 D. Any submission required by this Order to be sworn under penalty of perjury
23 must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I
24 declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct. Executed on [date] at [location]” and supplying the date,
26 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,
7 600 Pennsylvania Avenue NW,
8 Washington, DC 20580

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

10 **XI. RECORDKEEPING**

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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XII. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for purposes of monitoring Perkins' 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, Perkins 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.

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

C. Plaintiffs may use all other lawful means, including posing, through its representatives, as consumers, suppliers, or other individuals or entities, to Perkins or any individual or entity affiliated with her, 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.

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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XIII. RETENTION OF JURISDICTION

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

XIV. STATE COURT ENFORCEMENT

Without limiting the above provisions, CCFOA and Perkins agree that the provisions of Sections II, III, and V 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 Defendants CCFOA and Perkins consent to any such court's jurisdiction for purposes of enforcing the terms of Sections II, III, and V of this Order.

SO STIPULATED AND AGREED:

April 13, 2015

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

Eric S. Berman

Eric S. Berman
Randal M. Shaheen
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esberman@Venable.com
rmshaheen@Venable.com
(202) 344-4000 (telephone)
Attorneys for Rose Perkins and
Children's Cancer Fund of America, Inc.

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April 10, 2015

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

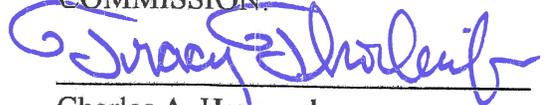


Rose Perkins
On behalf of herself, individually, and in
her capacity as an officer of Children's
Cancer Fund of America, Inc.

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May 15, 2015

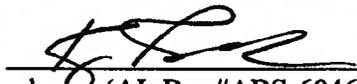
FOR PLAINTIFF FEDERAL TRADE COMMISSION:



Charles A. Harwood
Regional Director
Tracy S. Thorleifson
Krista K. Bush
Sophie H. Calderón
Connor B. Shively
Federal Trade Commission
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Attorneys for Plaintiff Federal Trade Commission

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FOR THE STATE OF ALABAMA

By: 
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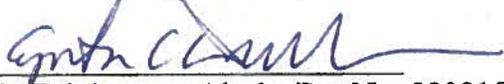
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Alabama

Signed 05/12, 2015

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FOR THE STATE OF ALASKA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Alaska

Signed May 11, 2015

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FOR THE STATE OF ARIZONA

By: Nancy V. Anger
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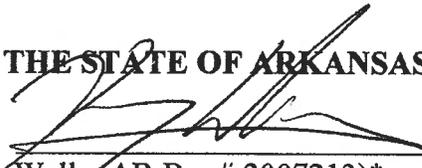
Telephone: (602) 542-4686

Attorney for Plaintiff State of Arizona

Signed May 5, 2015

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FOR THE STATE OF ARKANSAS

By: 

Kevin Wells (AR Bar # 2007213)*
Assistant Attorney General

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Telephone: (501) 682-8063

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Arkansas

Signed May 8, 2015

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FOR THE STATE OF CALIFORNIA

By: 
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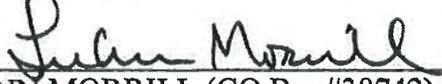
*Application for *pro hac vice* pending

Attorney for Plaintiff State of California

Signed May 4, 2015

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FOR THE COLORADO SECRETARY OF STATE

By: 
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Attorney for Plaintiff Colorado Secretary of State

Signed May 7, 2015

FOR THE STATE OF COLORADO

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*Application for *pro hac vice* pending

Attorney for Plaintiff Colorado Attorney General

Signed May 8, 2015

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FOR THE STATE OF CONNECTICUT

By: *Gary W. Hawes*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Connecticut

Signed *April 30*, 2015

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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

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*Application for *pro hac vice* pending
Attorneys for Plaintiff State of Delaware

Signed April 10, 2015

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FOR THE STATE OF FLORIDA

By: 
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Telephone: (407) 316-4840

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Florida

Signed April 9th, 2015

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FOR THE STATE OF GEORGIA

By: 

Daniel S. Walsh Georgia Bar # 735040*

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*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Georgia and Plaintiff
Secretary of State for the State of Georgia*

Signed May 8, 2015

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FOR THE STATE OF HAWAII

By: Jodi L.K. Yi
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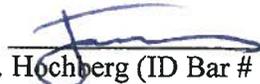
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Hawaii

Signed March 30, 2015

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FOR THE STATE OF IDAHO

By: 
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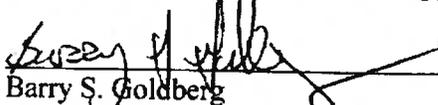
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Idaho

Signed March 31, 2015

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FOR THE PEOPLE OF THE STATE OF ILLINOIS

By: 
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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Illinois

Signed April 2, 2015

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FOR THE STATE OF INDIANA

By: Richard M. Bramer
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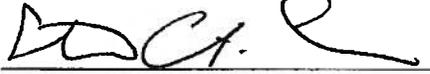
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Indiana

Signed May 13, 2015

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FOR THE STATE OF IOWA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Iowa

Signed May 13, 2015

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FOR THE STATE OF KANSAS

By: Lynette R. Bakker
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kansas

Signed April 08, 2015

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FOR THE COMMONWEALTH OF KENTUCKY

By: 
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Leah.boggs@ky.gov

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kentucky

Signed , 2015

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FOR THE STATE OF LOUISIANA

By: Cathryn E. Gits
Cathryn E. Gits (LA Bar #35144)*
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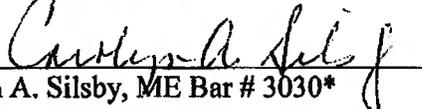
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Louisiana

Signed May 7, 2015

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FOR THE STATE OF MAINE

By: 
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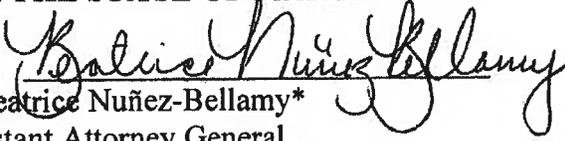
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Maine

Signed March 31, 2015

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FOR THE STATE OF MARYLAND

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Maryland and
Secretary of State John Wobensmith

Signed May 14, 2015

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**FOR THE COMMONWEALTH OF
MASSACHUSETTS**

MAURA HEALEY, ATTORNEY GENERAL

By: 

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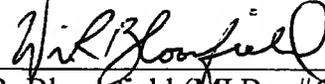
*Application for *pro hac vice* pending

Attorney for Plaintiff Commonwealth of Massachusetts

Signed May 8, 2015

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FOR THE STATE OF MICHIGAN

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Michigan

Signed May 4, 2015

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FOR THE STATE OF MINNESOTA

By: Elizabeth Kremenak
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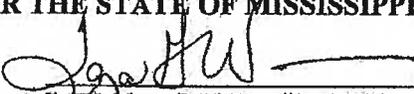
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Minnesota

Signed March 31, 2015

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FOR THE STATE OF MISSISSIPPI

By: 
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Post Office Box 136
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Tanya.webber@sos.ms.gov

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Mississippi

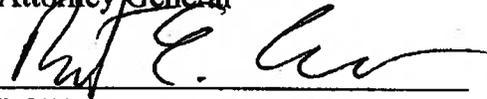
Signed 4/3, 2015

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FOR THE STATE OF MISSOURI

CHRIS KOSTER

Attorney General



ROBERT E. CARLSON, # 54602

Assistant Attorney General

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**Application for pro hac vice pending*

Attorney for Plaintiff State of Missouri

Signed May 11, 2015

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FOR THE STATE OF MONTANA

By: Kelley L. Hubbard
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Assistant Attorney General

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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Montana

Signed April 10, 2015

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FOR THE STATE OF NEBRASKA

By: 
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Assistant Attorney General

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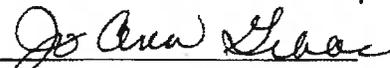
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nebraska

Signed May 6, 2015

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FOR THE STATE OF NEVADA

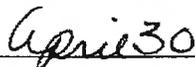
By: 
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Chief Multistate Counsel

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nevada

Signed , 2015

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FOR THE STATE OF NEW HAMPSHIRE

By:



Thomas J. Donovan (NH Bar # 664)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Hampshire

Signed April 7, 2015

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FOR THE STATE OF NEW JERSEY

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 
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Deputy Attorney General

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Telephone: (973) 648-4846

*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Jersey

Signed May 1, 2015

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FOR THE STATE OF NEW MEXICO

By: 

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Mexico

Signed 5/15, 2015

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FOR THE STATE OF NEW YORK

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

By: 
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yael.fuchs@ag.ny.gov

***Application for *pro hac vice* pending**

Attorney for Plaintiff State of New York

Signed May 6, 2015

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FOR THE STATE OF NORTH CAROLINA

By: *Creecy Johnson*
Creecy Johnson (NC Bar #32619)*
Special Deputy Attorney General

Office of Attorney General Roy Cooper
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Raleigh, NC 27699
ccjohnson@ncdoj.gov
Telephone: (919) 716-6000

*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed *May 7*, 2015

By: *Lareena J. Phillips*
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Elaine F. Marshall
9001 Mail Service Center
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Telephone: (919) 716-6610

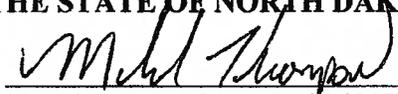
*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed *May 7*, 2015

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FOR THE STATE OF NORTH DAKOTA

By: 
Michael C. Thompson (ND Bar #06550)*
Assistant Attorney General

Office of Attorney General Wayne Stenehjen
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Gateway Professional Center
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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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FOR THE STATE OF OHIO

By: Yvonne Tertel
Yvonne Tertel (OH Bar # 0019033)*
Principal Assitant Attorney General

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Telephone: (614) 466-3181

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Ohio

Signed May 6, 2015

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FOR THE STATE OF OKLAHOMA

E. SCOTT PRUITT
OKLAHOMA ATTORNEY GENERAL



Malisa McPherson (OK Bar #32070)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oklahoma

Signed May 12, 2015

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FOR THE STATE OF OREGON

By: Heather L. Weigler
Heather L. Weigler, (OR Bar #035900)*
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Telephone: (971) 673-1910

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oregon

Signed May 5, 2015

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FOR THE COMMONWEALTH OF PENNSYLVANIA

By:



MICHAEL T. FOERSTER (PA Bar # 78766)*
Senior Deputy Attorney General

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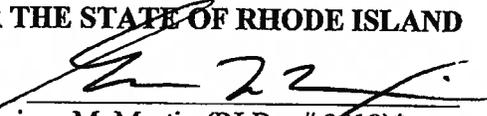
*Application for *pro hac vice* pending

Attorney for Plaintiff Commonwealth of Pennsylvania

Signed April 17, 2015

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FOR THE STATE OF RHODE ISLAND

By: 
Genevieve M. Martin (RI Bar # 3918)*
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Office of Attorney General Peter Kilmartin
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Rhode Island

Signed 5/11, 2015

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FOR THE STATE OF SOUTH CAROLINA

By: 
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Deputy General Counsel

Office of Secretary of State Mark Hammond
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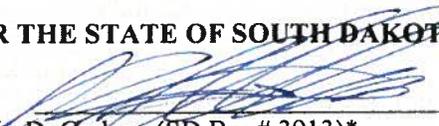
*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Carolina

Signed May 7, 2015

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FOR THE STATE OF SOUTH DAKOTA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Dakota

Signed April 10, 2015

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FOR THE STATE OF TENNESSEE

By: Janet M. Kleinfelter
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Tennessee

Signed April 9, 2015

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FOR THE STATE OF TEXAS

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
First Assistant Attorney General of Texas

JAMES E. DAVIS
Deputy Assistant Attorney General for Civil
Litigation

TOMMY PRUD'HOMME
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Texas

Signed May 7, 2015

FOR THE STATE OF UTAH

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Application for *pro hac vice* pending

Attorney for Plaintiff State of Utah

Signed April 22, 2015

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FOR THE STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 
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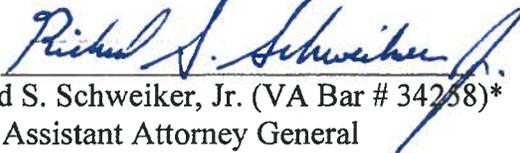
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Vermont

Signed May 8th, 2015

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FOR THE COMMONWEALTH OF VIRGINIA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Virginia

Signed April 27, 2015

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FOR THE STATE OF WASHINGTON

By: 
Sarah Shifley, WSBA #39894*
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Office of Attorney General Bob Ferguson
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Telephone: (206) 389-3974

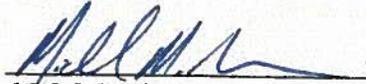
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Washington

Signed March 30, 2015

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FOR THE STATE OF WEST VIRGINIA

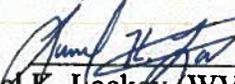
By: 
Michael M. Morrison (WV Bar # 9822)*
Assistant Attorney General

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*Application for *pro hac vice* pending

Signed May 7th, 2015

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*Application for *pro hac vice* pending

Attorneys for Plaintiff State of West Virginia

Signed April 30th, 2015

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FOR THE STATE OF WISCONSIN

**BRAD D. SCHIMEL
ATTORNEY GENERAL**

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Wisconsin State Bar no. 1030932*

Wisconsin Department of Justice
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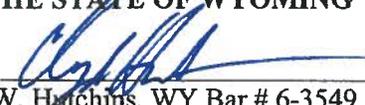
*Application for pro hac vice pending

Attorney for Plaintiff State of Wisconsin

Signed May 4, 2015

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FOR THE STATE OF WYOMING

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*Application for *pro hac vice* pending

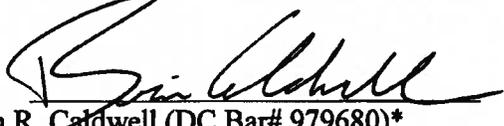
Attorney for Plaintiff State of Wyoming

Signed April 10, 2015

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FOR THE DISTRICT OF COLUMBIA

KARL A. RACINE
Attorney General for the District of Columbia

By: 
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*Application for *pro hac vice* pending

Attorney for the Plaintiff District of Columbia

Signed April 10, 2015

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

<p>Federal Trade Commission; all Fifty States, and the District of Columbia; Plaintiffs, vs. Cancer Fund of America, Inc., a Delaware corporation, et al.;</p> <p>Defendants.</p>	<p>CASE NO.</p> <p>STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST KYLE EFFLER</p>
--	---

Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”) and the states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 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 have filed a complaint for a permanent injunction and other equitable relief against Defendants Cancer Fund of America, Inc., also d/b/a Breast Cancer Financial Assistance Fund (“CFA”), Cancer Support Services, Inc. (“CSS”), Children’s Cancer Fund of America, Inc. (“CCFOA”), and The Breast Cancer Society, Inc., also d/b/a The Breast Cancer Society of America

1 (“BCS”), Kyle Effler, 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”),
 4 15 U.S.C. §§ 6101-6108, and the Unfair and Deceptive Acts and Practices and Charitable
 5 Solicitation laws of the Plaintiff States. Plaintiffs and Defendant Kyle Effler stipulate to
 6 the entry of this Stipulated Order for Permanent Injunction and Monetary Judgment
 7 Against Kyle Effler (“Order”) to resolve all matters in dispute in this action between
 8 them.

9 THEREFORE, IT IS ORDERED as follows:

10 **FINDINGS**

11 1. This Court has jurisdiction over this matter.
 12 2. Venue is proper in the District of Arizona.
 13 3. The Complaint charges that Defendant Kyle Effler (“Effler”) and others
 14 engaged in deceptive acts or practices by making false and misleading claims in
 15 charitable solicitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the
 16 Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, and the following state statutes
 17 regulating charitable solicitations and prohibiting deceptive and/or unfair trade practices:
 18

19 Alabama:	ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.
20 Alaska:	ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.
21 Arizona:	ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551 through 44-6561.
22 Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.
23 California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.
24 Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.
25 Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and 42-110a through 42-110q.
26 Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
27 Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).

1	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
2	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).
3	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
4	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
5	Indiana:	IND. CODE §§ 24-5-0.5-1 through -12.
6	Iowa:	IOWA CODE § 714.16.
7	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
8	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
9	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
10	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
11	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
12	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
13	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
14	Minnesota:	MINN. STAT. ch. 309.
15	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
16	Missouri:	MO. REV. STAT. ch. 407.
17	Montana:	MONT. CODE ANN. § 30-14-103.
18	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
19	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
20	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
21	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.
22	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
23	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
24	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
25	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
26	Ohio:	OHIO REV. CODE ANN. § 1716.
27	Oklahoma:	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
28	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.

1 3. “Charitable contribution” means any donation or gift of money or any other
2 thing of value.

3 4. “Donor” or “consumer” means any person solicited to make a charitable
4 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.

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

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

20 8. “Solicitor” means any person who solicits a charitable contribution.

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

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

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ORDER

I. 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

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 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.

1	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
2	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).
3	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
4	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
5	Indiana:	IND. CODE §§ 24-5-0.5-1 through -12.
6	Iowa:	IOWA CODE § 714.16.
7	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
8	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
9	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
10	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
11	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
12	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
13	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
14	Minnesota:	MINN. STAT. ch. 309.
15	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
16	Missouri:	MO. REV. STAT. ch. 407.
17	Montana:	MONT. CODE ANN. § 30-14-103.
18	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
19	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
20	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
21	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.
22	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
23	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
24	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
25	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
26	Ohio:	OHIO REV. CODE ANN. § 1716.
27	Oklahoma:	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
28	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.

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.
4	Texas:	TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.
5	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.
6	Vermont:	VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.
7	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
8	Washington:	WASH. REV. CODE §§ 19.86; and §19.09.
9	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 FURTHER ORDERED that Effler must cooperate fully with Plaintiffs' representatives in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Effler must provide truthful and complete information, evidence, and testimony. Effler must appear for interviews, discovery, hearings, trials, and any other proceedings that any Plaintiff's representative may reasonably request upon fourteen 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

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

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

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

1 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")
6 submitted to Plaintiffs, namely:

- 7 1. the Financial Statement of Individual, signed on December 4, 2014,
8 including attachments; and
- 9 2. Effler's representations, made through his counsel, in
10 correspondence dated January 20, 2015; January 27, 2015; January
11 30, 2015; and February 24, 2015;

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

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

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

5
6 **VII. ADDITIONAL MONETARY PROVISIONS**

7 IT IS FURTHER ORDERED that:

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

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

15 C. The facts alleged in the Complaint establish all elements necessary to
16 sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,
17 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such
18 purposes;

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

22 E. Payment to the Plaintiff States:

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

27 2. The STCO Fund shall be used to pay: (a) pursuant to cy pres,
28 qualifying charitable organizations with charitable purposes substantially similar to the

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
6 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.

10 **VIII. ORDER ACKNOWLEDGMENTS**

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

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

16 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

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

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IX. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Effler make timely submissions to Plaintiff Federal Trade Commission.

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

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

2. identify all his business activities, including any business for which he performs services whether as an employee or otherwise and any entity in which he has any ownership interest;

3. describe in detail his involvement in each such business, including 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;

5. describe the activities of each business, including the goods and services offered, the means of advertising, marketing, sales, methods of payment, and the involvement of any other Defendant named in this matter (which Effler must describe if he knows or should know due to his own involvement);

6. identify the primary physical, postal, and email address and telephone number, as designated points of contact, which Plaintiffs or their representatives may use to communicate with him;

7. for all his activities with any nonprofit organization that Effler undertakes in connection with Section I.D of this Order:

a. identify all such nonprofit organizations by all of their names, telephone number[s], and physical, postal, email, and Internet addresses; and

b. describe in detail his involvement in each such nonprofit organization, including any title, role, responsibilities, participation, authority, and control;

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

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

5 B. For ten years after entry of this Order, Effler must submit a compliance
6 notice, sworn under penalty of perjury, within 14 days of any change in the following:

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

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

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

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

24 D. Any submission required by this Order to be sworn under penalty of perjury
25 must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I
26 declare under penalty of perjury under the laws of the United States of America that the
27 foregoing is true and correct. Executed on [date] at [location]” and supplying the date,
28 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,
7 600 Pennsylvania Avenue NW,
8 Washington, DC 20580

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

10 **X. RECORDKEEPING**

11 IT IS FURTHER ORDERED that Effler 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 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.
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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:

A. Within 14 days of receipt of a written request from a representative of any Plaintiff, Effler 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;

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

C. Plaintiffs may use all other lawful means, including posing, through its representatives, as consumers, suppliers, or other individuals or entities, to Effler 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

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

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XII. RETENTION OF JURISDICTION

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, 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:

April 8th, 2015

FOR DEFENDANT KYLE EFFLER:

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April 8th, 2015

FOR DEFENDANT KYLE EFFLER:

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April 8th, 2015

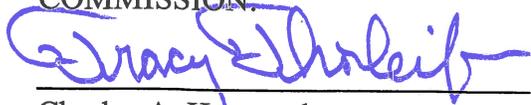
FOR DEFENDANT KYLE EFFLER:

Kyle Effler
Kyle Effler
On behalf of himself, individually

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May 15, 2015

FOR PLAINTIFF FEDERAL TRADE
COMMISSION:



Charles A. Harwood
Regional Director
Tracy S. Thorleifson
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Federal Trade Commission
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Attorneys for Plaintiff Federal Trade
Commission

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5/8, 2015

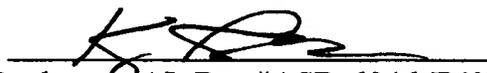
FOR PLAINTIFF STATE OF NEW MEXICO.



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FOR THE STATE OF ALABAMA

By: 
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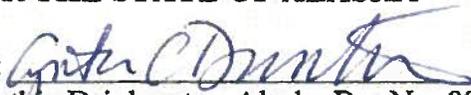
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Attorney for Plaintiff State of Alabama

Signed 05/12, 2015

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FOR THE STATE OF ALASKA

By: 
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Attorney for Plaintiff State of Alaska

Signed May 11, 2015

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FOR THE STATE OF ARIZONA

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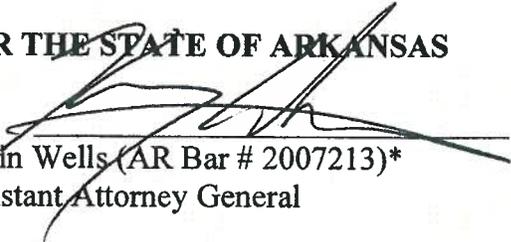
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Attorneys for Plaintiff State of Arizona

Signed May 5, 2015

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FOR THE STATE OF ARKANSAS

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Attorney for Plaintiff State of Arkansas

Signed May 8, 2015

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FOR THE STATE OF CALIFORNIA

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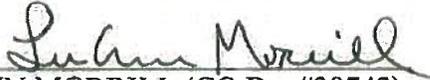
*Application for *pro hac vice* pending

Attorney for Plaintiff State of California

Signed , 2015

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FOR THE COLORADO SECRETARY OF STATE

By: 
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Office of Attorney General Cynthia H. Coffman
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Attorney for Plaintiff Colorado Secretary of State

Signed May 7, 2015

FOR THE STATE OF COLORADO

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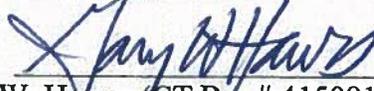
*Application for *pro hac vice* pending

Attorney for Plaintiff Colorado Attorney General

Signed May 8, 2015

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FOR THE STATE OF CONNECTICUT

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Attorney for Plaintiff State of Connecticut

Signed 5/7, 2015

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FOR THE STATE OF DELAWARE

By: 
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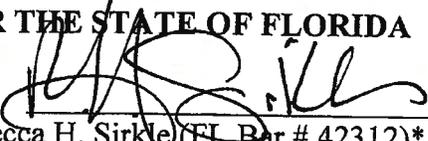
*Application for *pro hac vice* pending

Attorneys for Plaintiff State of Delaware

Signed 5/8, 2015

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FOR THE STATE OF FLORIDA

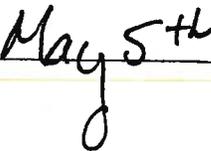
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Telephone: (407) 316-4840

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Florida

Signed , 2015

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FOR THE STATE OF GEORGIA

By: 
Daniel S. Walsh Georgia Bar # 735040*
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Office of Attorney General Sam Olens
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State of Georgia
Atlanta, Georgia 30306
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Telephone: (404) 657-2204

*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Georgia and Plaintiff
Secretary of State for the State of Georgia*

Signed May 8, 2015

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FOR THE STATE OF HAWAII

By: Jodi L. K. Yi
Jodi L. K. Yi HI Bar #6625*
Deputy Attorney General

Attorney General Douglas S. Chin
Department of the Attorney General
425 Queen Street
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Jodi.K.Yi@Hawaii.gov

Telephone: (808) 586-1480

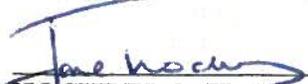
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Hawaii

Signed April 28, 2015

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FOR THE STATE OF IDAHO

By: 
JANE HOCHBERG (ID Bar # 5465)*
Deputy Attorney General

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Consumer Protection Division
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PO Box 83720
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jane.hochberg@ag.idaho.gov

Telephone: (208) 334-3553

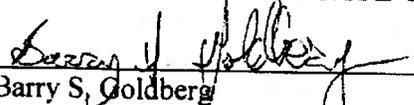
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Idaho

Signed April 30, 2015

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FOR THE PEOPLE OF THE STATE OF ILLINOIS

By: 
Barry S. Goldberg
Assistant Attorney General (IL Bar # 6269821)*
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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Illinois

Signed April 30, 2015

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FOR THE STATE OF INDIANA

By: Richard M. Bramer
Richard M. Bramer (IN Bar # 15989-77)*
Director, Consumer Protection Division

Office of Attorney General Gregory F. Zoeller
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IGCS Fifth Floor
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Telephone: (317) 232-1008

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Indiana

Signed May 6, 2015

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FOR THE STATE OF IOWA

By: 
Steve St. Clair (IA Bar # AT0007441)*
Assistant Attorney General

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Des Moines, Iowa 50319
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Telephone: (515) 281-5926

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Iowa

Signed April 22, 2015

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FOR THE STATE OF KANSAS

By: 
Lynette R. Bakker (KS Bar # 22104)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kansas

Signed May 5, 2015

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FOR THE COMMONWEALTH OF KENTUCKY

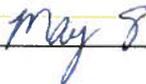
By: 
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Assistant Attorney General

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Frankfort, Kentucky 40601
Leah.boggs@ky.gov

Telephone: (502) 696-5389

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kentucky

Signed , 2015

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FOR THE STATE OF LOUISIANA

By: Cathryn E. Gits
Cathryn E. Gits (LA Bar #35144)
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Office of Attorney General James D. "Buddy"
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Telephone: (225) 326-6400

*Application for *pro hac vice* pending

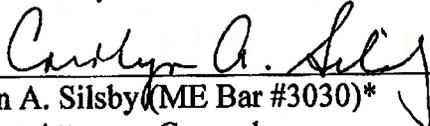
Attorney for Plaintiff State of Louisiana

Signed May 7, 2015

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FOR THE STATE OF MAINE

Janet T. Mills
Maine Attorney General

By: 
Carolyn A. Silsby (ME Bar #3030)*
Assistant Attorney General

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Carolyn.silsby@maine.gov

Telephone: (207) 626-8829

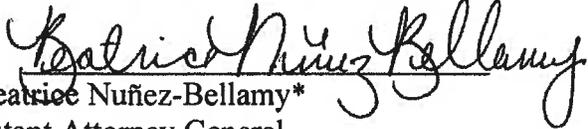
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Maine

Signed April 22, 2015

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FOR THE STATE OF MARYLAND

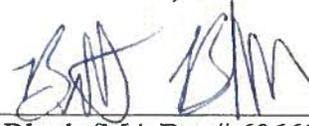
By: 

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Assistant Attorney General
Office of Attorney General Brian E. Frosh
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bnunezbellamy@oag.state.md.us
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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Maryland and
Secretary of State John Wobensmith
Signed May 14, 2015

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**FOR THE COMMONWEALTH OF
MASSACHUSETTS**

MAURA HEALEY, ATTORNEY GENERAL

By: 
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Assistant Attorney General

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*Application for *pro hac vice* pending

Attorney for Plaintiff Commonwealth of Massachusetts

Signed May 8, 2015

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FOR THE STATE OF MICHIGAN

By: William R. Bloomfield
William R. Bloomfield (MI Bar #68515)*
Assistant Attorney General

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Telephone: (517) 373-1160

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Michigan

Signed May 4, 2015

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FOR THE STATE OF MINNESOTA

By: Elizabeth Kremenak
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Assistant Attorney General

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elizabeth.kremenak@ag.state.mn.us

Telephone: (651) 757-1423

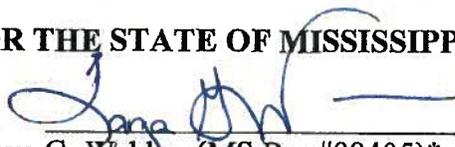
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Minnesota

Signed May 7, 2015

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FOR THE STATE OF MISSISSIPPI

By: 
Tanya G. Webber (MS Bar #99405)*
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Tanya.webber@sos.ms.gov

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Mississippi

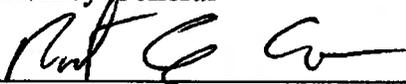
Signed April 29, 2015

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FOR THE STATE OF MISSOURI

CHRIS KOSTER

Attorney General



ROBERT E. CARLSON, # 54602

Assistant Attorney General

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**Application for pro hac vice pending*

Attorney for Plaintiff State of Missouri

Signed May 11, 2015

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FOR THE STATE OF MONTANA

By: 

TIMOTHY C. FOX
Montana Attorney General
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Deputy Attorney General
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KHubbard@mt.gov

Telephone: (406) 444-2026

*Application for *pro hac vice* pending

Attorneys for Plaintiff State of Montana

Signed May 7, 2015

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FOR THE STATE OF NEBRASKA

By: 
Daniel Russell (NE Bar # 25302)*
Assistant Attorney General

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daniel.russell@nebraska.gov

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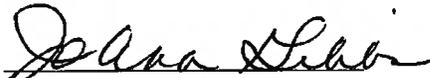
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nebraska

Signed May 6, 2015

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FOR THE STATE OF NEVADA

By: 
JOANN GIBBS
NV Bar # 005324
Chief Multistate Counsel

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*Application for *pro hac vice* pending

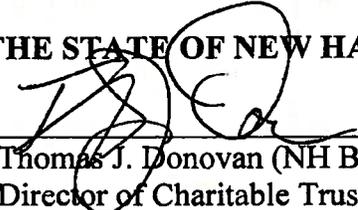
Attorney for Plaintiff State of Nevada

Signed 4/30, 2015

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FOR THE STATE OF NEW HAMPSHIRE

By:


Thomas J. Donovan (NH Bar #664)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Hampshire

Signed May 6, 2015

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FOR THE STATE OF NEW JERSEY

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 
Erin M. Greene (NJ Bar #014512010) *
Deputy Attorney General

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Department of Law and Public Safety
Division of Law
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P.O. Box 45029
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Telephone: (973) 648-4846

*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Jersey

Signed May 1, 2015

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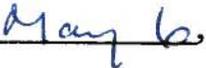
FOR THE STATE OF NEW YORK

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

By: 
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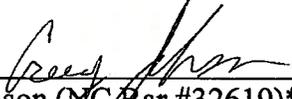
**Application for pro hac vice pending*

Attorney for Plaintiff State of New York

Signed , 2015

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FOR THE STATE OF NORTH CAROLINA

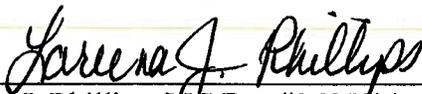
By: 
Crecy Johnson (NC Bar #32619)*
Special Deputy Attorney General

Office of Attorney General Roy Cooper
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ccjohnson@ncdoj.gov
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*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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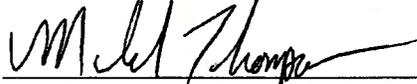
*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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FOR THE STATE OF NORTH DAKOTA

By: 
Michael C. Thompson (ND Bar # 06550)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of North Dakota

Signed April 23, 2015

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FOR THE STATE OF OHIO

By: Yvonne Tertel
Yvonne Tertel (OH Bar # 0019033)*
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Charitable Law Section
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yvonne.tertel@ohioattorneygeneral.gov

Telephone: (614) 466-3181

*Application for *pro hac vice* pending

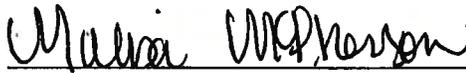
Attorney for Plaintiff State of Ohio

Signed May 6, 2015

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FOR THE STATE OF OKLAHOMA

E. SCOTT PRUITT
OKLAHOMA ATTORNEY GENERAL



Malisa McPherson (OK Bar #32070)*
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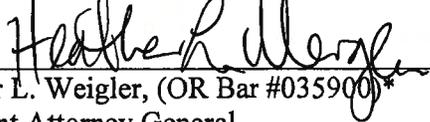
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oklahoma

Signed May 12, 2015

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FOR THE STATE OF OREGON

By: 
Heather L. Weigler, (OR Bar #035900)*
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1515 SW 5th Ave., #410
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oregon

Signed May 5, 2015

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**FOR THE COMMONWEALTH OF
PENNSYLVANIA**

By: *Michael T. Foerster*
Michael T. Foerster (PA Bar #78766)* *MTF*
Senior Deputy Attorney General

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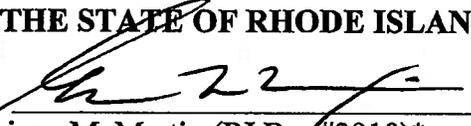
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Pennsylvania

Signed *May 13*, 2015

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FOR THE STATE OF RHODE ISLAND

By: 
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Assistant Attorney General

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Telephone: (401) 274-4400

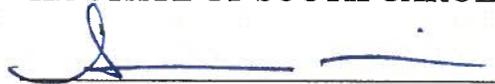
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Rhode Island

Signed 5/1, 2015

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FOR THE STATE OF SOUTH CAROLINA

By: 
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Deputy General Counsel

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swiley@sos.sc.gov

Telephone: (803) 734-0246

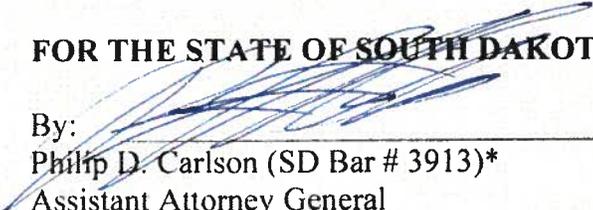
*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Carolina

Signed May 7, 2015

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FOR THE STATE OF SOUTH DAKOTA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Dakota

Signed April 29, 2015

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FOR THE STATE OF TENNESSEE

By: Janet M. Kleinfelter
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Tennessee

Signed May 5, 2015

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FOR THE STATE OF TEXAS

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
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Chief, Consumer Protection

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Telephone: 512-475-4673

*Application for *pro hac vice* pending

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Signed May 14, 2015

FOR THE STATE OF UTAH

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Application for *pro hac vice* pending

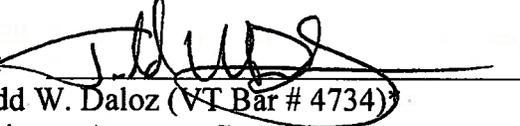
Attorney for Plaintiff State of Utah

Signed April 22, 2015

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FOR THE STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Vermont

Signed , 2015

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FOR THE COMMONWEALTH OF VIRGINIA

By: Richard S. Schweiker, Jr.
Richard S. Schweiker, Jr. (VA Bar # 34258)*
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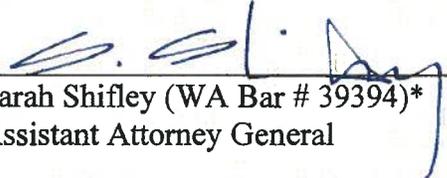
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Virginia

Signed May 5, 2015

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FOR THE STATE OF WASHINGTON

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Washington

Signed April 27, 2015

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FOR THE STATE OF WEST VIRGINIA

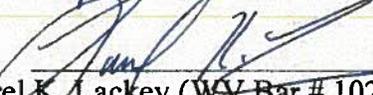
By: 
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*Application for pro hac vice pending

Signed May 7th, 2015

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*Application for pro hac vice pending

Attorneys for Plaintiff State of West Virginia

Signed April 30, 2015

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FOR THE STATE OF WISCONSIN

BRAD D. SCHIMEL
ATTORNEY GENERAL

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Wisconsin Department of Justice
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*Application for pro hac vice pending

Attorney for Plaintiff State of Wisconsin

Signed May 4, 2015

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FOR THE STATE OF WYOMING

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Wyoming

Signed May 8, 2015

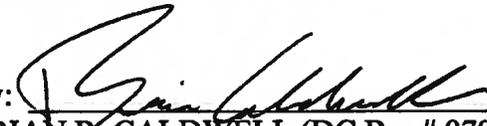
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FOR THE DISTRICT OF COLUMBIA

KARL A. RACINE
Attorney General for the District of Columbia

ELIZABETH SARAH GERE
Acting Deputy Attorney General
Public Interest Division

BENNETT RUSHKOFF
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By: 
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**Application for pro hac vice pending*

Attorney for Plaintiff District of Columbia

Signed: May 7, 2015

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

<p>Federal Trade Commission; all Fifty States, and the District of Columbia; Plaintiffs,</p> <p>vs.</p> <p>Cancer Fund of America, Inc., a Delaware corporation, et al.;</p> <p>Defendants.</p>	<p>CASE NO.</p> <p>STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST JAMES REYNOLDS, II</p>
---	--

Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”) and the states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 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 have filed a complaint for a permanent injunction and other equitable relief against Defendants Cancer Fund of America, Inc., also d/b/a Breast Cancer Financial Assistance Fund (“CFA”), Cancer Support Services, Inc. (“CSS”), Children’s Cancer Fund of America, Inc. (“CCFOA”), and The Breast Cancer Society, Inc., also d/b/a The Breast Cancer Society of America

1 (“BCS”), James Reynolds, II, a/k/a James Reynolds, Jr., and other individuals, alleging
 2 that all named Defendants violated, among other statutes, the Federal Trade Commission
 3 Act, 15 U.S.C. § 45, the Telemarketing and Consumer Fraud and Abuse Prevention Act
 4 (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108, and the Unfair and Deceptive Acts and
 5 Practices and Charitable Solicitation laws of the Plaintiff States. Plaintiffs and Defendant
 6 James Reynolds, II stipulate to the entry of this Stipulated Order for Permanent
 7 Injunction and Monetary Judgment Against James Reynolds, II (“Order”) to resolve all
 8 matters in dispute in this action between them.

9 THEREFORE, IT IS ORDERED as follows:

10 FINDINGS

11 1. This Court has jurisdiction over this matter.
 12 2. Venue is proper in the District of Arizona.
 13 3. The Complaint charges that Defendant James Reynolds, II (“Reynolds, II”)
 14 and others engaged in deceptive acts or practices by making false and misleading claims
 15 in charitable solicitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the
 16 Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, and the following state statutes
 17 regulating charitable solicitations and prohibiting deceptive and/or unfair trade practices:
 18

19 Alabama:	ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.
20 Alaska:	ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.
21 Arizona:	ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551 through 44-6561.
22 Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.
23 California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.
24 Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.
25 Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and 42-110a through 42-110q.
26 Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).

1	Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).
2	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
3	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).
4	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
5	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
6	Indiana:	IND. CODE §§ 23-7-8-1 through -9; and 24-5-0.5-1 through -12.
7	Iowa:	IOWA CODE § 714.16.
8	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
9	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
10	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
11	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
12	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
13	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
14	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
15	Minnesota:	MINN. STAT. ch. 309.
16	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
17	Missouri:	MO. REV. STAT. ch. 407.
18	Montana:	MONT. CODE ANN. § 30-14-103.
19	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
20	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
21	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
22	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.
23	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
24	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
25	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
26	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
27	Ohio:	OHIO REV. CODE ANN. § 1716.
28	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).

1	Rhode Island:	R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.
2	South Carolina:	S.C. CODE ANN. §§ 33-56-10 through 33-56-200.
3	South Dakota:	S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1 through 21-34-14.
4	Tennessee:	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
5	Texas:	TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.
6	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.
7	Vermont:	VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.
8	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
9	Washington:	WASH. REV. CODE §§ 19.86; and §19.09.
10	West Virginia:	W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101 through 46a-6-110.
11	Wisconsin:	WIS. STAT. §§ 202.11-202.18.
12	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

4. Defendant Reynolds, II neither admits nor denies any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Defendant Reynolds, II admits the facts necessary to establish jurisdiction.

5. Plaintiffs and Defendant James Reynolds, II agree that this Order resolves all allegations in the Complaint.

6. Defendant 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 of this Order, and agrees to bear his own costs and attorney fees.

7. Defendant Reynolds, II waives all rights to appeal or otherwise challenge or contest the validity of this Order.

8. Entry of this Order is in the public interest.

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. “Defendant” and “Reynolds, II” mean the individual defendant James Reynolds, II, a/k/a James Reynolds, Jr.

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

1 3. “Charitable contribution” means any donation or gift of money or any other
2 thing of value.

3 4. “Donor” or “consumer” means any person solicited to make a charitable
4 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.

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

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

20 8. “Solicitor” means any person who solicits a charitable contribution.

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

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

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ORDER

I. 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

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.

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

15 **II. PROHIBITION ON MISREPRESENTATIONS**

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

21 **III. TELEMARKETING SALES RULE COMPLIANCE**

22 IT IS FURTHER ORDERED that Reynolds, II and all other persons in active
23 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
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IV. COMPLIANCE WITH STATE LAW

IT IS FURTHER ORDERED that Reynolds, II, 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:

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-190l; 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.
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.

1	Montana:	MONT. CODE ANN. § 30-14-103.
2	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
3	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
4	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
5	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.
6	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
7	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
8	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
9	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
10	Ohio:	OHIO REV. CODE ANN. § 1716.
11	Oklahoma:	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
12	Oregon:	OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.
13	Pennsylvania:	10 PA. STAT. ANN. §§ 162.1 through .14 (1990).
14	Rhode Island:	R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.
15	South Carolina:	S.C. CODE ANN. §§ 33-56-10 through 33-56-200.
16	South Dakota:	S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1 through 21-34-14.
17	Tennessee:	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
18	Texas:	TEX. BUS. & COM. CODE ANN. §§ 17.41 through 17.63.
19	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.
20	Vermont:	VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.
21	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
22	Washington:	WASH. REV. CODE §§ 19.86; and § 19.09.
23	West Virginia:	W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101 through 46a-6-110.
24	Wisconsin:	WIS. STAT. §§ 202.11-202.18.
25	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

V. COOPERATION

IT IS FURTHER ORDERED that Reynolds, II must cooperate fully with Plaintiffs' representatives in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Reynolds,

1 II must provide truthful and complete information, evidence, and testimony. Reynolds, II
2 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.

6
7 **VI. MONETARY JUDGMENT**

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

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

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

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

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

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

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

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

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

16 **VII. ADDITIONAL MONETARY PROVISIONS**

17 IT IS FURTHER ORDERED that:

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

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

25 C. The facts alleged in the Complaint establish all elements necessary to
26 sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,
27
28

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
4 previously submitted to Plaintiffs, may be used for collecting and reporting on any
5 delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701;

6 E. Payment to the Plaintiff States:

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
10 the Plaintiff States (“the short-term court ordered trust fund” or “STCO Fund”);

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

22 **VIII. ORDER ACKNOWLEDGMENTS**

23 IT IS FURTHER ORDERED that Reynolds, II provide acknowledgment of
24 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;

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
9 undertakes in connection with Section I.D of this Order:

10 a. identify all such nonprofit organizations by all of their names,
11 telephone number[s], and physical, postal, email, and Internet addresses; and

12 b. describe in detail his involvement in each such nonprofit
13 organization, including any title, role, responsibilities, participation, authority, and
14 control;

15 8. describe in detail whether and how Reynolds, II is in compliance
16 with each Section of this Order; and

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

19 B. For ten years after entry of this Order, Reynolds, II must submit a
20 compliance notice, sworn under penalty of perjury, within 14 days of any change in the
21 following:

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

27 2. Reynolds, II must report any change in: (a) name, including aliases
28 or fictitious names, or residence address; or (b) title or role in any business activity,

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

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

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

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

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

19 Associate Director for Enforcement,
20 Bureau of Consumer Protection,
21 Federal Trade Commission,
22 600 Pennsylvania Avenue NW,
Washington, DC 20580

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

24 **X. RECORDKEEPING**

25 IT IS FURTHER ORDERED that Reynolds, II must create certain records for ten
26 years after entry of this Order, and retain each such record for five years. Specifically,
27 for any business that he, individually or collectively with any other Defendant named in
28

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;

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

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

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

12 E. A copy of each unique advertisement or other marketing material.

13 **XI. COMPLIANCE MONITORING**

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

17 A. Within 14 days of receipt of a written request from a representative of any
18 Plaintiff, Reynolds, II must submit additional compliance reports or other requested
19 information, which must be sworn under penalty of perjury; appear for depositions; and
20 produce documents for inspection and copying. Plaintiffs are also authorized to obtain
21 discovery, without further leave of court, using any of the procedures prescribed by
22 Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34,
23 36, 45, and 69;

24 B. For matters concerning this Order, Plaintiffs are authorized to communicate
25 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;

1 C. Plaintiffs may use all other lawful means, including posing, through their
2 representatives, as consumers, suppliers, or other individuals or entities, to Reynolds, II
3 or any individual or entity affiliated with him, without the necessity of identification or
4 prior notice. Nothing in this Order limits Plaintiff Federal Trade Commission's lawful
5 use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§
6 49, 57b-1, or the Plaintiff States' lawful use of relevant state laws governing pre-suit
7 investigation and discovery; and

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

12 **XII. RETENTION OF JURISDICTION**

13 IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for
14 purposes of construction, modification, and enforcement of this Order.
15

16 **XIII. STATE COURT ENFORCEMENT**

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

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1 SO STIPULATED AND AGREED:

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Apr 17, 2015

FOR DEFENDANT JAMES REYNOLDS, II:



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Attorneys for James Reynolds, II

4-17-2015

FOR DEFENDANT JAMES REYNOLDS, II:



James Reynolds, II
On behalf of himself, individually

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May 15, 2015

FOR PLAINTIFF FEDERAL TRADE COMMISSION:



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Regional Director
Tracy S. Thorleifson
Krista K. Bush
Sophie H. Calderón
Connor B. Shively
Federal Trade Commission
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Attorneys for Plaintiff Federal Trade Commission

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5/8, 2015

FOR PLAINTIFF STATE OF NEW MEXICO


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FOR THE STATE OF ALABAMA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Alabama

Signed 05/12, 2015

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FOR THE STATE OF ALASKA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Alaska

Signed May 11, 2015

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FOR THE STATE OF ARIZONA

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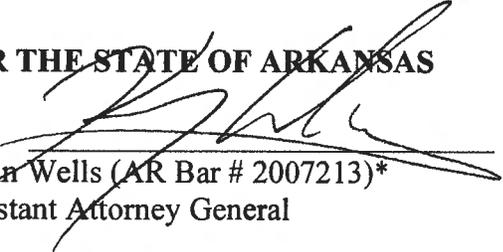
Telephone: (602) 542-7710

Attorneys for Plaintiff State of Arizona

Signed May 5, 2015

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FOR THE STATE OF ARKANSAS

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Arkansas

Signed May 8, 2015

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FOR THE STATE OF CALIFORNIA

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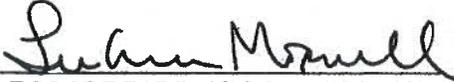
*Application for *pro hac vice* pending

Attorney for Plaintiff State of California

Signed May 4, 2015

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FOR THE COLORADO SECRETARY OF STATE

By: 
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Attorney for Plaintiff Colorado Secretary of State

Signed May 7, 2015

FOR THE STATE OF COLORADO

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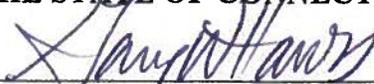
*Application for *pro hac vice* pending

Attorney for Plaintiff Colorado Attorney General

Signed May 6, 2015

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FOR THE STATE OF CONNECTICUT

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Attorney for Plaintiff State of Connecticut

Signed 5/7, 2015

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FOR THE STATE OF DELAWARE

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*Application for *pro hac vice* pending

Attorneys for Plaintiff State of Delaware

Signed 5/8, 2015

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FOR THE STATE OF FLORIDA

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Florida

Signed May 5th, 2015


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FOR THE STATE OF GEORGIA

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*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Georgia and Plaintiff
Secretary of State for the State of Georgia*

Signed May 8, 2015

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FOR THE STATE OF HAWAII

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Hawaii

Signed April 28, 2015

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FOR THE STATE OF IDAHO

By: Jane Hochberg
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Idaho

Signed April 30, 2015

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FOR THE PEOPLE OF THE STATE OF ILLINOIS

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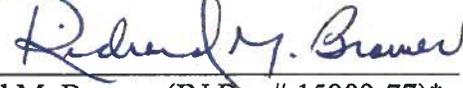
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*Application for *pro hac vice* pending
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Signed April 30, 2015

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FOR THE STATE OF INDIANA

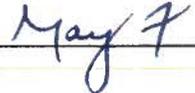
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Director, Consumer Protection Division

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Indiana

Signed , 2015

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FOR THE STATE OF IOWA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Iowa

Signed April 22, 2015

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FOR THE STATE OF KANSAS

By: *Lynette R. Bakker*

Lynette R. Bakker (KS Bar # 22104)*
Assistant Attorney General

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kansas

Signed *May 5*, 2015

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FOR THE COMMONWEALTH OF KENTUCKY

By: *Leah Cooper Boggs*
Leah Cooper Boggs (KY Bar # 83471)*
Assistant Attorney General

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Telephone: (502) 696-5389

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kentucky

Signed *May 8*, 2015

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FOR THE STATE OF LOUISIANA

By: Cathryn E. Gits
Cathryn E. Gits (LA Bar #35144)
Assistant Attorney General

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Telephone: (225) 326-6400

*Application for *pro hac vice* pending

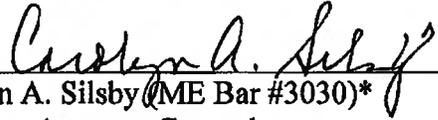
Attorney for Plaintiff State of Louisiana

Signed May 7, 2015

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FOR THE STATE OF MAINE

Janet T. Mills
Maine Attorney General

By: 
Carolyn A. Silsby (ME Bar #3030)*
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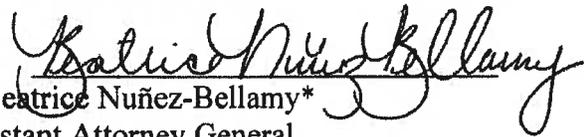
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Maine

Signed April 22, 2015

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FOR THE STATE OF MARYLAND

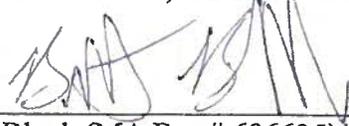
By: 

C. Beatrice Nuñez-Bellamy*
Assistant Attorney General
Office of Attorney General Brian E. Frosh
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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

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**FOR THE COMMONWEALTH OF
MASSACHUSETTS**

MAURA HEALEY, ATTORNEY GENERAL

By: 

Brett J. Blank (MA Bar # 686635)*
Assistant Attorney General

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*Application for *pro hac vice* pending

Attorney for Plaintiff Commonwealth of Massachusetts

Signed May 8, 2015

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FOR THE STATE OF MICHIGAN

By: William R. Bloomfield
William R. Bloomfield (MI Bar #68515)*
Assistant Attorney General

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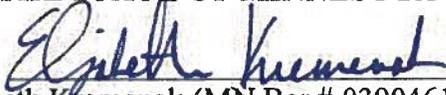
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Michigan

Signed May 4, 2015

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FOR THE STATE OF MINNESOTA

By: 
Elizabeth Kremenak (MN Bar # 0390461)*
Assistant Attorney General

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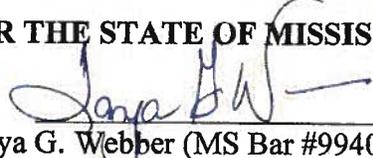
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Minnesota

Signed May 12, 2015

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FOR THE STATE OF MISSISSIPPI

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Mississippi

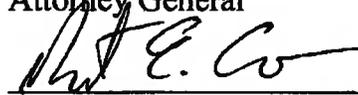
Signed April 28, 2015

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FOR THE STATE OF MISSOURI

CHRIS KOSTER

Attorney General



ROBERT E. CARLSON, # 54602

Assistant Attorney General

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**Application for pro hac vice pending*

Attorney for Plaintiff State of Missouri

Signed May 11, 2015

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FOR THE STATE OF MONTANA

By: Kelley L. Hubbard 

TIMOTHY C. FOX
Montana Attorney General
E. EDWIN ECK, MT Bar No. 414*
Deputy Attorney General
KELLEY L. HUBBARD, MT Bar No. 9604*
Assistant Attorney General

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KHubbard@mt.gov

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*Application for *pro hac vice* pending

Attorneys for Plaintiff State of Montana

Signed May 7, 2015

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FOR THE STATE OF NEBRASKA

By: 
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daniel.russell@nebraska.gov

Telephone: (402) 471-1279

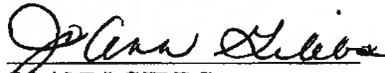
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nebraska

Signed May 6, 2015

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FOR THE STATE OF NEVADA

By: 
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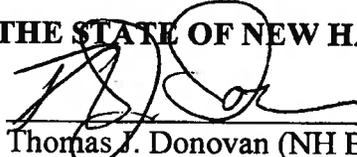
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nevada

Signed April 30, 2015

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FOR THE STATE OF NEW HAMPSHIRE

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Hampshire

Signed May 8, 2015

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FOR THE STATE OF NEW JERSEY

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 
Erin M. Greene (NJ Bar #014512010) *
Deputy Attorney General

State of New Jersey
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Jersey

Signed May 1, 2015

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FOR THE STATE OF NEW YORK

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

By: 
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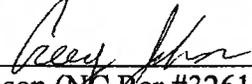
*Application for *pro hac vice* pending

Attorney for Plaintiff State of New York

Signed May 6, 2015

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FOR THE STATE OF NORTH CAROLINA

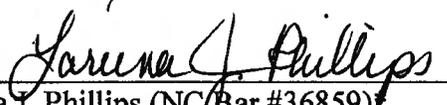
By: 
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Special Deputy Attorney General

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ccjohnson@ncdoj.gov
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*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

By: 
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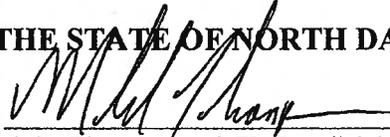
*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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FOR THE STATE OF NORTH DAKOTA

By: 
Michael C. Thompson (ND Bar # 06550)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of North Dakota

Signed April 23, 2015

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FOR THE STATE OF OHIO

By: Yvonne Tertel
Yvonne Tertel (OH Bar # 0019033)*
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*Application for *pro hac vice* pending

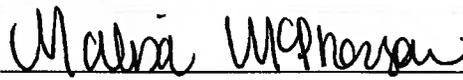
Attorney for Plaintiff State of Ohio

Signed May 6, 2015

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FOR THE STATE OF OKLAHOMA

E. SCOTT PRUITT
OKLAHOMA ATTORNEY GENERAL



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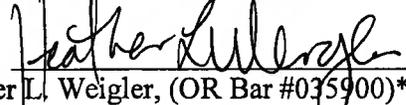
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oklahoma

Signed May 12, 2015

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FOR THE STATE OF OREGON

By: 
Heather L. Weigler, (OR Bar #035900)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oregon

Signed May 5, 2015

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**FOR THE COMMONWEALTH OF
PENNSYLVANIA**

By: *Michael T. Foerster*
Michael T. Foerster (PA Bar #78766)* *MTF*
Senior Deputy Attorney General

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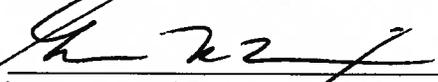
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Pennsylvania

Signed *May 13*, 2015

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FOR THE STATE OF RHODE ISLAND

By: 
Genevieve M. Martin (RI Bar #3918)*
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Rhode Island

Signed 5/1, 2015

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FOR THE STATE OF SOUTH CAROLINA

By: 
Shannon A. Wiley (SC Bar # 69806)*
Deputy General Counsel

Office of Secretary of State Mark Hammond
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swiley@sos.sc.gov

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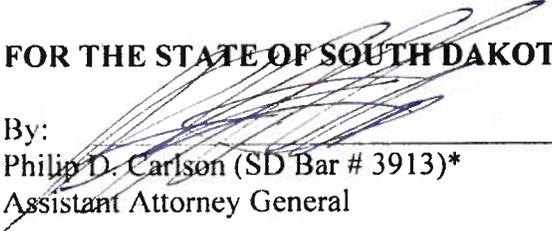
*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Carolina

Signed May 7, 2015

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FOR THE STATE OF SOUTH DAKOTA

By: 
Philip D. Carlson (SD Bar # 3913)*
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Telephone: (605) 773-3215

*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Dakota

Signed *April 29*, 2015

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FOR THE STATE OF TENNESSEE

By: Janet M. Kleinfelter
[Janet M. Kleinfelter] (TN Bar # 13889)*
Deputy Attorney General

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Tennessee

Signed May 5, 2015

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FOR THE STATE OF TEXAS

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
First Assistant Attorney General of Texas

JAMES E. DAVIS
Deputy Assistant Attorney General for Civil
Litigation

TOMMY PRUD'HOMME
Chief, Consumer Protection

By:



JENNIFER M ROSCETTI (TX Bar No. 24066685)*
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COREY D. KINTZER (TX Bar No. 24046219)
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Texas

Signed May 14, 2015

FOR THE STATE OF UTAH

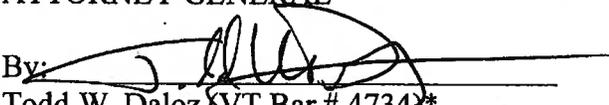
By: Jeffrey Buckner
JEFFREY BUCKNER (UT Bar # 4546)
UTAH ASSISTANT ATTORNEY GENERAL
OFFICE OF ATTORNEY GENERAL SEAN REYES
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Application for *pro hac vice* pending
Attorney for Plaintiff State of Utah

Signed April 22, 2015

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FOR THE STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 
Todd W. Daloz (VT Bar # 4734)*
Assistant Attorney General

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Telephone: (802) 828-4605

*Application for *pro hac vice* pending

Attorney for Plaintiff State of Vermont

Signed May 8th, 2015

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FOR THE COMMONWEALTH OF VIRGINIA

By: 
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rschweiker@oag.state.va.us

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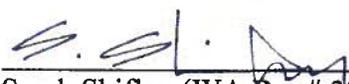
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Virginia

Signed May 5, 2015

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FOR THE STATE OF WASHINGTON

By: 
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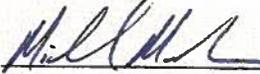
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Washington

Signed April 27, 2015

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FOR THE STATE OF WEST VIRGINIA

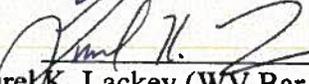
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*Application for pro hac vice pending

Signed , 2015

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*Application for pro hac vice pending

Attorneys for Plaintiff State of West Virginia

Signed April 30, 2015

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FOR THE STATE OF WISCONSIN

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ATTORNEY GENERAL**

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*Application for pro hac vice pending

Attorney for Plaintiff State of Wisconsin

Signed , 2015

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FOR THE STATE OF WYOMING

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Wyoming

Signed May 8, 2015

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FOR THE DISTRICT OF COLUMBIA

KARL A. RACINE
Attorney General for the District of Columbia

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Acting Deputy Attorney General
Public Interest Division

BENNETT RUSHKOFF
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By: 
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***Application for pro hac vice pending**
Attorney for Plaintiff District of Columbia

Signed: May 7, 2015

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

<p>Federal Trade Commission; all Fifty States, and the District of Columbia; Plaintiffs,</p> <p>vs.</p> <p>Cancer Fund of America, Inc., a Delaware corporation, et al.;</p> <p>Defendants.</p>	<p>CASE NO.</p> <p>STIPULATED ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST JAMES REYNOLDS, II</p>
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Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”) and the states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, 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 have filed a complaint for a permanent injunction and other equitable relief against Defendants Cancer Fund of America, Inc., also d/b/a Breast Cancer Financial Assistance Fund (“CFA”), Cancer Support Services, Inc. (“CSS”), Children’s Cancer Fund of America, Inc. (“CCFOA”), and The Breast Cancer Society, Inc., also d/b/a The Breast Cancer Society of America

1 (“BCS”), James Reynolds, II, a/k/a James Reynolds, Jr., and other individuals, alleging
 2 that all named Defendants violated, among other statutes, the Federal Trade Commission
 3 Act, 15 U.S.C. § 45, the Telemarketing and Consumer Fraud and Abuse Prevention Act
 4 (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108, and the Unfair and Deceptive Acts and
 5 Practices and Charitable Solicitation laws of the Plaintiff States. Plaintiffs and Defendant
 6 James Reynolds, II stipulate to the entry of this Stipulated Order for Permanent
 7 Injunction and Monetary Judgment Against James Reynolds, II (“Order”) to resolve all
 8 matters in dispute in this action between them.

9 THEREFORE, IT IS ORDERED as follows:

10 **FINDINGS**

- 11 1. This Court has jurisdiction over this matter.
 12 2. Venue is proper in the District of Arizona.
 13 3. The Complaint charges that Defendant James Reynolds, II (“Reynolds, II”)
 14 and others engaged in deceptive acts or practices by making false and misleading claims

15 in charitable solicitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the
 16 Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, and the following state statutes
 17 regulating charitable solicitations and prohibiting deceptive and/or unfair trade practices:
 18

19 Alabama:	ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.
20 Alaska:	ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.
21 Arizona:	ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551 through 44-6561.
22 Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.
23 California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.
24 Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.
25 Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and 42-110a through 42-110q.
26 Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).

1	Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).
2	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
3	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).
4	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
5	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
6	Indiana:	IND. CODE §§ 23-7-8-1 through -9; and 24-5-0.5-1 through -12.
7	Iowa:	IOWA CODE § 714.16.
8	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
9	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
10	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
11	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
12	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
13	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
14	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
15	Minnesota:	MINN. STAT. ch. 309.
16	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
17	Missouri:	MO. REV. STAT. ch. 407.
18	Montana:	MONT. CODE ANN. § 30-14-103.
19	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
20	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
21	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
22	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.
23	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
24	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
25	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
26	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
27	Ohio:	OHIO REV. CODE ANN. § 1716.
28	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).

1	Rhode Island:	R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.
2	South Carolina:	S.C. CODE ANN. §§ 33-56-10 through 33-56-200.
3	South Dakota:	S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1 through 21-34-14.
4	Tennessee:	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
5	Texas:	TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.
6	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.
7	Vermont:	VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.
8	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
9	Washington:	WASH. REV. CODE §§ 19.86; and §19.09.
10	West Virginia:	W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101 through 46a-6-110.
11	Wisconsin:	WIS. STAT. §§ 202.11-202.18.
12	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

13 4. Defendant Reynolds, II neither admits nor denies any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Defendant Reynolds, II admits the facts necessary to establish jurisdiction.

14 5. Plaintiffs and Defendant James Reynolds, II agree that this Order resolves all allegations in the Complaint.

15 6. Defendant 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 of this Order, and agrees to bear his own costs and attorney fees.

16 7. Defendant Reynolds, II waives all rights to appeal or otherwise challenge or contest the validity of this Order.

17 8. Entry of this Order is in the public interest.

22 DEFINITIONS

23 For purposes of this Order, the following definitions shall apply:

24 1. “Defendant” and “Reynolds, II” mean the individual defendant James Reynolds, II, a/k/a James Reynolds, Jr.

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

1 3. “Charitable contribution” means any donation or gift of money or any other
2 thing of value.

3 4. “Donor” or “consumer” means any person solicited to make a charitable
4 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.

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

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

20 8. “Solicitor” means any person who solicits a charitable contribution.

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

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

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ORDER

I. 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

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.

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

15 **II. PROHIBITION ON MISREPRESENTATIONS**

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

21 **III. TELEMARKETING SALES RULE COMPLIANCE**

22 IT IS FURTHER ORDERED that Reynolds, II and all other persons in active
23 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
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IV. COMPLIANCE WITH STATE LAW

IT IS FURTHER ORDERED that Reynolds, II, 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:

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-190l; 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.
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.

1	Montana:	MONT. CODE ANN. § 30-14-103.
2	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
3	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
4	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
5	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.
6	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
7	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
8	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
9	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
10	Ohio:	OHIO REV. CODE ANN. § 1716.
11	Oklahoma:	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
12	Oregon:	OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.
13	Pennsylvania:	10 PA. STAT. ANN. §§ 162.1 through .14 (1990).
14	Rhode Island:	R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.
15	South Carolina:	S.C. CODE ANN. §§ 33-56-10 through 33-56-200.
16	South Dakota:	S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1 through 21-34-14.
17	Tennessee:	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
18	Texas:	TEX. BUS. & COM. CODE ANN. §§ 17.41 through 17.63.
19	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.
20	Vermont:	VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.
21	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
22	Washington:	WASH. REV. CODE §§ 19.86; and § 19.09.
23	West Virginia:	W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101 through 46a-6-110.
24	Wisconsin:	WIS. STAT. §§ 202.11-202.18.
25	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

V. COOPERATION

IT IS FURTHER ORDERED that Reynolds, II must cooperate fully with Plaintiffs' representatives in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Reynolds,

1 II must provide truthful and complete information, evidence, and testimony. Reynolds, II
2 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.

6
7 **VI. MONETARY JUDGMENT**

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

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

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

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

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

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

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

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

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

16 **VII. ADDITIONAL MONETARY PROVISIONS**

17 IT IS FURTHER ORDERED that:

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

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

25 C. The facts alleged in the Complaint establish all elements necessary to
26 sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,
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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
4 previously submitted to Plaintiffs, may be used for collecting and reporting on any
5 delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701;

6 E. Payment to the Plaintiff States:

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
10 the Plaintiff States (“the short-term court ordered trust fund” or “STCO Fund”);

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

22 **VIII. ORDER ACKNOWLEDGMENTS**

23 IT IS FURTHER ORDERED that Reynolds, II provide acknowledgment of
24 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;
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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
9 undertakes in connection with Section I.D of this Order:

10 a. identify all such nonprofit organizations by all of their names,
11 telephone number[s], and physical, postal, email, and Internet addresses; and

12 b. describe in detail his involvement in each such nonprofit
13 organization, including any title, role, responsibilities, participation, authority, and
14 control;

15 8. describe in detail whether and how Reynolds, II is in compliance
16 with each Section of this Order; and

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

19 B. For ten years after entry of this Order, Reynolds, II must submit a
20 compliance notice, sworn under penalty of perjury, within 14 days of any change in the
21 following:

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

27 2. Reynolds, II must report any change in: (a) name, including aliases
28 or fictitious names, or residence address; or (b) title or role in any business activity,

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

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

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

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

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

19 Associate Director for Enforcement,
20 Bureau of Consumer Protection,
21 Federal Trade Commission,
22 600 Pennsylvania Avenue NW,
Washington, DC 20580

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

24 **X. RECORDKEEPING**

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

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

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

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

12 E. A copy of each unique advertisement or other marketing material.

13 **XI. COMPLIANCE MONITORING**

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

17 A. Within 14 days of receipt of a written request from a representative of any
18 Plaintiff, Reynolds, II must submit additional compliance reports or other requested
19 information, which must be sworn under penalty of perjury; appear for depositions; and
20 produce documents for inspection and copying. Plaintiffs are also authorized to obtain
21 discovery, without further leave of court, using any of the procedures prescribed by
22 Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34,
23 36, 45, and 69;

24 B. For matters concerning this Order, Plaintiffs are authorized to communicate
25 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;

1 C. Plaintiffs may use all other lawful means, including posing, through their
2 representatives, as consumers, suppliers, or other individuals or entities, to Reynolds, II
3 or any individual or entity affiliated with him, without the necessity of identification or
4 prior notice. Nothing in this Order limits Plaintiff Federal Trade Commission's lawful
5 use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§
6 49, 57b-1, or the Plaintiff States' lawful use of relevant state laws governing pre-suit
7 investigation and discovery; and

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

12 **XII. RETENTION OF JURISDICTION**

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

15 **XIII. STATE COURT ENFORCEMENT**

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