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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

DIALOGUE DIRECT, INC., a Delaware
corporation,

Defendant.

NO.

COMPLAINT FOR INJUNCTIVE
AND OTHER RELIEF UNDER
THE CONSUMER PROTECTION
ACT AND THE CHARITABLE
SOLICITATIONS ACT

The Plaintiff, State of Washington, by and through its attorneys Robert M. McKenna, Attorney General, and Shannon E. Smith, Assistant Attorney General, brings this action against the Defendant named below. The State alleges the following on information and belief:

I. PLAINTIFF

- 1.1 The Plaintiff is the State of Washington.
- 1.2 The Attorney General is authorized to commence this action pursuant to RCW 19.86.080, RCW 19.86.140, and RCW 19.09.340.

II. DEFENDANT

2.1 Defendant Dialogue Direct, Inc. is a Delaware corporation. Defendant is registered as a for-profit corporation in the state of Washington. Defendant's primary place of

1 being registered as a commercial fundraiser, including, but not limited to, soliciting in
2 downtown Seattle, Washington.

3 **5.3** The conduct described in paragraphs 5.1 through 5.2 violates the Charitable
4 Solicitations Act, specifically RCW 19.09.065; 19.09.100(15) and (16). Pursuant to
5 RCW 19.09.340, violations of the Charitable Solicitations Act are *per se* violations of the
6 Consumer Protection Act, RCW 19.86.

7 **5.4** Notwithstanding RCW 19.09.340, the conduct described in paragraphs 5.1
8 through 5.2 affects the public interest and has the capacity to mislead a substantial number of
9 consumers and constitutes unfair or deceptive acts or practices in trade or commerce and unfair
10 methods of competition in violation of RCW 19.86.020.

11 **VI. SECOND CAUSE OF ACTION**
12 **(Failure to Include Required Disclosures in Solicitations)**

13 **6.1** Defendant and/or or their agents, independent contractors, or employees solicit
14 charitable contributions from the general public.

15 **6.2** In soliciting charitable contributions from the general public, Defendant and/or
16 its agents, independent contractors, or employees failed to clearly and conspicuously disclose
17 in solicitations the identity of Dialogue Direct.

18 **6.3** In soliciting charitable contributions from the general public, Defendant and/or
19 its agents, independent contractors, or employees failed to clearly and conspicuously disclose
20 in solicitations the city where the charitable organization for which the solicitation was being
21 conducted has its principal place of business.

22 **6.4** In soliciting charitable contributions from the general public, Defendant and/or
23 its agents, independent contractors, or employees failed to clearly and conspicuously disclose
24 the published telephone number for the Washington Secretary of State where the donor may
25 obtain additional financial disclosure information on file with the Secretary of State.
26

1 **VIII. PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiff, State of Washington, prays for relief as follows:

3 **8.1** That the Court adjudge and decree that the Defendant has engaged in the
4 conduct complained of herein.

5 **8.2** That the Court adjudge and decree that the conduct complained of constitutes
6 unfair or deceptive acts and practices and an unfair method of competition and is unlawful in
7 violation of the Consumer Protection Act, Chapter 19.86 RCW, and violates the Charitable
8 Solicitations Act, RCW 19.09.

9 **8.3** That the Court issue a permanent injunction enjoining and restraining the
10 Defendant, and its representatives, successors, assigns, officers, agents, servants, employees,
11 and all other persons acting or claiming to act for, on behalf of, or in active concert or
12 participation with the Defendant, from continuing or engaging in the unlawful conduct
13 complained of herein.

14 **8.4** That the Court assess civil penalties, pursuant to RCW 19.86.140, of up to two
15 thousand dollars (\$2,000) per violation against the Defendant for each and every violation of
16 RCW 19.86.020 caused by the conduct complained of herein.

17 **8.5** That the Court make such orders pursuant to RCW 19.86.080 as it deems
18 appropriate to provide for restitution to consumers of money or property acquired by the
19 Defendant as a result of the conduct complained of herein.

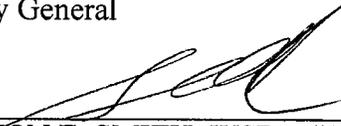
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1 **8.6** That the Court make such orders pursuant to RCW 19.86.080 to provide that the
2 Plaintiff, State of Washington, have and recover from the Defendant the costs of this action,
3 including reasonable attorneys' fees.

4 For such other relief as the Court may deem just and proper.

5 DATED this 22 day of July, 2009.

6
7 ROBERT M. MCKENNA
8 Attorney General

9 
10 SHANNON E. SMITH, WSBA #19077
11 Assistant Attorney General
12 Attorneys for Plaintiff
13 State of Washington