

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

**STATE OF IOWA *ex rel.*
THOMAS J. MILLER,
ATTORNEY GENERAL OF IOWA**

Plaintiff,

v.

HOBO K9 RESCUE, an Iowa non-profit corporation; **RESCUE PETS IOWA CORP.**, an Iowa non-profit corporation; **J.A.K.'S PUPPIES, INC.**, an Iowa for-profit corporation; **JOLYN K. NOETHE, KIMBERLY K. DOLPHIN, MEGAN PETERSON**, and **RUSSELL KIRK**,

Defendants.

EQUITY NO.

PETITION IN EQUITY

COMES NOW the State of Iowa ex rel. Attorney General of Iowa, Thomas J. Miller, by Assistant Attorneys General J. Andrew Cederdahl and William R. Pearson, pursuant to the provisions of the Revised Iowa Nonprofit Corporation Act, Iowa Code § 504 and Iowa Code § 714.16, commonly referred to as the Iowa Consumer Fraud Act, and submits this Petition in Equity as follows:

PARTIES

1. Defendant Hobo K9 Rescue (“Hobo K9”) is an Iowa non-profit corporation with a home office address at 174 Main Ave. N., Britt, Iowa 50423.
2. Defendant Rescue Pets Iowa Corp. (“Rescue Pets Iowa”) is an Iowa non-profit corporation with a principal office address at 1617 S. Milner, Ottumwa, Iowa 52501.
3. Defendant J.A.K.’s Puppies, Inc. (“JAK’s Puppies”) is an Iowa for-profit corporation with a home office address at 2685 Grant Ave., Britt, Iowa 50423.

4. Defendant Jolyn K. Noethe (“Noethe”) is, and was at all times material hereto, President of Hobo K9, as well as Co-President, Secretary and Director of JAK’s Puppies.

5. Defendant Noethe resides at 2366 Lake Cir., Britt, Iowa 50423.

6. Defendant Kimberly Dolphin (“Dolphin”) is, and was at all times material hereto, Treasurer of Hobo K9, as well as Co-President, Secretary and Director of JAK’s Puppies.

7. Defendant Dolphin resides at 541 6th Ave. SE, Britt, Iowa 50423.

8. Defendant Megan Peterson (“Peterson”) is, upon information and belief, a manager with Defendant JAK’s Puppies and was at all times material hereto Secretary of Defendant Hobo K9 Rescue, and is associated with Crane Canines, LLC.

9. Crane Canines, LLC was administratively dissolved on August 14, 2017 due to its failure to file its required biennial report.

10. Crane Canines, LLC’s owner, before its administrative dissolution, was Jared Peterson, who is Defendant Peterson’s husband upon information and belief.

11. Defendant Peterson resides at 2655 Crane Ave., Wesley, IA 50483.

12. Defendant Russell Kirk (“Kirk”) is, and was at all times material hereto, President, Secretary, Treasurer and Director of Rescue Pets Iowa.

13. Defendant Kirk resides at 1617 S. Milner, Ottumwa, Iowa 52501.

VENUE

14. Venue is proper in Polk County, Iowa pursuant to Section 504.1432(1) of the Iowa Code, which states “Venue for a proceeding brought by the attorney general to dissolve a corporation lies in Polk county.”

15. Furthermore, “Any number of Defendants may be joined in one action which asserts against them, jointly, severally or in the alternative, any right to relief in respect of, or arising out

of the same transaction, occurrence, or series of transactions or occurrences, when any question of law or fact common to all of them is presented or involved.” Iowa R. Civ. P. 1.233.

BACKGROUND

Many consumers shopping for puppies are concerned with the source of puppies they buy. Many consumers choose not to buy puppies originating from large-scale, for-profit breeders, commonly referred to as “puppy mills.” Some consumers may not wish to subsidize the for-profit puppy mill industry for ethical reasons. Additionally, consumers who purchase expensive puppies bred within a puppy mill are less assured that the dogs will live average lifespans, since puppy mill breeding operations often result in illnesses that reduce the quality and length of puppies’ lives.

Some state and local governments are banning the sale of puppy mill dogs to address consumer concerns. For example, California recently enacted the first state-wide ban on the commercial sale of cats, dogs and bunnies bred outside of public animal controls agencies and shelters, humane societies, or rescues.¹ Additionally, Chicago enacted a local ordinance in March 2014 providing that retailers may “offer for sale only those dogs . . . that the retailer has obtained from: (1) an animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or (2) a humane society or rescue organization.”² The ordinance defines “rescue organization” as “any not-for-profit

¹ “A pet store operator shall not sell a live dog, cat, or rabbit in a pet store unless the animal was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group that is in a cooperative agreement with at least one private or public shelter pursuant to Section 31108, 31752, or 31753 of the Food and Agricultural Code.” CAL. HEALTH & SAFETY CODE § 122354.5 (West) (effective January 1, 2019). By plainly designating said law, the State hereby pleads and proves it and requests this Court to take judicial notice of it pursuant to Iowa R. Civ. P. 1.415.

² CHI, ILL., LOCAL ORDINANCES CH. 4 § 384-015(b) Retail Sale of Dogs, Cats and Rabbits (effective March 5, 2014). By plainly designating said ordinance, the State hereby pleads and proves it and requests this Court to take judicial notice of it pursuant to Iowa R. Civ. P. 1.415.

organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits.”³ Such initiatives remove the for-profit incentive behind puppy mill breeding.

Some are creatively attempting to thwart anti-puppy mill initiatives and consumer protection laws by engaging in the practice of “puppy laundering.” Puppy laundering is the purposeful masking of the genuine source of merchandise puppies from consumers and law enforcement. Actors may obscure the source of puppies by transferring them from different persons and entities at least once, prior to final transfer to the entity that ultimately sells them to consumers. Obscuring the source of merchandise puppies deceptively preempts consumers’ concerns about buying dogs bred within puppy mills. Puppy laundering therefore inherently entails uninformed purchases by consumers, and unavoidable injuries stemming from lying to consumers - overtly or by deliberate omission - about the source of puppy merchandise.

Puppy laundering also entails the unfair, fraudulent usage of non-profit entities to circumvent local and state laws. For-profit entities and actors may create a non-profit “puppy rescue” in name alone, to which for-profit breeders transfer puppies to broker. Such transfers can occur across state lines and involved parties may characterize the transfers as a “rescue,” frustrating government and law enforcement efforts to combat consumer and charity fraud. The non-profit “rescues” may thereafter broker puppy merchandise to retailers in areas wherein puppy merchandise sold must be sourced from a “rescue.” Even in areas wherein puppies need not be sourced from “rescues,” puppy laundering obscures the identity of breeders who may have

³ CHI, ILL., LOCAL ORDINANCES CH. 4 § 384-015(a) Retail Sale of Dogs, Cats and Rabbits (effective March 5, 2014). By plainly designating said ordinance, the State hereby pleads and proves it and requests this Court to take judicial notice of it pursuant to Iowa R. Civ. P. 1.415.

USDA animal welfare violations or other unwanted attention they wish to keep hidden from consumers contemplating purchasing puppy merchandise.

COMMON FACTS

16. The Defendants are integral actors of a national puppy laundering ring emanating from within Iowa.

17. Defendant Hobo K9 Rescue alleged in response to the Attorney General's July 6, 2018 subpoena that its mission is the following:

Our mission is to help unwanted or undesirable canines and/or felines find their forever homes. We will work with breeders and other pet professional members in re-homing any animal this is flawed, unwanted, or not needed in their breeding programs or homes. They will contact us with the animal that is in need of a new home and we will work with our contacts in placing them. We will then make sure that all of its veterinarian needs are met (vaccinations/worming, spaying/neutering depending on age or need, grooming/dentals, etc.). We believe that every animal is a good addition to the right person's family.

18. Hobo K9 Rescue further alleged in response to the Attorney General's July 6, 2018 subpoena the following:

We do not solicit donations from individual members of the Iowa general public. All activities are funded by a \$25.00 rehoming donation for each animal placed through the rescue. We have not received any donations from individual members of the Iowa public None of the[] Iowa businesses/persons [with whom we work] have made any rehoming donations Being that we are a private rescue that only works with other members of the professional pet industry and J.A.K.'s Puppies, Inc., we do not advertise to the general public, nor solicit donations.

19. Defendants Noethe and Dolphin are and were both, at all times material hereto, Co-Presidents, Secretaries and Directors of Defendant JAK's Puppies.

20. Defendant Noethe is and was, at all times material hereto, President of Defendant Hobo K9 Rescue.

21. Defendant Dolphin is and was, at all times material hereto, Treasurer of Defendant Hobo K9 Rescue.

22. Defendant Peterson is and was, at all times material hereto, manager at Defendant JAK's Puppies, Secretary of Defendant Hobo K9 Rescue, and an associate of Crane Canines, LLC.

23. Upon information and belief, Defendants Hobo K9 Rescue and JAK's Puppies largely broker dogs bred elsewhere.

24. Upon information and belief, a majority, if not all, of dogs Defendants Hobo K9 Rescue and JAK's Puppies broker were bred from outside of the state of Iowa.

25. Hobo K9 Rescue, from its incorporation on September 1, 2016 until July 9, 2018, exported at least 1,290 dogs outside of Iowa.

26. Upon information and belief, Hobo K9 Rescue and the Defendants, in one combination or another, continued to export dogs in large quantities from Iowa after July 9, 2018.

27. Upon information and belief, all of the 1,290 dogs Hobo K9 Rescue exported outside of Iowa on or before July 9, 2018, were puppies - not older dogs that typically comprise the vast majority of legitimate rescues.

28. All 1,290 puppies Hobo K9 Rescue exported from Iowa on or before July 9, 2018 were transferred to eight different entities in four different states, including California, Illinois, Florida and New Jersey.

29. Upon information and belief, none of the 1,290 puppies Hobo K9 Rescue exported on or before July 9, 2018 were "re-homed" within Iowa.

30. Hobo K9 Rescue fraudulently touts itself as a non-profit "rescue" based out of rural Iowa, while exporting puppies for-profit and as far away as California.

31. Iowa Department of Agriculture and Land Stewardship (IDALS) certificates of veterinary inspection for puppies Hobo K9 Rescue exported from Iowa reveal that all were pure and "designer" breeds typically found in for-profit shops, including Pomeranians, Shar-Peis, Shih

Tzus, Alaskan Malamutes, Bichons, Shibu Inus, Miniature Schnauzers, Yorkie-Poodles, Poodle-miniature Schnauzers, etc.

32. Hobo K9 Rescue included a “pedigree” fee for hundreds of the 1,290 puppies it “re-homed” outside of Iowa.

33. Hobo K9 Rescue, upon information and belief, did not spay or neuter every puppy prior to shipping them outside of Iowa, increasing the chances some puppies it purported to “rescue” would again be bred for profit.

34. Hobo K9 Rescue alleged in response to the Attorney General’s July 27, 2018 subpoena that “total sales” of the 1,290 puppies it exported outside of Iowa on or before July 9, 2018 amounted to \$714,510.00.

35. Records obtained from one Chicago consignee called Pet Luv in response to the Attorney General’s October 19, 2018 subpoena, to whom Hobo K9 Rescue exported hundreds of its “rescue” pure and designer puppies, represented to consumers that the source of its puppies was “Hobo K9 Rescue,” not the true breeder source of said puppies.

36. Said Chicago consignee essentially sold hundreds of “Hobo K9 Rescue” puppies to consumers for thousands of dollars.

37. Another Chicago consignee called Park Pet Shop to whom Hobo K9 Rescue exported its “rescue” animals, in response to the Attorney General’s October 19, 2018 subpoena, allegedly “adopted” a Goldendoodle puppy to a consumer for \$3,599.99.

38. No legitimate charitable rescue’s associated fees to “adopt” or “re-home” a dog would ever even approach such an extravagant, for-profit sum as \$3,599.99.

39. Defendant Hobo K9 Rescue wrote large checks to for-profit Defendant JAK’s Puppies.

40. The Defendants' funneling of money between non-profit and for-profit entities further underscores the inherently for-profit nature of their fraudulent puppy laundering operations.

41. It appears that Defendant non-profit Hobo K9 Rescue transferred money via checks to Defendant JAK's Puppies (via Defendants Noethe and Dolphin) to cover procurement fees for puppies laundered through the State of Iowa as "rescue" puppies.

42. Because Defendants Noethe, Dolphin and Peterson are officers in both Defendant Hobo K9 Rescue and Defendant JAK's Puppies, it appears they must claim to "rescue" puppies from themselves - or from the for-profit puppy mill industry in which they participate.

43. Filed contemporaneously herewith is an affidavit by Chief Executive Officer of the Animal Rescue League of Iowa Tom Colvin.

CAUSES OF ACTION

I. ABUSE OF AUTHORITY CONFERRED UPON IOWA NON-PROFIT CORPORATIONS

44. The State re-alleges and incorporates Paragraphs 1 through 43 as if fully set forth herein.

45. The District Court may dissolve a corporation in a proceeding brought by the Attorney General if "(1) the corporation obtained its articles of incorporation through fraud [or] (2) the corporation has continued to exceed or abuse the authority conferred upon it by law." Iowa Code section 504.1431(1)(a)(1)-(2).

46. Defendants Hobo K9 Rescue and Rescue Pets Iowa continually abuse the authority conferred upon them by the State of Iowa, and this Court should permanently dissolve them.

II. DECEPTIVE AND UNFAIR PRACTICES VIOLATING THE IOWA CONSUMER FRAUD ACT

47. The State re-alleges and incorporates Paragraphs 1 through 46 as if fully set forth herein.

48. Iowa Code sections 714.16(2)(a), (1)(f) and (1)(n) of the Iowa Consumer Fraud Act provide that:

The act, use or employment by a person of an unfair practice, deception, fraud, false pretense, false promise, or misrepresentation, or the concealment, suppression, or omission of a material fact with intent that others rely upon the concealment, suppression, or omission, in connection with the lease, sale, or advertisement of any merchandise or the solicitation of contributions for charitable purposes, whether or not a person has in fact been misled, deceived, or damaged, is an unlawful practice.

It is deceptive advertising within the meaning of this section for a person to represent in connection with the lease, sale, or advertisement of any merchandise that the advertised merchandise has certain performance characteristics, accessories, uses, or benefits or that certain services are performed on behalf of clients or customers of that person if, at the time of the representation, no reasonable basis for the claim existed. The burden is on the person making the representation to demonstrate that a reasonable basis for the claim existed.

...

(f) "Deception" means an act or practice which has the tendency or capacity to mislead a substantial number of consumers as to a material fact or facts

...

(n) "Unfair practice" means an act or practice which causes substantial, unavoidable injury to consumers that is not outweighed by any consumer or competitive benefits which the practice produces.

49. Iowa Code section 714.16(1)(j) of the Iowa Consumer Fraud Act defines "person" to include "any natural person or the person's legal representative, partnership, corporation (domestic and foreign), company, trust, business entity or association, and any agent, employee, salesperson, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof."

50. Iowa Code section 714.16(1)(i) of the Iowa Consumer Fraud Act defines "merchandise" to "include[] any objects, wares, goods, commodities, intangibles, securities, bonds, debentures, stocks, real estate or services."

51. A civil action pursuant to the Iowa Consumer Fraud Act is in equity. Iowa Code section 714.16(7).

52. Iowa Code section 714.16(7) provides that the Attorney General may request several remedies from this Court against persons who violate the Iowa Consumer Fraud Act, including:

- a. permanent injunctive relief prohibiting the persons from continuing the practice, engaging in the practice or doing an act in furtherance of the practice;
- b. orders or judgments as necessary to prevent the use or employment by a person of any prohibited practices;
- c. disgorgement of moneys or property acquired by persons who acquired moneys or property by any means declared to be unlawful by the Iowa Consumer Fraud Act;
- d. civil penalties not to exceed forty thousand dollars per violation against a person found by the court to have engaged in a method, act, or practice declared unlawful by the Iowa Consumer Fraud Act; and
- e. imposing a civil penalty of not more than five thousand dollars for each day of intentional violation of a temporary restraining order, preliminary injunction, or permanent injunction issued under authority of the Iowa Consumer Fraud Act.

53. "In an action brought under this section, the attorney general is entitled to recover costs of the court action and any investigation which may have been conducted, including reasonable attorneys' fees, for the use of this state." Iowa Code section 714.16(11).

54. The Attorney General contends that the Defendants' activities are both unfair and deceptive.⁴

55. The Defendants' puppy laundering activities have a tendency or capacity to mislead a substantial number of consumers as to a material fact or facts.

56. The Defendants' puppy laundering activities cause substantial, unavoidable injury to consumers that are not outweighed by any consumer or competitive benefits which the practice may allegedly produce.

57. Additionally, the Defendants' puppy laundering activities are unfair practices because both the design and impact of the Defendants' scheme is to exploit non-profit legal status conferred by the State of Iowa to frustrate and circumvent laws protecting consumers – for profit.⁵

III. ONGOING CONSUMER FRAUD JUSTIFYING PRELIMINARY INJUNCTIVE RELIEF

58. The State re-alleges and incorporates Paragraphs 1 through 57 as if fully set forth herein.

59. "If it appears to the Attorney General that a person has engaged in, is engaging in, or is about to engage in a practice declared to be unlawful" by the Act, the Attorney General may seek and obtain in an action in the district court a temporary restraining order, preliminary injunction or a permanent injunction prohibiting any "person"⁶ from continuing or engaging in the unlawful

⁴ "[D]eceptive and unfair practices are distinct lines of inquiry.... [W]hile a practice may be both deceptive and unfair, it may be unfair without being deceptive." State ex rel. Miller v. Vertrue, Inc., 834 N.W.2d 12, 30 (Iowa 2013).

⁵ "[S]tatutes that prohibit 'unfair practices' are designed to infuse flexible equitable principles into consumer protection law so that it may respond to the myriad of unscrupulous business practices modern consumers face." Id. at 34.

⁶ "Person" is defined under the Consumer Fraud Act to include any natural person, any form of business entity, and any agent, employee, salesperson, member or associate thereof. Iowa Code section 714.16.1(j) (2017).

practice or doing an act in furtherance of the practice. The Court may make such orders or judgments as necessary to prevent the use or employment by a person of any prohibited practice. Iowa Code section 714.16(7) (2017).

60. Pursuant to Iowa R. Civ. P. 1.1502 (1), a temporary injunction may be entered in any case specially authorized by statute and may be supported by affidavit. When, as here, an injunction is specially authorized by statute, the usual requirements for injunctive relief do not apply, and it is sufficient to meet the statutory conditions.⁷ See Iowa R. Civ. P.1.1502 (3). *See also State ex rel. Turner v. Limbrecht*, 246 N.W.2d 330, 334 (Iowa 1976) (overruled on other grounds by *State ex rel. Miller v. Hydro Mag, Ltd.*, 436 N.W.2d 616, 622 (Iowa 1989)).

61. Upon information and belief, the Defendants are attempting to obscure ongoing fraudulent activities the Attorney General has been investigating since June 2018 by creating a brand-new sham charity called Rescue Pets Iowa Corp. in December 2018.

62. Defendant Rescue Pets Iowa also purports to be a non-profit dog “rescue.”

63. Defendant Russell Kirk’s personal address is also the “office” address of Defendant Rescue Pets Iowa.

64. Certificates of veterinary inspections the Attorney General recently obtained from IDALS reflect that Defendant Rescue Pets Iowa appears to be brokering and exporting bunches of pure and designer breeds to entities outside of Iowa, including one as far away as California – apparently replicating the same puppy laundering activities as Defendant Hobo K9 Rescue.

⁷ In an action for an injunction under the Consumer Fraud Act it is not necessary to allege or to prove reliance, damages, intent to deceive, or that the person who engaged in the unlawful act had knowledge of the falsity of the claim or ignorance of the truth. Iowa Code section 714.16(7).

65. Defendant Rescue Pets Iowa's certificates of veterinary inspection also reflect that Defendant Noethe signed on behalf of consignor Rescue Pets Iowa for puppies exported outside of Iowa.

66. Defendant Ms. Noethe, upon information and belief, also continues to maintain leadership positions in both JAK's Puppies and Hobo K9 Rescue.

67. There is no legitimate reason for Defendant Noethe to begin associating with a new non-profit dog "rescue" engaged in the same sort of activities as Defendant Hobo K9 Rescue, particularly in light of the Attorney General's ongoing investigation of Defendant Noethe and her associates.

68. It appears that Defendant Noethe has continued to engage in the same unfair and deceptive acts that the Attorney General is actively investigating, in a manner designed to obscure her ongoing activities.

69. Defendant Noethe has, by her recent actions, demonstrated a pattern of creating or associating with new sham entities to obscure her continuing fraud.

70. This Court is justified in Ordering Respondent Noethe to cease all of her relevant business and "non-profit" activities pending conclusion of this action.

71. The Attorney General subpoenaed Defendant Rescue Pets Iowa on March 1, 2019 and is waiting for its responses to the State's investigation of the Defendants' business activities.

72. JAK's Puppies has yet to comply with the Attorney General's October 24, 2018 civil investigative demand requesting more information and documentation from it – while Defendant Noethe apparently continued and continues her puppy laundering activities and associated with the latest sham entity known as Rescue Pets Iowa.

73. Defendant JAK's Puppies failure to comply with the Attorney General's investigation has now spanned over four months.

74. Defendant Noethe has provided no legitimate reason for her failure to comply with the Attorney General's consumer fraud investigation

75. California's state-wide ban on the sale of puppy mills dogs went into effect January 1, 2019 – yet Defendants continue to ship their “rescue” dogs to California using sham entities.

76. Defendant Noethe should not be permitted to obstruct the Attorney General's investigation while continuing to launder puppies, which continues to defraud consumers.

77. To any extent Defendant Noethe continues her fraudulent puppy laundering operations under the newest name of “Rescue Pets Iowa” while also obstructing the Attorney General's investigation, this Court is justified in Ordering her to cease all sales, transfers and “rescues” of dogs, individually and in combination with any other entity or person, pending conclusion of this matter.

78. Even assuming Defendant Noethe had not assisted Rescue Pets Iowa's apparent puppy laundering activities, Rescue Pets Iowa appears to be engaged in the same sort of unfair, deceptive and fraudulent puppy laundering practices as Defendant Hobo K9 Rescue.

79. None of the Defendants should be permitted to engage in unfair and deceptive puppy laundering activities pending conclusion of this action.

80. Accordingly, this Court is justified in ordering Defendant Rescue Pets Iowa to temporarily cease all of its activities pending the conclusion of the State's action.

PRAYER

1. The State alleges that Defendants Hobo K9 Rescue and Rescue Pets Iowa have abused, and are abusing, the authority and “charitable” status conferred upon them by the State

of Iowa.

2. It is the State's contention that its Petition, attached Affidavit and other evidentiary documents establish that the Defendants are using unlawful business practices, including but not limited to unfair practices, deception, fraud, false pretenses, false promises and misrepresentations against Consumers, all in violation of Iowa Code section 714.16, such that preliminary injunctive relief is necessary to stop these unlawful practices pending conclusion of the action.
3. No bond is required, as Iowa R. Civ. P. 1.207 provides that in an action by the state, no security shall be required of the state.
4. The State certifies, pursuant to I.R.Civ.P. 1.1504, that no prior petition seeking a temporary injunction or injunctive relief against these parties has been previously presented to the Court.
5. The Plaintiff, State of Iowa, requests pursuant to I.R.Civ.P. 1.1507 that the Court set this Petition in Equity for an immediate hearing, and send notice to the Defendants of the time and place of hearing.
6. Plaintiff, the State of Iowa requests the Court allow the State to submit a proposed Order following the hearing on the State's Petition in Equity.

WHEREFORE, the Attorney General of the State of Iowa respectfully requests that the Court grant the following relief:

- A. Pursuant to the Revised Iowa Nonprofit Corporation Act, Iowa Code § 504, permanently dissolve Defendants Hobo K9 Rescue and Rescue Pets Iowa Corp., and direct the assets of the corporations be distributed according to the relevant provisions of the Act;

- B. Pursuant to Iowa Code § 714.16(7), and upon further request by the State addressed to the Court via motion, enter a **TEMPORARY INJUNCTION restraining all Defendants** (and each Defendant's agents, employees, independent contractors, salespersons, servants, representatives, officers and directors, principals, partners, members, affiliates, predecessors, successors, assigns, merged or acquired predecessors, parent or controlling entities and all other persons, corporations, and business entities acting in concert or participating with the Defendant(s) who have actual or constructive notice of the Court's injunction), individually, in conjunction with others, or directing others to do on their behalf, from creating, incorporating, filing, employing, or using any for-profit or non-profit corporation and any other form of corporate entity, for the purpose of conducting any business or charitable activities involving the transfer of animals.
- C. Pursuant to Iowa Code § 714.16(7) and after trial on the merits, enter a **PERMANENT INJUNCTION restraining all Defendants**, and each Defendant's agents, employees, independent contractors, salespersons, servants, representatives, officers and directors, principals, partners, members, affiliates, predecessors, successors, assigns, merged or acquired predecessors, parent or controlling entities and all other persons, corporation, and business entities acting in concert or participating with Defendant(s) who have actual or constructive notice of the Court's injunction, from engaging in the deceptive, misleading, unfair, unlawful acts, practices and statements alleged in this Petition or otherwise violation of the Iowa Consumer Fraud Act;
- D. Enter judgment against all of the Defendants, jointly and severally, for amounts necessary to restore to consumers all money acquired by means of acts or practices that violate the Consumer Fraud Act, Iowa Code § 714.16;

- E. Enter judgment against all of the Defendants, jointly and severally, for funds as are necessary to ensure complete disgorgement of all ill-gotten gains traceable to the unlawful practices alleged herein, pursuant to Iowa Code § 714.16(7);
- F. Enter judgment against all of the Defendants, jointly and severally, for up to \$40,000 for each separate violation of the Iowa Consumer Fraud Act, by each Defendant, pursuant to Iowa Code § 714.16(7);
- G. Award the State interest as permitted by law;
- H. Enter judgment against all of the Defendants, jointly and severally, for mandatory attorney fees, state's costs, and court costs, pursuant to Iowa Code § 714.16(11);
- I. Grant such additional relief as the Court deems just and equitable.

Respectfully submitted,

THOMAS J. MILLER
Attorney General of Iowa

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