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JUN 10 2016



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9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 STATE OF ARIZONA, ex rel., MARK
12 BRNOVICH, Attorney General,

Case No CV2016-008322

13 Plaintiff,

14 v.

15 **COMPLAINT FOR**
16 **INJUNCTIVE AND OTHER RELIEF**

15 A.J.'s Auto Glass, LLC, an Arizona limited
16 liability company,

(Unclassified Civil)

17 Defendant.

18 For its complaint, Plaintiff, the State of Arizona upon the relation of Mark Brnovich,
19 Attorney General ("the State"), alleges as follows:

20 **INTRODUCTION**

21 Defendant A.J.'s Auto Glass, LLC ("A.J.'s") sells windshield repair and replacement
22 services in the State of Arizona and solicits consumers by telephone, directly or through a
23 third party telephone solicitor for its services. Since at least 2014 A.J.'s has continually
24 violated Arizona's laws governing telephone solicitations by repeatedly soliciting consumers
25 who had previously told A.J.'s – or a telephone solicitor working on its behalf - that they did
26 not want to receive further calls from A.J.'s and, additionally, by repeatedly soliciting

1 consumers whose telephone numbers were on the national Do-Not-Call registry established
2 by the Federal Trade Commission.

3 A.J.'s violations of Arizona's laws governing telephone solicitations are, *per se*,
4 unlawful practices under the Arizona Consumer Fraud Act ("ACFA"), A.R.S. §§ 44-1521 –
5 44-1534, which provides for preliminary and permanent injunctive relief, restitution,
6 disgorgement of ill-gotten gains, civil penalties and costs and fees against persons or entities
7 who engage in unlawful practices. Given A.J.'s repeated and ongoing violations of the
8 ACFA, it is appropriate that this Court enjoin A.J.'s and its principals and managers from
9 engaging in any telephone solicitation activity and, additionally, that it assess significant
10 civil penalties against A.J.'s for its willful violations of the ACFA.

11 JURISDICTION AND VENUE

12 1. This action is brought pursuant to Arizona laws governing telephone
13 solicitations and the Arizona Consumer Fraud Act to obtain injunctive relief to prevent the
14 unlawful acts and practices alleged in this Complaint and other appropriate relief, including
15 restitution, disgorgement of ill-gotten gains, civil penalties, and costs of investigation and
16 attorney's fees.

17 2. This Court has jurisdiction to enter appropriate orders both prior to and
18 following a determination of liability pursuant to the Arizona Consumer Fraud Act.

19 3. Venue is appropriate in Maricopa County, pursuant to A.R.S. § 12-401.

20 PARTIES

21 4. Plaintiff Mark Brnovich is the Attorney General of Arizona.

22 5. Defendant A.J.'s Auto Glass, LLC is an Arizona limited liability company that
23 sells windshield repair and replacement services in the State of Arizona and whose principal
24 of place of business is in Prescott Valley, Arizona.

25 6. Since at least 2014, A.J.'s, directly or through a third party telephone solicitor,
26 initiated telephone calls to Arizona consumers to provide, or arrange to provide, windshield

1 repair and replacement services in exchange for payment.

2 7. Since at least 2014, A.J.'s, directly or through a third party telephone solicitor,
3 initiated telephone calls to Arizona consumers who had previously told A.J.'s, or the solicitor
4 acting on its behalf, that they did not want to receive further telephone calls from A.J.'s.

5 8. The calls described in ¶ 7 were not the result of error.

6 9. Since at least 2014, A.J.'s directly or through a third party telephone solicitor,
7 from locations in Arizona, initiated telephone calls to telephone numbers in Arizona that
8 were on the national Do-Not-Call registry established by the Federal Trade Commission.

9 10. At all times relevant to this Complaint, neither A.J.'s nor the telephone
10 solicitors acting on its behalf were exempt from the prohibition in A.R.S. § 44-1282(A)
11 against initiating intrastate telephone solicitations to telephone numbers entered in the
12 national Do-Not-Call registry established by the Federal Trade Commission.

13 **CLAIM FOR RELIEF**

14 **Consumer Fraud Act, A.R.S. §§ 44-1521 – 44-1534**

15 Plaintiff re-alleges the prior allegations of this Complaint as though fully set forth
16 herein.

17 11. Pursuant to A.R.S. § 44-1278(B)(2), part of Arizona's telephone solicitation
18 law, it is an unlawful for a person or entity to, directly or through persons or entities acting
19 on their behalf, initiate telephone calls from Arizona to a consumer in order to provide, or
20 arrange to provide, services in exchange for payment when the consumer has previously
21 stated a desire not to receive telephone calls made by or on behalf of the person or entity,
22 absent compliance with A.R.S. 44§ 1278(B)(2)(a-d).

23 20. A.J.'s, directly or through persons or entities acting on its behalf, repeatedly
24 solicited consumers from locations in Arizona for A.J.'s windshield repair and replacement
25 services after the solicited consumers had stated a desire not to receive telephone calls from
26 A.J.'s and without having complied with A.R.S. § 44-1278(B)(2)(a-d).

1 prosecution of this matter, including reasonable attorneys' fees, pursuant to A.R.S. § 44-
2 1534; and

3 5. Such other and further relief as the Court deems just and proper.

4 RESPECTFULLY SUBMITTED this 10th day of June, 2016.

5 MARK BRNOVICH
6 Attorney General

7 By: 
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9 CHERIE L. HOWE
10 Assistant Attorney General
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