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

<p>11 Federal Trade Commission; all Fifty 12 States; and the District of Columbia;</p> <p>13 Plaintiffs,</p> <p>14 vs.</p> <p>15 Cancer Fund of America, Inc., a Delaware corporation, et al.;</p> <p>16 Defendants.</p>	<p>CASE NO. 2:15-cv-00884-NVW</p> <p>STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST CANCER FUND OF AMERICA, INC., CANCER SUPPORT SERVICES, INC., AND JAMES REYNOLDS, SR.</p>
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18 Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”) and the states
 19 of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware,
 20 Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana,
 21 Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana,
 22 Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North
 23 Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South
 24 Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West
 25 Virginia, Wisconsin, Wyoming, and the District of Columbia have filed a complaint for a
 26 permanent injunction and other equitable relief against Defendants Cancer Fund of
 27 America, Inc., also d/b/a Breast Cancer Financial Assistance Fund (“CFA”), Cancer
 28 Support Services, Inc. (“CSS”), Children’s Cancer Fund of America, Inc. (“CCFOA”),

1 and The Breast Cancer Society, Inc., also d/b/a The Breast Cancer Society of America
2 (“BCS”), James Reynolds, Sr. (“Reynolds, Sr.”), and other individuals, alleging that all
3 named Defendants violated, among other statutes, the Federal Trade Commission Act, 15
4 U.S.C. § 45, the Telemarketing and Consumer Fraud and Abuse Prevention Act
5 (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108, and the Unfair and Deceptive Acts and
6 Practices and Charitable Solicitation laws of the Plaintiff States. Plaintiffs and
7 Defendants CFA, CSS, and Reynolds, Sr. stipulate to the entry of this Stipulated Order
8 for Permanent Injunction and Monetary Judgment Against Cancer Fund of America, Inc.,
9 Cancer Support Services, Inc., and James Reynolds, Sr. (“Order” or “Permanent
10 Injunction”). Plaintiffs and Defendants CFA, and CSS also stipulate to the entry of a
11 separate and concurrently filed Stipulated Order Appointing Liquidating Receiver Over
12 Cancer Fund of America, Inc., and Cancer Support Services, Inc. (“CFA and CSS
13 Receivership Order”). Together, this Order and the CFA and CSS Receivership Order
14 resolve all matters in dispute in this action between Plaintiffs and Defendants CFA, CSS,
15 and Reynolds, Sr.

16 THEREFORE, IT IS ORDERED as follows:

17 **FINDINGS**

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

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1	Alabama:	ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.
2	Alaska:	ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.
3	Arizona:	ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551 through 44-6561.
4	Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.
5	California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.
6	Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.
7	Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and 42-110a through 42-110q.
8	Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
9	Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).
10	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
11	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).
12	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
13	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
14	Indiana:	IND. CODE §§ 24-5-0.5-1 through -12; and §§ 23-7-8-1 through -9.
15	Iowa:	IOWA CODE § 714.16.
16	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
17	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
18	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
19	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
20	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
21	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
22	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
23	Minnesota:	MINN. STAT. ch. 309.
24	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
25	Missouri:	MO. REV. STAT. ch. 407.
26	Montana:	MONT. CODE ANN. § 30-14-103.
27	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
28	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
	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.

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

23 4. Defendants CFA, CSS, and Reynolds, Sr. neither admit nor deny any of the
24 allegations in the Complaint, except as specifically stated in this Order. Only for
25 purposes of this action, these Defendants admit the facts necessary to establish
26 jurisdiction.

27 5. Defendants CFA, CSS, and Reynolds, Sr. waive any claim that they may
28 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.

1 **II. PROHIBITIONS RELATED TO CHARITABLE ACTIVITIES**

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

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

11 B. Receiving any payment or other financial benefit from any nonprofit
12 organization or other entity that holds charitable assets for any work, services, or
13 employment of any kind;

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

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

25 E. **Provided that**, subject to the limitations of Sections II.A - D above,
26 Reynolds, Sr. may volunteer for his church in any capacity not prohibited by the above.

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1 **III. PROHIBITION ON MISREPRESENTATIONS**

2 IT IS FURTHER ORDERED that Reynolds, Sr., CFA, CSS, their respective
3 officers, agents, employees, and independent contractors, and all other persons in active
4 concert or participation with them who receive actual notice of this Order, whether acting
5 directly or indirectly, are hereby permanently restrained and enjoined from making
6 material misrepresentations in connection with the sale of consumer goods or services.

7 **IV. TELEMARKETING SALES RULE COMPLIANCE**

8 IT IS FURTHER ORDERED that Reynolds, Sr., CFA, CSS, their respective
9 officers, agents, employees, and independent contractors, and all other persons in active
10 concert or participation with them who receive actual notice of this Order, whether acting
11 directly or indirectly, are hereby permanently restrained and enjoined from violating, or
12 assisting others in violating, any provision of the TSR, 16 C.F.R. Part 310, as currently
13 promulgated or as it hereafter may be amended.

14 **V. COMPLIANCE WITH STATE LAW**

15 IT IS FURTHER ORDERED that CFA, CSS, their respective officers, agents,
16 employees, and independent contractors, and Reynolds, Sr., whether acting directly or
17 indirectly, are hereby permanently restrained and enjoined from violating, or assisting
18 others in violating, any provision of the following state laws:

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.

1	Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
2	Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).
3	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
4	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).
5	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
6	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
7	Indiana:	IND. CODE §§ 24-5-0.5-1 through -12; and §§ 23-7-8-1 through -9.
8	Iowa:	IOWA CODE § 714.16.
9	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
10	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
11	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
12	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
13	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
14	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
15	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
16	Minnesota:	MINN. STAT. ch. 309.
17	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
18	Missouri:	MO. REV. STAT. ch. 407.
19	Montana:	MONT. CODE ANN. § 30-14-103.
20	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
21	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
22	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.
23	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.
24	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
25	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
26	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
27	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
28	Ohio:	OHIO REV. CODE ANN. § 1716.
	Oklahoma:	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.

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

VI. COOPERATION

IT IS FURTHER ORDERED that CFA, CSS, and Reynolds, Sr. 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. CFA, CSS, and Reynolds, Sr. must provide truthful and complete information, evidence, and testimony. Reynolds, Sr. must appear, and CFA and CSS must cause their 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.

VII. MONETARY JUDGMENT

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

A. Judgment in the amount of Seventy-Five Million, Eight Hundred Twenty-Five Thousand, Six Hundred Fifty-Three Dollars (\$75,825,653) is entered in

1 favor of Plaintiffs against CFA, CSS, and Reynolds, Sr., jointly and severally, as
2 equitable monetary relief;

3 B. Payments by CFA and CSS:

4 1. In partial satisfaction of this judgment, the CFA and CSS Receiver
5 shall take the necessary steps to wind down the affairs of CFA and CSS and
6 liquidate their assets in the manner set forth in the CFA and CSS Receivership
7 Order, and deposit all net assets to the short term court ordered trust fund
8 (hereinafter "STCO Fund") described in Section VIII.E, below;

9 2. Payments made by the CFA and CSS Receiver to the STCO Fund on
10 behalf of CFA and CSS shall be credited toward satisfaction of the judgment
11 against CFA and CSS;

12 C. Payments by Reynolds, Sr.:

13 1. Reynolds, Sr. shall, within five days of entry of this Order, transfer
14 ownership, possession, custody, and control, together with any documents of title
15 or authenticity necessary for sale, to the CFA and CSS Receiver of the following
16 items, which are described more fully in the financial statements specified in
17 Section VII.C.3, below:

- 18 a) 15 framed art prints;
- 19 b) 5 Remington statues;
- 20 c) 50 collector beer steins; and
- 21 d) 1 Versa 9 mm pistol and 1 Smith & Wesson 9 mm pistol.

22 Reynolds, Sr. shall forever waive, release, discharge, and disclaim all right, title,
23 and interest in these items. The CFA and CSS Receiver shall be authorized to sell
24 these items and to credit the net proceeds of the sale to the outstanding debt owed
25 by Reynolds, Sr. to CFA. Reynolds, Sr. shall fully cooperate with the efforts of
26 the CFA and CSS Receiver to sell these items.

27 2. Reynolds, Sr. shall immediately take specific steps necessary to sell, for
28 Fair Market Value to a third-party buyer, his 2009 Premier Boundary Waters Sky

1 Deck pontoon boat (“boat”) identified in the Financial Statements specified in
2 Section VII. C.3, below, and, within three days of the boat’s sale, pay to the STCO
3 Fund identified in Section VIII.E below, the proceeds of the sale, after paying off
4 any existing loan or other monetary obligation owed on the boat, subject to the
5 following:

6 a) Reynolds, Sr. shall immediately advertise the boat for sale through
7 an online auction service or place the boat for sale through an appropriate
8 broker or boat listing service and provide notice to Plaintiffs of the
9 proposed sale price;

10 b) Reynolds, Sr., represents that no encumbrances have been added to
11 the boat since he provided his sworn financial statement of June 26, 2015,
12 and that he will make the loan repayments due on the boat loan and not
13 otherwise add any encumbrances after signing this Order, except as needed
14 to secure his performance under this Section;

15 c) Until the boat is sold, Reynolds, Sr. shall i) maintain the boat in
16 good working order and in the same condition as reported in his sworn
17 financial statement of June 26, 2015; ii) take no action to diminish the value
18 of the boat; iii) remain current on all amounts due and payable on the boat,
19 including but not limited to tax, insurance, reasonable and necessary
20 maintenance, registration, and similar fees; and iv) cause existing
21 insurance coverage for the boat to remain in force until any transfer of
22 ownership. In the event that the boat suffers any loss or damage covered by
23 such insurance policy, Reynolds, Sr. shall make such claims as are
24 permitted by the insurance policy and shall assign or remit any insurance
25 payment they receive as a result of such loss or damage to the STCO Fund
26 described in Section VIII.E, below;

27 d) If, after 90 days from the date of entry of this Order, the boat has not
28 been sold, Reynolds, Sr. shall immediately either i) retain an auction

1 company, direct such auction company to sell the boat at a public auction,
2 and pay the net proceeds to the STCO fund, or ii) surrender possession,
3 custody, and control of the boat to the lender holding the lien on the boat
4 and deliver notice of such surrender to Plaintiffs' counsel; and

5 e) Reynolds, Sr. shall in no way profit from the sale of the boat,
6 including by sharing in any sales commission or fee, or by receiving
7 anything of value in kind. Upon sale of the boat, Reynolds, Sr. shall
8 forever waive, release, discharge, and disclaim all right, title, and interest in
9 the boat.

10 3. Further execution of the monetary judgment shall be suspended as to
11 Reynolds, Sr., subject to Sections VII.C.4-5, below. Plaintiffs' agreement to the
12 suspension of the judgment owed by Reynolds, Sr. is expressly premised upon the
13 truthfulness, accuracy, and completeness of Reynolds, Sr.'s sworn financial
14 statements and related documents submitted to Plaintiffs, namely, the Financial
15 Statement of Individual, signed on June 26, 2015 (including attachments),
16 additional financial information provided on June 30, 2015; July 15, 2015; August
17 14, 2015; September 17 - 21, 2015; January 22, 2016, and February 2, 2016; and
18 the sworn financial interview of Reynolds, Sr. on September 15, 2015.

19 4. The suspension of the judgment will be lifted as to Reynolds, Sr. if, upon
20 motion by any Plaintiff, the Court finds that Reynolds, Sr. failed to disclose any
21 material asset, materially misstated the value of any asset, or made any other
22 material misstatement or omission in the representations made in the sworn
23 financial statements and related documents identified Section VII.C.3, above. If
24 the suspension of the judgment is lifted pursuant to this provision, the judgment
25 becomes immediately due in the amount specified in Section VII.A above as to
26 Reynolds, Sr. (which the Parties stipulate for purposes only of this Section
27 represents the consumer injury alleged in the Complaint for which Reynolds, Sr. is
28 jointly and severally liable with CFA and CSS), less any payment previously made

1 pursuant to this Section, plus interest computed from the date of entry of this
2 Order.

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

10 **VIII. ADDITIONAL MONETARY PROVISIONS**

11 IT IS FURTHER ORDERED that:

12 A. CFA, CSS, and Reynolds, Sr. relinquish dominion and all legal and
13 equitable right, title, and interest in all assets transferred pursuant to this Order and the
14 CFA and CSS Receivership Order, and may not seek the return of any assets;

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

20 C. The facts alleged in the Complaint establish all elements necessary to
21 sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,
22 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such
23 purposes;

24 D. CFA, CSS, and Reynolds, Sr. acknowledge that their Taxpayer
25 Identification Numbers, Social Security Numbers and/or Employer Identification
26 Numbers, which Defendants previously submitted to Plaintiffs, may be used for
27 collecting and reporting on any delinquent amount arising out of this Order, in
28 accordance with 31 U.S.C. § 7701; and

1 E. Payment to the Plaintiff States:

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

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

17 **IX. ORDER ACKNOWLEDGMENTS**

18 IT IS FURTHER ORDERED that Reynolds, Sr. provide acknowledgment of
19 receipt of this Order:

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

23 B. For five years after entry of this Order, Reynolds, Sr., for any business that
24 he, individually or collectively with any other Defendant named in this matter, is the
25 majority owner or controls directly or indirectly, must deliver a copy of this Order to:
26 (1) all principals, officers, directors, and LLC managers and members; (2) all employees,
27 agents, and representatives who participate in conduct related to the subject matter of this
28 Order; and (3) any business entity resulting from any change in structure as set forth in

1 Section X below. Delivery must occur within seven days of entry of this Order for
2 current personnel. For all others, delivery must occur before they assume their
3 responsibilities; and

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

7 **X. COMPLIANCE REPORTING**

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

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

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

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

17 3. Describe in detail his involvement in each such business, including
18 title, role, responsibilities, participation, authority, control, and any ownership;

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

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

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

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- 7. For any activity with any nonprofit organization:
 - a. identify each such nonprofit organization by all of its 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;

8. Describe in detail whether and how Reynolds, Sr. is in compliance with each Section of this Order; and

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

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

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

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

1 C. Reynolds, Sr. must submit notice of the filing of any bankruptcy petition,
2 insolvency proceeding, or similar proceeding by or against him within 14 days of its
3 filing.

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

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

12 Associate Director for Enforcement,
13 Bureau of Consumer Protection,
14 Federal Trade Commission,
15 600 Pennsylvania Avenue NW,
16 Washington, DC 20580

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

18 **XI. RECORDKEEPING**

19 IT IS FURTHER ORDERED that Reynolds, Sr. must create certain records for ten
20 years after entry of this Order, and retain each such record for five years. Specifically,
21 for any business that he, individually or collectively with any other Defendant named in
22 this matter, is a majority owner or controls directly or indirectly, he must create and
23 retain the following records:

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

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

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

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

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

6 **XII. COMPLIANCE MONITORING**

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

10 A. Within 14 days of receipt of a written request from a representative of any
11 Plaintiff, Reynolds, Sr. must submit additional compliance reports or other requested
12 information, which must be sworn under penalty of perjury; appear for depositions; and
13 produce documents for inspection and copying. Plaintiffs are also authorized to obtain
14 discovery, without further leave of court, using any of the procedures prescribed by
15 Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34,
16 36, 45, and 69.

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

21 C. Plaintiffs may use all other lawful means, including posing, through their
22 representatives, as consumers, suppliers, or other individuals or entities, to Reynolds, Sr.
23 or any individual or entity affiliated with him, without the necessity of identification or
24 prior notice. Nothing in this Order limits Plaintiff Federal Trade Commission's lawful
25 use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C.
26 §§ 49, 57b-1, or the Plaintiff States' lawful use of relevant state laws governing pre-suit
27 investigation and discovery.

28

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

5 **XIII. RETENTION OF JURISDICTION**

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

8 **XIV. STATE COURT ENFORCEMENT**

9 Without limiting the above provisions, CFA, CSS, and Reynolds, Sr. agree that the
10 provisions of Sections II, III, and V of this Order may be enforced by any Plaintiff State
11 in a court of general jurisdiction in that Plaintiff's state if that Plaintiff State has reason to
12 believe that persons in its state have been affected. Defendants CFA, CSS, and Reynolds,
13 Sr. consent to any such court's jurisdiction for purposes of enforcing the terms of
14 Sections II, III, and V of this Order.

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1 SO STIPULATED AND AGREED:

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Feb. 2,
Date, 2016

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Feb. 2,
Date, 2016

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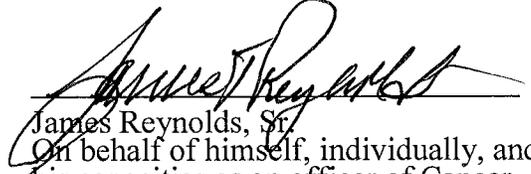
FOR DEFENDANTS JAMES
REYNOLDS, SR.; CANCER FUND OF
AMERICA, INC.; and CANCER
SUPPORT SERVICES, INC.



William H. Doyle
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Cancer Fund of America, Inc., and
Cancer Support Services, Inc.

JAMES REYNOLDS, SR.

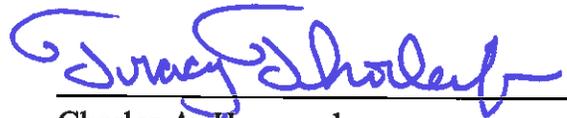


James Reynolds, Sr.
On behalf of himself, individually, and in
his capacities as an officer of Cancer
Fund of America, Inc., and Cancer
Support Services, Inc.

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FOR PLAINTIFF FEDERAL TRADE
COMMISSION:

Date: March 28, 2016



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Regional Director
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Attorneys for Plaintiff Federal Trade
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FOR THE STATE OF NEW MEXICO

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FOR THE STATE OF ARIZONA

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Signed March 2, 2016

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FOR THE STATE OF ALABAMA

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Attorney for Plaintiff State of Alabama

Signed March 3, 2016

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FOR THE STATE OF ALASKA

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Signed February 22, 2016

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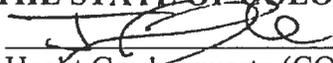
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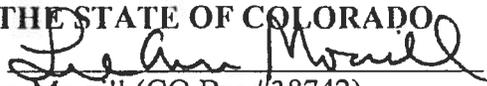
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Attorney for Plaintiff State of California
Signed March 10, 2016

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FOR THE STATE OF COLORADO

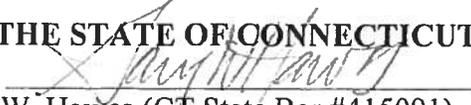
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Signed March 11, 2016

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FOR THE STATE OF COLORADO
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Signed March 11, 2016

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FOR THE STATE OF CONNECTICUT

By: 

(Gary W. Hawes (CT State Bar #415091))

Assistant Attorney General

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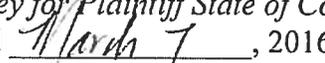
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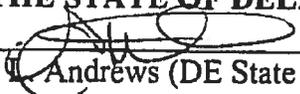
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Signed , 2016

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FOR THE STATE OF DELAWARE

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Signed March 11, 2016

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FOR THE DISTRICT OF COLUMBIA

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Attorney General for the District of Columbia

ELIZABETH SARAH GERE
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* Admitted *pro hac vice*

Attorney for Plaintiff District of Columbia

Signed: March 10, 2016

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FOR THE STATE OF FLORIDA

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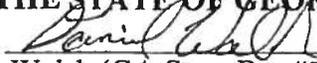
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Attorney for Plaintiff State of Florida

Signed FEB 23, 2016

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FOR THE STATE OF GEORGIA

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and Georgia Secretary of State

Signed MARCH 2, 2016

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FOR THE STATE OF HAWAII

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Signed March 3, 2016

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FOR THE STATE OF IDAHO

By: Jane E. Hochberg
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Attorney for Plaintiff State of Idaho

Signed Feb 17, 2016

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FOR THE STATE OF ILLINOIS

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Attorneys for Plaintiff State of Illinois

Signed FEBRUARY 22, 2016

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FOR THE STATE OF INDIANA

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Consumer Protection Division

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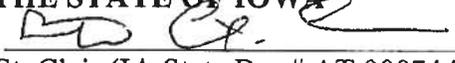
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Attorney for Plaintiff State of Indiana

Signed *February 10*, 2016

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FOR THE STATE OF IOWA

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Attorney for Plaintiff State of Iowa

Signed *February 10*, 2016

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FOR THE STATE OF KANSAS

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Signed February 17, 2016

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FOR THE COMMONWEALTH OF KENTUCKY

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Commonwealth of Kentucky
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FOR THE STATE OF LOUISIANA

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Attorney for Plaintiff State of Louisiana

Signed March 1st, 2016

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FOR THE STATE OF MAINE

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Signed Feb. 12, 2016

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FOR THE STATE OF MARYLAND

By: Josaphine B. Yuzuik
Josaphine B. Yuzuik

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Office of the Secretary of State

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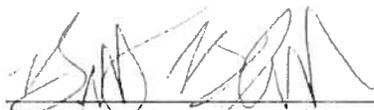
Attorney for Plaintiffs State of Maryland

and Secretary of State John Wobensmith

Signed March 11, 2016

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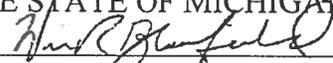
FOR THE COMMONWEALTH OF
MASSACHUSETTS

By: 

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Signed March 2, 2016

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FOR THE STATE OF MICHIGAN

By: 
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Department of Atty General Bill Schuette

Corporate Oversight Division

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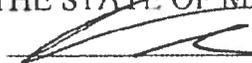
Telephone: (517) 373-1160

Attorney for Plaintiff State of Michigan

Signed March 2, 2016

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FOR THE STATE OF MINNESOTA

By: 

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Signed March 23, 2016

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FOR THE STATE OF MISSISSIPPI

By: Tanya Webber

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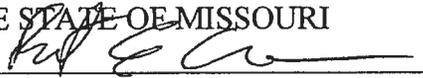
Attorney for Plaintiff Secretary

of State of Mississippi

Signed March 1, 2016

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FOR THE STATE OF MISSOURI

By: 

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Attorney for Plaintiff State of Missouri

Signed 2/17, 2016

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FOR THE STATE OF MONTANA

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Signed March 7, 2016

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FOR THE STATE OF NEBRASKA

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Signed March 8, 2016

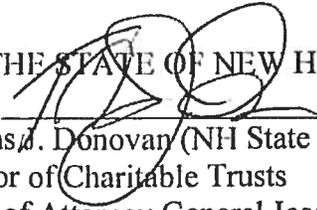
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FOR THE STATE OF NEVADA

By: JoAnn Gibbs
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Signed February 29, 2016

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FOR THE STATE OF NEW HAMPSHIRE

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Signed March 8, 2016

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FOR THE STATE OF NEW JERSEY

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FOR THE STATE OF NEW YORK

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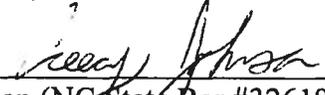
Attorneys for Plaintiff State of New York

Signed March 9, 2016

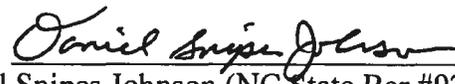
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FOR THE STATE OF NORTH CAROLINA

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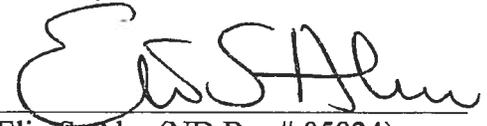
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Signed March 10, 2016

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FOR THE STATE OF NORTH DAKOTA

STATE OF NORTH DAKOTA
Wayne Stenehjem
Attorney General

By: 

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Assistant Attorney General
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Attorney for Plaintiff State of North Dakota

Signed Feb. 16, 2016

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FOR THE STATE OF OHIO

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Attorney for Plaintiff State of Ohio

Signed *12 February*, 2016

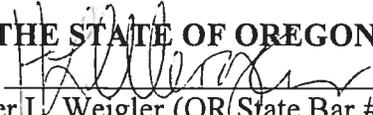


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FOR THE STATE OF OKLAHOMA
By: Malisa McPherson
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Signed March 11, 2016

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FOR THE STATE OF OREGON

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Signed Mardi 9, 2016

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FOR THE COMMONWEALTH OF PENNSYLVANIA

By: 
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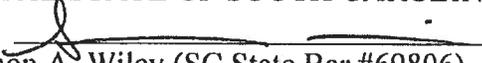
Attorneys for Plaintiff Commonwealth of Pennsylvania
Signed February 18, 2016

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FOR THE STATE OF RHODE ISLAND
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FOR THE STATE OF SOUTH CAROLINA

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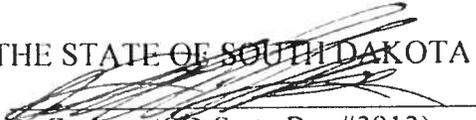
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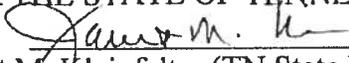
Signed March 10, 2016

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FOR THE STATE OF SOUTH DAKOTA
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FOR THE STATE OF TENNESSEE

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Attorney for Plaintiff Tennessee

Secretary of State Tre Hargett

Signed March 1, 2016

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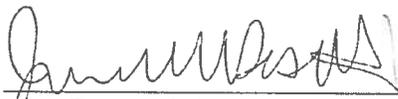
FOR THE STATE OF TEXAS

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

DAVID A. TALBOT
Chief, Consumer Protection Division

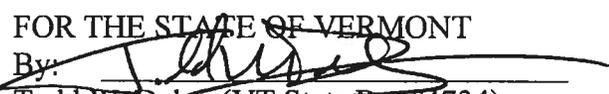
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FOR THE STATE OF UTAH
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FOR THE STATE OF VERMONT
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FOR THE COMMONWEALTH OF VIRGINIA

By: 
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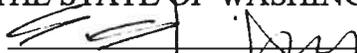
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Attorney for Plaintiff Commonwealth of Virginia

Signed March 11, 2016

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FOR THE STATE OF WASHINGTON

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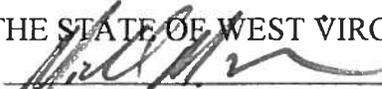
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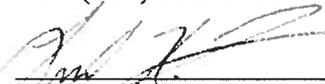
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Attorney for Plaintiff State of Washington

Signed Flk. 17, 2016

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FOR THE STATE OF WEST VIRGINIA
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Signed March 10, 2016

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FOR THE STATE OF WISCONSIN
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FOR THE STATE OF WYOMING

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 3 **NANCY VOTTERO ANGER** (No. 006810)
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 4 **MATTHEW DU MEE** (No. 028468)
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 8 *Attorneys for the Plaintiff States*
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 9

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **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. CV-15-00884-PHX-NVW</p> <p>STIPULATION RE ORDER APPOINTING LIQUIDATING RECEIVER OVER CANCER FUND OF AMERICA, INC., AND CANCER SUPPORT SERVICES, INC.</p>
--	---

19 Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”) and the
 20 states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut,
 21 Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky,
 22 Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi,
 23 Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico,
 24 New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania,
 25 Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont,
 26 Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of
 27 Columbia, and Defendants Cancer Fund of America, Inc. (“CFA”) and Cancer Support
 28 Services, Inc. (“CSS”), having stipulated to the entry of a separate and concurrently filed

1 “Stipulated Order for Permanent Injunction and Monetary Judgment Against Cancer
2 Fund of America, Inc., Cancer Support Services, Inc., and James Reynolds, Sr.,” further
3 stipulate to the entry of this Stipulated Order Appointing a Receiver Over Cancer Fund
4 of America, Inc., and Cancer Support Services, Inc.

5 THEREFORE, IT IS ORDERED as follows:

6 **FINDINGS**

7 1. Plaintiffs and CFA and CSS have consented to entry of a Stipulated Order
8 for Permanent Injunction and Monetary Judgment Against Cancer Fund of America,
9 Inc., Cancer Support Services, Inc., and James Reynolds, Sr. (“Permanent Injunction”).

10 2. The Permanent Injunction requires that the assets of CFA and CSS be
11 liquidated to partially satisfy the monetary judgment entered against them and that their
12 corporate existences be dissolved.

13 3. Plaintiffs, CFA, and CSS have consented to entry of this Stipulated Order
14 Appointing Liquidating Receiver Over Cancer Fund of America, Inc., and Cancer
15 Support Services, Inc. (“CFA and CSS Receivership Order”).

16 4. Pursuant to the Federal Rules of Civil Procedure, this Court’s general
17 equitable authority, and Sections 13(b) and 19 of the Federal Trade Commission Act, 15
18 U.S.C. § 53(b) and 57b, this Court has the authority to enter the requested relief.

19 **DEFINITIONS**

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

21 1. “CFA” means Cancer Fund of America, Inc. (“CFA”), also dba Breast
22 Cancer Financial Assistance Fund, and its successors and assigns.

23 2. “CSS” means Cancer Support Services, Inc. (“CSS”), and its successors
24 and assigns.

25 3. “Receiver” means the receiver appointed by this CFA and CSS
26 Receivership Order.

27 4. “GAIC Policies” means the Great American Insurance Company
28 (“GAIC”) “Nonprofit Solution” Insurance Policies, Policy No. EPP8184213, for the

1 Policy Periods of: (1) September 30, 2008, to September 30, 2009; (2) September 30,
2 2009 to September 30, 2010; (3) September 30, 2010, to September 30, 2011; (4)
3 September 30, 2011, to September 30, 2012; (5) September 30, 2012, to September 30,
4 2013; and (6) the Endorsement to the 2013-16 Policy providing a “Discovery Period”
5 from September 30, 2013 to September 30, 2016.

6 5. “MVF Policies” means the Mount Vernon Fire Insurance Company
7 (“MVF”) Nonprofit Directors and Officers Liability Insurance Policies, beginning with
8 Policy No. NDO2009078, for the Policy Period of August 1, 2007 - August 1, 2008;
9 followed sequentially by 12 month policies under policy numbers NDO2009078A,
10 NDO2009078B, NDO2009078C, NDO2009078D, and concluding with policy number
11 NDO2009078E which had a policy period that commenced on August 1, 2012 and
12 remained in effect till August 30, 2013. Policy number NDO2009078E was endorsed to
13 include an Extended Reporting Period till August 1, 2016.

14 6. “Permanent Injunction” means the “Stipulated Order for Permanent
15 Injunction and Monetary Judgment Against Cancer Fund of America, Inc., Cancer
16 Support Services, Inc., and James Reynolds, Sr.” agreed to by CFA, CSS, and James
17 Reynolds, Sr. (“Reynolds, Sr.”).

18 7. “STCO Fund” means the Litigation Deposits Trust Fund (Fund Code “T-
19 xx-909N”), an interest bearing trust fund held by the Hawaii Attorney General’s Office
20 in trust for the Plaintiff States into which Section VIII.E.1 of the Permanent Injunction
21 requires the CFA and CSS Receiver to deposit all monies to be paid to the Plaintiff
22 States.

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

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

1 and CSS (except the GAIC Policies and the MVF Policies or any payments or refunds in
2 connection with such policies), wherever situated, the income and profits therefrom, and
3 all sums of money now or hereafter due or owing to CFA and CSS, with full power to
4 collect, receive and take possession of all goods, chattels, rights, credits, monies, rents,
5 effects, lands, leases, books and records, limited partnership records, work papers, and
6 records of accounts, including computer maintained information, contracts, financial
7 records, monies on hand in banks and other financial institutions, and other papers and
8 documents of other individuals, partnership or corporations whose interest are now held
9 by or under the direction, possession, custody, or control of CFA and CSS;

10 C. Perform all acts necessary or advisable to complete an accounting of the
11 assets of CFA and CSS, prevent unauthorized transfer, withdrawal, or misapplication of
12 the assets of CFA and CSS, and preserve and pursue recovery of the assets of CFA and
13 CSS from third parties (except the GAIC Policies and the MVF Policies or any
14 payments or refunds in connection with such policies);

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

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

23 F. Enter into new or amended contracts, agreements, understandings, or other
24 commitments and terminate or abrogate, in the Receiver's sole sound business
25 discretion, any or all agreements, contracts, understandings, or commitments entered
26 into by CFA and CSS, to the extent permitted by applicable law. The Receiver shall not
27 be bound by any unsecured contracts, agreements, understandings, or other
28 commitments in the nature of service contracts that CFA and CSS had, have, or may

1 have with third parties, whether oral or written. The Receiver may agree to become
2 bound by any such contracts, agreements, understandings, or other commitments by
3 affirmative written ratification executed by the Receiver. *Provided that* the Receiver
4 shall immediately terminate any and all fundraising contracts and cease all fundraising;

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

11 H. Request that the Clerk of the Court issue subpoenas, or have subpoenas
12 issued by the Receiver's attorney pursuant to Rule 45(a)(3) of the Federal Rules of Civil
13 Procedure, to obtain documents and records pertaining to the assets of CFA and CSS,
14 and otherwise to conduct discovery on behalf of CFA and CSS as permitted by the
15 Federal Rules of Civil Procedure, directly or through the Receiver's attorney;

16 I. Institute, prosecute, defend, compromise, intervene, adjust, appear in, and
17 become a party either in the Receiver's own name or in the name of CFA or CSS to such
18 suits, actions, or proceedings in state, federal, or foreign courts as may be necessary for
19 the protection, maintenance, recovery, recoupment, or preservation of the assets of CFA
20 and CSS, including proceedings seeking the avoidance of fraudulent transfers,
21 disgorgements of profits, imposition of constructive trusts, and any other legal and
22 equitable relief that the Receiver deems necessary and appropriate to preserve and
23 recover the assets of CFA and CSS, however, CFA, CSS and their respective counsel of
24 record in the two (2) separate pending actions styled *MOUNT VERNON FIRE*
25 *INSURANCE COMPANY v. CANCER FUND OF AMERICA, INC.; JAMES*
26 *REYNOLDS, SR.; and KYLE EFFLER*, civil action no. 3:14-cv-00568-PLR-HBG in the
27 United States District Court for the Eastern District of Tennessee, and *GREAT*
28 *AMERICAN INSURANCE COMPANY v. CANCER SUPPORT SERVICES, INC.*, civil

1 action no. 2:14-CV-14309 in the United States District Court for the Eastern District of
2 Michigan, (“Coverage Actions”) shall retain the right and authority to approve for entry
3 any stipulations, joint motions, or agreed orders necessary to allow those courts to enter
4 final orders declaring the rights of MVF and GAIC under their respective policies of
5 insurance, including, but not limited to, the right of CFA and CSS (and their counsel) to:
6 (i) agree to rescission of the respective MVF and GAIC Policies; and (ii) for CFA and
7 CSS to waive and forgo any rights for the return of any premiums for said Policies, in
8 exchange for MVF and GAIC not pursuing their rights for monetary damages against
9 CFA and CSS, respectively;

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

12 K. Perform all incidental acts that the Receiver deems to be advisable or
13 necessary to manage the affairs of CFA and CSS during the winding down phase,
14 liquidate their assets, and dissolve their corporate existences, including, without
15 limitation, the following powers and responsibilities to:

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

18 2. Supervise and oversee the management of CFA and CSS, including
19 making payments and paying taxes as and when the Receiver has funds available
20 from CFA and CSS, or from the liquidation thereof;

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

25 4. Open new accounts with, or negotiate, compromise or otherwise
26 modify the existing obligations of CFA and CSS with third parties, including
27 utility companies and other service providers or suppliers of goods and services,
28 and to otherwise enter into such agreements, contracts, or understandings with

1 such third parties as are necessary to maintain, preserve, and protect the assets of
2 CFA and CSS;

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

6 6. Surrender for cash value the universal life insurance policy
7 #VPB401223, held by The Lincoln National Life Insurance Company and use the
8 proceeds as necessary to operate the Receivership.

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

21 M. Pay to the STCO Fund any and all sums collected over and above those
22 necessary to wind down the affairs of CFA and CSS, liquidate their assets, and dissolve
23 them, or those necessary to make payments authorized by this CFA and CSS
24 Receivership Order.

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

26 IT IS FURTHER ORDERED that CFA, CSS, and their representatives, agents,
27 officers, directors, employees, managers, members, and any other persons with
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1 possession, custody, interest in, or control of property or records relating to CFA and
2 CSS shall:

3 A. Upon notice of this Order by personal service or otherwise, immediately
4 notify the Receiver of all such property and records and, upon receiving a request from
5 the Receiver, immediately transfer or deliver to the Receiver possession, custody, and
6 control of the following:

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

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

28

1 3. All computers, electronic devices, machines, and data in whatever
2 form used to conduct the business of CFA and CSS, and all passwords and other
3 credentials related thereto;

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

7 5. All keys, codes, user names, and passwords necessary to gain or to
8 secure access to any assets or documents of CFA and CSS, including access to
9 their business premises, means of communication, accounts, computer systems,
10 or other property.

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

14 C. Until CFA and CSS surrender possession and legal and equitable title of
15 all property of CFA and CSS to the Receiver:

16 1. Maintain and take no action to diminish the value of any property of
17 CFA and CSS, including any structures, fixtures, and appurtenances thereto;

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

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

26 D. Notwithstanding any other term, condition, or provision of this Order, the
27 Receiver shall not have any legal or equitable rights to the GAIC Policies and MVF
28 Policies, or any payments or refunds in connection with such policies (including, but not

1 limited to, the payment of \$200,000 each being made by GAIC and MVF into the STCO
2 Fund (the “GAIC and MVF Payment”). The Receiver expressly agrees that: (i) the
3 GAIC Policies and MVF Policies, and any payments or refunds in connection with such
4 policies, and the GAIC and MVF Payment are not assets that are subject to this Order;
5 and (ii) prior to this Order becoming effective, CFA and CSS have stipulated in the
6 Coverage Actions as noted in Section II.I, above, that the GAIC and MVF Policies are
7 completely rescinded, null and void, and of no effect whatsoever.

8 **IV. SALE OF PERSONAL PROPERTY OF REYNOLDS, SR.**

9 IT IS FURTHER ORDERED that any personal property transferred to the
10 Receiver by Reynolds, Sr., pursuant to Section VII.C. of the Permanent Injunction or
11 otherwise, shall be treated by the Receiver as assets of the receivership estate and
12 liquidated accordingly. The Receiver shall credit the net proceeds of the sale to the
13 outstanding debt owed by Reynolds, Sr. to CFA.

14 **V. COOPERATION**

15 IT IS FURTHER ORDERED that:

16 A. CFA, CSS, their representatives, agents, officers, directors, employees,
17 managers, members or any other persons with possession, custody, or control of
18 property or records relating to CFA and CSS, specifically including Reynolds, Sr., must
19 cooperate fully with the Receiver and take such other steps as the Receiver may require
20 to transfer to the Receiver, or to the Receiver’s designated trust, possession and legal
21 and equitable title to all assets of CFA and CSS within five days of request by the
22 Receiver, including executing any documents, procuring the signature of any person or
23 entity under their control, providing access to the property of CFA and CSS and any
24 necessary information, and turning over any property of CFA and CSS; and

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

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

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

6 IT IS FURTHER ORDERED that CFA, CSS, and Reynolds, Sr., shall provide to
7 the Receiver, immediately upon request, the following:

8 A. Lists of all assets and property, including accounts, of CFA and CSS that
9 are held in the name of CFA or CSS, any name other than the name of CFA and CSS, or
10 by any person or entity other than CFA and CSS; 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 CFA or
13 CSS, who have been associated with or done business with CFA or CSS.

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

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

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

23 B. Transacting any of the business of CFA and CSS;

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

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

3 **VIII. STAY OF ACTIONS AGAINST CFA AND CSS**

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

10 A. Petitioning, or assisting in the filing of a petition, that would cause CFA
11 and CSS to be placed in bankruptcy;

12 B. Commencing, prosecuting, or continuing a judicial, administrative, or
13 other action or proceeding against CFA or CSS, including the issuance or employment
14 of process against CFA or CSS, except that such actions may be commenced if
15 necessary to toll any applicable statute of limitations;

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

21 D. Initiating any other process or proceeding that would interfere with the
22 Receiver's efforts to manage or take custody, control, or possession of the assets or
23 documents subject to this receivership; *provided that*, this Order does not stay: (i) the
24 commencement or continuation of a criminal action or proceeding; (ii) the
25 commencement or continuation of an action or proceeding by a governmental unit to
26 enforce such governmental unit's police or regulatory power; (iii) the enforcement of a
27 judgment, other than a monetary judgment, obtained in an action or proceeding by a
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1 governmental unit to enforce such governmental unit's police or regulatory power;
2 (iv) the coverage actions referenced in Section II.I, above.

3 **IX. RECEIVER'S BOND**

4 IT IS FURTHER ORDERED that the Receiver shall file with the Clerk of this Court
5 a bond in the sum of \$25,000 with sureties to be approved by the Court, conditioned that
6 the Receiver will well and truly perform the duties of the office and abide by and
7 perform all acts the Court directs. 28 U.S.C. § 754.

8 **X. COMPENSATION OF RECEIVER**

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

24 **XI. RECEIVER REPORTS**

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

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

3 **XII. TERMINATION OF RECEIVERSHIP**

4 IT IS FURTHER ORDERED that the Receivership shall continue until
5 terminated by Order of the Court. At the termination of the Receivership, the Receiver
6 shall transfer all assets of CFA and CSS to the STCO Fund described in Paragraph
7 VIII.E of the Permanent Injunction.

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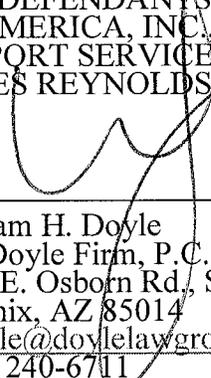
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SO STIPULATED AND AGREED:

FOR DEFENDANTS CANCER FUND OF AMERICA, INC., CANCER SUPPORT SERVICES, INC., AND JAMES REYNOLDS, SR.:

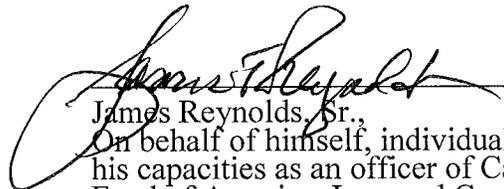
Date: Feb. 2, 2016



William H. Doyle
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Phoenix, AZ 85014
wdoyle@doylelawgroup.com
(602) 240-6711
Attorneys for James Reynolds, Sr.,
Cancer Support Services, Inc., and
Cancer Fund of America, Inc.

JAMES REYNOLDS, SR.

Date: Feb. 2, 2016



James Reynolds, Sr.,
On behalf of himself, individually, and in
his capacities as an officer of Cancer
Fund of America, Inc., and Cancer
Support Services, Inc.

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FOR PLAINTIFF FEDERAL TRADE
COMMISSION:

Date: March 28, 2016



Charles A. Harwood
Regional Director

Tracy S. Thorleifson
Krista K. Bush
Sophie H. Calderón
Connor B. Shively
Federal Trade Commission
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FOR THE STATE OF NEW MEXICO
By: 
Elizabeth Korsmo (NM Bar # 8989)*
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Office of Attorney General Hector Balderas
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ekorsmo@nmag.gov
Telephone: (505) 827-6000
Attorney for Plaintiff State of New Mexico
Signed 3/1, 2016

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FOR THE STATE OF ARIZONA

By: 
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Telephone: (602) 542-3725
Attorney for Plaintiff State of Arizona

Signed March 2, 2016

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FOR THE STATE OF ALABAMA

By: *Tina C. Hammonds*

Tina C. Hammonds

AL Bar # ASB-6346-T64J

Assistant Attorney General

Office of Attorney General Luther Strange

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Montgomery, AL 36104-0152

Email: thammonds@ago.state.al.us

Telephone: (334) 242-7355

Attorney for Plaintiff State of Alabama

Signed March 3, 2016

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FOR THE STATE OF ALASKA

By: 
Cynthia C. Drinkwater (AK Bar #8808159)
Assistant Attorney General
Office of Attorney General Craig W. Richards
1031 W. 4th Ave., Suite 200
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Email: cynthia.drinkwater@alaska.gov
Telephone: (907) 269-5200
Attorney for Plaintiff State of Alaska

Signed February 22, 2016

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FOR THE STATE OF ARKANSAS

By: John Alexander
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FOR THE STATE OF CALIFORNIA

By: *Sonja K. Berndt*

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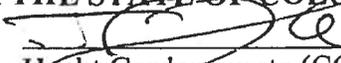
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Attorney for Plaintiff State of California

Signed *March 10*, 2016

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FOR THE STATE OF COLORADO

By: 
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FOR THE STATE OF COLORADO

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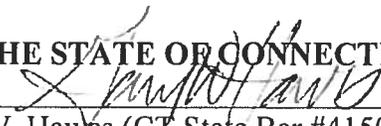
Attorney for Plaintiff Secretary of State Wayne

Williams

Signed March 11, 2016

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FOR THE STATE OF CONNECTICUT

By: 

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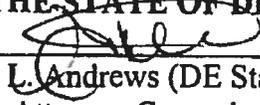
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Attorney for Plaintiff State of Connecticut

Signed March 7, 2016

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~~FOR THE STATE OF DELAWARE~~

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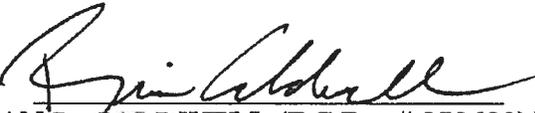
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FOR THE DISTRICT OF COLUMBIA

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FOR THE STATE OF FLORIDA

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FOR THE STATE OF GEORGIA

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and Georgia Secretary of State

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FOR THE STATE OF HAWAII

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FOR THE STATE OF IDAHO

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FOR THE STATE OF ILLINOIS

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FOR THE STATE OF INDIANA

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FOR THE STATE OF IOWA

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FOR THE STATE OF KANSAS

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FOR THE COMMONWEALTH OF KENTUCKY

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FOR THE STATE OF LOUISIANA

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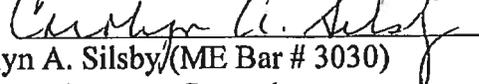
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Attorney for Plaintiff State of Louisiana

Signed March 1st, 2016

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FOR THE STATE OF MAINE

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Signed Feb. 12, 2016

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FOR THE STATE OF MARYLAND
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and Secretary of State John Wobensmith*
Signed March 11, 2016

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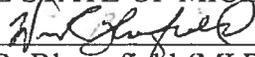
FOR THE COMMONWEALTH OF
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FOR THE STATE OF MICHIGAN

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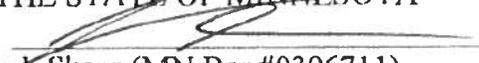
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Signed March 2, 2016

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FOR THE STATE OF MINNESOTA

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FOR THE STATE OF MISSISSIPPI
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FOR THE STATE OF MISSOURI

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Signed , 2016

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FOR THE STATE OF MONTANA

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FOR THE STATE OF NEBRASKA

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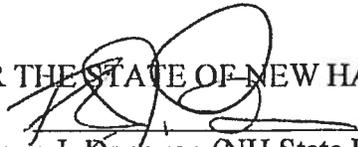
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FOR THE STATE OF NEVADA

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FOR THE STATE OF NEW HAMPSHIRE

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FOR THE STATE OF NEW JERSEY

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FOR THE STATE OF NEW YORK

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FOR THE STATE OF NORTH CAROLINA

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ELAINE F. MARSHALL, SECRETARY OF STATE

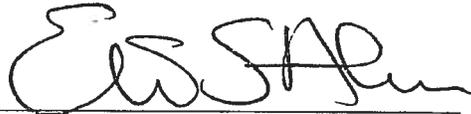
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FOR THE STATE OF NORTH DAKOTA

STATE OF NORTH DAKOTA
Wayne Stenehjem
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FOR THE STATE OF OHIO
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FOR THE STATE OF OKLAHOMA
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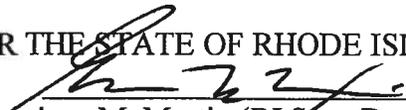
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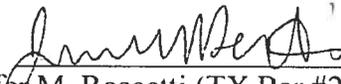
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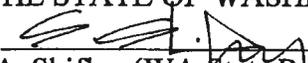
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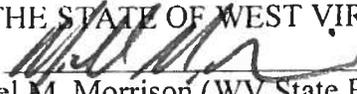
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