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8 **STATE OF WASHINGTON**  
**KING COUNTY SUPERIOR COURT**

9 STATE OF WASHINGTON,

NO.

10 Plaintiff,

COMPLAINT FOR INJUNCTIVE  
AND OTHER RELIEF UNDER THE  
CONSUMER PROTECTION ACT

11 v.

12 EIREEN EJEM-DAGOHOY,  
individually and on behalf of her  
13 marital community, doing business as  
CHEAPEST-MAGZ, and WILMYR  
14 DAGOHOY, individually and on behalf  
of his marital community, doing  
15 business as CHEAPEST-MAGZ,

16 Defendants.

17 COMES NOW Plaintiff, State of Washington, by and through its attorneys  
18 Robert M. McKenna, Attorney General, and Paula Selis, Senior Counsel, and brings this  
19 action against Defendants named herein, alleging as follows:

20 **I. JURISDICTION AND VENUE**

21 **1.1** This Complaint is filed and these proceedings are instituted under the  
22 provisions of the Unfair Business Practices – Consumer Protection Act, Chapter 19.86 RCW.

23 **1.2** The violations alleged in this Complaint have been and are being committed in  
24 whole or in part in King County, Washington, by Defendants named herein.

25 **1.3** Authority of the Attorney General to commence this action is conferred by  
26 RCW 19.186.080 and RCW 19.186.140.

## II. DEFENDANTS

2.1 Defendant Eireen Ejem-Dagohoy is now and has been at all times relevant to this action doing business as Cheapest-Magz. At all times relevant to this action, Cheapest-Magz was engaged in the marketing and sale of magazine subscriptions over the Internet through the eBay auction site. Doing business as Cheapest-Magz, Defendant Eireen Ejem-Dagohoy has formulated, controlled, directed, and participated in its policies, practices, and activities, including the acts and practices set forth in this Complaint. Defendant is married to Wilmyr Dagohoy. All acts performed by Eireen Ejem-Dagohoy doing business as Cheapest-Magz were done for the benefit of her marital community. Defendant Dagohoy resides at 926 Locust Ave., Apt. #308, Long Beach, California 90813.

2.2 Defendant Wilmyr Dagohoy is now and has been at all times relevant to this action doing business as Cheapest-Magz. At all times relevant to this action, Cheapest-Magz was engaged in the marketing and sale of magazine subscriptions over the Internet through the eBay auction site. Doing business as Cheapest-Magz, he has formulated, controlled, directed, and participated in its policies, practices, and activities, including the acts and practices set forth in this Complaint. Defendant is married to Eireen Ejem-Dagohoy. All acts performed by Wilmyr Dagohoy doing business as Cheapest-Magz were done for the benefit of his marital community. Defendant Dagohoy resides at 926 Locust Ave., Apt. #308, Long Beach, California 90813.

## III. NATURE OF TRADE OR COMMERCE

3.1 Defendants offer magazine subscriptions for sale over the Internet through the eBay auction Web site. Consumers who seek to purchase magazine subscriptions visit the eBay Web site usually looking for a particular title such as *National Geographic* or *Newsweek*. In a typical situation, consumers search the eBay Web site for a particular title and find a number of sellers who are offering subscriptions through an auction format. Consumers choose a seller who is auctioning the magazine subscription of their choice and

1 link to the Web page where the magazine subscription is being auctioned. The auction Web  
2 page contains a description of the term of the subscription (i.e. one year, two years, etc.) and  
3 the quantity of subscriptions available. In some cases, the page displays a price at which the  
4 consumer can buy the subscription outright without bidding (the "Buy it Now" option). In all  
5 cases, the consumer is given the option to bid on the subscription. The auction is structured  
6 so that it ends at a specified time with the last highest bidder before the deadline being the  
7 winner. Upon completion of bidding, the seller generally contacts the winning bidder with  
8 information on the total cost and directions for making payment. The winning bidder must  
9 pay the seller directly for the item.

10       **3.2** Defendants, in the regular course of business, have sold magazine  
11 subscriptions using the method described above. They have sold subscriptions to numerous  
12 magazines, including but not limited to *Newsweek*, *Computer Shopper*, *Playboy*, *Wired*, *TV*  
13 *Guide*, *Oprah*, *Sporting News*, *Muscle and Fitness*, *Details*, *Golf Digest* and others.  
14 Consumers have paid varying amounts for the subscriptions, from approximately \$5.00 to  
15 hundreds of dollars for multiple subscriptions to the same magazine.

16       **3.3** Defendants are in competition with others engaged in the sale and marketing of  
17 magazine subscriptions in Washington.

18       **3.4** Defendants have sold magazine subscriptions to Washington consumers.

19               **IV. CAUSE OF ACTION—FAILURE TO DELIVER**

20       **4.3** Plaintiff realleges paragraphs 1.1 through 3.4 and incorporates them as if set  
21 forth fully herein.

22       **4.4** In the regular course of business, Defendants receive payment from consumers  
23 who have purchased magazine subscriptions from them through eBay auctions. Though the  
24 consumers are told by Defendants that their magazines will be delivered in 8 to 12 weeks, in  
25 many cases they are not. Thousands of consumers have failed to receive the subscriptions that  
26 Defendants sold to them.

1           **4.5**     The above-described conduct constitutes unfair and deceptive practices in trade  
2 or commerce and unfair methods of competition in violation of RCW 19.86, the Consumer  
3 Protection Act.

4                               **V.     PRAYER FOR RELIEF**

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

6           **5.1**     That the Court adjudge and decree that Defendants have engaged in the  
7 conduct complained of herein.

8           **5.2**     That the Court adjudge and decree that the conduct complained of herein  
9 constitutes unfair or deceptive acts and practices and unfair methods of competition in  
10 violation of the Consumer Protection Act, Chapter 19.86 RCW.

11          **5.3**     That the Court issue a permanent injunction enjoining and restraining  
12 Defendants and their representatives, successors and assigns, officers, agents, servants,  
13 employees, and all other persons acting or claiming to act for or on behalf of or in active  
14 concert or participation with Defendants from continuing or engaging in unlawful conduct  
15 complained of herein.

16          **5.4**     That the Court assess a civil penalty pursuant to RCW 19.86.140 of up to  
17 \$2,000.00 per violation against each Defendant for each violation of RCW 19.86.0020 caused  
18 by the conduct complained of herein.


19          **5.5**     That the Court make such orders pursuant to RCW 19.86.0020 as it deems  
20 appropriate to provide for restitution to consumers for money or property acquired by  
21 Defendants as a result of the conduct complained of herein.

22          **5.6**     That the Court make such orders pursuant to RCW 19.86.020 to provide that  
23 Plaintiff, State of Washington, have and recover from Defendants the costs of this action,  
24 including a reasonable attorney's fee.

1       **5.7**     That the Court order such other relief as it may deem just and proper to fully  
2 and effectively dissipate the effects of the conduct complained of herein or which may  
3 otherwise seem proper to the Court.

4       DATED this 5<sup>th</sup> day of October, 2007.

5                               ROBERT M. MCKENNA  
6                               Attorney General

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8                               \_\_\_\_\_  
9                               PAULA SELIS, WSBA #12823  
10                              Senior Counsel  
11                              Attorneys for Plaintiff  
12                              State of Washington  
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