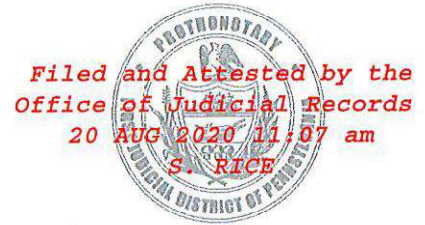


Nicholas F. B. Smyth
Senior Deputy Attorney General
Attorney I.D. #307972
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Office of Attorney General
1600 Arch Street, Third Floor
Philadelphia, Pennsylvania 19103
412-880-0475
Attorney for Plaintiff

**IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA
FIRST JUDICIAL DISTRICT**

COMMONWEALTH OF PENNSYLVANIA	:	
BY Attorney General JOSH SHAPIRO,	:	
	:	
Plaintiff,	:	_____ Term 2020
	:	
v.	:	No. _____
	:	
M & B Multi Services Inc, 5412 Hawthorne St,	:	
Philadelphia, PA 19124, and	:	
	:	
Branly Morel, individually and as owner of M & B Multi	:	CIVIL ACTION - EQUITY
Services Inc, 5412 Hawthorne Street, Philadelphia, PA	:	
19124,	:	
	:	
Defendants.	:	
	:	

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 an 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
Philadelphia County Bar Association
1101 Market Street, 11th Floor
Philadelphia, Pennsylvania 19107
(215) 238-6300
www.philadelphiabar.org
PA Bar Association: www.pabar.org

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defenses o sus objections a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y require que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**USTED LE DEBE TOMAR ESTA NOTA A SU ABOGADO
INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO NI NO PUEDE
PROPORCIONAR UNO, IR A NI TELEFONEAR EL CONJUNTO DE LA OFICINA
(OFICINAS) ADELANTE ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR
CON INFORMACION ACERCA DE EMPLEAR A UN ABOGADO.**

**SI USTED NO PUEDE PROPORCIONA PARA EMPLEAR UN ABOGADO,
ESTE MAYO DE LA OFICINA ES CAPAZ DE PROPORCIONARLO CON
INFORMACION ACERCA DE AGENCIAS ESA OFERTA DE MAYO LOS SERVICIOS
LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO.**

SERVICIO DE REFERIDO DE ABOGADOS

Philadelphia County Bar Asociación

1101 Market Street, 11th Floor

Philadelphia, Pennsylvania 19107

(215) 238-6300

www.philadelphiabar.org

PA Bar Association: www.pabar.org

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.**

Nicholas F. B. Smyth
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1600 Arch Street, Third Floor
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412-880-0475
Attorney for Plaintiff

**IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA
FIRST JUDICIAL DISTRICT**

COMMONWEALTH OF PENNSYLVANIA	:	
BY Attorney General JOSH SHAPIRO,	:	
	:	
Plaintiff,	:	_____ Term 2020
	:	
v.	:	No. _____
	:	
M & B Multi Services Inc, 5412 Hawthorne St,	:	
Philadelphia, PA 19124, and	:	
	:	
Branly Morel, individually and as owner of M & B Multi	:	CIVIL ACTION - EQUITY
Services Inc, 5412 Hawthorne Street, Philadelphia, PA	:	
19124,	:	
	:	
Defendants.	:	
	:	

COMPLAINT

AND NOW comes the Commonwealth of Pennsylvania, Office of Attorney General, by Attorney General Josh Shapiro, (“Commonwealth” or “Plaintiff”) and brings this action pursuant to the Pennsylvania *Price Gouging Act*, 73 P.S. § 232.1, *et. seq.* (“Price Gouging Act”) and

Pennsylvania *Unfair Trade Practices and Consumer Protection Law*, 73 P.S. § 201-1, *et seq.*

(“Consumer Protection Law”) to restrain, by temporary and permanent injunction, acts of price gouging and unfair methods of competition or unfair or deceptive acts or practices in the conduct of any trade or commerce declared unlawful by Section 201-3 of the Consumer Protection Law.

73 P.S. §§ 201-4, 201-3; 73 P.S. § 232.5(a). In support of this action, 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)(1).

BACKGROUND

3. COVID-19 is a highly infectious and potentially fatal novel coronavirus that was declared a global pandemic by the World Health Organization in March 2020.

4. On March 6, 2020, upon the discovery the first cases of COVID-19 in Pennsylvania residents, Governor Tom Wolf issued a Declaration of Disaster Emergency for the entire Commonwealth (the “Disaster Declaration”).

5. Despite the Governor’s statewide Disaster Declaration, M & B Multi Services Inc (“M&B” or “Defendant”) and its owner Branly Morel (“Morel” or “Defendant”) (collectively, “Defendants”) continued to charge consumers the unconscionably excessive price of \$65.80 and \$75.80 for Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle.

6. Defendants M&B and Morel have illegally used the health and economic crisis arising from the COVID-19 pandemic to charge Pennsylvania consumers and other consumers an outrageous price for a vital product that was at the time in short supply.

7. Defendants' attempt to make an exorbitant profit off of the desperation of Pennsylvania consumers during an emergency is the exact type of conduct prohibited by the Price Gouging Act and the Consumer Protection Law.

8. As a statewide emergency is continuing and there is a risk of continuing harm to Pennsylvania consumers, the Commonwealth requests that the Court enjoin Defendants from engaging in price gouging. The Commonwealth further requests that the Court order Defendants to pay restitution for consumers harmed by Defendants' conduct, pay an appropriate civil penalty, and any other equitable relief deemed necessary and proper.

THE PARTIES

9. Plaintiff is the Commonwealth of Pennsylvania, Office of Attorney General, by Attorney General Josh Shapiro, which has offices located at 1600 Arch Street, Third Floor, Philadelphia, Pennsylvania, 19103.

10. Defendant M & B Multi Services Inc is a Pennsylvania for-profit corporation registered with the Pennsylvania Department of State, Bureau of Corporations and Charitable Organizations: Corporations Section, with a registered business address of 3112 North Front Street, Philadelphia, PA 19133, and offices located at 5412 Hawthorne Street, Philadelphia, PA 19124.

11. Defendant Branly Morel ("Morel") is the owner of M & B Multi Services Inc, 5412 Hawthorne Street, Philadelphia, PA 19124.

12. At all times relevant hereto, Morel was Owner of M&B. Morel conceived and formed M&B in 2017. As an officer with authority to act for M&B, Morel was and is responsible for all conduct done in the name of M&B.

13. Morel directed, supervised, controlled, approved, formulated, authorized, ratified, benefited from, and / or otherwise participated in the unlawful acts and practices hereinafter described.

14. Upon information and belief, at all times relevant hereto, Morel owned the majority of the equity of M&B and, as a result, Morel personally received the majority of the profits, dividends, and other cash distributions made by M&B.

15. Upon information and belief, at all times relevant hereto, M&B had very few employees. As a result, the owner (Morel) was intimately involved in and directed M&B's day to day activities.

16. Upon information and belief, Morel executed and/or ratified all important business decisions, including what products to sell and what prices to charge for them.

17. Unless otherwise specified, whenever reference is made in this complaint to any act of either of the Defendants, such allegations shall be deemed to mean the act of M&B and Morel individually, jointly, or severally.

FACTS

18. At all times relevant and material hereto, M&B and Morel operated an online retail establishment at <https://www.mytreasuresearch.com/> by offering goods for sale from its location in Philadelphia and taking orders from consumers, including those in Pennsylvania.

19. In addition, at all times relevant and material hereto, M&B and Morel engaged in trade and commerce within the Commonwealth of Pennsylvania by offering goods for sale from

its location in Philadelphia and taking orders from consumers, including those from Pennsylvania, through the Amazon.com marketplace.

20. Until and including at least March 6, 2020, M&B and Morel offered for sale and sold Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle, among other goods, from its online retail store located at 5412 Hawthorne Street, Philadelphia, PA 19124.

21. Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle is an item used, bought or rendered primarily for personal, family or household purposes.

22. M&B and Morel sold Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle primarily for personal, family or household purposes.

23. On March 6, 2020, Governor Tom Wolf issued the Disaster Declaration. A copy of the Disaster Declaration is attached as **Exhibit A**. In the Disaster Declaration, the Governor proclaimed the existence of a disaster emergency throughout the Commonwealth of Pennsylvania due to the outbreak of the COVID-19 virus in Pennsylvania. The Governor issued the Disaster Declaration pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7101, *et seq.*

24. A state of emergency is ongoing in the Commonwealth, and the Governor has not terminated the Disaster Declaration.

25. The Commonwealth received information from Amazon.com (“Amazon”) about Defendants M&B and Morel’s business. Amazon reported that M&B and Morel had received orders to sell to Pennsylvania consumers and other consumers 83 units of Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle for \$75.80 and \$65.80 each (plus additional tax and shipping charges) on March 6, 2020.

26. Upon information and belief, M&B and Morel could have cancelled these orders after learning of the Governor's Disaster Declaration, but they did not cancel the orders.

27. Upon information and belief, M&B and Morel shipped the orders after March 6, 2020.

28. Consumer demand for Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle has been substantially higher than usual during the COVID-19 disaster emergency, resulting in supply shortages in Pennsylvania and by online retailers.

29. Defendants M&B and Morel's stated price for Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle grossly exceeds the fair market price for such goods prior to the state of emergency. Defendants' stated price for Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle is more than twenty percent higher than the average price of that or similar products in the region during the seven days prior to the Disaster Declaration.

30. According to a price history record on Amazon.com, similar Purell Advanced Formula 8 ounce bottles sold for less than \$9.50 per bottle prior to March 6, 2020. Often the price was \$6.14 per bottle. Source: <https://camelcamelcamel.com/product/B000BBYATK> (last accessed on August 17, 2020).

31. According to data from Amazon.com, between December 20, 2019 and January 19, 2020, M&B and Morel sold Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle for an average sale price of \$8.30 per bottle.

32. On March 27, 2020, the Commonwealth sent via first class mail to M&B and Morel a letter explaining the Price Gouging Act and the Consumer Protection Law. The Commonwealth also sent the letter to eandm_multiservices@yahoo.com, which is the email

address M&B and Morel provided to Amazon for their account. The letter demanded that M&B immediately cease and desist all activities that violate these statutes. The letter had enclosed a Subpoena, which required a response by April 3, 2020. The letter and Subpoena are attached as **Exhibit B**.

33. As of the filing of this lawsuit, M&B and Morel have failed to provide a substantive response to the subpoena.

34. The Commonwealth sent follow-up emails to M&B and Morel on April 16, April 24, May 8, May 15, and May 21, 2020.

35. The Commonwealth's follow-up on April 16, 2020 said, in relevant part, "My office sent you a subpoena on March 27, 2020, with a response deadline of April 3, 2020. We have not received a response from you. If you sent us a response, please resend it to this email address as soon as possible. If you do not respond to the subpoena or to this email, we may file an enforcement action against you for violations of the price gouging law."

36. The only response M&B and Morel have ever sent to the Commonwealth was an email in response to the email quoted above. M&B and Morel responded on the same day, April 16, 2020, in an email attached as **Exhibit C**. The email said, in relevant part, "I see the matter is serious and the last thing I want or need is to have any more problems. I basically bought the purell at an expensive price on letgo and OfferUp . At the time it was not a state of emergency, everything was normal and I did not know that I couldn't buy at a price and sell at a higher price, I myself purchased face mask for me and my family at 130 dollars for 100. ***I thought it was normal, I looked at it like when I go to a baseball game and pay more due to the seats***" [emphasis added].

37. M&B and Morel did not respond to the Commonwealth's attempts to resolve the matter.

38. Other than the email of April 16, 2020, M&B and Morel have provided no justification for the price they charged consumers.

39. The Commonwealth believes the public interest is served by seeking before this Honorable Court an injunction to restrain the price gouging operations, methods, acts, and practices of M&B and Morel as hereinafter set forth, as well as seeking restitution for consumers, civil penalties and other equitable relief for violations of the law.

COUNT ONE - VIOLATIONS OF PRICE GOUGING ACT

40. The Commonwealth incorporates the preceding paragraphs as though the same were fully set forth herein.

41. M&B and Morel are retailers within the chain of distribution of Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle pursuant to 73 P.S. § 232.3.

42. Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle is a consumer good pursuant to 73 P.S. § 232.2.

43. The Pennsylvania General Assembly enacted the Price Gouging Act with the following statement of purpose:

- (1) In an economic market there are periods of disruption of the market which cause an uneven flow of supply of consumer goods. During these periods, consumer demand outweighs supply, sometimes heavily.
- (2) These periods of disruption result from many factors, including extreme weather conditions, depletion of stockpiles, labor strikes, civil disorder, natural or manmade emergencies or disasters and military action.
- (3) During these periods, parties involved in the sale and resale of consumer goods and services sometimes take unfair advantage of consumers in this Commonwealth by charging unconscionably excessive prices, or price gouging.

- (4) To prevent this, the General Assembly should prohibit price gouging and impose penalties on violations.

73 P.S. § 232.2.

44. Pennsylvania is currently under a state of disaster emergency pursuant to the provisions of 35 Pa. C.S. § 7301(c). *See Exhibit A.* The geographic scope of the disaster emergency is the entire Commonwealth of Pennsylvania.

45. During a state of disaster emergency declared by the Governor, the Price Gouging Act prohibits “any party within the chain of distribution of consumer good or services to both sell or offer to sell the goods or services within the geographic region that is the subject of the declared emergency for an amount which represents an unconscionably excessive price.” *See* 73 P.S. § 232.4.

46. The Price Gouging Act specifies that “[a] price is unconscionably excessive when the amount charged represents a gross disparity between the price of the consumer goods and services and the price at which the consumer goods or services were sold or offered for sale within the chain of distribution in the usual course of business seven days immediately prior to the state of disaster emergency.” *See* 73 P.S. § 232.3.

47. Further, “[i]t is prima facie evidence that a price is unconscionably excessive if, during and within 30 days of termination of a state of disaster emergency, parties within the chain of distribution charge a price that exceeds an amount equal to or in excess of 20% of the average price at which the same or similar consumer goods or services were obtainable in the affected area during the last seven days immediately prior to the declared state of emergency.” *See* 73 P.S. § 232.4.

48. On March 6, 2020, M&B and Morel took 46 orders to Pennsylvania consumers and to other consumers for Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz

Pump Bottle through the Amazon.com marketplace. In those 46 orders, M&B and Morel sold 83 total bottles of Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle. M&B and Morel charged \$75.80 per bottle for 49 of the bottles. M&B and Morel charged \$65.80 per bottle for 34 of the bottles.

49. Consumers paid M&B and Morel a total of \$6,437.78 for these 83 bottles of hand sanitizer. This includes \$486.38 in shipping charges, which were added to the individual prices of the bottles described above.

50. The price at which M&B and Morel sold Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle was grossly disparate from the usual price of the same or similar product within the seven days prior to the Disaster Declaration.

51. Further, M&B and Morel's sales price for Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle is prima facie unconscionably excessive because it is in excess of 20% of the average price for the product in the seven days prior to the Disaster Declaration.

52. M&B and Morel have violated the Price Gouging Act by selling or offering to sell Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle for an unconscionably excessive price after the Disaster Declaration.

53. M&B and Morel have provided the Office of Attorney General with no facts that would render the Price Gouging Act inapplicable to their sales pursuant to 73 P.S. § 232.4(c).

54. Pursuant to 73 P.S. § 232.5(a), the Attorney General is authorized to bring this action against M&B and Morel for violations of the Price Gouging Act and to seek civil penalties and injunctive relief.

55. At all times relevant and material hereto, the unlawful methods, acts and practices complained of have been willfully used by M&B and Morel.

WHEREFORE, the Commonwealth respectfully requests that this Honorable Court order the following relief:

- A. Declaring M&B and Morel's conduct as described in the Complaint to be in violation of the Price Gouging Law;
- B. Directing M&B and Morel to pay the Commonwealth a civil penalty in the amount of Ten Thousand Dollars (\$10,000) for each and every violation of the Price Gouging Law, pursuant to Section 232.5(a) of the Price Gouging Act;
- C. Granting such further relief as this Court may deem appropriate.

COUNT II – VIOLATIONS OF THE CONSUMER PROTECTION LAW

56. The Commonwealth incorporates the preceding paragraphs as though the same were fully set forth herein.

57. M&B and Morel are persons who engage in trade or commerce as defined by 73 P.S. § 201-2(2), (3).

58. As detailed in the preceding paragraphs of this Complaint, M&B and Morel have violated the Price Gouging Act by charging an unconscionably excessive price for Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle during a period of disaster emergency.

59. By charging a price for Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle that violates the Price Gouging Act, M&B and Morel have misled

consumers into believing that this price is legal. M&B and Morel have further misled consumers by failing to disclose to consumers that this price violates Pennsylvania law.

60. M&B and Morel's conduct as aforesaid is unconscionable, opportunistic and exploitative and thereby "unfair" as prohibited by the Consumer Protection Law.

61. The aforementioned methods, acts and practices constitute unfair methods of competition and unfair or deceptive 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(4) of said Law, including, but not limited to, the following:

- (a) Section 201-2(4)(xxi), which prohibits 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)(xxi).

62. At all times relevant and material hereto, the unlawful methods, acts and practices complained of have been willfully used by Defendants M&B and Morel.

63. The Commonwealth believes the public interest is served by seeking before this Honorable Court a preliminary and permanent injunction to restrain the operations, methods, acts, and practices of M&B and Morel as hereinafter set forth, as well as seeking restitution for consumers and civil penalties for violations of the law.

WHEREFORE, the Commonwealth respectfully requests that this Honorable Court order the following relief:

- A. Declaring conduct of M&B and Morel as described in the Complaint to be in violation of the Consumer Protection Law;

- B. Directing M&B and Morel 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;
- C. Preliminarily and permanently enjoining Morel, M&B, and their agents, employees and all other persons acting on their behalves, directly or indirectly, from violating the Consumer Protection Law and any amendments thereto;
- D. Directing M&B and Morel to pay the Commonwealth a civil penalty in the amount of One Thousand Dollars (\$1,000) for each and every violation of the Consumer Protection Law, and a civil penalty of Three Thousand Dollars (\$3,000) for each and every violation of the Consumer Protection Law where the victim is sixty years of age or older;
- E. Directing M&B and Morel 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;
- F. Requiring the Defendant to pay the Commonwealth's investigative and litigation costs in this matter; and
- G. Granting such further relief as this Court may deem appropriate.

[Signature page follows]

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

Date: August 20, 2020

By: /s/ Nicholas Smyth
Nicholas F. B. Smyth
Senior Deputy Attorney General
Attorney I.D. #307972
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1600 Arch Street, Third Floor
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Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA

BY Attorney General JOSH SHAPIRO,

Plaintiff,

v.

M & B Multi Services Inc, 5412 Hawthorne St,
Philadelphia, PA 19124, and

Branly Morel, individually and as owner of M & B Multi
Services Inc, 5412 Hawthorne Street, Philadelphia, PA
19124,

Defendants.

_____ Term 2020

No. _____

CIVIL ACTION - EQUITY

Exhibit A



PROCLAMATION OF DISASTER EMERGENCY

March 6, 2020

WHEREAS, a novel coronavirus (now known as "COVID-19") emerged in Wuhan, China, began infecting humans in December 2019, and has since spread to 89 countries, including the United States; and

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared COVID-19 a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, the Commonwealth of Pennsylvania ("Commonwealth") has been working in collaboration with the CDC, HHS, and local health agencies since December 2019 to monitor and plan for the containment and subsequent mitigation of COVID-19; and

WHEREAS, on February 1, 2020, the Commonwealth's Department of Health activated its Department Operations Center at the Pennsylvania Emergency Management Agency's headquarters to conduct public health and medical coordination for COVID-19 throughout the Commonwealth; and

WHEREAS, on March 4, 2020, the Director of the Pennsylvania Emergency Management Agency ordered the activation of its Commonwealth Response Coordination Center in support of the Department of Health's Department Operations Center, to maintain situational awareness and coordinate the response to any potential COVID-19 impacts across the Commonwealth; and

WHEREAS, as of March 6, 2020, there are 233 confirmed and/or presumed positive cases of COVID-19 in the United States, including 2 presumed positive cases in the Commonwealth; and

WHEREAS, while it is anticipated that a high percentage of those affected by COVID-19 will experience mild influenza-like symptoms, COVID-19 is a disease capable of causing severe symptoms or loss of life, particularly to older populations and those individuals with pre-existing conditions; and

WHEREAS, it is critical to prepare for and respond to suspected or confirmed cases in the Commonwealth and to implement measures to mitigate the spread of COVID-19; and

WHEREAS, with 2 presumed positive cases in the Commonwealth as of March 6, 2020, the possible increased threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Commonwealth; and

WHEREAS, this threat of imminent disaster and emergency has the potential to cause significant adverse impacts upon the population throughout the Commonwealth; and

WHEREAS, this threat of imminent disaster and emergency has already caused schools to close, and will likely prompt additional local measures, including affected county and municipal governments to declare local disaster emergencies because of COVID-19; and

WHEREAS, this threat of imminent disaster and emergency situation throughout the Commonwealth is of such magnitude and severity as to render essential the Commonwealth's supplementation of emergency resources and mutual aid to the county and municipal governments of this Commonwealth and to require the activation of all applicable state, county, and municipal emergency response plans.

NOW THEREFORE, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7101, et seq., I do hereby proclaim the existence of a disaster emergency throughout the Commonwealth.

FURTHER, I hereby authorize the Pennsylvania Emergency Management Agency Director or his designee, to assume command and control of all statewide emergency operations and authorize and direct that all Commonwealth departments and agencies utilize all available resources and personnel as is deemed necessary to cope with this emergency situation.

FURTHER, I hereby transfer up to \$5,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be decreased as conditions require, pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa. C.S. § 7604(a). In addition, I hereby transfer up to \$20,000,000 in unused appropriated funds, to be decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929 (P.L.343, No. 176) (the Fiscal Code), 72 P.S. § 1508. The aforementioned funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

FURTHER, All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa. C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516.

FURTHER, I hereby suspend the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency. Commonwealth agencies may implement emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds.

FURTHER, pursuant to the powers vested in me by the Constitution and laws of the Commonwealth pursuant to 51 Pa. C.S. § 508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency disaster proclamation, such individuals and units of the Pennsylvania National Guard, for missions designated by the Pennsylvania Emergency Management Agency, as are needed to address the consequences of the aforementioned emergency.

FURTHER, I authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel in whatever manner he deems necessary during this emergency to assist the actions of the Pennsylvania Emergency Management Agency in addressing the consequences of the emergency.

FURTHER, I hereby authorize the Secretary of the Pennsylvania Department of Health, in her sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Health is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.

FURTHER, I hereby authorize the Secretary of the Pennsylvania Department of Education, in his sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Education is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.

FURTHER, if investigations made on my behalf determine that the Commonwealth needs greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers involved in emergency activities during this emergency, I hereby direct the Commonwealth Department of Transportation to waive or suspend any laws or federal or state regulations related to the drivers of commercial vehicles.

FURTHER, I hereby direct that the applicable emergency response and recovery plans of the Commonwealth, counties, municipalities and other entities be activated as necessary and that actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency.

STILL FURTHER, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirement excepted.



GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this sixth day of March in the year of our Lord two thousand twenty, and of the Commonwealth the two hundred and forty fourth.

Tom Wolf
TOM WOLF
Governor

Exhibit B



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

1251 Waterfront Pl, Level M
Pittsburgh, PA 15222
Phone: (412) 880-0475
nsmyth@attorneygeneral.gov

March 27, 2020

Sent Via Email

Branly Morel, Manager
M & B Multiservices Inc
eandm_multiservices@yahoo.com

Re: * * * * * CEASE AND DESIST LETTER AND SUBPOENA * * * * *
Issued by the Commonwealth of Pennsylvania, Office of Attorney
General, to M & B Multiservices Inc, concerning possible violations of
the Pennsylvania Unfair Trade Practices and Consumer Protection
Law and the Pennsylvania Price Gouging Act – Inv. No. BCP-20-10-
000133

Dear Manager:

Please be advised that, pursuant to our duty to investigate deceptive and unfair trade practices, the Commonwealth of Pennsylvania Office of Attorney General (hereinafter the "Commonwealth") is reviewing the business practices of M & B Multiservices Inc at 5412 Hawthorne St Philadelphia, PA 19124 (hereinafter, "M&B"). During the course of our ongoing review, we have thus far noted that M&B may not have complied with certain provisions of the *Unfair Trade Practices and Consumer Protection Law*, 73 P.S. § 201-1 *et seq.* (hereinafter the "Consumer Protection Law") and the *Pennsylvania Price Gouging Act*, 73 P.S. § 232.1, *et seq.* (hereinafter the "Price Gouging Act").

This letter will serve as notice that M&B must comply with all provisions of the Consumer Protection Law and the Price Gouging Act. These laws prohibit, among other things, selling or offering to sell consumer goods and services at unconscionably excessive prices during periods of disruption in the marketplace as well as engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding. *See generally* 73 P.S. § 232.4; 73 P.S. § 201-2(4)(xxi).

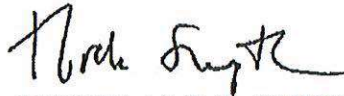
Specifically, our review has thus far uncovered evidence that M&B may have sold and/or offered to sell PURELL Advanced Green Certified Instant Hand Sanitizer Gel, 8Oz Pump Bottle, Clear, Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle, , and other products to consumers during a state of declared emergency at a price deemed excessive by law. Consequently, the Commonwealth believes that M&B may have violated, among other things, Section 232.4 of the Price Gouging Act and Section 201-2(4) of the Consumer Protection Law. **M&B IS TO CEASE THESE BUSINESS PRACTICES IMMEDIATELY.**

Should the Commonwealth determine that M&B has conducted business in violation of the Price Gouging Act and/or the Consumer Protection Law, we will consider the violation to be willful and shall pursue all available legal remedies. Please be further advised that, pursuant to these laws, the Commonwealth may bring an action seeking, among other relief, the imposition of a civil penalty up to \$1,000 per violation of the Consumer Protection Law (\$3,000 if the consumer is age 60 or older) and up to \$10,000 per violation of the Price Gouging Act.

In order to further facilitate its review, the Commonwealth is issuing the enclosed Subpoena under the authority granted to the Attorney General by Section 232.5 of the Price Gouging Act. **We ask that M&B produce and/or cause to be delivered via E-mail to Assistant Director Nicholas Smyth at nsmyth@attorneygeneral.gov, by no later than April 3, 2020, any and all information and documents requested in the enclosed Subpoena.**

Thank you in advance for your anticipated cooperation.

Sincerely,



NICHOLAS F. B. SMYTH

*Assistant Director for Consumer Financial
Protection*

NFS/mh
Enclosure

**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL**

20-089-NFS/JDG

IN THE MATTER OF:

M & B MULTISERVICES INC
Inv. No. BCP-20-10-000133

SUBPOENA

TO:

Branly Morel, Manager
M & B Multiservices Inc
eandm_multiservices@yahoo.com
5412 Hawthorne St
Philadelphia, PA 19124

YOU ARE HEREBY DIRECTED to produce, deliver or cause to be delivered, via E-mail to Assistant Director Nicholas Smyth at nsmyth@attorneygeneral.gov, no later than the close of business on **April 3, 2020** the following information and/or documents relating to **M & B Multiservices Inc** at **5412 Hawthorne St Philadelphia, PA 19124** (hereinafter "Respondent"). For those documents and/or information responsive to paragraphs c, d, f and g, please further delineate the period from February 28, 2020 to present:

- a. A list of all business names used by Respondent and the type of entity (*i.e.*, corporation, partnership, sole proprietorship) through which Respondent does business;
- b. Any and all documents, or a list which may be prepared and submitted in lieu thereof, indicating the names and addresses of all contractors, sub-contractors, representatives or agents used or consulted to provide Respondent with PURELL Advanced Green Certified Instant Hand Sanitizer Gel, 8Oz Pump Bottle, Clear, Purell Advanced Formula Green Certified Hand Sanitizer, Gel 8 oz Pump Bottle, , and [list other products] (hereinafter, "Relevant Products") to be sold by Respondent for the period from January 15, 2020 to present;

- c. True and correct copies of any and all advertised and promotional materials/literature of Respondent distributed or made available to the public in any medium including, but not limited to, newspaper, periodicals, magazines, telephone directories, leaflets, brochures, postcards, mailers, television, radio, direct mail, flyers, signs, Internet, social media, websites and the like relating to the offer for sale and the sale of Relevant Products by Respondent for the period from January 15, 2020 to present;
- d. Representative copies of any and all documents and forms currently used and/or which were used for the period from January 15, 2020 to present including, but not limited to, invoices, contracts, receipts, warranties, and guarantees; including copies of all documents provided to consumers by Respondent's employees, representatives or agents who enter into contracts for Relevant Products offered for sale and sold by Respondent;
- e. Any and all documents related to Respondent's policies regarding fees, deposits, payments, and refunds for the period from January 15, 2020 to present, including but not limited to those which are given and/or expressed to consumers;
- f. Any and all documents, or a list which may be prepared and submitted in lieu thereof, setting forth the total amount of units of Relevant Products sold during the period from January 15, 2020 to present. For each unit of Relevant Products sold, please include the sales receipt and any additional information and documents related to the manufacturer, model number, date of sale, price paid by the consumer for the Relevant Products, price paid by the consumer for any additional fees associated with the sale (including, but not limited to, shipping fees and/or processing fees) and the physical or electronic location from which the purchase was made;
- g. Any and all documents, and a written explanation, evidencing and setting forth the reason(s), if any, why Respondent's prices for Relevant Products rose during the period from January 15, 2020 to present;
- h. Any and all documents, or a list which may be prepared and submitted in lieu thereof, setting forth all parties involved in Respondent's chain of distribution for the sale and resale of Relevant Products to consumers during the period from January 15, 2020 to present, including any manufacturer, supplier, wholesaler, distributor or retail seller. Please provide the names, addresses, telephone numbers and contact persons for each identified party;
- i. Provide representative copies of any and all documents, including, but not limited to, correspondence, e-mails, notes, memoranda or other documents, related in any way to any and all complaints or claims by consumers or any consumer mediation agency, oral or written, describing and/or otherwise involving dissatisfaction with Respondent's charging excessive prices for Relevant Products for the period from January 15, 2020 to present; for any and all consumers including, but not limited to:
 - i. Complaints or demands regarding refunds;

- ii. Complaints regarding any guarantees or warranties represented or provided by Respondent and/or any of Respondent's agents or employees; and
 - iii. Any and all documents related to any reply or response of Respondent or Respondent's agents or employees to any such complaints or claims;
- j. Documents, or a list which may be prepared and submitted in lieu thereof, setting forth the following information regarding each investigation by a public law enforcement body involving the Respondent for the period from January 15, 2020 to present:
 - i. name of the public law enforcement body and contact person;
 - ii. subject matter of the investigation;
 - iii. date you became aware of the investigation; and
 - iv. status of the investigation.

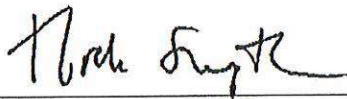
This Subpoena is issued under authority granted to the Attorney General by § 5 of the Act of October 31, 2006, (P.L. 1210), 73 P.S. § 232.5.

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
Attorney General

Dated: March 27, 2020

By:



NICHOLAS F. B. SMYTH
*Assistant Director for Consumer Financial
Protection*

**FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT
IN A SUBPOENA ENFORCEMENT ACTION BEING FILED
AGAINST YOU PURSUANT TO 73 P.S. § 232.5(b).**

Exhibit C

RE: URGENT Subpoena from the PA Office of Attorney General

eandm_multiservices [eandm_multiservices@yahoo.com]

Sent: Thursday, April 16, 2020 1:40 PM**To:** Smyth, Nicholas F.B.

To whome it may concern , I just received this email. I see the matter is serious and the last thing I want or need is to have any more problems. I basically bought the purell at an expensive price on letgo and OfferUp . At the time it was not a state of emergency , everything was normal and I did not know that I couldn't buy at a price and sell at a higher price,I myself purchased face mask for me and my family at 130 dollars for 100. I thought it was normal, I looked at it like when I go to a baseball game and pay more due to the seats.I posted and 2 days later read a posting that people where complaining. I immediately stopped selling and refunded all whome complained. My current situation...I had a small business that I had to close because it was a non essential business. I also had a barbershop that I also closed. I have NO MONEY. I have no idea what I am going to do. I can not afford the rent on ether location and I can't pay rent where I live. I have 6 kids and all day I look for where I can get food and try to survive this crisis. I also have a car I haven't been able to pay, I am loosing everything. I am very sorry for any harm caused and I swear to God that I did my best to repair the situation. I apologise and long before the cease and desist I had stopped. PLEASE FORGIVE ME AND KNOW THAT I AM ALREADY PAYING A HIGH PRICE DUE TO MY STUPIDITY!.

Sent via the Samsung Galaxy S10+, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: "Smyth, Nicholas F.B." <nsmyth@attorneygeneral.gov>

Date: 4/16/20 11:54 AM (GMT-05:00)

To: eandm_multiservices@yahoo.com

Subject: URGENT Subpoena from the PA Office of Attorney General

Dear M&B Multiservices,

My office sent you a subpoena on March 27, 2020, with a response deadline of April 3, 2020. We have not received a response from you. If you sent us a response, please resend it to this email address as soon as possible.

If you do not respond to the subpoena or to this email, we may file an enforcement action against you for violations of the price gouging law.

Regards,

Nicholas F. B. Smyth

Office of Attorney General

412-260-8342

The information transmitted is intended only for the person or entity to whom it is addressed

Case ID: 200801718

7/31/20, 1:30 PM

and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of any applicable attorney-client or any other applicable privilege. PA-OAG

This message has been scanned for malware by Websense. www.websense.com

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