



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).
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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).
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3	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
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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.
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16	New York:	N.Y. EXEC. LAW §§ 63 (12); §§ 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
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26	Tennessee:	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
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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.

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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.

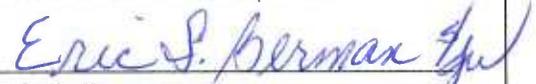
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SO STIPULATED AND AGREED:

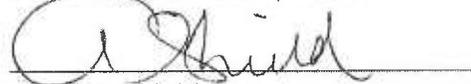
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4/14, 2015

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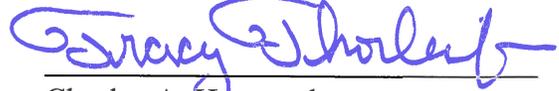
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Andrina Shields  
In her capacity as Chairman of the Board  
of Directors of of The Breast Cancer  
Society, Inc.

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May 15, 2015

FOR PLAINTIFF FEDERAL TRADE  
COMMISSION:

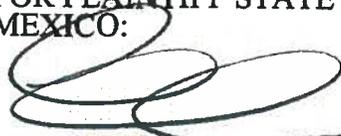


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Regional Director  
Tracy S. Thorleifson  
Krista K. Bush  
Sophie H. Calderón  
Connor B. Shively  
Federal Trade Commission  
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scalderon@ftc.gov  
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(206) 220-6350 (telephone)  
Attorneys for Plaintiff Federal Trade  
Commission

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5/8, 2015

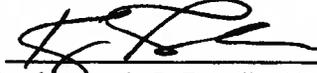
FOR PLAINTIFF STATE OF NEW MEXICO:



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New Mexico Office of the Attorney  
General- Hector Balderas  
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\*Application for pro hac vice pending

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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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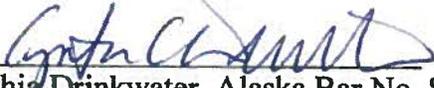
\*Application for *pro hac vice* pending

*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\*  
Assistant Attorney General

Office of Attorney General Craig W. Richards  
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Anchorage, AK 99501  
cynthia.drinkwater@alaska.gov  
Telephone: (907) 269-5200

\*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)  
Assistant Attorney General  
Matthew du Mee (AZ Bar #28468)  
Assistant Attorney General

Office of Attorney General Mark Brnovich  
1275 West Washington  
Phoenix, Arizona 85007-2997  
nancy.anger@azag.gov

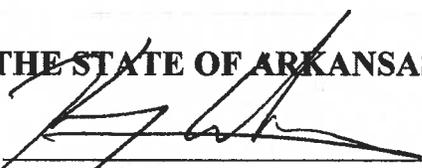
Telephone: (602) 542-7710

*Attorneys for Plaintiff State of Arizona*

Signed May 5, 2015

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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:   
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[Sonja.berndt@doj.ca.gov](mailto:Sonja.berndt@doj.ca.gov)

Telephone: (213) 897-2179

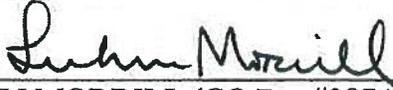
\*Application for *pro hac vice* pending

*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

**FOR THE STATE OF COLORADO**

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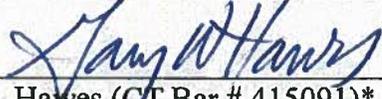
\*Application for *pro hac vice* pending

*Attorney for Plaintiff Colorado Attorney General*

Signed May 8, 2015

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**FOR THE STATE OF CONNECTICUT**

By:   
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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)  
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Telephone: (302) 577-8504

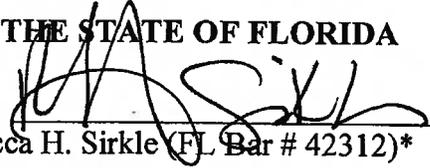
\*Application for *pro hac vice* pending

*Attorneys for Plaintiff State of Delaware*

Signed 5/8, 2015

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**FOR THE STATE OF FLORIDA**

By:   
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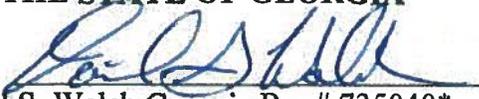
Telephone: (407) 316-4840

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

Signed May 5<sup>th</sup>, 2015  


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**FOR THE STATE OF GEORGIA**

By:   
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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**

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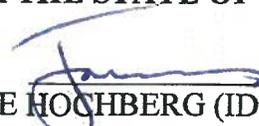
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Hawaii*

Signed April 28, 2015

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**FOR THE STATE OF IDAHO**

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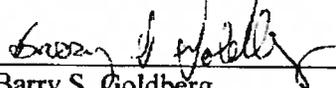
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Idaho*

Signed April 30, 2015

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**FOR THE PEOPLE OF THE STATE OF ILLINOIS**

By:   
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Telephone Charitable Trust Bureau: (312) 814-2595

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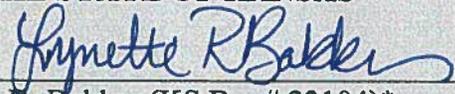
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Iowa*

Signed April 22, 2015

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**FOR THE STATE OF KANSAS**

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

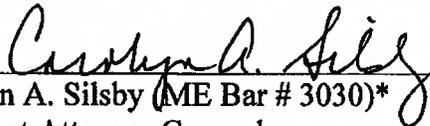
*Attorney for Plaintiff State of Louisiana*

Signed May 7, 2015

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**FOR THE STATE OF MAINE**

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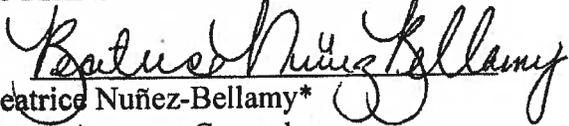
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Maine*

Signed April 22, 2015

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**FOR THE STATE OF MARYLAND**

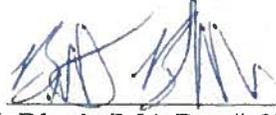
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Secretary of State John Wobensmith  
Signed May 14, 2015

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**FOR THE COMMONWEALTH OF  
MASSACHUSETTS**

**MAURA HEALEY, ATTORNEY GENERAL**

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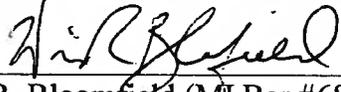
\*Application for *pro hac vice* pending

*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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445 Minnesota Street, Suite 1200  
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elizabeth.kremenak@ag.state.mn.us

Telephone: (651) 757-1423

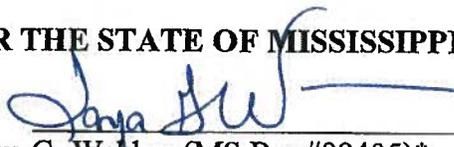
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Minnesota*

Signed May 7, 2015

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**FOR THE STATE OF MISSISSIPPI**

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

*Attorney for Plaintiff State of Mississippi*

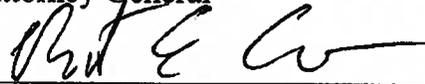
Signed April 28, 2015

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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  
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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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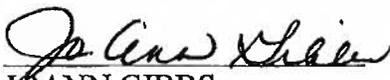
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Nebraska*

Signed May 6, 2015

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**FOR THE STATE OF NEVADA**

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*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 May 6, 2015

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**FOR THE STATE OF NEW JERSEY**

JOHN J. HOFFMAN  
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By:   
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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**  
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Signed May 16, 2015

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**FOR THE STATE OF NORTH CAROLINA**

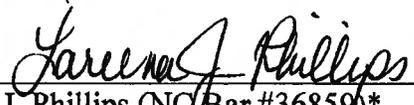
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\*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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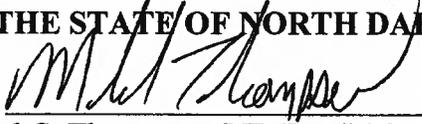
\*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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**FOR THE STATE OF NORTH DAKOTA**

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

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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



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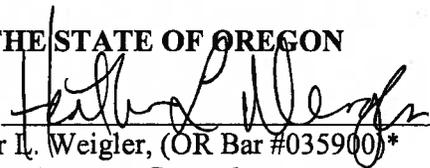
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Oklahoma*

Signed May 12, 2015

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**FOR THE STATE OF OREGON**

By:   
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Signed May 5, 2015

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**FOR THE COMMONWEALTH OF  
PENNSYLVANIA**

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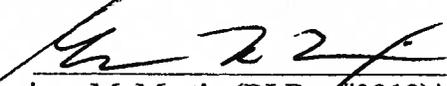
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Pennsylvania*

Signed *May 13*, 2015

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**FOR THE STATE OF RHODE ISLAND**

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\*Application for *pro hac vice* pending

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Signed 5/1, 2015

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**FOR THE STATE OF SOUTH CAROLINA**

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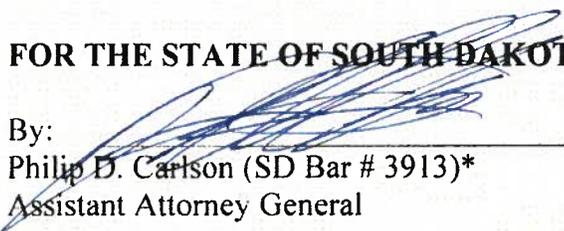
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of South Carolina*

Signed May 7, 2015

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**FOR THE STATE OF SOUTH DAKOTA**

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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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*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  
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**TOMMY PRUD'HOMME**  
Chief, Consumer Protection

By:



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\*Application for *pro hac vice* pending

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Signed May 14, 2015

**FOR THE STATE OF UTAH**

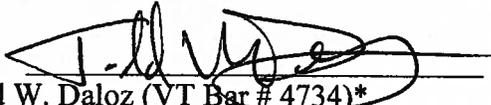
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Application for *pro hac vice* pending  
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Signed April 22, 2015

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**FOR THE STATE OF VERMONT**

WILLIAM H. SORRELL  
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By:   
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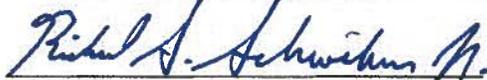
\*Application for *pro hac vice* pending

*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

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Signed May 5, 2015

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**FOR THE STATE OF WASHINGTON**

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\*Application for *pro hac vice* pending

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Signed April 27, 2015

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**FOR THE STATE OF WEST VIRGINIA**

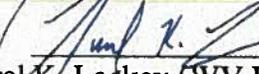
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Signed April 30, 2015

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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 *May 4*, 2015

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**FOR THE STATE OF WYOMING**

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\*Application for *pro hac vice* pending

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Signed May 8, 2015

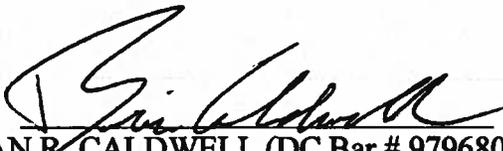
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**FOR THE DISTRICT OF COLUMBIA**

**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

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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><b>STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST CHILDREN’S CANCER FUND OF AMERICA, INC., AND ROSE PERKINS</b></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.:

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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.:

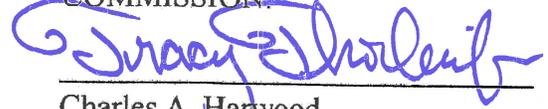


Rose Perkins  
On behalf of herself, individually, and in  
her capacity as an officer of Children's  
Cancer Fund of America, Inc.

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May 15, 2015

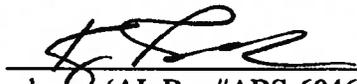
FOR PLAINTIFF FEDERAL TRADE  
COMMISSION:



Charles A. Harwood  
Regional Director  
Tracy S. Thorleifson  
Krista K. Bush  
Sophie H. Calderón  
Connor B. Shively  
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**FOR THE STATE OF ALABAMA**

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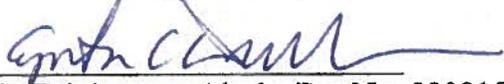
\*Application for *pro hac vice* pending

*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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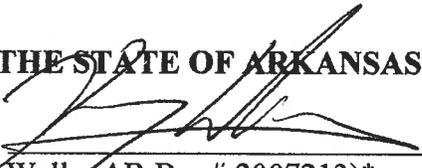
Telephone: (602) 542-4686

*Attorney for Plaintiff State of Arizona*

Signed May 5, 2015

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**FOR THE STATE OF ARKANSAS**

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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:   
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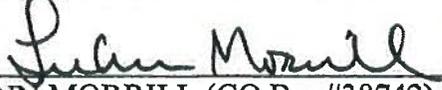
\*Application for *pro hac vice* pending

*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**

By: *Gary W. Hawes*  
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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 DELAWARE**

By:   
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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 9<sup>th</sup>, 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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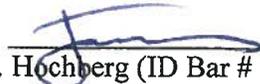
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Hawaii*

Signed March 30, 2015

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**FOR THE STATE OF IDAHO**

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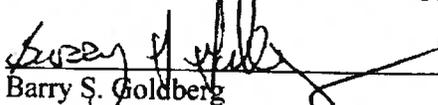
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Idaho*

Signed March 31, 2015

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**FOR THE PEOPLE OF THE STATE OF ILLINOIS**

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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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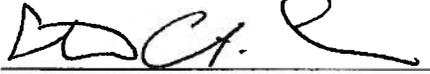
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Indiana*

Signed May 13, 2015

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**FOR THE STATE OF IOWA**

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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**

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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**

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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  
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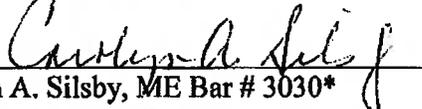
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Louisiana*

Signed May 7, 2015

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**FOR THE STATE OF MAINE**

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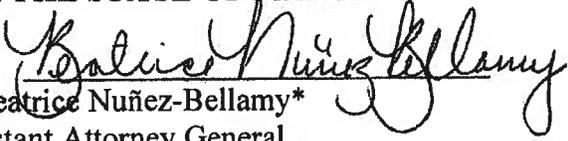
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Maine*

Signed March 31, 2015

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**FOR THE STATE OF MARYLAND**

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Secretary of State John Wobensmith  
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**FOR THE COMMONWEALTH OF  
MASSACHUSETTS**

**MAURA HEALEY, ATTORNEY GENERAL**

By: 

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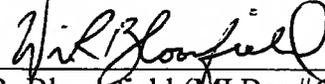
\*Application for *pro hac vice* pending

*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  
Elizabeth Kremenak (MN Bar # 0390461)\*  
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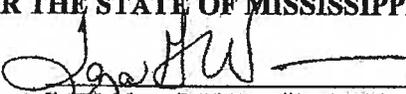
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Minnesota*

Signed March 31, 2015

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**FOR THE STATE OF MISSISSIPPI**

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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**

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Fax: (314) 340-7957

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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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\*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:   
Daniel Russell (NE Bar # 25302)\*  
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Telephone: (402) 471-1279

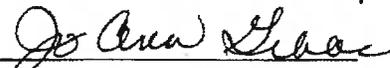
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Nebraska*

Signed May 6, 2015

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**FOR THE STATE OF NEVADA**

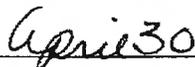
By:   
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\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Nevada*

Signed , 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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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**  
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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: *Creecy Johnson*  
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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*  
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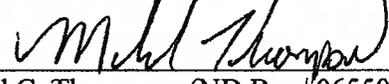
\*Application for pro hac vice pending

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 8, 2015

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**FOR THE STATE OF OHIO**

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

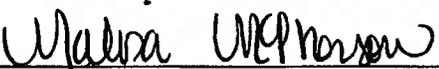
*Attorney for Plaintiff State of Ohio*

Signed May 6, 2015

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**FOR THE STATE OF OKLAHOMA**

E. SCOTT PRUITT  
OKLAHOMA ATTORNEY GENERAL

  
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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  
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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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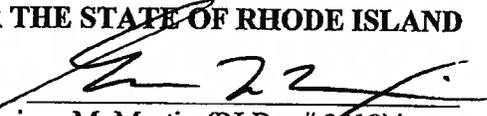
\*Application for *pro hac vice* pending

*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 5/11, 2015

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**FOR THE STATE OF SOUTH CAROLINA**

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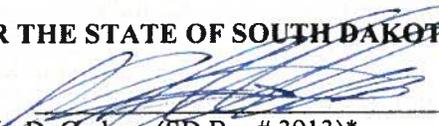
\*Application for *pro hac vice* pending

*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 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**  
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Litigation

**TOMMY PRUD'HOMME**  
Chief, Consumer Protection

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Signed May 7, 2015

**FOR THE STATE OF UTAH**

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[jbuckner@utah.gov](mailto:jbuckner@utah.gov)  
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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

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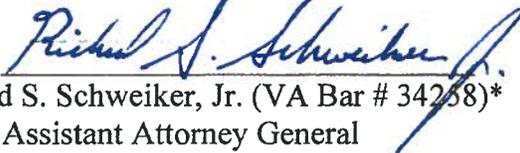
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Vermont*

Signed May 8<sup>th</sup>, 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**

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

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

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\*Application for *pro hac vice* pending

*Attorneys for Plaintiff State of West Virginia*

Signed April 30<sup>th</sup>, 2015

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**FOR THE STATE OF WISCONSIN**

**BRAD D. SCHIMEL  
ATTORNEY GENERAL**

By:   
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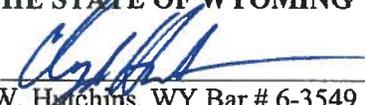
\*Application for pro hac vice pending

Attorney for Plaintiff State of Wisconsin

Signed May 4, 2015

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FOR THE STATE OF WYOMING

By:   
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Cheyenne, Wyoming 82002  
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\*Application for *pro hac vice* pending

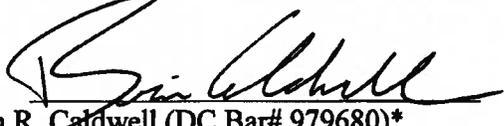
*Attorney for Plaintiff State of Wyoming*

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><b>STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST KYLE EFFLER</b></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”), 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.

**II. PROHIBITION ON MISREPRESENTATIONS**

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

**III. TELEMARKETING SALES RULE COMPLIANCE**

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

**IV. COMPLIANCE WITH STATE LAW**

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

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).

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 8<sup>th</sup>, 2015

FOR DEFENDANT KYLE EFFLER:

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William Doyle  
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Attorneys for Kyle Effler and Cancer  
Fund of America, Inc.

April 8<sup>th</sup>, 2015

FOR DEFENDANT KYLE EFFLER:

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Karen Donnelly  
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Attorneys for Kyle Effler and Cancer  
Support Services, Inc.

April 8<sup>th</sup>, 2015

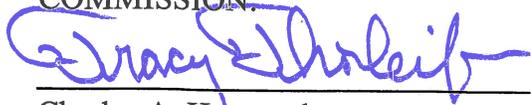
FOR DEFENDANT KYLE EFFLER:

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  
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.

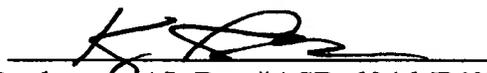


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\*Application for pro hac vice pending

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**FOR THE STATE OF ALABAMA**

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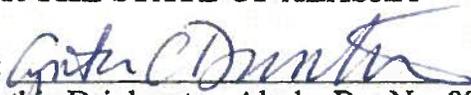
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Alabama*

Signed 05/12, 2015

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**FOR THE STATE OF ALASKA**

By:   
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\*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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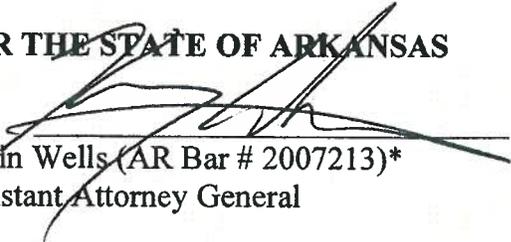
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*Attorneys for Plaintiff State of Arizona*

Signed May 5, 2015

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**FOR THE STATE OF ARKANSAS**

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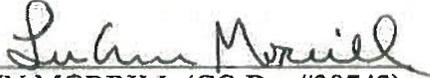
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of California*

Signed , 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

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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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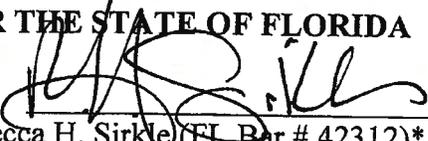
\*Application for *pro hac vice* pending

*Attorneys for Plaintiff State of Delaware*

Signed 5/8, 2015

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**FOR THE STATE OF FLORIDA**

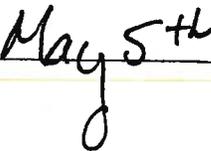
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\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Florida*

Signed , 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**

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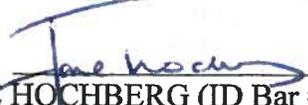
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Hawaii*

Signed April 28, 2015

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**FOR THE STATE OF IDAHO**

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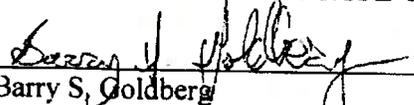
\*Application for *pro hac vice* pending

*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 6, 2015

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**FOR THE STATE OF IOWA**

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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**

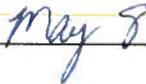
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\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Kentucky*

Signed , 2015

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**FOR THE STATE OF LOUISIANA**

By: Cathryn E. Gits  
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Assistant Attorney General

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\*Application for *pro hac vice* pending

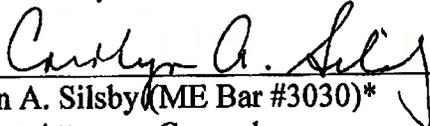
*Attorney for Plaintiff State of Louisiana*

Signed May 7, 2015

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**FOR THE STATE OF MAINE**

Janet T. Mills  
Maine Attorney General

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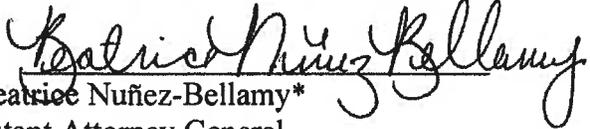
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Maine*

Signed April 22, 2015

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**FOR THE STATE OF MARYLAND**

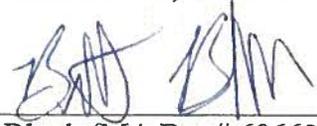
By: 

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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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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  
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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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Telephone: (651) 757-1423

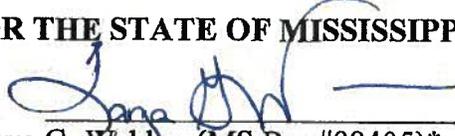
\*Application for *pro hac vice* pending

*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 29, 2015

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**FOR THE STATE OF MISSOURI**

**CHRIS KOSTER**

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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E. EDWIN ECK, MT Bar No. 414\*  
Deputy Attorney General  
KELLEY L. HUBBARD, MT Bar No. 9604\*  
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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:   
Daniel Russell (NE Bar # 25302)\*  
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Telephone: (402) 471-1279

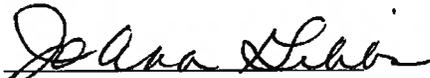
\*Application for *pro hac vice* pending

*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

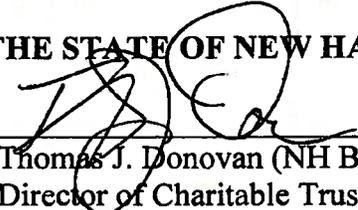
*Attorney for Plaintiff State of Nevada*

Signed 4/30, 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

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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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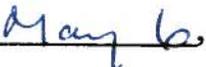
**FOR THE STATE OF NEW YORK**

**ERIC T. SCHNEIDERMAN**  
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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**

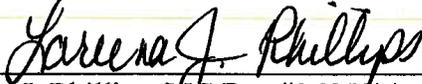
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\*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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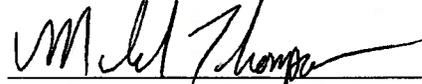
\*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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**FOR THE STATE OF NORTH DAKOTA**

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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

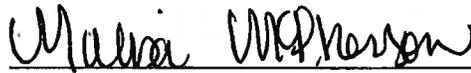
*Attorney for Plaintiff State of Ohio*

Signed May 6, 2015

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**FOR THE STATE OF OKLAHOMA**

E. SCOTT PRUITT  
OKLAHOMA ATTORNEY GENERAL



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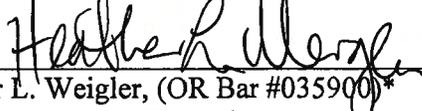
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Oklahoma*

Signed May 12, 2015

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**FOR THE STATE OF OREGON**

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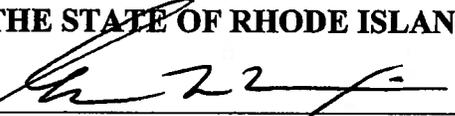
\*Application for *pro hac vice* pending

*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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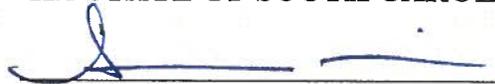
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Rhode Island*

Signed 5/1, 2015

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**FOR THE STATE OF SOUTH CAROLINA**

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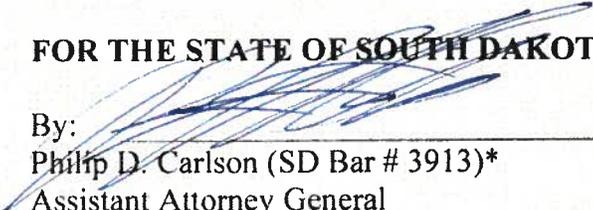
\*Application for *pro hac vice* pending

*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  
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**TOMMY PRUD'HOMME**  
Chief, Consumer Protection

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Signed May 14, 2015

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Application for *pro hac vice* pending

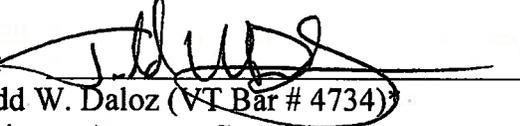
*Attorney for Plaintiff State of Utah*

Signed April 22, 2015

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**FOR THE STATE OF VERMONT**

WILLIAM H. SORRELL  
ATTORNEY GENERAL

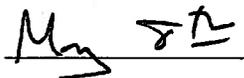
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\*Application for *pro hac vice* pending

*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

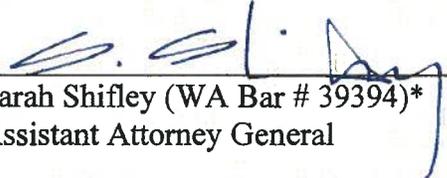
*Attorney for Plaintiff State of Virginia*

Signed May 5, 2015

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**FOR THE STATE OF WASHINGTON**

By:

  
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Signed April 27, 2015

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**FOR THE STATE OF WEST VIRGINIA**

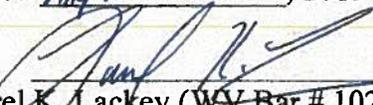
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Assistant Attorney General

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\*Application for pro hac vice pending

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

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Signed May 8, 2015

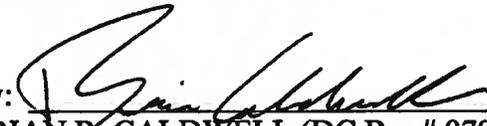
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**FOR THE DISTRICT OF COLUMBIA**

**KARL A. RACINE**  
Attorney General for the District of Columbia

**ELIZABETH SARAH GERE**  
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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><b>STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST JAMES REYNOLDS, II</b></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  
14 the Complaint, except as specifically stated in this Order. Only for purposes of this  
15 action, Defendant Reynolds, II admits the facts necessary to establish jurisdiction.

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

18 6. Defendant Reynolds, II waives any claim that he may have under the Equal  
19 Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action  
20 through the date of this Order, and agrees to bear his own costs and attorney fees.

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

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

## 24 DEFINITIONS

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

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

28 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  
28

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

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

### 13 IX. COMPLIANCE REPORTING

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

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

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

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

23 3. describe in detail his involvement in each such business, including  
24 title, role, responsibilities, participation, authority, control, and any ownership;

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

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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SO STIPULATED AND AGREED:

Apr 17, 2015

FOR DEFENDANT JAMES REYNOLDS, II:



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(202) 344-4000 (telephone)  
Attorneys for James Reynolds, II

FOR DEFENDANT JAMES REYNOLDS, II:

4-17-, 2015



James Reynolds, II  
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  
Krista K. Bush  
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Connor B. Shively  
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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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\*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**

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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 J. Anger  
Nancy V. Anger (AZ Bar # 6810)  
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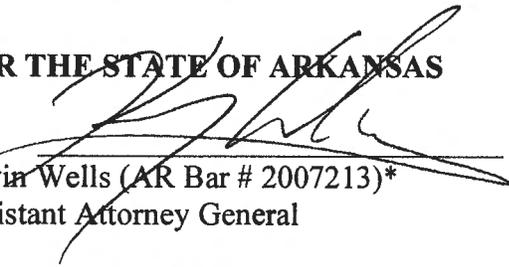
Telephone: (602) 542-7710

*Attorneys for Plaintiff State of Arizona*

Signed May 5, 2015

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**FOR THE STATE OF ARKANSAS**

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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:   
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Telephone: (213) 897-2179

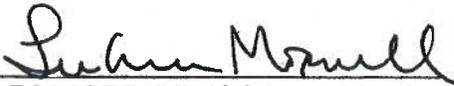
\*Application for *pro hac vice* pending

*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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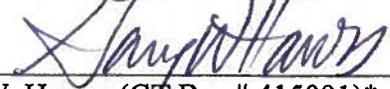
\*Application for *pro hac vice* pending

*Attorney for Plaintiff Colorado Attorney General*

Signed May 6, 2015

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**FOR THE STATE OF CONNECTICUT**

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**

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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**

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

*Attorney for Plaintiff State of Florida*

Signed May 5<sup>th</sup>, 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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*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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*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**

By: Richard M. Bramer  
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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**

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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**

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

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

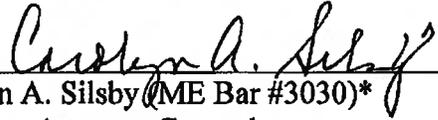
*Attorney for Plaintiff State of Louisiana*

Signed May 7, 2015

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**FOR THE STATE OF MAINE**

Janet T. Mills  
Maine Attorney General

By:   
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Telephone: (207) 626-8829

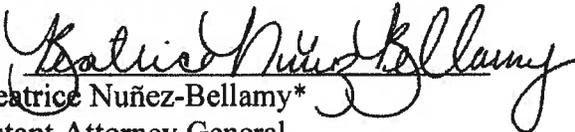
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Maine*

Signed April 22, 2015

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**FOR THE STATE OF MARYLAND**

By:   
C. Beatrice Nuñez-Bellamy\*

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Baltimore, MD 21202

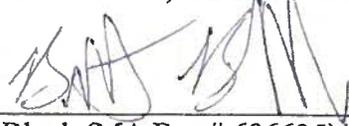
bnunezbellamy@oag.state.md.us  
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\*Application for *pro hac vice* pending  
Attorney for Plaintiff State of Maryland and  
Secretary of State John Wobensmith  
Signed May 14, 2015

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**FOR THE COMMONWEALTH OF  
MASSACHUSETTS**

**MAURA HEALEY, ATTORNEY GENERAL**

By: 

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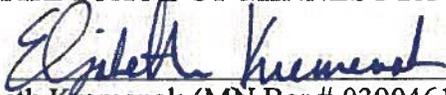
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Michigan*

Signed May 4, 2015

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**FOR THE STATE OF MINNESOTA**

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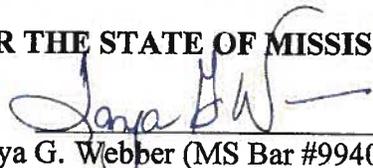
\*Application for *pro hac vice* pending

*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*

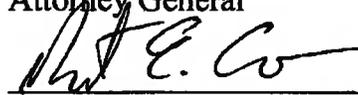
Signed April 28, 2015

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**FOR THE STATE OF MISSOURI**

**CHRIS KOSTER**

Attorney General



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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  
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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:   
Daniel Russell (NE Bar # 25302)\*  
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Telephone: (402) 471-1279

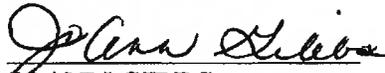
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Nebraska*

Signed May 6, 2015

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**FOR THE STATE OF NEVADA**

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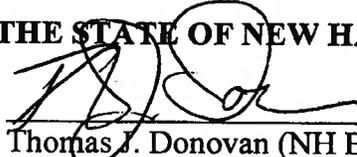
\*Application for *pro hac vice* pending

*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

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Signed May 8, 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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\*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**  
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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*  
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Signed *May 7*, 2015

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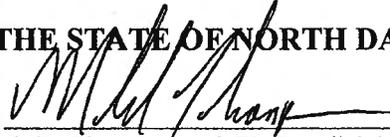
\*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed *May 7*, 2015

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**FOR THE STATE OF NORTH DAKOTA**

By:   
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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

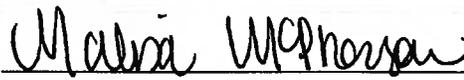
*Attorney for Plaintiff State of Ohio*

Signed May 6, 2015

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**FOR THE STATE OF OKLAHOMA**

E. SCOTT PRUITT  
OKLAHOMA ATTORNEY GENERAL



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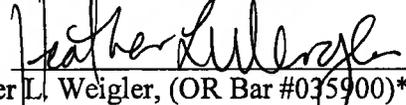
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Oklahoma*

Signed May 12, 2015

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**FOR THE STATE OF OREGON**

By:   
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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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Senior Deputy Attorney General

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mfoerster@attorneygeneral.gov

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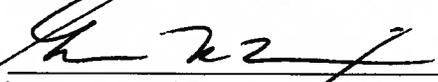
\*Application for *pro hac vice* pending

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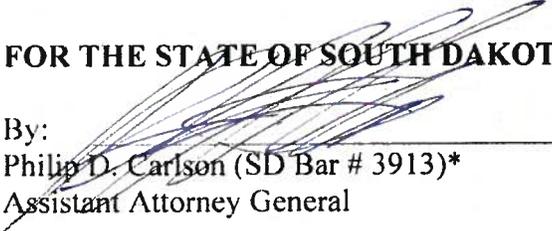
\*Application for *pro hac vice* pending

*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**

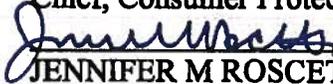
**KEN PAXTON**  
Attorney General of Texas

**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:



**JENNIFER M ROSCETTI** (TX Bar No. 24066685)\*  
Assistant Attorney General

**COREY D. KINTZER** (TX Bar No. 24046219)  
Assistant Attorney General

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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**

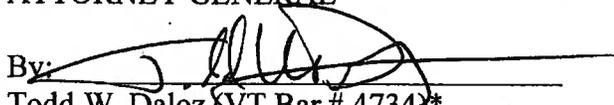
By: Jeffrey Buckner  
JEFFREY BUCKNER (UT Bar # 4546)  
UTAH ASSISTANT ATTORNEY GENERAL  
OFFICE OF ATTORNEY GENERAL SEAN REYES  
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Telephone: (123) 456-7890  
Application for *pro hac vice* pending  
*Attorney for Plaintiff State of Utah*

Signed April 22, 2015

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**FOR THE STATE OF VERMONT**

WILLIAM H. SORRELL  
ATTORNEY GENERAL

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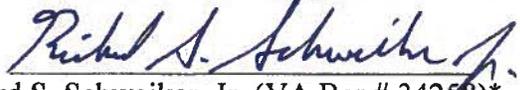
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Vermont*

Signed May 8<sup>th</sup>, 2015

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**FOR THE COMMONWEALTH OF VIRGINIA**

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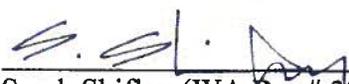
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Virginia*

Signed May 5, 2015

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**FOR THE STATE OF WASHINGTON**

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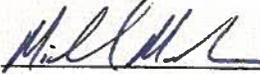
\*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Washington*

Signed April 27, 2015

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**FOR THE STATE OF WEST VIRGINIA**

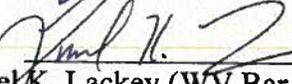
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Signed , 2015

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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 , 2015

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**FOR THE STATE OF WYOMING**

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

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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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**\*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.;  Defendants.</p>	<p>CASE NO.  <b>STIPULATED ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST JAMES REYNOLDS, II</b></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  
14 the Complaint, except as specifically stated in this Order. Only for purposes of this  
15 action, Defendant Reynolds, II admits the facts necessary to establish jurisdiction.

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

18 6. Defendant Reynolds, II waives any claim that he may have under the Equal  
19 Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action  
20 through the date of this Order, and agrees to bear his own costs and attorney fees.

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

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

## 24 DEFINITIONS

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

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

28 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  
28

**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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