



which is a corporation organized under the laws of the State of Delaware, with its principal place of business at 2260 E. Imperial Highway, El Segundo, California 90245. DirecTV, LLC will hereinafter be referred to as “DirecTV.”

4. The Court has personal jurisdiction over DirecTV because, *inter alia*, DirecTV (1) transacts business in this state, (2) committed tortious acts within this state, and/or (3) committed tortious acts outside the state causing injury to persons within the state, and the causes of action stated herein arise from the foregoing actions of DirecTV. Moreover, DirecTV regularly solicits and transacts business in this state and derives substantial revenue from goods used or services rendered in this state.

5. Venue is proper under 28 U.S.C. § 1391.

#### **FACTUAL BACKGROUND**

6. This is a putative class action on behalf of Connecticut residents who are entitled to redress as a result of unfair and deceptive trade practices associated with DirecTV’s marketing and advertising of goods and services in the State of Connecticut.

7. Connecticut imposes a tax on companies that provide one-way transmission of video programming by satellite to subscribers in Connecticut.

8. In particular, at all times during the relevant time period, Connecticut General Statutes §§ 12-256 and 12-258 obligated DirecTV to pay a quarterly tax of 5% upon “gross earnings” from the transmission of video programming by satellite to subscribers in the State of Connecticut.

9. Rather than absorb this tax as one of the many costs of doing-business, DirecTV elected to impose this cost on Connecticut customers as a surcharge in an unfair and deceptive manner.

10. Particularly DirecTV misrepresents the total price for its goods and services, conceals that it intends to impose a surcharge on Connecticut customers, and by doing so, obtains an unfair competitive advantage.

11. For example, when considering purchasing DirecTV services online, potential customers input their zip code. DirecTV also maintains advertising webpages that name specific Connecticut cities and geographic areas and specifically target Connecticut residents. Despite this, DirecTV fails to inform potential Connecticut customers that it intends to and will impose a surcharge on each of them.

12. Instead, DirecTV unfairly and deceptively quotes monthly costs that do not include the surcharge.

13. For example, after inputting a zip code, a potential subscriber can see a sample “bill” for a variety of future services that the subscriber proposes to purchase. The surcharge is not included in these sample bills.

14. Rather, in the sample bill, DirecTV misrepresents: “This amount reflects the total package and programming costs you can expect to see on your first month’s bill statement.”

15. DirecTV’s representations are false and misleading, DirecTV knows the representations are false and misleading, and DirecTV’s representations are designed to induce Connecticut residents to select DirecTV services (over other competing options) under false and misleading circumstances.

16. Additionally, thereafter, DirecTV actively conceals that it is imposing a surcharge on Connecticut customers by itemizing the surcharge on monthly billing statements under the heading “Taxes” right underneath the item “Sales Tax.”

17. In so doing, DirecTV intends to cause Connecticut customers to wrongly believe that the State of Connecticut has imposed the surcharge upon them (like the sales tax), when in fact DirecTV has imposed the surcharge upon them.

18. In fact, Connecticut customers of DirecTV can only learn of the existence and true nature of the surcharge after they receive their first monthly bill and only if they carefully scrutinize and correctly decipher this unfair and deceptive line item of the bill.

19. Even if that occurs, however, the Connecticut customer has already agreed to a long-term contract, which cannot be cancelled without the imposition of hidden and onerous cancellations charges.

20. In other words, by unfairly and deceptively hiding the true price of DirecTV's goods and services to Connecticut residents, DirecTV has taken steps to unfairly trick Connecticut customers into selecting DirecTV services so that they become trapped into a deceptive and onerous long-term contract.

21. By engaging in the foregoing unfair and deceptive trade practices, DirecTV prevents customers from making informed buying decisions with respect to television programming services and has thereby secured for itself an unfair competitive advantage.

**CLASS REPRESENTATIVE**

22. Ferrie resides in the town of Prospect, Connecticut.

23. In or about July 2013, Ferrie purchased satellite television equipment and services from DirecTV and, without his knowledge, subjected to himself to DirecTV's unfair and deceptive practice of imposing a surcharge on its Connecticut customers.



24. Prior to purchasing DirecTV's goods and services, Ferrie viewed DirecTV's advertisements, promotions, and marketing materials noting specific total prices for DirecTV's goods and services, which did not include the surcharge.

25. Prior to purchasing DirecTV's goods and services, DirecTV led Ferrie to believe that no other costs or charges would be associated with the goods and services that he selected.

26. Specifically Ferrie was unaware that DirecTV would force him to pay for a tax liability that the State of Connecticut imposes directly on DirecTV.

27. Additionally Ferrie was tricked into believing that the surcharge was an additional tax imposed by the State of Connecticut.

#### **CLASS ALLEGATIONS**

28. Ferrie brings these claims individually and on behalf of the following customer class (the "Class"): All Connecticut residents who purchased satellite television goods or services from DirecTV during the period of March 19, 2012 to the present.

29. The Class is sufficiently numerous, as it includes thousands of persons who have purchased satellite television goods or services from DirecTV from March 19, 2012 to the present.

30. Joinder of all such persons in a single action or bringing all members of the Class before the Court is impracticable and disposition of the Class members' claims in this class action will substantially benefit the parties and the Court.

31. The Class and the value of its damages are readily ascertainable through DirecTV's business records. Notice can be provided to Class members by publication or by using contact information contained within DirecTV's business records.

32. There are questions of law and fact common to the Class. DirecTV's advertising, marketing, and promotional materials were supplied uniformly to all members of the Class, so that the questions of law and fact are common to all members of the Class. All Class members were and are similarly affected by the unfair and deceptive charging of an extra, unforeseen surcharge. The relief sought herein is for the benefit of Ferrie and all other members of the Class.

33. Ferrie asserts claims that are typical of the claims of the entire Class. Ferrie and all Class members have been subjected to the same wrongful conduct because they have purchased DirecTV's goods and services under the same unfair and deceptive advertising, promotion, and marketing. Ferrie and the Class have thus all overpaid for DirecTV's goods and services in a readily ascertainable amount.

34. Ferrie will fairly and adequately represent and protect the interests of the other Class members. Ferrie has no interests antagonistic to those of other Class members. Ferrie is committed to the vigorous prosecution of this action and has retained experienced trial counsel to represent him. Ferrie anticipates no difficulty in the management of this litigation as a class action.

35. Class certification is appropriate because prosecuting separate actions by Class members would create a risk of inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for DirecTV. DirecTV's trade practices cannot be unfair or deceptive and, at the same time, fair and truthful.

36. Class certification is also appropriate because DirecTV has acted on grounds that apply generally to the Class, so that final injunctive relief or corresponding declaratory relief is

appropriate with respect to the Class as a whole. DirecTV's advertising, marketing, and promotional materials were supplied generally to all members of the Class.

37. Class certification is likewise appropriate because common questions of law and fact substantially predominate over any questions that may affect only individual members of the Class. These common questions of law and fact include whether:

- (a) DirecTV's failure to advertise accurate prices for goods and services for Connecticut residents constitutes an unfair or deceptive trade practice;
- (b) DirecTV's advertisement of materially false prices for Connecticut residents constitutes an unfair or deceptive trade practice;
- (c) DirecTV's failure to warn Connecticut residents that its advertised prices would be increased by approximately 5% constitutes an unfair or deceptive trade practice;
- (d) DirecTV's deceptive characterization of the surcharge as a "tax," billed as an item next to the sales tax, constitutes an unfair or deceptive trade practice;
- (e) DirecTV's conduct, as set forth herein, injured members of the Class, and if so, the measure of those damages and the nature and extent of other relief that should be provided.

38. Proceeding as a class action provides substantial benefits to both the parties and the Court because this is the most efficient method for the full, fair, and efficient adjudication of the controversy.

39. Because of the nature of the individual Class members' claims, few, if any, could afford to seek legal redress against DirecTV for the wrongs complained of herein.

40. As such, absent a representative class action, Class members would continue to suffer losses for which they would have no remedy, and DirecTV would unjustly retain the proceeds of its ill-gotten gains.

41. Even if separate actions could be and were to be brought by individual members of the Class, the resulting multiplicity of lawsuits would cause undue hardship, burden, and expense for the Court and the litigants, as well as create a risk of inconsistent rulings, as discussed above.

42. Certification of this class action is also proper under Connecticut law pursuant to Connecticut General Statutes Section 42-110g(b).

**FIRST COUNT: UNFAIR AND DECEPTIVE TRADE PRACTICES**

43. The above paragraphs 1 through 42 are hereby incorporated by reference as if fully set forth herein.

44. DirecTV has engaged and continues to engage in the conduct of trade and commerce in Connecticut by, *inter alia*, its marketing, promotion, advertising, offering to sell and selling of satellite television programming and related equipment, goods, and services.

45. DirecTV has engaged and continues to engage in unfair methods of competition and/or unfair or deceptive acts or practices in the conduct of trade or commerce in this State.

These purposeful wrongful acts include at least the following:

- (a) Advertising false prices for goods and services to Connecticut residents;
- (b) Advertising monthly prices to Connecticut residents that do not include a surcharge;
- (c) Advertising monthly prices to Connecticut residents knowing that they are false because a surcharge will be imposed;



- (d) Unilaterally increasing advertised monthly prices by imposing a surcharge on Connecticut customers without taking steps to inform the customers or obtain their consent;
- (e) Acting to deceive Connecticut customers into paying taxes owed by DirecTV to the State of Connecticut under state statute;
- (f) Acting to deceive Connecticut customers into believing that the surcharge is a form of tax imposed by the State of Connecticut, just like the sales tax;
- (g) Employing measures designed to deceive Connecticut customers into believing that the surcharge is a form of tax imposed by the State of Connecticut, rather than a tax imposed on DirecTV;
- (h) Employing measures designed to deceive Connecticut customers into believing that the surcharge is a form of tax imposed by the State of Connecticut, rather than a surcharge imposed on them by DirecTV;
- (i) Actively taking steps to deceive Connecticut customers into entering long-term contracts, which require a substantial investment in the installation of DirecTV equipment;
- (j) Actively taking steps to deceive Connecticut customers into entering long-term contracts, which cannot be cancelled without incurring onerous cancellation costs;
- (k) Acting in a manner designed to cause Connecticut customers to invest substantial time, effort and resources in the installation of DirecTV equipment under false pretenses;
- (l) Only revealing the existence of a surcharge after Connecticut customers have entered long-term agreements with onerous cancellation charges;

- (m) Only revealing the existence of a surcharge after Connecticut customers have invested substantial time, effort and resources in the installation of DirecTV equipment;
- (n) Only revealing the existence of a surcharge in the bills of Connecticut customers in an unfair and deceptive manner;
- (o) Listing the surcharge under the heading “Taxes” underneath the “Sales Tax” line item, thereby taking steps to deceive customers to believe that the surcharge is imposed on them by the State of Connecticut – not by DirecTV;
- (p) Misrepresenting that DirecTV provides all the information customers need to make informed and intelligent decisions; and/or
- (q) Employing a scheme calculated to effectively misappropriate from Connecticut residents their right and ability to buy television programming goods and services in a fully informed manner.

46. Ferrie and the Class have suffered an ascertainable loss of money or property as a result of the use or employment of DirecTV’s foregoing unfair or deceptive trade practices. Specifically, Ferrie and the Class are entitled to actual damages comprising all surcharges paid to DirecTV.

47. DirecTV engaged in the foregoing unfair or deceptive trade practices in a knowing, willful, intentional, wanton, and/or recklessly indifferent manner.

48. DirecTV’s conduct as alleged herein constitutes unfair trade practices within the meaning of Connecticut General Statutes Section 42-110a, *et. seq.*

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff and the Class seek damages, declaratory, and equitable relief including:

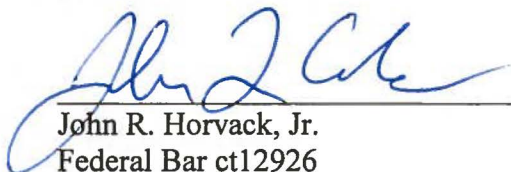
1. Actual damages;
2. Punitive damages;
3. Attorneys' Fees;
4. Costs;
5. Prejudgment Interest;
6. Equitable relief deemed necessary or proper;
7. A declaration that DirecTV's foregoing conduct constitutes unfair and/or deceptive trade practices;
8. A permanent injunction enjoining DirecTV from imposing a surcharge on Connecticut customers; ordering DirecTV to conspicuously advertise or otherwise effectively inform potential Connecticut subscribers that their monthly bill will include a surcharge; ordering DirecTV to engage in certain corrective advertising to ensure existing Connecticut customers are aware of the surcharge; ordering DirecTV to allow Connecticut customers to withdraw from long-term contracts without the imposition of cancellation fees or costs; and ordering DirecTV to reimburse all costs and expense of installing DirecTV equipment to any Connecticut customer who wishes to withdraw from a long-term contract.
9. All other relief as the Court deems just and proper.

THE PLAINTIFF,

JONATHAN FERRIE, individually and  
on behalf of all others similarly situated

Respectfully submitted,

Dated: March 19, 2015



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JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Jonathan Ferrie, individually and on behalf of all other similarly situated

(b) County of Residence of First Listed Plaintiff New Haven  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

John L. Cordani, Jr., Carmody Torrance Sandak & Hennessey LLP,  
195 Church Street, P.O. Box 1950, New Haven, CT 06509-1950  
Tel: 203-777-5501**DEFENDANTS**

DirecTV, LLC

County of Residence of First Listed Defendant Los Angeles  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1332

Brief description of cause:

Class action complaint for redress of DirecTV's unfair and deceptive trade practices

**VII. REQUESTED IN COMPLAINT:**☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
03/19/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE