

2003 OCT -1 AM 10: 34

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Office of Consumer Protection  
235 South Beretania Street, Room 801  
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F. OTAKE  
CLERK

Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,	)	CIVIL NO. 03-1-1482-07 RWP
	)	(Other Civil Action)
	)	
Plaintiff,	)	STIPULATED PERMANENT
	)	INJUNCTION AND FINAL JUDGMENT
	)	AGAINST DEFENDANTS UNITED
vs.	)	STATES OPEN UNIVERSITY, INC. AND
	)	THERON E. DALTON
	)	
UNITED STATES OPEN UNIVERSITY, INC., a Hawaii corporation and	)	
THERON E. DALTON dba United	)	
States Open University,	)	
	)	Trial Date: None
Defendants.	)	SCF Judge: None
	)	
	)	

STIPULATED PERMANENT INJUNCTION AND  
FINAL JUDGMENT AGAINST DEFENDANTS  
UNITED STATES OPEN UNIVERSITY, INC. AND THERON E. DALTON

Plaintiff and Defendants United States Open University and Theron E.

Dalton (hereinafter collectively "Defendants") hereby stipulate and agree to the  
entry of this Stipulated Permanent Injunction and Final Judgment Against

JEFFREY E. BRUNTON #2833  
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Honolulu, Hawaii 96813-2419  
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Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,	)	CIVIL NO. 03-1-1482-07 RWP
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Plaintiff,	)	STIPULATED PERMANENT
	)	INJUNCTION AND FINAL JUDGMENT
	)	AGAINST DEFENDANTS UNITED
vs.	)	STATES OPEN UNIVERSITY, INC. AND
	)	THERON E. DALTON
	)	
UNITED STATES OPEN UNIVERSITY, INC., a Hawaii corporation and THERON E. DALTON dba United States Open University,	)	
	)	Trial Date: None
Defendants.	)	SCF Judge: None
	)	
	)	

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STIPULATED PERMANENT INJUNCTION AND  
FINAL JUDGMENT AGAINST DEFENDANTS  
UNITED STATES OPEN UNIVERSITY, INC. AND THERON E. DALTON

Plaintiff and Defendants United States Open University and Theron E.

Dalton (hereinafter collectively "Defendants") hereby stipulate and agree to the entry of this Stipulated Permanent Injunction and Final Judgment Against Defendants United States Open University and Theron E. Dalton as follows:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

1. This court has jurisdiction over this matter and the parties hereto pursuant to Hawaii Rev. Stat. Chaps. 446E, 480, 487 and 603 and venue is proper herein.

2. Plaintiff's Complaint states claims against Defendants upon which relief may be granted under Hawaii Rev. Stat. Chap. 446E and Hawaii Rev. Stat. § 480-2(a).

3. Defendants their officers, agents, servants, employees and those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise, are hereby restrained and enjoined from failing to comply with the requirements set forth herein.

4. Defendants shall be responsible for making the substantive terms and conditions of this judgment known to their officers, directors, successors, managers, employees and those persons associated with Defendants who are responsible for implementing the obligations set forth in this judgment.

5. Defendants shall not effect any change in their form of doing business or organizational identity for the purpose of avoiding the terms and conditions contained in this judgment.

6. Unless otherwise specified herein, this judgment shall take effect on filing with the court.

7. Defendants shall immediately cease conducting the operation of any unaccredited degree granting institution in the State of Hawaii. Defendants further agree that they shall not claim to operate any unaccredited degree granting

institution under the color or authority of the laws of the State of Hawaii. Upon entry of this judgment, Defendants shall take whatever steps are necessary to voluntarily dissolve United States Open University, Inc. as provided for in Hawaii Rev. Stat. Chapter 414.

8. Defendants be and are hereby, jointly and severally, liable to pay the sum of Five Thousand Dollars (\$5,000.00) to the Office of Consumer Protection, State of Hawaii for civil penalties, attorneys' fees and costs of investigation pursuant to Hawaii Rev. Stat. § 480-3.1. Payment shall be in the form of a cashier's check made payable to the "State of Hawaii".

9. Defendants shall promptly provide to the Office of Consumer Protection upon request proof of any action(s) required to be taken by the Defendants pursuant to the terms of this stipulated judgment.

10. Under no circumstances shall this document or the name of State of Hawaii, the Office of Consumer Protection, Department of Commerce and Consumer Affairs, or any of their employees or subdivisions be used by Defendants in connection with any selling, advertising or promotion of any product or service. The parties understand that this document shall not be construed as an approval or sanction by the State of Hawaii of Defendants' business practices. Nothing in this document shall be construed to permit or make lawful any act, practice, or course of conduct prohibited or made unlawful by Hawaii Rev. Stat. Chap. 446E, 480 or 481A or any other law.

11. This stipulated judgment shall apply to Defendants, their agents, employees, successors and assigns.

12. This court shall retain jurisdiction of this case for the purpose of enabling any of the parties to this stipulation to apply to this court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this stipulation, to modify or terminate any of their provisions, to enforce compliance, and to punish violations of its provisions. If it shall be made to appear to the court that there has been a violation of any of the terms of this stipulation, upon motion, this court may enter an order to show cause why Defendants should not be found in contempt.

13. All payments required under this stipulated judgment shall be made by cashier's checks. Payments of civil penalties shall be payable to the Plaintiff.

14. No claims remain against any party.

DATED: Honolulu, Hawaii, \_\_\_\_\_, 2003.

\_\_\_\_\_  
Judge of the above-entitled Court

APPROVED AS TO FORM AND CONTENT AND AGREED:

\_\_\_\_\_  
JEFFREY E. BRUNTON  
Attorney for Plaintiff

\_\_\_\_\_  
JEFFREY S. PORTNOY  
Attorney for Defendants United States Open  
University, Inc. and Theron E. Dalton

11. This stipulated judgment shall apply to Defendants, their agents, employees, successors and assigns.

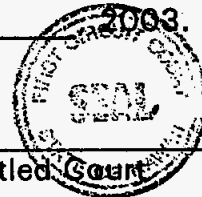
12. This court shall retain jurisdiction of this case for the purpose of enabling any of the parties to this stipulation to apply to this court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this stipulation, to modify or terminate any of their provisions, to enforce compliance, and to punish violations of its provisions. If it shall be made to appear to the court that there has been a violation of any of the terms of this stipulation, upon motion, this court may enter an order to show cause why Defendants should not be found in contempt.

13. All payments required under this stipulated judgment shall be made by cashier's checks. Payments of civil penalties shall be payable to the Plaintiff.


14. No claims remain against any party.

DATED: Honolulu, Hawaii, 9/30

RICHARD W. POLLACK  
Judge of the above-entitled Court



APPROVED AS TO FORM AND CONTENT AND AGREED:

  
\_\_\_\_\_  
JEFFREY E. BRUNTON  
Attorney for Plaintiff

  
\_\_\_\_\_  
JEFFREY S. PORTNOY  
Attorney for Defendants United States Open