

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 76

22STCV01293

May 26, 2023

**PEOPLE OF THE STATE OF CALIFORNIA, et al. vs THE
ALIERA COMPANIES INC., A DELEWARE CORPORATION
ET AL, et al.**

5:00 PM

Judge: Honorable Christopher K. Lui
Judicial Assistant: T. Le
Courtroom Assistant: None

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order Re: Stipulation for Entry of Final Judgment and Permanent Injunction as to Defendant A. Joseph Guarino III;

The Court has reviewed the parties' Stipulation for Entry of Final Judgment and Permanent Injunction as to Defendant A. Joseph Guarino III submitted on 05/16/2023.

Having considered the parties' stipulation and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. This Court has jurisdiction over the subject matter of the People's Complaint filed in this action and over Defendant, and is the proper venue for this action.
2. The terms of this Judgment shall be governed by the laws of the State of California.
3. The provisions of the Judgment are applicable to Defendant, and to his agents, representatives, and to all persons acting by, through, under or on behalf of Defendant, and to all persons acting in concert with or participating with Defendant with actual or constructive knowledge of this Judgment.
4. Pursuant to California Business and Professions Code section 17203, the defendant A. Joseph Guarino III is hereby enjoined and restrained, for a period of six (6) years starting from the date of entry of the Final Judgment and Permanent Injunction as to Defendant A. Joseph Guarino III, from directly or indirectly:
 - a. Conducting business, i.e. engaging in any activity in pursuit of gain, whether personal, professional, or for a third party, including activities carried on by a person through officers,

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agents and employees as well as activities carried on by a person on that person's own behalf, and activities carried out on behalf of a for-profit or nonprofit entity, in California or directed at California residents; and

b. Holding any leadership position, including but not limited to any executive position or position as an officer, director, partner, corporate entity manager or board member, in a company that conducts business in California or directs business at California residents.

5. Defendant shall cooperate fully with Plaintiff in any civil, criminal or administrative action against individuals who participated in the conduct alleged in the Complaint in this matter, including such actions against the other defendants. The People acknowledge the assistance that Guarino has already provided through the pendency of this legal action to date.

6. Including in the obligation described by paragraph 5 is an obligation to be available and provide testimony at deposition and trial and written declaration of fact under penalty of perjury, at Plaintiff's request. Defendant is also required to produce all documents and information relevant to the Plaintiff's claims in the Complaint against the other defendants, at Plaintiff's request, regardless of whether it is made through formal process or informal request. Further, Defendant is obligated to provide authentication, through written declaration or live testimony, to assist in Plaintiff's admission of documents.

7. In the event that Defendant fails to comply with paragraphs 5 and 6 of the Judgment, which is incorporated by reference as though set forth fully herein, Plaintiff may move to set aside this Judgment and take the matter to trial against him.

8. Pursuant to Business and Professions Code sections 17206, 17206.1 and 17536, Defendant Guarino is ordered to pay to Plaintiff the sum of one million dollars (\$1,000,000). Provided, however, based upon Defendant's representations in a completed and notarized Affidavit of A. Joseph Guarino III provided to Plaintiff under penalty of perjury regarding his current net worth, this order to pay civil penalties shall be suspended for such time as defendant abides by the terms of this Final Judgment and Permanent Injunction as to Defendant A. Joseph Guarino III. If Plaintiff should discover that Defendant has violated the terms of this Final Judgment and Permanent Injunction as to Defendant A. Joseph Guarino III, or that Defendant's net worth at the time of providing his representations to Plaintiff under penalty of perjury regarding his current net worth was greater than contained in such representations, the suspension of the payment set forth in this paragraph will terminate and the entire \$1,000,000 will be immediately due and

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payable to the California Department of Justice, 300 S. Spring Street, Suite 1702, Los Angeles, California, attention Deputy Attorney General Ari Dybnis. For purposes of this paragraph, and any subsequent proceedings to enforce payment, Defendant waives any right to contest any of the allegations set forth in the complaint filed in this matter or the \$1,000,000 civil penalties referenced above.

9. Jurisdiction is retained for the purpose of enabling any party to this Judgment to apply to the Court at any time for such further orders and directions as may be necessary and appropriate for the construction or carrying out of the Judgment, for the modification of any of the provisions thereof, for the enforcement of compliance herewith, or for the punishment of violations hereof.

10. Nothing in this Judgment shall be deemed to be an approval by the State of California or the California Attorney General of any of Defendant's advertising or business practices. Further, neither Defendant nor anyone acting on his behalf shall state or imply, or cause to be stated or implied, that the California Attorney General or any other governmental unit of California has approved, sanctioned, or authorized any practice, act, advertisement or conduct of Defendant.

11. The exclusive right to enforce any violation of this Judgment shall be with the parties to this Judgment and the Court.

12. By stipulation of Plaintiff and Defendant A. Joseph Guarino III filed with this Court, the Parties acknowledged and waived their right to appeal from the issuance and contents of this Judgment. Based upon this stipulation, the Court finds that such waivers, being knowingly, intelligently, and voluntarily made are valid and, accordingly, further orders that no appeal be taken from the issuance and contents of this Judgment.

13. This Judgment shall take effect immediately upon the entry thereof.

The Final Judgment and Permanent Injunction as to Defendant A. Joseph Guarino III is signed and filed this date. A copy of the signed Final Judgment and Permanent Injunction is available on the Court's website.

All future dates are to remain on calendar as previously set.

Clerk hereby gives notice to counsel for plaintiff, who is ordered to give notice of Entry of Final Judgment and Permanent Injunction.

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Certificate of Mailing is attached.