

STATE OF INDIANA
IN THE MARION COUNTY CIRCUIT/SUPERIOR COURT

CAUSE NO. _____

STATE OF INDIANA,

Plaintiff,

v.

TRAFFIC JAM EVENTS, LLC,

Defendant.

**COMPLAINT
FOR INJUNCTION,
RESTITUTION, CIVIL
PENALTIES, AND COSTS**

I. INTRODUCTION

1. The State of Indiana, by Attorney General Curtis T. Hill, Jr. and Deputy Attorney General Mark M. Snodgrass, commences this civil action under the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1 *et seq.*, and the Indiana Promotional Gifts and Contests Act, Ind. Code § 24-8-1 *et seq.* for injunctive relief, consumer restitution, civil penalties, costs, and other relief.
2. The Defendant, Traffic Jam Events, LLC, contracted with numerous Indiana motor vehicle dealers to run sales promotions. As part of each promotion, Traffic Jam Events, LLC would send mailings to thousands of Indiana consumers representing the recipients had won a specific prize, such as \$5,000.00, an iPad or \$500 gift card. The mailings did not contain proper disclosures as required by Indiana law. The recipients of the mailings were then directed to the sponsoring dealership to claim their prize. Once at the dealership, the Defendant subjected recipients to a sales pitch soliciting the

purchase of a motor vehicle. The recipients of the mailings were eventually awarded their “prizes,” typically \$5.00 gift cards. The Defendant’s misrepresentations and actions are unfair, abusive, and deceptive, and constitute violations of Indiana’s Deceptive Consumer Sales Act and Promotional Gifts and Contests Act.

II. PARTIES

3. The Plaintiff, the State of Indiana, is authorized to bring this action and to seek injunctive and other statutory relief under Ind. Code § 24-5-0.5-4(c).
4. The Defendant, Traffic Jam Events, LLC (“Traffic Jam Events”), is a foreign limited liability company engaged in the business of automotive promotions and marketing, with a principal place of business in Louisiana, located at 704 Hickory Avenue, Harahan, Louisiana 70123.
5. At all times relevant to this Complaint, representatives of Traffic Jam Events sent promotional mailings to Indiana consumers, including consumers located in Marion County, and physically participated in and managed sales events at motor vehicle dealerships located in Indiana, including in Marion County.

III. FACTS

1. Background Facts

6. Traffic Jam Events runs promotion and marketing campaigns on behalf of motor vehicle dealerships.

7. At issue for purposes of this Complaint are Traffic Jam Event's promotional prize mailings sent to Indiana recipients and sales events managed by Traffic Jam Events, which occurred at Indiana motor vehicle dealerships.
8. For each staffed sales event promotion, Traffic Jam Events, in collaboration with the sponsoring dealership, designs and sends a prize mailing to several thousand consumers.
9. The purpose of the prize mailings is to lure consumers to the sponsoring dealership under the guise that the recipient won a significant prize. Traffic Jam Events states in advertising on its website directed at potential sponsor dealers that Traffic Jam Events prize mailings will result in "drastically increased traffic during your sales event. Many of these leads would normally be lost as literally hundreds of people visit your showroom with their prize mail piece in hand."
10. Traffic Jam Events employs sales persons to sell their sales events and corresponding prize mailing campaigns to Indiana motor vehicle dealerships.
11. Traffic Jam Events' Sales Training Manual instructs its salespeople to recite the following to prospective sponsor dealerships: "Does the cheaper company run their ads through the AG [Attorney General]? Because we do!"
12. Traffic Jam Events does not run its advertisements or prize mailings through the Indiana Attorney General, nor does Traffic Jam Events obtain any sort of review or approval from the Indiana Attorney General.

13. The prize mailings utilized by Traffic Jam Events typically feature a game piece, usually involving a scratch-off area or pull tab, under which is some form of matching game.
14. The prize mailings represent that the result on the game piece, i.e. matching symbols, codes, etc., is the determinant factor in whether a recipient is the winner of one of the prizes listed on the prize mailings.
15. The game pieces on the prize mailings have no bearing on whether a recipient wins a prize.
16. Each prize mailing for a respective sponsor dealer contains an identical game piece, including identical matching winning numbers, symbols, codes, etc., and declares each recipient a “winner.”
17. The prize mailings identify several prizes which the recipient may have “won,” or alternatively, identifies a specific prize the recipient “won.”
18. The recipient, whom the prize mailing identifies as a “winner,” is then instructed to call a telephone number listed on the prize mailing or to visit a specific website to schedule a time to claim their “prize.”
19. The telephone numbers on the prize mailings are operated by Traffic Jam Events and calls from prize mailing recipients are answered by a live operator.
20. The live operator congratulates the calling prize mailing recipient for “winning” a prize, requests the recipient’s phone number and email address,

and schedules an appointment for the recipient to claim their prize during the sales event at the sponsoring dealership.

21. Alternatively, the recipient may visit a website referenced on the prize mailing to set up a time to claim their “prize.” The website offers personal congratulations and declares the recipient has won a prize. The recipient is then required to input their name, address, phone number, email address, and the specific date and time during the sales event that they will claim their prize.
22. The sales events advertised on prize mailings occur over several days and are staffed by salesman employed or affiliated with Traffic Jam Events.
23. Once a recipient presents their “winning” prize mailing at a sales event, they are greeted by a Traffic Jam staffer and taken to the showroom of the sales event.
24. The Traffic Jam Events staffer then directs the recipient to complete a “Special Event Registration Survey.” This registration requests detailed information about the recipient’s current vehicle, including the payoff amount, monthly payment, identity of persons on the vehicle’s title, and whether the recipients have the vehicle’s title with them. The registration also requests the recipient’s income level, social security number, and the identity of the recipient’s employer.

25. A Traffic Jam Events staffer at the sales event then obtains a credit report based on the recipient's responses to the registration to determine what financing the recipient qualifies for.
26. The sales event staffers then utilize aggressive sales tactics to attempt to convince a recipient to purchase a vehicle at the sales event.
27. The sales event staffer eventually determines what "prize" the recipient won based on the prize mailing in their possession. The determining factor for winning a prize is not the game piece result as represented on the prize mailing, but instead a unique number located outside the game piece elsewhere on the prize mailing in small font.
28. The Defendant utilizes prize mailings that include "winning" game pieces that have no bearing on whether a recipient won a prize in order to mislead and deceive the recipients.
29. Every "prize" recipient in Indiana has received a nominal item of little value, such as a \$5.00 Wal-Mart or McDonald's gift card.
30. No Indiana recipient of a prize mailing from Traffic Jam Events has been awarded any prize other than the nominal, low value item given to every recipient who appears at the sales event.
31. Traffic Jam Events has sent at least 443,020 prize mailings to Indiana recipients.
32. The following are the specific sales events and corresponding prize mailings sent by Traffic Jam Events to Indiana recipients:

2. Specific Indiana Sales Events

A. Andy Mohr Mitsubishi Sales Event

33. In May 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “Authorized Enhanced Trade-In Event” to five thousand (5,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “Authorized Enhanced Trade-In Event” prize mailing is attached and marked as Exhibit A.
34. The sales event advertised on Exhibit A occurred from May 23, 2016 through May 31, 2016, at Andy Mohr Mitsubishi, located at 13927 Trade Center Drive, Fishers, IN 46038.
35. Exhibit A contained a game piece that purported to determine whether a recipient was a winner of \$5,000.00, stating “Scratch, Match & Win.”
36. Recipients of Exhibit A were instructed to scratch off the covering of the game piece to reveal whether there were four “matching amounts” to determine if the recipient was a winner.
37. All 5,000 versions of Exhibit A sent to Indiana recipients contained an identical game piece containing four identical “\$5,000” “matching amounts” and declared each recipient to be a “winner.”
38. The game piece on Exhibit A had no bearing on whether a recipient won a prize.
39. No prizes were awarded at the sales event.

B. Auto Line Indy Sales Event

40. In May 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “\$25,000 Pre-Loaded Money Card Giveaway” to sixty-seven thousand (67,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “\$25,000 Pre-Loaded Money Card Giveaway” prize mailing is attached and marked as Exhibit B.
41. The sales event advertised on Exhibit B occurred from May 18, 2016 through May 28, 2016, at Auto Line Indy, located at 7900 Pendleton Pike, Fishers, IN 46228.
42. Exhibit B contains a game piece that purported to determine whether a recipient was a winner of one of the following prizes: “\$25,000 Pre-Loaded Money Card,” “All-New iPad Pro,” “\$300.00 Shopping Card,” or “\$250.00 Cash in Hand.”
43. Recipients of Exhibit B were instructed to scratch off the covering of their “code” along with the codes for the “prize combinations” on the game piece. Exhibit B stated if the recipient’s code matched one of the “prize combination” codes, then the recipient would be a “winner.”
44. All sixty-seven thousand (67,000) versions of Exhibit B sent to Indiana recipients contained an identical game piece, including an identical matching “code” and “prize combination” declaring each recipient to be a “winner.”
45. The game piece on Exhibit B had no bearing on whether a recipient won a prize.

46. All recipients of Exhibit B who attended the sales event were awarded a “\$300.00 Shopping Card” as their “prize.”

C. Big City Cars Sales Event I

47. In March 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “\$25,000 Giveaway Event” to sixty thousand (60,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “\$25,000 Giveaway Event” prize mailing is attached and marked as Exhibit C.
48. The sales event advertised on Exhibit C occurred from March 16, 2016 through March 26, 2016, at Big City Cars, located at 4910 Lima Road, Ft. Wayne, IN 46808.
49. Exhibit C contains a game piece that purported to determine whether a recipient was a winner of one of the following prizes: “\$25,000 Cash,” “All-New iPad Pro,” “\$300.00 Shopping Card,” or “\$250.00 Cash in Hand.”
50. Recipients were instructed to match their “combination box” numbers to determine if their numbers matched the “official winning code.”
51. All 60,000 versions of Exhibit C had a “combination box” code that matched the “official winning code,” and declared each recipient a winner.
52. The game piece on Exhibit C had no bearing on whether a recipient won a prize.
53. All recipients of Exhibit C who attended the sales event were awarded a “\$300.00 Shopping Card” as their “prize.”

D. Big City Cars Sales Event II

54. In April 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “\$25,000 Wal-Mart Shopping Spree Card Giveaway” to sixty-seven thousand (67,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “\$25,000 Wal-Mart Shopping Spree Card Giveaway” prize mailing is attached and marked as Exhibit D.
55. The sales event advertised on Exhibit D occurred from April 19, 2016, through April 30, 2016, at Big City Cars, located at 4910 Lima Road, Ft. Wayne, IN 46808.
56. Exhibit D contains a game piece that purported to determine whether a recipient was a winner of one of the following prizes: “\$25,000 Wal-Mart Shopping Spree Card,” “All-New iPad Pro,” “up to \$500.00 Wal-Mart Gift Card,” or “\$250.00 Cash in Hand.”
57. Recipients were instructed to scratch-off the game piece included on Exhibit D to determine if their code of numbers matched a “prize combination code” to win.
58. All 67,000 versions of Exhibit D contained a matching code and declared each recipient a winner.
59. The game piece on Exhibit D had no bearing on whether a recipient won a prize.
60. All recipients of Exhibit D who attended the sales event were awarded a \$5.00 Wal-Mart gift card as their “prize.”

61. A \$5.00 Wal-Mart gift card was not one of the prizes explicitly referenced on the front of Exhibit D.
62. No recipient was eligible to win a \$500.00 Wal-Mart gift card, despite the representation on Exhibit D that a \$500.00 Wal-Mart gift card was a potential prize.

E. Blossom Chevrolet Sales Event

63. In May 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled "\$10,000 Giveaway Event" to ten thousand (10,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the "\$10,000 Giveaway Event" prize mailing is attached and marked as Exhibit E.
64. The sales event advertised on Exhibit E occurred from May 10, 2016 through May 16, 2016, at Blossom Chevrolet, located at 1850 N. Shadeland Ave, Indianapolis, IN 46219.
65. Exhibit E contains a game piece that purported to determine whether a recipient was a winner of one of the following prizes: "\$10,000 Cash," "Two (2) New iPad Mini 4s," "McDonalds for Up to One Year," or "\$250.00 Cash in Hand."
66. Recipients were instructed to match the number in their "combination box" game piece included on Exhibit E to determine if their numbers matched the "official winning code."

67. All 10,000 versions of Exhibit E had a “combination box” code that matched the “official winning code” and declared each recipient a winner.
68. The game piece on Exhibit E had no bearing on whether a recipient won a prize.
69. All recipients of Exhibit E who attended the sales event were awarded a \$5.00 McDonald’s gift card as their “prize.”
70. A \$5.00 McDonald’s gift card was not one of the prizes explicitly referenced on the front of Exhibit E.
71. No recipient was eligible to win McDonald’s for one year, despite the representation on Exhibit D that McDonald’s for one year was a potential prize.

F. Mike Anderson Dodge Sales Event

72. In August 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “Authorized Enhanced Trade-In Event” to five thousand (5,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “Authorized Enhanced Trade-In Event” prize mailing is attached and marked as Exhibit F.
73. The sales event advertised on Exhibit F occurred from September 6, 2016 through September 6, 2016, at Mike Anderson Dodge, located at 3527 S. Western Ave, Marion, IN 46953.
74. Exhibit F contains a game piece that purported to determine whether a recipient was a winner of “\$10,000 Cash.”

75. Recipients were instructed to scratch-off the game piece included on Exhibit F to determine if their four "amounts" matched for a chance to win.
76. All 5,000 versions of Exhibit F contained four matching "amounts," declaring each recipient a "winner."
77. The game piece on Exhibit F had no bearing on whether a recipient won a prize.
78. No prizes were awarded at the sales event.

G. Mike Anderson Used Car Superstore Sales Event I

79. In August 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled "\$10,000 Wal-Mart Shopping Spree Card Giveaway" to ten thousand (10,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the "\$10,000 Wal-Mart Shopping Spree Card Giveaway" prize mailing is attached and marked as Exhibit G.
80. The sales event advertised on Exhibit G occurred from August 26, 2016, through August 31, 2016, at Mike Anderson Used Car Superstore, located at 1750 W. Beardsley Ave, Elkhart, IN 46514.
81. Exhibit G contains a game piece that purported to determine whether a recipient was a winner of one of the following prizes: "\$10,000 Wal-Mart Shopping Spree Card," "All-New iPad Pro," "up to \$500.00 Wal-Mart Gift Card," or "\$250.00 Cash in Hand."

82. Recipients were instructed to scratch-off the game piece included on Exhibit G to determine if their code of numbers matched a “prize combination” code to win.
83. All 67,000 versions of Exhibit G contained matching codes and declared each recipient a winner.
84. The game piece on Exhibit G had no bearing on whether a recipient won a prize.
85. All recipients of Exhibit G who attended the sales event were awarded a \$5.00 Wal-Mart gift card as their “prize.”
86. A \$5.00 Wal-Mart gift card was not one of the prizes explicitly referenced on the front of Exhibit G.
87. No recipient was eligible to win a \$500.00 Wal-Mart gift card, despite the representation on Exhibit G that a \$500.00 Wal-Mart gift card was a potential prize.

H. Mike Anderson Used Car Superstore Sales Event II

88. In November 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “\$10,000 Pre-Loaded Instant Money Card Giveaway” to five thousand (5,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “\$10,000 Pre-Loaded Instant Money Card Giveaway” prize mailing is attached and marked as Exhibit H.

89. The sales event advertised on Exhibit H occurred from November 22, 2016, through November 26, 2016, at Mike Anderson Used Car Superstore, located at 1750 W. Beardsley Ave, Elkhart, IN 46514.
90. Exhibit H contains a game piece that purported to determine whether a recipient was a winner of one of the following prizes: "\$10,000 Pre-Loaded Instant Money Card," "All-New iPad Pro," "McDonald's up to One Year," or \$250.00 Cash in Hand.
91. Recipients were instructed to scratch-off the game piece included on Exhibit H to determine if their code of numbers matched a "prize combination" code to win.
92. All 5,000 versions of Exhibit H contained matching codes and declared each recipient a winner.
93. The game piece on Exhibit H had no bearing on whether a recipient won a prize.
94. All recipients of Exhibit H who attended the sales event were awarded a \$5.00 McDonald's gift card as their "prize."
95. A \$5.00 McDonald's gift card was not one of the prizes explicitly referenced on the front of Exhibit H.
96. No recipient was eligible to win McDonald's for one year, despite the representation on Exhibit H that McDonald's for one year was a potential prize.

I. R&B Car Company South Bend Sales Event

97. In May 2015, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “Official Mr. Moneybags Giveaway” to forty-eight thousand (48,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “Official Mr. Moneybags Giveaway” prize mailing is attached and marked as Exhibit I.
98. The sales event advertised on Exhibit I occurred from May 14, 2015, through May 23, 2015, at R&B Car Company South Bend, located at 3811 S. Michigan Street, South Bend, IN 46614.
99. Exhibit I contains a game piece that purported to determine whether a recipient was a winner of one of the following prizes: “\$25,000 Cash,” “\$10,000 Cash,” “\$5,000 cash,” or “up to \$1,000 cash.”
100. Recipients were instructed to scratch-off the game piece included on Exhibit I to determine if their “Winning Game Piece Code” matches the number code on an “Official Money Chip” which was attached to Exhibit I.
101. All 48,000 versions of Exhibit I contained an “official money chip” with a number code matching the recipient’s “Winning Game Piece Code,” declaring each recipient a “winner.”
102. Each winning “Official Money Chip” attached to each copy of Exhibit I prominently states “\$25,000.”
103. The money chip on Exhibit I had no bearing on whether a recipient won a prize.

104. All recipients of Exhibit I who attended the sales event were awarded \$2.00 cash as their “prize.”
105. A \$2.00 cash prize was not one of the prizes explicitly referenced on the front of Exhibit I.
106. No recipient was eligible to win “\$1,000 cash,” despite the representation on Exhibit I that “\$1,000 cash,” was a potential prize.

J. R&B Car Company Warsaw Sales Event I

107. In April 2015, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “Official Mr. Moneybags Giveaway” to forty-eight thousand (48,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “Official Mr. Moneybags Giveaway” prize mailing is attached and marked as Exhibit J.
108. The sales event advertised on Exhibit J occurred from April 3, 2015, through April 11, 2015, at R&B Car Company Warsaw, located at 2105 N. Biomet Dr., Warsaw, IN 46582.
109. Exhibit J contains a game piece that purported to determine whether a recipient was a winner of one of the following prizes: “\$25,000 Cash,” “\$10,000 Cash,” “\$5,000 cash,” or “up to \$1,000 cash.”
110. Recipients were instructed to scratch-off the game piece included on Exhibit J to determine if their “Winning Game Piece Code” matches the number code on an “Official Money Chip” which was attached to Exhibit J.

111. All 48,000 versions of Exhibit J contained an “official money chip” with a number code matching the recipient’s “Winning Game Piece Code,” declaring them a “winner.”
112. Each winning “Official Money Chip” attached to each copy of Exhibit J prominently states “\$10,000.”
113. The Money Chip attached to Exhibit J had no bearing on whether a recipient won a prize.
114. All recipients of Exhibit J who attended the sales event were awarded \$2.00 cash as their “prize.”
115. A \$2.00 cash prize was not one of the prizes explicitly referenced on the front of Exhibit J.
116. No recipient was eligible to win “\$1,000 cash,” despite the representation on Exhibit J that “\$1,000 cash,” was a potential prize.

K. R&B Car Company Warsaw Sales Event II

117. In May 2015, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “\$10,000 Giveaway Event” to seven thousand ten (7,010) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “\$10,000 Giveaway Event” prize mailing is attached and marked as Exhibit K.
118. The sales event advertised on Exhibit K occurred from May 12, 2015 through May 16, 2015, at R&B Car Company Warsaw, located at 2105 N. Biomet Dr., Warsaw, IN 46582.

119. Exhibit K contains a game piece that purported to determine whether a recipient was a winner of one of the following prizes: “\$10,000 Cash,” “All New iPad Air 2,” “\$150 Wal-Mart Gift Card,” or “up to \$250.00 Cash in Hand.”
120. Recipients were instructed to match the number in their “combination box” game piece included on Exhibit K to determine if their numbers matched the “official winning code.”
121. All 7,010 versions of Exhibit K had a “combination box” code that matched the “official winning code,” and declared each recipient a winner.
122. Each recipient’s winning “combination box number” was also listed prominently above the prize listing for the iPad Air 2, indicating recipients won that prize.
123. The game piece on Exhibit K had no bearing on whether a recipient won a prize.
124. All recipients of Exhibit K who attended the sales event were awarded \$2.00 cash as their “prize.”
125. No recipient won an iPad Air 2, despite the representation on Exhibit K.
126. \$2.00 cash was not one of the prizes explicitly referenced on the front of Exhibit K.

L. R&B Car Company Warsaw Sales Event III

127. In May 2015, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “\$10,000 Giveaway Event” to seven thousand ten (7,010)

Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “\$10,000 Giveaway Event” prize mailing is attached and marked as Exhibit L.

128. The sales event advertised on Exhibit L occurred from May 7, 2015 through May 12, 2015, at R&B Car Company Warsaw, located at 2105 N. Biomet Dr., Warsaw, IN 46582.
129. Exhibit L contains a game piece that purported to determine whether a recipient was a winner of one of the following prizes: “\$10,000 Cash,” “All New iPad Air 2,” “\$150 Wal-Mart Gift Card,” or “up to \$250.00 Cash in Hand.”
130. Recipients were instructed to match the number in their “combination box” game piece included on Exhibit L to determine if their numbers matched the “official winning code.”
131. All 7,010 versions of Exhibit L had a “combination box” code that matched the “official winning code” and declared each recipient a winner.
132. The game piece on Exhibit L had no bearing on whether a recipient won a prize.
133. Each recipient’s winning “combination box number” was also listed prominently above the prize listing for the iPad Air 2, indicating recipients won that prize.
134. All recipients of Exhibit L who attended the sales event were awarded \$2.00 cash as their “prize.”

135. No recipient won an iPad Air 2, despite the representation on Exhibit L.
136. \$2.00 cash was not one of the prizes explicitly referenced on the front of Exhibit L.

M. R&B Car Company Warsaw Sales Event IV

137. In June 2015, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled "\$25,000 Giveaway Event" to twenty-six thousand five hundred (26,500) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the "\$25,000 Giveaway Event" prize mailing is attached and marked as Exhibit M.
138. The sales event advertised on Exhibit M occurred from June 23, 2015 through June 27, 2015, at R&B Car Company Warsaw, located at 2105 N. Biomet Dr., Warsaw, IN 46582.
139. Exhibit M contained a game piece that purported to determine whether a recipient was a winner of one of the following prizes: "\$25,000 Cash," "Two (2) New iPad Mini 3s," "\$300.00 Shopping Card," or "up to \$250.00 Cash in Hand."
140. Recipients were instructed to match the number in their "combination box" game piece included on Exhibit M to determine if their numbers matched the "official winning code."
141. All 26,500 versions of Exhibit M had a "combination box" code that matched the "official winning code" and declared each recipient a winner.

142. The game piece on Exhibit M had no bearing on whether a recipient won a prize.
143. All recipients of Exhibit M who attended the sales event were awarded a "\$300.00 Shopping Card" as their "prize."

N. R&B Car Company Warsaw Sales Event V

144. In December 2015, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled "\$25,000 Cash Giveaway" to thirty thousand (30,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the "\$25,000 Cash Giveaway" prize mailing is attached and marked as Exhibit N.
145. The sales event advertised on Exhibit N occurred from December 1, 2015 through December 15, 2015, at R&B Car Company Warsaw, located at 2105 N. Biomet Dr., Warsaw, IN 46582.
146. Exhibit N contained a game piece that purported to determine whether a recipient was a winner of one of the following prizes: "\$25,000 Cash," "Two (2) New iPad Mini 4s," "\$300.00 Shopping Card," or "\$250.00."
147. Recipients were instructed to match a row of matching symbols under the pulls tab game piece attached to Exhibit N to determine if they "were a certified cash winner!"
148. All 30,000 versions of Exhibit N had matching symbols of either 3 BARS, or alternatively, 3 Sevens, and declared each recipient a winner.

149. Each prize listed on Exhibit N listed corresponding matching symbols, indicating if a recipient matched those symbols, they won that specific prize.
150. On information and belief, all versions of Exhibit N contained matching symbols that corresponded to either the iPad Mini or \$250 cash prizes.
151. On information and belief, no version of Exhibit N contained matching symbols that corresponded to the \$300.00 Shopping Card Prize.
152. The game piece on Exhibit N had no bearing on whether a recipient won a prize.
153. All recipients of Exhibit N who attended the sales event were awarded a "\$300.00 Shopping Card" as their "prize."

O. Ray Skillman Hoosier Ford Event I

154. In May 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled "\$10,000 Giveaway Event" to ten thousand (10,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the "\$10,000 Giveaway Event" prize mailing is attached and marked as Exhibit O.
155. The sales event advertised on Exhibit O occurred from May 17, 2016 through May 31, 2016, at Ray Skillman Hoosier Ford, located at 433 Robert Curry Drive, Martinsville, IN 46151.
156. Exhibit O contained a game piece that purported to determine whether a recipient was a winner of one of the following prizes: "\$10,000 Cash," "Two (2)

All-New iPad Mini 4s,” “McDonald’s For up to One Year,” or “\$250.00 Cash in Hand.”

157. Recipients were instructed to match the number on their “combination box” game piece included on Exhibit O to determine if their numbers matched the “official winning code.”
158. All 60,000 versions of Exhibit O had a “combination box” code that matched the “official winning code,” and declared each recipient a winner.
159. The game piece on Exhibit O had no bearing on whether a recipient won a prize.
160. All recipients of Exhibit O who attended the sales event were awarded a \$5.00 McDonald’s gift card as their “prize.”
161. A \$5.00 McDonald’s Gift card was not one of the prizes explicitly referenced on the front of Exhibit O.
162. No recipient was eligible to win McDonald’s for one year, despite the representation on Exhibit O that McDonald’s for one year was a potential prize.

P. Ray Skillman Hoosier Ford Sales Event II

163. In September 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “\$10,000 Wal-Mart Shopping Spree Card Giveaway” to ten thousand (10,000) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “\$10,000 Wal-Mart Shopping Spree Card Giveaway” prize mailing is attached and marked as Exhibit P.

164. The sales event advertised on Exhibit P occurred from September 20, 2016, through October 1, 2016, at Ray Skillman Hoosier Ford, located at 433 Robert Curry Drive, Martinsville, IN 46151.
165. Exhibit P contained a game piece that purported to determine whether a recipient was a winner of one of the following prizes: "\$10,000 Wal-Mart Shopping Spree Card," "All-New Ipad Pro," "up to \$500.00 Wal-Mart Gift Card," or "\$250.00 Cash in Hand."
166. Recipients were instructed to scratch-off the game piece included on Exhibit P to determine if their code of numbers matched a winning code to win.
167. All 10,000 versions of Exhibit P contained a matching code and declared each recipient a winner.
168. The game piece on Exhibit P had no bearing on whether a recipient won a prize.
169. All recipients of Exhibit P who attended the sales event were awarded a \$5.00 Wal-Mart gift card as their "prize."
170. A \$5.00 Wal-Mart gift card was not one of the prizes explicitly referenced on the front of Exhibit P.
171. No recipient was eligible to win a \$500.00 Wal-Mart gift card, despite the representation on Exhibit P that a \$500.00 Wal-Mart gift card was a potential prize.

Q. Ray Skillman Kia Mitsubishi Sales Event I

172. In June 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “Authorized Enhanced Trade-In Event” to seven thousand, five hundred (7,500) Indiana recipients. A true and accurate copy of the front and back of an exemplar copy of the “Authorized Enhanced Trade-In Event” prize mailing is attached and marked as Exhibit Q.
173. The sales event advertised on Exhibit Q occurred from June 28, 2016 through July 2, 2016, at Ray Skillman Kia Mitsubishi, located at 1300 North Shadeland Avenue, Indianapolis, IN 46219.
174. Exhibit Q contained a game piece that purported to determine whether a recipient was a winner of “\$5,000 Cash.”
175. Recipients were instructed to scratch-off the game piece included on Exhibit Q to determine if their four numbers matched for a chance to win.
176. All 5,000 versions of Exhibit Q contained four matching numbers, declaring each recipient to be a “winner.”
177. The game piece on Exhibit Q had no bearing on whether a recipient won a prize.
178. No prizes were awarded at the sales event.

R. Ray Skillman Kia Mitsubishi Sales Event II

179. In October 2016, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “\$5,000 Wal-Mart Shopping Spree Card Giveaway” to ten thousand (10,000) Indiana recipients. A true and accurate copy of the front

and back of an exemplar copy of the “\$5,000 Wal-Mart Shopping Spree Card Giveaway” prize mailing is attached and marked as Exhibit R.

180. The sales event advertised on Exhibit R occurred from October 21, 2016, through November 12, 2016, at Ray Skillman Kia Mitsubishi, located at 1300 North Shadeland Avenue, Indianapolis, IN 46219.
181. Exhibit R contained a game piece that purported to determine whether a recipient was a winner of one of the following prizes: “\$10,000 Wal-Mart Shopping Spree Card,” “All-New iPad Pro,” “\$250.00 Wal-Mart Gift Card,” or “\$300.00 Shopping Card.”
182. Recipients were instructed to scratch-off the game piece included on Exhibit R to determine if their code of numbers matched a winning code to win.
183. All 10,000 versions of Exhibit R contained a matching code and declared each recipient a winner.
184. The game piece on Exhibit R had no bearing on whether a recipient won a prize.
185. All recipients of Exhibit R who attended the sales event were awarded a “\$300.00 Shopping Card” as their “prize.”

S. Ray Skillman Kia Mitsubishi Sales Event III

186. In March 2017, Traffic Jam Events mailed, or arranged to be mailed, a prize mailing entitled “The Black Card VIP Private Experience” to ten thousand, (10,000) Indiana recipients. A true and accurate copy of the front and back of

an exemplar copy of the “The Black Card VIP Private Experience” prize mailing is attached and marked as Exhibit S.

187. The sales event advertised on Exhibit S occurred from March 1, 2017 through March 20, 2017, at Ray Skillman Kia Mitsubishi, located at 1300 North Shadeland Avenue, Indianapolis, IN 46219.
188. Exhibit S contains a game piece that purported to determine whether a recipient was a winner of “\$5,000 Cash.”
189. Recipients were instructed to scratch-off the game piece included on Exhibit S to determine if their four symbols matched for a chance to win.
190. All 5,000 versions of Exhibit S contained four matching symbols.
191. The game piece on Exhibit S had no bearing on whether a recipient won a prize.
192. No prizes were awarded at the sales event.

3. Facts Common to All Exhibits

193. Exhibits A through S do not contain the name and address of the promotor of the respective sales events, Traffic Jam Events.
194. Exhibits A through S do not contain statements of the odds of winning each prize in the immediate proximity to each listing of the prize in each place it appears on each Exhibit, in the same size type and boldness of the prize.
195. Exhibits A through S do not contain statements of the verifiable retail value of each prize in the immediate proximity to each listing of the prize in each

place it appears on each Exhibit, in the same size type and boldness of the prize.

196. Exhibits A through S do not contain disclosures that recipients may be required or invited to hear a sales presentation to claim their prize.

4. Facts Regarding the \$300.00 Shopping Card

197. Many of the sales events referenced above awarded all attendees with a “\$300.00 Shopping Card” as their “prize.”
198. The “\$300.00 Shopping Card” allowed recipients to purchase up to three hundred dollars (\$300.00) worth of trinkets on the website goshoppingmall.com.
199. However, in order for recipients to purchase items using the “\$300.00 Shopping Card,” recipients are required to pay shipping and handling as well as a processing fee of \$5.00 for all orders on goshoppingmall.com.
200. The Exhibits referenced in this Complaint which represent the “\$300.00 Shopping Card” as a potential prize failed to disclose that an additional purchase by the recipient in the form of shipping fees and processing fees would be required to utilize the prize.
201. On information and belief, if recipients spent their entire “\$300.00 Shopping Card,” on goshoppingmall.com, they would end up paying more in processing fees and shipping and handling than the verifiable retail value of the items they ordered.

IV. CAUSES OF ACTION

COUNT I:
VIOLATIONS OF THE PROMOTIONAL GIFTS AND CONTESTS ACT

202. The State realleges Paragraphs 1 through 201 of this Complaint.
203. Exhibits A through S, as referenced in this Complaint, were sent by mail to persons located in Indiana.
204. The Defendant violated Ind. Code § 24-8-3-2, by failing to include the name and address of the promotor of the respective promotions in notices mailed to consumers, as asserted in Paragraph 193.
205. The Defendant violated Ind. Code § 24-8-3-5, by failing to include a statement of the odds of winning each prize in immediate proximity to each listing of a prize in each place it appears on a notice, listed in the same size type and boldness of the prize, as asserted in Paragraph 194.
206. The Defendant violated Ind. Code § 24-8-3-5, by failing to include a statement of the verifiable retail value of each prize in immediate proximity to each listing of a prize in each place it appears on a notice, listed in the same size type and boldness of the prize, as asserted in Paragraph 195.
207. The Defendant violated Ind. Code § 24-8-3-6, by failing to include a disclosure that recipients of notices may be required or invited to hear a sales presentation in order to claim their prize, as asserted in Paragraph 196.
208. The Defendant violated Ind. Code § 24-8-3-7, by failing to include a disclosure that recipients of the “\$300.00 Shopping Card” would be required make an additional purchase in the form of shipping and processing fees in order to utilize the prize, as asserted in Paragraph 200.

COUNT II:
VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT-
MISREPRESENTING RECIPIENTS WON SPECIFIC PRIZES

209. The State realleges Paragraphs 1 through 208 of this Complaint.
210. The transactions identified in Paragraph 33-34, 40-41, 47-48, 54-55, 63-64, 72-73, 79-80, 88-89, 97-98, 107-108, 117-118, 127-128, 137-138, 144-145, 154-155, 163-164, 172-173, 179-180 and 186-187 are “consumer transactions” as defined by Ind. Code § 24-5-0.5-2(1).
211. The Defendant is a “supplier” as defined by Ind. Code § 24-5-0.5-2(3).
212. The Defendant, through its sending of prize mailings which represented or implied the recipient won a specific prize when they did not, violated Ind. Code § 24-5-0.5-3(a) by committing unfair, abusive, and deceptive acts, omissions, and practices in connection with consumer transactions, as asserted in Paragraphs 6 through 201.
213. The Defendant, through its representations that the recipient of prize mailings won a specific prize when they did not, violated Ind. Code § 24-5-0.5-3(b)(1) by representing that consumer transactions had characteristics or benefits they did not have, which the Defendant knew or reasonably should have known it did not have, as asserted in Paragraphs 6 through 201.

COUNT III:
VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT-
MISREPRESENTING RECIPIENTS WERE WINNERS

214. The State realleges Paragraphs 1 through 213 of this Complaint.

215. The Defendant, through its sending of prize mailings which represented the recipient was a “winner” when all consumers received identical nominal prizes and thus were not a “winner,” violated Ind. Code § 24-5-0.5-3(a) by committing unfair, abusive, and deceptive acts, omissions, and practices in connection with consumer transactions, as asserted in Paragraphs 6 through 201.

COUNT IV:
VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT-
FAILURE TO AWARD PRIZES

216. The State realleges Paragraphs 1 through 215 of this Complaint.

217. The Defendant, through its failure to award prizes prominently displayed on prize mailings and instead awarding nominal prizes not referenced on the prize mailings, violated Ind. Code § 24-5-0.5-3(a) by committing unfair, abusive, and deceptive acts, omissions, and practices in connection with consumer transactions, as asserted in Paragraphs 6 through 201.

COUNT V:
VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT-
FAILURE TO DISCLOSE ADDITIONAL CHARGES

218. The State realleges Paragraphs 1 through 217 of this Complaint.

219. The Defendant, through its failure to disclose that the “300.00 Shopping Card” did not have a retail value of \$300.00, and required additional shipping and processing charges, violated Ind. Code § 24-5-0.5-3(a) by committing unfair, abusive, and deceptive acts, omissions, and practices in connection with consumer transactions, as asserted in Paragraphs 6 through 201.

COUNT VI:
VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT-
MISREPRESENTING RESULTS OF GAME PIECE

220. The State realleges Paragraphs 1 through 219 of this Complaint.
221. The Defendant, through its representations that the game piece located on Exhibits A through S determined whether a consumer won a prize, when it did not, violated Ind. Code § 24-5-0.5-3(b)(1) by representing that consumer transactions had characteristics, uses or benefits they did not have, which the Defendant knew or reasonably should have known they did not have, as asserted in Paragraphs 6 through 201.

COUNT VII:
VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT-
VIOLATIONS OF THE PROMOTIONAL GIFTS AND CONTESTS ACT

222. The State realleges Paragraphs 1 through 221 of this Complaint.
223. The Defendant's violations of the Promotional Gifts and Contests Act, as asserted in Paragraphs 204-208, constitute Deceptive Acts pursuant to Ind. Code § 24-8-6-3.

COUNT VIII:
KNOWING VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT

224. The State realleges Paragraphs 1 through 223 of this Complaint.
225. The Defendant committed the deceptive acts asserted in Paragraphs 209 through 223 with knowledge of its deceptive acts.

COUNT IX:
INCURABLE DECEPTIVE ACTS

226. The State realleges Paragraphs 1 through 225 of this Complaint.
227. The deceptive acts asserted in Paragraphs 209 through 223 are incurable deceptive acts and were committed by the Defendant as part of a scheme, artifice, or device with intent to defraud or mislead.

V. RELIEF

228. The State requests the Court enter judgment against the Defendant, Traffic Jam Events, LLC for the relief described in Paragraphs 229 through 234 of this Complaint.
229. The State seeks a permanent injunction, under Ind. Code § 24-5-0.5-4(c)(1), enjoining Traffic Jam Events, LLC, and its agents, representatives, employees, successors, and assigns, from:

229.1. Failing to include the following in any notice mailed to Indiana

consumers representing to award a prize, or the chance at a prize, to the recipient:

229.1.1 the name and address of the promotor, Traffic Jam Events, LLC;

229.1.2 a statement of the odds of winning each prize in immediate proximity to each listing of a prize in each place it appears on a notice, listed in the same size type and boldness of the prize;

229.1.3 a statement of the verifiable retail value of each prize in immediate proximity to each listing of a prize in each place it

appears on a notice, listed in the same size type and boldness of the prize;

229.1.4 a disclosure that recipients of notices may be required or invited to hear a sales presentation in order to claim their prize;

229.1.5 a conspicuous disclosure on the first page of the notice in at least 10 point font that recipients of a prize would be required make an additional purchase, including shipping and processing fees, in order to utilize the prize;

229.2. representing on prize notice mailings that a consumer has won a specific prize when the consumer has not;

229.3. representing in any medium, including mailings, telephone, live operator, recording, or website, that a consumer is a “winner,” or has “won,” unless the consumer has won a prize the majority of other recipients of the same mailing could not receive;

229.4. awarding a prize that is not explicitly prominently referenced on the front of the prize mailing;

229.5. representing a game piece on a direct mailing determines whether a recipient wins a prize, when the game piece is identical for each consumer and does not determine whether the recipient actually won a prize;

- 229.6. committing any unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction, in violation of Ind. Code § 24-5-0.5- 3(a);
- 229.7. representing that the subject of a consumer transaction has characteristics or benefits that it does not have, which the Defendants know or reasonably should know it does not have, in violation of Ind. Code § 24-5-0.5-3(b)(1).
230. The State seeks consumer restitution, under Ind. Code § 24-8-6-2(2), for all persons who were mailed Exhibits A through S and attended the corresponding sales events advertised on the Exhibits A through S, in the amount of five hundred dollars (\$500.00) per person, payable to the Office of the Attorney General, for the benefit of those persons.
231. The State seeks costs, under Ind. Code § 24-5-0.5-4(c)(4), awarding the Office of the Attorney General its reasonable expenses incurred in the investigation and prosecution of this action.
232. The State seeks civil penalties, under Ind. Code § 24-5-0.5-4(g), on Count XII of this Complaint, for the Defendant's knowing violations of Ind. Code § 24-5-0.5-3(a) and Ind. Code § 24-5-0.5-3(b)(1), in the amount of five thousand dollars (\$5,000.00) per violation, payable to the State of Indiana.
233. The State seeks civil penalties, under Ind. Code § 24-5-0.5-8, on Count IX of this Complaint, for the Defendant's incurable deceptive acts, in the amount of five hundred dollars (\$500.00) per violation, payable to the State of Indiana.

234. The State seeks all other just and proper relief.

Respectfully submitted,

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