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~~DISPLEADING CLOSSES THE CASE~~

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FILED

JUL 30 2011

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RECEIVED & FILED
JUL 30 2011
SUPERIOR COURT OF NJ
GLO. COUNTY CIVIL PART

SUPERIOR COURT OF NEW
JERSEY
LAW DIVISION
GLOUCESTER COUNTY
DOCKET NO. L-485-08

PAULA T. DOW, Attorney General of the
State of New Jersey, and THOMAS R.
CALCAGNI, Acting Director of the New
Jersey Division of Consumer Affairs,

Plaintiffs,

v.

SAMUEL E. GOODWIN, III, JANE and JOHN
DOES 1-10, individually and as owners,
officers, directors, shareholders, founders,
managers, agents, servants, employees,
representatives and/or independent
contractors of SAMUEL E. GOODWIN, III,
and XYZ CORPORATIONS 1-10,

Defendants.

Docket No.: L-485-08

Civil Action



223395-11

FINAL JUDGMENT AND ORDER

WHEREAS the Attorney General of the State of New Jersey ("Attorney General") is
charged with the responsibility of enforcing the New Jersey Consumer Fraud Act, N.J.S.A.

~~56:8-1 et seq. ("CFA"), and all the regulations promulgated thereunder, N.J.A.C. 13:45A-1.1 et seq. ("CFA Regulations");~~

WHEREAS the Director of the New Jersey Division of Consumer Affairs ("Director") is charged with the responsibility of administering the CFA and the CFA Regulations on behalf of the Attorney General;

WHEREAS this matter was opened to the Court on August 14, 2007, by the filing of a Complaint on behalf of the Attorney General and Director (collectively, "Plaintiffs")¹ pursuant to the provisions of the CFA, N.J.S.A. 56:8-2, 56:8-8, 56:8-11, 56:8-13 and 56:8-19, against defendant Samuel E. Goodwin, III ("Defendant"), alleging that Defendant engaged in conduct in violation of the CFA in connection with his solicitation of consumers in the State of New Jersey ("State" or "New Jersey") to retain him for purposes of filing applications for release of surplus moneys arising from the sale of the consumer's property ("Surplus Funds");

WHEREAS on June 25, 2010, Plaintiffs filed a Motion for Summary Judgment against Defendant which resulted in a Final Judgment and Order, filed September 27, 2010, whereby the Honorable Anne McDonnell, J.S.C. granted the motion in part and denied the motion in part;

WHEREAS Plaintiffs, pursuant to R. 4:46-2, have renewed their Motion for Summary Judgment against Defendant that includes a finding that Defendant's acts and omissions constitute multiple violations of the CFA, the issuance of permanent Injunctive

¹ This action was commenced on behalf of former Attorney General Anne Milgram and former Acting Director Stephen B. Nolan. Pursuant to R. 4:34-4, the caption has been revised to reflect the current Attorney General and Acting Director.

~~relief against future violations of the CFA, an award of consumer restitution, an award of~~
maximum civil penalties and reimbursement of attorneys' fees and investigative costs;

WHEREAS the Court having considered the pleadings filed in this action as well as the papers submitted in support of this renewed Motion for Summary Judgment, specifically the Statement of Material Facts Pursuant to R. 4:46-2(a), Brief, Certification of Lorraine K. Rak, with accompanying exhibits, and Certification of Jane C. Rickenbach, with accompanying exhibits; and

WHEREAS the Court being of the opinion that there exists no genuine issue of material fact and that Plaintiffs are entitled to summary judgment as a matter of law;

THEREFORE IT IS on this 30th day of June, 2011 **ORDERED AND ADJUDGED** as follows:

1. Plaintiffs' renewed Motion for Summary Judgment is granted;
2. The acts and omissions of Defendant constitute multiple violations of the CFA;
3. Defendant's recovery of amounts ranging from approximately \$5,300.00 to \$56,540.00 as a result of making an application for release of Surplus Funds on behalf of consumers comprises an unconscionable commercial practice under the CFA, N.J.S.A. 56:8-2;
4. Defendant is permanently enjoined from engaging in, continuing to engage in, or doing any acts or practices in violation of the CFA, N.J.S.A. 56:8-1 et seq., including, but not limited to, the acts and practices alleged in the Complaint;

5. Defendant is permanently enjoined from the following: (a) advertising and otherwise soliciting consumers to submit applications for the release of Surplus Funds on their behalf; (b) entering into any agreements with consumers, whether written or oral, whereby consumers retain Defendant to arrange for the preparation of an application for the release of Surplus Funds; (c) retaining any attorney to file any application for the release of Surplus Funds on behalf of consumers; (d) recovering any portion of Surplus Funds resulting from an application for release of Surplus Funds made on behalf of any consumer; (e) assisting, directing and/or facilitating any person in the advertisement, solicitation and/or sale to consumers of any services concerning an application for release of Surplus Funds; and (f) receiving any monetary payment which is derived from any application for release of Surplus Funds made on behalf of any consumer, whether or not made at Defendant's direction.

6. Defendant shall pay to the New Jersey Division of Consumer Affairs ("Division") consumer restitution in the total amount of \$329,198.08, as authorized by the CFA, N.J.S.A. 56:8-8. The funds paid by Defendant pursuant to this section of the Final Judgment and Order shall be used for equitable relief including, but not limited to, consumer redress and any attendant expenses for the administration of any redress fund. If Plaintiffs determine, in their sole discretion, that redress to consumers is wholly or partially impracticable, any funds not so used shall be retained by the Division in lieu of redress. Defendant shall have no right to contest the manner of distribution chosen by Plaintiffs. Plaintiffs in their sole discretion may use a designated agent to administer consumer redress.

7. Defendant shall pay to the Division civil penalties, in the amount of \$225,000, in accordance with the CFA, N.J.S.A. 56:8-13.
8. Defendant shall reimburse Plaintiffs for all attorneys' fees incurred in the prosecution of this action, in the amount of \$112,320, for the use of the State of New Jersey, as authorized by the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19.
9. Defendant shall reimburse Plaintiffs for their investigative costs and fees incurred in the investigation and prosecution of this action, in the amount of \$10,678.93, for the use of the State of New Jersey, as authorized by the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19.
10. Defendant shall pay the aggregate amount of \$677,197.01 within thirty (30) days of the date of this Final Judgment and Order.
11. Nothing contained in this Final Judgment and Order, including the Court's determinations herein, shall bind or affect the rights of any persons not a party hereto, or preclude actions against any unnamed parties.
12. Nothing contained in this Final Judgment and Order shall bind or affect any position which any party may take in future or unrelated actions.
13. This Final Judgment and Order may be enforced only by Plaintiffs and Defendant or their successors hereto.
14. The Court retains jurisdiction for the purpose of enabling Plaintiffs or Defendant to apply to this Court for any such further orders and directions as may be necessary and appropriate for the enforcement of, or compliance with, this Final Judgment and Order.

..... 15. ~~A copy of this Final Judgment and Order shall be served upon all counsel of~~
record within seven (7) days of the date of this Order.



RICHARD S. HOFFMAN, J.S.C.