

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSEPH PRESTI,)	
on behalf of plaintiff and the class members)	
described herein,)	
Plaintiff,)	
)	
v.)	
)	
TOYOTA MOTOR SALES (U.S.A.), INC.,)	
and COLONIAL IMPORTS CORP., d/b/a)	
TOYOTA OF NASHUA,)	
Defendant)	

COMPLAINT– CLASS ACTION

INTRODUCTION

1. Plaintiff Joseph Presti brings this action to secure redress for unfair and deceptive practices in connection with a “tire savings event.” The promotion advertises “Three tires at regular price, fourth tire for one dollar.” However, the three tires are sold at prices in excess of those for which they normally sell.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. §1332 (Class Action Fairness Act).

The total amount in controversy, on a classwide basis, exceeds \$5 million, exclusive of interest and costs. There are more than 100 class members. As set forth below, there is diversity between the plaintiff and many class members and both defendants.

3. Personal jurisdiction and venue are proper because both defendants intentionally seek to market to residents of Massachusetts.

PARTIES

4. Plaintiff Joseph Presti is a resident, domiciliary and citizen of Littleton, Middlesex County, Massachusetts.

5. Defendant Toyota Motor Sales (U.S.A.), Inc. (“TMS”), is a California corporation with its principal place of business located at 19001 S. Western Ave., Torrance, CA 90501. Its registered agent and office is CT Corporation System, 155 Federal Street, Suite 700, Boston, MA 02110. It imports, advertises and sells Toyota vehicles and accessories in the United States.

6. Defendant Colonial Imports Corp., d/b/a Toyota of Nashua (“CIC”), is a New Hampshire corporation which operates a Toyota dealership at 10 Marmon Drive, Nashua, NH 03060, which is its principal place of business.

7. CIC, d/b/a Toyota of Nashua, regularly markets to residents of Massachusetts generally and residents of Littleton in particular. Its Web site states: “Our Toyota dealership is proud to serve NH drivers from Concord, Manchester, Salem, Keene, Londonderry, Bedford and Portsmouth, as well as Massachusetts drivers from Tewksbury, Lowell, Amherst, Littleton and Salem. We're dedicated to providing a top-notch dealership experience whether you visit us for new or used Toyota sales, service or parts.” (<http://www.toyotaofnashua.com/>).

FACTS

8. In September-October 2016, defendant TMS, in concert with numerous Toyota dealers throughout the United States, including CIC, had a “tire savings event” offering, “buy 3 tires, get the 4th for \$1.”.

9. Exhibit A is an example of the promotional literature used by defendant TMS to advertise this event. (This mailer involved a dealer in Illinois, but on information and belief was similar or the same everywhere except for the name and address and contact information of the participating dealer.) Other examples of ads for the promotion are in Exhibit B.

10. The promotion expressly stated that it involved “Three tires at regular price, fourth tire for one dollar.” This representation was standard throughout the “tire savings event” offering.

11. In fact, the “regular price” of the tires offered pursuant to the promotion was increased above their normal selling price.

12. Plaintiff visited CIC (two miles north of the Massachusetts-New Hampshire state line) in response to the tire promotion.

13. At CIC, plaintiff was offered three tires at \$173 each plus one at \$1. (Exhibit C)

14. In fact, the tires had been regularly sold at \$149.30 per tire prior to the promotion. (Exhibit D)

15. Plaintiff complained and got a \$35 “loyalty” discount, but still had to pay more than \$149.30 per tire for the 3 tires. (Exhibit E) (There was also a manufacturer rebate that anyone could get regardless of the promotion; prices quoted are prior to the rebate.)

16. After the promotion, the price of the tires was reduced to under \$150 each.

17. It is the policy and practice of TMS and Toyota dealers, including CIC, to increase the “regular price” of tires sold pursuant to the “tire savings event” above the normal sales price of the tires.

18. The Federal Trade Commission (“FTC”) and the courts, applying §5 of the FTC Act, 15 U.S.C. §45, have long held that a seller cannot refer in advertising to a “usual” or “regular” price unless it is a price at which the seller ordinarily sells the thing advertised. *Bankers Securities Corp. v. FTC*, 297 F.2d 403 (3d Cir. 1961); *Giant Food, Inc. v. FTC*, 322 F.2d 977, 981 (D.C.Cir. 1963); *Niresk Industries, Inc. v. FTC*, 278 F.2d 337 (7th Cir. 1960); *Coro, Inc. v. FTC*, 338 F.2d 149 (1st Cir. 1964).

COUNT I-DECEPTIVE PRACTICES

19. Plaintiff incorporates paragraphs 1-18.

20. Defendants engaged in unfair and deceptive practices by advertising “Three tires at regular price, fourth tire for one dollar,” while selling (CIC) and permitting the sale (TMS) of the three tires at prices in excess of those for which they normally sell.

21. This practice is deceptive and injurious. Defendants, if they wished to advertise “Three tires at regular price, fourth tire for one dollar,” were legally required to sell (CIC) and insure the sale (TMS) of the three tires at prices that were not in excess of those for which they normally sell.

22. The practice is actionable under M.G.L.A. 93A §§2 and 9 and N.H. Rev. Stat. §§358-A:2 and 358-A:10. Members of the class defined below also have claims under Calif. Bus. & Professions Code §§17200 et seq., 815 ILCS 505/2 (Illinois), and New York General Business Law §§349-350,

CLASS ALLEGATIONS

23. Pursuant to Fed. R. Civ. P. 23(a) and (b)(3), plaintiff brings this claim on behalf of a class and subclass.

24. The class consists of (a) all persons who made purchases from dealers in Massachusetts, New Hampshire, California, Illinois, New York, (b) who bought tires pursuant to the TMS “Three tires at regular price, fourth tire for one dollar,” promotion, (c) and paid a price for the three tires in excess of the price of which they were regularly sold by the dealer not as part of the discount event (d) at any time during the period beginning three years prior to the filing of this action.

25. The subclass consists of persons who bought at CIC.

26. Excluded from the class are defendants; any affiliate, parent, or subsidiary of defendants; any entity in which defendants have a controlling interest; any officer, director, or employee of defendants; any successor or assign of defendants; anyone employed by counsel for plaintiff in this action; and any judge to whom this case is assigned, his or her spouse, and all persons within the third degree of relationship to them, as well as the spouses of such persons.

27. The class is so numerous that joinder of all members is not practicable. There are more than 100 class members.

28. There are common questions of law and fact with respect to the class, which common questions predominate over questions affecting only individual class members. These common questions include:

- a. What defendants’ practice is regarding the advertising and sale of tires;
- b. Whether such practice is deceptive.

29. Plaintiff’s claims are typical of those of the proposed class. All of their claims have the same legal and factual basis.

30. Plaintiff will fairly and adequately represent the class. There is no conflict of interest between the plaintiff and the class members. Plaintiff has retained counsel competent and experienced in class action litigation, and intends to prosecute this action vigorously.

31. This class action is superior to other available means for the fair and efficient adjudication of this dispute. While the individual injuries suffered by each proposed class member are meaningful, they are sufficiently small that individual actions are not economical. Even if class members could afford individual litigation, there is no reason to burden the courts with multiple actions.

WHEREFORE, the Court should enter judgment in favor of plaintiff and the class members and against defendants for the following relief:

- i. Actual damages;
- ii. Statutory damages;
- iii. Attorney's fees, litigation expenses and costs;
- iv. Injunctive relief against further violations;
- v. Such other or further relief as the Court deems proper.

COUNT II-UNJUST ENRICHMENT

32. Plaintiff incorporates paragraphs 1-18.

33. Defendants obtained money by inequitable means, by advertising "Three tires at regular price, fourth tire for one dollar," while selling (CIC) and permitting the sale (TMS) of the three tires at prices in excess of those for which they normally sell, such that they should be required to make restitution.

34. This practice is deceptive and injurious. Defendants, if they wished to advertise “Three tires at regular price, fourth tire for one dollar,” were legally required to sell (CIC) and insure the sale (TMS) of the three tires at prices that were not in excess of those for which they normally sell.

CLASS ALLEGATIONS

35. Pursuant to Fed. R. Civ. P. 23(a) and (b)(3), plaintiff brings this claim on behalf of class and subclass.

36. The class consists of (a) all persons who reside or made purchases in Massachusetts, New Hampshire, California, Illinois, New York, (b) who bought tires pursuant to the TMS “Three tires at regular price, fourth tire for one dollar,” promotion, (c) and paid a price for the three tires in excess of the price of which they were regularly sold by the dealer not as part of the discount event (d) at any time during the period beginning three years prior to the filing of this action.

37. The subclass consists of persons who bought at CIC.

38. Excluded from the class are defendants; any affiliate, parent, or subsidiary of defendants; any entity in which defendants have a controlling interest; any officer, director, or employee of defendants; any successor or assign of defendants; anyone employed by counsel for plaintiff in this action; and any judge to whom this case is assigned, his or her spouse, and all persons within the third degree of relationship to them, as well as the spouses of such persons.

39. The class is so numerous that joinder of all members is not practicable. There are more than 40 class members.

40. There are common questions of law and fact with respect to the class, which common questions predominate over questions affecting only individual class members. These common questions include:

- a. What defendants' practice is regarding the advertising and sale of tires;
- b. Whether such practice results in unjust enrichment.

41. Plaintiff's claims are typical of those of the proposed class. All of their claims have the same legal and factual basis.

42. Plaintiff will fairly and adequately represent the class. There is no conflict of interest between the plaintiff and the class members. Plaintiff has retained counsel competent and experienced in class action litigation, and intends to prosecute this action vigorously.

43. This class action is superior to other available means for the fair and efficient adjudication of this dispute. While the individual injuries suffered by each proposed class member are meaningful, they are sufficiently small that individual actions are not economical. Even if class members could afford individual litigation, there is no reason to burden the courts with multiple actions.

WHEREFORE, the Court should enter judgment in favor of plaintiff and the class members and against defendants for the following relief:

- i. Actual damages;
- ii. Statutory damages;
- iii. Attorney's fees, litigation expenses and costs;
- iv. Injunctive relief against further violations;
- v. Such other or further relief as the Court deems proper.

/s/Christopher M. Lefebvre
Attorney for Plaintiffs
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PO Box 479 • Pawtucket • RI • 02862
Tel: (401) 728-6060 • Fax: (401) 728-6534
chris@lefebvrellaw.com

pro hac vice admission to be sought

Cathleen M. Combs, Esq.

EDELMAN, COMBS, LATTURNER & GOODWIN, LLC

20 South Clark Street, Suite 1500 • Chicago, Illinois 60603

Tel: (312) 739-4200 • Fax: (312) 419-0379

JURY DEMAND

Plaintiff demands trial by jury.

/s/Christopher M. Lefebvre

Christopher M. Lefebvre, Esq. BBO# 629056

DOCUMENT PRESERVATION DEMAND

Plaintiff hereby demands that each defendant take affirmative steps to preserve all recordings, data, documents, and all other tangible things that relate to plaintiff, the events described herein, any third party associated with any telephone call, campaign, account, sale or file associated with plaintiff, and any account or number or symbol relating to them. These materials are likely very relevant to the litigation of this claim. If defendant is aware of any third party that has possession, custody, or control of any such materials, plaintiff demands that defendant request that such third party also take steps to preserve the materials. This demand shall not narrow the scope of any independent document preservation duties of the defendant.

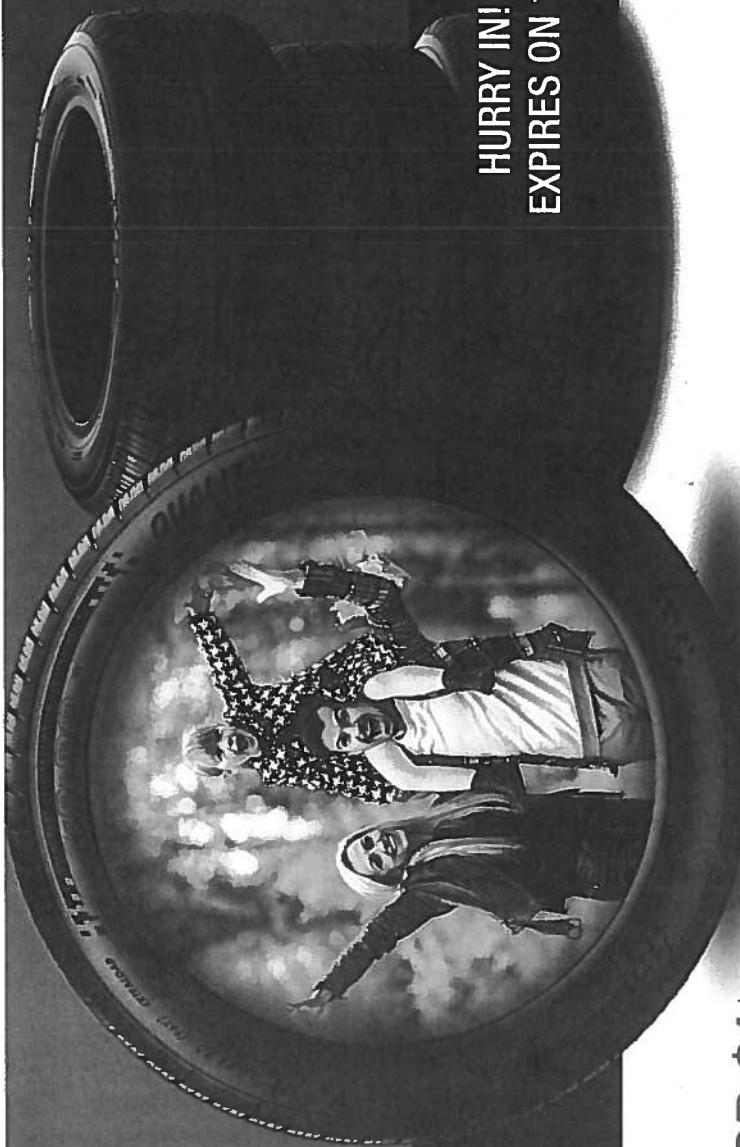
/s/Christopher M. Lefebvre

Christopher M. Lefebvre, Esq. BBO# 629056

EXHIBIT A

PRESORTED
STANDARD
U.S. POSTAGE
PAID
EPSILON

HURRY IN! OFFER
EXPIRES ON 10/31/16.



Tire Savings Event



Get the deal that puts
family safety first.

BUY 3 TIRES, GET THE 4TH FOR \$1*

*Restrictions apply. See participating Toyota dealer for details. Offer valid on select brands. OEM, OEA and WIN replacement tires only. Tires must be dealer-installed. Three tires at regular price, fourth tire for one dollar. Fourth tire must be of equal or lesser value. Excludes mounting and balancing, sales tax, shop supplies, tire disposal, and other applicable taxes. Excludes previous purchases. Toyota and Scion vehicles only. Offer only available at participating Toyota dealers 9/30/16 - 10/31/16.

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1 10 *****AUTO**5-DIGIT 60035
82247 17564

Francis Greene
604 Mulberry Pl
Highland Park, IL 60035-3604



BUY 3 TIRES, GET THE 4TM FOR \$1^{*} SAVE ON AN INVESTMENT IN SAFETY.

BRIDGESTONE  DUNLOP  GOODYEAR  HANKOOK  KUMHO TIRES  Continental  FIRESTONE  YOKOHAMA  GENERAL TIRE 

Everyday Low Price Oil Change

\$29.00 Conventional oil.
\$59.00 Synthetic oil.

Service Includes: *Up to five (5) quarts GENUINE TOYOTA Motor Oil *GENUINE TOYOTA Oil Filter *Multi-Point Inspection

Northbrook Toyota

Toyotas only. Plus tax if applicable. Present coupon at time of service. Cannot be combined with other offers. See dealer for other important details. Offer expires on 10/31/16.

SightLine Wipers

*Combination of modern styling, appealing aesthetics and superior performance *Developed to fit specific windshield curvatures of Toyota vehicles *Superior windshield contact on all points of the glass * Covered, aerodynamic blade design

Northbrook Toyota

Toyotas only. Cannot be combined with any other offers. Plus tax-if applicable. Present coupon at time of service. Some models excluded. See dealer for other important details. Offer expires on 10/31/16.

Parts & Labor Bonus Coupon

*Spend \$100-\$199 and save \$15 *Spend \$200-\$299 and save \$20
*Spend \$300-\$399 and save \$30 *Spend \$400-\$499 and save \$40
*Spend \$500-\$599 and save \$50 *Spend \$600-\$699 and save \$60
*Spend \$700-\$899 and save \$75 *Spend \$900+ and save \$100

SAVE!

Northbrook Toyota

Toyotas only. Cannot be combined with other offers. Plus tax if applicable. Present coupon at time of service. Not valid on tires. See dealer for other important details. Offer expires on 10/31/16.

TrueStart Battery

*84 month warranty (24 month free replacement/ 60 month prorated) *Meets Toyota specifications for all vehicles *High reserve capacity *Longer lasting life

\$145⁰⁰

Northbrook Toyota

Toyota vehicles only. Plus tax if applicable. Present coupon at time of service. Cannot be combined with other offers. Includes installation. Excludes some hybrid models. See dealer for other important details. Offer expires on 10/31/16.

NORTHBROOK
TOYOTA SCION

Northbrook Toyota
1530 Skokie Blvd
Northbrook, IL 60062
847-272-0808
www.northbrooktoyota.com

Service Hours

Monday	7:00 AM - 8:00 PM
Tuesday	7:00 AM - 8:00 PM
Wednesday	7:00 AM - 8:00 PM
Thursday	7:00 AM - 8:00 PM
Friday	7:00 AM - 6:00 PM
Saturday	7:00 AM - 3:00 PM
Sunday	Closed

Text **TIRE1** to 20284
or scan this QR code
to save the tire offer
to your mobile phone.



You will receive 1 autodialed message to your phone.
Message and data rates may apply. Privacy policy and
Terms & Conditions: <https://mp.vibescm.com/c/rmkpg>

EXHIBIT B

1/22/2017

Buy 3 Tires Get the Fourth for Only a Dollar at LaGrange Toyota in LaGrange, GA

LaGrange Toyota Scion

1221 Lafayette Parkway LaGrange, GA 30241

Sales: (866) 726-1611

Tire Savings Event



Tire Savings Event

Buy 3 tires and get the fourth for only a dollar.*

[Select Language ▼](#)





















Toyota Tire Savings Event

Buy 3 tires and get the fourth for only a dollar.**Enjoy 24-month road hazard protection included in the price of your tires.***
[!\[\]\(35dc653d59570f8f891c312eeece91a2_img.jpg\) **SCHEDULE SERVICE APPOINTMENT**](#)

1 Restrictions apply. See participating Toyota dealer for details. OEM, OEA, and WIN replacement tires only. Not valid on run-flat tires. Tires must be dealer-installed. Three tires at regular price, fourth tire one dollar. Fourth tire must be of equal or lesser value. Excludes mounting & balancing, sales tax, shop supplies, tire disposal, & other applicable taxes. Excludes previous purchases. Not valid with any other coupon, offer or advertised special, except multi-point inspection. Toyota & Scion vehicles only. Offer only available at participating Toyota dealers 5/1/14 - 5/31/14.

1/22/2017

Buy 3 Tires Get the Fourth for Only a Dollar at LaGrange Toyota in LaGrange, GA

*Exclusions apply. See your participating Toyota dealership for details.

POWERED BY  CHUMNEY
DIGITAL

x

Current
Wait -
None

Ask us a question - we are CHAT

x

Enter your mobile phone number and someone from
Lagrange Toyota will respond with a text to your
phone right away.

Department

New Car Sales ▼

Your Name

Name

Your Mobile Number

Phone

By clicking "CONNECT" I agree to receive emails,
text messages, and phone calls, which may be
recorded and/or sent using automated dialing or
emailing equipment or software, from Lagrange
Toyota and its affiliates and business partners in the
future, unless I opt-out from such communications. I
also agree to the Terms of Use and Privacy Policy
linked below. I understand that my consent to be
contacted is not a requirement to purchase any
product or service and that I can opt-out at any time. I
agree to pay my mobile service provider's text
messaging rates, if applicable.

CONNECT

Skip and continue

TEXT

Chat

x

Enter your message

Send



(1)

Sales: (877) 308-0883

([http://www.andrewtoyota.com/tel:\(877\)308-0883](http://www.andrewtoyota.com/tel:(877)308-0883))

Service: (877) 204-8005

([http://www.andrewtoyota.com/tel:\(877\)204-8005](http://www.andrewtoyota.com/tel:(877)204-8005))

Parts: (866) 784-7530

([http://www.andrewtoyota.com/tel:\(866\)784-7530](http://www.andrewtoyota.com/tel:(866)784-7530))

1620 West Silver Spring Drive MilwaukeeMap/Hours (<http://www.andrewtoyota.com/contact-us>)

Andrew Toyota (<http://www.andrewtoyota.com/blog/>) Official Blog

Toyota Service: Buy Three Tires, Get The Fourth For One Dollar!

By Shelby | Posted in Dealer Information (<http://www.andrewtoyota.com/blog/category/dealer-information/>), Specials (<http://www.andrewtoyota.com/blog/category/specials/>), Toyota Service (<http://www.andrewtoyota.com/blog/category/specials/toyota-service/>) on Monday, April 18th, 2016 at 8:00 am



Tire Savings Event



Buy 3 tires and get the fourth for only a dollar.



Savings apply 3/31/99 and on select brands. Excludes: Commercial Tire, Run-flat Tire, Highload Performance Tire, Pirelli, and Racing Tire. CEA and EPA replacement tire only. Tire must be group nearest. Shows tire in regular price. Must pay for one dollar. Shows tire has to be shown or same value. Excludes mounting & balancing, wheel, valve, and other applicable fees. Excludes previous price sale, liquid and does not include any tax and will not apply other than 3/31/99. (4-1527)

FIND OUT MORE

Four seasons, one spring. Four tires, one deal!

Every season of the year brings something special to the table, but spring's a little different. It comes right after rough winter weather, pothole obstacle courses and miles of road salt, all of which can take a pretty heavy toll on your ride. It's also a few months before the joys of summer, the official season of hot tarmac, unforgiving heat, quick commutes and long trips.

Perhaps the most important thing about spring is that it gives us a time to make sure our Toyotas are in tip-top shape – and we want to help.

For a limited time, when you buy 3 tires, you can get the 4th for only \$1! (1)

Your safety is everything to us, and tires are the foundation of a steady drive. Visit **Andrew Toyota Scion** (<http://www.andrewtoyota.com/about-our-toyota-service-department>) today, find your fit, and enjoy the rest of this beautiful season.

Schedule Service (<http://www.andrewtoyota.com/schedule-service>)



(http://www.andrewtoyota.com/blog/wp-content/uploads/2016/04/tires_ug_fb.jpg)

1/22/2017

Toyota Tire Savings Event | Andrew Toyota

⁽¹⁾Restrictions apply. See participating Toyota dealer for details. Offer valid on select brands, OEM, OEA and WIN replacement tires only. Tires must be dealer-installed. Three tires at regular price, fourth tire for one dollar. Fourth tire must be of equal or lesser value. Excludes mounting and balancing, sales tax, shop supplies, tire disposal, and other applicable taxes. Excludes previous purchases. Toyota and Scion vehicles only. Offer only available at participating Toyota dealers 4/1/16 – 4/30/16. ©2016 Toyota Motor Sales, U.S.A., Inc.

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This entry was posted on Monday, April 18th, 2016 at 8:00 am and is filed under Dealer Information (http://www.andrewtoyota.com/blog/category/dealer-information/), Specials (http://www.andrewtoyota.com/blog/category/specials/), Toyota Service (http://www.andrewtoyota.com/blog/category/specials/toyota-service/). You can follow any responses to this entry through the RSS 2.0 (http://www.andrewtoyota.com/blog/toyota-service-buy-three-tires-get-the-fourth-for-one-dollar/feed/) feed. Both comments and pings are currently closed.

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Responsive Dealer Website by (http://www.dealerfire.com) **DealerFire** (http://www.dealerfire.com)

Buy 3 Tires & Get The Fourth For Only A Dollar.¹



Tire Savings Event

KEEP YOUR TOYOTA A TOYOTA WITH TIRES MATCHED EXACTLY TO YOUR VEHICLE!

- Enjoy 24-month road hazard protection included in the price of your tires. (Exclusions apply. See us for details.)
- Tires play an important role in your vehicle's handling, performance and driving comfort and can also have an impact on your Toyota's fuel efficiency.



HILAND TOYOTA

¹Restrictions apply. See participating Toyota dealer for details. OEM, OEA and WIN replacement tires only. Tires must be dealer-installed. Three tires at regular price, fourth tire for one dollar. Fourth tire must be of equal or lesser value. Excludes mounting & balancing, sales tax, shop supplies, tire disposal & other applicable taxes. Excludes previous purchases. Toyota & Scion vehicles only. Offer only available at Hiland Toyota. Expires 04/30/16.

Brake Pads Special



FRONT OR REAR...
YOUR CHOICE!

- Replace front or rear brake pads
- Resurface Rotors
- Inspect Calipers & Brake Lines

\$20 OFF

HILAND TOYOTA

One axle only - front or rear. Cannot be combined with any other offer. One coupon per customer per transaction. Prices may vary due to size and condition of vehicle. Toyota vehicles only. Valid only at Hiland Toyota. Must present coupon upon arrival. See dealer for details. Expires 12/31/16.

Cabin Air Filter



- Capture dust, pollen and other airborne particles
- Filter both recirculated & fresh air

- Toyota designed and engineered to precisely fit your Toyota

\$34⁹⁵

+ Tax and applicable shop fees

HILAND TOYOTA

Cannot be combined with any other offer. One coupon per customer per transaction. Prices may vary due to size and condition of vehicle. Toyota & Scion vehicles only. Valid only at Hiland Toyota. Must present coupon upon arrival. Expires 12/31/16.

4-Wheel Alignment



- Set front wheel caster, camber & toe-in on applicable vehicles
- Set all specifications to achieve proper thrust angle
- Inspect steering linkage & shocks • Check tire pressure & tire wear

\$69⁹⁵

+ Tax and applicable shop fees

HILAND TOYOTA

Cannot be combined with any other offer. One coupon per customer per transaction. Prices may vary due to size and condition of vehicle. Toyota & Scion vehicles only. Valid only at Hiland Toyota. Must present coupon upon arrival. Expires 12/31/16.

Genuine Toyota TrueStart™ Battery

- 84-month warranty (24-month free replacement, 60-month prorated)
- Meets Toyota specifications for all vehicles
- High reserve capacity
- Longer-lasting life



\$121

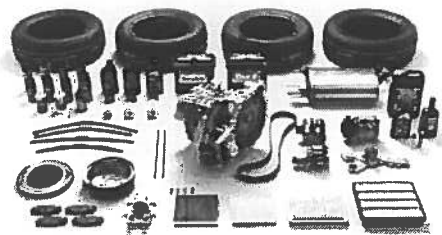
Installation not included

HILAND TOYOTA

Cannot be combined with any other offer. One coupon per customer per transaction. Prices may vary due to size and condition of vehicle. Toyota & Scion vehicles only. Valid only at Hiland Toyota. Must present coupon upon arrival. Expires 12/31/16.

20% OFF

**All Repairs
on eligible Toyotas**



- Your Toyota with over 100,000 miles or more than 10 years old is eligible
- Includes Multi-Point Inspection • Includes Rental Car with Major Repairs

HILAND TOYOTA

Cannot be combined with any other offer. One coupon per customer per transaction. Valid for Toyota & Scion vehicles, at least 10 years old or with 100,000 + miles only. Valid only at Hiland Toyota. Must present coupon at service write-up. Expires 12/31/16.

1/22/2017

Manhattan Beach Toyota Scion | Tire Sale—Buy 3 Tires, Get the 4th for \$1 All Through April

1500 N. Sepulveda Blvd. Manhattan Beach, CA 90266

Sales: (888) 703-8534

980-7299

0-4491


**MANHATTAN
BEACH**
TOYOTA \$1 All Through April

Andrisa Sperber

	Tire Savings Event		Buy 3 tires and get the fourth for only a dollar.		<small>Restrictions apply. Offer ends 4/30/15.</small>
			FIND OUT MORE		

Manhattan Beach, CA, April 1, 2015—Driving in Los Angeles and the South Bay puts so many miles on your Toyota each year. The month-long Tire Savings Event or Tire Sale at Manhattan Beach Toyota in April may be the perfect time to replace those beat tires. Besides, the tire is the only part of the vehicle that touches the road. Why not play it safe and make sure the tires on your vehicle are in good condition or replaced if necessary.

Your Toyota's tires should be in great condition before getting on the road to work or school to increase the safety already provided by the Toyota you drive. Tires also play an important role in a vehicle's handling, performance and driving comfort. Toyotas already get great miles per gallon (MPG) but the vehicle can get even better MPG with new tires because tires can influence the fuel efficiency of a Toyota and other vehicles.

The National Highway Traffic Safety Administration (NHTSA) recommends maintaining proper tire pressure, observing tire and vehicle load limits and avoiding road hazards to extend the life of tires. Before getting on the road, inspect tires for slashes, cuts and other damage. If these irregularities are spotted on the tires but action is not taken to repair or replace the tires, tread separation, a blowout or flats can occur.

To maintain tire safety, the NHTSA further recommends new tires be purchased at the same size as the vehicle's original tires or another size recommended by the manufacturer. The Parts Department at Manhattan Beach Toyota can help determine the best tire for the vehicle.

During the entire month of April save on tires at Manhattan Beach Toyota on Sepulveda Boulevard near Torrance, Redondo Beach and El Segundo. The Tire Savings Event is essentially like a month-long coupon or special in the Toyota Parts Department. Buy 3 tires and get the fourth for only \$1* (one dollar!) during the Toyota dealership Tire Savings Event or Tire Sale. That's a huge savings on tires for a Toyota in April right before the summer months, which bring road trips!

Some tires are matched exactly for the Toyota model you drive. Manhattan Beach Toyota has a large selection of tires and the best brands including, Bridgestone, Continental, Dunlop, Goodyear, Hankook, Kumho, Pirelli, Toyota and Yokohama.

To keep you even safer while driving on Los Angeles streets and freeways tires purchased at Manhattan Beach Toyota near Redondo Beach come with 24-month road hazard protection included in the price of the tires.*

Get the tires designed for your Toyota by using the online Tire Center on this Toyota dealership's web site. <http://www.manhattanbeachtoyota.com/manhattan-beach-tire-center-near-marina-del-rey.htm>

*Restrictions apply. Ask us about details. Offer valid on select brands. OEM, OEA and WIN replacement tires only. Tires must be dealer-installed. Three tires at regular price, fourth tire for one dollar. Fourth tire must be of equal or lesser value. Excludes mounting and balancing, sales tax, shop supplies, tire disposal and other applicable taxes. Excludes previous purchases. Toyota and Scion vehicles only. Offer available at participating Toyota dealers April 1, 2015 to April 30, 2015.

Categories: Parts, News

1/22/2017

Manhattan Beach Toyota Scion | Tire Sale—Buy 3 Tires, Get the 4th for \$1 All Through April

Comments

 AdChoices

1/22/2017

www.hubertvestertoyota.com/PrintCoupon_S.aspx?specialNum=293345&id=12294**Hubert Vester
Toyota**3712 Raleigh Road Parkway
Wilson, NC 27896

Contact Us: 252-291-5300

**Tire Savings Event
Buy 3 tires and get the
fourth for only \$1**

Buy 3 tires and get the 4th for only a dollar plus get up to \$70 Visa Prepaid Card with the purchase of 4 qualifying tires.

*Restrictions apply. See participating Toyota dealer for details. OEM, OEA and WIN replacement tires only. Tires must be dealer-installed. Three tires at regular price, fourth tire for one dollar. Fourth tire must be of equal or lesser value. Excludes mounting & balancing, sales tax, shop supplies, tire disposal, & other applicable taxes. Excludes previous purchases. Toyota & Scion vehicles only. Offer only available at participating Toyota dealers 4/1/16 - 4/30/16. ©2016 Toyota Motor Sales, U.S.A., Inc. **Toyota dealers will match any competitor's price on tires. Must bring proof of competitor pricing at the time of purchase and the price must be current within the last 30 days. Competitor must be within 50 miles of dealership. Customer must present competitor's written valid coupon, advertisement or repair estimate prior to vehicle repair. Excludes Internet sales and prices. May not be combined with other coupons or offers. See dealer for details. Expires 4/30/16.*

Expires 06/01/2016



1/22/2017

Halterman's Toyota Scion | New Toyota dealership in East Stroudsburg, PA 18301



HALTERMAN'S
WE DELIVER!



1741 PARADISE TRAIL, RTE 447 EAST STROUDSBURG, PA 18301

Select Language ▼

SALES: (866) 939-8721

SERVICE: (866) 574-3082

PARTS: (866) 938-9631

(http://www.haltermantoyota.com/tire-center.html)
hl=en)



(http://www.bbb.org/washington-dc-eastern-pa/business-reviews/auto-dealers-new-cars/halterman-s-toyota-scion-mitsubishi-in-e-stroudsburg-pa-235963634)

October Tire Savings Event



Tire Savings Event



Buy 3 tires and get the fourth for only a dollar.












Restrictions apply. See participating Toyota dealer for details. OEM, OEA and WVIN replacement tires only. Tires must be dealer-installed. Three tires at regular price, fourth tire one dollar. Fourth tire must be of equal or lesser value. Excludes mounting & balancing, sales tax, shop supplies, tire disposal, & other applicable taxes. Excludes previous purchases. Toyota & Scion vehicles only. Offer only available at participating Toyota dealers 10/1/14 - 10/31/14

(http://www.haltermantoyota.com/tire-center.html)

During the Tire Savings Event, buy 3 tires and get the fourth for one dollar.

The best way to keep your Toyota a Toyota is with tires matched exactly for your Toyota

Enjoy 24-month road hazard protection included in the price of your tires.

Visit the Halterman Toyota Service Center in East Stroudsburg PA during the month of October for this amazing deal.

Halterman Toyota can help you determine the best tire for your vehicle.

Tires play an important role in your vehicle's handling, performance and driving comfort and can also have an impact on your Toyota's fuel efficiency.

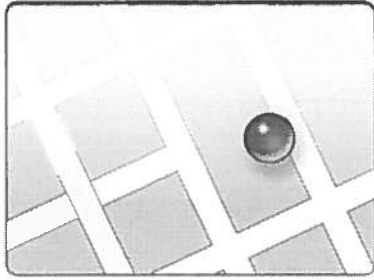
Directions

Choose from the best tire brands including:

Bridgestone
Continental
Dunlop
Goodyear
Hankook
Kumho

1/22/2017

Halterman's Toyota Scion | New Toyota dealership in East Stroudsburg, PA 18301



Pirelli
Toyo
Yokohama

Request More Information**First Name *****Last Name *****Contact Me by *****Email****Email *****Home Phone****Current Year, make and
model**

*Restrictions apply. See participating Toyota dealer for details. OEM, OEA, and WIN replacement tires only. Tires must be dealer-installed. Three tires at regular price, fourth tire for one dollar. Fourth tire must be of equal or lesser value. Excludes mounting & balancing, sales tax, shop supplies, tire disposal, & other applicable taxes. Excludes previous purchases. Toyota & Scion vehicles only. Offer only available at participating Toyota dealers 10/01/2014 - 10/31/2014

1/22/2017

Toyota Tire Savings Event | Stephen Toyota serving Bristol, Hartford & Waterbury, CT



Stephen Toyota

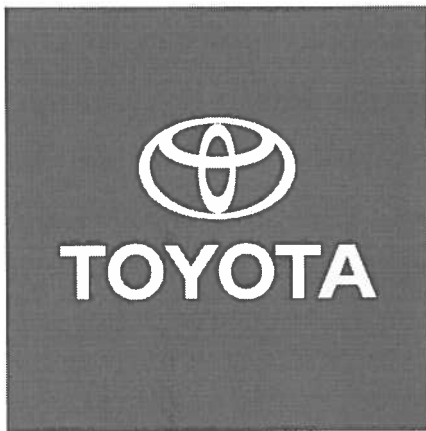
Sales: (866) 439-1776 Service: (866) 437-4436 Parts: (866) 451-7847 BODY SHOP: (860) 584-74

1069 Farmington Ave, Bristol, CT 06010 Directic

Select Language

Powered by Google Translate (<https://translate.google.com>)

Tire Savings Event



Tire Savings Event

**During the Toyota Tire Savings Event,
buy 3 tires and get the fourth for only a dollar***

+ Enjoy 24-month road hazard protection included in the price of your tires.**

Choose from the best tire brands including:



1/22/2017

Toyota Tire Savings Event | Stephen Toyota serving Bristol, Hartford & Waterbury, CT



Why buy from a Toyota Dealer?

We have Toyota Trained and Certified Technicians who know your vehicle inside and out. Whether you drive a Toyota Corolla, or a Tundra, we have all the approved and recommended brands that your Toyota deserves for the best possible driving experience.

Schedule an appointment online today or call 860-584-7406 to speak with a Toyota Service Adviser.



STEPHEN TOYOTA

Disclaimer:

*Restrictions apply. See participating Toyota dealer for details. OEM, OEA and WIN replacement tires only. Tires must be dealer-installed. Three tires at regular price, fourth tire for one dollar. Fourth tire must be of equal or lesser value. Excludes mounting and balancing, sales tax, shop supplies, tire disposal and other applicable taxes. Excludes previous purchases. Toyota and Scion vehicles only. Offer only available at participating Toyota dealers 10/1/15-10/31/15

**Exclusions apply. See your participating Toyota dealership for details.

[Sales \(tel:877-857-0124\)](#)

[Service \(tel:888-539-1797\)](#)

[Parts \(tel:888-539-1794\)](#)

[Map](#)

<https://www.google.com/maps>

Open Today! 9:00 AM - 9:00 PM

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Open Today! 9:00 AM - 9:00 PM | [Log In](#) | [Sign Up](#)



(/)

33395 Camino Capistrano, San Juan Capistrano, CA 92675

<https://www.google.com/maps/dir/33395+Camino+Capistrano%2C>

Sales: **877-857-0124 (tel:877-857-0124)** | Service: **888-539-1797**

(tel:888-539-1797) | Parts: **888-539-1794 (tel:888-539-1797)**

[Home \(/\)](#)

Tire Savings Event

Buy 3 Tires and get the fourth
for only a dollar*



This January, Capistrano Toyota Customers Can Buy Three Tires And Get The Fourth For Only A Dollar When Installed On A Toyota Or Scion Vehicle.

*And get FREE Lifetime Tire Rotations for the Life of These Tires!

*Free Lifetime Tire Rotations valid only at Capistrano Toyota and on tires purchased during this Tire Savings Event.

Speak With Your Assistant Service Manager For Details.
Fill Out The Form Below To Schedule Your Appointment
Now!

Contact Information

First Name: Required

Last Name: Required

Email Address: Required

Phone Number: Required

Vehicle Information

Year

Make

Model

Mileage

VIN

Under Warranty?

Requested Service(S)

- ☐ Oil Change
- ☐ Tire Rotation
- ☐ Coolant Flush
- ☐ Transmission Flush
- ☐ Tire Balance
- ☐ Filter Replacement
- ☐ Front End Alignment
- ☐ Replace / Adjust Brakes
- ☐ Muffler / Exhaust Repair
- ☐ Vehicle Checkup / Inspection
- ☐ Electrical Service
- ☐ Maintenance (Wipers, Headlights, Etc)
- ☐ Tire Savings Promotion
- ☐ Other (Please Describe Below)

Other Service Request(S)

Schedule Date / Time

January 2017							
Sun	Mon	Tue	Wed	Thu	Fri	Sat	3:00 PM
1	2	3	4	5	6	7	3:30 PM
8	9	10	11	12	13	14	4:00 PM
15	16	17	18	19	20	21	4:30 PM
22	23	24	25	26	27	28	5:00 PM
29	30	31	1	2	3	4	5:30 PM

Your Requested Date: 2017/01/23 15:09

Additional Comments

By Submitting This Form You Will Be Scheduling A Service Appointment At No Obligation And Will Be Contacted Within 48 Hours By A Service Advisor.

Submit

Eligible tire brands include:

BRIDGESTONE

Continental
TIRE

DUNLOP

Firestone

GENERAL TIRE GT

GOODYEAR

HANKOOK

KUMHO TIRES

PIRELLI

YOKOHAMA

*Restrictions apply. See Capistrano Toyota Service Advisors for details. Offer valid on select brands. Tires must be dealer-installed. Three tires at regular price, fourth tire for only one dollar. Fourth tire must be of equal or lesser value. Excludes mounting and balancing, sales tax, shop supplies, tire disposal and other applicable taxes. Excludes previous purchases. Toyota and Scion vehicles only. Offer only available at Capistrano Toyota.

DEALER INFORMATION

Capistrano Toyota

33395 Camino Capistrano

San Juan Capistrano, CA 92675

📍 [Get Directions \(https://www.google.com/maps/dir//+++/\)](https://www.google.com/maps/dir//+++/)

[Sales](#) [Service](#) [Parts](#)

Phone: **888-539-1797 (tel:888-539-1797)**

Sunday:	CLOSED
Monday:	7:00 AM - 7:00 PM
Tuesday:	7:00 AM - 7:00 PM
Wednesday:	7:00 AM - 7:00 PM
Thursday:	7:00 AM - 7:00 PM
Friday:	7:00 AM - 7:00 PM
Saturday:	7:00 AM - 5:00 PM

Capistrano Toyota

📍 33395 Camino Capistrano, San Juan Capistrano CA, 92675 (<http://maps.google.com/?q=33395+Camino+Capistrano%2C+San+Juan+Capistrano+CA%2C+92675>)

 <https://www.facebook.com/CapistranoToyota>

 <https://twitter.com/CapToyota>

 <https://www.youtube.com/channel/UC...>

 <https://plus.google.com/+CapistranoToyota>
[hl=en](#) 

(<https://www.pinterest.com/capoto>



(<https://www.instagram.com/capis>

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[Disclaimer \(/disclaimer\)](/disclaimer)

[Sitemap \(/sitemap\)](/sitemap)

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[Responsive Automotive Dealer Website by fusionZONE Automotive \(http://www.fzautomotive.com\)](http://www.fzautomotive.com)

 [AdChoices](#)

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EXHIBIT C



GENERAL

GRABBER HTS60

Truck - All Purpose

Tire Center

TOYOTA OF NASHUA



Price	Installed
\$173.00	\$197.75
Includes Road Hazard Coverage	
Click for Promotions	

Back

4

Let's Talk!



Move mouse over image above to zoom in.



Tech Specifications

Features & Overview

SIZE

265/70R16

112 T

INFO BREAKDOWN

FEATURES

Road Hazard Coverage	24-Month
Treadlife Warranty	65K miles
Seasonality	All Season
Sidewall	Black Wall
Factory Original	No

SPECIFICATIONS

Item Weight	36 lbs.
Max Rim Width	9 IN
Min Rim Width	7 IN
Overall Diameter	30.6 IN

Move your mouse over any data label to display a detailed definition here.

EXHIBIT D



Tire Center

TOYOTA OF NASHUA

GENERAL

GRABBER HTS60

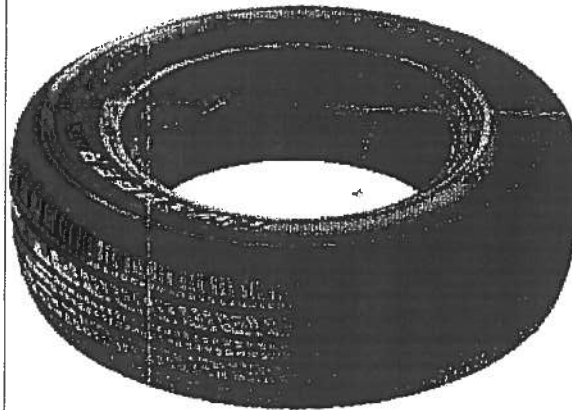
Truck - All Purpose

Price	Installed
\$149.30	\$174.05
Includes Road Hazard Coverage	
Click for Promotions	

Back

4

Let's Talk!



Move mouse over image above to zoom in.



Tech Specifications

Features & Overview

SIZE	PERFORMANCE
265/70R16	112 T

FEATURES

Road Hazard Coverage	24-Month
Treadlife Warranty	65K miles
Seasonality	All Season
Sidewall	Black Wall
Factory Original	No

SPECIFICATIONS

Item Weight	36 lbs.
Max Rim Width	9 IN
Min Rim Width	7 IN
Overall Diameter	30.6 IN

INFO BREAKDOWN

Move your mouse over any data label to display a detailed definition here.

EXHIBIT E

TOYOTA OF NASHUA
10 MARMON DR
NASHUA, NH 03060

10/01/2016
Printed ID:
Terminal ID:

10:12:03
17037947
001

When you provide a check as payment, you authorize us to use information from your check to process a one-time Electronic Funds Transfer (EFT) or draft drawn from your account, or to process the payment as a check transaction. You also authorize us to process credit adjustments, if applicable. If your payment is returned unpaid, you authorize us to collect your payment and the Return Fee amount below by EFT(s) or draft(s) from your account.

ELECTRONIC CHECK

** Powered By TeleCheck **
** A First Data Company **

Transaction #: 006
Batch #: 941
Approval Code: 1576
Entry Method: Swiped
Mode: Online
Trace Number: 1400310000027619655296
Check Number: 6894

SALE AMOUNT

\$571.75

RETURN FEE AMOUNT

\$25.00

ELECTRONICALLY DEPOSITED
ITS SAFE. ITS SECURE
ITS FROM TELECHECK

QUESTIONS? CALL 1-800-697-9263

CUSTOMER COPY

See Cashier For Details



TOYOTA of Nashua
A Family Owned Company for Over Forty Years
10 MARMON DRIVE - NASHUA, N.H. 03060
PHONE (603) 888-3555
TOYOTA PARTS LINE (603) 891-5637
N.E. WATS (800) 300-3555

Invoice #: 944033
Tag #: T1228

Customer #: 283965

Service Advisor: 421 VICKY C BACK

FAKE/MODEL	VIN	LICENSE	MILEAGE IN	MILEAGE OUT
IA SEQUOIA	5TDBT44A72S078883	508DKS	289256	289256
PROMISED	PO NO.	PAYMENT	INV. DATE	R.O. OPENED
WAIT 03OCT16	112.00	CASH	01OCT16	07:46 01OCT16

CODE TECH TYPE HOURS

STATES INSTALL 4 TIRES SKU# 0450471 GENERALGRABBER HTS60 BSW
CUST REQUESTED SOP ADVISED CUST MAY HAVE NEW PRICING IN PLACE /
SPECIAL
EXPRESS TEAM COST ADJUSTMENT

1275 CPT 0.00 OTHER: 0.00 TOTAL LINE A: 0.00
0.00 LABOR: 0.00

1275/1299----- COMPLETED 4 TIRES MOUNT AND BALANCE

DECLINED ALIGNMENT

IP NO WORK PERFORMED

1299 CPT

0.00 LABOR:

0.00 OTHER: 0.00 TOTAL LINE B: 0.00

THREE TIRES GET ONE FOR A DOLLAR

Y3 BUY THREE TIRES GET ONE FOR A DOLLAR

1299 CPT

3 DT000-50471-GE 265/70R16

3 TDF TIRE DISPOSAL FEE

1 BUY3 SINGLE TIRE

520.00 LABOR:

80.00 OTHER: 6.75 TOTAL LINE C: 80.00

1 TIRE \$1.00

4TH TIRE \$1.00

1299 INIT

1 DT000-50471-GE 265/70R16

1 TDF TIRE DISPOSAL FEE

0.00 LABOR:

0.00 OTHER: 0.00 TOTAL LINE D: 0.00

00 CUSTOMER LOYALTY DISCOUNT

CPT

CUSTOMER LOYALTY DISCOUNT

CPT

DED DISCOUNT TO CUSTOMER

00

STATEMENT OF DISCLAIMER

The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

X

CUSTOMER SIGNATURE

Department Hours

Monday to Friday

00am - 8:30pm

Saturday

7:00am - 5:30pm

(603) 689-1541

www.toyotaofnashua.com/service

Page 1 of 1

Customer Copy

THANK YOU!

COMPLAINT APPROVAL FORM

Attach this form to the complaint.

CASE NAME Joseph Presti v.
Toyota Motor Sales (U.S.A.), INC.
+ Colonial Imports Corp

ECL&G FILE NUMBER 33304

Associate reviewed complaint with client: _____
Associate initials _____ Date _____

Complaint reviewed and approved by: (please initial)

DAE 

CMC _____

JOL 

After all have reviewed:

Changes made _____

If extensive changes are necessary, 2nd review approved:

DAE _____

CMC _____

JOL _____

Complaint ready for filing: _____
Associate initials _____

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

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

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

DEFENDANTS

County of Residence of First Listed Defendant _____
(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
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 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 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 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)

Click here for: [Nature of Suit Code Descriptions.](#)

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	PERSONAL INJURY <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	PERSONAL INJURY <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 PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input 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 LABOR <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 IMMIGRATION <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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <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"/> 376 Qui Tam (31 USC 3729(a)) <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
REAL PROPERTY <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	CIVIL RIGHTS <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	PRISONER PETITIONS Habeas Corpus: <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 Other: <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 - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

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

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) _____

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ___ I. 410, 441, 470, 535, 830*, 891, 893, 895, R.23, REGARDLESS OF NATURE OF SUIT.
- ___ II. 110, 130, 140, 160, 190, 196, 230, 240, 290, 320, 362, 370, 371, 380, 430, 440, 442, 443, 445, 446, 448, 710, 720, 740, 790, 820*, 840*, 850, 870, 871.
- ___ III. 120, 150, 151, 152, 153, 195, 210, 220, 245, 310, 315, 330, 340, 345, 350, 355, 360, 365, 367, 368, 375, 385, 400, 422, 423, 450, 460, 462, 463, 465, 480, 490, 510, 530, 540, 550, 555, 625, 690, 751, 791, 861-865, 890, 896, 899, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☐

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☐

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☐

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☐ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME _____

ADDRESS _____

TELEPHONE NO. _____