

**IN THE COUNTY COURT,
IN AND FOR PINELLAS COUNTY, FLORIDA
SMALL CLAIMS DIVISION**

MATTHEW D. WEIDNER,
Plaintiff,

CASE NO.: 15-006598-SC

v.

**BREAST CANCER RESEARCH AND SUPPORT FUND AKA
COMMUNITY CHARITY ADVANCEMENT, INC.; and
"THE FUNDRAISING CENTER"
Defendants.**

KEN BURKE
CLERK OF CIRCUIT COURT
AND COMPTROLLER



2017 AUG 29 PM 3:53

FILED
ST. PETERSBURG BRANCH

**FINAL SUMMARY JUDGMENT IN FAVOR OF PLAINTIFF'S DECLATORY
AND INJUNCTIVE RELIEF CLAIMS**

THIS MATTER, having come on consideration from the Motion for Summary Judgment at a duly noticed hearing on August 29, 2017. On the evidence presented:

1. The Plaintiff's Motion for Summary Judgment is GRANTED.
2. The Plaintiff timely filed his Motion For Summary Judgment, and attached to it Exhibits A-G in support all in compliance with the Florida Rules of Civil Procedure 1.510(a)(c). Although Defendants filed a memorandum on the day of hearing, they filed no affidavits or evidence in opposition to Plaintiff's motion, as directed by Florida Rules of Civil Procedure 1.510(c).
3. Because the Defendants failed to file any evidence in opposition to Plaintiff's Motion, this court is compelled to enter the relief sought. See Miccosukee Tribe of Indians v. Lewis, 165 So. 3d 9 (Fla. 3d DCA 2015) ("...if the non-moving party responds to a motion for summary judgment by refusing to reveal the evidence it intends to rely upon at trial, or by hiding the fact it has no evidence.").
4. The Plaintiff's Complaint and the Motion for Summary Judgment alleges that the Defendants violated both the Florida Solicitation of Contributions Act and Florida's Deceptive and Unfair Trade Practices Act. Florida's Solicitation of Contributions Act provides as follows:

496.416 Violation as deceptive or unfair trade practice.—Any person who commits an act or practice that violates any provision of ss. 496.401-496.424 commits an unfair or deceptive act or practice or unfair method of competition in violation of chapter 501, part II, and is subject to the penalties and remedies provided for such violation.

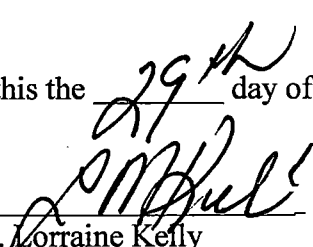
5. The Motion for Summary Judgment filed by Plaintiff, along with the exhibits and other evidence constitute the only evidence this court can rely upon in reaching its decision. Because no evidence has been filed in opposition, the uncontroverted evidence establishes that Defendants did in fact violate Florida's Solicitation of Contributions Act and that they have accordingly violated Florida's Unfair and Deceptive Trade Practices Act.

THEREFORE, it is **ORDEDED AND ADJUDGED** that defendants BREAST CANCER RESEARCH AND SUPPORT FUND AKA COMMUNITY CHARITY ADVANCEMENT, INC. and THE FUNDRAISING CENTER is declared to have violated both Florida's Solicitation of Contributions Act and Florida's Deceptive and Unfair Trade Practices Act.

It is further **ORDEDED AND ADJUDGED** that defendants BREAST CANCER RESEARCH AND SUPPORT FUND AKA COMMUNITY CHARITY ADVANCEMENT, INC. and THE FUNDRAISING CENTER are permanently enjoined from further violations of Florida's Solicitation of Contributions Act and Florida's Deceptive and Unfair Trade Practices Act including, but not limited to, allowing Breast Cancer Research and Support Fund aka Community Charity Advancement Inc. and "The Fundraising Center" from soliciting funds via telephone or the internet in the name of Breast Cancer Research and Support Fund; utilizing the image of a purple or pink ribbon with purple or pink font which this court finds is deceptively similar to the mark of Susan G. Komen; or making statements that it is affiliated or program partners with any organization without first obtaining court approval.

It is further **ORDEDED AND ADJUDGED** that the Court retains jurisdiction for the imposition of personal damages, including an award of attorney's fees and costs, and to enforce the terms of this judgment.

DONE AND ORDERED in chambers on this the 29th day of ~~August~~, 2017.



Hon. Corraine Kelly

cc: Matthew Weidner, Esq.
Paula Marra, Esq.