

**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**

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Attorney for Plaintiff

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

COMMONWEALTH OF PENNSYLVANIA :

By :

Attorney General Josh Shapiro :

Plaintiff :

v. :

INTERNET HOBBIES, LLC :

504 Business Route 6 :

Mayfield, PA 18433 :

and :

HOBBY MODELS, LLC :

504 Business Route 6 :

Mayfield, PA 18433 :

and :

DALE BRUNER :

individually, and as a Managing Member of :

Internet Hobbies, LLC and Hobby Models, LLC :

P.O. Box 235 :

South Canaan, PA 18459 :

5109 Term, 2021

No. _____

CIVIL ACTION – EQUITY

MAURIE B. KELLY
LACKAWANNA COUNTY
2021 NOV 23 PM 1:00
RECORDS OF JUDICIAL
RECORDS CIVIL DIVISION

and :
:
DIANE BRUNER :
individually, and as a Managing Member of :
Internet Hobbies, LLC and Hobby Models, LLC :
P.O. Box 235 :
South Canaan, PA 18459 :
:
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 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

**Lackawanna Bar Association
233 Penn Ave
Scranton, PA 18503
(570) 969-9161
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 paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar 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 IMMEDIATAMENTE. 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 Lackawanna
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CIVIL ACTION - EQUITY

MAURIE B. KELLY
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1 NOV 23 P 1:00
CLERKS OF JUDICIAL
RECORDS CIVIL DIVISION

Defendants

:
:
:

COMPLAINT

AND NOW, comes the Commonwealth of Pennsylvania, acting by Attorney General Josh Shapiro (“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 Attorney General Josh Shapiro, with offices located at 1600 Arch Street, Third Floor, Philadelphia, Pennsylvania 19103 and 15th Floor, Strawberry Square, Harrisburg, Pennsylvania 17120.

4. Defendant Internet Hobbies, LLC (“Internet Hobbies” and/or “Defendant” and/or collectively as one of the “Defendants”) is registered as a Pennsylvania limited liability company with the Pennsylvania Department of State, Bureau of Corporations and Charitable Organizations: Corporations Section (“Corporations Bureau”), with a registered business address listed as “Corporation Service Company Dauphin.” Corporation Service Company, the registered agent for Defendant Internet Hobbies, lists on its website a Pennsylvania registered address of 2595 Interstate Drive, Suite 103, Harrisburg, Pennsylvania 17110. On the “Contact Us” page on its website, Defendant Internet Hobbies lists its address as 504 Business Route 6, Mayfield, Pennsylvania 18433.

5. Defendant Hobby Models, LLC (“Hobby Models” and/or “Defendant” and/or collectively as one of the “Defendants”) is registered as a Pennsylvania limited liability company with the Corporations Bureau, with a registered business address of 2269 Easton Turnpike, South Canaan, Pennsylvania 18459. On the “Contact Us” page on its website, Defendant Hobby Models lists its address as 504 Route 6, Mayfield,

Pennsylvania 18433. Defendant Hobby Models' website also lists an address of P.O. Box 235, South Canaan, Pennsylvania 18459.

6. Defendant Dale Bruner ("Dale Bruner" and/or "Defendant" and/or collectively as one of the "Defendants") is an adult individual and a managing member of Defendants Internet Hobbies and Hobby Models with a mailing address of P.O. Box 87, South Canaan, Pennsylvania 18459.

7. Defendant Diane Bruner ("Diane Bruner" and/or "Defendant" and/or collectively as one of the "Defendants") is an adult individual and a managing member of Defendants Internet Hobbies and Hobby Models with a mailing address of P.O. Box 87, South Canaan, Pennsylvania 18459.

BACKGROUND

8. At all times relevant and material hereto, Defendants engaged in trade and commerce in the Commonwealth of Pennsylvania by operating online hobby model retail stores. Defendants market, advertise and sell model airplanes, cars, trains, and the like—as well as related merchandise—to consumers through the Internet from the websites www.internethobbies.com and www.hobbymodels.com, respectively.

9. At all times relevant and material hereto, the address of the registered owner of the domain names www.internethobbies.com and www.hobbymodels.com is/was P.O. Box 87, South Canaan, Pennsylvania 18459, the same as the mailing address for both Defendants Dale and Diane Bruner.

10. At all times relevant and material hereto, Defendant Dale Bruner is and has been the Owner of Defendants Internet Hobbies and Hobby Models.

11. At all times relevant and material hereto, Defendant Dale Bruner 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 entities Internet Hobbies, LLC and Hobby Models, LLC, respectively. Specifically, Defendant Dale Bruner played an active role in the day-to-day operations of those entities. Among other things, Defendant Dale Bruner, in certain instances, directly communicated with consumers regarding the status of their orders and/or the resolution of consumer complaints regarding outstanding orders.

12. The unlawful acts and practices of Defendants Internet Hobbies and Hobby Models were carried out pursuant to Defendant Dale Bruner's direction and control, and Defendant Dale Bruner directly participated in such unlawful acts and practices.

13. At all times relevant and material hereto, Defendant Diane Bruner also 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 entities Internet Hobbies, LLC and Hobby Models, LLC. Specifically, Defendant Diane Bruner played an active role in the day-to-day operations of Defendants. Among other things, Defendant Diane Bruner, in certain instances, directly communicated with consumers regarding the status of their orders and/or the resolution of consumer complaints regarding outstanding orders.

14. Defendants also conducted and/or are conducting business by operating online hobby model retail stores under numerous other names including, but not limited to, "Hobby Wheels," "Hobby Rails," "Hobby Book Depot," "Red Star Hobbies,"

“Military Model Depot,” “Model Airplane Depot,” “Model Railroad Depot,” “Model Ship Depot,” “www.takom-military.com,” “Gundam World Online,” “Model Kit Closeouts,” and “Model Train Closeouts,” none of which are registered as fictitious names with the Corporations Bureau. Defendants have operated and/or are operating a separate website for each of these unregistered businesses and each active website’s “Contact Us” section and/or website domain information lists the business’s mailing address as either 504 Route 6, Mayfield, Pennsylvania 18433, 2269 Easton Turnpike, South Canaan, Pennsylvania 18459, P.O. Box 235, South Canaan, Pennsylvania 18459, or P.O. Box 87, South Canaan, Pennsylvania 18459, four addresses extensively linked with Defendants. A true and correct copy of a collection of the active websites’ “Contact Us” sections is attached hereto and incorporated herein as Exhibit A.

15. At all times relevant and material hereto, Defendants Dale and Diane Bruner also approved, endorsed, directed, ratified, controlled and/or otherwise participated in the conduct alleged herein and the practices and operations conducted by and under the aforementioned unregistered business entities.

FACTS

16. In a typical consumer transaction with Defendants, a consumer views available products via the online catalog on one of Defendants’ websites. When a consumer clicks on an available product, the consumer is able to see an estimated shipping time for the product—often 1-2 or 2-3 business days. In certain rare instances, instead of an estimated shipping time, the website will show the product as “Back Order” or “Out of Stock.” In many instances, however, contrary to a reasonable inference, even where an estimated shipping time is shown, the item is actually out of stock and the

actual shipping time is either entirely unknown or far exceeds the estimate clearly displayed on Defendants' websites. Moreover, the consumer often has no way of knowing the item is out of stock until *after* the order is already placed and paid for.

17. Shortly after the consumer completes an online order form and makes electronic payment via the website, Defendants send an email to the consumer confirming that the order has been entered into Defendants' "order processing department." A true and correct copy of one such confirmation email, redacted of personal identifiable information, is attached hereto and incorporated herein as Exhibit B.

18. Although the confirmation email refers the consumer to the website's "About Us" section, which states that shipping times are estimates, there is no indication, prior to purchase, that the consumer should review this totally separate section. That is, only after a consumer places their order do Defendants send the consumer an email explaining that "the shipping times shown on the product pages are...not an indication the item is in stock" and referring the consumer to the "About Us" section. See Ex. B. Further, as set forth in greater detail below, Defendants often completely fail to ship orders, or ship them in time frames that come nowhere close to the listed estimates.

19. In certain instances, Defendants advertised products as being "in stock" and thus available for immediate shipping, when in fact the products were out of stock and unavailable for immediate shipping, if available at all.

20. In certain instances, consumers placed—and paid for in full—orders that they did not receive until at least several months after the stated shipping time on one of Defendants' websites.

21. In certain instances, consumers placed—and paid for in full—orders that they never received.

22. In certain instances, consumers placed an order for multiple items but, when the consumer finally received the order, certain items were missing and the order was incomplete.

23. Although Defendants' websites promised that all emails regarding delayed orders would be answered within 48 hours, in certain instances, when consumers contacted one or more of the Defendants via email to inquire as to the status of the consumers' order(s), Defendants failed to respond to the inquiries.

24. In certain instances, Defendants Dale and Diane Bruner personally handled, via email and/or telephone, consumer questions, complaints, and refund requests for Defendants Internet Hobbies and Hobby Models.

25. In certain instances, Defendants Dale and Diane Bruner personally refused to provide refunds to consumers who paid in full but never received their orders.

26. In other instances, Defendants informed consumers that they had been provided refunds but when the consumers checked their accounts, they learned that the refunds were never sent.

27. In certain instances, Defendants Dale and Diane Bruner personally made promises and assurances to consumers that their complaints regarding undelivered and/or incomplete orders would be resolved and the issues would be remedied, but then failed to resolve the complaints and/or remedy the issues about which consumers complained.

28. 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.

29. Despite Defendants' consistent and repeated inability to deliver goods for which consumers paid in full, Defendants have continued to solicit orders and accept payment from consumers via their websites. Although certain undelivered orders remain outstanding dating back to at least September 2017, Defendants' websites remain active and Defendants have continued to offer goods for sale and accept payment from consumers as of the filing of the herein Complaint. A true and correct copy of a portion of the online product catalog on Defendant Internet Hobbies' website, as of November 19, 2021, with listings of available products, is attached hereto and incorporated herein as Exhibit C.

30. The Office of Attorney General, Bureau of Consumer Protection ("Bureau") has received numerous consumer complaints against Defendants. The following are examples of what has been alleged in certain complaints submitted by consumers to the Bureau:

- a. In early October 2019, a Huntingdon County, Pennsylvania consumer placed an order with Defendant Hobby Models for three items totaling \$118.08 and made payment via Defendant's website. One of the items was a pre-order which Defendant's website said would be shipped later that month. After approximately two months passed without the order being received, the consumer sent an email to Defendants asking to cancel his order. On December 20, 2019 (a Friday), the consumer received an email from HobbyModels.com (although signed "Internet Hobbies, LLC") stating "We have [the items] coming in on Monday and will immediately ship them out to you." A true and correct copy of a portion of this email

correspondence from Defendant Hobby Models to the consumer, redacted of personal identifiable information, is attached hereto and incorporated herein as Exhibit D. The consumer never received the order, nor a refund, and filed complaints with both the Commonwealth and the Better Business Bureau. As part of its mediation process, the Commonwealth sent a copy of the consumer's complaint to Defendant Hobby Models. In response, Defendant included a copy of the same email attached here as Exhibit D, except with an additional sentence at the end of the email, reading "Please let us know if you want these items." A true and correct copy of this version of the email correspondence from Defendant Hobby Models to the consumer, redacted of personal identifiable information, is attached hereto and incorporated herein as Exhibit E. According to the consumer, the original email did not contain this additional sentence, and Defendants added that line only *after* sending the original email to the consumer, as a way to intentionally mischaracterize the prior correspondence. To date, Defendants never delivered the missing products and never refunded the consumer's \$118.08 in undelivered items and shipping fees.

- b. On or about April 29, 2020, a disabled senior citizen consumer residing in low-income senior housing in California placed the first of five orders for different model kits with Defendant Internet Hobbies. Across the five orders—placed between April 29, 2020 and May 17, 2020—the consumer ordered ten model kits and made each payment through Defendant's website. Only one of the five orders was delivered as promised; two of the orders were missing items and two of the orders were never delivered at all. The consumer paid a total of \$453.19 for the four incomplete or undelivered orders, including shipping fees of up to \$36.95 per order. The consumer emailed Defendant Internet Hobbies in late June 2020 to inquire as to the status of his order. He was told that his most recent order was ready to be shipped but he did not receive it until approximately a month later and, when he did, the order was missing certain items. To date, the

consumer has received only five out of the ten total kits that he ordered. He has since tried to contact Defendants via telephone on numerous occasions and, despite leaving several messages, he has never received a response. To date, Defendants never delivered the missing products and never refunded the consumer's \$302.56 in undelivered items and shipping fees.

- c. On January 31, 2018, a senior citizen consumer residing in Kansas placed an online order with Defendant Internet Hobbies for two Walthers model train engines and made payment in the amount of \$495.17 via Defendant's website. On July 15, 2020, after never receiving the order, the consumer reached out to Defendant via email and through their website numerous times but, despite Defendant's website promising that all emails would be answered within 48 hours, the consumer received no response. On August 11, 2020, after receiving no response from Defendant Internet Hobbies, the consumer reached out to the CEO of Walthers directly. Walthers contacted Defendant Dale Bruner, who in turn reached out to the consumer and promised to make things right. The consumer was offered a store credit and was told by Dale Bruner personally to select the new items to which he wanted his credit applied. When the consumer selected the new items to order, he notified Dale Bruner via email. After the consumer received no response, he reached out to Dale Bruner via telephone and again was assured he would be taken care of. The consumer has since tried numerous times to contact Defendants Internet Hobbies and Dale Bruner but has received no response. The consumer never received the items, nor a refund, and seeks a refund for \$495.17, plus an additional \$111.60 he had in existing store credit (for previously unfulfilled and voided orders), for a total refund of \$606.77.
- d. On February 21, 2020, a senior citizen consumer residing in Australia placed an order for five model planes from Defendant Internet Hobbies

and made payment in the amount of \$122.30 via Defendant's website. However, the consumer only received a partial, incomplete order, as one of the model planes was not delivered. On March 1, 2020, the consumer requested that Defendants issue a refund for the missing item. On March 3, 2020, the consumer received an email from Defendant Diane Bruner stating, "we said we would [issue a refund] and it can take 7 days to reflect in your account." After the consumer communicated that he would rather return the partial order and get a full refund, Diane Bruner responded that "we will take care of all refunds when we receive the merchandise returned." A true and correct copy of a portion of the email correspondence between the consumer and Defendant Diane Bruner is attached hereto and incorporated herein as Exhibit F. On March 30, 2020, the consumer returned the four planes via UPS and they were signed for by "BBRUNER." After numerous subsequent emails and no refund issued, Defendants expressed to the consumer that a refund was not possible due to "the credit card company" but that the consumer could have a credit to order additional items. The consumer picked out the additional items and asked Defendants how much it would cost to ship to Australia, but Defendants never responded. To date, Defendants never delivered the items and never refunded the consumer's \$122.30.

- e. On July 29, 2020, a consumer residing in Puerto Rico purchased several model ships from Defendant Internet Hobbies and paid \$257.02 via Defendant's website. According to Defendant's website, the shipping time on the order was 2-3 days. On August 11, 2020, the consumer received a partial order but one of the items—for which the consumer paid \$126.99, including shipping—was missing. On October 2, 2020, when the consumer reached out to Defendants to inquire as to the outstanding item, Defendants replied "How many times do we have to tell you we are shipping it to you." To date, Defendants never delivered the missing products and never refunded the consumer's \$126.99 in undelivered items

and shipping fees.

31. The Commonwealth believes and therefore avers that there may be additional consumers who have not submitted complaints to the Bureau 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.

32. 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 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 AS TO
ALL DEFENDANTS**

**DEFENDANTS FAILED TO DELIVER PRODUCTS AS PROMISED AND
FAILED TO PROVIDE REFUNDS TO CONSUMERS**

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

34. In certain instances, Defendants advertised products as being “in stock” and thus available for immediate shipping, when in fact the products were out of stock and unavailable for immediate shipping, if such products were available at all.

35. In certain instances, Defendants solicited and accepted orders via their websites but never shipped the orders at all.

36. For instance, the consumer whose narrative is described in paragraph 30.c., herein above, ordered two model train engines from Defendant Internet Hobbies and paid \$495.17. To date, however, Internet Hobbies never delivered the items—nor

provided a refund to the consumer—despite verbal and written assurances from Defendant Dale Bruner that the items would be shipped.

37. In another instance, the consumer whose narrative is described in paragraph 30.a, herein above, ordered several items from Defendant Hobby Models and was initially told the order would be shipped later that month. After several months passed, Defendants finally informed the consumer that they would ship the order immediately. To date, however, Hobby Models never delivered the items—nor provided a refund to the consumer.

38. In certain instances, Defendants solicited and accepted orders via their websites but, despite representing to consumers that items would ship in an estimated 1-2 or 2-3 days, did not ship orders until several months had passed, if at all.

39. For instance, the consumer whose narrative is described in paragraph 30.e., herein above, ordered several models from Defendant Internet Hobbies. According to Defendant's website, the shipping time on the order was 2-3 days. Although the consumer received a partial order approximately two weeks later, Defendants never shipped the remaining item, despite assurances for months that it would be shipped.

40. 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.

41. Despite Defendants' consistent and repeated inability to deliver goods for which consumers paid in full, and Defendants' acknowledgment of that inability, Defendants have continuously solicited new orders and accepted payment from consumers via their websites.

42. Although certain undelivered orders remain outstanding dating back to at least September 2017, Defendants' websites remain active.

43. In certain instances, Defendants informed consumers that they had been provided refunds but when the consumers checked their accounts, they learned that the refunds were never sent.

44. 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 canceled and their monies refunded.

45. For instance, the consumer whose narrative is described in paragraph 30.d., herein above, ordered five model kits from Defendant Internet Hobbies but received only some of the items that he had ordered and for which he had paid in full, so he requested a refund. Defendant Diane Bruner, via email correspondence with the consumer, promised that a refund would be provided once the consumer sent the partial order back to Defendants. To date, however, Internet Hobbies never provided a refund to the consumer despite the partial order having been returned to Defendants and signed for by the company.

46. 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 a sponsorship,

- approval, status, affiliation or connection that he does not have;
- b. Section 201-2(4)(ix), advertising goods or services with intent not to sell them as advertised;
 - c. Section 201-2(4)(x), advertising goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;
 - d. 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
 - e. 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), (ix), (x), (xix), and (xxi).

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

48. 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 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 Dollars (\$1,000.00) for each violation of the Consumer Protection Law, and Three Thousand Dollars (\$3,000.00) for each violation of the Consumer Protection Law involving consumers aged sixty (60) or older.

E. 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.

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, to consumers located in Pennsylvania.

G. 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.

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

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
AS TO ALL DEFENDANTS

DEFENDANTS FAILED TO REGISTER FICTITIOUS NAMES

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

50. Section 303(b) of the *Fictitious Names Act*, 54 Pa.C.S.A. § 301, *et seq.* (“Fictitious Names Act”), mandates that “any entity which . . . conducts any business in this Commonwealth under or through any fictitious name shall register the fictitious name under this chapter and shall amend such registration whenever necessary to maintain the accuracy of the information disclosed thereby.” 54 Pa.C.S.A. § 303(b). A “fictitious name” is defined as “[a]ny assumed or fictitious name, style or designation other than the proper name of the entity using such name.” 54 Pa.C.S.A. § 302(a).

51. Defendants conducted and/or are conducting business by operating online hobby model retail stores under numerous other names including, but not limited to, “Hobby Wheels,” “Hobby Rails,” “Hobby Book Depot,” “Red Star Hobbies,” “Military Model Depot,” “Model Airplane Depot,” “Model Railroad Depot,” “Model Ship Depot,” “www.takom-military.com,” “Gundam World Online,” “Model Kit Closeouts,” and “Model Train Closeouts,” none of which are registered as fictitious names with the Corporations Bureau.

52. Defendants have operated and/or are operating a separate website for each of these unregistered businesses and each website's "Contact Us" section and/or website domain information lists the business's mailing address as either 504 Route 6, Mayfield, Pennsylvania 18433, 2269 Easton Turnpike, South Canaan, Pennsylvania 18459, P.O. Box 235, South Canaan, Pennsylvania 18459, or P.O. Box 87, South Canaan, Pennsylvania 18459, four addresses extensively linked with Defendants. See Ex. A.

53. Defendants confuse consumers by using the registered business entities, Internet Hobbies, LLC and Hobby Models, LLC, to process credit card payments for transactions involving the unregistered businesses.

54. Defendants mislead and confuse consumers as to the status of the unregistered businesses.

55. 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)(ii), causing likelihood of confusion or misunderstanding as to the source, sponsorship, approval or certification of goods or services;
- (b) Section 201-2(4)(iii) causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, 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)(ii), (iii), and (xxi).

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

57. 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 their behalf, directly or indirectly, from violating the Consumer Protection Law and the Fictitious Names Act, 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 Dollars (\$1,000.00) for each violation of the Consumer Protection Law, and Three Thousand Dollars (\$3,000.00) for each violation of the Consumer Protection Law involving consumers aged sixty (60) or older.

E. 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.

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, to consumers located in Pennsylvania.

G. 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.

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

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: November 23, 2021

By: _____



JAMES S. WISE
Senior Deputy Attorney General
PA Attorney I.D. No. 314913
Commonwealth of Pennsylvania
Office of Attorney General
1600 Arch Street, Third Floor
Philadelphia, Pennsylvania 19103
Telephone: (215) 560-2414

Facsimile: (215) 560 2494
Email: jwise@attorneygeneral.gov

VERIFICATION

I, Lauren Oleckna, hereby state that I am a Consumer Protection Agent with the Office of Attorney General, Bureau of Consumer Protection, and am authorized to make this verification on behalf of the Plaintiff in the within action. I hereby verify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge or information and belief.

I understand that the statements contained herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: November 23, 2021

J. Oleckna

Lauren Oleckna

EXHIBIT A

Tichy Train Group

Viessmann Modellspielwaren

Vollmer

Walthers Trains

Walthers Layout Control System

Woodland Scenics

Contact Us

Hobby Rails

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2269 Easton Turnpike
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Red Star Hobbies

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South Canaan, PA 18459

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CONTACT INFORMATION

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P.O. Box 235
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Voice: 855-204-0006
Customer Service Email: admin@gundamworldonline.com

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EXHIBIT B

**Order IH-12247 confirmed**

1 message

Internet Hobbies <no-reply@shopify.com>

Mon, Sep 7, 2020 at 3:52 PM

Reply-To: Internet Hobbies <internethobbies@aol.com>

To: [REDACTED]

Internet Hobbies

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AK Interactive 1945 German Late War Acrylic Paint Set
(6 Colors) 17ml Bottles × 1


\$22.94

HK Models 1/48 B17G Flying Fortress Heavy Bomber
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\$119.99

1/25/2021

Gmail - Order IH-12247 confirmed

Discount	 LABOR2020	-\$42.87
Subtotal		\$100.06
Shipping		\$15.00
Taxes		\$0.00

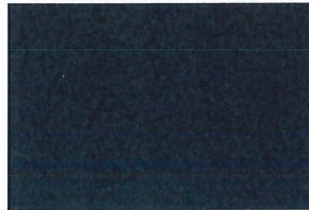
Total	\$115.06 USD
	You saved \$42.87

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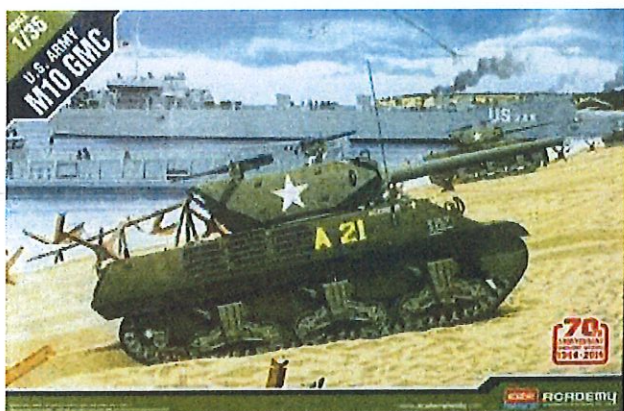
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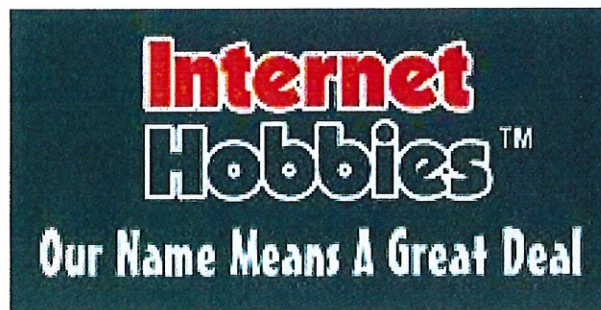
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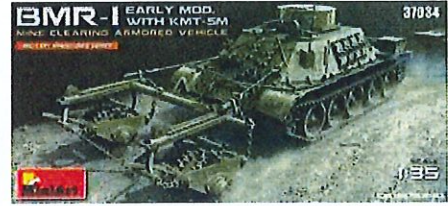


EXHIBIT D

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We received your email concerning the Ford Vic. We also found out that the Paragrafix item you ordered is also available. We have them coming in on Monday and will immediately ship them out to you.

Internet Hobbies, LLC

EXHIBIT E

[REDACTED]

From: Owner <admin@hobbymodels.com>
Sent: Friday, February 7, 2020 9:52 AM
To: [REDACTED]
Subject: BCP-20-05-002187



Dear [REDACTED]:

RE: BCP-20-05-002187

[REDACTED]

I am in receipt of this complaint. We sent an email to this customer in December advising him what we could ship and asking for a response. (Copy of email below) We heard nothing until he filed a chargeback with his credit card company which we received on 2/2/20.

As for his comments about complaints with the BBB – we have found that these complaints were filed by a competitor and even though we have notified the BBB they do not take any action so responding is useless. Since we have been in business for many years his comments about our business being a scam are false and, in fact, we may pass this on to our attorney. A business has no recourse against these kind of false accusations except by legal means.

As an aside, he could have always reached us by phone. We never heard from him as I said above so we did not stop answering him. We never heard from him.


Please confirm receipt of this answer and we would like a response.

Thank you.

Hobby Models LLC

Our email to him:

HobbyModels.com

 We received your email concerning the Ford Vic. We also found out that the Paragrafix item you ordered is also available. We have them coming in on Monday and will immediately ship them out to you. Please let us know if you want these items.

Internet Hobbies, LLC

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

EXHIBIT F

Diane Bruner

Internet Hobbies 18 March 2020 at 11:15 pm

OB

Re: Lack of courtesy re Order IH-7605

To: [REDACTED]

We will take care of all refunds when we receive the merchandise returned.

Internet Hobbies LLC