



SO ORDERED.

SIGNED this 27 day of August, 2007.

Dale L. Somers

Dale L. Somers
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

In re:

JOSHUA MICHAEL DONAHUE,

Debtor(s)

Case No. 06-11479-7-DLS

FELICIA S. TURNER, United States
Trustee,

Plaintiff,

Adversary Proceeding No. 07-5075

v.

KENT STEINER, an individual dba We the
People College Hill, BECKY ASMANN, an
individual, IAN BOLTT, an individual, and
WE THE PEOPLE USA, INC., a
Pennsylvania corporation,

Defendants.

STIPULATED FINAL JUDGMENT

The United States Trustee, through her counsel of record, David P. Eron, Kent Steiner, dba We the People College Hill (“Steiner”), and Ian Boltz (“Boltz”), through their counsel of record Jim Lawing, Becky Asmann (“Asmann”), through her counsel of record Mark J. Lazzo, and We The People USA, Inc., through its counsel of record Lee Thompson, having consented to the terms and conditions of this Stipulated Final Judgment (“Judgment”), it is Ordered, Adjudged and Decreed that:

General Provisions

1. The Court finds that Steiner, Boltz, Asmann, and We The People USA, Inc. are each a “bankruptcy petition preparer” within the meaning, and subject to all of the requirements, of 11 U.S.C. § 110 and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.
2. This Judgment shall apply to and bind the above-named defendants, including their officers, employees, successors, and assigns, and their attorneys.
3. Unless otherwise stated, the paragraphs and provisions of this Judgment shall be effective ten (10) days after the Court executes its approval and enters this Judgment on the Court docket.
4. The Court retains jurisdiction to enforce the terms of this Judgment.

As to Steiner

5. Steiner shall disgorge the fee charged in this case of \$249.00, return that amount to Joshua Donahue, and provide the United States Trustee with proof of disgorgement within thirty days of entry of this Judgment;

6. Steiner shall disgorge any fees charged to clients for whom Steiner had contracted to prepare bankruptcy documents, but whose documents had not been finalized or delivered to such clients as of April 1, 2007, and Steiner shall provide the United States Trustee with confirmation of disgorgement within thirty days of entry of this Judgment;

As to Steiner, Boltt, and Asmann

7. Steiner, Boltt, and Asmann shall not act as a “bankruptcy petition preparer” as that term is defined by 11 U.S.C. § 110(a)(1) at any time in the future, and shall not take any interest as an officer, director, or owner in any entity that acts as a “bankruptcy petition preparer.”

As to We The People USA, Inc.

8. We The People USA, Inc., and any of its franchisees operating in the District of Kansas shall post a copy of this Judgment in a conspicuous location in each place of business located within this judicial district and shall furnish a copy of this Judgment to every person in its employ within the District of Kansas who may have any involvement in providing We The People bankruptcy petition preparation services to the public, and each such person shall be trained and instructed to comply with the terms of this Judgment. We The People USA, Inc. and its franchisees shall post a copy of this Judgment on any website owned or operated by or on its behalf. We The People USA, Inc., as the national franchise company, shall ensure that all franchisees located within the District of Kansas shall post a copy of this Judgment on any website owned or operated by them or on their behalf, and the link to the posted Judgment shall be titled “Stipulated Final Judgment with United States Trustee.”

9. Pursuant to its duty to comply with 11 U.S.C. § 110, and unless otherwise permitted or required by applicable state and federal law, including 11 U.S.C. § 110 and the Bankruptcy Abuse Prevention and Consumer Prevention Act of 2005, We The People USA, Inc. and any current or prospective We The People franchise location in Kansas (collectively “We The People”) are hereby enjoined permanently from engaging or participating in the following acts:

a. advertising or representing to the public that it is authorized to provide legal services of any kind in connection with any bankruptcy case or proceeding (unless otherwise permitted by applicable state and federal law, including 11 U.S.C. § 110).

b. providing customers with access to a “supervising attorney” or any other legal counsel compensated by We The People. Should a customer seek legal advice from We The People, We The People shall indicate that it is not authorized to provide legal advice of any kind in connection with any bankruptcy case or proceeding (unless otherwise permitted by applicable federal laws, including 11 U.S.C. § 110).

c. selecting, recommending or, other than typing, assisting in completing any bankruptcy papers or forms, including bankruptcy petitions and schedules, on behalf of their customers. We The People may furnish the services of a typing service – consisting of transcribing customer-supplied data onto a form or paper which exactly corresponds to the official bankruptcy form or paper – but may not make or recommend any change or suggestion regarding the customer’s data, other than making inquiry to ensure accurate transcription of the customer-supplied data. The parties and the Court agree that this Stipulation is not intended to change the rights or obligations, if any, that the We The People may have as a Debt Relief Agency under the Bankruptcy Code.

d. distributing to their customers, for a fee or otherwise, their current documents denominated “Overview” and “Step by Step” manual or any similar bankruptcy law related material prepared by or on behalf of We The People purporting to afford legal guidance to debtors or creditors. However, We The People may make available for reference or sale generally, materials on the subject of bankruptcy that are publicly available from the office of the clerk of the United States Bankruptcy Court, from any department, agency or instrumentality of the United States, and/or from commercial publishers.

e. requiring customers, as a condition of doing business, to enter into a “hold harmless agreement” or any other document purporting to waive any legal rights of the customer. However, We The People may require its customers to execute an acknowledgment that is consistent with the terms of this Judgment and with 11 U.S.C. § 110.

f. collecting, receiving, delivering or causing to be delivered any payments from debtors, or on behalf of debtors, for a court fee associated with the filing of any bankruptcy documents, including petitions and schedules. However, We The People may make available at their retail location a “lockbox” or similar depository that is associated with a completely unrelated and independent courier service into which customers may deposit their bankruptcy documents for filing and court fees and such documents and court fees are retrieved only by representatives of such independent courier service.

g. Unless a maximum allowable fee is prescribed pursuant to 11 U.S.C. § 110(h)(1), We The People’s stipulated maximum allowable fee for Chapter 7 bankruptcy petition preparation shall be \$149.00 for a customer who seeks to prepare for filing a petition in the District

of Kansas only (excluding actual costs for obtaining a customer's credit report). After three (3) years from the date of the entry of this Order, We The People USA, Inc. may file a Motion to this Court for re-consideration of the stipulated maximum allowable fee. Notice of such Motion shall be given to the United States Trustee to determine the United States Trustee's position regarding a change in this fee. We The People USA, Inc. may also file a Motion for re-consideration of the stipulated maximum allowable fee in the event the responsibilities of a BPP are substantially changed by the Code. The terms of this sub-paragraph shall have application only in this judicial district.

10. We The People will periodically conduct compliance training and audit employee activities to ensure compliance with the terms of this Judgment. This paragraph shall become effective sixty (60) days after the date the Judgment is entered on the Court's docket.

11. Should any non-compliance with the terms of this Judgment be found by We The People, We The People promptly will report such finding in writing to the United States Trustee's Trial Counsel and cooperate in all respects with the United States Trustee's counsel to cease and desist such non-compliance. Should any non-compliance with the terms of this Judgment be found by the United States Trustee, the United States Trustee will notify corporate counsel for We The People USA, Inc. in writing as to any allegation of non-compliance with this Judgment that comes to the United States Trustee's attention and the United States Trustee will allow We The People ten (10) days to cure and such non-compliance before initiating any action against Defendant based on such non-compliance. With respect to any second or subsequent occurrence of alleged non-compliance by We The People, the United States Trustee in its sole discretion may initiate an action


to enforce this Judgment. Should there be any violation of this Judgment that is not remedied by this paragraph, the parties reserve the right to pursue any and all other remedies available to them.

12. Neither the United States Trustee, We The People, nor their attorneys shall make any representations or characterizations regarding the outcome of this litigation other than to state that they are subject to this Judgment, and each shall bear its own costs, attorneys fees, and expenses.

As to the United States Trustee


13. The United States Trustee shall not be entitled to any fines, sanctions, or attorneys' fees against Steiner, Boltt, Asmann, or We The People USA, Inc. for the conduct alleged in this case as may have otherwise been allowed under 11 U.S.C. § 110.

AGREED TO BY:



JOYCE OWEN, Assistant United
States Trustee

Date: 8-15-07



KENT STEINER, fdba We The People
College Hill

Date: 8-14-07



IAN BOLTT

Date: 8/14/07



BECKY ASMANN

Date: 8-14-07



MARK PRIOR, Associate General
Counsel for We The People USA, Inc.

Date: August 14, 2007

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Respectfully submitted by,

FELICIA S. TURNER
United States Trustee

LAW OFFICES OF MARK J. LAZZO
Attorney for Becky Asmann

s/ David P. Eron

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