



**SO
ORDERED**

The moving party is hereby **ORDERED** to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

M. Gwyneth Whalen

**M. Gwyneth Whalen
District Court Judge**

DATE OF ORDER INDICATED ON ATTACHMENT

**FILED Document
CO Boulder County District Court 20th JD
Filing Date: Aug 21 2007 3:29PM MDT
Filing ID: 16033257
Review Clerk: N/A**

DISTRICT COURT, BOULDER COUNTY,
COLORADO

1777 Sixth Street
Boulder, Colorado 80306

STATE OF COLORADO, ex rel. JOHN W. SUTHERS,
ATTORNEY GENERAL,

Plaintiff,

v.

COLORADO CHILDREN'S ASSISTANCE CENTER, a
Colorado non-profit corporation, DAVID MICHAEL
ST. JOHN, an individual, HERNANDO HENNINGS, an
individual, JOHN DOES 1-10, independent contractors
or employees of Colorado Children's Assistance Center,
and JANE DOES 1-10, independent contractors or
employees of Colorado Children's Assistance Center,

Defendants.

▲ **COURT USE ONLY** ▲

Attorneys for Plaintiff:
JOHN W. SUTHERS
Attorney General
ALISSA HECHT GARDENSWARTZ*
Assistant Attorney General
Registration Number: 36126
1525 Sherman Street, 5th Floor
Denver, CO 80203
(303) 866-5079
(303) 866-4916 Fax
*Counsel of Record

Case No.: 2006CV841
Courtroom: 3

STIPULATED FINAL JUDGMENT

(Defendants David Michael St. John and Colorado Children's Assistance Center)

Plaintiff, the State of Colorado, upon relation of John W. Suthers, Attorney General for the State of Colorado, by and through undersigned counsel, and Defendants David Michael St. John ("St. John") and Colorado Children's Assistance Center ("CCAC"), having each consented to the entry of this Stipulated Final Judgment without trial or other adjudication of fact or law herein, and the Court, having considered this matter and being fully advised in the premises, **FINDS, CONCLUDES AND ORDERS AS FOLLOWS:**

JURISDICTION

1. This Court has jurisdiction over the subject matter of this action and the parties hereto, and the Complaint states claims upon which relief can be granted under the Colorado Consumer Protection Act, Colo. Rev. Stat. § 6-1-101 through § 6-1-908 (2006) (“CCPA”) and the Colorado Charitable Solicitations Act, Colo. Rev. Stat. § 6-16-101 through § 6-16-113 (2006) (“CCSA”). Venue is proper in Boulder County, State of Colorado.

2. This Court is authorized to issue a permanent injunction and other relief pursuant to Colo. Rev. Stat. §§ 6-1-110(1), 6-1-112(1), and 6-1-113(4) (2006) of the CCPA and Colo. Rev. Stat. § 6-16-111(5) of the CCSA.

PERMANENT INJUNCTION

3. Defendant St. John is permanently enjoined from the following:

- a. Operating or conducting any activities on behalf of CCAC;
- b. Operating, forming, founding, or establishing any charitable organization, as defined in Colo. Rev. Stat. § 6-16-103(1);
- c. Acting as a director, officer, trustee, compensated employee, professional fundraising consultant, or paid solicitor of any charitable organization, as defined in Colo. Rev. Stat. § 6-16-103(1); and
- d. Making any charitable solicitations on behalf of any charity.

4. In order to comply with paragraph 3.a., Defendant St. John shall ensure that CCAC immediately ceases all operations, including all solicitations and all payment or disbursement of any funds remaining in any bank accounts of CCAC.

5. Defendant CCAC, its officers, agents, servants, and employees, and any persons in active concert or participation with Defendants with notice of this Permanent Injunction, is permanently enjoined from the following:

- a. Operating or conducting any activities as a charity, including making any solicitations;
- b. Operating or conducting any activities as a Colorado non-profit corporation;
- c. Using any trade names, including Santa’s Helpers; and

d. Disbursing any funds that remain in any accounts maintained by the charity other than to pay the penalties and restitution set forth in paragraph 8 below.

MONETARY RELIEF

6. Defendants St. John and CCAC, jointly and severally, shall pay four thousand dollars (\$4,000) as a civil penalty pursuant to Colo. Rev. Stat. § 6-1-112(1) (2006).

7. Defendants St. John and CCAC, jointly and severally, shall pay ten thousand dollars (\$10,000.00) to the Colorado Department of Law to establish a settlement fund for affected consumers.

8. Any funds that remain in any accounts maintained by CCAC shall be disbursed to pay the penalties and restitution described in paragraphs 6 and 7 within ten (10) days of entry of this Stipulated Final Judgment by the Court. The payment shall be made payable to the Colorado Department of Law with a reference to “St. John/CCAC” and shall be delivered to:

Andrew P. McCallin
First Assistant Attorney General
Consumer Protection Section
1525 Sherman Street – 7th Floor
Denver, Colorado 80203

9. After any funds remaining in any CCAC accounts are disbursed to the Colorado Department of Law pursuant to paragraph 8, payment of the remaining amount owed in civil penalties and restitution shall be suspended until such time that Defendants St. John or CCAC violate any provision of this Stipulated Final Judgment. If either Defendant violates any provision of this Stipulated Final Judgment, Defendant St. John will pay the remaining civil penalties and restitution in full within ten (10) days of receiving notification of the violation(s). Payment shall be made in accordance with the instructions set forth in paragraph 8.

CONSIDERATION

10. Defendants St. John and CCAC are entering into this Stipulated Final Judgment for the purpose of compromising and resolving disputed claims and to avoid the expense of litigation. Defendants’ execution of this Stipulated Final Judgment shall not be considered an admission by Defendants, and nothing herein shall be construed as an admission of liability by Defendants. Nothing herein constitutes approval by the State of Defendants’ past or future practices, and Defendants shall not make any representation to the contrary.

11. Defendants agree to cooperate fully with the Office of the Attorney General, including agreeing to accept service of process, in any proceedings related to the allegations described in the Complaint.

12. This Stipulated Final Judgment is intended to resolve finally and fully all of the civil disputes between the Attorney General and Defendants St. John and CCAC arising out of the conduct alleged in the Complaint. This Stipulated Final Judgment shall not be construed to affect any claims by the Attorney General against any other Defendants, named or unnamed, or against any other individuals or entities regarding the conduct alleged in the Complaint. This Stipulated Final Judgment shall not be construed to affect any criminal actions or charges against Defendants St. John and CCAC, or against any other Defendants, named or unnamed, or against any other individuals or entities regarding the conduct alleged in the Complaint.

RETENTION OF JURISDICTION

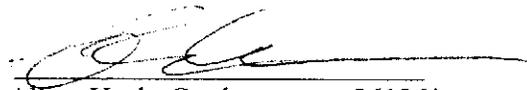
13. This Court shall retain jurisdiction of this matter for the purpose of enabling any party to this Stipulated Final Judgment to apply to the Court at any time for any further orders which may be necessary or appropriate for the construction, modification or execution of this Stipulated Final Judgment, and for the enforcement of compliance herewith and the punishment of violations hereof.

14. This Stipulated Final Judgment shall not be construed to affect the rights of any private party to pursue remedies pursuant to Colo. Rev. Stat. § 6-1-113 (2006) of the CCPA, Colo. Rev. Stat. § 6-16-111(5) (2006) of the CCSA, or under any other statutes through actions in common law.

15. The parties understand and agree that a violation of any provision of this Stipulated Final Judgment shall, in addition to resulting in the payment detailed in paragraph 9 above, give rise to the contempt remedies and penalties provided under Colo. Rev. Stat. § 6-1-112(2) (2006).

ACKNOWLEDGMENT

16. Defendants St. John and CCAC acknowledge that they have thoroughly reviewed this Stipulated Final Judgment, that they have had an opportunity to consult with an attorney, that they understand and agree to its terms, and that they agree that it shall be entered as the Order of this Court.



Alissa Hecht Gardenswartz, 36126*
Assistant Attorney General
Consumer Protection Section
Business Regulation Unit
1525 Sherman Street, 5th Floor
PHONE: (303) 866-5079
FAX: (303) 866-4916

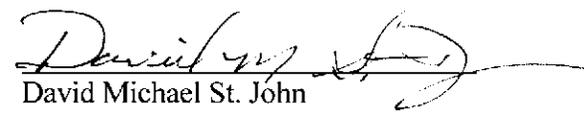
Attorneys for Plaintiffs
*Counsel of Record

Date: 8/14/07



Jeanette S. Snodgrass
Law Office of Jeanette Snodgrass
3801 East Florida Avenue, Suite 400
Denver, CO 80210

Attorneys for Defendants CCAC and
St. John



David Michael St. John
Individually and on behalf of Colorado
Children's Assistance Center

Date: 8-10-07

SO ORDERED THIS _____ DAY OF _____, 2006.

District Court Judge

This document constitutes a ruling of the court and should be treated as such.

Court: CO Boulder County District Court 20th JD

Judge: M Gwyneth Whalen

Alternate Judge: Lisa D Hamilton-Fieldman

File & Serve

Transaction ID: 15952113

Current Date: Aug 21, 2007

Case Number: 2006CV841

Case Name: STATE OF COLORADO EX REL JOHN W SUTHERS vs. COLORADO CHILDRENS ASSISTANCE CENTER et al

Court Authorizer: M Gwyneth Whalen

/s/ Judge M Gwyneth Whalen