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Attorneys for Plaintiff

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF MARICOPA**

12 STATE OF ARIZONA, *ex rel.* TERRY
13 GODDARD, Attorney General,

Plaintiff,

14 vs.

15 ALL ABOUT ENGINES, LLC, a Nevada
16 limited liability company; BRADLEY UPTON
17 and LANA UPTON, husband and wife;
18 ENGINE DR., INC., an Arizona corporation;
19 PAUL NOLAN and JANE DOE NOLAN,
20 husband and wife; A+ ENGINE BUILDER
SPECIALIST, LLC, an Arizona limited liability
company; and MARIVEL ROMERO and
JOHN DOE ROMERO, wife and husband;

Defendants.

No.:

CV2009-030812

**COMPLAINT FOR INJUNCTIVE AND
OTHER RELIEF**

Unclassified Civil

22 Plaintiff, State of Arizona, *ex rel.* Terry Goddard, Attorney General, alleges as follows:

23 **I. JURISDICTION AND VENUE**

24 1. This action is brought pursuant to the Arizona Consumer Fraud Act,
25 A.R.S. § 44-1521 *et seq.*, to obtain injunctive relief, civil penalties, attorneys' fees and
26 costs, investigative expenses and other relief to prevent the unlawful acts and practices alleged

1 in this Complaint and to remedy the consequences of such practices.

2 2. Venue is proper in Maricopa County, Arizona.

3 3. The Superior Court has jurisdiction to enter appropriate orders both prior to and
4 following a determination of liability pursuant to A.R.S. § 44-1528.

5 **II. PARTIES**

6 4. Plaintiff is the State of Arizona, ex rel. Terry Goddard, Attorney General (“the
7 State”), who is authorized to bring this action under the Arizona Consumer Fraud Act, A.R.S. §
8 44-1521 *et seq.*

9 5. Defendant All About Engines LLC, was a Nevada Limited Liability Company
10 formerly engaged in the business of selling and installing remanufactured engines at 2601 W.
11 Cypress St., Phoenix, Arizona.

12 6. Defendant Bradley Upton was one of two Managing Members of Defendant All
13 About Engines, LLC.

14 7. Defendant Lana Upton was one of two Managing Members of Defendant All
15 About Engines, LLC.

16 8. Defendants Bradley and Lana Upton acted on behalf of their marital community
17 with respect to the allegations contained in this Complaint.

18 9. Defendant Engine Dr., Inc., doing business as both Engine Dr. Inc. and All About
19 Engines, LLC, was an Arizona corporation that succeeded All About Engines LLC, in the
20 business of selling and installing remanufactured engines at 2601 W. Cypress St., Phoenix,
21 Arizona.

22 10. Defendant Paul Nolan was the President and sole Officer of Engine Dr., Inc.

23 11. Defendant Jane Doe Nolan is and was, at all relevant times, the wife of Defendant
24 Paul Nolan. Defendant Paul Nolan acted on behalf of their marital community with respect to
25 the allegations contained in this Complaint.

1 12. Defendant A+ Engine Builder Specialist, LLC, doing business as A+ Engine
2 Builder and All About Engines LLC, is an Arizona limited liability company that succeeded
3 Engine Dr. Inc., and is currently engaged in the business of selling and installing
4 remanufactured engines at 2601 W. Cypress St., Phoenix, Arizona.

5 13. Defendant Marivel Romero is the sole member of A+ Engine Builder Specialist,
6 LLC.

7 14. Defendant John Doe Romero is and was, at all relevant times, the husband of
8 Defendant Marivel Romero. Defendant Marivel Romero acted on behalf of their marital
9 community with respect to the allegations contained in this Complaint.

10 15. When reference is made to "All About Engines," it refers to all of the above
11 named Defendants and to the actions of their owners, officers, managers, employees, agents and
12 independent contractors.

13 **III. GENERAL ALLEGATIONS**

14 16. All About Engines advertised, sold and installed remanufactured engines and
15 related goods and services within Arizona.

16 17. From June 2006 to the present, the Arizona Attorney General has received and
17 investigated numerous consumer complaints concerning:

18 A. Failure to Honor Warranty: All About Engines failed to honor the warranty on
19 its work.

20 B. Charges Above the Advertised and Quoted Price Without Notice or
21 Permission: All About Engines charged customers more than the advertised, quoted or
22 agreed upon price for parts and labor and refused to release vehicles to owners without
23 full payment.

24 C. False Advertising: All About Engines advertised free towing and then
25 proceeded to charge customers for the service. All About Engines falsely claimed "[to]
26 stand behind their parts and labor warranty," "work done within 5-7 business days," and

1 "you will not find any surprise charges on your bill." All About Engines also advertised
2 engine costs for specific engine makes and sizes but did not honor the advertised price.

3 D. Performing Shoddy Work that Required Further Repair or Could Not Be
4 Repaired: The work performed by All About Engines was shoddy, created dangerous
5 conditions and required further repairs. damaged vehicles beyond their original condition,
6 or beyond repair, and required expensive repair by other vehicle service shops.

7 E. Unreasonable Delays in Completing Warranty Work: When All About Engines
8 agreed to perform warranty work, the work was not completed within a reasonable time,
9 but was delayed for weeks or months.

10 F. Charging for Work Covered by Warranty: Without informing the customer
11 prior to completing the work, All About Engines charged the customer for work the
12 customer expected to be covered under the warranty.

13 G. Performing Work that Required Repair by Other Shops: All About Engines'
14 shoddy work frequently had to be redone and repaired by other motor vehicle repair
15 shops at further expense to customers.

16 H. Unreasonable Delays in Performing Agreed Upon Work: Customers were
17 promised their vehicles by a certain date but did not receive them until weeks and months
18 after that date.

19 I. Customers Were Told Vehicles Were Ready for Pickup When They Were Not:
20 Customers were told that their vehicles were ready, and incurred time and travel costs to
21 pickup vehicles that were not ready as promised.

22 J. Customers Were Lied to by All About Engines: On a routine basis, customers
23 were promised prices, readiness dates, repairs, and the return of phone calls that were not
24 honored by All About Engines.

25 K. Customers Were Promised Refunds that Were Not Made: All About Engines
26 personnel promised refunds that were never made.

1 L. Failing to Honor Warranties from Previous Owners: Despite contractual
2 agreements to honor warranties from previous owners, All About Engines refused to
3 honor the warranties and perform warranty repairs and falsely stated that it was not
4 obligated to perform warranty work for past owners.

5 **IV. VIOLATIONS OF THE CONSUMER FRAUD ACT**

6 18. The State realleges and incorporates by reference the allegations of Paragraphs 13
7 to 17 of this Complaint.

8 19. As alleged above, in the conduct of its business, the advertisement, sale and
9 installation of remanufactured engines and related goods and services, All About Engines used
10 deception, deceptive acts or practices, fraud, false pretense, false promise, misrepresentation or
11 concealment, and suppression or omission of material facts with intent that others rely upon
12 such concealment, suppression or omission, in connection with the sale and advertisement or
13 merchandise, in violation of the Arizona Consumer Fraud Act, §§ 44-1522-1574.

14 20. While engaging in the acts and practices alleged in this Complaint, All About
15 Engines, at all times, acted willfully as defined by A.R.S. § 44-1522(B).

16 **V. RELIEF REQUESTED**

17 WHEREFORE, the State respectfully requests that the Court:

18 1. Prohibit All About Engines from violating the Consumer Fraud Act, A.R.S. § 44-
19 1521 *et seq.*

20 2. Prohibit All About Engines from engaging in the course of conduct alleged herein
21 as a violation of A.R.S. § 44-1522(A).

22 3. Order All About Engines to make restitution to Customers.

23 4. Order All About Engines to pay the State of Arizona up to \$10,000 per each
24 willful violation of the Consumer Fraud Act pursuant to A.R.S. § 44-1531.

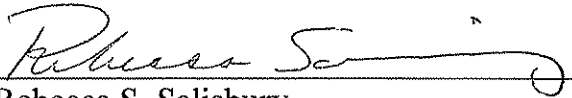
25 5. Order All About Engines to pay the costs of investigation and reasonable
26 attorneys' fees pursuant to A.R.S. § 44-1534.

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3. Order All About Engines to make restitution to Customers.
4. Order All About Engines to pay the State of Arizona up to \$10,000 per each willful violation of the Consumer Fraud Act pursuant to A.R.S. § 44-1531.
5. Order All About Engines to pay the costs of investigation and reasonable attorneys' fees pursuant to A.R.S. § 44-1534.
6. Order other and further relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED this 29th day of September, 2009.

Terry Goddard
Attorney General


Rebecca S. Salisbury
Assistant Attorney General
Attorneys for Plaintiff

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