

FILED
Common Pleas Court
Tuscarawas Co., Ohio
5-20-2011
ROCKNE W. CLARKE
Clerk of Courts

IN THE COURT OF COMMON PLEAS

TUSCARAWAS COUNTY, OHIO

GENERAL TRIAL DIVISION

STATE OF OHIO, <i>ex rel.</i> MICHAEL DEWINE, OHIO ATTORNEY GENERAL,	:	CASE NO. 2009 CV 07 0715
	:	JUDGE
	:	EDWARD EMMETT O'FARRELL
PLAINTIFF	:	
	:	<u>JUDGMENT ENTRY-FURTHER</u>
	:	<u>NON-ORAL CONSIDERATION</u>
	:	<u>CONDUCTED ON 5/18/2011 CONSISTENT</u>
	:	<u>WITH ORDERS CONTAINED IN</u>
vs.	:	<u>JUDGMENT ENTRY FILED 1/28/2011-</u>
	:	<u>FINAL FINDINGS OF FACT AND</u>
	:	<u>CONCLUSIONS OF LAW ISSUED-</u>
	:	<u>FINAL JUDGMENT RENDERED IN</u>
	:	<u>FAVOR OF PLAINTIFF AND AGAINST</u>
	:	<u>DEFENDANT'S FOR INJUNCTIVE</u>
	:	<u>RELIEF AND MONEY DAMAGES</u>
	:	<u>(CIVIL PENALTIES)-ORDER TO CLERK</u>
U.S. TECHNOLOGY CORP., et al.,	:	<u>TO CLOSE CASE FILE AND REMOVE</u>
	:	<u>FROM PENDING CASE DOCKET-</u>
DEFENDANTS	:	<u>ORDERS ENTERED</u>

This matter was further considered by Edward Emmett O'Farrell, Judge, Court of Common Pleas, Tuscarawas County, Ohio, General Trial Division, on 5/18/2011 on a **Non-Oral** basis relative to the following:

- ◆ 7/30/2009 **Complaint for Injunctive Relief and Civil Penalties** filed by Plaintiff.
- ◆ 8/21/2009 **Answer of Defendants.**

- ◆ 6/1/2010 Judgment Entry **Granting Summary Judgment (Partial)** to Plaintiff and against Defendants on Counts 1, 2 and 5 of the **Complaint**.
- ◆ **Bench Trial** conducted on 1/27/2011.
- ◆ 1/28/2011 Judgment Entry establishing **Post-Trial Briefing Schedule** for submittal of **Proposed Findings of Fact and Conclusions of Law**.
- ◆ **Non-Oral** Consideration of **Proposed Findings of Fact and Conclusions of Law** submitted by parties.

After thorough and studied consideration of the **Proposed Findings of Fact and Conclusions of Law** submitted by both Plaintiff and Defendants consistent with the Orders contained in the 1/28/2011 Judgment Entry, the undersigned concludes that the **Proposed Findings of Fact and Proposed Conclusions of Law** of Plaintiff are appropriate, accurately reflect the Findings and Conclusions of the undersigned after thoroughly considering and analyzing the evidence presented at the **Bench Trial** in this case and should be **adopted** as the **Final Findings of Fact and Final Conclusions of Law** of the Court.

The Court

FINDS that the **Findings of Fact** pertaining to **Liability** contained in the Plaintiff's 3/14/2011 **Proposed Findings of Fact and Conclusions of Law** and numbered 14 through 37 should be **adopted** as the **Final Findings of Fact** of the Court pertaining to **Liability**.

FINDS that the **Findings of Fact** pertaining to **Civil Penalty** contained in the Plaintiff's 3/14/2011 **Proposed Findings of Fact and Conclusions of Law** and numbered 38 through 49 should be **adopted** as the **Final Findings of Fact** of the Court pertaining to **Civil Penalty**.

FINDS that the **Conclusions of Law** contained in the Plaintiff's 3/14/2011 **Proposed Findings of Fact and Conclusions of Law** and pertaining to **Liability** of Defendants US Technology Corporation and Vanguard and numbered 1 through 9 should be **adopted** by the Court as the **Final Conclusions of Law** pertaining to the **Liability** of Defendants US Technology and Vanguard.

FINDS that the **Conclusions of Law** contained in the Plaintiff's 3/14/2011 **Proposed Findings of Fact and Conclusions of Law** and pertaining to the individual **Liability** of Defendant Raymond Williams and numbered 10 through 20 should be **adopted** by the Court as the **Final Conclusions of Law** pertaining to the individual **Liability** of Defendant Raymond Williams.

FINDS that the **Conclusions of Law** contained in Plaintiff's 3/14/2011 **Proposed Findings of Fact and Conclusions of Law** pertaining to the **Civil Penalties** to be awarded in this case upon a determination of **Liability** and numbered 21 through 43 should be **adopted** by the Court as the **Final Conclusions of Law** pertaining to the issue of **Civil Penalties**.

It is therefore

ORDERED that the **Findings of Fact** pertaining to **Liability** contained in the Plaintiff's 3/14/2011 **Proposed Findings of Fact and Conclusions of Law** and numbered 14 through 37 shall be **adopted** as the **Final Findings of Fact** of the Court pertaining to **Liability**.

ORDERED that the **Findings of Fact** pertaining to **Civil Penalty** contained in the Plaintiff's 3/14/2011 **Proposed Findings of Fact and Conclusions of Law** and numbered 38 through 49 shall be **adopted** as the **Final Findings of Fact** of the Court pertaining to **Civil Penalty**.

ORDERED that the **Conclusions of Law** contained in the Plaintiff's 3/14/2011 **Proposed Findings of Fact and Conclusions of Law** and pertaining to **Liability** of Defendants US Technology Corporation and Vanguard and numbered 1 through 9 shall be **adopted** by the Court as the **Final Conclusions of Law** pertaining to the **Liability** of Defendants US Technology and Vanguard.

ORDERED that the **Conclusions of Law** contained in the Plaintiff's 3/14/2011 **Proposed Findings of Fact and Conclusions of Law** and pertaining to the individual **Liability** of Defendant Raymond Williams and numbered 10 through 20 shall be **adopted** by the Court as the **Final Conclusions of Law** pertaining to the individual **Liability** of Defendant Raymond Williams.

ORDERED that the **Conclusions of Law** contained in Plaintiff's 3/14/2011 **Proposed Findings of Fact and Conclusions of Law** pertaining to the **Civil Penalties** to be awarded in this case upon a determination of **Liability** and numbered 21 through 43 shall be **adopted** by the Court as the **Final Conclusions of Law** pertaining to the issue of **Civil Penalties**.

ORDERED that judgment is awarded to Plaintiff, State of Ohio, *ex rel.* Michael DeWine, Ohio Attorney General and against Defendants US Technology Corporation, Vanguard Investments, Inc., and Raymond Williams (individually) on Counts 1, 2, 3, 4 and 5 of Plaintiff's **Complaint** as follows:

- ◆ Defendants jointly and severally are permanently enjoined from violating **R.C. Chapter 3704** and the rules **adopted** thereunder as provided in **R.C. 3704.06**.

ORDERED that judgment is awarded to Plaintiff and against Defendants, jointly and severally, in the amount of Seventy Thousand Dollars (\$70,000.00). The judgment shall bear interest at the legal rate from the journalization of this Judgment Entry.

ORDERED that all Court costs in this case are assessed against Defendants for payment.

ORDERED that the Court shall retain jurisdiction in this case for the purpose of enforcing the Orders of the Court.

ORDERED that the Clerk of Courts shall close this case file and remove it from the pending case docket.


Edward Emmett O'Farrell, Judge

5/20/2011
Date

Copies to: Court Administrator's Office
Court Mediator, Andrea L. Fischer-Immke
Asst. Attys. General Thaddeus H. Driscoll and Sarah T. Bloom
Attys. Laura A. Mills and Paul Vincent
Court

EEO'F/lrb

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ENFORCEMENT DIVISION