

STATE OF MAINE
KENNEBEC, ss.

RECEIVED AND SUPERIOR COURT
KENNEBEC SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-02-88
2004 FEB 23 A 8:11

STATE OF MAINE,

Plaintiff

v.

JACQUELINE ABRAHAM, ET AL
D/B/A A WOMAN'S PROJECT OR
WOMAN HELPING WOMAN,

Defendants

MANOY DES...
CLERK OF COURT

SUMMARY FINAL ORDER

This matter involves 27 Defendants who participated in a fundraising effort named A Woman's Project. The State's action was brought pursuant to the Maine Unfair Trade Practices Act (5 M.R.S.A. § 207). In resolution of this action, 25 of these Defendants have entered into either Consent Decrees or Agreed to Judgments. Defendants Marci Mullin and Joan Manfredi have been defaulted and are now subject to Default Judgments.

These Consent Decrees and Judgments require the Defendants to pay a specific monthly amount to injured consumers. If any of the Defendants have not yet commenced paying this restitution, they must do so no later than April 1, 2004. If a Defendant has already commenced payment, she must continue to make the monthly payments until restitution is paid in full.

If any Defendant falters in her payments, the State may return to court and seek appropriate remedies under the Maine Unfair Trade Practices Act (5 M.R.S.A. § 209), including payment of a civil penalty.

The State is not seeking any attorney fees in this action, but reserves the right to seek attorney fees incurred in any post-judgment proceedings. The State also has agreed not to seek prejudgment or post-judgment interest on the judgments and consent decrees entered in this case.

For the Defendants entering into a judgment, the parties are jointly submitting material to the Court so that the Court may make a decision on an appropriate monthly payment. The parties agree that the Court may apply the provisions of Title 14 generally, and in particular, the provisions of Chapter 502, to make a determination of each Defendant's ability to pay based upon the materials being submitted to the Court.

As long as the Defendants are making the payments agreed to or as ordered by the Court, the State will take no other actions to compel payment or execute on a judgment.

Here is a summary of the resolution of each Defendant's case:

Defendants	Consumers Owed Restitution	Court Order
Jacqueline Abraham	1. Jennifer Warford 500 Trinity Lane, #4213 St. Petersburg, FL 33716 2. Lynda L. Warford 229 East Side Road Hancock, ME 04640	Consent Decree (restitution to be paid monthly)
Alice Bagley	1. Cathy Oleson 2. Ila Carter	Consent Decree (restitution already paid in full)
Linda Bennett	1. Lynn Dumas 216 Rocky Road Northport, ME 04849	Consent Decree (restitution to be paid monthly)
Pam Bridges	1. Joann Beal Box 267 - Basin Road Addison, ME 04606	Consent Decree (restitution to be paid monthly)
Tamrah Dinsmore	1. Mary Mclean 2. Alta Smith 3. Mary Scott	Consent Decree (restitution already paid in full)

Georgette
Faulkingham

*4/13
she graduated in a
month from
school
will
start
making
payments*

1. Diane Brenton
PO Box 5283
Ellsworth, ME 04605
2. Ramona Trombley
66 Summer Harbor Road
Winter Harbor, ME 04963

Consent Decree (restitution to be paid
monthly)

Wendy Gardonyi

- ① Diane R. Clark
Box 158
Beals, ME 04611

Consent Decree (restitution to be paid
monthly)

*she paid 75 on 8/21 and
will send the rest before
end of month*

Marsha Gatcomb

1. Joanne Munce
68 Mt. Desert Street
Bar Harbor, ME 04609

Consent Decree (restitution to be paid
monthly)

*Wrote Carol L. Lewis
on 7/01/04 and sent
affidavit to D. case; affidavit
returned
on
7/15*

Gladys Greenlaw

- ① Sarah J. Tracy-Hopkins
PO Box 175
Winterport, ME 04496
- ② Avis Miller
538 Main Street
Princeton, ME 04668

Judgment (restitution to be paid monthly)

*I'm sending the affidavit to
Miller (6/14/04)
- he sent in the affidavit 6/21*

Linda Hagan

1. Deborah Murphy
81 Howard Street
Bangor, ME 04401-4127

Consent Decree (restitution to be paid
monthly)

Susan Hart

1. Glenda Garnett

Consent Decree (restitution already paid
in full)

Karen Hodgdon

1. Elizabeth Pal
330 Bar Harbor Road
Trenton, ME 04605

Consent Decree ((restitution to be paid
monthly)

Lorianne Jackson

1. Gina DeJoy
666 Ellsworth Road
Blue Hill, ME 04614

Consent Decree (restitution to be paid
monthly)

Sheila LaPointe

1. Sandra Emerson
4 Pleasant Boulevard
Machias, ME 04654
2. Glennis Emerson
PO Box 369
Jonesport, ME 04649
3. Tammy Tupper
PO Box 742
Baileyville, ME 04694
4. Libby Bryant
1036 Ayers Jct.
Charlotte, ME 04666

Consent Decree (restitution to be paid
monthly)

*A Marilyn Moore has
written a rollover letter,
asking for money back (2(c))*

Pam Landry

1. Charlotte Pescarino
207 New Boston Road
Herman, ME 04401
2. April Brunell
61A West Broadway
Lincoln, ME 04457
3. Donna Bragdon
8 Goding Avenue
Lincoln, ME 04457
4. Vicki Folsbee
PO Box 216
Lincoln, ME 04457
5. Sandra Mattheson
100 The Lane
Dennysville, ME 04628

Consent Decree (restitution to be paid monthly)

Rene Lincoln

*Has sent
in the
affidavit*

- ✓ ① Tammy Pulk
268 E. Rover Road
Pembroke, ME 04666
- ✓ ② Cathy Faulkingham
PO Box 355
Jonesport, ME 04649

Judgment (restitution to be paid monthly)

- has sent in the affidavit
detailing no payment*
- Plus, a Cindy Kelly has sent Lincoln the notarized request.
 - 6/9/04 Michael Brass has requested a hearing because →

Sherrye MacLeod

1. Darlene Morse
2. Melissa Sprague
3. Joyce M. Sprague

Consent Decree (restitution already paid in full)

Joan Manfredi

- ① Denise Dakin
RR 2 - Box 587A
Stockton Springs, ME 04981
- ② Carolyn R. Herrick
RR 2 - Box 588
Stockton Springs, ME 04981

Both Dakin and Herrick returned their affidavits 6/12/04

Marcy Mullin

1. Narda A. Davis
PO Box 306
Jonesport, ME 04649
2. Melinda Soule
270 Grant Road
Sullivan, ME 04664

Default Judgment (restitution to be paid monthly)

*Maray: she called.
She's been out of the
county and is willing
to pay 6/23/04*

Christine Odom

- ① Stacie Mitchell
29 Holt Drive
Ellsworth, ME 04605
2. Joanne McIntire
216 Center Street
Bangor, ME 04401

Consent Decree (restitution to be paid monthly)

*Susan Bagley called on 4/19
to say to be making payments for
Christine and to intend
to caught up*

Arlena Perreault

1. Tanya Sellon
448 Willow Street
Stoughton, MA 02072
2. Terri Hayes Crowley
169 Basin Road
Addison, ME 04606
3. Jennifer Carver
299 Central Street
Milford, MA 01757

Consent Decree (restitution to be paid monthly)

Karen Quirk

1. Christy Wood

Consent Decree (restitution already paid in full)

Shirley Richer

1. Catherine Blais

Consent Decree (restitution already paid in full)

Kitty Robinson

1. Vicki-Lee Johnson
PO Box 322
Jonesport, ME 04649
2. Marie B. Johnson
PO Box 342
Jonesport, ME 04649

Judgment (restitution to be paid over time)

Lynn Russell

1. Laura Donovan
PO Box 791
Calais, ME 04619

Consent Decree (restitution to be paid monthly)

Evelyn Smith

1. Sandra J. Bradley
HCR 74, Box 5000, Rt. 1
Whiting, ME 04691
2. Pamela M. Chandler
HC 71, Box 229G
Machias, ME 04654
3. Jeanne White
PO Box 234
Jonesboro, ME 04648
4. Rose Corbet
HCR 17, Box 47
Machias, ME 04654

Judgment (restitution to be paid monthly)

Ruth Wilbur

1. Rhonda Carter
123 Jellison Cove Road
Hancock, ME 04640

Consent Decree (restitution to be paid monthly)

Dated: 2/23/04



Superior Court Justice

G. STEVEN ROWE
ATTORNEY GENERAL



Telephone: (207) 626-8800
TDD: (207) 626-8865

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

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TEL: (207) 822-0260
FAX: (207) 822-0259
TDD: (877) 428-8800

128 SWEDEN ST., STE. 2
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

March 16, 2004

Diane R. Clark
Box 158
Beals, Maine 04611

RE: A Woman's Project Restitution

Dear Ms. Clark:

The Superior Court has now declared that A Woman's Project is an illegal pyramid scheme. At this point, 26 of the 27 Defendants in A Woman's Project are subject to a Court Order to repay you money over time. If they have not already paid you, the Court has ordered them to start monthly payments as of April 1, 2004. Please find attached a copy of the Court Order which includes the amount you are to be paid monthly.

Since the Court Order requires the Defendant to pay you directly, it is important that the Defendant have your current mailing address. If you've already sent me your current mailing address, I've passed that along to the Defendant. If in the future your mailing address changes, please let me know as soon as possible, and I will make sure that the Defendant will send the payment to you at your new address.

If the Defendant falls more than two months behind in payments, please contact me and I will assist you in getting her payments back on schedule. If necessary, I am prepared to go back to court to enforce your right to restitution.

Sincerely,

JAMES A. MCKENNA
Assistant Attorney General
Office of the Attorney General
6 State House Station
Augusta ME 04333-0006
Tel: (207) 626-8842
Email: jim.mckenna@maine.gov

JAM/rht
Enclosure

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-02-88

CONSENT DECREE
(Maine Unfair Trade Practices)
Act, 5 M.R.S.A. §207)

NOW, THEREFORE, upon the consent of the parties hereto, it is hereby ORDERED and DECREED as follows:

1. This Court has jurisdiction over the subject matter of this action and over the parties consenting to this Decree. This Complaint states civil claims which may be granted against Wendy Gardonyi pursuant to the Maine Unfair Trade Practices Act (UTPA), 5 M.R.S.A. §§ 206-214 (1989 and Pamph. 2002) and 17 M.R.S.A. § 2305 (1983), Multi-Level Distributorships, Pyramid Clubs, etc., Declared a Lottery.

2. Defendant Wendy Gardonyi her agents, employees, assigns or other persons acting for the Defendant or under her control or guidance are permanently enjoined and restrained from:

- A. Participating in any club or organization in violation of 17 M.R.S.A. § 2305, including the organization named either A Woman's Project or Woman Helping Woman;
- B. Participating in any club, organization or pyramid scheme or a related fundraising activity that would be unfair and deceptive in violation of the Maine Unfair Trade Practices Act, 5 M.R.S.A. § 207; and
- C. In addition to the restitution ordered in paragraph 3, refusing to return money personally received from any recruit to A Woman's Project, but only if this recruit (1) personally paid her the money, (2) did not herself receive money as a result of her participation in A Woman's Project, (3) has signed a notarized statement affirming this and ~~detailing the time and place of payment, and (4) delivers the notarized~~ statement by registered mail to the Defendant no later than 6 months from the date this Consent Decree was signed by the Court

3. Defendant Wendy Gardonyi must repay to the listed persons the following amounts:

	NAME	AMOUNT
A.	Diane R. Clark	\$5,000

The Defendant shall make monthly payments of \$ 150.00 to Ms. Clark until

she is paid in full. The Defendant shall make the payments directly to Ms. Clark and is responsible for confirming her address. If the Defendant so chooses, she may decide to accelerate her payments. The Defendant must send Assistant Attorney General written confirmation of each monthly payment.

4. If the Defendant contests a restitution claim made pursuant to paragraph 2 (C), she must file with the Court, within 14 days of receiving the recruit's notarized claim, her own notarized assertion that she did not personally receive money from the claimant. Either party may then request a hearing with the Court to resolve this dispute.

5. Jurisdiction is retained by this Court for the purpose of enabling any party of this Consent Decree to apply to this Court at any time for such further orders as may be necessary for the construction, modification, or enforcement of any of the provisions of this Decree.

6. Any violation by the Defendant of the mandatory injunctions listed above in Paragraphs two, three and four shall be subject to the civil penalty listed in 5 M.R.S.A. § 209, up to \$10,000.

7. The Defendant has paid to the Department of the Attorney General a Civil Penalty of \$200.00. This penalty is imposed pursuant to 5 M.R.S.A. § 209, the Maine Unfair Trade Practices Act.

8. The undersigned, with full knowledge of the terms of the above Consent Decree, agree to these terms and to the entry of this Decree.

Dated: _____

Justice, Superior Court .

FOR THE DEFENDANT:

Dated: 12/18/03

Wendy M. Gadenyi
Defendant

FOR THE PLAINTIFF:

Dated: 1/20/04

James A. McKenna
James A. McKenna
Assistant Attorney General
#6 State House Station
Augusta, Maine 04333
Maine Bar No. 1735

G. STEVEN ROWE
ATTORNEY GENERAL



COPY

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FAX: (207) 496-3291

April 5, 2005

Nancy Desjardin, Clerk
Kennebec County Superior Court
95 State Street
Augusta, Maine 04330-5680

Re: State of Maine v. Wendy Gardonyi (CV-02-88)

Dear Clerk Desjardin:

Please find attached a Motion to Enforce in the above-referenced matter. We are asking the Court to issue us a judgment for the amount of restitution that Defendant Gardonyi has failed to pay, and to also impose a civil penalty for her failure to pay. It is our intention to then obtain a Writ of Execution so that we can proceed to District Court and collect on the judgment. On this date, we have sent a copy of this motion to Ms. Gardonyi's attorney.

Please do not hesitate to contact me if you have any questions.

Sincerely,

JAMES A. MCKENNA
Assistant Attorney General
Office of the Attorney General
State House Station #6
Augusta, Maine 04333-0006
Tel.: (207) 626-8842
E-mail: jim.mckenna@maine.gov

JAM/dm
Enclosure

cc: Carol J. Lewis, Esq. (P.O. Box 203, Lubec, ME 04652)
Diane Clark (P.O. Box 158, Beals, ME 04611)

SUPERIOR COURT.
CIVIL ACTION
DOCKET NO. CV-02-88

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

4. The State requested the Court enter a judgment ordering Defendant Nyi to pay immediately in a lump sum the balance of the money owed, as she is in violation of the Court's Order, and to further impose a \$100 civil penalty for each month she failed to pay her restitution obligations.

5. The State asks that this matter be set for a testimonial hearing. It anticipates that this hearing will take approximately 30 minutes.

Dated: April 5, 2005

Respectfully submitted,



JAMES A. MCKENNA
Assistant Attorney General
Office of the Attorney General
State House Station #6
Augusta, Maine 04333-0006
Tel.: (207) 626-8842
E-mail: jim.mckenna@maine.gov

NOTICE PURSUANT TO M. R. CIV. P. 7

If you want to oppose this Motion, you must file a memorandum in opposition with the Clerk's Office within twenty-one (21) days after the filing of this Motion, unless another time is set by the Court. Failure to file a timely memorandum in opposition to this Motion will be deemed a waiver of all objections to the Motion, which may be granted without further notice or hearing.