IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

CONSUMER FINANCIAL PROTECTION BUREAU, et al.,

Plaintiffs,

v.

NEXUS SERVICES, INC., et al.,

Defendants.

Case No.: 5:21-cv-00016-EKD-JCH

AMENDED STIPULATION FOR ORDER ESTABLISHING AUTHENTICITY AND FOUNDATION OF DOCUMENTS PRODUCED BY THE ENTITY DEFENDANTS AND ESTABLISHING AS FACT THE AMOUNT OF REVENUE THAT THE ENTITY DEFENDANTS RECEIVED FROM CONSUMERS

1. **Purpose:** This Stipulation is entered into by and between the Consumer Financial Protection Bureau, the Commonwealth of Massachusetts, the People of the State of New York by Letitia James, Attorney General of the State of New York, and the Commonwealth of Virginia (together with Massachusetts and New York, the States) (collectively, Plaintiffs), and Nexus Services, Inc., Libre by Nexus, Inc., Micheal Donovan, Richard Moore, and Evan Ajin (collectively, Defendants). Plaintiffs and Defendants (collectively, the parties) enter this Stipulation for the purposes of minimizing disputed issues and conserving hearing time by stipulating to certain evidentiary and factual issues regarding documents and information produced in this litigation by Nexus Services, Inc. and Libre by Nexus, Inc. (the Entity Defendants) and documents and information provided by Defendant Libre by Nexus, Inc. to the States in connection with *Vasquez et al. v. Libre by Nexus, Inc.*, 4:17-cv-00755 (N.D. Cal.).

2. **Applicability:** Except as otherwise stated, this Stipulation applies to (1) the records from Entity Defendants' Lightspeed database that Entity Defendants produced on July 29, 2022; (2) the agreements between Defendant Libre by Nexus, Inc. and consumers identified in ¶ 4 of Plaintiffs' Final Witness and Exhibit Lists (ECF No. 230), which Defendants produced to Plaintiffs in discovery, bates labeled CFPB_LIBRE-00001368-89 and CFPB_LIBRE-00000363-73, filed as Exhibits 1 and 2 to the Declaration of Franklin Romeo in support of Plaintiffs' opening brief (ECF No. 216-1); and (3) the notice Defendant Libre by Nexus, Inc. mailed to the States pursuant to § 1715(b)(7) of the Class Action Fairness Act (CAFA) of 2005, in connection with the class action settlement in *Vasquez et al. v. Libre by Nexus, Inc.*, 4:17-cv-00755 (N.D. Cal.) (Exhibit 4 to Romeo Decl., ECF No. 216-1).

3. **Authenticity:** All documents to which this Stipulation applies are stipulated to be authentic and the requirement for identification or authentication of all documents is satisfied under Rule 901 of the Federal Rules of Evidence. The parties also stipulate to the use of excerpts from the Lightspeed database and the redaction of the names of Defendants' customers to limit inputting into the record information that may implicate those individuals' immigration statuses.

4. **Hearsay:** To the extent that any documents to which this Stipulation applies are offered into evidence to prove the truth of the matters asserted in them, the parties stipulate that the documents were made by Entity Defendants and thus their contents are not hearsay under Rule 801(d)(2) of the Federal Rules of Evidence if offered by Plaintiffs. Additionally, the parties stipulate that the documents fall within the exception to the hearsay rule set forth in Rule 803(6) of the Federal Rules of Evidence.

5. **Originals:** Duplicates of the documents to which this Stipulation applies are admissible to the same extent as their originals under Rule 1003 of the Federal Rules of Evidence.

6. **Entity Defendants' Total Revenue:** The parties stipulate that after accounting for refunds that the Entity Defendants already provided to consumers, the Entity Defendants received $230,996,970.84 from consumers between December 2013 to June 2022, as reflected in

the Entity Defendants Supplemental Responses to the Commonwealth of Virginia's First Interrogatories and the Lightspeed records produced by Defendants in this litigation.

The parties have entered into this stipulation in good faith, and not for reasons of delay or any other improper purpose.

Dated: August 15, 2023

Respectfully submitted,

Attorneys for the Consumer Financial Protection Bureau

Eric Halperin
Enforcement Director
Alusheyi J. Wheeler
Deputy Enforcement Director
Kara K. Miller
Assistant Litigation Deputy

Hai Binh T. Nguyen
California Bar Number: 313503
Leanne E. Hartmann
California Bar Number: 264787
Lee I. Sherman
California Bar Number: 272271
Consumer Financial Protection Bureau
1700 G Street, NW
Washington, DC 20552
Telephone (Nguyen): (202) 435-7251
Telephone (Hartmann): (415) 844-9787
Telephone (Sherman): (202) 374-4575
Email: haibinh.nguyen@cfpb.gov
Email: leanne.hartmann@cfpb.gov
Email: lee.sherman@cfpb.gov

Attorneys for the Commonwealth of Virginia, ex rel. Jason S. Miyares, Attorney General

Jason S. Miyares
Attorney General
Charles H. Slemp, III
Chief Deputy Attorney General
Steven G. Popps

Deputy Attorney General
Richard S. Schweiker, Jr.
Chief and Senior Assistant Attorney General

James E. Scott
Assistant Attorney General
Virginia Bar Number: 88882
David B. Irvin
Virginia Bar Number: 23927
Unit Manager and Senior Assistant Attorney General
Office of the Attorney General
Consumer Protection Section
202 North Ninth Street
Richmond, VA 23219
Telephone (Irvin): (804) 786-4047
Telephone (Scott): (804) 225-4778
Fax: (804) 786-0122

Email: dirvin@oag.state.va.us
Email: jscott@oag.state.va.us

Attorneys for the Commonwealth of Massachusetts

Andrea Campbell
Attorney General

Jon Burke
Massachusetts Bar Number: 673472
Assistant Attorney General
Office of the Attorney General
10 Mechanic Street
Worcester, MA 01608
Telephone: (774) 214-4416
Fax: (508) 795-1991
Email: Jonathan.burke@mass.gov

Attorneys for the People of the State of New York

LETITIA JAMES
Attorney General

Jane Azia (New York Bar Number: 1539600)
Bureau Chief for the Bureau of Consumer Frauds and Protection

Laura Levine (New York Bar Number: 2337368)
Deputy Bureau Chief for the Bureau of Consumer Frauds and Protection

Franklin H. Romeo
New York Bar Number: 4422051
Assistant Attorney General
Office of the Attorney General
28 Liberty Street
New York, NY 10005
Telephone: (212) 416-8320
Fax: (212) 416-6003
Email: franklin.romeo@ag.ny.gov

Attorney for Defendants Nexus Services, Inc., Libre by Nexus, Inc., Micheal Donovan, Richard Moore, and Evan Ajin

Zachary Lawrence
Lawrence Law Firm PLLC
Little Falls, NY 13365
Telephone: 202-468-9486
Email: zach@zlawpllc.com
New York Bar Number: 5798202