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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF MEEKER

EIGHTH JUDICIAL DISTRICT

Case Type: Civil
(Consumer Protection)

State of Minnesota, by its Attorney General, Keith Ellison,

Court File No. 47-CV-20-278

Plaintiff,

vs.

CONSENT JUDGMENT AND ORDER

Ikechukwu Michael Nwachukwu d/b/a Divine Estates,

Defendant.

WHEREAS, the Attorney General, Keith Ellison ("Attorney General" or "State") filed and served a Complaint and Motion for Temporary Restraining Order against Ikechukwu Michael Nwachukwu d/b/a Divine Estates ("Nwachukwu") in this matter on April 9, 2020 ("Complaint");

WHEREAS, the Court granted the State's Motion for a Temporary Restraining Order on April 13, 2020;

WHEREAS, the Attorney General and Nwachukwu desire to resolve fully the claims set forth in the Complaint by this Consent Judgment and Order; and

NOW, THEREFORE, the Attorney General and Nwachukwu hereby agree to entry of an order with the following terms and conditions:

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I. INJUNCTIVE RELIEF

1. Nwachukwu, including his agents, independent contractors, affiliates, successors, as well as other persons in active concert or participation with Nwachukwu who receive actual notice of this order, shall comply with the following permanent injunctive terms and provisions:

a. Nwachukwu (including any company in which Nwachukwu is an owner, officer, director, or has a managing or controlling interest) shall not prevent any utility service, including, but not limited to, water service, to be received by the residential tenant living at the Divine Estates manufactured home park located at 280 S. Comet Street in Cosmos, Minnesota.

b. Nwachukwu (including any company in which Nwachukwu is an owner, officer, director, or has a managing or controlling interest) shall not take any further actions that interfere with any residential tenant's ability to live at the Divine Estates manufactured home park during the peacetime emergency as required by Order 20-14, including, but not limited to, interrupting or causing to interrupt any utility service including, but not limited to, water service.

c. Nwachukwu shall, immediately upon the Court's entry of this Consent Judgment and Order, discharge, cancel, release, forgive, and adjust to a zero balance the outstanding tenant account balance of [redacted], which balance is $692.16 as of April 20, 2020.

2. Nwachukwu shall fulfill the terms of this Consent Judgment, and any affiliates and successors shall be bound by this Consent Judgment as if they had signed this Consent Judgment, so as to accomplish the full relief contemplated by this Consent Judgment. Nwachukwu shall not effect any change in his form of doing business, organizational identity,

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organizational structure, affiliations, ownership, or management composition as a method or means of attempting to avoid the requirements of this Consent Judgment.

II. MONETARY PAYMENT

3. No later than ten (10) days after the Court's entry of this Consent Judgment and Order, Nwachukwu shall pay to the Attorney General the sum of $1,000 (the "Settlement Sum") pursuant to Minn. Stat. § 8.31, by check payable to the State of Minnesota and mailed to the Minnesota Attorney General's Office, care of Michael Goodwin, at 445 Minnesota Street, Suite 1200, St. Paul, MN 55101. All or any portion of the Settlement Sum may be distributed to injured persons or entities by the Attorney General in his sole discretion pursuant to Minnesota Statutes section 8.31. Any remaining funds shall be remitted to the general fund of the State pursuant to Minnesota Statutes section 8.31 and 16A.151.

III. STAYED CIVIL PENALTY

4. Nwachukwu shall pay a stayed civil penalty of $9,000 to the Attorney General upon application to the Court and a showing by the Attorney General that Nwachukwu has violated any of the terms of this Consent Judgment and Order. The Court shall decide whether the civil penalty shall be imposed, upon a motion by the Attorney General, and after an evidentiary hearing, if the Court deems such hearing necessary. The release in paragraph 6 does not prevent the Attorney General from moving for, or collecting, the stayed civil penalty described in this paragraph.

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IV. GENERAL TERMS

5. Nothing in this Consent Judgment shall relieve Nwachukwu of his obligation to comply with all applicable Minnesota and federal laws and regulations.

6. In consideration of the stipulated relief, the sufficiency of which is acknowledged, the Office of the Attorney General, by execution of this Consent Judgment, hereby fully and completely releases Nwachukwu of any and all claims of the Attorney General connected with or arising out of the allegations in the Attorney General's Complaint in the above-captioned action, up to and including the date of this Consent Judgment. The Attorney General through this Consent Judgment does not settle, release, or resolve any claim against Nwachukwu or any other person or entity involving any private causes of action, claims, and remedies including, but not limited to, private causes of action, claims, or remedies provided for under Minn. Stat. § 8.31. This release does not apply in any way to claims of any other Minnesota state agency, department, official, or division, including but not limited to the Minnesota Department of Health.

7. Nwachukwu neither admits nor denies the allegations in the Complaint.

8. This Consent Judgment may be executed in counterparts, each of which constitutes an original, and all of which shall constitute one and the same agreement.

9. This Consent Judgment constitutes the full and complete terms of the agreement entered into by Nwachukwu and the Attorney General.

10. The Court shall retain jurisdiction of this matter for purposes of enforcing the Consent Judgment and Order. The Attorney General may make such application as appropriate to enforce or interpret the provisions of this Consent Judgment and Order or, in the alternative,

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maintain any action within his legal authority for such other and further relief as he determines is proper and necessary for the enforcement of this Consent Judgment and Order. The parties agree that, in any action brought by the Attorney General to enforce the terms of this Consent Judgment and Order, the Court shall have the authority to award equitable relief, including specific performance.

11. Service of notices required by this Settlement Agreement shall be served on the following persons, or any person subsequently designated by the parties to receive such notices:

Michael Goodwin
Assistant Attorney General
Office of the Minnesota Attorney General
445 Minnesota Street, Suite 1200
St. Paul, Minnesota 55101

Ikechukwu Michael Nwachukwu
d/b/a Divine Estates
3700 Division St. W
St. Cloud, MN 56301

12. The failure of a party to exercise any rights under this Consent Judgment shall not be deemed to be a waiver of any right or any future rights.

13. This Consent Judgment, including any issues relating to interpretation or enforcement, shall be governed by the laws of the State of Minnesota.

14. Nothing in this Consent Judgment shall be construed to limit the power or authority of the State of Minnesota or the Attorney General except as expressly set forth herein.

15. Each of the parties had the opportunity to be advised and represented by counsel, participated in the drafting of this Consent Judgment, and agrees that the Consent Judgment's terms may not be construed against or in favor of any of the parties by virtue of draftsmanship.

16. Each party shall perform such further acts and execute and deliver such further documents as may reasonably be necessary to carry out this Consent Judgment and Order.

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17. The parties consent to entry of the foregoing judgment, which shall constitute a final judgment. The judgment shall take effect immediately upon entry by the clerk of this Court.

Dated: April 23, 2020

Ikechukwu Michael Nwachukwu, d/b/a Divine Estates

By:/s/Ikechukwu Michael Nwachukwu
Ikechukwu Michael Nwachukwu

Dated: April 23, 2020

KEITH ELLISON
ATTORNEY GENERAL
STATE OF MINNESOTA

By: /s/Michael Goodwin
MICHAEL GOODWIN
Assistant Attorney General

ORDER

Based upon the foregoing Consent Judgment, it is SO ORDERED.

Date: April 24, 2020

Stephanie L. Beckman
THE HON. STEPHANIE BECKMAN
JUDGE OF DISTRICT COURT

THERE BEING NO CAUSE FOR FURTHER DELAY, LET JUDGMENT BE ENTERED IMMEDIATELY.

JUDGMENT

I hereby certify that the foregoing constitutes the Judgment of the Court.

Court Administrator

Hentges, Kellie
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