

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

OFFICE OF THE ATTORNEY GENERAL,
DEPARTMENT OF LEGAL AFFAIRS,
STATE OF FLORIDA,

Plaintiff,
vs.

Case No.: 08-54154 (18)
JUDGE: Luzzo

IMPERIAL MAJESTY CRUISE LINE L.L.C.,
a Florida limited liability company

Defendant.

AGREED FINAL CONSENT JUDGMENT

Plaintiff, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL AFFAIRS, STATE OF FLORIDA, (hereinafter referred to as "Plaintiff"), and IMPERIAL MAJESTY CRUISE LINE, L.L.C. (hereinafter collectively referred to as "Defendant"), and it having been represented that the Parties are willing to enter into this Agreed Final Consent Judgment without any admission that Defendant has violated the law and for the purpose of settlement in this matter only. Defendant acknowledges that it is aware of its right to a trial in this matter and has waived that right. Defendant admits the jurisdiction of the Court and consents to the entry of this Agreed Final Consent Judgment. Defendant states that no promise of any kind or nature whatsoever (other than the written terms of this Agreed Final Consent Judgment) was made to induce it to enter into this Agreed Final Consent Judgment and that it has entered into this Judgment freely and voluntarily. The Parties, therefore, being in agreement, agree to the entry of this Judgment, and the Parties waive the necessity of the Court making findings of fact for this Consent Judgment, this Court **ORDERS AND ADJUDGES** as follows:

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1. A Permanent Injunction and Final Judgment are hereby entered against the Defendant. Said Defendant, in such name or through any other fictitious name, acting through any corporation, partnership or business entity in which it has an ownership interest or in which it acts as an officer, director or board member, together with the Defendant's agents, employees, successors, assigns, and all other persons acting in concert or participation with defendant are hereby immediately and permanently restrained and enjoined from:

- a. engaging in the business practices identified in the complaint filed in the present cause or from otherwise violating Florida Statute, §501, Part II;
- b. charging customers any fees or charges for their cruise ticket in addition to the advertised cruise fare price other than fees or charges imposed by a governmental or quasi-governmental authority and a fuel supplement charge. Other than a fuel supplement charge, all nongovernmental and nonquasi-governmental charges or fees for the cruise ticket shall be included in the advertised cruise price;

2. Defendant shall remit to a governmental or quasi-governmental authority, any and all charges collected in addition to the advertised cruise fare price, with the exception of a fuel supplement charge.

3. Defendant shall clearly and conspicuously disclose the fuel supplement charge by placing the amount and frequency of the fuel supplement charge directly above, beneath, or next to the cruise fare price, and above or before the governmental or quasi-governmental imposed fees or charges. The Defendant shall be responsible for making the substantive terms and conditions of this Consent Judgment known to independent third parties who are known to Defendant to advertise Defendant's cruises.

4. Defendant shall provide the Plaintiff, upon request, any documentation that would assist the Plaintiff in determining Defendant's compliance with the present Consent Judgment. By agreeing to this Consent Judgment, the Defendant authorizes the Plaintiff to verify all information provided on their financial disclosure forms with all appropriate third parties, including, but not limited to, financial institutions and credit reporting agencies.

5. It is further ordered and adjudged, pursuant to the requirements of Florida Rule of Civ. Pro. 1.560(b) that the judgment debtor shall complete under oath Florida Rule of Civil Procedure Form 1.977(Fact Information Sheet), including all required attachments, and serve it on the judgment creditor's attorney, or the judgment creditor if the judgment creditor is not represented by an attorney, within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed. This Court retains jurisdiction to enter further orders that are appropriate to compel Defendants to complete form 1.977, including all required attachments, and to serve it on Plaintiff's attorney.

6. The parties agree that the judgment debtor shall complete a Credit Report Authorization and Release Form provided by the Plaintiff and serve it on the Plaintiff's attorney within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed. This Court retains jurisdiction to enter further orders that are appropriate to compel Defendant to complete and serve the aforesaid Credit Authorization and Release Form. Defendant shall grant authorization to the Economic Crimes Division, Office of the Attorney General of Florida, to obtain a standard factual data credit report through the credit reporting agencies (i.e., EXPERIAN, EQUIFAX and TRANSUNION). This authorization shall remain in effect until such time that the full terms of any Consent Agreement(s) and/or Final Judgment(s) are fulfilled.

7. Defendant shall be responsible for making the substantive terms and conditions of this Consent Judgment known to all successors and assigns, in the event any exist or should be created. The parties agree that the entry of this Consent Judgment in the docket by the Court will constitute notice to them of the terms and conditions of said Consent Judgment.

8. Judgment is entered against Defendant for Four Million (\$4,000,000.00) Dollars as Restitution in the form of refunds to consumers in the amount of the fuel supplement charge collected by the Defendant from those consumers who sailed between January 1, 2007 and the date of execution of the present Consent Judgment.


9. Judgment is entered against Defendant for Six Million (\$6,000,000.00) Dollars in favor of the Office of the Attorney General, for which let execution issue forthwith. Said sum shall be apportioned as follows:

a. Three Hundred Thousand (\$300,000.00) Dollars for attorneys' fees and costs made payable to The State of Florida, Department of Legal Affairs Revolving Trust Fund.


b. Five Million Seven Hundred Thousand (\$5,700,000.00) Dollars for fines and penalties made payable to The State of Florida, Department of Legal Affairs.

10. The Court shall retain jurisdiction for the purpose of enforcing compliance with the terms and conditions of this Consent Judgment and for any potential contempt proceedings arising from same.

APPROVED:



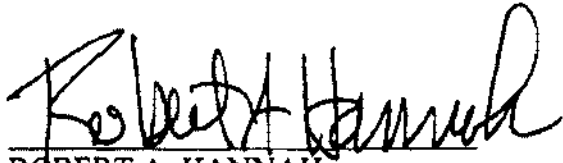
René D. Harrod
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Mary Leontakianakos
Director, Economic Crimes Division
The Capitol
Tallahassee, FL 32399-1050

Date: 11/4/10

Date: 10/27/10



ROBERT A. HANNAH
Deputy Attorney General
The Capitol
Tallahassee, FL 32399-1050

Date: October 28, 2010

IMPERIAL MAJESTY CRUISE LINE, L.L.C.,
a Florida limited liability company

By: _____
EDWARD LEVITAN, as manager
of Imperial Majesty Cruise Line, L.L.C.

Date: _____


~~Applicant~~ Entered in Chambers in Fort Lauderdale, Broward County, Florida.


JOHN T. RUZZO
Circuit Judge

Date: _____

ROBERT A. HANNAH
Deputy Attorney General
The Capitol
Tallahassee, FL 32399-1050

Date: _____

IMPERIAL MAJESTY CRUISE LINE, L.L.C.,
a Florida limited liability company

By: 
EDWARD LEVITAN, as manager
of Imperial Majesty Cruise Line, L.L.C.

Date: 10/21/10


~~_____~~ Entered in Chambers in Fort Lauderdale, Broward County, Florida.

JOHN T. LUZZO
Circuit Judge

Date: _____


ROBERT A. HANNAH
Deputy Attorney General
The Capitol
Tallahassee, FL 32399-1050

Date: _____

IMPERIAL MAJESTY CRUISE LINE, L.L.C.,
a Florida limited liability company

By: _____
EDWARD LEVITAN, as manager
of Imperial Majesty Cruise Line, L.L.C.

Date: _____


Entered in Chambers in Fort Lauderdale, Broward County, Florida.


JOHN T. LUZZO
Circuit Judge

JOHN T. LUZZO

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A TRUE COPY

Date: November 17, 2010

Copies mailed to:

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