

STATE OF INDIANA)
) SS:
COUNTY OF STARKE)

IN THE STARKE CIRCUIT COURT
CAUSE NO: 75C01-1701-PL- 060003

LENA HOPFINGER,)
Plaintiff,)
)
v.)
)
BEST FORD, INC.,)
Defendant.)

FILED

JAN 26 2017

Victoria J. Gabel
CLERK OF STARKE CIRCUIT COURT

COMPLAINT

COMES NOW Plaintiff, LENA HOPFINGER (hereinafter "Plaintiff"), by and through undersigned counsel, and hereby files her Complaint against Defendant, BEST FORD, INC., and states and alleges the following:

PARTIES

1. The Plaintiff is a natural person and resident of South Bend, Indiana.
2. Plaintiff is seventy-three (73) years of age and, pursuant to I. C. 24-5-0.5-4(h), is a "senior consumer."
3. Defendant BEST FORD, INC is an Indiana Domestic For-Profit Corporation (hereinafter "Dealer"). Dealer is located at 300 S. Heaton Street, Knox, IN 46534.

FACTS

4. In or around early June, 2016, Plaintiff received a mail advertisement from Dealer.
5. Dealer's promotional advertisement indicated that Plaintiff won a prize, and would have to claim it by coming in-person to Dealer's business location.
6. The promotional advertisement did not require Plaintiff to make a vehicle purchase to win a prize.
7. On or about June 17, 2016, Plaintiff visited Dealer's business location at 300 S. Heaton Street, Knox, IN.

8. Plaintiff came to the dealership with no intent of purchasing a vehicle, and only intended to retrieve her prize.
9. Plaintiff, at the time, owned a 2006 Chevy Malibu (hereinafter “Malibu” or “Trade-in Vehicle”), and owed no payments on it.
10. Upon Plaintiff’s arrival at dealership, Plaintiff explained that she came only for the purpose of obtaining her prize.
11. Dealer attempted to sell Plaintiff a vehicle.
12. Plaintiff repeatedly stated that she could not afford a new car.
13. Dealer told Plaintiff that they wanted to evaluate Plaintiff’s Malibu to appraise it.
14. Dealer then took Plaintiff’s Malibu keys.
15. Dealer required Plaintiff to look at Dealer’s vehicle inventory and test-drive vehicles.
16. Plaintiff repeatedly requested her keys from Dealer, but Dealer refused to give back Plaintiff’s keys.
17. Dealer kept Plaintiff at the business location for approximately five and a half (5 1/2) hours.
18. Plaintiff has Type 2 diabetes, and requires regular intake of food to maintain appropriate blood sugar levels.
19. During the five and a half (5 1/2) hour period, Plaintiff requested food and water, but was only offered salty popcorn.
20. Plaintiff repeatedly explained that she needed to leave to eat food.
21. Dealer continued to refuse to return Plaintiff’s vehicle keys.
22. Plaintiff felt intimidated by Dealer’s agent.
23. Plaintiff felt restrained at the dealership.