

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

OFFICE OF THE ATTORNEY GENERAL,
STATE OF FLORIDA DEPARTMENT OF
LEGAL AFFAIRS,

Plaintiff,

v.

Case No.: 2020-CA-000437

FLORIDA COALITION AGAINST DOMESTIC
VIOLENCE INC.,
a Florida not-for-profit corporation,

FLORIDA COALITION AGAINST
DOMESTIC VIOLENCE
FOUNDATION INC., a Florida
not-for-profit corporation,

and

TIFFANY CARR, an individual,

Defendants.

AGREED ORDER WITH RESPECT TO 1) THE MOTION BY RECEIVER FOR: A) DETERMINATION OF THE EXISTENCE OF A TRUST; B) TURNOVER OF TRUST PROPERTY HELD BY THE FLORIDA COALITION AGAINST DOMESTIC VIOLENCE FOUNDATION, INC.; C) IMPOSITION OF EQUITABLE LIEN AND D) RELATED RELIEF (DOC. NO. 53); AND 2) PLAINTIFF'S EMERGENCY MOTION TO APPOINT A RECEIVER AND FOR ENTRY OF A TEMPORARY INJUNCTION TO PRESERVE THE ASSETS OF THE FLORIDA COALITION AGAINST DOMESTIC VIOLENCE FOUNDATION, INC. (DOC. NO. 4)

This case came before the Court upon Motion of the duly appointed receiver for the Florida Coalition of Domestic Violence, Inc., Mark C. Healy (the "Receiver"), for: A) Determination of the Existence of a Trust; B) Turnover of Trust Property Held by the Florida Coalition Against Domestic Violence Foundation, Inc.; C) Imposition of Equitable Lien and D)

Related Relief (Doc. No. 53); and Plaintiff's Emergency Motion to Appoint a Receiver and for Entry of a Temporary Injunction to Preserve Assets of the Florida Coalition Against Domestic Violence Foundation, Inc. (Doc. No. 4) (collectively the "Motions").

WHEREAS, Plaintiff, the Office of the Attorney General, State of Florida Department of Legal Affairs asserts that the purpose of the Florida Coalition Against Domestic Violence Foundation, Inc. ("Foundation") has always been to support the Florida Coalition Against Domestic Violence, Inc. (the "Coalition"), that the Foundation obtained the assets it now holds through donations given to advance that purpose, that the Foundation no longer has a basis for its continued existence in light of the status of the Coalition and the apparent cessation of the Foundation's operations, that the Foundation should be placed in a receivership by the Court, that Mark Healy should be appointed Receiver for the Foundation, and that the Foundation's assets should be turned over to the Coalition's Receiver to meet the Coalition's needs as determined by the Coalition's Receiver and to the extent required, subject to Court approval;

WHEREAS, the Receiver for the Coalition asserts that the Foundation's business should be conducted pursuant to its governing documents in order to support the Coalition and all assets of the Foundation are held to benefit and support the Coalition, that the Foundation's assets should be turned over to continue the operations of the Coalition, and the turnover of the Foundation's assets should ultimately benefit the 42 certified domestic violence shelters in Florida;

WHEREAS, the Foundation asserts the Foundation's assets should be distributed directly to, or directly for the benefit of, the 42 certified domestic violence shelters in Florida;

WHEREAS, the Foundation asserts that neither the Foundation nor Ms. Carr have sought or seek any interest in or benefit from the Foundation assets, no monies have been or will be

expended on legal fees in connection with this case, and the Foundation assets have remained untouched since the inception of this case;

WHEREAS, the Foundation asserts that, while the Plaintiff and Receiver may not be legally entitled to the relief they seek, the Foundation has no opposition to the appointment of a receiver and the ultimate distribution of the assets directly to, or directly for the benefit of, Florida's 42 certified domestic violence shelters;

WHEREAS, in order to avoid the expense and uncertainty associated with further litigation of issues relative to the disposition of the Foundation and its assets, the Parties seek to and have agreed to resolve their dispute with respect to these issues and enter into this stipulation, and have agreed to the terms of this Order; and

WHEREAS, the Court having considered and being otherwise fully advised in the premises and for good cause shown, it is:

ORDERED AND ADJUDGED that:

1. By a separate Order of this Court, Mark Healy shall be appointed the receiver of the Foundation on substantially similar terms as the Order appointing him receiver of the Coalition (Docket Number 34), the form of which is subject only to the Plaintiff's and the Court's approval;
2. The Foundation shall be administered and maintained as a separate estate.
3. Mark Healy as receiver of the Foundation, in his sole discretion, is authorized to utilize up to \$500,000.00 of the Foundation's assets to administer the Coalition's receivership estate, including without limitation, to pay the expenses of certain third-party contracts to provide direct benefit to Florida's certified domestic violence shelters and the costs of administering the Coalition's receivership estate.

4. If necessary in the Receiver of the Coalition's sole discretion, the Receiver of the Coalition may seek Court approval for further use of Foundation assets in addition to the \$500,000.00 referred to in paragraph 3 above, in order to administer the Coalition's receivership estate.

5. Any remaining assets of the Foundation shall be used to administer the Foundation estate subject to the Order appointing a receiver over the Foundation, to pay Foundation creditors (if any), and if any further amounts are left over, to pay any claims of the Florida Department of Children and Families and any Florida certified domestic violence shelters allowed claims against the Coalition. If any further funds are available, those will be donated directly to any of Florida's certified domestic violence shelters in the Receiver's sole discretion.

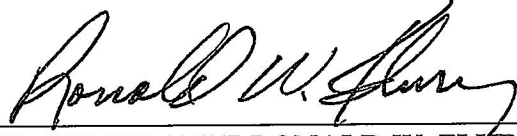
6. Tiffany Carr will fully and reasonably cooperate with Mark Healy as the receiver appointed over the Foundation and with the administration of the Foundation's receivership estate, and Tiffany Carr shall not object to or cause or encourage anyone else to object to the use of the initial \$500,000.00 of Foundation assets to be utilized on behalf of the Coalition;

7. All parties agree that Mark Healy as Receiver over the Foundation is authorized to employ Shutts & Bowen, LLP as the Receiver's counsel over the Foundation.

8. Neither Tiffany Carr nor Foley & Lardner LLP shall assert any claims against the Foundation or its receivership estate, or seek payment of any debts or obligations from the Foundation's assets (this provision does not waive any rights of Tiffany Carr otherwise available in the event the Foundation or its receivership estate seeks any affirmative relief).

9. The terms of this Agreed Order can only be amended by Agreement of the parties subject to Court approval or upon an Order of the Court upon the filing of and notice of an appropriate motion.

DONE and **ORDERED** in Chambers at Leon County, Florida on this 21 the day of May, 2020.



THE HONORABLE RONALD W. FLURY
CIRCUIT COURT JUDGE

Copies furnished to counsel of record through the ePortal:
All counsel of record.