

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA**

**OFFICE OF THE ATTORNEY GENERAL,
DEPARTMENT OF LEGAL AFFAIRS,
STATE OF FLORIDA,**

Plaintiff,

Case No.:

vs.

GILDA ANDERSON, individually and as Owner,
President and Director of Wizard of Claws, Inc.;
JAMES ANDERSON, individually and as Owner
of Wizard of Claws, Inc. and **WIZARD OF
CLAWS, INC.**, a Florida corporation and John
Does 1-10.

Defendants.

COMPLAINT

Plaintiff, **OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL
AFFAIRS, STATE OF FLORIDA** (hereinafter referred to as "Plaintiff"), sues Defendants **GILDA
ANDERSON**, individually and as Owner and President of Wizard of Claws, Inc.; **JAMES
ANDERSON** individually and as Owner of Wizard of Claws, Inc. and **WIZARD OF CLAWS,
INC.**, a Florida for-profit corporation. (hereinafter referred to as "Defendants").

JURISDICTION

1. This is an action for restitution, penalties and injunctive relief, brought pursuant to Florida's Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes (2001).
2. This Court has jurisdiction pursuant to the provisions of said statute.

3. Plaintiff is an enforcing authority of Florida's Deceptive and Unfair Trade Practices Act as defined in Chapter 501, Part II, Florida Statutes, and is authorized to seek damages, injunctive and other statutory relief pursuant to this part.

4. The statutory violations alleged herein occurred in or affected more than one judicial circuit in the State of Florida. Venue is proper in the Seventeenth Judicial Circuit as the principal place of business of the Defendants is Broward County, Florida.

5. Plaintiff has conducted an investigation, and the head of the enforcing authority, Attorney General Charles J. Crist, Jr. has determined that an enforcement action serves the public interest.

6. Defendants, at all times material hereto, provided goods or services as defined within Section 501.203(8), Florida Statutes (2001).

7. Defendants, at all times material hereto, solicited consumers within the definitions of Section 501.203(7), Florida Statutes (2001).

8. Defendants, at all times material hereto, were engaged in a trade or commerce within the definition of Section 501.203(8), Florida Statutes (2001).

DEFENDANTS

9. Defendant, GILDA ANDERSON, an adult female over the age of twenty one, was at all times material an owner, officer and/or director of Defendant WIZARD OF CLAWS, INC.. Upon information and belief, GILDA ANDERSON is a resident of Broward County, Florida.

10. Defendant, JAMES ANDERSON, an adult male over the age of twenty one, was at all times material an owner of Defendant WIZARD OF CLAWS, INC.. Upon information and belief,

JAMES ANDERSON is a resident of Broward County, Florida.

11. Defendant WIZARD OF CLAWS, INC. is a Florida for-profit corporation, with a principal address of 3134 SW 27th Street, Fort Lauderdale, FL 33312 and a principal place of business at 9113 Taft St., Pembroke Pines, FL 33024.

12. At all times material, Defendant GILDA ANDERSON knew of and controlled the activities of WIZARD OF CLAWS, INC..

13. At all times material, Defendant JAMES ANDERSON knew of and controlled the activities of WIZARD OF CLAWS, INC..

COUNT I

DECEPTIVE AND UNFAIR TRADE PRACTICES CHAPTER 501, PART II FLORIDA STATUTES

14. Plaintiff adopts, incorporates herein and re-alleges paragraphs 1 through 13 as if fully set forth bellow.

15. Chapter 501.204(1), Florida Statutes, declares that unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

16. Commencing on a date unknown, but at least subsequent to January 1, 2003, Defendants engaged in various deceptive and unfair trade practices, as set out further herein, in violation of Chapter 501, Part II, Florida Statutes (2001).

17. At all times material, Defendants engaged in the business of the retail sale of dogs.

18. In conversations with potential clients and in order to induce consumers to

purchase dogs from Defendant Wizard of Claws, Inc., Defendants would and did make material misrepresentations of fact, to-wit:

- a) orally represented to consumers the approximate full size weight of dogs which were being purchased when in fact Defendants had no information of the dog's pedigree;
- b) knowing the dog's pedigree and the approximate final weight, Defendants orally represented a weight inconsistent with that pedigree;
- c) misrepresented to consumers that they were purchasing American Kennel Club (AKC) registered dogs and thus induced consumers to pay a higher price for the dogs when Defendants in fact knew that the dogs were not registered with the AKC; and
- d) by material omission or direct misrepresentation, Defendants misrepresented the source from which Defendants obtained subject dogs.

19. Representations relating to the type and size of dogs were material to consumers, in that various apartments and condominiums have restrictions relating to the size of pets. Additionally, the size of pets materially affects the cost of travel and transportation of said pets to the consumer.

WHEREFORE, Plaintiff requests this court to enter the following Orders:

1. Grant permanent injunctions against Defendants, their officers, agents, servants, employees, attorneys and those persons in active concert or participation with Defendants who receive actual notice of this injunction, prohibiting such persons from doing the following acts:

- a. Operating or conducting any business or offering services relating to the sale of

pets to consumers within the state of Florida;

b. Violating the provisions of Chapter 501, Part II, Florida Statutes (2001);

2. Award actual damages to all consumers who are shown to have been injured in this action, pursuant to Section 501.206 (1) (c), Florida Statutes (2001);

3. Assess against Defendants herein civil penalties in the amount of Ten Thousand Dollars (\$10,000.00) for each act or practice found to be in violation of Chapter 501, Part II, Florida Statutes (2001);

4. Award reasonable attorneys fees pursuant to F.S. 501.2105;

5. Grant temporary relief pursuant to F.S. 501.207;

6. Waive the posting of any bond by Plaintiff in this action; and

7. Grant such other relief as this Honorable Court deems just and proper.

Respectfully Submitted

CHARLES J. CRIST, JR.

Attorney General

By:

LYNN ETKINS

Assistant Attorney General

FL Bar No. 642691

Office of the Attorney General

Department of Legal Affairs

110 S.E. 6th Street, Ninth Floor

Fort Lauderdale, FL 33301

(954) 712-4600