

**FILE**  
San Francisco County Superior Court



DEC 08 2023

CLERK OF THE COURT  
BY: *Christina Eche*  
Deputy Clerk

1 ROB BONTA  
Attorney General of California  
2 MARTIN GOYETTE (SBN 118344)  
Senior Assistant Attorney General  
3 FREDERICK W. ACKER (SBN 208109)  
Supervising Deputy Attorney General  
4 COURTNEY TOWLE (SBN 221698)  
Deputy Attorneys General  
5 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
6 Telephone: (415) 510-3537  
Fax: (415) 703-1234  
7 E-mail: [Courtney.towle@doj.ca.gov](mailto:Courtney.towle@doj.ca.gov)

8 *Attorneys for the People of the*  
*State of California*

10 Additional Attorney information is listed on  
next page

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF SAN FRANCISCO**

14 **PEOPLE OF THE STATE OF CALIFORNIA**

16 Plaintiff,

17 v.

*Case No. CGC-19-576620*

18 **CLUBCORP HOLDINGS, INC., ET AL.,**

20 Defendants.

**[PROPOSED] PARTIAL JUDGMENT AND PERMANENT INJUNCTION**

**Exempt from Filing Fees (Gov. Code § 6103)**

21 **MALIA M. COHEN, CONTROLLER OF THE STATE OF CALIFORNIA**

23 Plaintiff,

24 v.

*Case No. CGC-19-576314*

25 **CLUBCORP HOLDINGS, INC.**

26 Defendants.

1 Additional Attorney information:

2

3 ROB BONTA  
4 Attorney General of California  
5 ANYA M. BINSACCA  
6 Supervising Deputy Attorney General  
7 JAY C. RUSSELL  
8 Deputy Attorney General (SBN 122626)  
9 455 Golden Gate Avenue, Suite 11000  
10 San Francisco, CA 94102-7004  
11 Telephone: (415) 510-3617  
12 Fax: (415) 703-5843  
13 E-Mail: Jay.Russell@doj.ca.gov

8

9 *Attorneys for Plaintiff California State  
10 Controller Malia M. Cohen*

10

11 THOMAS F. CARLUCCI (SBN 135767)  
12 tcarlucci@foley.com  
13 EMMA E. SOLDON (SBN 345323)  
14 esoldon@foley.com  
15 **FOLEY & LARDNER LLP**  
16 555 CALIFORNIA STREET, SUITE 1700  
17 SAN FRANCISCO, CA 94104-1520  
18 TELEPHONE: 415.434.4484  
19 FACSIMILE: 415.434.4507

15

16 *Attorneys for Defendants*

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18 Plaintiff, the People of the State of California (“People”), through its attorney, Rob Bonta,  
19 Attorney General of the State of California, by Supervising Deputy Attorney General Rick Acker  
20 and Deputy Attorneys General Courtney Towle, and Plaintiff, California State Controller’s Office  
21 (“SCO”); Malia M. Cohen, in her official capacity as California State Controller, through its  
22 attorney Rob Bonta, Attorney General of the State of California, by Supervising Deputy Attorney  
23 General Anya M. Binsacca and Deputy Attorney General Jay C. Russell (these parties  
24 collectively “Plaintiffs”); and ClubCorp Holdings, Inc., a Delaware corporation, and each of their  
25 affiliates and successors in interest (these parties collectively “ClubCorp” and “Defendants”),  
26 appearing through their attorney Tomas F. Carlucci of Foley & Lardner, LLP, having stipulated to  
27 the entry of this Partial Judgment and Permanent Injunction (“Judgment”) by the Court without  
28

ETHAN D. MILLAR (SBN 198097)  
ethan.millar@alston.com  
ELIZABETH A. SPERLING (SBN 231474)  
elizabeth.sperling@alston.com  
**ALSTON & BIRD LLP**  
333 SOUTH HOPE STREET,  
16TH FLOOR, LOS ANGELES, CA 90071-1410  
TELEPHONE: 213-576-1000  
FACSIMILE: 213-576-1100

1 the taking of proof and without trial or adjudication of any fact or law, without this judgment  
2 constituting evidence of or an admission by Defendants regarding any issue of law or fact alleged  
3 in the complaints on file in these cases, and without Defendants admitting any liability and with  
4 all the parties having waived their right to set aside the Judgment through any collateral attack,  
5 and further waived their right to appeal from the Judgment, except that Plaintiffs and Defendants  
6 each agree that this Court shall retain jurisdiction for the purposes specified in Section III of the  
7 Judgment, and the Court having considered the matter and good cause appearing:

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

9 **I. PARTIES AND JURISDICTION**

10 1. This Court has jurisdiction over the allegations and subject matter of the People's  
11 and the SCO's Complaints filed in these actions, and the parties to these actions; venue is proper  
12 in this County; and this Court has jurisdiction to enter this Judgment.

13 2. The Plaintiffs and Defendants have agreed to resolve these actions, including  
14 Defendants' cross-complaint against the SCO, and have agreed to enter into this Partial Judgment  
15 and Permanent Injunction in order to resolve certain concerns of the People and the SCO about  
16 matters raised in their respective complaints.

17 3. Defendants will accept service of any Notice of Entry of Judgment entered in this  
18 action by delivery of such notice to their counsel of record and agree that service of the Notice of  
19 Entry of Judgment will be deemed personal service upon them for all purposes.

20 4. The individuals signing below represent that they have been authorized by the  
21 parties they represent to sign this stipulated Judgment.

22 5. This stipulated Judgment may be executed in counterparts, and the Parties agree  
23 that a facsimile signature shall be deemed to be, and shall have the full force and effect as, an  
24 original signature.

25 **II. DEFINITIONS**

26 6. Membership Initiation Deposits – Money paid to ClubCorp by California  
27 Consumers as reflected on the Subledger, which could have become due and payable to the  
28 depositor on their Maturity Date.

1           7.       UPL – The California Unclaimed Property Law, California Code of Civil  
2 Procedure sections 1300 et seq.

3       **III. INJUNCTIVE PROVISIONS**

4           8.       Defendants are enjoined from asserting that Membership Initiation Deposits that  
5 they received under substantially similar terms as those that are the subject of these actions, and  
6 which they hold as dormant on behalf of a depositor with a last-known address in California, are  
7 not subject to the UPL. Beginning in 2027, to the extent that Membership Initiation Deposits held  
8 by ClubCorp upon dormancy become unclaimed property under Code of Civil Procedure section  
9 1520, ClubCorp will submit Notice Reports (Form UFS-1) and Holder Notice and Remit Reports  
10 that comply with California law. Defendants are further enjoined to make good faith efforts to  
11 promptly refund Membership Initiation Deposits to current and former members or their heirs as  
12 such deposits become mature, in addition to providing notice to such members as required under  
13 the UPL.

14          9.       Nothing in this Judgment alters the requirements of state or federal law to the  
15 extent they offer greater protection to consumers.

16          10.       The injunctive provisions of this Judgment shall apply to (a) Defendants; (b) their  
17 directors, officers, employees, and agents acting within their capacities as such; (c) their  
18 subsidiaries; and (d) their successors and the assigns of all or substantially all of the assets of their  
19 businesses.

20          11.       The injunctive terms contained in this Judgment are being entered pursuant to  
21 Business and Professions Code section 17203.

22       **IV. COMPLIANCE**

23          12.       Defendants shall prepare and provide reports to the Attorney General's office  
24 documenting their compliance with the injunctive provisions of this Judgment. The first  
25 compliance report shall be provided one calendar year after entry of this Judgment. Two  
26 additional reports shall be provided thereafter at one-year intervals following production of the  
27 initial report, unless the parties agree in writing to a different schedule.

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1           13.     The Attorney General's office may make reasonable requests to Defendants for  
2 additional information showing their compliance with any provision(s) of this Judgment.  
3 Defendants shall furnish such information within 30 days after the request is made, unless another  
4 date is agreed upon in writing.

5     **V.   OTHER TERMS**

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

11           15.     Nothing in this Judgment shall be construed as relieving Defendants of their  
12 obligations to comply with all state and federal laws, regulations, or rules, or as granting  
13 permission to engage in any acts or practices prohibited by such law, regulation, or rule, except as  
14 set forth in paragraphs 11-19 in the Settlement Agreement.

15           16.     Defendants shall use reasonable efforts to notify their officers, directors,  
16 employees, and agents responsible for carrying out and effecting the terms of this Judgment and  
17 the requirement therein.

18           17.     Any notices required to be sent to Plaintiffs or to Defendants under this Judgment  
19 shall be sent by email and certified mail to the following:

20           a.     For the People of the State of California:

21                     Courtney Towle  
22                     Deputy Attorney General  
23                     False Claims Unit  
24                     Office of the Attorney General  
25                     455 Golden Gate Avenue, Suite 11000  
26                     San Francisco, CA 94102-7004  
27                     [Courtney.Towle@doj.ca.gov](mailto:Courtney.Towle@doj.ca.gov)

28           b.     For the State Controller's Office:

                      Jay C. Russell  
                      Deputy Attorney General  
                      Government Law Section  
                      Office of the Attorney General  
                      455 Golden Gate Avenue, Suite 11000

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San Francisco, CA 94102-7004  
Jay.Russell@doj.ca.gov

c. For Defendants:  
Emily Decker  
Chief Legal Officer  
Invited (formerly ClubCorp)  
3030 LBJ Freeway  
Ste. 500  
Dallas, TX 75234


*With a copy to:*  
Thomas F. Carlucci  
Foley & Lardner LLP  
555 California Street, Suite 1700  
San Francisco, CA 94104-1520  
tcarlucci@foley.com

- 13. This Judgment shall take effect immediately upon entry thereof.
- 14. The clerk is directed to enter this Judgment forthwith.

**ORDER**

**ORDERED AND ADJUDGED.**

Dated: Dec. 8, 2023

  
\_\_\_\_\_  
Hon. Ethan P. Schulman  
San Francisco Superior Court

**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, Felicia Green, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On December 8, 2023, I electronically served JUDGMENT AND PERMANENT INJUNCTION via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: DEC 08 2023

Brandon E. Riley, Court Executive Officer

By:   
Felicia Green, Deputy Clerk