

Fountain of Life Defendants

112. Defendant Burlington Assembly of God/Fountain of Life Center (“Fountain of Life Center”) is a New Jersey not-for-profit corporation with its headquarters in Burlington, New Jersey. According to its website, Fountain of Life Center is a “‘Spiritual Oasis’ for all people to worship, to learn, to encourage and to be encouraged, to fellowship and to reach out to others.” Defendant Fountain of Life Center would purchase tax liens at public auctions pursuant to the conspiracy herein, and then assign the liens it purchased to a shell corporation such as defendant Mercer S.M.E., Inc. (as well as Camden, S.M.E., Inc. and Ferry Plaza S.M.E., Inc.). Defendant Fountain of Life Center would assign the liens to a shell corporation in order to hide from the public the fact that it was involved in the purchase of tax liens in New Jersey and the foreclosure of those who failed to redeem their TSCs. Defendant Fountain of Life Center would be represented at auctions in New Jersey primarily by defendants Susan M. Esposito and David B. Boudwin and both participated in discussions and agreements and/or understandings with other Defendants concerning the conspiracy alleged herein. Occasionally, the head of the Fountain of Life Center, Paul Graban, would also attend auctions on behalf of Fountain of Life Center. Defendant Fountain of Life Center purchased TSCs at public auctions throughout the State of New Jersey during the Class Period and participated in the conspiracy alleged herein.

113. Defendant Mercer S.M.E., Inc. (“Mercer”) is a New Jersey corporation with its principal place of business in Burlington, New Jersey. Defendant Mercer was organized in 2001 to act as the assignee of tax liens that were purchased by defendant Fountain of Life Center at tax lien auctions in the State of New Jersey during the Class Period. The President of Mercer is Susan M. Esposito. Its Vice President is Patricia Miller and its Secretary is Debra Bercaw. Defendant Mercer attended public TSC auctions throughout the State of New Jersey during the Class Period and participated in the conspiracy alleged herein.

114. Defendants Fountain of Life Center and Mercer shall be collectively referred to herein as “Fountain of Life.”

115. Defendant Susan M. Esposito (“Esposito”) is an individual residing in Burlington, New Jersey. Defendant Esposito is the President of defendant Mercer, and regularly attended tax lien auctions in New Jersey during the Class Period, and participated in discussions and agreements and/or understandings with other Defendants concerning the conspiracy alleged herein. Defendant Esposito attended public TSC auctions throughout the State of New Jersey during the Class Period and participated in the conspiracy alleged herein.

116. Defendant David B. Boudwin (“Boudwin”) is an individual residing in Burlington, New

Jersey. Defendant Boudwin regularly attended tax lien auctions in New Jersey during the Class Period, and participated in discussions and agreements and/or understandings with other Defendants concerning the conspiracy alleged herein. Defendant Boudwin is an executive of defendant Fountain of Life Center. Defendant Boudwin attended public TSC auctions throughout the State of New Jersey during the Class Period and participated in the conspiracy alleged herein.

117. Specifically, Defendants Fountain of Life, Esposito, and Boudwin, participated in an illegal agreement and/or understanding with Defendants CCTS, Farber, Butler, Plymouth Park, Crusader, Stein, Jeffrey, Mooring, Sass, Jessani, Hruby, Rothman, BankAtlantic, Branse, Deluca, ATF, De Laurentis, Simon, Wolfson, Collins, May, and Pisciotta, to rig bids for municipal tax liens at public tax lien auctions throughout the State of New Jersey which they attended during the Class Period. Not every Defendant attended every tax lien auction in the State of New Jersey during the Class Period, although the largest Defendants - Plymouth Park, Sass, Crusader, BankAtlantic, and ATF - attended most, if not all auctions during the Class Period and the illegal scheme existed despite who was present.

118. As a result of this agreement and/or understanding, the Defendants, including Fountain of Life, Esposito, and Boudwin, would, among other things, agree prior to the beginning of the auctions at which they were present, which liens each of the Defendant auction attendees would be allocated. Such representatives of Fountain of Life who would engage in such discussions and agreements and/or understandings with other Defendants were Defendants Esposito and Boudwin. Often, the largest bidders - Plymouth Park, Sass, Crusader, BankAtlantic, and ATF - would have first picks over the liens up for auction. The Defendants also agreed not to bid against the Defendant which had been allocated a particular lien in order to reduce or eliminate competitive bids and ensure that the lien which had been allocated was sold at the highest interest rate possible to the cartelist who had been designated as the pre-determined winner of that lien. The Defendants' conspiracy artificially raised interest rates associated with TSCs sold at the auction because of the illegal agreement alleged herein.

119. As further described herein, defendant Mercer has pled guilty to violating the Sherman Act and admitted to participating in the conspiracy alleged herein. Further, witnesses to the conspiracy have identified Defendants Fountain of Life, Esposito, and Boudwin as participating in the conspiracy alleged herein.