

ENTERED

December 17, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

FEDERAL TRADE COMMISSION AND THE
STATES OF CALIFORNIA; FLORIDA;
MARYLAND; MASSACHUSETTS; NORTH
CAROLINA; OKLAHOMA; OREGON; TEXAS;
VIRGINIA; AND WISCONSIN,

Plaintiffs,

v.

CANCER RECOVERY FOUNDATION
INTERNATIONAL, INC. a corporation also doing
business as WOMEN'S CANCER FUND,

Defendant.

Case No. 4:24-cv-00881

**STIPULATED ORDER FOR
PERMANENT INJUNCTION AND
OTHER RELIEF**

This matter comes before the Court upon the stipulation of the Plaintiffs, the Federal Trade Commission ("FTC" or "Commission"), the Attorneys General of the states of California, Florida, Maryland, Massachusetts, North Carolina, Oklahoma, Oregon, Texas, Virginia, and Wisconsin; the Secretary of State of Maryland; and the Secretary of State of North Carolina ("State Plaintiffs") (collectively with the FTC, "Plaintiffs"), and Defendant Cancer Recovery Foundation International, Inc. also d/b/a Women's Cancer Fund ("CRFI") for the entry of an order for permanent injunction, monetary relief, and other relief as to Defendant CRFI.

On March 11, 2024, Plaintiffs filed their Complaint for Permanent Injunction, Monetary Relief, and Other Relief in this matter ("Complaint"), pursuant to Sections 13(b), 19, and 16(a)(1) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b), 57b, and 56(a)(1), Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. § 6105, and the unfair and deceptive acts and practices and charitable solicitation laws of the State Plaintiffs.

Plaintiffs and Defendant CRFI stipulate to the entry of this Stipulated Order for Permanent Injunction, and Other Relief (“Order”) to resolve all matters in dispute in this action between them.

THEREFORE, IT IS ORDERED as follows:

FINDINGS

1. This Court has jurisdiction over this matter. This Court has supplemental jurisdiction over the subject matter of the state law claims pursuant to 28 U.S.C. § 1367.
2. The Complaint charges that Defendant CRFI participated in deceptive acts or practices by making false or misleading claims in charitable solicitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45. The Complaint also charges that Defendant CRFI violated Section 310.3(b) of the Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310.3(b), by assisting and facilitating for-profit Fundraisers in making charitable solicitations that violated Sections 310.3(a)(4) and 310.3(d)(1), (3), and (4) of the TSR. The Complaint also charges that Defendant CRFI violated the following state laws:

STATE	STATUTORY AUTHORITY
California	CAL. BUS. & PROF. CODE §§ 17200 through 17209, and §§ 17510 through 17510.95; CAL. GOV. CODE §§ 12580 through 12599.10.
Florida	Florida Chapter 501, Part II, Florida Statutes (2023)
Maryland	MD. CODE ANN., BUS. REG. §§ 6-607, 6-608, 6-610 (LexisNexis 2015).
Massachusetts	MASS. GEN. LAWS ch. 68 §32.
North Carolina	North Carolina N.C. GEN. STAT. §§ 75-1.1 et. seq.; N.C.G.S. 131F-20 (1), (9), (10), (15), (18); 131F-21
Oklahoma	OKLA. STAT. tit. 18, § 552.14a.
Oregon	OR. REV. STAT. §§128.886; 646.608(dd)
Texas	TEX. BUS. & COM. Code Ann. §§ 17.41–17.63- Texas Deceptive Trade Practices Act
Virginia	VA. CODE ANN. § 57-57(L)
Wisconsin	WIS. STAT. §§ 202.16.

3. Defendant CRFI neither admits nor denies any of the allegations in the

Complaint, except as specifically stated in this Order. Only for purposes of this action, Defendant CRFI admits the facts necessary to establish jurisdiction.

4. Defendant Gregory Anderson is deceased. Defendant Anderson died on September 5, 2024.

5. Defendant CRFI has no assets and has not engaged in any business since on or about July 8, 2022 when it was dissolved. Defendant CRFI shut down its business and filed a Certification of Dissolution in the State of Delaware on November 23, 2022. The Certification of Dissolution is attached to the Order.

6. All Donor lists in Defendant CRFI's possession have been destroyed.

7. Defendant CRFI waives any claim that it may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agree to bear its own costs and attorney fees.

8. Defendant CRFI waives all rights to appeal or otherwise challenge or contest the validity of this Order.

DEFINITIONS

For the purpose of this Order, the following definitions apply:

A. **"CRFI"** means Defendant Cancer Recovery Foundation International, Inc., also d/b/a Women's Cancer Fund, Pink Diamond Women's Cancer Fund, New Era Cancer Research Fund, Nutrition as Medicine, and its successors and assigns.

B. **"Contribution"** means any donation or gift of money or any other thing of value.

C. **"Donor"** means any Person solicited to make a Contribution.

D. **“Fundraiser”** means any Person who is retained under contract or otherwise compensated by or on behalf of a Nonprofit Organization primarily for the purpose of soliciting Contributions.

E. **“Fundraising”** means a plan, program, or campaign that is conducted to induce Contributions by mail, telephone, electronic mail, social media, or any other means.

F. **“Nonprofit Organization”** means any Person that is, or is represented to be, a nonprofit entity, or that has, or is represented to have, a charitable purpose.

G. **“Person”** means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

H. **“State Plaintiffs”** means the Attorneys General of the states of California, Florida, Maryland, Massachusetts, North Carolina, Oklahoma, Oregon, Texas, Virginia, and Wisconsin; Secretary of State of Maryland; and the Secretary of State of North Carolina.

ORDER

I. PERMANENT CESSATION OF BUSINESS

IT IS ORDERED that Defendant CRFI is permanently restrained and enjoined from engaging in any Fundraising or otherwise receiving any payment or other financial benefit from engaging, participating, or assisting in the solicitation of Contributions. Upon entry of this Order, Defendant CRFI shall permanently cease to conduct any business and may not be reinstated or reformed.

II. DONOR INFORMATION

IT IS FURTHER ORDERED that Defendant CRFI, its officers, directors, agents, employees, independent contractors, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly:

A. Are permanently restrained and enjoined from disclosing, using, or benefiting from any information about or list of Donors to Defendant CRFI or other Nonprofit Organization for which Defendant CRFI solicited or accepted Contributions, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a Donor's account (including a credit card, bank account, or other financial account), that was obtained prior to entry of this Order;

B. Shall destroy, or cause to be destroyed, all information related to Donors, including any list of Donors to Defendant CRFI, in their possession, custody or control, in all forms within ten (10) days after entry of this Order;

C. Shall, within seven (7) days after entry of this Order:

1. Coordinate with Plaintiffs in sending a copy of this Order and to provide clear and conspicuous notice of the prohibitions in this Section to each Fundraiser, telemarketer, independent contractor, list management company, escrow agent, or other

third party with possession, custody, or control of any such information about Donors to Defendant CRFI; and

2. Coordinate with Plaintiffs in directing that each such Fundraiser, telemarketer, independent contractor, list management company, escrow agent, or other third party immediately destroy, or cause to be destroyed, all such Donor information in its possession, custody, or control and provide a sworn statement certifying that they have destroyed such Donor information in all forms in their possession, custody, or control within 15 days after entry of this Order.

Provided, however, that Donor information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by law, regulation, or court order.

III. MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment in the amount of **Eighteen Million Two Hundred Fifty Thousand Dollars (\$18,250,000)** is entered in favor of Plaintiffs against Defendant CRFI as monetary relief.

B. The monetary judgment in Subsection A is hereby suspended, subject to the Subsections below.

C. Plaintiffs' agreement to the suspension of the judgment is expressly premised upon the truthfulness, accuracy, and completeness of Defendant CRFI's sworn financial statement and related documents (collectively, "financial representations") submitted to Plaintiffs, namely the Financial Statement of Defendant CRFI signed by Gregory B. Anderson, Defendant CRFI's CEO and President, on June 10, 2024, including the attachments.

D. The suspension of the judgment will be lifted as to Defendant CRFI if, upon

motion by Plaintiffs, the Court finds that CRFI failed to disclose any material asset, or made any other material misstatement or omission in the financial representations identified above.

E. If the suspension of the judgment is lifted, the judgment becomes immediately due as to Defendant CRFI in the amount specified in Subsection A above (which the parties stipulate only for purposes of this Section represents the consumer injury alleged in the Complaint), less any payment previously made pursuant to this Section, plus interest computed from the date of entry of this Order.

IV. ADDITIONAL MONETARY PROVISIONS

IT IS FURTHER ORDERED that:

A. Defendant CRFI relinquishes dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

B. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Plaintiffs, including in a proceeding to enforce their rights to any payment or monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case.

C. The facts alleged in the Complaint establish all elements necessary to sustain an action by the Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

D. Defendant CRFI acknowledges that its Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which CRFI previously submitted to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. §7701.


V. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that within 7 days of this Order, Defendant CRFI, through its counsel of record, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

VI. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

SO ORDERED this 17th day of December, 2024.



UNITED STATES DISTRICT JUDGE

SO STIPULATED AND AGREED:

FOR PLAINTIFFS:

FEDERAL TRADE COMMISSION

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Date: December 16, 2024

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Date: December 13, 2024

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Date: December 10, 2024

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Date: December 12, 2024

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Date: December 10, 2024

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Date: December 10, 2024

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Date: December 10, 2024

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DEFENDANT CANCER RECOVERY FOUNDATION INTERNATIONAL, INC.

eSigned by:
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10/07/2024 at 16:16 UTC

Date: 10/07/2024

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