

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-01-03

Defendants

**MOTION TO ENFORCE UNFAIR
TRADE PRACTICE ACT ORDER
(5 M.R.S.A. § 209)**

1. Defendant Gaddy is subject to an Unfair Trade Practices Act (UTPA) Order by this Court, dated February 4, 2003.
2. This UTPA Order finds that the Changing Lives pyramid scheme is a four-level, three-step pyramid which is "inherently unfair and deceptive" in violation of both the Maine Unfair Trade Practices Act, 5 M.R.S.A. § 207 and the civil portion of the State's Anti-Pyramid Statute, 17 M.R.S.A. § 2305.
3. At the January 16, 2003 trial in this matter, Defendant Ralph Gaddy, appearing with counsel, agreed to pay \$2,000 in restitution to each of the following six persons:
 - A. James Gregoire,
 - B. Sandra Pelletier,
 - C. Alden Ramsdell,
 - D. Dwight Sanborn,
 - E. Bill Thompson,
 - F. Lance Thompson.

In addition, once these persons have been paid back in full, Mr. Gaddy must continue making payments of \$400 per month until a \$3,000 civil penalty has been satisfied.

4. Mr. Gaddy failed to make the first \$400 payment due March 1, 2003. His lawyer stated that Mr. Gaddy was unsure on how to respond to the Court's Order and the State agreed to allow him to begin his monthly \$400 payments no later than May 1, 2003. Since that time, Mr. Gaddy has claimed that he has not been able to afford to make these payments in full, due to a lack of employment. His payments to date are as follows:

Date	Required Payment	Actual Payment
May 1, 2003	\$400	\$300 (5/1)
June 1, 2003	\$400	\$300 (6/1)
July 1, 2003	\$400	No Payment
August 1, 2003	\$400	\$70 (8/29)
September 1, 2003	\$400	\$100 (9/28)
October 1, 2003	\$400	\$150 (10/31)
November 1, 2003	\$400	\$200 (11/26)
December 1, 2003	\$400	No Payment
January 1, 2004	\$400	\$100-12/31/03

5. The Court's Order is a mandatory injunction and specifically states that the State may return to Court for the "enforcement of any other provisions of this Order."

Further, the Order states:

Any violation by Mr. Gaddy of the mandatory injunctions listed above shall be subject to the civil penalties listed in 5 M.R.S.A. § 209.

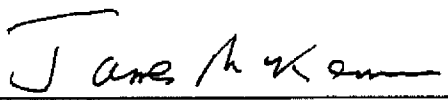
6. Pursuant to 5 M.R.S.A. § 209 of the UTPA, each violation of a UTPA Order can result in a civil penalty of up to \$10,000.

7. At the January 16, 2003 trial, the State asked that the Court order more than the \$400 monthly payments agreed to by Mr. Gaddy. After a hearing on this matter, the Court set the monthly payments at \$400.

8. The State requests that the Court enter a judgment ordering Mr. Gaddy to pay immediately in a lump sum the \$2,380 he has fallen behind in his payments and to further impose a \$100 civil penalty for each month he has failed to pay his \$400 restitution obligation.

9. The State asks that this matter be set for a testimonial hearing. It anticipates that this hearing will take approximately one hour.

DATED: 1/28/04


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