

The Honorable Elizabeth Martin  
Noted for Consideration: October 30, 2020, 9:00am  
With Oral Argument



**STATE OF WASHINGTON  
PIERCE COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

FALLEN HERO BRACELETS, a  
Washington nonprofit corporation; THE  
BENJAMIN FOUNDATION, a  
Washington nonprofit corporation also d/b/a  
THE ROBERTS RIDGE FOUNDATION  
and THE CRAIG NOBLE FOUNDATION;  
MIDNIGHT COAL COMPANY, LLC, a  
Washington limited liability company, also  
d/b/a 3CHARLIE.COM AND  
KOPFJAGER ARMS; and MICHAEL  
ALEXANDER FRIEDMANN and JANE  
DOE FRIEDMANN, individually and as  
part of their marital community,

Defendants.

NO. 18-2-09903-5

DEFAULT JUDGMENT

~~PROPOSED~~

**I. JUDGMENT SUMMARY**

1.1	Judgment Creditor	State of Washington
1.2	Judgment Debtors	Fallen Hero Bracelets; The Benjamin Foundation; The Midnight Coal Company; Michael Alexander Friedmann;
1.3	Principal Judgment Amount	<b>\$995,121.88</b>

- 1 (a) Civil Penalties: \$322,150
- 2 (b) Restitution: \$504,017
- 3 (c) Costs & Attorney Fees \$168,954.88
- 4 1.4 Post Judgment Interest Rate: 12 percent per annum
- 5 1.5 Attorneys for Judgment Creditor: Joshua Studor  
Assistant Attorney General
- 6 1.6 Attorneys for Judgment Debtor: Pro se
- 7 1.7 Plaintiff State of Washington (the State), having conducted an investigation and
- 8 commenced this action pursuant to RCW 19.86, the Consumer Protection Act (CPA) and the
- 9 Charitable Solicitations Act RCW 19.09; and
- 10 1.8 Defendants Michael Friedman, Fallen Hero Bracelets, the Benjamin Foundation,
- 11 the Midnight Coal Company (Defendants), having been served with the Summons and
- 12 Complaint, and the Amended Complaint; and Washington, appearing by and through its
- 13 attorneys, Robert Ferguson, Attorney General, and Joshua Studor, Assistant Attorney General;
- 14 and Defendants Fallen Hero Bracelets, the Benjamin Foundation, the Midnight Coal Company
- 15 failing to appear and Defendant Michael Friedman, appearing pro se; and
- 16
- 17 1.9 This Court having found Defendants in default; and
- 18 1.10 This Court having considered:
- 19 (a) The State of Washington’s Motion for Entry of Default Judgment;
- 20 (b) The Declaration of Joshua Studor dated September 8, 2020;
- 21 (c) The Declaration of Bau Vang dated September 17, 2020;
- 22 (d) The papers and pleadings on file in this cause including but not limited to
- 23 the preliminary injunction issued by this Court; and
- 24
- 25 1.11 The Court, finding no just reason for delay;
- 26

1 NOW, THEREFORE, The Court enters the following Findings of Fact and Conclusions  
2 of Law and hereby ORDERS AND DECREED as follows:

3 **II. FINDINGS OF FACT**

4 **A. Defendants**

5 2.1 Defendant Fallen Hero Bracelets (FHB) was, at all times material to this action,  
6 a Washington State nonprofit corporation with a principal place of business in Tacoma,  
7 Washington. FHB incorporated on September 28, 2015, and voluntarily dissolved by action of  
8 the corporation on November 21, 2018. Fallen Hero Bracelets has done business as  
9 3Charlie.com.

10 2.2 Defendant The Benjamin Foundation was, at all times material to this action, a  
11 Washington State nonprofit corporation based in Tacoma, Washington, and was voluntarily  
12 dissolved by action of the corporation on November 26, 2018. The Benjamin Foundation has  
13 done business as The Roberts Ridge Foundation and the Craig Noble Foundation.

14 2.3 Defendant Midnight Coal Company, LLC, was, at all times material to this action  
15 a limited liability company organized under the laws of Washington State. Midnight Coal  
16 Company, LLC, has done business as 3Charlie.com and Kopfjager Arms.

17 2.4 Defendant Michael Alexander Friedmann was, at times material to this action,  
18 the only founder/incorporator, director, and officer for Fallen Hero Bracelets, The Benjamin  
19 Foundation, and the Midnight Coal Company, LLC (collectively the Entity Defendants).  
20 Friedmann is unmarried and resides in Tacoma, Washington. Friedmann controlled all aspects  
21 of the Entity Defendants' activities. Friedmann is not a veteran or active-duty service member  
22 of any of the United States armed forces and is not a part of any pararescue organization.  
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1 | Friedmann has never held a position in law enforcement. Friedmann is not a lawyer and is not  
2 | licensed to practice law in this or any other state.

3 |         2.5     Defendant Jane Doe Friedmann has not been identified.

4 |         2.6     Collectively Defendants maintained e-commerce websites which offered for sale  
5 | various items (hats, t-shirts, bracelets, and other items) related to or referencing members of the  
6 | armed forces and/or law enforcement who had died in the line of duty. These websites include(d)  
7 | fallenherobracelets.com; thebenjaminfoundation.us; and 3charlie.com. Defendants also  
8 | maintained a website known as walloffshame.us, which Friedmann used to post vulgar posts  
9 | about customers who complained about Defendants' activities. Defendants offered these items  
10 | for sale world-wide but their principal place of business was in Pierce County, Washington.

11 |         2.7     The term "Defendants" refers collectively to all defendants as well as their  
12 | officers, agents, servants, employees, and representatives.

13 | **B.     Plaintiff**

14 |         3.1     Plaintiff is the State of Washington,

15 | **C.     Violations of the Consumer Protection Act**

16 |         4.1     Websites managed by Defendants offered various items for sale and told  
17 | consumers their purchase would be processed and shipped in "7 to 14" days. Multiple claims on  
18 | the websites indicated a "100% Customer Satisfaction Guarantee." These and other  
19 | representations made on the websites created a net impression that a purchaser could expect their  
20 | purchased item would be delivered to them in a reasonable period of time and that the customer  
21 | would have some recourse if they were unsatisfied by the product.  
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1           4.2     On a regular basis during the period relevant to this litigation, Defendants did not  
2 process and ship purchase items on a timely basis, with many purchases taking months to arrive.  
3 In some instances, customers never received their purchases. In other instances, customers  
4 received their purchases only after they complained.

5           4.3     Defendants regularly refused to provide refunds when requested by consumers  
6 and frequently argued with consumers who complained about their purchases.  
7

8           4.4     At times, frustrated consumers attempted to cancel their orders but Defendants  
9 refused to honor the requests. In other instances, consumers attempted to obtain refunds through  
10 their credit card company, bank, or other payment processor.

11          4.5     Defendants, through Friedmann, frequently engaged in harassing, threatening,  
12 and abusive conduct against customers who complained. In some instances, Defendants referred  
13 a false “debt” to collections agencies seeking a great deal more than the original purchase price.  
14 In other instances Defendants filed lawsuits against disgruntled consumers seeking as much  
15 \$5,000 in damages.  
16

17          4.6     In at least two instances Defendants advertised and sold products on their  
18 websites representing the items were genuine, but the products he actually shipped were  
19 counterfeit.  
20

21          4.7     Defendants’ websites included draconian terms of service applicable to every  
22 purchase. The terms included limiting customers’ rights to complain, provide negative reviews,  
23 and dispute transactions with their banks or payment processors.  
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1           4.8     Defendants benefited from their acts and practices, having received \$504,017.32  
2 as a result of their conduct. Defendants' practices specifically harmed at least 51 individuals in  
3 the amount of \$13,068.38.

4           **D.     Violations of the Charitable Solicitations Act**

5           5.1     During the period of time relevant to this litigation, Defendants promoted their  
6 products for sale by asserting a portion of the sales price would be used to benefit as many as 40  
7 different charitable organizations.

8           5.2     Defendants did not donate any of their proceeds to charitable organizations and  
9 did not use proceeds for Defendants' stated charitable purposes.

10          5.3     During the period of time relevant to this litigation, Defendants represented to the  
11 public that they assisted families going through divorce and separation.

12          5.4     Defendants never provided services to families going through divorce or  
13 separation.

14          5.5     During the period of time relevant to this litigation, Defendants claimed they  
15 provided trained service dogs to veterans.

16          5.6     Defendants never provided trained service dogs to veterans.

17          5.7     No one involved with the Entity Defendants, including Michael Friedmann, was  
18 associated or affiliated with service members who fought in the battle of Roberts Ridge (also  
19 known as the Battle for Takur Ghar).

20          5.8     No one involved with the Entity Defendants, including Michael Friedmann, was  
21 associated or affiliated with the Chris Kyle Memorial Benefit; the United States Air Force  
22 Pararescue division; the Brian Bill Foundation; or any other veterans' charity.

1           5.9     During the period of time relevant to this litigation, Defendants claimed Fallen  
2 Hero Bracelets was a pararescue organization.

3           5.10    Fallen Hero Bracelets was never a pararescue organization.

4           5.11    While soliciting for charitable contributions, Fallen Hero Bracelets used the name  
5 and logo (or emblem) of a fictitious accrediting organization called the “Business Bureau of  
6 America.” (BBA) Friedmann claimed he received an A+ rating from the BBA.  
7

8           5.12    While soliciting for charitable contributions, Friedmann claimed to have received  
9 an A+ rating from the Better Business Bureau and that he had significant positive sales feedback.

10          5.13    In reality, Defendants had an F rating from the Better Business Bureau.

11          5.14    While soliciting for charitable contributions, Defendants’ website claimed to  
12 have a 7 to 14 day processing and shipping period when, in fact, the products took much longer  
13 to arrive, if they arrived at all. Additionally, Defendants’ claimed to have a 100% customer  
14 satisfaction guarantee but they did not honor the purported guarantee.  
15

16          5.15    While soliciting charitable contributions from the public in this state, Defendants  
17 failed to clearly and conspicuously disclose the published toll-free number and website of the  
18 Office of the Secretary of State and the city of Defendants’ principal place of business at the  
19 point of the solicitation.  
20

21          5.16    Defendants were not registered with the Secretary of State as charitable  
22 organizations prior to soliciting charitable contributions from the public.

23          5.17    Defendants engaged in the described acts from at least FHB’s incorporation on  
24 September 28, 2015, and continued until at least its dissolution date on November 1, 2018, which  
25 was a total of 1,131 days.  
26





1 The described act or practice constitutes a violation of the CPA 19.86.020. The Court finds that  
2 Defendants failed to provide refunds upon request at least 17 times during the relevant period.

3 6.10 The abusive use of collection agencies to collect false debt is an unfair practice  
4 in trade and commerce. FoF, ¶4.5. The described act or practice constitutes a violation of the  
5 CPA 19.86.020. The Court finds that Defendants referred 19 consumers to collection agencies.  
6

7 6.11 Defendant's use of frivolous lawsuits alleging that his customers owed him  
8 damages was an unfair act or practice in trade and commerce. FoF, ¶4.5. The described act or  
9 practice constitutes a violation of the CPA 19.86.020. The Court finds that Defendants filed  
10 lawsuits against five consumers.

11 6.12 Defendants use of threatening and abusive conduct and language against  
12 customers who complained was an unfair at or practice in trade and commerce. FoF, ¶4.5. The  
13 described act or practice constitutes a violation of the CPA 19.86.020. The Court finds that  
14 Defendants used threatening and abusive conduct or language against at least 16 consumers.  
15

16 6.13 Defendant's sale of counterfeit products is an unfair and deceptive act or practice  
17 in trade or commerce. FoF, ¶4.6. The described act or practice constitutes a violation of the CPA  
18 19.86.020. The Court finds that Defendants sold counterfeit products at least twice.

19 6.14 The terms of service contained on Defendants' websites that limited customers'  
20 rights to complain, provide negative reviews, and dispute transactions with their banks or  
21 payment processors are unfair and deceptive acts or practices in trade or commerce. FoF ¶4.7.  
22 The terms of services were included on Defendants' websites during all 1,131 days of FHB's  
23 existence.  
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1           6.15    The Court finds 1,240 distinct violations of the CPA 19.86.020 stemming from  
2 the practices outlined in ¶¶6.8-6.14.

3           6.16    During the 1,131 days of FHB’s existence, Defendants’ websites contained  
4 claims and images that, taken together, created the deceptive net impression that either  
5 Friedmann or other individuals involved with the Entity Defendants were veterans of the armed  
6 services. These deceptive claims were made in conjunction with Defendants’ solicitations for  
7 charitable contributions and, thus, constituted violations of the CSA RCW 19.09.100(15).  
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9           6.17    Defendants’ websites contained claims and images that, taken together, created  
10 the deceptive net impression that it used contributions to provide service dogs to veterans. FoF,  
11 ¶¶5.5-5.6. These deceptive claims were made in conjunction with Defendants’ solicitations for  
12 charitable contributions and, thus, constituted violations of the CSA RCW 19.09.100(15).  
13

14           6.18    Defendants’ websites contained claims and images that, taken together, created  
15 the deceptive net impression that they used charitable funds to assist families going through  
16 divorce or separation. FoF, ¶¶5.3-5.4. These deceptive claims were made in conjunction with  
17 Defendants’ solicitations for charitable contributions and, thus, constituted violations of the CSA  
18 RCW 19.09.100(15).  
19

20           6.19    During the period of time relevant to this litigation, Defendants’ websites  
21 contained claims and images that, taken together, created the deceptive net impression that they  
22 were associated or affiliated with service members who fought in the battle of Roberts Ridge  
23 (also known as the Battle of Takur Ghar). FoF, ¶¶5.7-5.8. These deceptive claims were made in  
24 conjunction with Defendants’ solicitations for charitable contributions and, thus, constituted  
25 violations of the CSA RCW 19.09.100(15).  
26

1           6.20 During the period of time relevant to this litigation, Defendants' websites  
2 contained claims and images that, taken together, created the deceptive net impression that they  
3 were associated or affiliated with the Chris Kyle Memorial Benefit, the United States Air Force  
4 Pararescue Division; the Brian Bill Foundation; and other organizations set up in memory of  
5 service members who died in the line of duty. FoF, ¶¶5.7-5.8. These deceptive claims were made  
6 in conjunction with Defendants' solicitations for charitable contributions and, thus, constituted  
7 violations of the CSA RCW 19.09.100(15).  
8

9           6.21 During the period of time relevant to this litigation, Defendants' websites  
10 contained claims and images that, taken together, created the deceptive net impression that Fallen  
11 Hero Bracelets was a pararescue organization. FoF, ¶¶5.9-5.10. These deceptive claims were  
12 made in conjunction with Defendants' solicitations for charitable contributions and, thus,  
13 constituted violations of the CSA RCW 19.09.100(15).  
14

15           6.22 Defendants' use of the Business Bureau of America and the torch logo created  
16 the deceptive net impression that Fallen Hero Bracelets was accredited by a legitimate business  
17 rating organization and was deceptively similar to the Better Business Bureau name and logo.  
18 FoF, ¶5.11. These deceptive claims were made in conjunction with Defendants' solicitations for  
19 charitable contributions and, thus, constituted violations of the CSA RCW 19.09.100(15).  
20

21           6.23 Claims and images on Defendants' websites created the deceptive net impression  
22 that Fallen Hero Bracelets had a positive accreditation from the Better Business Bureau and,  
23 generally, had a positive customer service history. FoF, ¶¶5.12-5.13. These deceptive claims  
24 were made in conjunction with Defendants' solicitations for charitable contributions and, thus,  
25 constituted violations of the CSA RCW 19.09.100(15).  
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1           6.24    Claims and images on Defendants’ websites created the deceptive net impression  
2 that Fallen Hero Bracelets had a 7 to 14-day processing and delivery window and a satisfaction  
3 guarantee. FoF, ¶5.14. These deceptive claims were made in conjunction with Defendants’  
4 solicitations for charitable contributions and, thus, constituted violations of the CSA  
5 RCW 19.09.100(15).  
6

7           6.25    Defendants’ failures to clearly and conspicuously disclose the published toll-free  
8 number and website of the Office of the Secretary of State and the city of Defendants’ principal  
9 place of business at the point of the solicitation are each violations of the CSA  
10 RCW 19.09.100(1), (4). FoF, ¶5.15.  
11

12           6.26    Defendants were required to register with the Office of the Secretary of State  
13 prior to soliciting charitable contributions from the public. FoF, ¶5.16; RCW 19.09.065.  
14 Defendants’ failure to register is a violation of the CSA.

15           6.27    While conducting charitable solicitations from the public, Fallen Hero Bracelets  
16 and Michael Friedmann failed to fully and fairly disclose the name of the entity soliciting the  
17 charitable contribution, which is a violation of the CSA RCW 19.09.100(15). FoF, ¶5.15.

18           6.28    Each of the violations of the CSA was present on Defendants’ websites since at  
19 least September 28, 2015, until at least November 1, 2018, or a total of 1,131 days. The Court  
20 concludes that the Defendants violated the CSA at least 15 times per day for 1,131 days for a  
21 total of 16,965 violations.  
22

23           6.29    Pursuant to RCW 19.09.340, violations of the Charitable Solicitations Act are *per*  
24 *se* violations of the Consumer Protection Act RCW 19.86, *et. seq.*  
25  
26



1 hereby enjoyed and permanently restrained from directly or indirectly engaging in any of the  
2 following conduct:

- 3 a. Participating in or directing anyone else to participate in any of the  
4 conduct described as violations above. See §§4.1-5.16;
- 5 b. Soliciting contributions for any charitable organization;
- 6 c. Serving as a member, director, officer, or manager of any charitable  
7 organization;
- 8 d. Holding a fiduciary or accounting role with any charitable organization or  
9 nonprofit corporation incorporated under the Washington Nonprofit Corporations  
10 Act, RCW 24.03;
- 11 e. Acting as a trustee of a charitable trust as defined by RCW 11.110.020.
- 12 f. Registering new business entities, including nonprofit corporations, with  
13 the Washington Secretary of State;
- 14 g. Registering, managing, owning, or otherwise controlling any web domain  
15 used to sell or offer for sale any product related to the United State military or  
16 military service, veterans of the United States armed forces, and police and other  
17 first responders (e.g. firefighters, emergency medical technicians, etc.); **and**  
18 Registering, managing, owning, or otherwise controlling any web domain with a  
19 commercial or charitable purpose;
- 20 h. Making misleading statements of material fact or omissions of material  
21 facts in Washington or to Washington consumers in connection with the offer,  
22 sale, or lease of any product or service;
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1 i. Violating any provision of the Consumer Protection Act, RCW 19.86; or

2 j. Violating any provision of the Charitable Solicitations Act, RCW 19.09.

3 7.5 Defendants and all successors, assigns, transferees, agents, servants, employees,  
4 representatives, and all other persons in active concert or participating with Defendants are,  
5 pursuant to RCW 19.09.100(13) expressly prohibited from soliciting for charitable contributions  
6 as all Defendants are subject to a permanent injunction and judgment under RCW 19.86.080 and  
7 19.86.090, involving violations of RCW 19.86.020;

9 7.6 **Civil Penalty:** Pursuant to RCW 19.86.140, Defendants, jointly and severally,  
10 are ordered to pay civil penalties in the amount of three hundred twenty two thousand one  
11 hundred fifty dollars (\$322,150), an amount certain, resulting from the following violations of  
12 RCW 19.86.020 and RCW 19.09.100:

14 <b>Act or Practice</b>	<b>Penalty Per Violation</b>	<b>Number of Violations</b>	<b>Total Penalty</b>
15 Abusive Use of a Collections Agency	\$2,000	19	\$38,000
16 Abusive Use of Lawsuits	\$2,000	5	\$10,000
17 Threatening and Abusive Conduct or Language	\$2,000	16	\$32,000
18 Sale of Counterfeit Products	\$50	2	\$100
19 Use of Unfair and Unreasonable Terms of Service	\$50	1,131	\$56,550
20 Misrepresenting that Proceeds Would Benefit 40 Charitable Organizations	\$10	1,131	\$11,310
21 Misrepresenting Veteran Status	\$10	1,131	\$11,310
22 Misrepresenting that Defendants Provided Support to Families Going Through Divorce	\$10	1,131	\$11,310
23 Misrepresenting Defendants' Relationship to the Battle of Roberts Ridge	\$10	1,131	\$11,310
24 Misrepresenting Defendants' Association With Other Charitable Organizations	\$10	1,131	\$11,310
25 Misrepresenting that Defendants are a Pararescue Organization	\$10	1,131	\$11,310
26 Misrepresenting that Defendants Provide Service Dogs to Veterans	\$10	1,131	\$11,310

1	Use of Mark Deceptively Similar to BBB Logo	\$10	1,131	\$11,310
2	Misrepresenting BBB Rating	\$10	1,131	\$11,310
3	Misrepresenting Order Processing Times	\$10	1,131	\$11,310
4	False Claims About Guarantees	\$10	1,131	\$11,310
5	Failure to Disclose OSOS Phone Number and Website	\$10	1,131	\$11,310
6	Failure to Disclose Defendant's Principal Place of Business	\$10	1,131	\$11,310
7	Failure to Register with OSOS	\$10	1,131	\$11,310
7	Failure to Disclose True Name of Solicitor	\$10	1,131	\$11,310

8 The civil penalty is due and payable immediately and any unpaid amounts are subject a post-  
9 judgment interest rate of 12% per annum.

10       7.7     **Restitution:** Pursuant to RCW 19.86.080(2), Defendants, jointly and severally,  
11 are ordered to pay \$504,017 in restitution to be paid to the Plaintiff and distributed as follows:  
12 First \$13,111.38 shall be paid to victims identified by name in the Declaration of Bau Vang dated  
13 September 4, 2020. The remaining \$490,905.62 shall be paid to Plaintiff and must be used by  
14 Plaintiff to benefit Washington nonprofits and/or charitable organizations that serve families of  
15 military service members and law enforcement who died in the line of duty. In the event that any  
16 amount designated as restitution is rejected by an eligible consumer or remains otherwise unpaid  
17 as provided by this Judgment, such monies shall be converted to the *cy pres* and distributed by  
18 the Plaintiff as described above.

21       7.8     **Attorney Costs and Fees:** Pursuant to RCW 19.86.080, Defendants, jointly and  
22 severally, are ordered to pay Plaintiff, State of Washington, costs for this action, including  
23 reasonable attorneys' fees, in the amount certain of \$168,954.88 *See* Declaration of Joshua  
24 Studor, Exhibit 1.

25       7.9     All payments made to satisfy this Default Judgment shall be in the form of a valid  
26



1 check paid to the order of the "Attorney General – State of Washington." Payments shall be sent  
2 to the Office of the Attorney General, Attention: Margaret Farmer, Litigation Support Manager,  
3 800 Fifth Avenue, Suite 2000, Seattle, Washington 98104-3188.

4 7.10 Nothing in this Default Judgment shall be construed as to limit or bar any other  
5 government entity or any consumer in pursuit of other remedies against Defendants.  
6

7 7.11 Representatives of the Office of the Attorney General shall be permitted, upon  
8 reasonable notice to Defendants, to access and inspect all business records or documents under  
9 the control of Defendants to monitor compliance with the terms of this Default Judgment.

10 7.12 Pursuant to RCW 19.86.140, any violation of the terms of this Judgment shall  
11 form the basis for further enforcement proceedings, including, but not limited to, contempt of  
12 Court proceedings and forfeiture of the civil penalty of up to \$25,000 for violations committed  
13 after the date of the Default Judgment.  
14

15 7.13 The violation of any of the injunctive terms of this Default Judgment shall  
16 constitute a violation of RCW 19.86.020.

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1           7.14 Jurisdiction is retained for the purpose of enabling Plaintiff to apply to the court  
2 for further restitution and for the enforcement of compliance with the terms of this Default  
3 Judgment.

4           ENTERED this 30 day of October, 2020.

5   
6 THE HONORABLE ELIZABETH MARTIN

7 Presented by:

8 ROBERT W. FERGUSON  
9 Attorney General

10 s/Joshua Studor  
11 JOSHUA STUDOR, WSBA #47183  
12 Assistant Attorney General  
13 Attorneys for Plaintiff State of Washington

