

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
14 CVS 11087

FILED  
2011 AUG 19 PM 2:48  
WAKE COUNTY, C.S.C.  
BY \_\_\_\_\_

STATE OF NORTH CAROLINA *ex rel.*  
ROY COOPER, Attorney General,

Plaintiff,

v.

MOOSER MOTO, LLC and BARRY T.  
MOOSE, JR., individually and in his  
corporate capacity,

Defendants.

COMPLAINT

INTRODUCTION

1. This action is brought by the State of North Carolina, by and through its Attorney General Roy Cooper, to obtain a Temporary Restraining Order and permanent injunctive relief prohibiting defendants from engaging in unfair and deceptive trade practices in the sale of off-road vehicles, parts, and accessories, and to obtain restitution for consumers, civil penalties and attorney fees, pursuant to N.C.G.S. §§ 75-14, 75-15.1, 75-15.2, and 75-16.1.

PARTIES

2. Plaintiff is the State of North Carolina acting by and through its Attorney General, Roy Cooper, pursuant to authority granted by Chapters 75 and 114 of the North Carolina General Statutes.

3. Defendant Mooser Moto, LLC (d/b/a and hereinafter "Riders Wholesale") is a North Carolina limited liability company.

4. At all times relevant to this Complaint, Riders Wholesale has been a retail distributor of off-road vehicles, parts, and accessories with its principal place of business in Statesville, North Carolina.

5. Defendant Barry T. Moose, Jr. (hereinafter "Defendant Moose") is a North Carolina resident. At all times relevant to this Complaint, Defendant Moose has managed and controlled the operations of defendant Riders Wholesale as its President and Owner.

#### FACTUAL ALLEGATIONS

6. At all times relevant to this Complaint, Riders Wholesale and Barry T. Moose, Jr. (hereinafter collectively "defendants") have offered to sell off-road vehicles (including utility vehicles, all-terrain vehicles, scooters, go-carts, and mopeds) (hereinafter "vehicles") as well as vehicle parts and accessories (hereinafter "equipment") to consumers nationwide primarily through its website, [www.riderswholesale.com](http://www.riderswholesale.com).

7. Defendants accept vehicle and/or equipment orders from consumers over the internet and over the telephone.

8. Defendants accept substantial deposits as well as full payment, in the form of checks, credit card payments and wire transfers, for the purchase price of vehicles and/or equipment at the time the consumer places the order.

9. Defendants routinely solicit orders and provide consumers with an estimated delivery date when, at the time of those orders, defendants have no reasonable basis to expect to be able to ship the ordered equipment to the consumer within the estimated time of delivery, in

violation of the Federal Trade Commission's Mail and Telephone Order Rule, 16 CFR 435.2

(a)(1).

10. Defendants routinely fail to notify consumers of delivery delays and fail to offer consumers the option of cancelling their order and receiving a full and prompt refund when their vehicle and/or equipment is not delivered within the estimated time in violation of 16 CFR 435.2

(b)(1).

11. When consumers request a refund after vehicles and/or equipment are not delivered within the estimated time, defendants routinely fail to provide an equitable refund in violation of 16 CFR 435.2 (b)(1).

12. Defendants routinely provide buyers with a revised shipping date even when the defendants have no reasonable basis for making such a representation in violation of 16 CFR 435.2 (a)(2).

13. Defendants routinely misrepresent that vehicles, equipment, and/or a refund has been mailed to the consumer, or is in the process of being mailed to the consumer, when such is not the case.

14. Defendants list 110 Orbit Road, Statesville, NC 28677 as Riders Wholesale's mailing address, sales@riderswholesale.com as its electronic mailing address, and (877)-566-6737 as its telephone number on the above website. Many consumers have written and emailed defendants at these addresses and attempted to reach defendants by telephone at the listed number in an attempt to resolve their disputes, check on the status of their order, and/or obtain a refund, but have not been able to get any information from Riders Wholesale representatives and/or have not been able to get through to speak with anyone. Furthermore, the defendants

have routinely failed to respond to written and recorded messages inquiring about the delivery of equipment and/or requesting a refund.

15. Consumers from many states across the nation have filed complaints with the Consumer Protection Division of the North Carolina Attorney General's office. Approximately one hundred and forty (140) consumers have filed a complaint with the Attorney General's Office since January 1, 2010. The Attorney General has mailed over one hundred and ten (110) of the consumer complaints to the defendants' listed mailing address and requested a response from the defendants. Defendants have failed to deliver any equipment, and failed to issue an equitable refund, to at least sixty (60) consumers who have paid either a deposit or the full amount for the purchase.

16. In support of plaintiff's motion for permanent injunctive relief prohibiting defendants from engaging in unfair and deceptive trade practices and to obtain restitution for consumers, civil penalties and attorney fees, the affidavits of North Carolina Department of Justice Consumer Protection Specialist Susan E. Davis, and of consumers James Huff, Andrew Parsons, Ronald L. Cockerham, and Janice L. McIntosh are attached hereto and incorporated herein by reference.

CLAIM FOR RELIEF  
UNFAIR OR DECEPTIVE PRACTICES

17. Plaintiffs reallege and incorporate herein all of the above allegations.

18. Defendants' sale of vehicles and equipment is, and at all relevant times has been, in or affecting commerce in North Carolina.

19. In the course of such business, defendants have engaged in unfair and deceptive acts in violation of N.C.G.S. § 75-1.1.

20. Defendants' unfair and deceptive business practices include, but have not been limited to:

- (a) Soliciting orders and providing consumers with an estimated delivery date when, at the time of those orders, defendants had no reasonable basis to expect to be able to ship the ordered equipment to the consumer within the estimated time of delivery, in violation of the Federal Trade Commission's Mail and Telephone Order Rule, 16 CFR 435.2 (a)(1);
- (b) Failing to notify consumers of delivery delays and failing to offer consumers the option of cancelling their order and receiving a full and prompt refund when their vehicle and/or equipment is not delivered within the estimated time in violation of 16 CFR 435.2 (b)(1);
- (c) Failing to respond, responding with a lie, and/or failing to provide a refund when consumers inquired about the delivery of ordered equipment or requested a refund in violation of 16 CFR 435.2(b)(1) and 16 CFR 435.2(a)(2); and
- (d) Failing to deliver equipment to consumers after receiving payment.

21. Pursuant to N.C.G.S. § 75-14, the Attorney General is authorized to seek a Temporary Restraining Order and/or permanent injunctive relief to restrain defendants' violations of N.C.G.S. § 75-1.1.

22. Pursuant to N.C.G.S. § 75-15.1, the Attorney General is authorized to seek and obtain cancellation of all contracts and the restoration of all moneys obtained by defendants as a result of defendants' violations of N.C.G.S. § 75-1.1.

23. Pursuant to N.C.G.S. § 75-15.2, the Attorney General is authorized to seek and obtain civil penalties for each and every knowing violation of a statute, including but not limited to N.C.G.S. § 75-1.1.

24. Pursuant to N.C.G.S. § 75-16.1, the Attorney General is authorized to seek and obtain a reasonable attorney fee for the prosecution of this action.

#### PRAYER FOR RELIEF

WHEREFORE, plaintiff prays the Court for the following relief:

1. That the Court issue a Temporary Restraining Order pursuant to N.C.G.S. § 75-14 prohibiting the defendants, their agents, employees, and persons acting in concert with them from:

- (a) advertising, offering, or entering into contracts to deliver equipment or perform other related services;
- (b) soliciting or accepting deposits or payments from consumers for any product or service;
- (c) collecting any further payment, directly or indirectly, from consumers related to the aforementioned business;
- (d) destroying, transferring, concealing, altering, or removing from their possession or control any financial records, customer contracts, emails, or other correspondence, business records, and other documents of defendants; or

- (e) transferring, withdrawing, concealing, or encumbering any assets of the defendants pending further order of the Court;

2. That, upon proper notice to the defendants and within ten (10) days of the entry of the Temporary Restraining Order, a hearing be conducted to determine whether that Order, or any reasonable modification thereof, should not be continued in the form of a Preliminary Injunction pending the final adjudication of this cause, as allowed by N.C.G.S. § 75-14;

3. That the defendants be required to produce the following records no later than three (3) days prior to the Preliminary Injunction hearing or within ten (10) days of entry of a Temporary Restraining Order, whichever is sooner:

- (a) The name and address of every bank at which the defendants maintain, and/or in the past three years have maintained, deposit, checking, or other bank accounts, and the account number for each such account;
- (b) A statement of the current monetary balance in each such account held by each of the defendants, together with a copy of the most recent bank statement for each such account and all bank statements from the past three years for each such account; and
- (c) A current financial statement, showing the current assets and liabilities for each of the defendants;

4. That, pursuant to N.C.G.S. § 75-15.1, the Court cancel all contracts entered into by any of the defendants in violation of N.C.G.S. § 75-1.1 and order all amounts consumers have paid to any defendants pursuant to such contracts be refunded;

5. That, pursuant to N.C.G.S. § 75-14, a permanent injunction be entered upon final adjudication of this case to prevent defendants and their officers, agents, employees, successors, and assigns from:

- (a) engaging in any unfair or deceptive acts or practices in violation of N.C.G.S. § 75-1.1, including but not limited to the acts and practices listed in paragraph 20 of plaintiff's Claim for Relief; and
- (b) soliciting advance deposits or payment for equipment from consumers, unless:
  - (i) defendants place the entire amount of each deposit or payment in an escrow account specifically identified to the customer from whom it was received and the order for which it represents payment, and, until that customer accepts delivery of the equipment ordered, use the funds in that account only to pay the necessary amount to the appropriate manufacturer(s) for that particular customer's order;
  - (ii) defendants place the customer's order with the specified manufacturer(s) within five days of receiving the order from the customer;
  - (iii) defendants provide only realistic delivery dates based on actual current experience, and within five days of the order confirm to each customer in writing the same delivery date given orally; and
  - (iv) defendants abide by the Mail and Telephone Order Rule, 16 CFR 435.2, by delivering equipment when promised or notifying purchasers of delays and giving them an opportunity to cancel their orders for a full and prompt refund, and make the refund if requested;

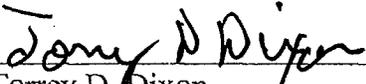
6. That defendants be required to pay civil penalties to the State in the amount of \$5,000.00 per violation of the Unfair and Deceptive Trade Practices Act, pursuant to N.C.G.S. § 75-15.2;

7. That costs and reasonable attorney's fees be awarded the Attorney General pursuant to N.C.G.S. § 75-16.1; and

8. That the Court award such other and further relief as may be just and proper.

Respectfully submitted this 19<sup>th</sup> day of August, 2014.

ROY COOPER  
Attorney General

  
\_\_\_\_\_  
Torrey D. Dixon  
Assistant Attorney General  
N.C. Department of Justice  
Consumer Protection Division  
P.O. Box 629  
Raleigh, NC 27602  
Phone: (919) 716-6030  
Fax: (919) 716-6050  
Tdixon@ncdoj.gov

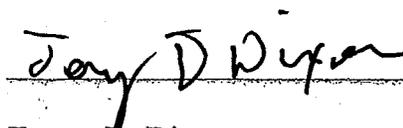
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing COMPLAINT upon the DEFENDANTS by sending it by certified United States Mail addressed as follows:

Mooser Moto, LLC  
Attn: Barry T. Moose, Jr.  
108 Wilhelm Lane  
Statesville, NC 28677

Mooser Moto, LLC  
Attn: Barry T. Moose, Jr.  
110 Orbit Road  
Statesville, NC 28677

This the 19<sup>th</sup> day of August, 2014



Torrey D. Dixon  
Assistant Attorney General

# Exhibit A

STATE OF NORTH CAROLINA

COUNTY OF WAKE

### AFFIDAVIT

1. My name is Susan Eileen Davis and I work as a Consumer Protection Specialist at the North Carolina Department of Justice, Consumer Protection Division (NCDOJ-CPS). I have been employed with the NCDOJ-CPS since September 4, 2007 in the same career position. My duties include processing consumer complaints against businesses who sell recreational vehicles, utility vehicles, scooters, boats, and various accessories and parts for these vehicles.

2. In February of 2010, I received my first complaint against Mooser Moto, LLC. Dba Riders Wholesale (Riders) at 110 Orbit Road, Statesville, North Carolina 28677 and Barry T. Mooser, Jr. (BJ). Since that date I have received over one hundred and ten (110) complaints against the business for items not received, items being defective, wrong items sent, business not returning calls, refunds promised but not received, and judgments not being paid once the consumer has won his/her case in Small Claims Court.

3. Since February 2010, I have mailed letters from our office along with copies of the complaints to Riders and addressed them to BJ; and have received only a small number of responses over the last four (4) years. I have called the listed numbers for the business to talk to BJ and have only received a return call on one or two occasions. Some consumers have let our office know that their complaints were heard in Small Claims Court; they were working with the Iredell County Sheriff's Department, or had received some refund money. I have been the main contact for all of the consumers, Iredell County Sheriff's Deputies, and employees of Riders including BJ.

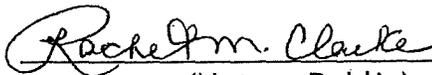
4. In November of 2013, I sent about twenty-five (25) letters with copies of the respective complaints to BJ by certified mail return receipt requested, and only received some of the cards back and responses to about half of the complaints. Some responses received stated that Riders did not have the consumer's order on file, and unfortunately some of those consumers were no longer able to be located by our office to get more information. Another response from Riders was that the consumer had received a partial refund, and would receive the rest within the next few weeks. Months later most of those consumers still do not have their money, and only received the first check for one thousand dollars (\$1,000). The complaints alleged losses up to

thirteen thousand two hundred fifty dollars (\$13,250) a piece with the current total of over three hundred and eighty thousand dollars (\$389,000).

  
Susan Eileen Davis

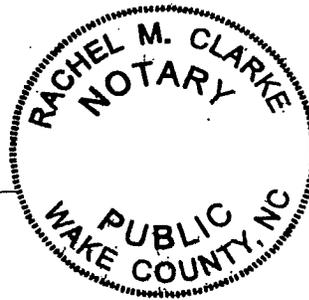
Sworn to and subscribed before me

This the 19<sup>th</sup> day of August, 2014.

  
\_\_\_\_\_  
(Notary Public)

RACHEL M. CLARKE  
\_\_\_\_\_  
Printed Notary Name

My Commission Expires: 08/14/2016



# Exhibit B

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**AFFIDAVIT**

1. My name is James Huff and I reside at 2559 Rainbow Drive, Casper, Wyoming 82604.

2. In November of 2012 I started looking on the internet for a Utility Transport Vehicle (UTV) for driving around on my property. I had heard of a company called Riders Wholesale, Inc. (Riders), and liked what I saw on their website so I decided to order a UTV from them.

3. On December 13, 2012 I contacted BJ Moose, Jr. (BJ) of Mooser Moto, Inc. dba Riders Wholesale, Inc. at 110 Orbit Road, Statesville, North Carolina 28681 by phone, and made a purchase of a White 2012 Wolverine 800 EFI 4WD UTV for six thousand nine hundred thirty dollars and twenty-five cents (\$9,630.25). BJ told me that the UTV was in stock; and that if I sent in the full payment that he would give me a five percent (5%) discount, and would ship it after the first of the year. I wired the money to Riders on December 13, 2012. True and correct copies of the purchase order and wire transfer are attached hereto as Exhibit A and B.

4. January 31, 2013 I sent an email to BJ asking him for a tracking number for the UTV. BJ never replied to the email.

5. On February 19, 2013 I emailed BJ again; and asked if he would be shipping the UTV along with the air filter, oil filter, and special oil that week. No response from BJ was received.

6. March 2, 2013 I submitted a tracking number request to BJ that was successfully sent, but still no tracking number was received from him.

7. March 11, 2013 I emailed BJ again asking for shipping information on the UTV I had ordered and paid for in December. I did not receive a response from him.

8. March 12, 2013 I called BJ and left a voice mail on the business' answering machine asking for the tracking number for the UTV. BJ returned my call on March 13, 2013 and said the UTV would ship on April 12, 2013; and be fully assembled because other consumers had experienced problems assembling their UTV(s).

9. April 10, 2013 I sent an email to BJ asking for an update on the shipping of the UTV scheduled for April 12, 2013.

10. April 19, 2013 I sent an email to BJ asking for an update, and I also filed a complaint with the Better Business Bureau in North Carolina.

11. June 8, 2013 I contacted the North Carolina Department of Justice Consumer Protection Division (NCDOJ) and Specialist Susan E. Davis with my complaint against Riders and BJ Moose, Jr. A true and correct copy of the complaint is attached as Exhibit C.

12. On September 23, 2013 I received a one thousand dollar (\$1,000) refund check from Riders that I have cashed. I was told at the time that the rest of my refund would follow within a few weeks.

13. December 21, 2013 I received a copy of a response letter from Riders to the NCDOJ stating that I had received the one thousand dollar (\$1,000) refund check "and the remaining balance would be mailed to him within the next couple weeks." A true and correct copy of the letter is attached as Exhibit D.

14. January 9, 2014 I wrote a letter back to the NCDOJ letting them know that I had not received or heard from Riders on my remaining balance. A true and correct copy of the letter is attached as Exhibit E.

*James Huff*  
James Huff

Sworn to and subscribed before me

this the 22 day of July, 2014



(Notary Public)

*Tonya M Smith*

My Commission Expires: 1/30/2018

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## **Exhibit C**

STATE OF NORTH CAROLINA

COUNTY OF WAKE

AFFIDAVIT

1. My name is Andrew L. Parsons and I live at 920 19<sup>th</sup> Avenue NW, Calgary, Alberta, Canada, T2P 2X6.

2. I had been looking for a Utility Vehicle (UTV) and started doing some research on the internet and found the Mooser Moto, Inc. dba Riders Wholesale, Inc. (Riders) website. I really liked the videos and pictures of the vehicles that they were offering. The address for Riders was listed as 110 Orbit Road, Statesville, North Carolina 28677. I called the company and left a message regarding possibly buying a UTV. Barry T. Moose, Jr. (BJ) called me back, and I felt that showed it was a good business. BJ and I talked on the phone about five times, and he told me that he had UTV(s) in stock.

3. On May 14, 2014, after BJ and I emailed back and forth to each other and he told me that he had the UTV that I wanted in stock, I ordered a 2014 Black Wolverine 800 EFI 4WD UTV. A true and correct copy of the emails is attached hereto as Exhibit A.

4. On May 15, 2014, I wired seven thousand two hundred and fifty US dollars (\$7250.00) (\$6600.00 for the UTV, \$330.00 for a rumble seat plus one and \$320.00 for shipping costs to get it to Eureka Montana) from my bank The Royal Bank of Canada to the Mooser Moto, Inc. Wells Fargo bank account in San Francisco. I have a cabin in Montana. I then confirmed that BJ had received the money, and I received confirmation from my bank that the wire was successful. BJ promised that he could get the UTV to me in two weeks from the purchase date of May 14, 2014. A true and correct copy of the Royal Funds Transfer is attached hereto as Exhibit B.

5. The two weeks came and went and I called and emailed BJ, and finally got a response on May 29, 2014 when he stated he would check to see if it had shipped.

6. Monday, June 2, 2014 after repeated calls and emails to BJ he said he would ship the UTV Thursday, June 5, 2014. A true and correct copy of the emails is attached hereto as Exhibit C.

7. On June 5, 2014, I began emailing BJ again to see if the UTV had shipped, and I received undeliverable responses from the mail server. I began to suspect fraud and began digging into BJ and Riders, and discovered that this was not the first time he had scammed people out of thousands of dollars. I then began to text BJ demanding my money back. BJ said that he would refund my money, and I provided my banking

information to him so he could wire the refund. BJ told me it would take some time to do.

8. June 18, 2014, BJ told me that he would wire the money to my bank on June 24, 2014.

9. June 24, 2014, BJ sent a text message saying that he mailed a check to me, which I knew was a lie because he did not have my mailing address in Calgary Alberta only the shipping and receiving address in Montana for the UTV, and only a few days earlier he said he would wire transfer the refund.

10. On June 25, 2014, I filed a complaint online with the North Carolina Department of Justice Consumer Protection Division and Consumer Protection Specialist Susan E. Davis regarding my experience with Riders, and my desire to have my money refunded and Riders and BJ Moose, Jr. brought to justice. A true and correct copy of the complaint is attached hereto as Exhibit D.



Andrew L. Parsons

Sworn to and subscribed before me

This the 29 day of July, 2014.



(Notary Public)

My Commission Expires:

DEATH

Exhibit A

**Parsons, Andrew**

---

From: BJ Moose <sales@yournextatv.com>  
Sent: Wednesday, May 14, 2014 5:23 PM  
Subject: Re: Riderswholesale utv

Ok thanks , I look foward to you getting it

On May 14, 2014 6:25 PM, "Parsons, Andrew" <Andrew.Parsons@nov.com> wrote:  
Order has been placed for the black wolverine 800 efi 4wd and the rumble seat. Thanks for your help on this. I will wire the money tomorrow morning.

Thanks  
Andrew

THIS IS EXHIBIT " A "  
referred to in the Affidavit of  
ANDREW PARSONS  
Sworn before me this 29  
day of July A.D. 2014  
Notary Public  
the Province of Alberta

----- Original message -----

From: BJ Moose  
Date: 05/14/2014 12:56 PM (GMT-07:00)  
To: "Parsons, Andrew"  
Subject: Re: Riderswholesale utv

Camo red blue black. And yes you can put the seat in the back.

On May 14, 2014 2:49 PM, "Parsons, Andrew" <Andrew.Parsons@nov.com> wrote:  
What colors do you have in stock and can the seat still be added to the box on the 800

----- Original message -----

From: BJ Moose  
Date: 05/14/2014 12:21 PM (GMT-07:00)  
To: "Parsons, Andrew"  
Subject: Re: Riderswholesale utv

I tried calling you with shipping its 7100 to you.

On May 13, 2014 8:18 PM, "Parsons, Andrew" <Andrew.Parsons@nov.com> wrote:  
We spoke on the phone yesterday. I am looking to buy the wolverine 800

----- Original message -----

From: BJ Moose  
Date: 05/13/2014 6:05 PM (GMT-07:00)  
To: "Parsons, Andrew"  
Subject: Riderswholesale utv

Which utv are u wanting to buy

ROYAL BANK OF CANADA  
CAL AB-MAIN BR CALGARY

**Exhibit B**  
ROYAL FUNDS TRANSFER  
2014 MAY 15

Branch Ref No...	00009-14135-199996	Value Date....	2014 MAY 15
ICN.....	From	Send Ref....	
Payment Amount.....\$	7,250.00	USD	Charges For... Sender
Client Rate.....	1.10520000		Serial No:....
Conversion Amount.....\$	8,012.70	CAD	
Wire Payment Fee Collected \$	30.00	CAD	
Not Present Fee.....\$	0.00	CAD	
IBAN Fee.....\$	0.00	CAD	
Total Fees.....\$	30.00	CAD	
Client Pays Amount.....\$	8,042.70	CAD	SRF Client No... 910650060

Ordering Customer:  
ANDREW PARSONS  
920 19 AVE NW  
CALGARY

AB T2M 0Z5

Remittance Information:

Debit Branch Name (Drine).. CAL AB-MAIN BR CALGARY  
 SOLE-OWNER .....

Debit Branch Name (Fees)... CAL AB-MAIN BR CALGARY

Intermediary Institution:

Account With Institution:

FED ABA  
 ( ABA )  
 WELLS FARGO BANK, NA  
 WELLS FARGO NA  
 SAN FRANCISCO

Beneficiary Account:

Beneficiary Customer:  
 MOOSER MOTO LLC  
 110 ORBIT ROAD

Sender To Receiver Information:  
/INS/

STATESVILLE NC 28677 US

Instruction Code:

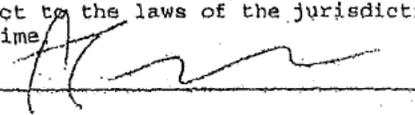
THIS IS EXHIBIT " B " referred to in the Affidavit of Account ANDREW PARSONS

Sworn before me this 29 day of July A.D. 2014

A Notary Public  
 W. ST. JOHN  
 CA US

Additional charges may be deducted from the payment amount by the receiving bank and/or its intermediaries ("Receiving Bank"). If this payment cannot be completed for any reasons beyond the control of Royal Bank of Canada ("RBC") you may ask RBC for a refund and RBC shall make best efforts to secure a refund from Receiving Bank and return those amounts to you. If conversion of funds is requested, the rate of exchange will be RBC's rate established at the time the refund is converted. If you need to make an inquiry regarding this payment or if you ask that RBC attempt to amend or cancel this payment, additional charges will apply (except in cases where an error has been established on the part of RBC or the Receiving Bank). RBC may, in its discretion and without notice to you, delay in making the payment or decide not proceed with the payment, in which case RBC shall refund of the payment amount and any applicable fees.

RBC will not be responsible for any loss or damage suffered by you except where there has been negligence on the part of RBC, and in any such case RBC will not be liable for any indirect, consequential or exemplary damages (including but not limited to loss of profits), regardless of the cause of action. In making the payment, your personal or business information and information on the recipient, may be revealed to third parties. Since the payment will travel, the information related to it will be subject to the laws of the jurisdiction in which the information is located or processed at that time.

SIGNATURE(S): 

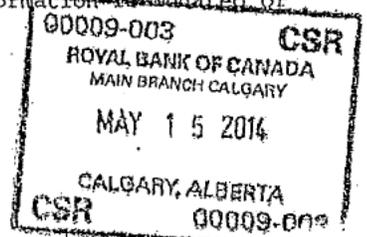


Exhibit C 1

**Parsons, Andrew**

**From:** BJ Moose <sales@yournextatv.com>  
**Sent:** Monday, June 02, 2014 11:35 AM  
**Subject:** Re: 800 CC

THIS IS EXHIBIT " C " referred to in the Affidavit of ANDREW PARSONS Sworn before me this 21 day of July A.D. 2014. [Signature] A Commissioner of Oaths in and for the Province of Alberta

Shipping thursday.

On Jun 2, 2014 11:43 AM, "Parsons, Andrew" <Andrew.Parsons@nov.com> wrote:

**WHY is this on hold!!! You said you have stock.**

NOTARY PUBLIC

# Request Tracking Number

Order #RW-5947-42 which was made 3 weeks ago has the status "on-hold".

## Order Details

PRODUCT	TOTAL
CART SUBTOTAL:	\$6,930.00
ORDER TOTAL:	\$6,930.00
Wolverine 800 EH 4WD UTV x 1	
Color: Black	\$6,600.00
UTV Rumble Seat x 1	
Color: Black	\$330.00

Exhibit C 2

**Customer details**

Email:

andrew.parsons@nov.com

Telephone:

4039987448

**Billing Address**

Andrew Parsons  
920 19th ave NW  
Calgary, Montana 59917

**Shipping Address**

Andrew Parsons  
421 US Hwy 93 North  
Eureka, Montana 59917

Regards,

Andrew Parsons | Canadian Sales Manager

National Oilwell Varco | FluidControl

Direct: (403) 303-3466 | Cell: (403) 998-7448 | Fax: (403) 263-8488

#1700, 715 - 5<sup>th</sup> Avenue SW | Calgary, AB Canada T2P 2X6

Andrew.Parsons@nov.com | www.nov.com/fluidcontrol

THIS IS EXHIBIT " C " referred to in the Affidavit of ANDREW PARSONS

Sworn before me this 29 day of JULY A.D. 2014

A Notary Public of Alberta in and for the Province of Alberta  
**NOTARY PUBLIC**

Exhibit D 1

**Parsons, Andrew**

**From:** Davis, Susan E <SEDavis@ncdoj.gov> on behalf of Consumer <Consumer@ncdoj.gov>  
**Sent:** Wednesday, July 23, 2014 3:20 PM  
**To:** Parsons, Andrew  
**Subject:** FW: Complaint 7904 Parsons  
**Attachments:** Rider Wholesale fraud.doc; riderwholesaleconfirmation.eml; WireTransferProof.jpg; shipping.eml

**From:** [consforms@ncdoj.gov](mailto:consforms@ncdoj.gov) [<mailto:consforms@ncdoj.gov>]  
**Sent:** Wednesday, June 25, 2014 9:31 PM  
**To:** Consumer  
**Subject:** Complaint 7904 Parsons

THIS IS EXHIBIT  
referred to in the Affidavit of  
ANDREW PARSONS  
Sworn before me this 29  
day of JULY A.D. 2014  
A Commissioner of Oaths in and for  
the Province of Alberta  
NOT PUBLIC  
LIFE

**Your Information**

Prefix Mr \* First Name Andrew  
Middle Initial L \* Last Name Parsons  
\* Mailing Address 4850 Sinclair Creek Road  
\* City Eureka  
\* State MT \* Zip Code 59917  
Country, if not US  
Day Phone Number (including area code) 403-303-3466  
Evening Phone Number (including area code) 403-998-7448  
Cell Phone Number (including area code) 403-998-7448  
Fax Number (including area code)  
County of Residence Canada Email Address [andrew.parsons@nov.com](mailto:andrew.parsons@nov.com)  
I am a military service member, veteran, or military spouse No

**Information About Company Against Which You Are Complaining**

\* Full name of company Rider Wholesale (Moose Moto)  
Address 110 Orbit Rd  
City Statesville  
State NC Zip Code 28677  
Country, if not US

Exhibit D 2

Company's internet address (URL)

<http://riderswholesale.com>

\* Telephone number, including area code

1-877-566-6737

Fax number, including area code

### Complaint Information (complete any blocks which apply to your complaint)

Product, item, or service involved

4x4 Side by Side UTV

Date of purchase, service, contract

Manufacturer or brand Hisun

Model

Wolverine 800 EFI 4WD UTV

Account number



Do not submit credit card or bank account numbers through this form. If you need to provide that information as part of your complaint, please mail it to us instead.

THIS IS EXHIBIT " D  
referred to in the Affidavit of  
ANDREW PARSONS  
Sworn before me this 29  
day of July A.D. 2014

A Commissioner of Courts in and for  
the Province of Alberta  
NOTARY PUBLIC  
LIFE

Serial number

Did you sign a contract or a lease? No

Start Date

End Date

Total amount paid 7250.00

Amount in dispute 7250.00

How was payment made: Wire transfer

Did you buy an extended service contract? No

If yes, name of company responsible for extended service contract or warranty

### Information About the Transaction

How was initial contact made between you and the

Other

Where did the transaction take place?

Via computer (website or e-mail)

### Details of Complaint

\* Details

Limit of 2500 characters

Please find the attachment named "Rider Wholesale fraud.doc" that explains the details of the fraud/complaint. Thank you Andrew Parsons

Exhibit D3

# Resolution Attempts You Have Made

Have you contacted the company with your complaint? Yes

If yes, name of person most recently contacted BJ Moose

His/her phone number, incl. area code 704-902-3579

Results Does not return phone calls. I was able to small responses from txtng the number but everything he said he would do did not happen.

\* What resolution would you consider fair? I would like a full refund via a wire transfer. I am prepared to eat the cost of the transfer. \$7200.00 USD

Do you have an attorney in this case? No

If yes, name of your attorney Attorney's number, incl. area code

Has your complaint been heard or is it scheduled to be heard in court? No

If yes, where and when?

If already heard, what was the result?

Will you be submitting documentation by mail or fax? No

THIS IS EXHIBIT " D referred to in the Affidavit of ANDREW PARSONS Sworn before me this 29 day of JULY A.D. 2014 A Court Reporter of North Carolina in and for the Province of Wake NOT PUBLIC LIFE

Hello,

My name is Andrew Parsons and I would like to report a crime/fraud. On May 14<sup>th</sup> 2014 I purchased a 4x4 UTV from <http://riderswholesale.com> the owner and operator is BJ Moose located at 110 Orbit Rd. Statesville, NC 28677. Before the purchase I spoke with him to discuss availability, he informed me he has the unit in stock. I then placed the order. Once the order was placed I then wired him \$7,250.00 USD for the UTV, (\$ 6,600.00 for the UTV + \$ 330.00 for a seat upgrade + \$320.00 for the shipping costs to get it to Eureka Montana (please see the additional attachment named "order.eml"). I then confirmed he received the money please see "riderwholesaleconfirmation.eml". I also got confirmation from my bank that the wire was successful, please see "WireTransferProof.jpeg".

BJ Moose promised me he could get it to me in 2 weeks from the order date of May 14-15, 2014. 2 weeks came and went, I called him and emailed him with no response until May 29<sup>th</sup> when he said he would check to see if it shipped. After repeated calls and email on June 2<sup>nd</sup> he said it would ship Thursday June 5<sup>th</sup> (please see attachment shipping.eml). June 5<sup>th</sup> came and went. I emailed him again to see if it had shipped and I began to get undeliverable responses from the mail server. I began to expect fraud and start to dig into BJ Moose and Riderwholesale it turns out this is not the first time he has scammed people out of thousands. Please see the below links.

[http://www.ripoffreport.com/reports/specific\\_search/Riders+Wholesale](http://www.ripoffreport.com/reports/specific_search/Riders+Wholesale)

[http://host.madison.com/news/local/ask/sos/sos-atv-dealer-almost-took-him-for-a-ride/article\\_8f283a0a-c1a7-11df-bd0f-001cc4c03286.html](http://host.madison.com/news/local/ask/sos/sos-atv-dealer-almost-took-him-for-a-ride/article_8f283a0a-c1a7-11df-bd0f-001cc4c03286.html)

<http://www.bbb.org/northwestern-north-carolina/business-reviews/all-terrain-vehicles/mooser-moto-in-statesville-nc-214705438/>

After reading the above reports I texted him (because his email is not working anymore) demanding my money back. He said he would refund me, so I gave him my banking info to wire the money to. He said it takes time. On June 18<sup>th</sup> he said he would wire the money on June 24<sup>th</sup>. On June 24<sup>th</sup> he sent me a text saying he mailed a check to me, which I know is a lie, because he does not have my mailing address (only a shipping and receiving address) plus he said he would wire transfer the refund not a few days prior. Another person, in the above links, has gone through the same process and BJ kept telling him the check is in the mail and that has and is going on for months.

I would like do whatever is necessary to see this person brought to justice, so I can get my money, and better yet, ensure he does not do this to anyone else.

Please let me know if there is anything I can do to help, please note I do not have a problem traveling to North Carolina should court require it. Please let me know what the next steps are or if you need any more info from me.

Regards,

Andrew Parsons  
Direct: (403) 303-3466 | Cell: (403) 998-7448

THIS IS EXHIBIT " D " referred to in the Affidavit of ANDREW PARSONS

Sworn before me this 29 day of July A.D. 2014

*[Signature]*  
A Notary Public in and for the Province of Alberta  
NOTARY PUBLIC  
LIFE

## **Exhibit D**

**STATE OF NORTH CAROLINA**

**COUNTY OF WAKE**

**AFFIDAVIT**

1. My name is Ronald L. Cockerham and I reside at 114 Jessica Lane, Pineville, Louisiana 71360.

2. In November of 2013 I was looking on the internet for a Utility Vehicle (UTV) to replace the UTV that I had and found the Mooser Moto, Inc. dba Riders Wholesale, Inc. (Riders) website. I really liked the videos and pictures of the vehicles that they were offering, as well as the cheaper prices than other dealers. The address for Riders was listed as 110 Orbit Road, Statesville, North Carolina 28677. I called the company and spoke with Barry T. Moose, Jr. (BJ). BJ and I talked on the phone and after he told me that the UTV was in stock at another location and would ship to me from Chicago within two weeks after he received the payment in full I ordered a Wolverine 700 UTV 4WD EFlx1 on November 20, 2013. A true and correct copy of the Order Received form is attached hereto as Exhibit A.

3. I first mailed a certified check by the United States Postal Service right away, but when BJ stated that he did not receive the check I cancelled the check and wired six thousand nine hundred ninety-five dollars (\$6995.00) to BJ and Riders through my bank The Evangeline Bank and Trust Company out of Alexandria Louisiana to Mooser Moto, LLC's Wells Fargo Bank Account on December 4, 2013. True and correct copies of the Wire Transfer and Wire Transfer Confirmation are attached hereto as Exhibits B and C.

4. December 2013 to March 2014 whenever I would contact BJ he would make various excuses why the UTV had not been shipped yet, would tell me that it had been shipped when it had not, or would promise that it would ship that week for sure.

5. March 7, 2014, I filed a Consumer Complaint Form with the Louisiana Department of Justice Consumer Protection Section about Riders.

6. March 31, 2014, a copy of my Louisiana Complaint was faxed to the North Carolina Department of Justice Consumer Protection Division and Consumer Protection Specialist Susan E. Davis. True and correct copies of the Fax Cover Sheet and Louisiana Consumer Complaint Form are attached hereto as Exhibits D and E.

7. Since March 31, 2014, I have tried to reach BJ but he never answers the phone, and I have only talked to another man at the business a couple times. I do not know the other man's name.

  
Ronald L. Cockerham

Sworn to and subscribed before me

This the 24 day of July, 2014.

(Notary Public)

My Commission Expires: Life

  
J. Robert Brown  
#17347



Questions? Call 1-877-588-673

THE LARGEST DISTRIBUTOR OF QUALITY CHINESE ATV'S, SCOOTERS, DIRT BIKES, AND GOCARTS

WATCH VIDEOS UTVS ATVS SCOOTERS GOCARTS DIRT BIKES HELMETS PARTS AEC

SHOPPING CART

# Order Received

Thank you. Your order has been received.

ORDER: <span style="background-color: black; color: black;">XXXXXXXXXX</span>	DATE: November 20, 2013	TOTAL: \$6,995.00	PAYMENT METHOD: Check by Mail
---	-------------------------	-------------------	-------------------------------

Please send your check and a copy of your order to Riders Wholesale 110 Ortil Rd. Statesville NC 28677

Your order will not be processed until we have received your check and it has cleared our bank.

## Order Details

PRODUCT	TOTAL
Wolverine 700 UTV 4WD EFI x 1 Color: Vista (brown) Camo (Add \$100)	\$6,995.00
<b>CART SUBTOTAL:</b>	<b>\$6,995.00</b>
<b>SHIPPING:</b>	<b>Free Shipping</b>
<b>ORDER TOTAL:</b>	<b>\$6,995.00</b>

## Customer details

Email: r.cockerham1960@gmail.com

Telephone: 318 446 5609

### Billing Address

Ronald Cockerham  
Kustom Cabinets  
112 Jessica Ln  
Pineville, Louisiana 71360

### Shipping Address

Ronald Cockerham  
Kustom Cabinets  
112 Jessica Ln  
Pineville, Louisiana 71360

*John  
Jill*

Account Number: [REDACTED]  
Sender Bank Name: The Evangeline Bank & Trust Company ABA Number: [REDACTED]

Business Function: CTR - Customer Transfer (Beneficiary is not a Bank)  
Type Code: 1000 - Basic Funds Transfer (Value)

IMAD Data: [REDACTED]  
Amount: 6,995.00  FR-ETA

Receiver ABA Number: [REDACTED]  
Receiver Bank Name: WELLS FARGO BANK

Originator FI ID Code: F  
Originator FI Identifier: [REDACTED]  
Originator FI Name: The Evangeline Bank & Trust Company  
Originator FI Address Line 1: 3700 Jackson St  
Originator FI Address Line 2: Alexandria  
Originator FI Address Line 3: LA 71318

Originator Code: DDA Account Number  
Originator Account: [REDACTED]  
Originator Name: Ronald Cockerma  
Originator Address Line 1: 112 Jessica Ln  
Originator Address Line 2: Pineville, LA 71360  
Originator Address Line 3:

Beneficiary Bank Code: DDA Account Number  
Beneficiary Bank ID: [REDACTED]  
Beneficiary Bank Name: Wells Fargo Bank, National Associat  
Beneficiary Bank Address Line 1  
Beneficiary Bank Address Line 2  
Beneficiary Bank Address Line 3

Beneficiary Name: Moser Mco LLO  
Beneficiary Address Line 1:  
Beneficiary Address Line 2:  
Beneficiary Address Line 3:  
Beneficiary Code: DDA Account Number  
Beneficiary Account: [REDACTED]  
Beneficiary Reference:

Originator to BNF Info: (Line 1)  
(Line 2)  
(Line 3)  
(Line 4)

Transfer Description: Ronald Cockerma

Auto Confirmation Email: [REDACTED]

Created By: truder071

Date and Time: Dec 04, 2013 12:41 PM

Verified By: chrmanu85

Date and Time: Dec 04, 2013 12:45 PM

**Wire Transfer Confirmation**

Account Number: [REDACTED]  
Transaction Date and Time: 12/04/2013 12:49 PM

IMAD Data: [REDACTED]  
Type Code: 10 Subtype Code: 00

Amount: \$9,996.00  
Business Function Code: CTR Cover Payment:

Proprietary Code:  
Sender DI Number: [REDACTED] Sender Short Name: FNBB  
Sender Reference:

Receiver DI Number: [REDACTED] Receiver Short Name: WELLS FARGO BANK

Originator FI ID Code: F  
Originator FI Identifier: [REDACTED]  
Originator FI Name: The Evangelina Bank & Trust Company  
Originator FI Address Line 1: 3700 Jackson St.  
Originator FI Address Line 2: Alexandria  
Originator FI Address Line 3: LA 71315

Originator ID Code: D  
Originator Identifier: [REDACTED]  
Originator Name: Ronald Cockenham  
Originator Address Line 1: 112 Jessica Ln  
Originator Address Line 2: Pineville, LA 71360  
Originator Address Line 3:

Beneficiary FI ID Code: D  
Beneficiary FI Identifier: [REDACTED]  
Beneficiary FI Name: Wells Fargo Bank, National Association  
Beneficiary FI Address Line 1:  
Beneficiary FI Address Line 2:  
Beneficiary FI Address Line 3:

Beneficiary ID Code: D  
Beneficiary Identifier: [REDACTED]  
Beneficiary Name: Moser Mob LLC  
Beneficiary Address Line 1:  
Beneficiary Address Line 2:  
Beneficiary Address Line 3:

Forwarding Email Address: [REDACTED]

# KUSTOM CABINETS

STONE & SOLID SURFACE SPECIALIST

Ronnie Cockerham

## FAX COVER SHEET

ATTENTION: Susan Davis

DATE: 3/31/2014

FROM: Ronnie Cockerham

NUMBER OF PAGES TO FOLLOW: \_\_\_\_\_

TIME OF TRANSMISSION: 10:49

COMMENTS: If any of these documents are illegible, please contact me at 318 446-5609

Thank You  
Ronnie Cockerham

IF THERE ARE ANY QUESTIONS OR IF YOU DO NOT RECEIVE ALL DOCUMENTS PLEASE CALL 1-318-641-1200

### CONSUMER COMPLAINT FORM

James D. "Buddy" Caldwell  
 Attorney General  
 Louisiana Department of Justice  
 Consumer Protection Section  
 P.O. Box 94005  
 Baton Rouge, LA 70804  
 Phone: (504) 351-4889  
 Fax: (225) 326-6499

CASE ID:  
 FOR OFFICE USE ONLY  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\* = REQUIRED

Is this related to Storm?  Yes  No  
 Are you over the age of 60?  Yes  No  
 \* Date: 3/7/2014 \* Full Name of Person Filing Complaint: Ronald L. Cartersham

\* Address: 114 Jessina Ln.

\* Home Phone: 313 446 5609 \* Work Phone: 313 641 1200 Parish: Rapides

\* City, State: Pineville, LA Zip: 71360

\* Person Complained Against: BJ Moose

\* Company Complained Against: Riders Wholesale / Moose Motors

\* Address: 110 Orbit Rd.

\* Phone: 1-877-566-6737 \* Parish/County: East Tredell

\* City, State: Statesville NC Zip: 28677

Name of Salesperson (if known): BJ Moose

Date of Transaction: November 20, 2013

Description of product or service about which you are complaining. Include brand name, model number and serial number. If possible:

Wolverine 700 UTV 4WD EFI

Name of manufacturer (if known): Hison

Representative of manufacturer contacted (if any). Please include the address and phone number.

Hudson  
USA Headquarters tel. 972-446-0780  
1434 Tifton Place  
Carrollton, TX 75007  
Note! I have not contacted Manufacturer!

Amount of purchase and method of payment: \$ 6,995.00

If your complaint concerns the advertising of a product or service, indicate when and where it was advertised.

[Empty box for advertising details]

Have you contacted the merchant? Y/N Yes Date: 40-50 different times

AFTER REVIEWING YOUR COMPLAINT AND THE STEPS YOU HAVE TAKEN TO RESOLVE IT, YOU MAY BE REFERRED TO ANOTHER AGENCY, A PRIVATE ATTORNEY, SMALL CLAIMS COURT OR JUSTICE OF THE PEACE COURT, OR SOME OTHER METHOD OF RESOLVING YOUR COMPLAINT. A COPY OF THIS COMPLAINT MAY BE SENT TO THE BUSINESS

Using the space provided below, please explain your complaint fully. Please describe the events in the order in which they occurred, using extra paper if necessary. IMPORTANT: Enclose copies of all documents relevant to your complaint including advertising material, contracts, warranties, receipts, canceled checks, etc. If your complaint involves a vehicle, please indicate the make, year and vehicle identification number. (1200 character limit)

On November 20, 2013 I ordered a Wolverine MCO from Riders Wholesale. On December 4th 2013 I wire transferred \$ 6,995.00 to Moser Moto LLC. I was informed that the UTV would be shipped out in 7-10 days. After numerous phone calls with BJ Moser I still do not have the machine I ordered. He has told me numerous times that it has been shipped.

What would satisfy your complaint?  
To receive the machine I paid for or refund.

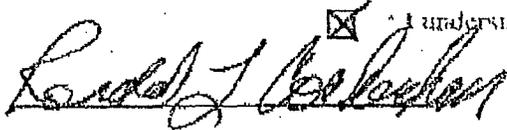
PLEASE READ THE FOLLOWING CAREFULLY. By submitting this form, you are signifying that you have read and understand the following statements:

I understand the Attorney General's Office may provide copies of this form and any attachments to the business complained about and other private and public agencies. I authorize the Office of the Attorney General to give copies or any information of the form to anyone deemed necessary by them.

I understand that the Attorney General's office is not my legal representative. I understand that it is recommended that I consult a private attorney. I also understand that I may lose my private right to sue about this matter entirely if I wait too long to do so. I also understand that any action by the Attorney General's office may not result in a refund or other relief for me personally.

I wish to file this complaint with the Attorney General's office. I understand that your office does not conduct litigation for individuals in matters which involve purely private controversies. I am, however, filing this complaint to notify your office of the activities of this party and to seek any other assistance you may be able to render.

Signature :

I understand and agree to all above conditions  


Date :



# Exhibit E

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**AFFIDAVIT**

1. My name is Janice L. McIntosh and my husband is William R. McIntosh. We live at 21821 183<sup>rd</sup> Street, Tonganoxie, Kansas 66086. We also have a business and a home at 326 Springdale Street, Bonner Springs, Kansas 66012 called McIntosh & Sons Motorsports.

2. William has physical disabilities that make it hard for him to speak clearly and reduced lung capacities, the bottoms of his lungs have collapsed. He also suffers from [REDACTED] and [REDACTED], which causes numbness in his hands and arms up to his elbows and in his legs from the knees down to his feet.

3. In May of 2013, William and I were looking for a Utility Vehicle (UTV) for him, to be able to get around our property easier, and continue to be independent. We found Mooser Moto, LLC, dba Riders Wholesale (Riders) website, and liked the videos and prices of the products. The address for Riders was listed as 110 Orbit Road, Statesville, North Carolina 28677. William was also interested in possibly buying multiple UTV(s) for resale here in Kansas, as well as having the initial unit for him to use and as a demonstration unit. We decided to purchase a Red Linhai Big Horn 28 UTV through the website on May 20, 2013. The website stated that if payment was done check by mail that the unit would ship free seven (7) day ground, and the site gave a three percent (3%) cash discount. A true and correct copy of the Riders Wholesale Order Form is attached hereto as Exhibit A.

4. Check 1161 for five thousand five hundred twenty-four dollars and fifteen cents (\$5,524.15) was mailed to Mooser Moto, LLC, May 21, 2013, and was cashed on May 28, 2013. A true and correct copy of the check front and back is attached hereto as Exhibit B.

5. In June 2013, we started contacting Riders and spoke with April, an employee at Riders, and BJ because we were not finding a tracking number for the shipment of the UTV. Due to William's speech issues he always uses a speakerphone, and I was able to hear all the conversations.

6. Late June to early July 2013, BJ told William that the Customs Department was delaying the shipment, and that was why our shipment was held up. William and I

100 40000 11 2

told BJ we were worried about having to assemble the UTV once it arrived; and BJ told us that because of the delay in shipping that he would send the UTV fully assembled in a few weeks. William was appeased by this promise for a while.

7. July 2, 2013, I was searching the internet and found some online complaints regarding other people who had not received their purchases, or had other problems with Riders. I then sent an email to sales@riderswholesale.com requesting a full refund by check, and for it to be mailed to my attention. I gave them the mailing address. I also requested a phone call from Riders letting me know when the check was on the way, and for it to be sent by certified return receipt or FedEx. A true and correct copy of the email is attached hereto as Exhibits C.

8. July 14, 2013 we (I do all the typing and because William's name is on the order he signs the paperwork) filed a Consumer Investigative Request Form with the State of Kansas Office of the Attorney General Consumer Protection and Antitrust Division online regarding Riders. A true and correct copy of the form is attached hereto as Exhibit D.

9. The first part of August 2013 we would call and talk to April, and she would tell us that she would have BJ call us. BJ did not call us or return our calls. By the end of August they would not even answer the phone.

10. August 22, 2013, I sent a letter to Riders and copied it to the Attorney Generals in Kansas and North Carolina. We also filed a Consumer Complaint form with the North Carolina Department of Justice Consumer Protection Division (DOJ) and Consumer Protection Specialist Susan E. Davis through their website. True and correct copies of the Riders letter and complaint are attached hereto as Exhibits E and F.

11. September 14, 2013, I received a check written to William for one thousand dollars (\$1,000) as a partial refund for our order from Mooser Moto, LLC, which was sent certified mail return receipt requested. I have not cashed the check as I want the full refund in one check. A true and correct copy of the check and envelope is attached hereto as Exhibit G.

12. The end of September 2013 I would call Riders and get a male, who said he was a manager, who would apologize, promise to research the issue, talk to BJ and send a refund. I never received a call back from him or anyone else at Riders.

13. March 20, 2014 I received a copy of the letter that BJ sent to the DOJ stating that "Mr. McIntosh has received a partial refund. The remainder should be issued within 2-3 weeks." A true and correct copy of the letter is attached hereto as Exhibit H.

14. March 27, 2014 I responded by letter, which I had William sign, to the DOJ

that we had not received any further correspondence or checks from BJ since the one received September 14, 2013, which I have not cashed as it is not the full amount due. A true and correct copy of the letter is attached hereto as Exhibit I.

15. June 2014 we moved to our current address, but still own the property at the address on our complaint. My son lives there still.

  
Janice L. McIntosh

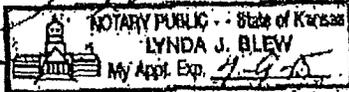
Sworn to and subscribed before me

This the 28 day of July, 2014.

(Notary Public)



My Commission Expires: 7/15/15



*State of Kansas*  
*County of Wyandotte*