

IN THE IOWA DISTRICT COURT
IN AND FOR POLK COUNTY

STATE OF IOWA, ex rel.
THOMAS J. MILLER,
ATTORNEY GENERAL OF IOWA,

Plaintiff

vs.

TCA MAILING, INC., a New Jersey
corporation; T CLEMENTS &
ASSOCIATES, INC., a New Jersey
corporation; and
TIMOTHY J. CLEMENTS in his
individual capacity and corporate
capacity as owner/manager/officer of the
corporate defendants:

Defendants.

Case No.: EQCEo78774

CONSENT JUDGMENT

NOW on this 22nd day of June, 2016, the Court, having been presented with this Consent Judgment by Assistant Attorney General Steve St. Clair, finds and orders as follows:

1. This Consent Judgment, which has been approved by all of the above-named Defendants, is intended to resolve this litigation pursuant to Iowa Code § 714.16, the Iowa Consumer Fraud Act (CFA), and Iowa Code § 714.16A, the Older Iowans Act (OIA);
2. The Court has jurisdiction of the parties and subject matter;
3. Defendants deny they are legally responsible for any conduct in violation of the CFA or OIA, and this Consent Judgment is not an admission of liability;
4. The Court finds this Consent Judgment should be entered.

IT IS THEREFORE ORDERED, pursuant to Iowa R. Civ. P. 1.1501 *et seq.*, the CFA and the OIA, that Defendants, and each of them, and (as applicable) their directors, officers, principals, partners, employees, agents, servants, representatives, subsidiaries, affiliates, successors, assigns, parent or controlling entities (hereinafter “Defendants *et al.*”), and all other persons, corporations, and other entities acting in concert or participating with one or more Defendants who have actual or constructive notice of the Court’s injunction, are

permanently restrained and enjoined from violating the CFA, and, without limiting the foregoing, from directly or indirectly: (A) participating in deceptive, misleading, or unfair mail solicitations directed to residents of Iowa (or directed to non-Iowans from an Iowa location) that relate to psychics, clairvoyants, spiritualists, mediums, or comparable entities; (B) participating in deceptive, misleading, or unfair mail solicitations directed to residents of Iowa (or directed to non-Iowans from an Iowa location) that involve efforts to obtain payment from a consumer for a purported financial obligation the consumer could not reasonably be regarded as having knowingly assumed; and/or (C) selling, renting, sharing, transferring, making available for use by others, or making any use whatsoever of the names and/or other identifying information of persons with Iowa addresses whom the Defendant(s) have reason to believe previously responded to solicitations would hereafter be prohibited by (A) and/or (B) above.

IT IS FURTHER ORDERED, Defendants shall pay an aggregate total of \$45,000.00 to the Attorney General, to be applied by the Attorney General's office in its discretion to making full or partial payments to Iowa consumers of previously unrefunded amounts they paid in response to past solicitations in which one or more Defendants participated which hereafter would be prohibited by (A) and/or (B) above. To the extent that consumers eligible for payments cannot be timely located through reasonable efforts, the money that is not paid to consumers shall be retained by the Attorney General to be used by the Attorney General for the administration and implementation of the CFA, pursuant to Iowa Code § 714.16(7), and shall be deposited into the fund created by Iowa Code § 714.16A.

IT IS FURTHER ORDERED, Defendants shall cooperate fully and unreservedly with reasonable requests from the Office of the Iowa Attorney General for information or materials regarding the practices to which the Petition in this cause directly or indirectly relates, which cooperation may include, without limitation, providing information and materials in connection with a sworn interview; provided, however, if in connection with such cooperation a Defendant has grounds to assert a right against self-incrimination, Defendant may invoke the procedures of Iowa Code § 714.16(4)(a) & (b) relating to immunity.

IT IS FURTHER ORDERED, the Attorney General's execution of this Consent Judgment and its subsequent entry by the Court constitutes a release of Defendants *et al.* from any and all liability for conduct that (i) occurred prior to entry of this Consent Judgment; and (ii) would violate injunctive provisions (A), (B) and/or (C) above if such conduct had occurred after entry of the Consent Judgment.

IT IS FURTHER ORDERED, the Court retain jurisdiction to enforce this Consent Judgment.

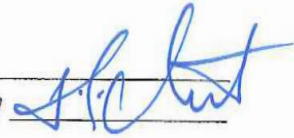
IT IS FURTHER ORDERED, Defendants pay court costs, if any.

SO ORDERED.

Approved:

DEFENDANTS:


Date: 6-8-16

TCA Mailing, Inc., by 

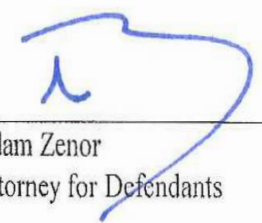
Date: 6-8-16

T Clement & Associates, Inc.,
by 

Date: 6-8-16

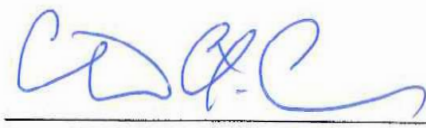

Timothy J. Clements

Date: 6-10-16


Adam Zenor
Attorney for Defendants

PLAINTIFF:

Date: 6-22-16


Steve St. Clair
Assistant Attorney General



State of Iowa Courts

Type: OTHER ORDER

Case Number **Case Title**
EQCE078774 STATE OF IOWA EX REL MILLER VS TCA MAILING INC

So Ordered

A handwritten signature in black ink, appearing to read "David Porter".

David Porter, District Court Judge,
Fifth Judicial District of Iowa