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1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2004 SEP 23 PM 2:53

M. LIVICA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of)	CIVIL NO. 04-1-0731-04 (GWBC)
Consumer Protection,)	(Other Civil Action)
))
Plaintiff,)	SUMMARY JUDGMENT AGAINST
)	DEFENDANTS UNIVERSITY OF
)	ADVANCED RESEARCH-HAWAII
)	CAMPUS, LTD. AND FREDERICK A.
)	MITCHELL; EXHIBITS 1 AND 2
vs.))
)	(Motion filed August 18, 2004)
))
)	<u>Hearing:</u>
UNIVERSITY OF ADVANCED)	Date: September 20, 2004
RESEARCH-HAWAII CAMPUS, LTD.,)	Time: 3:00 p.m.
a Hawaii corporation and FREDERICK)	Judge: Gary W. B. Chang
A. MITCHELL,))
))
)	Trial Date: None
Defendants.)	SCF Date: None
))
))

SUMMARY JUDGMENT AGAINST DEFENDANTS UNIVERSITY OF ADVANCED
RESEARCH-HAWAII CAMPUS, LTD. AND FREDERICK A. MITCHELL.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Business
Registration Division of the Department of Commerce and Consumer Affairs of the
State of Hawaii shall and is hereby ordered to dissolve, terminate, revoke and/or

cancel, all trademarks, corporate registrations (including that for University of Advanced Research-Hawaii Campus, Ltd.) and certificates of authority held by or for any of the defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants University of Advanced Research-Hawaii Campus, Ltd. and Frederick A. Mitchell, their agents, employees, successors and assigns, directly or indirectly, individually or in concert with others, or through any corporate or other device, be and are hereby permanently enjoined from:

- a. Providing any post-secondary instructional programs or courses leading to a degree;
- b. Acting as or holding themselves out as a "college, academy, institute, institution, university" or anything similar thereto;
- c. Failing to comply with Hawaii Rev. Stat. Chap. 446E or § 480-2(a) in any particulars; and
- d. Owning or operating any business in the State of Hawaii or claiming to operate under the laws of the State of Hawaii until all restitution, civil penalties and costs entered herein are fully satisfied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants University of Advanced Research-Hawaii Campus, Ltd. and Frederick A. Mitchell shall, jointly and severally, implement a restitution program as follows. Defendants University of Advanced Research be and are hereby ordered to immediately compile a list of those students who enrolled in or graduated from University of Advanced Research subsequent to July 1, 1999 and to send a written offer of restitution to

each such individual in the appropriate form attached as Exhibits 1 or 2. Defendants be and are hereby ordered, adjudged and decreed to make restitution to anyone requesting it within twenty days of the receipt of such a request.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to Hawaii Rev. Stat. § 480-3.1, Defendant University of Advanced Research-Hawaii Campus, Ltd. be and hereby is liable to Plaintiff for civil penalties in the amount of \$125,000.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to Hawaii Rev. Stat. § 480-3.1, Defendant Frederick A. Mitchell be and hereby is liable to Plaintiff for civil penalties in the amount of \$125,000.

The only remaining claims are Defendant Frederick A. Mitchell's Counterclaims against the Plaintiff.

DATED: Honolulu, Hawaii, **SEP 22 2004**

GARY W. E. CHANG

Judge of the above-entitled Court

CIVIL NO. 04-1-0731-04 (GWBC); State vs. University of Advanced Research-Hawaii Campus, Ltd.; et al.; SUMMARY JUDGMENT AGAINST DEFENDANTS UNIVERSITY OF ADVANCED RESEARCH-HAWAII CAMPUS, LTD. AND FREDERICK A. MITCHELL; EXHIBITS 1 AND 2

Date

Name
Address
City, State Zipcode

Dear Graduate:

We are writing to inform you that during your course of studies, University of Advanced Research-Hawaii Campus, Ltd. was operating in violation of Hawaii's laws relating to unaccredited degree granting institutions. By law, such violations are automatically considered unfair or deceptive business practices.

As a result of a court order, we are offering all graduates a full refund of the tuition paid conditioned only on return of the diploma. If you would like to accept this offer, please simply indicate that fact on the enclosed form and return it to us with the diploma. Your refund will be processed within twenty days from its receipt.

If you choose to accept this offer, you will be barred from seeking any other damages against the university. You should know that under Hawaii law, you have the right to bring your own lawsuit for damages and, in the event you prevail, you would be awarded not less than \$1,000 or threefold the damages, whichever is greater. You would also, in that event, be awarded your attorneys fees.

If you have any questions about this offer, you may call the State of Hawaii's Consumer Resource Center at (808) 586-2653.

Very truly yours,

Frederick A. Mitchell, President
University of Advanced Research-
Hawaii Campus, Ltd.

Enc.

EXHIBIT 1

Yes, I would like a full refund of all tuition paid. My diploma is enclosed.
Please send the refund to:

Name

Street Address

City, State, Zip Code

Country

Dated: _____.

Signature

Date

Name

Address

City, State Zip Code

Dear Student:

We are writing to inform you that during your course of studies, University of Advanced Research-Hawaii Campus, Ltd. was operating in violation of Hawaii's laws relating to unaccredited degree granting institutions. By, law such violations are automatically considered unfair or deceptive business practices.

As a result of a court order, we are offering all students a full refund of the tuition paid. If you would like to accept this offer, please simply indicate that fact on the enclosed form and return it to us. Your refund will be processed within twenty days from its receipt.

If you choose to accept this offer, you will be barred from seeking any other damages against the university. You should know that under Hawaii law, you have the right to bring your own lawsuit for damages and, in the event you prevail, you would be awarded not less than \$1,000 or threefold the damages, whichever is greater. You would also, in that event, be awarded your attorneys' fees.

If you have any questions about this offer, you may call the State of Hawaii's Consumer Resource Center at (808) 586-2653.

Very truly yours,

Frederick A. Mitchell, President
University of Advanced Research-
Hawaii Campus, Ltd.

Enc.

EXHIBIT 2

Yes, I would like a full refund of all tuition paid. My diploma is enclosed.
Please send the refund to:

Name

Street Address

City, State, Zip Code

Country

Dated: _____.

Signature