

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel. Jon
Bruning, Attorney General,

Relator,

v.

H & B ENTERPRISES, LLC et al.,

Respondent.

CI 14-

1649

ORDER APPROVING
ASSURANCE OF
VOLUNTARY COMPLIANCE

NOW, this matter comes before the Court on the Application for Approval of Assurance of Voluntary Compliance (hereinafter Application); the underlying, incorporated and attached Assurance of Voluntary Compliance (hereinafter Assurance) executed by and between the Relator and Respondent; and the Consent to Entry of Order Approving Assurance of Voluntary Compliance (hereinafter Consent) executed by Respondent, filed contemporaneously therewith.

Relator, the State of Nebraska ex rel. Jon Bruning, Attorney General, is represented by Assistant Attorneys General Abigail M. Stempson and Gregory J. Walklin. Respondent, H & B Enterprises, et al. is represented by counsel Amy Longo and David Buelt of the law firm Ellick, Jones, Buelt, Blazek & Longo, LLP.

The Court, having considered the above-described Application, Assurance, and Consent, executed pursuant to the Nebraska Consumer Protection Act, Neb. Rev. Stat. § 59-1601 et seq. (hereinafter Consumer Protection Act), and the Uniform Deceptive Trade Practices Act, Neb.

LANCASTER COUNTY
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CLERK OF THE
DISTRICT COURT



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Rev. Stat. § 87-301 et seq. (hereinafter Uniform Deceptive Trade Practices Act), and being fully advised in the premises, finds as follows:

1. The aforesaid Assurance will adequately protect the public interest as expressed in the Consumer Protection Act and the Uniform Deceptive Trade Practices Act.

2. Respondent has voluntarily consented to the jurisdiction of the Court and to the entry of this Order.

3. Pursuant to the Assurance, Respondent agrees to not engage in certain acts.

4. Pursuant to the Assurance, Respondent agrees to pay \$171,024.50 in consumer restitution to consumers pursuant to a List defined in the Assurance.

5. Pursuant to the Assurance, if, by December 31, 2014, the Respondent and Relator receive adequate proof of any Nebraska resident(s) that transacted business with H & B Enterprises, LLC, from December 19, 2009, to the date of court approval of this Assurance, but who were not on the List of consumers defined in the Assurance and therefore did not receive a full refund, Respondent shall pay said Nebraska resident(s) a full refund of the transaction amount pursuant to the terms in the Assurance.

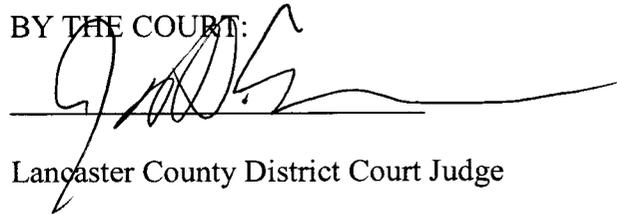
6. Pursuant to the Assurance, Respondent agrees to pay \$75,000 to the Relator for deposit in the State Settlement Cash Fund. The parties acknowledge that the payment described herein is not a fine or penalty, or payment in lieu thereof.

7. Pursuant to the Assurance, Respondent shall pay an additional \$100,000 to the Relator for deposit in the State Settlement Cash Fund, if within four years of Court approval of this Assurance, Respondent violates any of the provisions of this Assurance, without curing said violation to the satisfaction of the Relator. The parties acknowledge that any payment that may become due described herein is not a fine or penalty, or payment in lieu thereof.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Assurance of Voluntary Compliance, including all of its terms, executed as of May 12, 2014, by and between the Relator and Respondent, is hereby approved.

DATED this 12 day of May, 2014.

BY THE COURT:

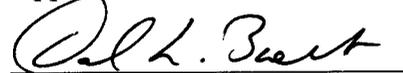


Lancaster County District Court Judge

Prepared and Submitted By:

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Approved as to Form and Content:

 5-8-14

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