

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

State of North Dakota Ex Rel. Wayne
Stenehjem, Attorney General,

Plaintiff,

v.

Spa D'Athena, LLC, Jill Marie Becker,
and Michael Brent Voorhees,

Defendants.

Case No. 08-2018-CV-00306

**ORDER AFTER DEFAULT FOR
FINAL JUDGMENT**

[¶1] The Court struck Defendant's Answer and imposed default on the Defendants. The Court, in this Order, directed the State to provide evidence of requested restitution relief for the alleged victims in this matter. The State did provide this information to the Court in the form of a Request for Final Order and Judgment after Default. The State provided affidavits of proof containing the consumer complaints alleged in this action in support of the requested amounts of restitution, penalties, and attorney's fees and costs. The State also reiterated their request for injunctive relief, which the Court has already granted in its previous order. Both Michael Brent Voorhees and Jill Marie Becker responded to the State's request. The State did reply to these responses by Defendants.

[¶2] The Court has reviewed all documentation in this file and issues the following Order for Judgment.

[¶3] Defendants shall be responsible for \$275,195.84 for the outstanding gift certificates reported by consumers impacted by Defendants' actions as outlined in the

State's Request and exhibits. The State also provides amounts of \$517,281.00 as unredeemed gift cards at one point and \$900,011 at another. The Court determines the State could and has demonstrated the ability to prove up to the \$275,195.84 number as the amounts owed as restitution to the consumers defrauded in this matter.

[¶4] The State further requests the Court to order attorney's fees under NDCC 51-15-10 and requests \$142,800 as reasonable attorney's fees. The Court is suspect that the Defendants can or will be able to pay anything as they have recently filed bankruptcy, and the Court would obviously prefer money to go to the alleged victims in this matter. The statute does say shall so the Court will allow the lesser amount requested by the State in the amount of \$75,000 as reasonable attorney's fees. Again, as evidenced by the documentation filed with the request for final Order and Judgment.

[¶5] The Court further Orders the requested costs of \$1,051.00 as outlined by the State for bringing this action.

[¶6] The Court will further Order a civil penalty of \$28,600.00 calculated at \$10 per complaint under NDCC 51-15-11.

[¶7] The Defendants are enjoined from conducting business in the State of North Dakota as previously ordered.

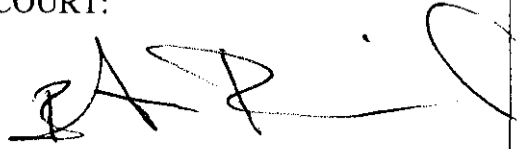
[¶8] Interest shall accrue as per statute.

[¶9] The State shall prepare a Judgment for the clerk's signature mirroring this Order.

[¶10] IT IS SO ORDERED.

Dated this September 15, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'BRU' followed by a large flourish that extends to the right edge of the page.

Bruce Romanick, District Judge
South Central Judicial District

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

STATE OF NORTH DAKOTA EX REL.
WAYNE STENEHJEM,
ATTORNEY GENERAL,

Plaintiff,

-vs-

SPA D'ATHENA, LLC, JILL MARIE
BECKER, and MICHAEL BRENT
VOORHEES,

Defendants.

Civil No. 08-2018-CV-00306

JUDGMENT

CPAT 170202.001

[¶1] This matter having come before the Court on Plaintiff State of North Dakota ex rel. Wayne Stenehjem, Attorney General's Request for Final Judgment After Default. The Court, having issued an Order After Default for Final Judgment and being fully advised of the premises, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

[¶2] Pursuant to N.D.C.C. § 51-15-07, the State shall Judgment against Defendants in the amount of \$275,195.84 as restitution for the consumers defrauded by Defendants.

[¶3] Pursuant to N.D.C.C. § 51-15-10, the State shall have Judgment against Defendants in the amount of \$75,000.00 for attorney's fees.

[¶4] Pursuant to N.D.C.C. § 51-15-10, the State shall have Judgment against Defendants in the amount of \$1,051.00 for costs incurred by the State to bring this action.

[¶5] Pursuant to N.D.C.C. § 51-15-11, the State shall have Judgment against Defendants in the amount of \$28,600.00 for civil penalties.

[¶6] Pursuant to N.D.C.C. § 51-15-07, Defendants are enjoined from conducting business in the State of North Dakota.

[¶7] This Judgment shall be a Judgment for which execution may issue.

[¶8] Interest shall accrue on this Judgment in accordance with the interest rate on judgment as provided by N.D.C.C. § 28-20-34.

Signed: 9/16/2020 4:29:57 PM

CLERK OF DISTRICT COURT

A handwritten signature in black ink that reads "Michael Brung". The signature is written in a cursive style and is positioned above a horizontal line.

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