

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

STATE OF MAINE,)	
)	
Plaintiff)	
)	
v.)	COMPLAINT
)	(Injunctive Relief Requested)
LOCKE OFFICE PRODUCTS, INC.,)	
a corporation duly incor-)	
porated under the laws of)	
the State of Maine with)	
offices in Bangor,)	
Portland and Falmouth,)	
Maine,)	
)	
Defendant)	

INTRODUCTION

1. This is an action under the Unfair Trade Practices Act, 5 M.R.S.A. §§ 206-214 (1979 & Supp. 1987) to enjoin Locke Office Products, Inc. from rolling back or altering the copier meters on Canon copier machines used as demonstrators and selling those demonstrators as new machines.

PARTIES

2. Plaintiff State of Maine brings this action by and through the Attorney General pursuant to his authority to enjoin unfair and deceptive trade practices under 5 M.R.S.A. § 209 (Supp. 1987).

3. Defendant Locke Office Products, Inc. ("Defendant") is a corporation duly incorporated under laws of the State of Maine with offices in Bangor, Falmouth and Portland, Maine.

FACTUAL BACKGROUND

4. Defendant is engaged in the business of selling and servicing Canon copier machines.

5. Defendant regularly loans demonstrator copiers to businesses interested in purchasing copier machines from Defendant. If the business decides after a trial or demonstration period to purchase a Canon copier, the business may purchase the machine used during the demonstration period or may request a new copier from the Defendant. If the business decides not to purchase a Canon copier after the demonstration period, the copier used as a demonstrator is returned to Defendant until it is loaned as a demonstrator to another business interested in purchasing a Canon copier.

6. On several occasions from at least October, 1986 to the present date, Defendant has rolled back or altered copier meters on Canon machines used as demonstrators and sold such demonstrators as new machines.

7. On several occasions from at least October, 1986 to the present date, Defendant has expressly or impliedly represented that the Canon copiers subject to the meter rollbacks are new machines.

8. On several occasions from at least October, 1986 to the present date, Defendant has failed to disclose to prospective purchasers the fact that it has rolled back or altered the copier meters on Canon copiers sold as new machines.

CAUSE OF ACTION

9. Plaintiff repeats, realleges and incorporates herein by reference paragraphs 1-8 of the Complaint.

10. Defendant's conduct in rolling back meters on Canon copiers used as demonstrators and in failing to disclose to prospective purchasers the rollback or alteration of those meters constitutes an unfair or deceptive act or practice in violation of the Unfair Trade Practices Act.

RELIEF REQUESTED

Plaintiff requests that this Court order the following relief:

1. Declare that Defendant has 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. 1987).

2. Permanently enjoin Defendant, its agents, assigns or any person acting for Defendant or under its control from:

A. Rolling back or altering any meter on a Canon copier used as a demonstrator and selling that demonstrator as a new machine;

B. Failing to disclose any rollback or alteration of a copier meter to the prospective purchaser of that copier;

- C. Representing any copier as a new machine, when, in fact, it has been used as a demonstrator model; and
- D. Making any misrepresentations in connection with the sale, lease or service of copier machines.

3. Order Defendant to pay the Department of the Attorney General the costs of investigation and of this suit.

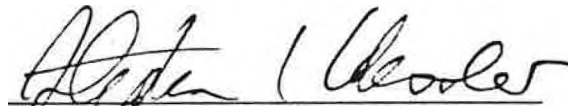
4. Order Defendant to pay restitution to any person who purchased from Defendant a copier containing a meter which had been altered or rolled back.

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

Respectfully submitted,

JAMES E. TIERNEY
Attorney General

DATED: *March 10, 1988*



STEPHEN L. WESSLER
Deputy Attorney General
Chief, Consumer and Antitrust Division



LEANNE ROBBIN
Assistant Attorney General
Consumer & Antitrust Division
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STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-88-95

STATE OF MAINE,

Plaintiff

v.

LOCKE OFFICE PRODUCTS, INC.

Defendant

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CONSENT JUDGMENT

Plaintiff State of Maine having filed its Complaint on March 12, 1989, and Plaintiff and Defendant having consented to the entry of this Consent Judgment without trial or adjudication of any issue of fact or law;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon the consent of the parties, it is hereby ordered and decreed as follows:

1. This Court has jurisdiction over the subject matter of this action, and the Complaint states a claim upon which relief may be granted against Defendant under 5 M.R.S.A. § 209 (Supp. 1988).

2. Defendant admits that from approximately January, 1986 to the date of the Complaint, Defendant rolled back or

altered copier meters on nine Canon copiers previously used as demonstrators and sold such demonstrators to its customers as new machines. Defendant further admits that on these occasions that it sold machines subject to meter rollbacks, Defendant expressly or impliedly represented that the machines were new machines and failed to disclose the fact that the meters on the machine had been rolled back or altered.

3. Defendant, its agents, employees, assigns or other persons acting for Defendant or under its control are permanently enjoined from:

A. Rolling back or altering any meter on any copier used as a demonstrator and selling that demonstrator as a new machine;

B. Failing to disclose any rollback or alteration of a copier meter to a prospective purchaser of that copier;

C. Representing any copier as a new machine, when, in fact, it has previously been used as a demonstrator model; and

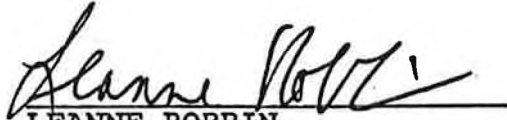
D. Making any misrepresentations in connection with the sale, lease or service of copier machines.

4. Defendant is ordered to pay on or before March 15, 1989, \$11,900 as restitution to those customers identified by the Department of the Attorney General.

5. Defendant shall further pay the Department of the Attorney General \$4,238 for the costs of investigation and of this suit.

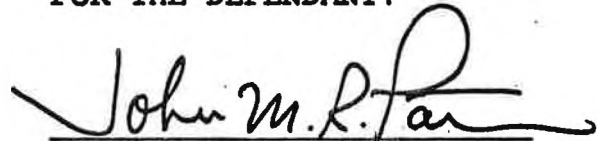
FOR THE PLAINTIFF:

DATED: March 3, 1989


LEANNE ROBBIN
Assistant Attorney General
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FOR THE DEFENDANT:

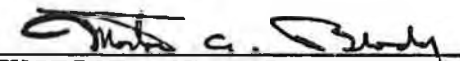
DATED: March 2, 1989


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100 Middle Street
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Portland, Maine 04104
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ORDERED

Judgment shall be entered in accordance with the above agreement.

DATED: March 7, 1989


JUSTICE, SUPERIOR COURT