

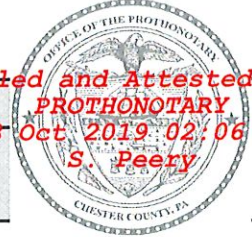
**Supreme Court of Pennsylvania**  
**Court of Common Pleas**  
**Civil Cover Sheet**  
**CHESTER County**

For Prothonotary Use Only:

Docket No:

**2019-10785-IR**

Filed and Attested by  
**PROTHONOTARY**  
**28 Oct 2019 02:06 PM**  
**S. Peery**



*The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.*

**Commencement of Action**

☒ Complaint      ☐ Writ of Summons      ☐ Petition  
☐ Transfer from Another Jurisdiction      ☐ Declaration of Taking

Lead Plaintiff's Name:

**COMMONWEALTH OF PENNSYLVANIA**

Lead Defendant's Name:

**JEFFREY LAUM**

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☐ Within arbitration limits  
(check one) ☒ outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ No

Is this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: James Wise

☐ Check here if you have no attorney(are a Self-Represented [Pro Se] Litigant)

**Nature of the Case:** Place "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**.  
If you are making more than one type of claim, check the one that you consider most important.

**TORT (do not include Mass Tort)**

☐ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/Defamation  
☐ Other:

**CONTRACT (do not include Judgments)**

☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other  
☐ Employment Dispute:  
Discrimination  
☐ Employment Dispute: Other  
☐ Other

**CIVIL APPEALS**

Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other  
☐ Zoning Board  
☐ Other:

**MASS TORT**

☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:

**REAL PROPERTY**

☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other:

**MISCELLANEOUS**

☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgement  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other:

**PROFESSIONAL LIABILITY**

☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional

**2019-10785-IR**

**Chester County**  
**Court of Common Pleas**  
**Cover Sheet**

Docket No:

**2019-10785-IR**

Plaintiff(s): (Name, Address)

**COMMONWEALTH OF PENNSYLVANIA**

1600 ARCH STREET THIRD FL PHILADELPHIA, PA 19103

Plaintiff's/Appellant's Attorney(circle one)

(Name, firm, address, telephone and attorney ID#)

**James Wise**

2155602414 Pennsylvania Office of Attorney General, Bureau of

Consumer Protection attorney ID#: 314913

21 South 12th Street 2nd Floor Philadelphia, PA 19107

Defendant(s): (Name, Address)

**JEFFREY LAUM**

248 SOUTH SAVANNA DRIVE POTTSTOWN, PA 19465

**MONSTER HOCKEY, INC.**

248 SOUTH SAVANNA DRIVE POTTSTOWN, PA 19465

Are there any related cases? Please provide case nos.

**Defendants who are proceeding without counsel are strongly urged to file with the Prothonotary a written statement of an address AND a telephone number at which they can be reached**

**Commencement of Action (if applicable):** ☐ Agreement for an Amicable Action ☐ Motion to Confirm Arbitration Award  
Notice of Appeal

If this is an appeal from a Magisterial District Judgement, was appellant ☐ Plaintiff or ☐ Defendant in the original action?

Jury Trial Demanded ☐ Yes ☒ No

Nature of case if not on previous cover sheet - Please choose the most applicable

☐ Annulment  
☐ Custody - Conciliation Required  
☐ Custody - Foreign Order  
☐ Custody - No Conciliation Required  
☐ Divorce - Ancillary Relief Request  
☐ Divorce - No Ancillary Relief Requested  
☐ Foreign Divorce  
☐ Foreign Protection from Abuse  
☐ Paternity  
☐ Protection from Abuse  
☐ Standby Guardianship

☐ Writ of Certiorari  
☒ Injunctive Relief  
☐ Mechanics Lien Claim  
☐ Issuance of Foreign Subpoena  
☐ Name Change  
☐ Petition for Structured Settlement

**Arbitration Cases Only**

Arbitration Date

mm/dd/yyyy

Arbitration Time

hh:mm:ss

Defendants are cautioned that the scheduling of an arbitration date does not alter the duty of the defendant to respond to the complaint and does not prevent summary disposition form occurring prior to the arbitration date.

**Notice of Trial Listing Date**

Pursuant to C.C.R.C.P. 249.3, if this case is not subject to compulsory arbitration it will be presumed ready for trial twelve (12) months from the date of the initiation of the suit and will be placed on the trial list one (1) year from the date the suit was filed unless otherwise ordered by the Court.

**2019-10785-IR**

This matter will be heard by a Board of Arbitrators at the time and date specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial *de novo* on appeal from a decision entered by a judge.

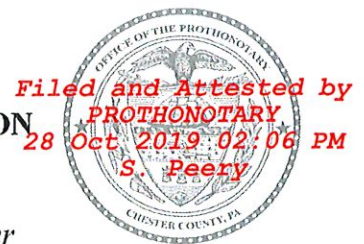
To obtain relief from automatic trial listing a party must proceed pursuant to C.C.R.C.P. 249.3(b), request an administrative conference and obtain a court order deferring the placement of the case on the trial list until a later date.

**File with:** Chester County Justice Center, Prothonotary Office, 201 W. Market St., Ste. 1425, PO Box 2746, West Chester, PA 19380-0989

These cover sheets must be served upon all other parties to the action immediately after filing.

Submit enough copies for service.





**THIS IS NOT A COMPULSORY ARBITRATION**  
**CASE** - This case has been brought by the  
Commonwealth of Pennsylvania under the  
Pennsylvania *Unfair Trade Practices and Consumer*  
*Protection Law*, 73 P.S. § 201-1, *et seq.*,  
**AN ASSESSMENT OF DAMAGES**  
**HEARING IS REQUIRED**

JAMES WISE  
Deputy Attorney General  
Attorney I.D. #314913  
Pennsylvania Office of Attorney General  
Bureau of Consumer Protection  
1600 Arch Street, Third Floor  
Philadelphia, Pennsylvania 19103  
Tele: 215-560-2414  
*Attorney for Plaintiff*

**IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY**  
**CIVIL TRIAL DIVISION**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
<b>By</b>	:	
<b>Attorney General Josh Shapiro</b>	:	_____ Term, 2019
	:	
<b>Plaintiff</b>	:	<b>No.</b> _____
<b>v.</b>	:	
	:	
<b>MONSTER HOCKEY, INC.</b>	:	
<b>248 South Savanna Drive</b>	:	
<b>Pottstown, PA 19465</b>	:	<b>CIVIL ACTION – EQUITY</b>
	:	
<b>and</b>	:	
	:	
<b>JEFFREY LAUM</b>	:	
<b>individually, and as an Officer of</b>	:	
<b>of Monster Hockey, Inc.</b>	:	
<b>248 South Savanna Drive</b>	:	
<b>Pottstown, PA 19465</b>	:	
	:	
<b>Defendants</b>	:	
	:	

**NOTICE TO DEFEND**

**You have been sued in court. If you wish to defend against the claims set forth in**

the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you, and a judgment may be entered against you without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICES SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

**Lawyer Referral and Information Service  
Chester County Bar Association  
15 West Gay Street  
West Chester, PA 19380  
(610) 429-1500  
PA Bar Association: [www.pabar.org](http://www.pabar.org)**

### **AVISO**

**Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o**

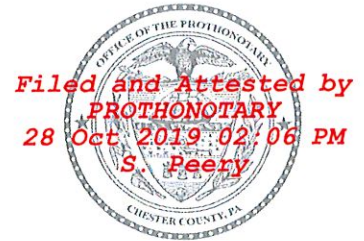
**notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.**

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**SI NO PUEDE CONTRATAR CONTRATAR A UN ABOGADO, ESTA OFICINA PODRÍA LE PROPORCIONARLE INFORMACIÓN SOBRE LAS AGENCIAS QUE PUEDEN OFRECER SERVICIOS LEGALES A PERSONAS ELEGIBLES POR UNA TARIFA REDUCIDA O SIN CARGO.**

**Servicio De Referencia E Informacion Legal  
Asociacion De Licenciados De Chester County  
15 West Gay Street  
West Chester, PA 19380  
(610) 429-1500  
Asociacion De Licenciados De Pennsylvania: [www.pabar.org](http://www.pabar.org)**





JAMES S. WISE  
Deputy Attorney General  
PA Attorney I.D. No. 314913  
Email: jwise@attorneygeneral.gov  
Bureau of Consumer Protection  
1600 Arch Street, Third Floor  
Philadelphia, Pennsylvania 19103  
Telephone: (215) 560-2414  
Facsimile: (215) 560 2494

**IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY  
CIVIL TRIAL DIVISION**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
<b>By</b>	:	
<b>Attorney General Josh Shapiro</b>	:	_____Term, 2019
	:	
<b>Plaintiff</b>	:	<b>No.</b> _____
<b>v.</b>	:	
	:	
<b>MONSTER HOCKEY, INC.</b>	:	
<b>248 South Savanna Drive</b>	:	
<b>Pottstown, PA 19465</b>	:	<b>CIVIL ACTION – EQUITY</b>
	:	
<b>and</b>	:	
	:	
<b>JEFFREY LAUM</b>	:	
<b>individually, and as an Officer of</b>	:	
<b>of Monster Hockey, Inc.</b>	:	
<b>248 South Savanna Drive</b>	:	
<b>Pottstown, PA 19465</b>	:	
	:	
<b>Defendants</b>	:	

**COMPLAINT**

**AND NOW**, comes the Commonwealth of Pennsylvania, acting by Attorney General Josh Shapiro, through the Bureau of Consumer Protection (“Commonwealth” and/or “Plaintiff”), and brings this action on behalf of the Commonwealth pursuant to the provisions of the Pennsylvania *Unfair Trade Practices and Consumer Protection Law*, 73 P.S. § 201-1, *et seq.*,

("Consumer Protection Law"), to restrain by permanent injunction unfair methods of competition or unfair or deceptive acts or practices in the conduct of any trade or commerce declared unlawful by the Consumer Protection Law.

The Commonwealth believes that the Defendants are willfully using, have willfully used and/or are about to willfully use, the methods, acts or practices complained of herein. The Commonwealth believes that the public interest is served by seeking a permanent injunction from this Honorable Court to restrain the methods, acts and practices of the Defendants. The Commonwealth believes that the citizens of the Commonwealth are suffering and will continue to suffer harm unless the acts and practices complained of herein are permanently enjoined.

The Commonwealth also seeks restitution, civil penalties, costs and other appropriate equitable relief as redress for violations of the Consumer Protection Law, as set forth herein.

In support thereof, the Commonwealth respectfully represents the following:

#### **JURISDICTION**

1. This Court has original jurisdiction over this action pursuant to Section 931 of the Judicial Code, 42 Pa. C.S.A. § 931(a).

#### **VENUE**

2. Venue lies with this Court pursuant to Pa. R.C.P. 1006(a), (c) and 2179.

#### **THE PARTIES**

3. Plaintiff is the Commonwealth of Pennsylvania, acting by the Office of Attorney General, through the Bureau of Consumer, with offices located at 1600 Arch Street, Third Floor, Philadelphia, Pennsylvania 19103 and 15th Floor, Strawberry Square, Harrisburg, Pennsylvania 17120.



4. Defendant Monster Hockey, Inc. (“Monster” and/or “Defendant” and/or collectively as one of the “Defendants”) is registered as a Pennsylvania business corporation with the Pennsylvania Department of State, Bureau of Corporations and Charitable Organizations: Corporations Section (“Corporations Bureau”), with the registered business address listed as “United States Corporation Agents, Inc. Lehigh.” Defendant Monster conducts business from 248 South Savanna Drive, Pottstown, PA 19465.

5. The Corporations Bureau lists the registered address for “United States Corporation Agents, Inc.” as 1729 West Tilghman Street Rear, Allentown, Pennsylvania 18109.

6. Defendant Jeffrey Laum (“Laum” and/or “Defendant” and/or collectively as one of the “Defendants”) is an adult individual and an officer of Defendant Monster, most recently residing, upon information and belief, at 248 South Savanna Drive, Pottstown, Pennsylvania 19465.

### **BACKGROUND**

7. At all times relevant and material hereto, Defendants engaged in trade and commerce in the Commonwealth of Pennsylvania by marketing, advertising and selling hockey pads and helmets—as well as related merchandise—to consumers through the Internet from the website [www.monsterhockeyinc.com](http://www.monsterhockeyinc.com).

8. At all times relevant and material hereto, Defendant Laum is and has been the registered owner of the domain name [www.monsterhockeyinc.com](http://www.monsterhockeyinc.com).

9. At all times relevant and material hereto, Defendant Laum is and has been the President and Chief Executive Officer of Defendant Monster.

10. Defendant Monster previously operated Monster Hockey, Inc. from a physical location of 2500 E. High Street, Building 800, Pottstown, PA 19464.

11. In or around June 2018, however, Monster Hockey, Inc.'s operation moved out of the 2500 E. High Street location and began operating from Defendant Laum's home residence. Mr. Laum, upon information and belief, resides at and operates Monster Hockey, Inc. from 248 South Savanna Drive, Pottstown, PA 19465.

12. At all times relevant and material hereto, Defendant Laum approved, endorsed, directed, ratified, controlled and/or otherwise participated in the conduct alleged herein and the practices and operations conducted by and under the business entity Monster Hockey, Inc.

13. The unlawful acts and practices complained of herein were carried out pursuant to Defendant Laum's direction and control, and Defendant Laum directly participated in such unlawful acts and practices.

### **FACTS**

14. In a typical consumer transaction with Defendants, a consumer would view available products via the online catalog on Defendants' website, complete an order form online, and make electronic payment via the website. Shortly thereafter, Defendants would send an email to the consumer confirming that the order had been processed. A true and correct copy of one such confirmation email is attached hereto and incorporated herein as Exhibit A.

15. Defendants' website provided no estimated date of delivery for such orders.

16. In certain instances, consumers never received the products they ordered and for which they paid in full.

17. In certain instances, Defendants failed to provide refunds to the consumers who paid in full but failed to receive their ordered products or who were delivered defective products.

18. Despite Defendants' consistent and repeated inability to deliver goods for which consumers paid in full, Defendants continued to solicit orders and accept payment from

consumers via its website. Although undelivered orders remain outstanding dating back to at least March 2018, Defendants' website remains active and Defendants have continued to offer goods for sale and accept payment from consumers as recently as September 11, 2019. A true and correct copy of a portion of the online product catalog on Defendants' website, as of September 11, 2019, with listings of available products, are attached hereto and incorporated herein as Exhibit B.

19. In certain instances, when consumers contacted Defendants to inquire as to the status of their orders, Defendants made excuses and blamed external factors involving suppliers and manufacturers. When consumers asked for dates by which their orders would be delivered, Defendants either failed to provide a date or ceased responding entirely.

20. Additionally, throughout the time relevant and material hereto, Defendants failed to adequately communicate to consumers that goods were not being delivered within a reasonably expected period of time.

21. In at least one instance, a consumer received a defective item from Defendants and immediately notified Defendants but, despite Defendants representing that it would send the consumer a replacement product, the consumer never received a replacement.

22. The Commonwealth has received a number of consumer complaints against Defendants. The following are examples of what has been alleged in certain complaints submitted by consumers to the Commonwealth:

- a. On or about March 10, 2018, an Illinois consumer placed an order for hockey equipment on Defendants' website for a total price of \$130.99 and made payment online via credit card through PayPal Express. On November 28, 2018, more than eight and a half months after initially placing his order, the consumer had not yet received his order and emailed Defendants to request a status update. Defendants did not respond. On January 19, 2019, the consumer



again requested an update and did not receive a response. On March 11, 2019, more than a year after ordering, the consumer still had not received his order so he emailed Defendants to cancel his order and request a refund. On March 15, 2019, Defendants finally responded and blamed the delays on outstanding payments from “several partners of [its] own” and promised to refund the consumer’s money “no later than June 2019.” To date, Defendants never delivered the product and never refunded the consumer’s \$130.99.

- b. On or about March 22, 2018, a consumer based in the Canada placed an order for hockey equipment on Defendants’ website for a total price of \$126.00 and made payment online via the website. The consumer reached out to Defendants via email on multiple occasions but received no response. Months later, Defendants finally responded and blamed the delays on problems with the equipment supplier. After several more months passed with no meaningful update, the consumer again reached out via email and social media but received no response and several of his messages were even deleted by Defendants. To date, Defendants never delivered the products and never refunded the consumer’s \$126.00.
- c. On or about July 6, 2018, a Wisconsin consumer placed an order for hockey equipment on Defendants’ website for a total price of \$139.98 and made payment online via credit card through PayPal Express. The confirmation email sent to the consumer by Defendants stated “if you need any assistance with your order, please email us at [orders@monstergoalies.com](mailto:orders@monstergoalies.com) or call us at 484 7524617.” On several occasions, beginning in September 2018, the consumer reached out to Defendants via both email and Facebook to inquire about the status of his order but did not receive a clear explanation nor an anticipated delivery date. The consumer even posted a comment on Defendants’ Facebook page but, rather than respond and address the issue, Defendants instead quickly deleted the comment. On December 20, 2018, the consumer emailed Defendants asking to “cancel my order and credit [my

credit card] ASAP! 5+ months is ridiculous.” On January 17, 2019, Defendants sent an email to the consumer stating, “We are aware of your pending refund request. We will process your request as soon as we can.” To date, Defendants never delivered the products and never refunded the consumer’s \$139.98.

23. In addition to the consumers who filed complaints with the Commonwealth, a number of complaints have been filed with the Better Business Bureau, and there is also a collection of individuals who formed a Facebook group titled “Monster Hockey Victims” that has been joined by well over 400 members.

24. The Commonwealth believes and therefore avers that there may be additional consumers who have not submitted complaints to the Commonwealth and who have also been harmed due to the methods, acts, and practices of Defendants, which include, but are not limited to, those alleged herein.

25. The Commonwealth believes that the public interest is served by seeking before this Honorable Court a permanent injunction to restrain the methods, acts, and practices of the Defendants, as herein complained of and as hereinafter set forth. Further, the Commonwealth requests injunctive relief, restitution, civil penalties, costs, and other appropriate equitable relief as redress for violations of the Consumer Protection Law.

**COUNT I – VIOLATIONS OF THE CONSUMER PROTECTION LAW**  
**DEFENDANTS FAILED TO DELIVER PRODUCTS AND FAILED TO PROVIDE**  
**REFUNDS TO CONSUMERS**

26. The averments and allegations of the preceding paragraphs are incorporated as though the same were more fully set forth herein.

27. In certain instances, Defendants solicited and accepted orders via its website and subsequently failed to deliver the products to consumers who had paid in full.



28. In certain instances, Defendants failed to provide refunds to consumers who paid in full but never received their products, even in instances where the consumer directly requested their order be cancelled and their monies refunded.

29. Despite Defendants' consistent and repeated inability to deliver goods for which consumers paid in full, and Defendants acknowledgment of that inability, Defendants continued to solicit new orders and accept payment from consumers via the its website.

30. Although undelivered orders remain outstanding dating back to at least March 2018, Defendants website remains active.

31. In certain instances, when consumers contacted Defendants to inquire as to the status of their orders, Defendants made excuses and blamed external factors involving suppliers and manufacturers. When consumers asked for dates by which their orders would be delivered, Defendants either failed to provide a date or ceased responding entirely.

32. The aforesaid methods, acts or practices constitute unfair methods of competition and unfair acts or practices in the conduct of trade or commerce prohibited by Section 201-3 of the Consumer Protection Law, as defined by Section 201-2 of said Law, including, but not limited to, the following:

- a. Section 201-2(4)(v), representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have or that a person has sponsorship, approval, status, affiliation or connection that he does not have;
- b. Section 201-2(4)(xix), soliciting any order for the sale of goods to be ordered by the buyer through the mails or by telephone unless, at the time of the solicitation, the seller has a reasonable basis to expect that it will be able to



ship any ordered merchandise to the buyer: (A) within that time clearly and conspicuously stated in any such solicitation; or (B) if no time is clearly and conspicuously stated, within thirty days after receipt of a properly completed order from the buyer; and

- c. Section 201-2(4)(xxi), engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding.

73 P.S. §§ 201-3, and 201-2(4)(v), (xix) and (xxi).

33. At all times relevant hereto, the unlawful methods, acts and practices complained of have been willfully used by Defendants.

34. The Commonwealth believes that the citizens of the Commonwealth are suffering and will continue to suffer harm unless the acts and practices complained of herein are permanently enjoined.

**WHEREFORE**, the Commonwealth of Pennsylvania respectfully requests that this Honorable Court issue an Order:

A. Declaring Defendants' conduct to be in violation of the Consumer Protection Law.

B. Permanently enjoining Defendants and its officers, agents, employees and all other persons acting on its behalf, directly or indirectly, from violating the Consumer Protection Law and any amendments thereto.

C. Directing Defendants to make full restitution pursuant to Section 201-4.1 of the Consumer Protection Law to all consumers who have suffered losses as a result of the acts and practices alleged in this complaint and any other acts or practices which violate the Consumer Protection Law.

D. Directing Defendants, pursuant to Section 201-8(b) of the Consumer Protection Law, to pay to the Commonwealth civil penalties of One Thousand and 00/100 Dollars (\$1,000.00) for each violation of the Consumer Protection Law, and Three Thousand and 00/100 Dollars (\$3,000.00) for each violation of the Consumer Protection Law involving consumers aged sixty (60) or older.

E. Requiring Defendants to pay the Commonwealth's investigative and litigation costs in this matter.

F. Enjoining Defendants from owning, operating, managing or otherwise controlling a business which markets, advertises or sells goods or services, whether through a website or otherwise, from a location in Pennsylvania.

G. Enjoining Defendants from operating or otherwise controlling a business which markets, advertises or sells goods or services to consumers located in Pennsylvania, whether through a website or otherwise.

H. Directing the Defendants to disgorge and forfeit all monies they have received as a result of their unfair and deceptive acts and practices as set forth in this Complaint.

I. Granting such other general, equitable and/or further relief as the Court deems just and proper.

## **COUNT II – VIOLATIONS OF THE CONSUMER PROTECTION LAW**

### **DEFENDANTS DELIVERED DEFECTIVE PRODUCTS AND FAILED TO PROVIDE REPLACEMENTS OR REFUNDS TO CONSUMERS**

35. The averments and allegations of the preceding paragraphs are incorporated as though the same were more fully set forth herein.

36. In at least one instance, Defendants delivered a defective product to a consumer and failed to provide a properly functioning replacement product.

37. In at least one instance, Defendants failed to provide a refund to a consumer who paid in full and received a defective product. When that consumer inquired as to the status of the order and asked when a replacement product would be delivered, Defendants first made excuses and ultimately ceased responding entirely.

38. The aforesaid methods, acts or practices constitute unfair methods of competition and unfair acts or practices in the conduct of trade or commerce prohibited by Section 201-3 of the Consumer Protection Law, as defined by Section 201-2 of said Law, including, but not limited to, the following:

- a. Section 201-2(4)(v), representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have or that a person has sponsorship, approval, status, affiliation or connection that he does not have;
- b. Section 201-2(4)(vii), representing that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if they are of another; and
- c. Section 201-2(4)(xxi), engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding.

73 P.S. §§ 201-3, and 201-2(4)(v), (vii) and (xxi).

39. At all times relevant hereto, the unlawful methods, acts and practices complained of have been willfully used by Defendants.

40. The Commonwealth believes that the citizens of the Commonwealth are suffering and will continue to suffer harm unless the acts and practices complained of herein are permanently enjoined.



**WHEREFORE**, the Commonwealth of Pennsylvania respectfully requests that this Honorable Court issue an Order:

A. Declaring Defendants' conduct to be in violation of the Consumer Protection Law.

B. Permanently enjoining Defendants and their officers, agents, employees and all other persons acting on their behalf, directly or indirectly, from violating the Consumer Protection Law and any amendments thereto.

C. Directing Defendants to make full restitution pursuant to Section 201-4.1 of the Consumer Protection Law to all consumers who have suffered losses as a result of the acts and practices alleged in this complaint and any other acts or practices which violate the Consumer Protection Law.

D. Directing Defendants, pursuant to Section 201-8(b) of the Consumer Protection Law, to pay to the Commonwealth civil penalties of One Thousand and 00/100 Dollars (\$1,000.00) for each violation of the Consumer Protection Law, and Three Thousand and 00/100 Dollars (\$3,000.00) for each violation of the Consumer Protection Law involving consumers aged sixty (60) or older.

E. Requiring Defendants to pay the Commonwealth's investigative and litigation costs in this matter.

F. Enjoining Defendants from owning, operating, managing or otherwise controlling a business which markets, advertises or sells goods or services, whether through a website or otherwise, from a location in Pennsylvania.

G. Enjoining Defendants from operating or otherwise controlling a business which markets, advertises or sells goods or services to consumers located in Pennsylvania,

whether through a website or otherwise.

H. Directing the Defendants to disgorge and forfeit all monies they have received as a result of their unfair and deceptive acts and practices as set forth in this Complaint.

I. Granting such other general, equitable and/or further relief as the Court deems just and proper.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO  
Attorney General

Date: 10/28/19

By: 

JAMES S. WISE  
Deputy Attorney General  
PA Attorney I.D. No. 314913  
Email: jwise@attorneygeneral.gov  
Bureau of Consumer Protection  
1600 Arch Street, Third Floor  
Philadelphia, Pennsylvania 19103  
Telephone: (215) 560-2414  
Facsimile: (215) 560 2494

# Exhibit A





Hello [REDACTED],

**MONSTER HOCKEY, INC.**

Thank you for shopping with us. We have received your order. We'll send a confirmation after your items ship.

2500 E. HIGH ST  
BUILDING 800  
POTTSTOWN PA 19464

**Order: R742667784 | Date: 03-10-2018**

**Shipping Address**



**Shipping Method**

\$5 INTERNATIONAL FIRST CLASS  
SHIPPING

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**Order Summary**

**MONSTER JUNK TRUNK**

BELLY PAD: YES

DOUBLE JOCK LAYER: YES

ZONE A COLOR: NAVY BLUE

ZONE B COLOR: WHITE

ZONE C COLOR: YELLOW

ZONE D COLOR: YELLOW

CUP STYLE: KEVLAR CUP

CUSTOMIZATION: MONSTER LOGO

CUSTOMIZATION AND COLOR: Navy blue for the logo.



**\$139.99**

WAIST SIZE: 34

SKU: JTBPDJ

Subtotal: \$139.99

Coupon [REDACTED]: -\$14.00

Shipping (\$5 INTERNATIONAL FIRST CLASS SHIPPING): \$5.00

**Order Total: \$130.99**

Selected payment method: PayPal Express

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If you need any assistance with your order, please email us at [orders@monstergoalies.com](mailto:orders@monstergoalies.com) or call us at **484 7524617**

Click [here](#) to report this email as spam.

# Exhibit B



# Products

## Categories

[View all products](#)

TOE STRAPS

SKATE STRAPS

CREASE LIFE APPAREL

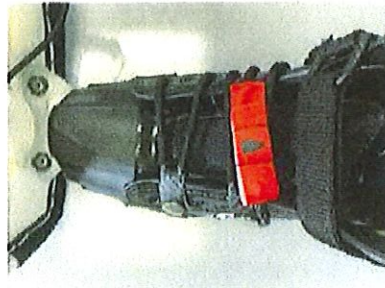
SWEAT BANDS

LEG PAD STRAPS

PROTECTIVE GEAR

ACCESSORIES

Sort by Most popular



HAL TOE STRAPS

\$24.99

[\[More options\]](#)

TLG TOE STRAPS

\$19.99

[\[More options\]](#)

REPLACEMENT SHOCK  
CORD

From \$4.99

[\[More options\]](#)