

FILED
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13
 14 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
 15 **IN AND FOR THE COUNTY OF MARICOPA**

16	State of Arizona, ex rel.	)	No. CV 2010-005807
17	Attorney General Thomas C. Horne,)	
18	Plaintiff,	)	STIPULATED MOTION TO
19	vs.	)	MODIFY AMENDMENT TO
20	Western Union Financial Services, Inc.	)	SETTLEMENT AGREEMENT
21	Defendant.)	
22)	

23 The State of Arizona ex rel. Thomas C. Horne, Attorney General (“State”), and
 24 Western Union Financial Services, Inc. (“Western Union”), respectfully move the
 25 Court to enter an order in the form of the attached proposed order modifying the
 26 January 31, 2014 Amendment (“Amendment”) to the February 11, 2010 Settlement
 27 Agreement (“Agreement”) in two respects, described below.
 28

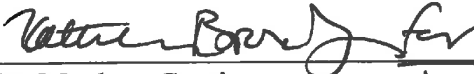
1 First, paragraph 17.1.6 of the Amendment refers to March 14, 2014, as the date
2 by which the states of California, New Mexico, and Texas ("Participating States")
3 may execute separate agreements with Western Union regarding the provision of data
4 for transactions sent to or from locations within the Southwest Border Data Area. In
5 order to allow the Participating States additional time to consider and execute such
6 agreements, the State and Western Union have agreed that the March 14, 2014
7 deadline should be extended until April 14, 2014, and that all references to March 14,
8 2014, in paragraph 17.1.6 should be changed to April 14, 2014.

9 Second, paragraph 12.7 of the Amendment requires that Western Union make
10 payments to support the Transaction Record Analysis Center ("TRAC") and specifies
11 that such payments shall be made to the Financial Investigation Resource Group
12 ("FIRG") fund created pursuant to A.R.S. § 13-2314.01 ("FIRG Fund"). The State
13 has determined that, for administrative purposes, these payments should instead be
14 made to the State Center, to which Western Union was required, under paragraph 23.2
15 of the Agreement, to make a payment to support the Southwest Border Anti-Money
16 Laundering Alliance. Therefore, the State and Western Union have agreed that all
17 references to the FIRG Fund in paragraphs 12.7 and 12.9 of the Amendment should
18 be changed to the State Center.

19 A proposed order providing for these modifications is attached to this
20 stipulated motion as Exhibit 1.

21 Respectfully submitted this 14th day of March, 2014.

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By 
D. Matthew Conti *w/ permission*
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By *Kathleen Brody*
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Attorneys for Western Union
Financial Services, Inc.

Original of the foregoing
hand-delivered for filing this 14th day of
March, 2014, to:

Hon. Warren Granville
Judge of the Superior Court
175 West Madison St. 13103
Phoenix, AZ 85003

Patricia D. Palmer

Exhibit 1

1 Larry Hammond, 004049
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9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF MARICOPA**

11	State of Arizona, ex rel.	)	No. CV2010-005807
12	Attorney General Thomas C. Horne,)	
13	Plaintiff,	)	[PROPOSED] ORDER
14		)	GRANTING STIPULATED
15	vs.	)	MOTION TO MODIFY
16	Western Union Financial Services, Inc.	)	AMENDMENT TO
17	Defendant.	)	SETTLEMENT AGREEMENT
18)	

19
20 The State of Arizona ex rel. Thomas C. Horne, Attorney General (“State”) and
21 Western Union Financial Services, Inc. (“Western Union”), having filed a Stipulated
22 Motion to Modify Amendment to Settlement Agreement, and good cause appearing,

23 IT IS HEREBY ORDERED THAT, with respect to paragraph 17.1.6 the
24 January 31, 2014 Amendment (“Amendment”) to the February 11, 2010 Settlement
25 Agreement (“Agreement”), the March 14, 2014 deadline for Participating States to
26 execute separate agreements with Western Union regarding the provision of data for
27 transactions sent to or from locations within the Southwest Border Data Area is
28 extended until April 14, 2014, and all references to March 14, 2014, in paragraph

1 17.1.6 are changed to April 14, 2014. The modified paragraph 17.1.6 reads as
2 follows:

3 17.1.6 For five years after the date of this Amendment and subject to
4 compliance with applicable law, Western Union shall deliver to those
5 with appropriate legal authority within the State and the Participating
6 States with reasonable promptness full transaction data relating to all
7 transactions, including Orlandi Valuta, Vigo, and WUBS transactions,
8 sent to or from locations within the Southwest Border Data Area
9 involving transactions in amounts of \$500 or more. The Southwest
10 Border Data Area includes the States of California, Arizona, New
11 Mexico, and Texas, and the country of Mexico. Western Union's
12 obligation to provide data under this paragraph shall include only data
13 for transactions sent to or from locations within the Southwest Border
14 Area, as defined in the Agreement, until April 14, 2014. If, on or before
15 April 14, 2014, the Participating States (California, New Mexico, and
16 Texas) execute agreements with Western Union regarding the provision
17 of data for transactions sent to or from locations within the Southwest
18 Border Data Area, Western Union shall deliver to the State and the
19 Participating States transaction data for the Southwest Border Data
20 Area. If a Participating State does not execute an agreement with
21 Western Union on or before April 14, 2014, regarding the provision of
22 data for transactions sent to or from locations within the Southwest
23 Border Data Area, such state will be a "Non-Participating State."
24 Western Union will have no obligation under the Agreement or this
25 Amendment to provide transaction data to a Non-Participating State,
26 and Western Union shall not have an obligation to provide data to the
27 State regarding any transactions sent to or from a Non-Participating
28 State, except those transactions sent to or from the State of Arizona,
Participating States, and the country of Mexico. When a Non-
Participating State executes an agreement with Western Union
regarding the provision of data for transactions sent to or from locations
within the Southwest Border Data Area, then Western Union will
deliver transaction data for locations to or from such Participating State
to both the State of Arizona and such Participating State. The State
shall not share any transaction data that it receives under this
Amendment with any Non-Participating State or third-party recipient
unless such Non-Participating State or third-party recipient executes an
agreement with the State under which such Non-Participating State or
third-party recipient is bound by the privacy provisions of the Order
attached hereto as Exhibit A and the immunity provisions contained in
paragraph 13 of the Agreement. If a Participating State does not
execute an agreement with Western Union on or before April 14, 2014,

1 regarding the provision of data for transactions sent to or from locations
2 within the Southwest Border Data Area, the State and Western Union
3 will make good faith attempts to resolve any objections of that state and
4 to accommodate that state's concerns. If the State and Western Union
5 are unable to resolve a state's objections, the parties will confer with the
6 Court regarding the possibility of amending the form of order issued in
7 connection with this Amendment.

8 IT IS FURTHER ORDERED THAT, with respect to paragraphs 12.7 and 12.9
9 of the Amendment, all references to the FIRG Fund are changed to the State Center.
10 The modified paragraphs 12.7 and 12.9 read as follows:

11 12.7 The Center's activities, including information technology
12 hardware, software and maintenance, travel to its meetings, meeting
13 rooms, personnel, and other expenses, will be funded by a payment
14 from Western Union of \$150,000 per month to the State Center for five
15 years commencing on the date of this Amendment. In addition, Western
16 Union shall pay \$250,000.00 to the State Center to fund privacy,
17 confidentiality, and information security measures, including those
18 required by the Order, attached hereto as Exhibit A.

19 12.9 In the event that the expenses of the Center in any year are below
20 the amount paid by Western Union to the State Center, then the
21 difference shall be credited to Western Union's obligation for the
22 following year. If, after Western Union's obligation to fund the Center
23 terminates, there remain any funds in excess of the Center's expenses,
24 the remaining funds shall be returned to Western Union.

25 IT IS FURTHER ORDERED THAT all other terms of the Amendment and the
26 Court's January 31, 2014 Order Approving Amendment to Settlement Agreement
27 shall remain unchanged and in full force and effect.

28 DATED this 14 day of March, 2014.



THE HONORABLE WARREN GRANVILLE
MARICOPA COUNTY SUPERIOR COURT JUDGE

1 ORIGINAL lodged this _____ day of
2 March, 2014, with:

3 HON. WARREN GRANVILLE
4 Judge of the Superior Court
5 South Court Tower
6 175 W. Madison
7 Phoenix, AZ 85003

8 COPY of the foregoing mailed this
9 ____ day of March, 2013, to:

10 D. Matthew Conti
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13 Phoenix, Arizona 85007

14 Monitor Theodore Greenberg
15 Greenberg Consulting Arizona LLC
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