

VT SUPERIOR COURT  
WASHINGTON UNIT  
CIVIL DIVISION

2013 SEP 18 P 1:54

STATE OF VERMONT  
SUPERIOR COURT  
WASHINGTON UNIT

**FILED**  
IN RE: Olympus Corporation of the Americas

) CIVIL DIVISION

) Docket No. 50-13 Wncw

**ASSURANCE OF DISCONTINUANCE**

Vermont Attorney General William H. Sorrell ("the Attorney General") and Olympus Corporation of the Americas ("Respondent") hereby agree to this Assurance of Discontinuance pursuant to 9 V.S.A. § 2459.

**BACKGROUND**

1. The Prescribed Products Disclosure Law, 18 V.S.A. § 4632, requires prescribed product manufacturers to file periodic reports with the Attorney General's Office detailing certain information about the allowable expenditures and permitted gifts the manufacturer gives to Vermont health care providers and other recipients covered under the law.
2. Respondent, Olympus Corporation of the Americas, is a prescribed product manufacturer incorporated under the laws of New York, with its principal place of business located at 3500 Corporate Parkway, Center Valley, PA 18034.
3. Olympus Corporation of the Americas gave allowable expenditures and/or permitted gifts to Vermont health care providers and/or other recipients covered under the Prescribed Products Disclosure Law, 18 V.S.A. § 4632, during the January 1, 2010 through June 30, 2010 reporting period.
4. Olympus Corporation of the Americas failed to file annual reports with the Attorney General's Office for the January 1, 2010 through June 30, 2010 reporting period.
5. The above conduct constitutes a violation of the Prescribed Products Disclosure Law, 18 V.S.A. § 4632.

### INJUNCTIVE RELIEF

6. Olympus Corporation of the Americas shall comply with the Prescribed Product Gift Ban and Disclosure Law, 18 V.S.A. §§ 4631, 4632.

7. By May 15, 2013, Olympus Corporation of the Americas shall make payment to the "State of Vermont" in the amount of \$250.00, and send to: Kate Whelley McCabe, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, VT 05609, in full payment of the registration fees owed under 18 V.S.A. § 4632 for the January 1, 2010 through June 30, 2010 reporting period.

### OTHER TERMS

8. Olympus Corporation of the Americas agrees that this Assurance of Discontinuance shall be binding on Olympus Corporation of the Americas and its successors and assigns.

9. The Attorney General hereby releases and discharges any and all claims arising under the Prescribed Product Disclosure Law, 18 V.S.A. § 4632, that it may have against Olympus Corporation of the Americas for the conduct described in the Background section for the January 1, 2010 through June 30, 2010 reporting period. **The Attorney General does NOT release any claims arising under the Prescribed Product Gift Ban, 18 V.S.A. § 4631.**

10. The Superior Court of the State of Vermont, Washington Unit, shall have jurisdiction over this Assurance and the parties hereto for the purpose of enabling the Attorney General to apply to this Court at any time for orders and directions as may be necessary or appropriate to enforce compliance with or to punish violations of this Assurance of Discontinuance.

### STIPULATED PENALTIES

11. If the Superior Court of the State of Vermont, Washington Unit enters an order finding Respondent to be in violation of this Assurance of Discontinuance by having violated the Prescribed Product Disclosure Law, 18 V.S.A. § 4632, then the parties agree that penalties to be assessed by the Court for each act in violation of this Assurance of Discontinuance shall be \$10,000. For purposes of this Section, the term "each act" shall mean each violation of the Prescribed Products Gift Ban and Disclosure Law, 18 V.S.A. §§ 4631, 4632 that occurs after the date this Assurance of Discontinuance is executed.

### NOTICE

12. Respondent may be located at:

Kevin Dill  
~~Vice President~~ *Chief Compliance Officer*  
Americas Healthcare Compliance  
3500 Corporate Parkway  
Center Valley, PA 18034

13. Respondent shall notify the Attorney General of any change of business name or address within 20 business days.

**SIGNATURE**

In lieu of instituting an action or proceeding against Olympus Corporation of the Americas, the Office of the Attorney General, pursuant to 9 V.S.A. § 2459, accepts this Assurance of Discontinuance. By signing below, Respondent voluntarily agrees with and submits to the terms of this Assurance of Discontinuance.

DATED at 5:10pm, this 14<sup>th</sup> day of MAY, 2013.

A handwritten signature in black ink, appearing to be 'K. Whelley', written over a horizontal line.

ACCEPTED on behalf of the Attorney General:

DATED at Montpelier, Vermont this 17<sup>th</sup> day of September, 2013.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

By:   
Kate Whelley McCabe  
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