

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> <hr/> <p>STATE OF COLORADO, ex rel. JOHN W. SUTHERS, ATTORNEY GENERAL,</p> <p>Plaintiff,</p> <p>v.</p> <p>BASAD, INC., PELEG FORMAN, individually, BATIA "BELLI" FORMAN, individually, SHARON BITON, individually, and MICHAEL BITON, individually,</p> <p>Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Plaintiff: JOHN W. SUTHERS Attorney General ALISSA HECHT GARDENSWARTZ, 36126* Assistant Attorney General alissa.gardenswartz@state.co.us JAY B. SIMONSON, 24077* First Assistant Attorney General jay.simonson@state.co.us 1525 Sherman Street, 4th Floor Denver, CO 80203 (303) 866-5079 (303) 866-4916 Fax *Counsel of Record</p>	<p>Case No.:</p>
<p>MOTION FOR PRELIMINARY INJUNCTION</p>	

Plaintiff, the State of Colorado, upon relation of Ken Salazar, Attorney General for the State of Colorado, by and through the undersigned counsel, moves this Court for a Preliminary Injunction pursuant to § 6-1-110(1), C.R.S. (2003), and Rule 65, C.R.C.P., to enjoin Defendants from engaging in numerous deceptive trade practices as specified in Plaintiff's Complaint, and for such other relief as this Court deems necessary and appropriate. As grounds for the foregoing, Plaintiff states as follows:

BACKGROUND

1. Concurrent with the filing of this Motion, Plaintiff is filing a Complaint against Defendant Basad, a corporation, and against individuals, Peleg Forman, Belli Forman, Michael Biton and Sharon Biton. Plaintiff's Complaint alleges that Defendants

have violated and continue to violate the Colorado Consumer Protection Act § 6-1-105(1), C.R.S. (2007) (“CCPA”), in the course of advertising and selling its locksmith services.

2. Basad misleads consumers as to the price of Basad’s locksmith services. Basad fails to adequately disclose the actual price a consumer will be charged and at times intentionally misleads consumers as to the price of their services.

3. Basad also misleads consumers as to the location of its business, its associations with a locksmith trade organization, and the qualifications of its locksmiths.

JURISDICTION

4. This Court is expressly authorized to issue a preliminary injunction to enjoin ongoing violations of the CCPA by § 6-1-101(1), C.R.S (2007).

5. The preliminary injunction is sought by the Colorado Attorney General on behalf of the State of Colorado to enforce state laws affecting the public interest. Defendant’s deceptive practices are injurious to the public. Immediate and irreparable injury to additional consumers will occur without a preliminary injunction because Defendants will continue to harm consumers by deceptive and misleading representations, as well as business competitors not engaged in such unlawful deceptive trade practices detailed in Plaintiff’s Complaint.

6. Defendants will suffer no undue hardship by the entry of a preliminary injunction since Defendants have no right to continue to engage in unlawful and deceptive trade practices in the State of Colorado, or to collect money from consumers as a result of such unlawful and deceptive conduct in violation of the CCPA. Further, Defendants have no right to unjustly benefit from such deceptive trade practices. Without an injunction, Plaintiff will be unable to adequately protect the public from Defendants’ ongoing unlawful activities.

WHEREFORE, Plaintiff requests that this Court enter a preliminary injunction that:

1. Enjoins the above-named Defendants, and any other persons under their control or in active concert or participation with Defendants who receive actual notice of this Court’s Order, from misrepresenting by inference, implication, or express statement

- a. the cost of their services.
- b. the qualifications of their technicians including licensing and association with Associated Locksmiths of America.
- c. the locations of their offices

2. Requires Defendants to affirmatively disclose to consumers that the average cost charged by Defendants for car lockout services is over \$100.00.

3. Any further Order as this Court deems necessary and appropriate to further the purposes of the Colorado Consumer Protection Act.

DATED this 7th day of November, 2008.

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/S/

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Pursuant to C.R.C.P. 121, § 1-26(9), the original of this document with original signatures is maintained in the offices of the Colorado Attorney General, 1525 Sherman Street, Denver, CO 80203, and will be made available for inspection by other parties or the Court upon request.