



State of North Carolina

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ATTORNEY GENERAL

Department of Justice
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November 6, 2009

North Carolina Senate President *Pro Tempore* Marc Basnight
North Carolina House of Representatives Speaker Joe Hackney
Chairs, Joint Legislative Commission on Governmental Operations

Senator John Snow
Senator Ellie Kinnaird
Representative Alice Bordsen
Representative Jimmy Love
Chairs, Appropriations Subcommittees on Justice and Public Safety

North Carolina General Assembly
Raleigh, North Carolina 27601-1096

RE: N.C.G.S. § 114-2.5; Report of Settlements

Dear Members:

N.C.G.S. § 114-2.5 requires the Attorney General to report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Appropriations Subcommittees on Justice and Public Safety regarding all settlements and court orders which result in more than \$75,000 being paid to the State. Pursuant to that requirement, I am writing to report on several cases which are contained in the attached chart. In each case the order or settlement requires that the funds be used for consumer restitution, cy pres distribution, education or enforcement, attorneys' fees or investigative and litigation costs.

We will be happy to respond to any questions you may have regarding this report. Please feel free to contact me at (919) 716-6400.

Very truly yours,


Kristi Hyman
Chief of Staff

cc: Jean Sandaire, Fiscal Research, NCGA
Greg McLeod, Legislative Counsel, NC DOJ
Nels Roseland, Chief Fiscal Officer, NC DOJ

NCGS § 114-2.5; Report of Settlements

Case Name	Description	Date	Total
Pfizer Inc. (Geodon)	Multi-State action alleging defendant engaged in unfair and deceptive practices regarding the promotional and marketing practice of the prescription drug Geodon in violation of NCGS §75-1.1.	09/02/2009	\$977,444.00
Merck & Co. (Vytarin and Zetia)	Unfair and deceptive practices regarding the promotional and marketing practices of the prescription drugs Vytarin and Zetia.	07/15/2009	\$100,000.00
TJX Companies, Inc.	Multi-state action/ investigation into TJX's data security policies and procedures regarding protection/ access to consumer information.	06/22/2009	\$108,009.90
Mattel, Inc. and Fisher Price, Inc.	Multi-State action where States alleged defendant engaged in deceptive practices in violation of NCGS §75-1.1 with regards to toys containing lead paint in excess of applicable standards.	12/15/2008	\$262,126.00
Women's Voices, Women Vote (WVWV)	WVWV is a not-for-profit corporation engaged in voter registration efforts. Efforts included telephone messages via an Automatic Dialing and Announcement Device ("ADAD"). These calls also went to registered voters and generated confusion. The calls appeared to violate provisions in the NC ADAD statute requiring that non-profits placing such calls identify themselves in the call and provide contact information as set forth in N.C.G.S. § 75-104.	10/16/2008	\$100,000.00
iMergent and StoresOnline, Inc.	State filed action seeking a permanent injunction and other equitable relief against Defendants, contending that they had violated NCGS § 66-94 and engaged in misleading and deceptive practices in violation of NCGS § 75-1.1.	08/07/2008	\$90,000.00