

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
CIVIL DIVISION

STATE OF ARKANSAS, *ex rel.*
LESLIE RUTLEDGE, ATTORNEY GENERAL

PLAINTIFF

v. CASE NO. _____

DODGE OFF ROAD, LLC, GASTON
MANUFACTURING, LLC, THE OFF
ROAD COMPANIES OF THE OZARKS,
LLC, WOLF LAIR RETREAT, LLC,
GASTON OFF ROAD ENTERPRISE,
LLC, and
DANIEL GASTON

DEFENDANTS

COMPLAINT

The State of Arkansas, *ex rel.* Leslie Rutledge, Attorney General (“the State”), for its Complaint against Dodge Off Road, LLC; Gaston Manufacturing, LLC; The Off Road Companies of the Ozarks, LLC; Wolf Lair Retreat, LLC; Gaston Off Road Enterprise, LLC; and Daniel Gaston, (collectively, “Dodge Off Road”), states:

I. INTRODUCTION

1. This is a consumer protection action brought to redress and restrain violations of the Arkansas Deceptive Trade Practices Act (“ADTPA”), Ark. Code Ann. § 4-88-101 through 115.

2. Daniel Gaston advertises custom high-performance suspension and steering parts specifically for Dodge Ram trucks. He uses an online storefront at <https://store.dodgeoffroad.com> and 1-855-900-9DOR (9367) to sell these products.

Upon information and belief, Dodge Off Road, LLC is financially connected to Gaston Manufacturing, LLC; The Off Road Companies of the Ozarks, LLC; Wolf Lair Retreat, LLC; and Gaston Off Road Enterprise, LLC through a common registered agent, Daniel Gaston, also known as Daniel Gaston, Sr. Upon information and belief, Daniel Gaston is using these entities in concert to deceive consumers. Therefore, all the above-named Defendants are referred to collectively as “Dodge Off Road.”

3. Dodge Off Road failed to deliver items for which consumers prepaid or failed to deliver those items in a reasonable amount of time. Dodge Off Road failed to fulfill orders with products fit for the stated purpose. Dodge Off Road failed to refund monies paid by consumers in Arkansas, across the country, and internationally for unfulfilled orders or substandard products.

4. The Arkansas Attorney General has received 45 consumer complaints and the Better Business Bureau has received 86 consumer complaints alleging that Dodge Off Road owes each of these consumers between \$150.00 and \$5,000.00 in refunds for unshipped or unsuitable merchandise.

5. The State seeks restitution for affected consumers, an injunction, an order imposing civil penalties, and other relief against Dodge Off Road.

II. PARTIES

6. Plaintiff is the State of Arkansas, *ex rel.* Leslie Rutledge, Attorney General. Attorney General Rutledge is the chief legal officer of the State. Pursuant

to Ark. Code Ann. § 4-88-104 and 4-88-113, the State may seek civil enforcement of the ADTPA.

7. Defendant Daniel Gaston (“Gaston”) is the owner of Dodge Off Road, LLC and serves as its registered agent for service of process at 92 Wayne Drive, Lakeview, Arkansas 72642. Gaston resides at 54 Stahlman Road, Lakeview, Arkansas 72642. Gaston is a controlling person of Dodge Off Road, LLC; Gaston Manufacturing, LLC; The Off Road Companies of the Ozarks, LLC; Wolf Lair Retreat, LLC; and Gaston Off Road Enterprise, LLC within the meaning of Ark. Code Ann § 4-88-113(d). As such, he is personally liable not only for his own personal acts in violation of Arkansas law, but also for the acts of Dodge Off Road, LLC and its employees or agents thereof; Gaston Manufacturing, LLC and its employees or agents thereof; The Off Road Companies of the Ozarks, LLC and its employees or agents thereof; Wolf Lair Retreat, LLC and its employees or agents thereof; and Gaston Off Road Enterprise, LLC and its employees or agents thereof.

8. Defendant Dodge Off Road, LLC is an Arkansas limited liability company registered with the Arkansas Secretary of State with its agent address listed as 92 Wayne Drive, Lakeview, Arkansas 72642. The registered agent is Daniel Gaston. According to Dodge Off Road, LLC’s online store, the business is located at 4854 Highway 178 West, Lakeview, Arkansas 72642.

9. Defendant Gaston Manufacturing, LLC is an Arkansas limited liability company registered with the Arkansas Secretary of State with its agent and agent’s address listed as Daniel Gaston, Sr., at 4854 Highway 178 West, Lakeview,

Arkansas 72642. Dodge Off Road, LLC has the same address. This shell company basically operates as one and the same with Dodge Off Road, LLC.

10. Defendant Gaston Off Road Enterprise, LLC is an Arkansas limited liability company registered with the Arkansas Secretary of State with its agent and agent's address listed as Daniel Gaston, Sr., at 4854 Highway 178 West, Lakeview, Arkansas 72642. Dodge Off Road, LLC has the same address. This shell company basically operates as one and the same with Dodge Off Road, LLC.

11. Defendant Wolf Lair Retreat, LLC is an Arkansas limited liability company registered with the Arkansas Secretary of State with its agent and agent's address listed as Daniel Gaston, Sr., at 4854 Highway 178 West, Lakeview, Arkansas 72642. The principal address is 100 Sportsman Lane, Yellville, Arkansas 72687. This limited liability company has the same registered agent's address as Dodge Off Road, LLC. This shell company basically operates as one and the same with Dodge Off Road, LLC.

12. Defendant The Off Road Companies of the Ozarks, LLC is an Arkansas limited liability company registered with the Arkansas Secretary of State with its agent and agent's address listed as Daniel Gaston, Sr., at 4854 Highway 178 West, Lakeview, Arkansas 72642. Dodge Off Road, LLC has the same address. This shell company basically operates as one and the same with Dodge Off Road, LLC.

III. JURISDICTION

13. This Court has jurisdiction over this matter pursuant to Ark. Code Ann. § 4-88-104 and the common law of the State of Arkansas.

14. Venue is proper pursuant to Ark. Code Ann. §§ 4-88-104, 4-88-112, 16-60-104, and the common law of the State of Arkansas.

IV. FACTUAL ALLEGATIONS

15. Dodge Off Road, LLC was founded in 2010 and functions as a marketplace and fabricator for custom high-performance suspension and steering parts specifically for Dodge Ram trucks.

16. According to Dodge Off Road's website, it is "A Worldwide Leader in Dodge Ram Suspension and Steering Performance, with customers in 28 countries and all 50 states!"¹

17. The website advises consumers, "We do not guarantee build or ship times due to the nature of our business. Any number of things can come up or go wrong, from suppliers to equipment to who knows what else. We try to give you a really good educated guess when it will ship . . ." ² Though the company states, "We do keep our most popular products in stock as much as possible."³

18. Dodge Off Road promised consumers, "You can always check your order status by logging into My Account. If your order has shipped, you will get an email with tracking info. Sometimes those emails get picked up by spam filters. You

¹ "About Us." *Dodge Off Road*, Accessed May 31, 2022, store.dodgeoffroad.com/About-Us_ep_7.html

² "Common Questions." *Dodge Off Road*, Accessed May 31, 2022, store.dodgeoffroad.com/Common-Questions_ep_44-1.html

³ *Id.*

can also email our front desk at orders@dodgeoffroad.com and ask about your order status if that is easier for you.”⁴

19. Despite these assurances of communication, consumers repeatedly fail to receive a response from Dodge Off Road. Dodge Off Road routinely dismisses or ignores consumer requests for information regarding shipping, refunds, and concerns and ill-fitting and substandard parts. When Dodge Off Road does communicate with consumers, the information it provides is often fabricated or unreliable.

20. Dodge Off Road routinely suggests that consumers use a chargeback with the consumers’ bank or credit card company to get their money returned. Several consumers have reported that Dodge Off Road will then deny the chargeback.

A. Dodge Off Road Failed to Deliver Goods to Consumers at the Times Advertised or Promised in Telephone Calls and Emails.

21. As early as 2018, consumers ordering items from Dodge Off Road filed complaints with the Better Business Bureau, FTC Consumer Sentinel, and the Office of the Attorney General reporting failure to deliver orders as promised and substandard products.

22. For example, on September 1, 2019, Mr. Adam Sell ordered parts totaling \$2,798.73 from Dodge Off Road’s website. He ordered a lift kit and track bar for his truck and received the track bar a few months after placing the order. He

⁴ *Id.*

contacted Dodge Off Road several times about the rest of his order but has received no response. He has not received the remainder of his order or a refund from Dodge Off Road.

23. On October 14, 2020, Mr. James O'Connor ordered parts totaling \$1,016.00 from Dodge Off Road's website. When Mr. O'Conner had not received his order by November 25, 2020, he contacted Dodge Off Road by telephone. A representative from Dodge Off Road informed Mr. O'Conner that the order would ship on the following Monday or Tuesday. Dodge Off Road never shipped the parts to Mr. O'Connor. Dodge Off Road stopped communicating with Mr. O'Conner. To date, he has not received his order or a refund from Dodge Off Road.

24. On December 7, 2020, Mr. Cameron Allen ordered parts totaling \$944.37 from Dodge Off Road's website. He waited months for his order to be shipped. He attempted to contact Dodge Off Road several times. When he did talk to someone from the company, he received excuses or was told that the order was ready to ship. Mr. Allen has not received his order or a refund from Dodge Off Road.

25. On August 19, 2021, Mr. Michael Atterbury ordered parts totaling \$850.00 from Dodge Off Road's website. He indicates that he placed the order in August expecting a three-month wait. In February of 2022, Dodge Off Road sent part of the order. Now Dodge Off Road will not return Mr. Atterbury's telephone calls or emails. Mr. Atterbury states "without the parts to complete the order the whole thing is a big paperweight." He has not received the remainder of his order or a refund from Dodge Off Road.

26. On August 18, 2021, Mr. John Stephens ordered parts totaling \$458.98 from Dodge Off Road's website. A representative from Dodge Off Road said the items were in stock and would ship in seven to nine days. A week later, however, Mr. Stephens received an email from Dodge Off Road which said the items needed to be manufactured and promised Mr. Stephens updates as needed. Since that time, Mr. Stephens has received only excuses or inadequate communication from Dodge Off Road. He has not received his order or a refund.

27. On June 23, 2020, Mr. Matthew Thomas ordered parts totaling \$4,823.42 from Dodge Off Road's website. Mr. Thomas indicates that the items were ordered more than two years ago. According to Mr. Thomas, Dodge Off Road has shipped "bits and pieces" but is still missing quite a few significant and expensive components needed to finish the order and without which many of the shipped products are useless and unusable for his truck. He has not received the remaining parts in his order or a refund from Dodge Off Road.

28. On June 1, 2021, Mr. Carl M Kriesant placed an order totaling \$3,033.15 from Dodge Off Road. Mr. Kriesant states that on April 25, 2022, almost a year after placing the order, he emailed Dodge Off Road for the "umpteenth time" and asked for a "straight up answer on why my order hadn't shipped." According to Mr. Kriesant, he received an answer the next day indicating that the company is experiencing supply issues and that he would get his order "eventually." He has not received his order or a refund from Dodge Off Road.

B. Dodge Off Road Failed to Return Consumer Payments

29. Due to delays in shipping, some consumers report attempts to cancel orders and get a refund. Dodge Off Road does not meaningfully respond to such requests. Often the refund requests are ignored. Some requests are denied outright. In at least one instance, store credit was offered. Routinely, Dodge Off Road employs a chargeback scheme. It recommends that the consumer request a chargeback from the consumer's bank or credit card. Often too much time has elapsed to request a chargeback from a credit card company. Where a chargeback is available and the consumer goes through the process to make this request, Dodge Off Road then inexplicably denies the request. Complaints such as these are characteristic of the types of problems reported by consumers.

30. On May 13, 2020, Mrs. Katie Lewis ordered parts totaling \$1,350.00 from Dodge Off Road. According to Mrs. Lewis, a representative from Dodge Off Road told her that she would receive the products within six to eight weeks. After that time elapsed, she called several times before getting an answer. She asked for a refund. She states that Dodge Off Road would only offer store credit. She has not received her order or a refund from Dodge Off Road.

31. On October 10, 2021, Mr. Andrew Steyer ordered parts totaling \$596.97 from Dodge Off Road. Mr. Steyer indicates that the items ordered were said to have a seven to 10 day lead time. It has been more than eight months and he has not received his parts. According to Mr. Steyer, Dodge Off Road refuses to issue a refund and a representative suggested that he file a chargeback on his card.

Because of the method of payment used, it is impossible to get a chargeback. Mr. Steyer has made several unanswered calls. Some of Mr. Steyer's emails have been answered. However, the emails are inconsistent or unhelpful, such as "we cannot issue a refund on our end" or "it will be shipping in the next couple weeks." Mr. Steyer is making payments to his credit card company on products he has not received from Dodge Off Road. He has not received a refund from Dodge Off Road.

32. On January 13, 2022, Mr. Herman Schmidt placed an order totaling \$550.00 from Dodge Off Road. Mr. Schmidt indicates that the item ordered shows to be in stock with five-day shipping on the company's website. According to Mr. Schmidt, he asked for a refund only to be told to contact his bank. He has not received his order or a refund from Dodge Off Road.

33. On October 12, 2021, Mr. Curt McDonald placed an order totaling \$2,223.24 from Dodge Off Road. Mr. McDonald canceled his order after receiving only a partial shipment that cost \$249.00. Mr. McDonald stated that "Karson in customer service acknowledged my intent to cancel and stated they hope they are able to produce better in the future." According to Mr. McDonald, when he tried to cancel the order through his credit card company, the "merchant replied to my credit card dispute and stated that the order was shipped and fulfilled." Mr. McDonald has returned the part totaling \$249.00 to Dodge Off Road and has proof of delivery to the merchant. He has not received a refund from Dodge Off Road.

34. On May 26, 2020, Mrs. Margo Zamora placed an order totaling \$1,008.97 from Dodge Off Road. Mrs. Zamora states that a representative from

Dodge Off Road told her the part was backordered. After a six-month wait, Mrs. Zamora asked for a refund. She states someone at Dodge Off Road told her to go through the bank. She did this. She states that her bank said Dodge Off Road denied the refund. She has not received her order or a refund from Dodge Off Road.

C. Dodge Off Road Failed to Deliver Goods to Consumers Fit for Purpose

35. On June 11, 2019, Mr. Tyler Dodd placed an order totaling \$1,667.33 from Dodge Off Road. Mr. Dodd states that he ordered a DOR Heavy Duty Steering Kit, Bolt-in, Stabilizer Included, and a DOR Heavy Duty Track Bar, but he only received the track bar. He states that a representative of Dodge Off Road admitted the mistake and planned to ship the remaining parts. He had the track bar installed by a local lift kit installation shop. He states that he noticed dangerous “steering play” after the track bar was installed. Upon further inspection, he determined that the track bar received did not have the proper pre-existing holes to mount properly to the frame. When he informed Dodge Off Road of this, he was told this is the updated style. Mr. Dodd took his truck and the track bar to a welding shop to fix the issue. He contacted Dodge Off Road to inquire about the remainder of the shipment. He indicates that he was told items are “on national back order” and will take an additional week. He called again two weeks later. This time, an employee of Dodge Off Road claimed to be experiencing issues in obtaining hardware for the kit in question. Two weeks later, when Mr. Dodd’s significant other called on his behalf, she indicates that she was told the bolts have not yet arrived. Four months into the wait, Mr. Dodd reached out to the manufacturer of

the backordered parts only to learn an order was never placed. Eventually, Mr. Dodd received the remaining items. He discovered those items to be faulty. He states that the threads on the tie rod are warped. He tried to get the parts repaired by another shop. He learned the parts cannot be repaired. Now Dodge Off Road will not respond to his calls or emails.

36. On March 15, 2021, Mr. Chris Ries placed an order totaling \$2,087.96 from Dodge Off Road. Mr. Ries received only part of his order and had to pay another business to make it suitable for purpose by applying a professional powder coating. For the remainder of the order, Mr. Ries indicates that it is difficult to get Dodge Off Road to communicate with him and when Dodge Off Road does, it is “nothing but excuses” for why the products have not shipped. He has not received the remainder of his order or a refund from Dodge Off Road.

37. On March 5, 2022, Mr. Robert Jimenez placed an order totaling \$345.00 from Dodge Off Road. The items shipped are incorrect. A representative of Dodge Off Road agreed to accept return of the items and replace them, according to Mr. Jimenez. He returned the items with a postage label provided by Dodge Off Road. He then states Dodge Off Road began screening his calls. He has not received replacement items or a refund from Dodge Off Road.

V. VIOLATIONS OF LAW

Arkansas Deceptive Trade Practices Act

38. The ADTPA sets forth the State's statutory program prohibiting deceptive and unconscionable trade practices.⁵

39. The business practices of Dodge Off Road constitute the sale of "goods" or "services."⁶ The same business practices constitute business, commerce, or trade.⁷ the employment of "unconscionable, false, or deceptive acts or practices in business, commerce, or trade."⁸

40. Here, Dodge Off Road advertises Dodge Ram parts, products, and custom fabrication at the customer's request.

- a. Dodge Off Road routinely fails to deliver products ordered within the timeframe promised and advertised.
- b. In fact, Dodge Off Road routinely fails to deliver prepaid products at all.
- c. Dodge Off Road does not respond substantively or fails to respond to consumer requests for shipping status of their orders.

41. Dodge Off Road, in connection with the sale and advertisement of Dodge Ram parts, products, and custom fabrication engaged in the act, use, or

⁵ Ark. Code Ann. §§ 4-88-101, *et seq.*

⁶ Ark. Code Ann. §§ 4-88-102(4) and (7).

⁷ Ark. Code Ann. § 4-88-107.

⁸ Ark. Code Ann. § 4-88-107(a)(10).

employment of deception, fraud, or false pretenses in violation of the ADTPA.⁹

Dodge Off Road has engaged in prohibited conduct by:

- a. Accepting money from consumers and then refusing to deliver the ordered items; and
- b. Refusing to refund money to consumers.

42. It is a violation to engage in unconscionable, false, or deceptive acts or practices in business, commerce, or trade.¹⁰ Dodge Off Road has engaged in prohibited conduct by preying on unsuspecting consumers by selling and promising to deliver Dodge Ram parts, products, and custom fabrication, only to take consumers' money and either refuse to deliver the parts, only partially deliver, or deliver parts that are unsuitable for their intended purpose.

PRAYER FOR RELIEF

43. The Attorney General may bring a civil action to seek to prevent persons from engaging in the use or employment of prohibited practices.¹¹

44. Likewise, the Attorney General may bring a civil action to seek to restore to any purchaser who has suffered any ascertainable loss by reason of the use or employment of the prohibited practices any moneys or real or personal

⁹ Ark. Code Ann. § 4-88-108(1).

¹⁰ Ark. Code Ann. § 4-88-107(a)(10).

¹¹ Ark. Code Ann. § 4-88-113(a)(1).

property which may have been acquired by means of any practices declared to be unlawful, together with other damages sustained.¹²

45. The Attorney General may seek an injunction prohibiting any person from engaging in any deceptive or unlawful practice.¹³

46. Any person who violates the provisions of the ADTPA may be assessed a civil penalty of up to \$10,000.00 per violation.¹⁴

47. In addition, any person who violates the provisions of the ADTPA shall be liable to the Office of the Attorney General for all costs and fees, including but not limited to, expert witness fees and attorney's fees, incurred by the Office of the Attorney General in the prosecution of such actions.¹⁵

48. A "person" is an individual, organization, group, association, partnership, corporation, or any combination thereof.¹⁶

49. Dodge Off Road, LLC; Gaston Manufacturing, LLC; The Off Road Companies of the Ozarks, LLC; Wolf Lair Retreat, LLC; Gaston Off Road Enterprise, LLC; and Daniel Gaston are "persons" who have engaged in unconscionable, false, or deceptive acts or practices in business, commerce, or trade.

¹² Ark. Code Ann. § 4-88-113(a)(2)(A).

¹³ Ark. Code Ann. §§ 4-88-104 and 4-88-113(a)(1).

¹⁴ Ark. Code Ann. § 4-88-113(a)(3).

¹⁵ Ark. Code Ann. § 4-88-113(e).

¹⁶ Ark. Code Ann. § 4-88-102(5).

50. The State will exercise its right to a trial by jury.

WHEREFORE, the above premises considered, the State of Arkansas, *ex rel.* Leslie Rutledge, Attorney General, respectfully requests that this Court:

a. Issue such orders, pursuant to Ark. Code Ann. §§ 4-88-104 and 4-88-113(a)(1), as may be necessary to prevent the use or employment by Dodge Off Road of the practices described herein which are violations of the ADTPA and from further operation of the civil conspiracy;

b. Issue an order, pursuant to Ark. Code Ann. § 4-88-113(a)(2)(A), requiring Dodge Off Road to pay restitution to those Arkansas consumers, out-of-state consumers, and international consumers affected by the activities outlined herein; in addition, or in the alternative, enter an order requiring Dodge Off Road to remit to affected consumers all sums obtained from consumers by methods prohibited by Arkansas law;

c. Impose civil penalties pursuant to Ark. Code Ann. § 4-88-113(b), to be paid to the State by Dodge Off Road in the amount of \$10,000.00 per each violation of the Arkansas Deceptive Trade Practices Act proved at a trial of this matter;


d. Issue an order suspending or forfeiting any franchise, corporate charter, or other license or permits, or authorization to do business in Arkansas;

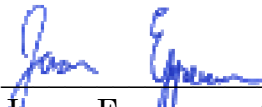
e. Issue an order, pursuant to Ark. Code Ann. § 4-88-113(e), requiring Dodge Off Road to pay the State's costs in this investigation and litigation, including, but not limited to, attorneys' fees and costs; and

f. For all other just and proper relief to which the State may be entitled.

Respectfully submitted,

LESLIE RUTLEDGE
ATTORNEY GENERAL

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