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

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New York	N.Y. EXEC. LAW §§ 63 (12); §§ 171-a through 175 and N.Y. GEN. BUS. LAW § 349.
North Carolina	N.C. GEN. STAT. ANN. §§ 751.1; and § 131F.

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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.
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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.
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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
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Vermont:	VT. STAT. ANN. tit. 9 §§2453 through 2461 and §§ 2471 through 2479.
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Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
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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 VII. ADDITIONAL MONETARY PROVISIONS

5 IT IS FURTHER ORDERED that:

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

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

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

17 D. Payment to the Plaintiff States:

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

22 2. The STCO Fund shall be used to pay: (a) pursuant to cy pres,
23 qualifying charitable organizations with charitable purposes substantially similar to the
24 purposes for which BCS solicited funds, and (b) the Plaintiff States to reimburse costs of
25 the investigation and to pay attorneys' fees. When payment(s) from the STCO Fund are
26 appropriate, the Plaintiff States shall submit to this Court a Motion and Proposed Order
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1 recommending cy pres recipients and the amounts to be paid to such recipients and/or t
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 ha right to challenge any
5 recommendations regarding monetary distributions made by the Plaintiff States.

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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 agree 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 such court's jurisdiction
15 for purposes of enforcing the terms of Section II and IV of this Order.
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