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DISTRICT COURT, ADAMS COUNTY, COLORADO 1100 Judicial Center Drive Brighton, Colorado 80601	
STATE OF COLORADO, ex rel. JOHN W. SUTHERS, ATTORNEY GENERAL, Plaintiff, v. SARA PAIGE WIDENER, individually, and FIGHT 2 LIVE FOUNDATION, a Colorado Non-Profit Corporation, Defendants.	▲ **COURT USE ONLY** ▲
Attorneys for Plaintiff: JOHN W. SUTHERS Attorney General ALISSA HECHT GARDENSWARTZ, 36126* Assistant Attorney General alissa.gardenswartz@state.co.us JAY B. SIMONSON, 24077* First Assistant Attorney General jay.simonson@state.co.us 1525 Sherman Street, 4th Floor Denver, CO 80203 (303) 866-5079 (303) 866-4916 Fax *Counsel of Record	Case No.:
PLAINTIFF'S VERIFIED COMPLAINT	

Plaintiff, the State of Colorado, upon relation of John W. Suthers, Attorney General for the State of Colorado, by and through undersigned counsel, states and alleges as follows:

INTRODUCTION

1. This is an action brought by the State of Colorado pursuant to the Colorado Charitable Solicitations Act, Colo. Rev. Stat. §§ 6-16-101 through -114 (2008) ("CCSA") and the Colorado Consumer Protection Act, Colo. Rev. Stat. §§ 6-1-101 through -115 (2008) ("CCPA"), to enjoin and restrain Defendants from engaging in unlawful deceptive trade

practices, for statutorily mandated civil penalties, for disgorgement, restitution, and for other relief as provided in the CCPA.

PARTIES

2. John W. Suthers is the duly elected Attorney General of the State of Colorado and is authorized under Colo. Rev. Stat. § 6-1-103 (2008) to enforce the provisions of the CCPA.

3. Defendant Sara Paige Widener lives at 12234 Adams Street, Thornton, Colorado 80241. Defendant Widener has solicited charitable donations and services for herself and others while misrepresenting that she is a cancer victim.

4. Defendant Fight 2 Live Foundation is a Colorado non-profit corporation, with its principal place of business listed with the Colorado Secretary of State at relevant times at 12234 Adams Street, Thornton, Colorado 80241. Defendant Widener is the registered agent of Fight 2 Live Foundation. Defendant Widener registered Fight 2 Live Foundation as a non-profit corporation with the Colorado Secretary of State on June 14, 2007. Fight 2 Live Foundation purports to solicit charitable funds for childhood cancer research. Defendant Widener conceived of, directed, and engaged in the practices and policies of Defendant Fight 2 Live Foundation to such a degree as to make her personally liable for the deceptive trade practices alleged herein.

JURISDICTION AND VENUE

5. Pursuant to Colo. Rev. Stat. §§ 6-1-103 and 6-1-110(1) (2008), this Court has jurisdiction to enter appropriate orders prior to and following an ultimate determination of liability.

6. At all relevant times during this action, Defendants maintained a principal place of business and a residence in Adams County, Colorado. Therefore, venue is proper in Adams County, Colorado, pursuant to Colo. Rev. Stat. § 6-1-103 (2008) and Colo. R. Civ. P. 98.

RELEVANT TIMES

7. The conduct that gives rise to the claims for relief contained in this Complaint began in 2005 and continues through the present.

8. This action is timely brought pursuant to Colo. Rev. Stat. § 6-1-115 (2008) in that it is brought within three years of the date on which false, misleading, and deceptive acts or practices occurred and/or were discovered, and the series of false, misleading, and deceptive acts is continuing.

PUBLIC INTEREST

9. Through the unlawful practices of their business, vocation, or occupation, Defendants have deceived, misled, and financially injured charitable organizations and consumers both within and outside Colorado. Defendants have used the fabricated story of Defendant Widener's cancer diagnosis to obtain personal benefits for Defendant Widener and to fraudulently induce the public to contribute services and charitable funds to the Fight 2 Live Foundation as well as other charities. Therefore, the Colorado Attorney General believes these legal proceedings are in the public interest and are necessary to safeguard citizens from Defendants' unlawful conduct.

STATUTORY BACKGROUND

A. The Colorado Charitable Solicitations Act

10. The Colorado Charitable Solicitations Act was passed by the legislature to "protect the public's interest in making informed choices as to which charitable causes should be supported." Colo. Rev. Stat. §6-16-102.

11. The Charitable Solicitations Act prohibits "charitable fraud," which is committed when a person:

> (d) With the intent to defraud, knowingly solicits contributions and, in aid of such solicitation, assumes, or allows to be assumed, a false or fictitious identity or capacity;
>
> . . .
>
> (g) With intent to defraud, devises or executes a scheme or artifice to defraud by means of a solicitation or obtains money, property, or services by means of a false or fraudulent pretense, representation, or promise in the course of a solicitation. A representation may be any manifestation of any assertion by words or conduct, including, but not limited to, a failure to disclose a material fact;
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> . . .
>
> (i) Represents or causes another to represent that a contribution to a charitable organization will be used for a purpose other than the purpose for which the charitable organization actually intends to use such contribution;
>
> . . .

Id. § 6-16-111(1)(d),(g) and (i).

B. The Consumer Protection Act

12. The Colorado Consumer Protection Act prohibits deceptive trade practices as set forth in the statute. Colo. Rev. Stat. § 6-1-105 (2008).

13. Any violations of the CCSA are deceptive trade practices under the CCPA and subject the violator to the CCPA's penalties. *Id.* §§ 6-1-105(1)(hh), 6-16-111(5).

GENERAL ALLEGATIONS

14. In April of 2005, Widener began telling the public that she had been diagnosed with anaplastic ependyoma, a rare and typically fatal form of brain and spinal cancer. In reality, Defendant Widener had never been diagnosed with cancer nor has she ever suffered from the debilitating effects of the disease.

15. Defendant Widener has since feigned multiple courses of chemotherapy and radiation treatment and has reported to others that she has received multiple surgeries. Despite these alleged treatments Defendant Widener has claimed that her "cancer" has continued to spread and she anticipates that she will succumb to the disease.

16. Defendant Widener has perpetrated a fraud upon the cancer community by posing as a cancer victim to obtain valuable services and benefits reserved for young people truly suffering from cancer. Widener also used her deceptive persona to fraudulently raise money for cancer-related charities, and to obtain both monetary and in-kind donations for herself. Widener operated and promoted Defendant Fight 2 Live Foundation based upon her fraudulent representation of being a cancer victim.

Personal Benefits Received By Defendant Widener

17. Defendant Widener used her deceptive story of being a cancer victim to obtain gifts of significant value intended by good-willed donors to help alleviate Widener's suffering and improve the quality of her "final days."

18. For example, in March 2006, based on Widener's allegedly mounting financial obligations incurred in combating her feigned medical condition, the Kappa Alpha Theta Foundation gave Defendant Widener a gift of $1500. Defendant Widener used this gift for travel expenses to Key West, Florida for herself and a guest.

19. Similarly, during the summer of 2007, Defendant Widener received a free trip to Hawaii as a result of her misrepresented medical condition. During the trip Defendant Widener stayed at a Maui condominium free of charge. Defendant Widener also received donated services from a helicopter service, two donated dinners, a luau donated by the Wailea Four Seasons Hotel, and a snorkeling trip donated by a scuba company.

20. In June of 2008, Defendant Widener received a trip to Camp Mak-A-Dream in Montana, a camp dedicated to offering a cost-free camp experience to cancer victims and their families. During her stay at the camp, Defendant Widener allegedly became ill, requiring her to receive medical attention. While attempting to obtain Defendant Widener's official medical records, the camp was unable to locate any oncologist that had ever treated Defendant Widener. Defendant Widener's stay at the camp was cut short due to the camp's inability to confirm Defendant Widener's diagnosis. The camp paid the costs incurred by her stay at the camp, the travel expenses resulting from the hospital visit, as well as her flight to and from the camp. These costs totaled approximately $1054.

21. Despite her diagnosis being questioned at Camp Mak-A-Dream, Defendant Widener returned from the camp and continued to represent that she suffered from cancer.

22. In March of 2009, Defendant Widener attended the Shining Stars Ski Camp in Aspen, Colorado. Defendant Widener received seven days and six nights of skiing, meals, and lodging free of charge. These services were donated based on Defendant Widener's representations she had lost her will to live due to her feigned medical condition.

23. In May of 2009, Defendant Widener stayed free of charge at Brent's Place in Aurora based on her claims she was receiving radiation therapy at the time. Brent's Place is a Colorado charity that operates facilities where cancer patients and their families may stay while receiving treatments at local hospitals. Defendant Widener began her relationship with Brent's Place in 2006 as a volunteer, ingratiating herself to Brent's Place staff and residents. Defendant Widener used her deceptive persona to prey on the sympathies of this cancer community, even convincing a family dealing with the deteriorating health of their 4-year-old boy suffering from cancer to allow Widener to stay with them.

24. While staying at Brent's Place, and for a short time period thereafter, Defendant Widener received twelve pre-cooked meals, four of which she used, from There With Care. These meals are intended to assist families who are going through cancer treatments to alleviate the burden of cooking. In reality, Defendant Widener did not receive radiation therapy and was completely capable of cooking her own meals.

25. In addition to these quantifiable benefits that Defendant Widener received as a result of her deception, she received countless other benefits from individuals who believed that Widener was suffering from cancer. She often convinced individuals to give her rides to

the hospital for "treatments," and to take her out to dinner or go on trips with her because she wanted to enjoy her final days of life.

26. Defendant Widener also participated in a support group for cancer patients at Children's Hospital. This is a benefit provided free of charge to young cancer patients. Because Widener took up a slot in this group, a legitimate cancer patient was unable to participate.

Fraudulent Solicitations for Charitable Contributions

27. Defendant Widener also used her deception to raise money for charities, including her own Fight 2 Live Foundation, as well as to fraudulently solicit contributions for travel related to her alleged treatments.

28. In October of 2006, Defendant Widener organized a fundraiser for Make a Difference Day, an event sponsored by USA Today. Defendant Widener used her alleged medical condition to aid her solicitation of funds for cancer treatments for the poor and for the Pediatric Brain Tumor Consortium. Through her efforts Defendant Widener raised $5,000. Additionally, twenty-seven individuals donated their hair in support of Defendant Widener to go to Locks of Love.

29. Defendant Widener's story about her alleged cancer diagnosis and her actions for Make a Difference Day received extensive media coverage, including television news coverage by Channel 4 News and a front-page article in the Denver Post.

30. In recognition of her alleged battle with cancer and her efforts on Make a Difference Day, Defendant Widener was selected as one of ten recipients to receive the National Make A Difference Day Award from USA Today. Defendant Widener was pictured on the cover of USA Weekend and the story of her alleged battle with cancer was further disseminated. Defendant Widener also received a $10,000 grant from the Paul Newman Foundation, which she provided to the Brent Ely Foundation and the Fred Hutchinson Cancer Research Center.

31. In June of 2007, Defendant Widener started her Fight 2 Live Foundation that purports to solicit charitable funds to help assist families of children with cancer and cancer research. The Fight 2 Live website included a button to allow for online donations, although the button was never activated. However, the site encouraged visitors to mail in donations by sending those donations in cash, check, or money order to 12234 Adams Street, Thornton, Colorado 80241.

32. The residential address of Defendant Widener and the business address of Defendant Fight 2 live Foundation are identical. It is also widely known that Defendant Widener is the director and registered agent of the Fight 2 Live Foundation.

33. In April of 2009, Defendant Widener began soliciting charitable funds, through her periodic email updates on her mailing list, for travel expenses, accommodations, and hospital stays related to receiving medical treatment at Memorial Sloan Kettering Cancer Center in New York. Defendant Widener received donations totaling approximately $655 to her PayPal account as a result of this appeal.

34. Defendant Widener never received medical treatment from Memorial Sloan Kettering Cancer Center, nor has she received any treatment directly from any oncologist.

35. Defendant Widener has portrayed herself falsely as a cancer victim in order to receive countless hours of counseling treatment that could have otherwise been provided to legitimate cancer patients, and to receive thousands of dollars in gifts and services allegedly to alleviate the grief and depression associated with a terminal cancer diagnosis.

36. Defendant Widener's fabricated cancer diagnosis and her feigned struggles to combat the disease provided an unfair advantage in the competition for charitable donations. By misleading the public, Defendants have undermined the goodwill and confidence of contributors to charitable causes.

FIRST CLAIM FOR RELIEF
(False or Fictitious Identity or Capacity)

37. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 36 of this Complaint.

38. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCSA, Colo. Rev. Stat. § 6-16-111(1)(d) (2008), by knowingly soliciting contributions, with the intent to defraud, and, in the aid of such solicitation, assuming, or allowing to be assumed, a false or fictitious identity or capacity.

39. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

SECOND CLAIM FOR RELIEF
(False Pretenses)

40. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 39 of this Complaint.

41. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCSA, Colo. Rev. Stat. § 6-16-111(1)(g) (2008), by obtaining money or services by means of a false or fraudulent pretense, representation, or promise in the course of a solicitation with the intent to defraud.

42. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

THIRD CLAIM FOR RELIEF
(Making False Representations as to the Use of Charitable Contributions)

43. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 42 of this Complaint.

44. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCSA, Colo. Rev. Stat. § 6-16-111(1)(i) (2008), by representing , or causing another to represent, that charitable contributions would be used for purposes other than the purpose for which Defendants actually intended to use the contributions.

45. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

FOURTH CLAIM FOR RELIEF
(Violations of the CCPA)

46. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 45 of this Complaint.

47. The conduct describe in counts One through Three constitute deceptive trade practices pursuant to Colo. Rev. Stat. § 6-1-105(1)(hh) (2008).

48. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays for judgment against the Defendants and the following relief:

A. An order declaring Defendants' above-described conduct to be in violation of the Colorado Charitable Solicitations Act, Colo. Rev. Stat. § 6-16-111(1)(d), (g) and (i) (2008) and the Colorado Consumer Protection Act, Colo. Rev. Stat. § 6-1-105(1)(hh) (2008).

B. An order permanently enjoining Defendants, their officers, directors, successors, assigns, agents, employees, and anyone in active concert or participation with any Defendant with notice of such injunctive orders, from engaging in any deceptive trade practices as defined in and proscribed by the CCPA and as set forth in this Complaint.

C. Appropriate orders necessary to prevent Defendants' continued or future deceptive trade practices.

D. For a judgment in an amount to be determined at trial for restitution, disgorgement, or other equitable relief pursuant to Colo. Rev. Stat. § 6-1-110(1) (2008).

E. An order requiring Defendants to forfeit and pay to the General Fund of the State of Colorado, civil penalties in an amount not to exceed $2,000 per violation pursuant to Colo. Rev. Stat. § 6-1-112(1) (2008), or $10,000 per violation pursuant to Colo. Rev. Stat. § 6-1-112(3) (2008).

F. An order requiring Defendants to pay the costs and expenses of this action incurred by the Attorney General, including, but not limited to, Plaintiff's attorney fees, pursuant to Colo. Rev. Stat. § 6-1-113(4) (2008).

G. Any such further orders as the Court may deem just and proper to effectuate the purposes of the CCPA and the CCSA.

Dated this 17th day of September, 2009.

JOHN W. SUTHERS
Attorney General

/s

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