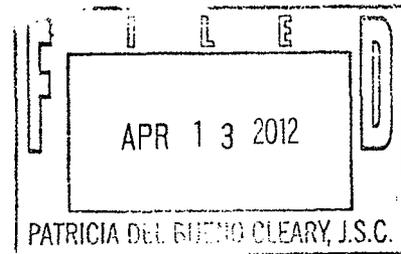


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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION,
MONMOUTH COUNTY
DOCKET NO. MON-C-119-11

JEFFREY S. CHIESA, Attorney General of the
State of New Jersey, and THOMAS R.
CALCAGNI, Director of the New Jersey Division
of Consumer Affairs,

Plaintiffs,

v.

ALLAN LEVINE d/b/a AL SPECIAL FRIENDS;
ALLAN LEVINE, INC.; VAN DAM, INC.; and
JANE and JOHN DOES 1-10, individually and as
owners, officers, directors, shareholders, founders,
managers, agents, employees, representatives
and/or independent contractors of AL SPECIAL
FRIENDS; ALLAN LEVINE, INC.; VAN DAM,
INC.; and XYZ CORPORATIONS 1-10,

Defendants.

Civil Action

FINAL JUDGMENT AND ORDER

WHEREAS the Attorney General of the State of New Jersey ("Attorney General") is charged with the responsibility of enforcing the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. ("CFA"), the Regulations Governing the Sale of Animals, N.J.A.C. 13:45A-12.1 et seq. ("Pet

Regulations Regulations”), and the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq. (“Charities Act”);

WHEREAS the Director of the New Jersey Division of Consumer Affairs (“Director”) is charged with the responsibility of administering the CFA, the CFA Regulations, and the Charities Act on behalf of the Attorney General;

WHEREAS this matter was opened to the Court on July 29, 2011, by the filing of an Order to Show Cause and Verified Complaint on behalf of the Attorney General and Director (collectively, “Plaintiffs”)¹ pursuant to N.J.S.A. 56:8-2, 56:8-8, 56:8-11, 56:8-13 and 56:8-19 of the CFA, and N.J.S.A. 45:17A-32 and 45:17A-33 of the Charities Act against defendant Allan Levine, individually and d/b/a Al’s Special Friends, Allan Levine, Inc., and Van Dam, Inc. (“Levine” or “Defendant”), alleging that Defendant engaged in conduct in violation of the CFA, Pet Regulations, and Charities Act in connection with his advertisement, offer for sale and/or sale of animals within the State of New Jersey (“State” or “New Jersey”);

WHEREAS on January 20, 2011, the Court granted Plaintiffs’ Motion for Leave to File a First Amended Verified Complaint, which was filed on the same;

WHEREAS Plaintiffs Motion for Summary Judgment against Defendant includes: findings that Defendant’s acts and omissions constitute multiple violations of the CFA, Pet Regulations and the Charities Act; the issuance of permanent injunctive relief against future violations of the CFA, Pet Regulations, and Charities Act; an award of maximum civil penalties; and reimbursement of Plaintiffs’ attorneys’ fees and investigative costs;

¹ This action was commenced on behalf of former Attorney General Paula T. Dow and Director Thomas R. Calcagni. Pursuant to R. 4:34-4, the caption has been revised to reflect the current Attorney General.

WHEREAS the Court having considered the pleadings filed in this action as well as the papers submitted in support of this Motion for Summary Judgment, specifically: the Statement of Material Facts Pursuant to R. 4:46-2(a); Brief; Certification of Jah-Juin Ho, with accompanying exhibits; Certification of Juan Odio, with accompany exhibits; Certification of _____, with accompanying exhibits; Certification of _____, with accompanying exhibits; Certification of _____, with accompanying exhibits; and Certification of _____, with accompanying exhibits;

WHEREAS the Court being of the opinion that there exists no genuine issue of material fact and that Plaintiffs are entitled to summary judgment as a matter of law, *and having set forth findings of fact and conclusions of law on the record on April 13, 2012.*
THEREFORE IT IS on this _____ day of _____, 2012 **ORDERED AND**

ADJUDGED as follows:

1. Plaintiffs' Motion for Summary Judgment is granted.
2. Defendant is a pet dealer as defined by N.J.A.C. 13:45A-12.1 of the Pet Regulations.
3. The acts of Defendant in his advertisement, offer for sale and/or sale of Animals (as defined by N.J.A.C. 13:45A-12.1) constitute multiple violations of the CFA.
4. The acts of Defendant in his advertisement, offer for sale and/or sale of Animals constitute multiple violations of the Pet Regulations.
5. The acts of Defendant in his advertisement, offer for sale and/or sale of Animals constitute multiple violations of the Charities Act.

6. Defendant is permanently enjoined from engaging in, continuing to engage in, or doing any acts or practices in violation of the CFA, Pet Regulations, and Charities Act, including, but not limited to, the acts and practices alleged in Plaintiffs' First Amended Verified Complaint.

7. Defendant is permanently enjoined from advertising, offering for sale and/or selling Animals, whether for profit or not-for-profit (which includes the adopting out of animals in exchange for money), within the State or to New Jersey residents.

8. Defendant is permanently enjoined from purchasing, adopting or otherwise obtaining possession of any Animals for sale and/or placing any Advertisements offering for sale any Animals within the State.

9. Defendant is permanently enjoined from inoculating or vaccinating any Animals without an order of a veterinarian licensed to practice in the State, in accordance with N.J.A.C. 13:45A-12.3(a)(4).

11. Defendant is permanently enjoined from creating, operating, managing, or otherwise controlling any charitable organization within the State.

10. Defendant shall immediately transfer all assets of Allan Levine, Inc. including, but not limited to, all dogs within his possession and/or control to an animal shelter to be identified by Plaintiffs.

11. Defendant shall pay to the New Jersey Division of Consumer Affairs civil penalties, in the amount of \$ 70,000.00, in accordance with the CFA, N.J.S.A. 56:8-13, and the Charities Act, 45:17A-33.

12. Defendant shall reimburse Plaintiffs for all attorneys' fees incurred in the prosecution of this action, in the amount of \$25,337.50, for the use of the State of New Jersey, as authorized by the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19, and the Charities Act, N.J.S.A. 45:17A-33(d).

13. Defendant shall pay the aggregate amount of \$ 95,337.50 within ten (10) days of the date of this Final Judgment and Order.

14. Nothing contained in this Final Judgment and Order, including the Court's determinations herein, shall bind or affect the rights of any persons not a party hereto, or preclude actions against any unnamed parties.

15. Nothing contained in this Final Judgment and Order shall bind or affect any position which any party may take in future or unrelated actions.

16. This Final Judgment and Order may be enforced only by Plaintiffs and Defendant or their successors hereto.

17. The Court retains jurisdiction for the purpose of enabling Plaintiffs or Defendant to apply to this Court for any such further orders and directions as may be necessary and appropriate for the enforcement of, or compliance with, this Final Judgment and Order.

18. A copy of this Final Judgment and Order shall be served upon all counsel of record within seven (7) days of the date of this Order.

Patricia Del Bueno Cleary
HON. PATRICIA DEL BUENO CLEARY, J.S.C.

19. Defendants' registrations for Val Dam, Inc and Allac Levine, Inc are hereby revoked pursuant to NJSA 56:8-8 and NJSA 45:17A-33.

Patricia Del Bueno Cleary