

CHRIS DEROSE  
Clerk of the Superior Court  
By Ashley Hatch, Deputy  
Date 09/18/2018 Time 15:27:23  
Description Amount  
----- CASE# CV2018-011348 -----  
CIVIL NEW COMPLAINT 333.00 W  
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TOTAL AMOUNT 0.00  
Receipt# 26806933

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12 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
13 **IN AND FOR THE COUNTY OF MARICOPA**

14 STATE OF ARIZONA, *ex rel.*  
15 MARK BRNOVICH, Attorney General,

16 Plaintiff,

17 v.

18 ORANGUTAN HOME SERVICES, INC., an  
19 Arizona Corporation

20 Defendant.

CV2018-011348

Case No: \_\_\_\_\_

**CIVIL COMPLAINT FOR INJUNCTIVE  
AND OTHER RELIEF**

(Non-classified: Consumer Fraud)

21 Plaintiff, the State of Arizona, *ex rel.* Mark Brnovich, the Attorney General (“the State”)  
22 alleges as follows:

23 **JURISDICTION AND VENUE**

24 1. This action is brought pursuant to the Arizona Telephone Solicitation Statutes  
25 (“ATSS”), Arizona Revised Statute (“A.R.S.”) §§ 44-1271 *et seq.*, and the Arizona Consumer  
26



1 registry.

2 **CLAIMS FOR RELIEF**

3  
4 **I. VIOLATIONS OF A.R.S. § 44 – 1278(B)(6) – “DO NOT CALL” LIST**  
5 **VIOLATIONS OF THE TELEMARKETING SALES RULE**

6 8. Plaintiff re-alleges the prior allegations of this Complaint as though fully set forth  
7 herein.

8 9. 16 CFR § 310.4(b) prohibits a seller or solicitor from initiating any outbound  
9 telephone call to a person if that person’s telephone number is on the federal “Do Not Call”  
10 Registry of persons who do not wish to receive outbound telephone solicitations.  
11

12 10. From April of 2017 to October 2017, Orangutan, from its office in Tempe,  
13 initiated thousands of intrastate telephone calls to Arizona consumers whose numbers were  
14 registered on the federal Do Not Call Registry, in violation of 16 CFR § 310.4(b)(1)(iii)(B).  
15

16 11. Orangutan’s violations of 16 CFR § 310.4(b)(1)(iii)(B) are *per se* violations of the  
17 CFA, pursuant to A.R.S. § 44–1278(B).

18 12. At all times relevant to this Complaint, Orangutan knew or should have known  
19 that its actions described in ¶ 10 were of the nature prohibited by the CFA, and Orangutan acted  
20 “willfully” as defined in A.R.S. § 44–1531(B).  
21

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, Plaintiff respectfully requests that this Court:

24 13. Permanently enjoin Orangutan, its officers, agents, servants, and employees, or  
25 any successor entity or entities, whether by acquisition, merger or otherwise, from:  
26

1 a. Engaging in the unlawful acts and practices alleged in this Complaint, and  
2 from doing any acts in furtherance of such acts and practices, pursuant to A.R.S. § 44-  
3 1528; and

4 b. Initiating telephone solicitations as defined in A.R.S. § 44-1271(18);

5 14. Order Orangutan to disgorge and pay the State of Arizona any profits, gain, gross  
6 receipts or other benefit obtained by any practice in violation of A.R.S. §§ 44-1278, pursuant to  
7 A.R.S. § 44-1528;


8 15. Order Orangutan to pay the State of Arizona a civil penalty of no more than  
9 \$1,000 for each willful violation of A.R.S. §§ 44-1278, pursuant to A.R.S. § 44-1531;

10 16. Order Orangutan to pay the State of Arizona its costs of investigation and  
11 prosecution, including reasonable attorneys' fees, pursuant to A.R.S. § 44-1534 and A.R.S. §  
12 44-1282(B); and

13 17. Order such other and further relief as the Court deems just and proper.

14 RESPECTFULLY SUBMITTED: September 17, 2018.

15  
16 MARK BRNOVICH,  
17 ATTORNEY GENERAL

18  
19 BY:   
20 \_\_\_\_\_  
21 Bryce N. Clark  
22 Assistant Attorney General  
23 *Attorneys for the State of Arizona*  
24  
25  
26