

STATE OF MAINE

KENNEBEC, SS.

SUPERIOR COURT

Civil Action

Docket No. CV 79-278

STATE OF MAINE,

Plaintiff

v.

PETER H. CYR, d/b/a
Cyr & McLaughlin Associates,

Defendant

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CONSENT DECREE

Before the Court on May 22, 1979

Plaintiff, the State of Maine, filed its complaint on May 22, 1979 alleging that Defendant had failed to distribute the "Dialist" telephone indexes for which he had solicited advertising from merchants in Androscoggin, Cumberland, Franklin, Kennebec, Lincoln, Oxford, and Sagadahoc counties.

THEREFORE, this Court hereby orders Defendant to:

1. Make restitution, as ordered herein, in the minimum total amount of \$350.00 per month to be paid severally to the merchants listed in Schedule A, in the order and amount there specified.
2. Tender to Plaintiff's attorney, on the date of entry of this Decree, certified checks to the order of the

appropriate merchants, according to Schedule A, in the minimum total amount of \$1,050.00. Plaintiff's attorney shall record receipt of the checks and forward them to the designated merchants. In order to aggregate the minimum payment of \$1,050.00, Defendant may make partial payment to a merchant if full payment to that merchant would cause the total payment to exceed \$1,050.00.

3. Mail certified checks to the order of the appropriate merchants in the minimum total amount of \$350.00 per month, on the first day of each month following the entry of this Decree, to the Consumer and Antitrust Division, Department of the Attorney General, State Office Building, Augusta, Maine 04333. The Division shall record receipt of the checks and forward them to the designated merchants. Such payments shall continue until such time as Defendant's debts, as specified in Schedule A, are paid. In order to aggregate the minimum monthly payment of \$350.00, Defendant may take partial payment to a merchant if full payment to that merchant would cause the total monthly payment to exceed \$350.00.
4. File affidavits with the Consumer and Antitrust Division of the Department of the Attorney General, on a monthly basis, stating the name, address, and telephone number of each person or merchant who contracts with him, or with any entity

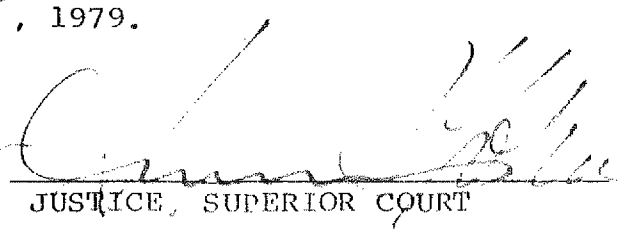
controlled by him, for the supply of any advertising services subsequent to the entry of this Decree. Such affidavits shall also specify, for each person or merchant, the type of advertising service purchased, the amount paid, and the amount due.

5. Pay Plaintiff's investigative costs, pursuant to 5 M.R.S.A. § 209, in the amount of \$200.00.

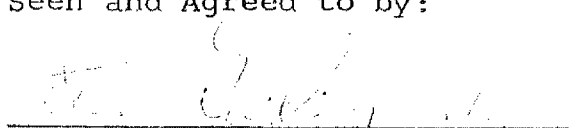
It is understood that this Consent Decree does not affect the right of the Attorney General to secure satisfaction of this Decree through a judgment lien obtained pursuant to 14 M.R.S.A. § 3132.


The Court retains jurisdiction over the subject matter of this action and of the parties hereto for the purpose of applying to this Court at any time for such further orders and directions which may be appropriate.

Dated at Augusta this 22nd day of May, 1979.


JUSTICE, SUPERIOR COURT

Seen and Agreed to by:


STANLEY GREENBERG, Esq.
Assistant Attorney General
on Behalf of Plaintiff

 5/10/79
PETER H. CYR

A TRUE COPY:

ATTEST


P. VALERIE PAGE
CLERK OF COURTS

RECD AND FILED

MAY 22 1979

P. VALERIE PAGE

DOCKET NO. CV 79-298

COMPLAINT FOR DECLARATORY
JUDGMENT AND RESTORATION
OF MONIES

JURISDICTION AND VENUE

2. Venue is laid in Kennebec County, pursuant to 5 M.R.S.A.
§209.

3. Peter H. Cyr is the sole proprietor of Cyr & McLaughlin Associates and resides at R.F.D. #1, Box 329A, Orrington, Maine.

NATURE OF TRADE OR COMMERCE

4. Subsequent to January 1, 1977, Defendant Cyr, d/b/a Cyr & McLaughlin Associates, and his agents solicited and received orders from merchants throughout the State of Maine for advertisements to be included in the Dialist brand telephone index. Most often, payment was made by these merchants either upon placing their order or by installments.

5. The Dialist is produced by The Dialist Company, 1521 Peck Road, Houston, Texas and is designed to be attached to the base of a telephone. The front cover sheet contains a "Local Yellow Pages", i.e., advertisements by merchants in a given locality. The remainder of the Dialist consists of an A to Z telephone index. A copy of the promotional description of the Dialist is attached to this complaint as Exhibit A. A copy of the Dialist front cover sheet for Rumford, Maine is attached to this complaint as Exhibit B.

6. Once the Dialists were manufactured, Defendant Cyr and his agents caused them to be distributed to "sponsoring" banks in the localities of the particular Dialists. The banks, in turn, distributed them free of charge to their customers.

COUNT ONE

7. Commencing in November 1977 and continuing through June, 1978, Defendant Cyr and his agents solicited and received orders for Dialists from approximately 154 merchants in the following cities and towns:

- A. Augusta
- B. Winthrop
- C. Farmington
- D. Rumford
- E. Lisbon Falls
- F. Lewiston
- G. Auburn
- H. Bath
- I. Brunswick
- J. Damariscotta

The names of these merchants, together with the amounts paid by them to Defendant, are contained in Schedule A attached to this Complaint.

8. Defendant Cyr failed to obtain and distribute the Dialists for which he had received advertising orders and payment from these aforementioned merchants.

9. Defendant Cyr has not refunded the payments he received from said merchants.

10. Defendant Cyr's failure to obtain and distribute the Dialists for which he had received advertising orders and payment from the merchants listed in Schedule A constitutes an unfair or deceptive act or practice in violation of 5 M.R.S.A. §207.

11. Defendant Cyr's failure to refund payments received from the merchants listed in Schedule A constitutes an unfair or deceptive act or practice in violation of 5 M.R.S.A. §207.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court:

I. Declare that:

A. Defendant's failure to obtain and distribute

the Dialists for which he had received advertising orders and payments from the merchants listed in Schedule A constitutes an unfair or deceptive act or practice in violation of 5 M.R.S.A. §207.

- B. Defendant's failure to refund payments received from the merchants listed in Schedule A constitutes an unfair or deceptive act or practice in violation of 5 M.R.S.A. §207.

II. Order Defendant to:

- A. Make restitution to the merchants listed in Schedule A in the amounts there specified.
- B. File affidavits with the Consumer and Anti-trust Division of the Department of the Attorney General, on a monthly basis, stating the name, address, and telephone number of each person or merchant who contracts with him, or with any entity controlled by him, for the supply of any advertising services subsequent to the entry of this Court's judgment. Such affidavits shall also specify, for each person or merchant, the type of advertising service purchased, the amount paid, and the amount due.

III. Grant Plaintiff its cost of investigation of
Defendant and its cost of suit pursuant to
5 M.R.S.A. §209.


IV. Grant such other equitable relief as the
Court deems proper.

Dated: May 22, 1979

Respectfully submitted,

RICHARD S. COHEN
Attorney General

BY:


STANLEY GREENBERG
Assistant Attorney General
Consumer & Antitrust Division
State House
Augusta, ME 04333
(207) 289-3716

DIALIST®

the Greatest Merchandising Program Ever Conceived!

"DIALIST" IS A CUSTOMIZED, MINIATURE, PERMANENT BILLBOARD ON THE CUSTOMER'S PHONE THAT TELLS MERCHANT'S MESSAGE CONSISTENTLY WITH DIGNITY . . . AND, FOR AN EXTREMELY LOW ADVERTISING COST PER IMPRESSION, "DIALIST" WILL:

Merchandise each Merchant's Firm, products and services, to phone users . . . 24 hours a day . . . 365 days a year.

Deliver 779,000 advertising impressions yearly . . . Providing a subconscious customer identity with the Merchant's business through subtle repetition. (National phone usage statistics: 779 calls per person/per year — 1,000 Homes in average Co-op).

Serve as a continual reference reminder to customers of the products and services offered by neighborhood businesses.

Establishes Merchant's Firm, location and services quickly in the shopping habits of New Comers to the neighborhood . . . Transient buying population - over 20% of customers, are new).

Attract new business - "DIALIST" is an excellent promotional tool . . . As a customer TRAFFIC BUILDER, or new ACCOUNT OPENER; to be merchandised as a hand-out, or mail-out gift offer with a special introductory sales activity.

Retain old business - "DIALIST" adds promotional zest to any business where competition and merchandising complacency are constantly at work switching customer loyalties and patronage.

Reduce customer turnover—"DIALIST" advertising is selective, customized and localized to promote shopping ease and retention of customer patronage with the neighborhoods most progressive merchants.

Quickly identify reputable local trade area businesses for neighborhood shopping convenience.

Provide a FINGER-TIP reference directory of merchants, their products and services, which are in the most frequently shopped categories.

PROVIDES MERCHANT — ADVERTISER A PERMANENT DIRECTORY FOR THE HOMES IN HIS NEIGHBORHOOD AND THE TOTAL COST FOR EACH HOME IS LESS THAN THE PRICE OF A POSTAGE STAMP!

EVERY TELEPHONE NEEDS DIALIST BECAUSE:

"DIALIST" IS AN ATTRACTIVE — REVOLUTIONARY — UNIQUE — TELEPHONE INDEX WHICH ATTACHES TO BOTTOM OF PHONE IN SECONDS, CONTAINING:

High visibility space for imprint of Firm's Name on PULL TAB.

Front Cover Sheet, plastic coated, allowing up to 65-lines of QUALITY advertising space.

Optional Second & Third Cover Sheets, plastic coated, provide up to 120-lines of QUALITY customized advertising space.

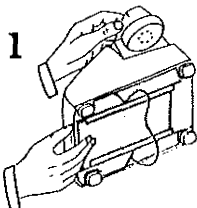
Removable and Replaceable A to Z Index Sheets for over 300 Names and Phone Numbers at your finger tips. Just pull out the Pull Tab.

"DIALIST IS AN APPRECIATED, PRACTICAL CUSTOMER CONVENIENCE ITEM THAT IS USED DAILY.

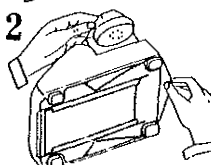
Every phone user will appreciate a compact FINGER-TIP Index for their most frequently dialed personal phone numbers . . . PLUS — permanent reference directory of reputable convenient neighborhood businesses.

It is a QUALITY telephone accessory, permanently attachable — usable 24-hours a day — 365 days a year. "DIALIST" eliminates the irritation of commonly misplaced loose directories and note pads, and of phone numbers not readily available when a call must be made quickly.

ATTACHES IN SECONDS



1 Lift phone with left hand, place index between front feet of instrument. Make sure index fits snugly.



2 Stretch rayon cord around rear feet of phone. Index is now in place, ready for instant use.

ACADIA MOTORS, INC. 728-7541
FORD MERCURY YOUR FORD & MERCURY DEALER

ROGER'S AUTO SALES 728-6541
794 W. Main AUTO BODY REPAIR

NOELLA'S 728-7726
ST DAVID—MADAWASKA BOTIQUE EXCLUSIVE LADIES APPAREL

Real's 728-7775
VALLEY SHOPPING PLAZA MENS SHOP

PARENT DRUG 728-4535
508 E. MAIN ST.

TARDIF ELECTRICS 728-3275
CONTRACTOR 11 THIRD ST.
GASOLINE - HEATING OILS - PROPANE

DEAD RIVER COMPANY 728-3855
417 MAIN ST.

DAIGLE'S 728-3881
FURNITURE 462 MAIN ST.
APPLIANCES EXCAVATING-LANDSCAPING-SNOW REMOVAL

CHASSE GRAVEL SERVICE 728-4272

GIL'S HARDWARE 728-4554
BUILDING CONTRACTOR 533 MAIN ST.

CUSTOM INTERIORS 728-4672
CARPETS-FLOORING-WALL COV. 466 MAIN

Roberts & Jewelry 728-4301
499 MAIN ST.

A. C. MADORE 728-7571
INSURANCE—REAL ESTATE MID TOWN SHOPPING CTR.

PAUL'S 728-3393
JACK & SMALL 5 20th Ave.
SNOW BLOWERS ENGINE REPAIR

MADAWASKA TASTEE FREEZE 728-4345

WONDER BAR PIZZA 728-4561

EDGAR'S TV 728-4504
SALES 42 Bridge St
SERVICE

H. G. MICHAUD WELL DRILLING 543-7562

FIRST STATE BANK 273-6100

A D G K N Q T W
B E H L O P R U Y
C F I J M S V Z

Cyr & McLaughlin & Assoc.

P.O. Box 280
East Millinocket, Me. 04430
(207) 746-5454

EXHIBIT 13

3657

| | | | |
|---|-------------|-----------------------------------|---------------|
| HOSPITAL | 364-4581 | POLICE | 364-4551 |
| DOCTOR | | FIRE | 364-7992 |
| H&R BLOCK | DIANA YOUNG | | 364-2949 |
| P & S AUTO SERVICE | | | 364-3763 |
| AUTO REPAIRS | | SPIN BALANCING | |
| RUMFORD BODY SHOP | | | 364-8860 |
| SEMI-CIRCLE BEAUTY SALON | | | 364-3336 |
| JOYCE'S CERAMICS | | GLASSES | 364-2875 |
| O'CONNER CONSTRUCTION | | | 369-4924 |
| WE DO IT IN CONCRETE | | | |
| JIM'S CARPET BARN | | | 364-8443 |
| DYER'S ELECTRONICS | | | 364-7606 |
| SALES & SERVICE | | 3 BRIDGE ST. MEXICO | |
| | | GASOLINE - HEATING OILS - PROPANE | |
| DEAD RIVER COMPANY | | | 364-3751 |
| | | 33 Prospect Ave. | |
| S.G. THIBAUT FUNERAL HOME | | | 364-4366 |
| GALLANT'S DISCOUNT FURNITURE | | | 545-2442 |
| RT. 120 WEST ROXBURY POND RD. | | | |
| DIXFIELD GLASS CO. | | | 562-4434 |
| GIVE US A BREAK | | 69 MAIN ST. DIXFIELD | |
| MANPOWER SERVICES | | | 392-2241 |
| SEPTIC TANK | | INSULATION & PLUMBING | |
| EXCAVATING | | ANDOVER, ME. | |
| JIM'S OFFICE MACHINES, INC. | | | 364-8032 |
| SERVICE | | OFFICE SUPPLIES | 337 WALDO ST. |
| GERONDA - REAL ESTATE | | | 364-2492 |
| 105 FRANKLIN ST. RUMFORD | | INSURANCE | |
| MADDY'S PIZZA | | 148 MAIN ST. MEXICO | 364-2051 |
| BLACKIE'S SKI SHOP | | 28 Oxford Ave. | 364-8983 |
| DON'S BICYCLE SHOP | | | 364-7946 |
| DAVE'S WELDING SERVICE | | | 364-7098 |
| CERTIFIED WELDER | | SM ENGINE REPAIR | |
| RUMFORD BODY SHOP | | | 364-8860 |
| I.F.I. NEW ENGLAND | | | 364-2408 |
| BLOWN INSULATION | | Mexico, Me. Roofing & Siding | |
| Foam Insulation - Infrared Thermo Analysis Specialist | | | |
| B & P PAINTING CONSTRUCTORS | | | 364-7281 |

13.00