

JUL 14 2003

J. DAVID NAVARRO, Clerk  
By **DEBBIE RIVERA**  
DEPUTY

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Attorneys for the Plaintiff

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR ADA COUNTY**

STATE OF IDAHO, DEPARTMENT OF )  
FINANCE, SECURITIES BUREAU, )

Plaintiff, )

vs. )

VIVIAN HAGEN, an individual, )  
and DONALD HAGEN, an individual, )

Defendants. )  
\_\_\_\_\_ )

Case No. CV OC 0203036D

**STIPULATION FOR DISMISSAL  
OF STATE'S CLAIM AGAINST  
DEFENDANT DONALD HAGEN**

COME NOW the State of Idaho, Department of Finance, Securities Bureau (Department), by and through its attorney of record, A. René Martin, Deputy Attorney General, and Donald Hagen, Defendant herein, by and through his attorney of record, Timothy J. Gass, and agree and stipulate as follows:

(1) This Stipulation entered into by the Department and Defendant Donald Hagen constitutes a complete and final settlement of all claims that have been asserted, or could have been asserted, by the Department against Defendant Donald Hagen arising from the acts of Vivian Hagen, also a named Defendant in this action, as alleged in the Amended Verified Complaint filed herein, and specifically Count Seven of such Amended Verified Complaint.

(2) The Department acknowledges that on July 11, 2003, it received a cashier's check in the amount of \$70,000.00 paid to the Department by Defendant Donald Hagen in full accord and satisfaction of the Department's claims against Defendant Donald Hagen asserted in this action. The \$70,000.00 payment by Defendant Donald Hagen constitutes restitution for investors injured by the wrongful acts of Defendant Vivian Hagen, as alleged in the Amended Verified Complaint.

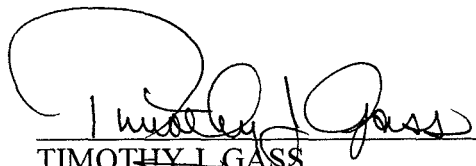
(3) Defendant Donald Hagen disputes and denies any wrongdoing on his part or liability for the actions of Defendant Vivian Hagen as asserted in the Amended Verified Complaint.

(4) In consideration of the \$70,000.00 payment referenced in paragraph 2 above, the Department agrees to dismiss with prejudice all claims asserted against Defendant Donald Hagen in the Amended Verified Complaint, and to forgo any other claims it may have against Defendant Donald Hagen arising from the wrongful acts of Defendant Vivian Hagen during the time period between November of 1995 through the present date. Thus, the Department and Defendant Donald Hagen agree that it is appropriate for the Court to enter an Order dismissing with prejudice the Department's complaint against Defendant Donald Hagen filed in this action.

(5) The Department and Defendant Donald Hagen agree that nothing in this Stipulation shall be construed to impair or otherwise affect Defendant Donald Hagen's cross-claim against Vivian Hagen previously filed in this action, or any other claim he may have against Defendant Vivian Hagen relating to the facts underlying this action or any other claim he may have against Vivian Hagen.

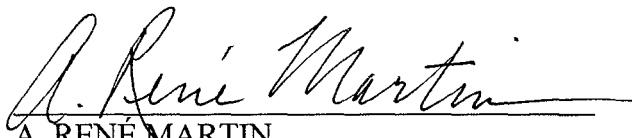
(6) The Department and Defendant Donald Hagen shall each agree to bear their own attorney fees and costs in this matter.

DATED this 11<sup>th</sup> day of July, 2003.

  
TIMOTHY J. GASS  
Attorney for Defendant Donald Hagen

DATED this 11<sup>th</sup> day of July, 2003.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

  
A. RENÉ MARTIN  
Deputy Attorney General