

4. In consideration of the plaintiffs' release of claims under the False Claims Act, defendants have agreed to pay to the plaintiff a total sum of \$54,000 by September 12, 2008, as described in paragraph 1 of the Settlement Agreement attached hereto.

5. As of October 2, 2008, defendants have failed to pay such amount to the plaintiff.

6. Defendants have agreed to the entry of a consent judgment against them in the amount of \$54,000 under paragraph 2 of the Settlement Agreement attached hereto, for failure to pay the plaintiff.

7. Steve Davis and Fuchsia Davis have agreed to waive service of the complaint and have agreed to the entry of judgment pursuant to paragraph 2 of the Settlement Agreement, Exhibit A.

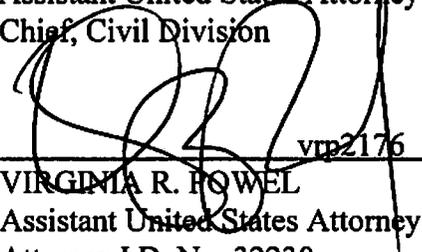
WHEREFORE, for the reasons set forth above and in the Settlement Agreement, the United States respectfully requests this Court to grant this motion and enter Consent Judgment in favor of the United States and against Steve Davis for \$27,000 and Fuchsia Davis for \$27,000 for

a total of \$54,000, plus interest on the judgment at the legal rate.

Respectfully submitted,

LAURIE MAGID
Acting United States Attorney

Virginia A. Gibson
VIRGINIA A. GIBSON *MAH*
Assistant United States Attorney
Chief, Civil Division


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Dated: October 3, 2008

EXHIBIT A

SETTLEMENT AGREEMENT AND RELEASE

The United States of America, through Laurie Magid, Acting United States Attorney for the Eastern District of Pennsylvania, on behalf of the U.S. Department of Education, and Fuchsia Davis (SSN: xxx-xx-4887), her counsel, Cary L. Lackey, Esquire and Steve Davis (SSN: xxx-xx-0030) hereby agree as follows:

WHEREAS, the Government's claims against Steve Davis and his daughter, Fuchsia Davis arise out of the overpayment of Pell grants and federally subsidized student loans by the United States Department of Education to Fuchsia Davis;

AND WHEREAS, the United States has informed Fuchsia Davis and Steve Davis, that, from facts now available to the United States Department of Justice, the conduct of Fuchsia Davis and Steve Davis with respect to the falsification of student financial aid forms and supporting financial information, may give rise to civil liability under the False Claims Act, 31 U.S.C. §§ 3729-3733, and at common law.

AND WHEREAS, the United States has determined that it has good cause to initiate a civil action alleging certain claims and causes of action against Fuchsia Davis and Steve Davis, jointly and severally, based on the False Claims Act as well as unjust enrichment, for treble damages as a result of certain claims for Pell Grant and subsidized federal student loans paid by the U.S. Department of Education for school years 2002-2004 on behalf of Fuchsia Davis.

AND WHEREAS, there is due and owing \$6,050.00 in Pell grants, \$5,250.00 in subsidized loans and \$6,700.00 in administrative and/or investigative costs for a total of \$18,000.00;

AND WHEREAS the parties wish to avoid the time and expense of litigation over the matter;

NOW THEREFORE, for and in consideration of the mutual promises and truthful representations set forth herein, Steve Davis and Fuchsia Davis, and the United States agree as follows:

1. Fuchsia Davis and Steve Davis shall each, by September 12, 2008, pay to the United States the sum of Twenty-Seven Thousand (\$27,000) Dollars in the form of a certified or cashier's check payable to the United States Department of Justice and delivered to:

Financial Litigation Unit
United States Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476

or to another location as directed by the United States Attorney's Office or the Department of Justice.

2. Should Fuchsia Davis or Steve Davis fail to make the payments as set forth in subparagraph (a) above, the United States, at its option, shall file a civil action in the United States District Court for the Eastern District of Pennsylvania under the False Claims Act for treble damages and a civil penalty of \$5,000-\$10,000 for each false claim. Upon the filing of such action, Fuchsia Davis and Steve Davis agree to the entry of a consent judgment against them in said amount and hereby waive and agree not to plead any statute of limitations, venue, personal jurisdiction, laches, or similar defenses to such action.

3. In consideration of the payment described above, the United States releases and forever discharges Fuchsia Davis and Steve Davis from any and all monetary claims, adjustments or set-offs that are based upon or related to the application for and/or receipt of Pell grants and student loans on behalf of Fuchsia Davis 2002 through 2004, including but not limited to claims under the False Claims Act, 31 U.S.C. § 3729, et. seq. and promises to refrain from instituting any civil or administrative claim, action, charge, suit or proceeding by or on behalf of the U. S. Department of Education, arising from the matters set forth in this settlement

4 Nothing in this agreement is intended to affect any liability or claims under the Internal Revenue laws, Title 26 of the United States Code

5. It is understood and agreed that, except as expressly stated herein, this release and agreement expresses full and complete settlement of liabilities claimed, that there is absolutely

no agreement or reservation not clearly expressed herein, and that this release and agreement is intended to avoid litigation and be final and complete.

6. Should Fuchsia Davis and/or Steve Davis fail to comply in good faith with the terms set forth above, the United States may, at its sole option, exercise one or more of the following rights:

- a. declare this settlement breached, and proceed against Fuchsia Davis and/or Steve Davis for the underlying claims;
- b. file an action for specific performance of the terms set out above;
- c. exercise any other right granted by law or recognizable at common law or equity;
- d. in the event the United States prevails in such action, it shall be entitled to an award of attorneys fees and costs in its favor and against Fuchsia Davis and/or Steve Davis for the time spent in prosecuting such action.

7. It is understood and agreed that any future violation of any statute, rule or regulation governing the Department of Education's financial aid programs by Fuchsia Davis or Steve Davis shall be treated as a breach of this settlement agreement, and the United States shall be entitled to exercise all remedies set forth above for said breach.

8. This release and agreement shall be construed in accordance with the laws of the United States.

9. This agreement constitutes the full and complete agreement between the parties, with respect to the matters covered herein, and no modification hereof shall be effective unless in writing and signed by the party against which it is sought to be enforced.

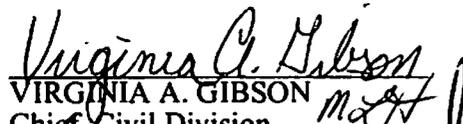
10. This is a publicly available document, and Fuchsia Davis and Steve Davis waive any claim that this document along with any information contained herein is subject to the Privacy Act of 1974, 5 U.S.C. § 552a.

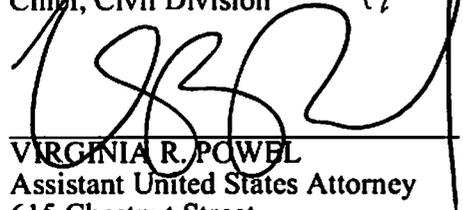
11. This Stipulation may be executed in one or more counterparts each of which will be deemed originals and together will be deemed one and the same Stipulation. Moreover, if all or any of the parties hereto execute this Stipulation by facsimile (fax) machine and signatures are faxed, each party shall be permitted to rely upon the faxed signatures to the same extent as if they were original signatures.

12. The individuals executing this release and agreement of behalf of each of the parties represent that they are duly authorized to execute this agreement on the party's behalf.

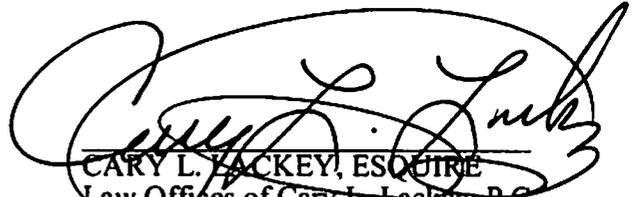
UNITED STATES OF AMERICA

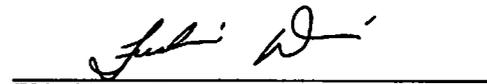
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Counsel for Defendant Fuchsia Davis


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Apt. 209
Salt Lake City, UT 84116-4531
Defendant

STEVE DAVIS, Pro Se
1708 St. Pauls Street
Philadelphia, PA 19140-1826
Defendant

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UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Uncontested Motion for Consent Judgment with exhibit and proposed order was served upon all interested parties by depositing same in the United States mails, postage prepaid, on October 3, 2008, addressed as follows:

CARY L. LACKEY, ESQUIRE
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Counsel for Defendant Fuchsia Davis

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s/ Virginia R. Powel vrp2176
VIRGINIA R. POWEL
Assistant United States Attorney