

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. 91-205

STATE OF MAINE,
Plaintiff

VOLUNTARY DISMISSAL
(M.R.Civ.P. 41(a)(1))

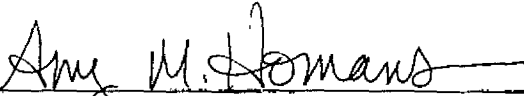
v.

COPY CONSULTANTS, INC.,
a Maine corporation;
ANTHONY E. RERRICK;
KEVIN C. CLOUTIER; AND
VERNON A. MADER,

Defendants


Pursuant to Rule 41(a)(1) of the Maine Rules of Civil Procedure, Plaintiff State of Maine and Defendants Copy Consultants, Inc., Kevin C. Cloutier, Anthony E. Rerrick, and Vernon A. Mader hereby stipulate to voluntary dismissal, with prejudice, of this action.

Date: 1/4/94



Amy M. Homans
Assistant Attorney General

Date: 12/20/94



James F. X. Cloutier, Esq.
Counsel for all Defendants

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-

STATE OF MAINE,)
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Plaintiff,)
)
v.)
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COPY CONSULTANTS, INC., a)
Maine corporation;)
ANTHONY E. RERRICK;)
KEVIN C. CLOUTIER; and)
VERNON A. MADER,)
)
Defendants.)

COMPLAINT
(For Preliminary and
Permanent Injunction)

INTRODUCTION

1. This is an action under the Unfair Trade Practices Act, 5 M.R.S.A. §§ 206-214 (1979 & Supp. 1990) to obtain declaratory relief, a preliminary and permanent injunction prohibiting Copy Consultants, Inc., Anthony E. Rerrick, Kevin C. Cloutier, and Vernon A. Mader (hereinafter referred to as "Defendants") from engaging in unfair and deceptive conduct, and restitution.

PARTIES AND JURISDICTION

2. Plaintiff State of Maine, a sovereign state, by and through the Attorney General, commences this action under 5 M.R.S.A. §§ 206-214 (1979 & Supp. 1990), commonly known as the Unfair Trade Practices Act, to protect the public by

preventing and restraining Defendants from engaging in violations of the Unfair Trade Practices Act.

3. Defendant Copy Consultants, Inc. is a corporation duly incorporated under laws of the State of Maine with a principle place of business in Portland, Maine.

4. Defendant Anthony Rerrick is the President and a shareholder of Copy Consultants, Inc. Defendant Rerrick is a resident of Portland, Maine.

5. Defendant Kevin Cloutier is the Treasurer and a shareholder of Copy Consultants, Inc. Defendant Cloutier is a resident of South Portland, Maine.

6. Defendant Vernon Mader was at all relevant times an employee of Copy Consultants, Inc. Defendant Mader is a resident of Gardiner, Maine.

FACTUAL BACKGROUND

7. Since approximately 1984, Defendants have been engaged in the business of selling and servicing business equipment, including various brands of copier machines. In 1989, Defendant Copy Consultants, Inc. ceased to operate as a business. Its assets and accounts were transferred or sold to a new corporation, Automated Office Systems, Inc., d/b/a Oasys. Defendants Rerrick, Cloutier, and Mader are the principals of Oasys, a Portland-based business equipment company.

8. Defendant Copy Consultants, Inc. regularly obtained used copiers through trade-ins and direct purchases and, after servicing, resold the used copiers in the course of its business.

9. Defendant Copy Consultants, Inc. also regularly loaned demonstrator copiers to businesses interested in purchasing copier machines from it. After a trial or demonstration, a business could purchase the demonstrator machine or request a new copier from the Defendant. If the business elected not to purchase the demonstrator machine, the demonstrator was returned to Defendant Copy Consultants, Inc. until such time as the machine was loaned as a demonstrator to another business interested in purchasing a copier.

10. From at least September 1987 through September 1989, Defendants regularly engaged in the rollback or alteration of copier meters on demonstrator and previously owned used copiers. The rollbacks were conducted by service technicians at the instruction of Defendants.

11. Upon resale of machines subject to meter rollbacks, Defendants failed to disclose to purchasers the fact that the meters on the copiers did not reflect the actual number of copies produced by the machines. Instead, Defendants expressly or impliedly represented that the meters reflected the actual previous usage of the machine.

12. On at least one occasion, Defendants expressly represented that a copier subject to a meter rollback was a new machine.

CAUSE OF ACTION

13. Plaintiff repeats, realleges, and incorporates herein by reference paragraphs 1 through 12 of the Complaint.

14. Defendants' conduct in rolling back meters on demonstrator and previously owned used copiers and in failing to disclose to purchasers the rollback or alteration of those meters constitutes unfair or deceptive acts or practices in violation of section 207 of the Unfair Trade Practices Act.

RELIEF REQUESTED

Plaintiff requests that this Court order the following relief:

1. Declare that Defendants have engaged in an unfair or deceptive act or practice in violation of the Unfair Trade Practices Act, 5 M.R.S.A. §§ 206-214 (1979 & Supp. 1990).

2. Preliminarily and permanently enjoin Defendants, their agents, assigns, or any person acting for Defendants or under their control from:

A. Rolling back or altering any meter on a demonstrator or previously owned used copier and subsequently selling that copier without disclosing in writing prior to sale:

(1) that the meter does not reflect the actual previous usage of the machine; and

(2) the actual number of copies reflected on the meter prior to the rollback or alteration;;

B. Making any misrepresentations in connection with the sale, lease, or service of copier machines.

3. Order Defendants to pay the Department of the Attorney General the costs of investigation and of this suit, including attorneys fees.

4. Order Defendants to pay restitution to any person who purchased from Defendants a copier containing a meter which had been altered or rolled back, such alteration or rollback not having been disclosed to the purchaser.

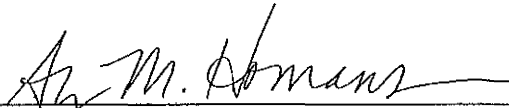
5. Order such other relief as this Court deems just and equitable.

Respectfully submitted,

MICHAEL E. CARPENTER
Attorney General

Dated:

May 1, 1991



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