

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA }
CLEVELAND COUNTY } S.S.
FILED In The
Office of the Court Clerk

DEC 06 2001

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Case No. CJ- 2001-1913- BH

STATE OF OKLAHOMA, ex rel.,)
W.A. DREW EDMONDSON,)
ATTORNEY GENERAL OF OKLAHOMA,)

Plaintiff,)

vs.)

SATELLITES DIRECT, INC.)
an Oklahoma Corporation)

Defendant,)

PETITION

Comes now, Plaintiff, the State of Oklahoma ex rel. W.A. Drew Edmondson, Attorney General, and for its causes of action against Defendant, Satellites Direct, Inc. alleges and states as follows:

JURISDICTION AND VENUE

1. That this petition is filed and these proceedings are instituted under the provisions of the Consumer Protection Act, 15 O.S. § 751 et. seq., and the Commercial Telephone Solicitation Act, 15 O.S. § 775A.1 et. seq.
2. That standing of the Attorney General to commence this action is conferred by 15 O.S. § 756.1.
3. That this Court is the proper venue for this action.

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PARTIES

4. That this action is brought in the public interest by W.A. Drew Edmondson, the duly elected Attorney General for the State of Oklahoma to prohibit Defendant from using an automatic dial announcing device in violation of 15 O.S. § 755.1 of the Oklahoma Consumer Protection Act, and operating as an unregistered commercial telephone seller in violation of 15 O.S. § 775A.3.

5. That the Attorney General brings this action for civil penalties and injunctive relief pursuant to 15 O.S. § 756.1 and 15 O.S. § 761.1 of the Oklahoma Consumer Protection Act.

6. That Defendant, Satellites Direct, Inc. (hereinafter "Defendant"), is an Oklahoma corporation with its principal place of business in Norman, Oklahoma. The registered agent for service of process is Mike Higgins, 2896 Broce Dr., Norman, Oklahoma 73032. Defendant was engaged in the sale and installation of satellite television systems through the use of telemarketing and an automatic dial announcing device.

7. That any reference to the acts, practices, or omissions of Defendant shall include those acts, practices, or omissions of Defendant's officers, directors, employees, representatives, billing and collections agents, or other agents.

FACTUAL ALLEGATIONS AND VIOLATIONS

8. Defendant, has been at all times relevant to this cause of action, transacting business in Oklahoma as a provider of satellite television systems.

9. Defendant, through its agents and representatives, solicits and has solicited prospective Oklahoma customers for its services by making unsolicited telephone calls to Oklahoma consumers via telemarketing and automatic dialing and recorded message players.

10. Complaints received by the Attorney General's Office indicate that Defendant has violated 15 O.S. §755.1 of the Oklahoma Consumer Protection Act by using an automatic dial announcing device when such calls were not initiated by a live operator. These complaints further indicate that Defendant has operated as a commercial telephone seller without first registering with the Oklahoma Attorney General's office as required by 15 O.S. § 775A.3.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, State of Oklahoma, prays for relief as follows:

11. That the Court adjudge and decree that the Defendant has engaged in the conduct complained of in this petition.

12. That the Court adjudge and decree that the Defendant's acts and practices as described in this petition are in violation of Oklahoma law.

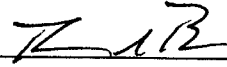
13. That the Court issue a permanent injunction, authorized by 15 O.S. § 756.1(A)(2), enjoining and restraining the Defendant, its officers, agents, servants, employees, successors, assigns, and all persons in active concert or participation with the Defendant, from engaging in the conduct outlined in this petition.

14. That the Court assess a civil penalty, pursuant to 15 O.S. § 761.1(C) of up to \$10,000.00 per violation, against Defendant, for each and every violation of 15 O.S. § 755.1 and 15 O.S. § 775.A.3.

15. For such other relief as the Court may deem just and proper to fully and effectively dissipate the effect of the conduct complained of in this petition or which may otherwise seem proper to the Court.

DATED this 6th day of December, 2001.

W.A. DREW EDMONDSON
ATTORNEY GENERAL



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