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SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

ROSE MARIE SCHESKE, an individual,

Plaintiff; and

STATE OF ARIZONA, *ex rel.*
KRISTIN K. MAYES, Attorney General,

Plaintiff-Intervenor,

v.

THE GOODMAN GROUP MN, LLC (FN),
a Minnesota Limited Liability Company;
and RIDGES AT PEORIA, LLC, a
Minnesota Limited Liability Company,

Defendants.

Case No.: CV2022-014439
CONSENT JUDGMENT
(Honorable Brad Astrowsky)

The State of Arizona, *ex rel.* Kristin K. Mayes, the Attorney General (the “State”), sought intervention to file a Complaint seeking a declaration that the confidentiality clause in the Arbitration Agreement between Plaintiff and Defendants violated the Adult Protective Services Act. The Court granted the State’s intervention request on February 6, 2024. The State filed its proposed Complaint-in-Intervention having already negotiated settlement terms with Defendants, and both the State and Defendants concurrently filed a joint Stipulated Motion for Entry of Judgment.

The Court having reviewed the stipulated motion, and good cause appearing, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

1. The provision of the Arbitration Agreement between Plaintiff and Defendant Ridges at Peoria, LLC stating, “The parties agree to maintain confidentiality of the arbitration proceeding in all respects” (hereinafter referred to as the “Confidentiality Clause”), is hereby

1 severed from the Arbitration Agreement and rendered void and without force. The State
2 withdraws any and all additional objections to the enforcement of the Arbitration Agreement.

3 2. Defendants shall not include the Confidentiality Clause or any similar language
4 restricting the right of any claimant to make public any alleged violations of Arizona's Adult
5 Protective Services Act, A.R.S. § 46-451 *et seq.*, in any future arbitration agreement between
6 Defendants and any residents (or their designated representatives) of any assisted living
7 facilities operated by Defendants (or any affiliates, subsidiaries, successors, or assigns of
8 Defendants).

9 3. Defendants (including any affiliates, subsidiaries, successors, or assigns of
10 Defendants) shall unilaterally sever the Confidentiality Clause from any existing arbitration
11 agreement with any current or former resident of any facility under Defendants' control; and
12 Defendants shall refrain from seeking enforcement of any provision restricting the right of any
13 claimant to make public any alleged violations of Arizona's Adult Protective Services Act.

14 4. Defendants will provide a copy of this Consent Judgment to any claimant and/or
15 any attorney for any claimant within three business days of receiving actual notice of any claim
16 under Arizona's Adult Protective Services Act against Defendants (including any affiliates,
17 subsidiaries, successors, or assigns of Defendants) if the claimant has executed an arbitration
18 agreement containing the Confidentiality Clause or substantially similar language; for
19 avoidance of doubt, this provision is intended to provide actual notice of this Consent Judgment
20 to any person making any claim against Defendants under Arizona's Adult Protective Services
21 Act if the claim implicates a signed arbitration agreement containing the Confidentiality Clause
22 or substantially similar language.

23 5. All parties shall bear their own fees and costs with respect to the State's
24 intervention and the entry of this Consent Judgment.

25 6. All parties agree that, except as expressly stated herein, no admissions or waivers
26 have been made with respect to any allegations or legal arguments raised in the State's

1 Complaint-in-Intervention or in any other briefs or memoranda filed with the Court relating to
2 intervention, and this Consent Judgment shall have no preclusive effect on any party save for
3 the express terms herein.

4 7. Nothing in this Consent Judgment will be construed as an approval by the
5 Attorney General, the Court, the State of Arizona, or any agency thereof of Defendants' past,
6 present, or future conduct. **Defendants may not represent or imply that the Attorney
7 General, the Court, the State of Arizona, or any agency thereof has approved or approves
8 of any of Defendants' actions or any of Defendants' past, present or future business
9 practices.**

10 8. This Consent Judgment represents the entire agreement between the parties, and
11 there are no representations, agreements, arrangements, or understandings, oral or written,
12 between the parties relating to the subject matter of this Consent Judgment which are not fully
13 expressed herein or attached hereto.

14 9. If any portion of this Consent Judgment is held invalid by operation of law, the
15 remaining terms thereof will not be affected and will remain in full force and effect.

16 10. This Consent Judgment is the result of a compromise between the parties. Only
17 the State may seek enforcement of this Consent Judgment. Nothing herein is intended to create
18 a private right of action by other parties.

19 11. This Consent Judgment does not limit the rights of any private party to pursue
20 any remedies allowed by law.

21 12. The effective date of this Consent Judgment is the date that it is entered by the
22 Court.

23 13. Because this Consent Judgment constitutes full and final adjudication of all
24 claims between the State and Defendants, the Court expressly determines there is no just reason
25 for delay of entry of final judgment as to the State's Complaint-in-Intervention, and this
26 Consent Judgment is entered under Rule 54(b) of the Arizona Rules of Civil Procedure. The

1 Clerk shall dismiss the State as a party to this action.

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3 Dated this _____ day of February, 2024.

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Honorable Bradley Astrowsky
Maricopa County Superior Court Judge

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eSignature Page 1 of 1

Filing ID: 17390480 Case Number: CV2022-014439
Original Filing ID: 17360842

Granted with Modifications



/S/ Brad Astrowsky Date: 2/22/2024
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2022-014439

SIGNATURE DATE: 2/22/2024

E-FILING ID #: 17390480

FILED DATE: 2/27/2024 8:00:00 AM

DAVID S COHEN

SHANE HAM

WILLIAM A RICHARDS