

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

STATE OF MAINE,)
)
 Plaintiff)
)
 v.)
)
 FRANK GALOS CHEVROLET, INC.,)
)
 Defendant)

COMPLAINT
(Injunctive Relief Requested)

INTRODUCTION

1. This is an action under the Unfair Trade Practices Act, 5 M.R.S.A. §§ 206-214 (1979 & Supp. 1986) to enjoin Defendant Frank Galos Chevrolet, Inc. from engaging in unfair or deceptive acts or practices in the advertisement of prices for new cars.

PARTIES

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. 1986), commonly known as the Unfair Trade Practices Act, to protect the public by restraining Defendant from engaging in unfair or deceptive trade practices.

3. Defendant Frank Galos Chevrolet, Inc. is a corporation duly registered in the State of Maine with a primary place of business in Saco, Maine.

JURISDICTION AND VENUE

4. This court has jurisdiction over this action pursuant to 5 M.R.S.A. § 209 (Supp. 1986) and 4 M.R.S.A. § 105 (Supp. 1986).

5. Venue is properly laid in Kennebec County pursuant to 5 M.R.S.A. § 209 (Supp. 1986).

CAUSE OF ACTION

6. From at least July 12, 1987, to the date of this Complaint, Defendant has published advertisements which represent prices for certain in-stock vehicles in bold print. For example, on August 30, 1987, in the Maine Sunday Telegram, Defendant advertised for sale a "1987 Caprice Classic LS Brougham four door" vehicle for "as low as \$15,381/net!" See advertisement attached hereto as Exhibit A.

7. In fact, the price of the advertised vehicle is \$1,000 more than the price in bold print. For example, the 1987 Caprice Classic advertised at \$15,381 is in fact priced at \$16,381.

8. Defendant placed the following language in fine print at the base of its advertisement as follows: "If your trade-in is worth only \$1,000 wholesale to us -- you pay only . . ." and "no trade add \$1,000 to net prices shown." See, e.g., Exhibit A.

9. The language purporting to explain Defendant's calculations for the prices of the vehicles offered for sale is not readily noticeable or comprehensible to the reasonable consumer reading the advertisement.

10. The advertisement leads the reasonable consumer to believe that the price in bold print is the actual sale price of the vehicle, when, in fact, \$1,000 must be added to that price in order to determine the vehicle's actual sale price.

11. Defendant's advertisement is false, deceptive and misleading, in violation of 5 M.R.S.A. § 207 (1979) of the Unfair Trade Practices Act.

RELIEF REQUESTED

Plaintiff respectfully requests that this Court enter an order as follows:

1. Declaring that Defendant's advertisement is unfair, deceptive or misleading, in violation of 5 M.R.S.A. § 207 (1979);
2. Enjoining Defendant, its employees, agents, assigns and all persons acting in its behalf or under its authority or control, from:
 - A. Advertising any motor vehicle for sale at other than the actual price of the vehicle, unless deductions from that price are clearly and conspicuously explained in the advertisement; and

B. Making any misrepresentations in the advertisement of new or used motor vehicles.

3. Ordering such other relief as this Court deems just and equitable.

DATED: Dec. 22, 1987

JAMES E. TIERNEY
Attorney General



LEANNE ROBBIN
Assistant Attorney General



STEPHEN L. WESSLER
Assistant Attorney General
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State House Station 6
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BANK GATOS CHEVROLET

EXHIBIT A

We Have A Deal For Everybody... Come In For Full Details.

As Low As 1.9% FINANCING OR UP TO \$1000 REBATES!
OR NO MONEY DOWN OR EVEN NO CREDIT!

The Chevy Center Has It All!!

'87 Spectrum 2 Drs.
as low as
\$7893⁰⁰ /Net!
Auto trans, air conditioning, tilt steering, delay wipers, custom interior, all season radials & much more.
New Stk. #70690
Plus \$700 Cash Back!

'87 Celebrities
as low as
\$9131⁰⁰ /Net!
4 Dr. 2000 trans, p.s., p.b., AM/FM stereo, elec. rear def., w/w all season radials. Cloth trim, rustproofing & more.
Demo Stk. #70011
Plus \$700 Cash Back!

PLUS MAINE'S LOWEST

'88 Full-Size 1/2 ton Pickups
as low as
\$8364⁰⁰ /Net!
8' Fleetside, fuel inj. V6 eng., p.s., p.b., AM/FM stereo, gauges, 6x9 mirrors, Headliner and more.
New Stk. #80043

'88 Full-Size 3/4 Ton Pickups
as low as
\$10,374⁰⁰ /Net!
8' Fleetside, 350 V8, auto, p.s., p.b., 34 gal tank, AM/FM stereo, H.D. radiator & trans cooler, gauges & much more.
New Stk. #80061

'87 Cavaliers
as low as
\$7141⁰⁰ /Net!
4 dr. fuel inj. 4 cyl. eng. PS, body side moldings, elec. rear def., all season radials, AM/FM stereo, cloth interior, & more.
New Stk. #70284
Plus \$600 Cash Back!

'87 Nova C.L.
4 Door Sedans
as low as
\$9427⁰⁰ /Net!
Air cond, PS, PB, stereo cassette, cruise control, delay wipers, 2 tone paint, custom int, aluminum wheels, loaded... loaded!
New Stk. #70382
Plus \$500 Cash Back!

ADVERTISED NEW CHEVY PRICES!!

'87 S10 Extended Cab 4X4 Pickups
as low as
\$10,879⁰⁰ /Net!
4X4, V6, p.s., p.b. 1600 lb. payload, jump seats, 20 gal tank, H.D. battery, radiator, step & low bumper & much more.
New Stk. #70662
Plus \$1000 Cash Back!

'87 Chevy 2 WD Silverado Pickups
as low as
\$12,399⁰⁰ /Net!
Fancy short box, V8, auto, p.s., p.b., silverado, 2 tanks, power windows, locks, post, stereo cassette, exterior decor paint, bed liner, rustproofing & more.
Demo Stk. #70129

'87 Monte Carlos
as low as
\$10,324⁰⁰ /Net!
Auto, p.s., p.b., elec. rear def., moldings, w/w radials, AM/FM, stereo, p. steering, cloth trim, rustproofing and more.
Demo Stk. #70293

'87 Caprice Classic L.S. Brougham 4 Drs.
as low as
\$15,381⁰⁰ /Net!
V8, auto, p.s., p.b., power windows, door locks, stereo cassette, cruise, air A.C., wire wheel covers, dual power seats, every extra Dealer's personal Demo!
Demo Stk. #70405
Plus \$500 Cash Back!

If your trade in is worth only \$1000 wholesale to us - you pay only -

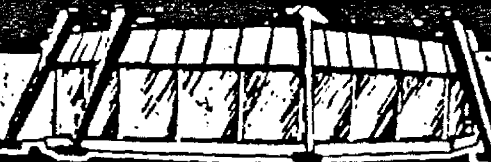
'87 S120 4X4 Blazers
as low as
\$12,887⁰⁰ /Net!
4X4, V6 eng. 5 spd, aluminum wheels, two tone paint, rear seat (5) P225 white letter tires, AM/FM stereo, elec def., deep tinted glass & much more.
New Stk. #71046
Plus \$1000 Cash Back!

'87 Full Size 4x4 Blazers
as low as
\$12,934⁰⁰ /Net!
Fuel inj. V8, auto, p.s., p.b., folding rear seat, HD springs & shocks, AM/FM radio, mud & snow radials, gauges, deluxe interior & more.
New Stk. #70912

Credit eligibility to be determined by G.M.A.C. No trade add \$1000 to net prices shown. Sales tax and title not included. Offer expires 9/4/87.

"THE CHEVY CENTER"

BODY SHOP



The CHEVY CENTER

#1 ON ROUTE ONE SACO, ME.

PORTLAND 883-4359



SACO 284-5986