

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

Filed and Attested by the
Office of Judicial Records
02 SEP 2020 10:31 am



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

Petitioner

v.

JANE SUTTER, individually and
d/b/a SUTTER S MILL and SUTT.JAN
432 Eisenhower Drive, Chambersburg, PA 17201

Respondent

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:
:
: TERM _____
: NO. _____
:
:
:
:
: CIVIL ACTION- EQUITY
:
:

ORDER

AND NOW, this _____ day of _____, 2020, Respondent,
Jane Sutter, individually and d/b/a Sutter s Mill and sutt.jan, is hereby ordered to comply with
the subpoenas served upon it by the Pennsylvania Office of Attorney General, which were issued
on June 18, 2020 and on July 10, 2020, respectively. Respondent is hereby ordered to:

1. Produce copies of all records and documents specified in the above mentioned
subpoena no later than ten (10) days from the date of this Order;
2. Pay filing fees incurred by the Commonwealth for filing this action in the amount
of \$333.23.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

Filed and Attested by the
Office of Judicial Records
02 SEP 2020 10:31 am
E. MBENAN

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

Petitioner

v.

JANE SUTTER, individually and
d/b/a SUTTER S MILL and SUTT.JAN
432 Eisenhower Drive, Chambersburg, PA 17201

Respondent

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: TERM _____
: NO. _____
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: CIVIL ACTION- EQUITY
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**MOTION TO COMPEL COMPLIANCE WITH SUBPOENA
PURSUANT TO PENNSYLVANIA PRICE GOUGING ACT**

The Commonwealth of Pennsylvania, Office of Attorney General, Bureau of Consumer Protection, by Attorney General Josh Shapiro (hereinafter “Commonwealth” or “Petitioner”), respectfully files this *Motion to Compel Compliance with Subpoena Pursuant to Pennsylvania Price Gouging Act* (hereinafter “Motion to Compel”), issued and served by the Commonwealth, under the authority granted to the Attorney General by § 5 of the Act of October 31, 2006, (P.L. 1210), 73 P.S. § 232.5 (hereinafter the “*Price Gouging Act*”). In support thereof, the Commonwealth alleges the following:

1. Petitioner is the Commonwealth of Pennsylvania, Office of Attorney General, Bureau of Consumer Protection, by Attorney General Josh Shapiro, with offices located at 1600 Arch Street, Third Floor, Philadelphia, PA 19103.

2. Respondent Jane Sutter (hereinafter “Sutter” and/or “Respondent”) is an adult individual most recently residing, upon information and belief, at 432 Eisenhower Drive, Chambersburg, PA 17201.

3. Upon information and belief, Respondent engaged in trade and commerce within the Commonwealth of Pennsylvania by selling and/or offering for sale various goods on the e-commerce platform “eBay,” via the eBay Store name “Sutter s Mill,” [sic] and with the eBay UserID “sutt.jan.” Sutter, upon information and belief, operates and/or has operated this eBay Store out of her residence at 432 Eisenhower Drive, Chambersburg, PA 17201.

4. The provisions of the *Price Gouging Act* state that “During...a state of disaster emergency...it shall be a violation of this act for any party within the chain of distribution of consumer goods or services or both to sell or offer to sell the goods or services...for an amount which represents an unconscionably excessive price.” 73 P.S. § 232.4(a).

5. The Commonwealth is conducting an investigation into the business practices of Respondent to determine its compliance with *Price Gouging Act*.

6. In the course of its investigation, the Commonwealth issued a subpoena dated June 18, 2020 and, after Respondent claimed via email to have not received the hard copy, re-issued the same subpoena on July 10, 2020. The June 18, 2020 and July 10, 2020 subpoenas (hereinafter the “Subpoenas”) were served on Respondent via United States Postal Service First Class Mail to Respondent’s address at 432 Eisenhower Drive, Chambersburg, PA, 17201 and copies were also sent via email to Respondent’s email address at jane22749@gmail.com.

7. The Subpoenas were issued pursuant to the authority granted to the Attorney General by Section 232.5(b) of the *Price Gouging Act*. 73 P.S. § 232.5(b).

8. The Subpoenas directed Respondent to provide specific records and documents relating to its business practices to the Commonwealth by June 25, 2020 and July 17, 2020, respectively. True and correct copies of the Commonwealth's Subpoenas are attached hereto and incorporated herein as *Exhibit "A"*.

9. Respondent subsequently failed to provide the requested records and documents.

10. On July 28, 2020, after receiving no response from Respondent, the Commonwealth attempted to contact Respondent in writing via email to allow for a final opportunity to comply with the Subpoenas and to caution that failure to comply may lead to the Commonwealth filing an enforcement action. A true and correct copy of the Commonwealth's email to Respondent is attached hereto and incorporated herein as *Exhibit "B"*.

11. To date, Respondent has not provided the documents requested pursuant to the Subpoenas and has not responded in any way to the Commonwealth's email communications on July 10, 2020 and July 28, 2020, respectively.

12. The Commonwealth issued the Subpoenas to Respondent in compliance with the law and provided Respondent, on multiple occasions, with a reasonable amount of time to comply with the request.

13. According to 73 P.S. § 232.5(b):

Prior to the initiation of a civil action, the Attorney General is authorized to require the attendance and testimony of witnesses and the production of documents. For this purpose the Attorney General may issue subpoenas, examine witnesses and receive evidence.

73 P.S. § 232.5(b).

14. The *Price Gouging Act* entitles the Commonwealth to subpoena the information requested from Respondent pursuant to 73 P.S. § 232.5(b).

15. The *Price Gouging Act* further provides that “[i]f a person objects to or otherwise fails to comply with a subpoena or request for testimony, the Attorney General may file in Commonwealth Court or any court of record of this Commonwealth an action to enforce the subpoenas or request.” 73 P.S. § 232.5(b).

16. This Court is a proper forum for this Motion pursuant to 73 P.S. § 232.5(b).

17. Respondent’s failure to comply with the Commonwealth’s lawfully issued Subpoena is grounds for this Court to grant the Commonwealth the costs of filing this action.

18. The Attorney General may invoke the aid of the Court of Common Pleas of Philadelphia County, Pennsylvania, and such Court may thereupon issue an order requiring the person subpoenaed to obey the subpoena, comply with the requests therein, and produce the documents relative to the matter in question. 73 P.S. § 232.5(b).

19. The subpoena issued by the Commonwealth was within the authority and scope granted to the Attorney General by 73 P.S. §§ 232.1-232.5, *as amended*. Respondent, therefore, should be ordered by this Court to obey the subpoena, comply with the requests therein, and produce to the Commonwealth any and all information and documents requested therein.

WHEREFORE, the Commonwealth respectfully requests that this Honorable Court issue an order requiring Respondent to produce copies of all records and documents specified in the Subpoena no later than ten (10) days from the date of this Court’s Order and to pay the Commonwealth the sum of \$333.23 for filing fees related to this motion.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

Date: 9/02/2020

By:



JAMES S. WISE
Deputy Attorney General
Attorney I.D. #314913
Commonwealth of Pennsylvania
Office of Attorney General
1600 Arch Street, Third Floor
Philadelphia, Pennsylvania 19103
Telephone: (215) 560-2414

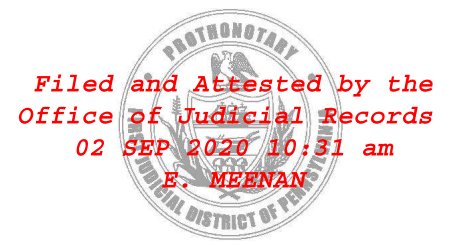


EXHIBIT A



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

1600 Arch Street, Suite 300
Philadelphia, Pennsylvania 19103
Telephone: (215) 560-2414
Facsimile: (215) 560-2494

June 18, 2020

Sent Via Electronic and Regular US Mail

Jane Sutter d/b/a tutt.jan d/b/a Sutter's Mill
432 Eisenhower Dr.
Chambersburg, PA 17201
Jane22749@gmail.com

Re: * * * * * CEASE AND DESIST LETTER AND SUBPOENA * * * * *
Issued by the Commonwealth of Pennsylvania, Office of Attorney
General, to Jane Sutter, concerning possible violations of the
Pennsylvania Unfair Trade Practices and Consumer Protection Law
and the Pennsylvania Price Gouging Act – Inv. No. BCP-20-10-000302

Dear Jane Sutter:

Please be advised that, pursuant to our duty to investigate deceptive and unfair trade practices, the Commonwealth of Pennsylvania Office of Attorney General (hereinafter the "Commonwealth") is reviewing the business practices of Jane Sutter d/b/a tutt.jan d/b/a Sutter's Mill at 432 Eisenhower Dr., Chambersburg, PA 17201 (hereinafter "Jane Sutter"). During the course of our ongoing review, we have thus far noted that you may not have complied with certain provisions of the *Unfair Trade Practices and Consumer Protection Law*, 73 P.S. § 201-1 *et seq.* (hereinafter the "Consumer Protection Law") and the *Pennsylvania Price Gouging Act*, 73 P.S. § 232.1, *et seq.* (hereinafter the "Price Gouging Act").

This letter will serve as notice that you must comply with all provisions of the Consumer Protection Law and the Price Gouging Act. These laws prohibit, among other things, selling or offering to sell consumer goods and services at unconscionably excessive prices during periods of disruption in the marketplace as well as engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding. See generally 73 P.S. § 232.4; 73 P.S. § 201-2(4)(xxi).

Specifically, our review has thus far uncovered evidence that you may have sold and/or offered to sell numerous products (identified in enclosed subpoena) on the e-commerce platform "eBay" during a state of declared emergency at a price deemed excessive by law. Consequently, the Commonwealth believes that you may have violated, among other things, Section 232.4 of the Price Gouging Act and Section 201-2(4) of the Consumer Protection Law. **IF IN VIOLATION, YOU ARE TO CEASE THESE BUSINESS PRACTICES IMMEDIATELY.**

Should the Commonwealth determine that you have conducted business in violation of the Price Gouging Act and/or the Consumer Protection Law, we will consider the violation to be willful and shall pursue all available legal remedies. Please be further advised that, pursuant to these laws, the Commonwealth may bring an action seeking, among other relief, the imposition of a civil penalty up to \$1,000 per violation of the Consumer Protection Law (\$3,000 if the consumer is age 60 or older) and up to \$10,000 per violation of the Price Gouging Act.

In order to further facilitate its review, the Commonwealth is issuing the enclosed Subpoena under the authority granted to the Attorney General by Section 232.5 of the Price Gouging Act. **We ask that you produce and/or cause to be delivered via E-mail to Deputy Attorney General James S. Wise at jwise@attorneygeneral.gov, by no later than June 24, 2020, any and all information and documents requested in the enclosed Subpoena.**

Thank you in advance for your anticipated cooperation.

Sincerely,



JAMES S. WISE
Deputy Attorney General

JSW/mh
Enclosure

**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL**

20-210-JSW/JDG

IN THE MATTER OF:

JANE SUTTER D/B/A SUTT.JAN D/B/A SUTTER'S MILL
Inv. No. BCP-20-10-000302

SUBPOENA

TO:

Jane Sutter d/b/a sutt.jan d/b/a Sutter's Mill
432 Eisenhower Dr.
Chambersburg, PA 17201
Jane22749@gmail.com

1. **YOU ARE HEREBY DIRECTED** to produce, deliver or cause to be delivered, via E-mail to Deputy Attorney General James S. Wise at jwise@attorneygeneral.gov, no later than the close of business on **June 25, 2020**, the following information and/or documents relating to Jane Sutter d/b/a sutt.jan d/b/a Sutter's Mill at 432 Eisenhower Dr., Chambersburg, PA 17201 (hereinafter "Respondent"):

- a. Any and all documents, or a list which may be prepared and submitted in lieu thereof, indicating the names and addresses of all contractors, sub-contractors, representatives or agents used or consulted to provide Respondent with the following products set forth below (hereinafter the "products at issue") to be sold by Respondent on the e-commerce platform "eBay" for the period from January 15, 2020 to present:

- i. Vicks NyQuil and DayQuil Cold & Flu Relief Liquid 12 fl oz Bottles
- ii. Equate Children's 2 Second Digital Thermometer
- iii. Planet Oat Oatmilk Vanilla 52 oz.
- iv. Great Value All Purpose Flour 5 lb. Bag
- v. Gold Medal Premium Whole Wheat Flour 5 lb. Bag
- vi. Pillsbury Best All Purpose Flour 5 lb. Bag
- vii. Fleischmann's Active Dry Yeast
- viii. Arm and Hammer Pure Baking Soda 227g (8 oz.)
- ix. Red Star Quick Rise Instant Yeast
- x. Hudson Cream Short Patent Flour 5 lb. Bag
- xi. Equate Fingertip Pulse Oximeter
- xii. Equate 91% Isopropyl Alcohol

- xiii. Rite Aid 91% Isopropyl Alcohol
 - xiv. CVS 91% Isopropyl Alcohol
 - xv. Braun NTF3000 No Touch Plus + Forehead Digital Non-Contact Thermometer
 - xvi. Braun Digital Ear Thermometer Thermo Scan 5 IRT6500
- b. Any and all documents related to Respondent's policies regarding fees, deposits, payments, and refunds for the period from January 15, 2020 to present, including but not limited to those which are given and/or expressed to customers;
- c. Any and all documents, or a list which may be prepared and submitted in lieu thereof, setting forth the total amount of units of the products at issue sold during the period from January 15, 2020 to present. For each unit of the products at issue sold, please include the sales receipt and any additional information and documents related to the manufacturer, model number, date of sale, price paid by the consumer for the products at issue, price paid by the consumer for any additional fees associated with the sale (including, but not limited to, shipping fees and/or processing fees) and the physical or electronic location from which the purchase was made;
- d. Any and all documents, and a written explanation, evidencing and setting forth the reason(s), if any, why Respondent's prices for the products at issue rose during the period from January 15, 2020 to present;
- e. Any and all documents, or a list which may be prepared and submitted in lieu thereof, setting forth all parties involved in Respondent's chain of distribution for the sale and resale of the products at issue to customers during the period from January 15, 2020 to present, including any manufacturer, supplier, wholesaler, distributor or retail seller. Please provide the names, addresses, telephone numbers and contact persons for each identified party;
- f. Provide representative copies of any and all documents, including, but not limited to, correspondence, e-mails, notes, memoranda or other documents, related in any way to any and all complaints or claims by customers or any consumer mediation agency, oral or written, describing and/or otherwise involving dissatisfaction with Respondent's charging excessive prices for the products at issue for the period from January 15, 2020 to present; for any and all customers including, but not limited to:
- i. Complaints or demands regarding refunds;
 - ii. Complaints regarding any guarantees or warranties represented or provided by Respondent and/or any of Respondent's agents or employees; and
 - iii. Any and all documents related to any reply or response of Respondent or Respondent's agents or employees to any such complaints or claims;

g. Documents, or a list which may be prepared and submitted in lieu thereof, setting forth the following information regarding each investigation by a public law enforcement body involving the Respondent for the period from January 15, 2020 to present:

- i. name of the public law enforcement body and contact person;
- ii. subject matter of the investigation;
- iii. date you became aware of the investigation; and
- iv. status of the investigation.

2. This Subpoena is issued under authority granted to the Attorney General by § 5 of the Act of October 31, 2006, (P.L. 1210), 73 P.S. § 232.5.

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
Attorney General

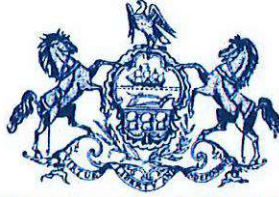
Dated: June 18, 2020

By:



JAMES S. WISE
Deputy Attorney General

**FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT
IN A SUBPOENA ENFORCEMENT ACTION BEING FILED
AGAINST YOU PURSUANT TO 73 P.S. § 232.5(b).**



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

1600 Arch Street, Suite 300
Philadelphia, Pennsylvania 19103
Telephone: (215) 560-2414
Facsimile: (215) 560-2494

July 10, 2020

Sent Via Electronic and Regular US Mail

Jane Sutter d/b/a sutt.jan d/b/a Sutter's Mill
432 Eisenhower Dr.
Chambersburg, PA 17201
Jane22749@gmail.com

Re: * * * * * CEASE AND DESIST LETTER AND SUBPOENA * * * * *
Issued by the Commonwealth of Pennsylvania, Office of Attorney
General, to Jane Sutter, concerning possible violations of the
Pennsylvania Unfair Trade Practices and Consumer Protection Law
and the Pennsylvania Price Gouging Act – Inv. No. BCP-20-10-000302

Dear Jane Sutter:

Please be advised that, pursuant to our duty to investigate deceptive and unfair trade practices, the Commonwealth of Pennsylvania Office of Attorney General (hereinafter the "Commonwealth") is reviewing the business practices of Jane Sutter d/b/a sutt.jan d/b/a Sutter's Mill at 432 Eisenhower Dr., Chambersburg, PA 17201 (hereinafter "Jane Sutter"). During the course of our ongoing review, we have thus far noted that Jane Sutter may not have complied with certain provisions of the *Unfair Trade Practices and Consumer Protection Law*, 73 P.S. § 201-1 *et seq.* (hereinafter the "Consumer Protection Law") and the *Pennsylvania Price Gouging Act*, 73 P.S. § 232.1, *et seq.* (hereinafter the "Price Gouging Act").

This letter will serve as notice that Jane Sutter must comply with all provisions of the Consumer Protection Law and the Price Gouging Act. These laws prohibit, among other things, selling or offering to sell consumer goods and services at unconscionably excessive prices during periods of disruption in the marketplace as well as engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding. See generally 73 P.S. § 232.4; 73 P.S. § 201-2(4)(xxi).

Specifically, our review has thus far uncovered evidence that Jane Sutter may have sold and/or offered to sell numerous products (identified in enclosed subpoena) on the e-commerce platform "eBay" during a state of declared emergency at a price deemed excessive by law. Consequently, the Commonwealth believes that Jane Sutter may have violated, among other things, Section 232.4 of the Price Gouging Act and Section 201-2(4) of the Consumer Protection Law. **IF IN VIOLATION, JANE SUTTER IS TO CEASE THESE BUSINESS PRACTICES IMMEDIATELY.**

Should the Commonwealth determine that Jane Sutter has conducted business in violation of the Price Gouging Act and/or the Consumer Protection Law, we will consider the violation to be willful and shall pursue all available legal remedies. Please be further advised that, pursuant to these laws, the Commonwealth may bring an action seeking, among other relief, the imposition of a civil penalty up to \$1,000 per violation of the Consumer Protection Law (\$3,000 if the consumer is age 60 or older) and up to \$10,000 per violation of the Price Gouging Act.

In order to further facilitate its review, the Commonwealth is issuing the enclosed Subpoena under the authority granted to the Attorney General by Section 232.5 of the Price Gouging Act. **We ask that Jane Sutter produce and/or cause to be delivered via E-mail to Deputy Attorney General James S. Wise at jwise@attorneygeneral.gov, by no later than July 17, 2020, any and all information and documents requested in the enclosed Subpoena.**

Thank you in advance for your anticipated cooperation.

Sincerely,



JAMES S. WISE
Deputy Attorney General

JSW/mh
Enclosure

**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL**

20-210/2-JSW/JDG

IN THE MATTER OF:

JANE SUTTER D/B/A SUTT.JAN D/B/A SUTTER'S MILL
Inv. No. BCP-20-10-000302

SUBPOENA

TO:

Jane Sutter d/b/a sutt.jan d/b/a Sutter's Mill
432 Eisenhower Dr.
Chambersburg, PA 17201
Jane22749@gmail.com

1. **YOU ARE HEREBY DIRECTED** to produce, deliver or cause to be delivered, via E-mail to Deputy Attorney General James S. Wise at jwise@attorneygeneral.gov, no later than the close of business on **July 17, 2020**, the following information and/or documents relating to Jane Sutter d/b/a sutt.jan d/b/a Sutter's Mill at 432 Eisenhower Dr., Chambersburg, PA 17201 (hereinafter "Respondent"):

- a. Any and all documents, or a list which may be prepared and submitted in lieu thereof, indicating the names and addresses of all contractors, sub-contractors, representatives or agents used or consulted to provide Respondent with the following products set forth below (hereinafter the "products at issue") to be sold by Respondent on the e-commerce platform "eBay" for the period from January 15, 2020 to present:

- i. Vicks NyQuil and DayQuil Cold & Flu Relief Liquid 12 fl oz Bottles
- ii. Equate Children's 2 Second Digital Thermometer
- iii. Planet Oat Oatmilk Vanilla 52 oz.
- iv. Great Value All Purpose Flour 5 lb. Bag
- v. Gold Medal Premium Whole Wheat Flour 5 lb. Bag
- vi. Pillsbury Best All Purpose Flour 5 lb. Bag
- vii. Fleischmann's Active Dry Yeast
- viii. Arm and Hammer Pure Baking Soda 227g (8 oz.)
- ix. Red Star Quick Rise Instant Yeast
- x. Hudson Cream Short Patent Flour 5 lb. Bag
- xi. Equate Fingertip Pulse Oximeter
- xii. Equate 91% Isopropyl Alcohol

- xiii. Rite Aid 91% Isopropyl Alcohol
 - xiv. CVS 91% Isopropyl Alcohol
 - xv. Braun NTF3000 No Touch Plus + Forehead Digital Non-Contact Thermometer
 - xvi. Braun Digital Ear Thermometer Thermo Scan 5 IRT6500
- b. Any and all documents related to Respondent's policies regarding fees, deposits, payments, and refunds for the period from January 15, 2020 to present, including but not limited to those which are given and/or expressed to customers;
- c. Any and all documents, or a list which may be prepared and submitted in lieu thereof, setting forth the total amount of units of the products at issue sold during the period from January 15, 2020 to present. For each unit of the products at issue sold, please include the sales receipt and any additional information and documents related to the manufacturer, model number, date of sale, price paid by the consumer for the products at issue, price paid by the consumer for any additional fees associated with the sale (including, but not limited to, shipping fees and/or processing fees) and the physical or electronic location from which the purchase was made;
- d. Any and all documents, and a written explanation, evidencing and setting forth the reason(s), if any, why Respondent's prices for the products at issue rose during the period from January 15, 2020 to present;
- e. Any and all documents, or a list which may be prepared and submitted in lieu thereof, setting forth all parties involved in Respondent's chain of distribution for the sale and resale of the products at issue to customers during the period from January 15, 2020 to present, including any manufacturer, supplier, wholesaler, distributor or retail seller. Please provide the names, addresses, telephone numbers and contact persons for each identified party;
- f. Provide representative copies of any and all documents, including, but not limited to, correspondence, e-mails, notes, memoranda or other documents, related in any way to any and all complaints or claims by customers or any consumer mediation agency, oral or written, describing and/or otherwise involving dissatisfaction with Respondent's charging excessive prices for the products at issue for the period from January 15, 2020 to present; for any and all customers including, but not limited to:
- i. Complaints or demands regarding refunds;
 - ii. Complaints regarding any guarantees or warranties represented or provided by Respondent and/or any of Respondent's agents or employees; and
 - iii. Any and all documents related to any reply or response of Respondent or Respondent's agents or employees to any such complaints or claims;

g. Documents, or a list which may be prepared and submitted in lieu thereof, setting forth the following information regarding each investigation by a public law enforcement body involving the Respondent for the period from January 15, 2020 to present:

- i. name of the public law enforcement body and contact person;
- ii. subject matter of the investigation;
- iii. date you became aware of the investigation; and
- iv. status of the investigation.

2. This Subpoena is issued under authority granted to the Attorney General by § 5 of the Act of October 31, 2006, (P.L. 1210), 73 P.S. § 232.5.

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
Attorney General



Dated: July 10, 2020

By: _____

JAMES S. WISE
Deputy Attorney General

**FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT
IN A SUBPOENA ENFORCEMENT ACTION BEING FILED
AGAINST YOU PURSUANT TO 73 P.S. § 232.5(b).**

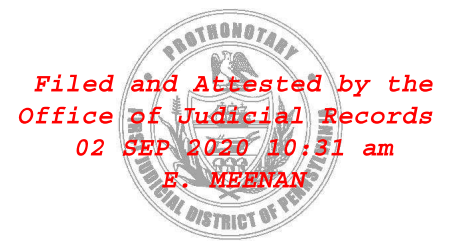


EXHIBIT B

From: [Wise, James S.](#)
To: ["Jersey Jane"](#)
Subject: RE: {Matter No.[BCP-20-10-000302]}{Jane Sutter d/b/a Sutter's Mill}
Date: Tuesday, July 28, 2020 1:14:35 PM

Dear Ms. Sutter,

My office has now sent you a subpoena via both USPS mail and email on multiple occasions, with the most recent letter dated July 10, 2020, with a response deadline of July 17, 2020. We have not received a response from you. If you sent us a response, please resend it to this email address.

If you do not respond to the subpoena or to this email, we may pursue an enforcement action against you for violations of the price gouging law.

If you have any questions, I can be reached on my direct line at (215) 518-6788.

Regards,

James Wise
Deputy Attorney General
Commonwealth of Pennsylvania
Office of Attorney General
Bureau of Consumer Protection
1600 Arch Street, Suite 300
Philadelphia, PA 19103
Phone: (215) 560-2414
Facsimile: (215) 560-2494

IMPORTANT/CONFIDENTIAL: The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of any applicable attorney-client or any other applicable privilege. PA-OAG

METADATA: This e-mail transmission and any accompanying material may contain embedded metadata. Any included metadata is confidential or privileged information and is not intended to be viewed by a non-client recipient.

From: Wise, James S.
Sent: Friday, July 10, 2020 10:29 AM
To: 'Jersey Jane'
Subject: RE: {Matter No.[BCP-20-10-000302]}{Jane Sutter d/b/a Sutter's Mill}

Thank you for the response. I did see a call but didn't recognize the number so I let it go to voicemail and there was only a 1 second message. That may have been you.

Nonetheless, attached please find an updated version of our prior correspondence, dated for today, with a response required within 7 days. A hard copy will follow by mail.

We look forward to hearing from you.

James Wise
Deputy Attorney General
Commonwealth of Pennsylvania
Office of Attorney General
Bureau of Consumer Protection
1600 Arch Street, Suite 300
Philadelphia, PA 19103
Phone: (215) 560-2414
Facsimile: (215) 560-2494

IMPORTANT/CONFIDENTIAL: The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of any applicable attorney-client or any other applicable privilege. PA-OAG

METADATA: This e-mail transmission and any accompanying material may contain embedded metadata. Any included metadata is confidential or privileged information and is not intended to be viewed by a non-client recipient.

From: Jersey Jane [<mailto:jane22749@gmail.com>]
Sent: Thursday, July 09, 2020 4:21 PM
To: Wise, James S.
Subject: Re: {Matter No.[BCP-20-10-000302]}{Jane Sutter d/b/a Sutter's Mill}

I never received anything in the USPS mail. So I am questioning the validity of this email. I also called the phone number provided. (215) 518-6788 and only get a message to leave a message with no identity of who that number belongs to. Such as you have reached the office of and _____ Therefore I did not leave a message.
So you can understand my reservation as to whether this is a legitimate email or not. My understanding is that all contact of this nature would be done by USPS mail (which I have not received. The products mentioned were removed by me months ago on eBay
The Flour was donated to my local food bank and the other products mentioned I have kept for my own personal use or given to other family members. These products are not for sale on ebay and have not been for months.
Additionally, I will not respond to any additional emails. If this is a legitimate concern from the Office of AG please contact via USPS mail
I truly believe this is not a legitimate email due to the fact nothing has come in the USPS mail. However, just in case I thought I would respond this one time to a email.
Thank You. Jane Sutter

On Thu, Jul 2, 2020 at 1:32 PM Wise, James S. <jwise@attorneygeneral.gov> wrote:

Good Afternoon Ms. Sutter,

Attached please find a cease and desist letter and a subpoena concerning potential violations of the Pennsylvania Price Gouging Act and Pennsylvania Consumer Protection Law. This correspondence was initially sent to you via electronic and regular mail by letter dated June 18, 2020, with a response requested by no later than June 25, 2020.

To date, my office has not received any response from you. Please be aware that no determination has yet been made as to whether or not you have in fact violated the above-referenced laws, and this correspondence presents you with an opportunity to share information and documents explaining your side of the story.

Please be on notice that, if we do not receive a response from you by July 10, 2020, we may pursue further legal action.

I can be reached at (215) 518-6788 if you have any questions or concerns.

Thank you.

James Wise
Deputy Attorney General
Commonwealth of Pennsylvania
Office of Attorney General
Bureau of Consumer Protection
1600 Arch Street, Suite 300
Philadelphia, PA 19103
Phone: (215) 560-2414
Facsimile: (215) 560-2494

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IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

Filed and Attested by the
Office of Judicial Records
02 SEP 2020 10:31 am



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

Petitioner

v.

JANE SUTTER, individually and
d/b/a SUTTER S MILL and SUTT.JAN
432 Eisenhower Drive, Chambersburg, PA, 17201

Respondent

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: TERM _____
: NO. _____
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: CIVIL ACTION- EQUITY
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:

MEMORANDUM OF LAW IN SUPPORT OF THE COMMONWEALTH'S
MOTION TO COMPEL COMPLIANCE WITH SUBPOENA
PURSUANT TO PENNSYLVANIA PRICE GOUGING ACT

I. **SUMMARY OF ARGUMENT**

In the course of its investigation, the Commonwealth of Pennsylvania, Office of Attorney General, Bureau of Consumer Protection, acting by Attorney General Josh Shapiro (hereinafter "Commonwealth"), pursuant to the authority granted to it by § 5 of the Act of October 31, 2006, (P.L. 1210), 73 P.S. § 232.5 (hereinafter the "*Price Gouging Act*"), issued a pair of subpoenas, dated June 18, 2020 and July 10, 2020, respectively (hereinafter the "Subpoenas") directed to Respondent Jane Sutter d/b/a Sutter s Mill d/b/a sutt.jan (hereinafter "Respondent" and/or "Sutter s Mill"). The Subpoenas directed Respondent to produce records and documents relating to the Commonwealth's investigation of Respondent's business practices as a seller of consumer goods on the e-commerce platform "eBay." Respondent sold and/or offered good for sale via the eBay Store name "Sutter s Mill," [sic] and with the eBay UserID "sutt.jan." Sutter, upon information and belief, operates and/or has operated this eBay Store out of her residence at 432 Eisenhower

Drive, Chambersburg, PA 17201. The Subpoenas directed Respondent to provide specific records and documents to the Commonwealth by June 25, 2020 and July 17, 2020, respectively.

The Commonwealth served the Subpoenas on Respondent via United States Postal Service First Class Mail to Respondent's address at 432 Eisenhower Drive, Chambersburg, PA, 17201 via letters dated June 18, 2020 and July 10, 2020, respectively. The Subpoenas were also sent via email to Respondent's email address at jane22749@gmail.com.

Respondent subsequently failed to provide the requested records and documents. On July 28, 2020, after receiving no response from Respondent, the undersigned attempted to contact Respondent in writing via email to allow for one more opportunity to comply with the Subpoenas and the caution that failure to comply may lead to the Commonwealth filing an enforcement action.

To date, Respondent has not provided the records and documents required pursuant to the Commonwealth's Subpoenas and has not responded in any way to the Commonwealth's email communications on July 10, 2020 and July 28, 2020, respectively.

II. ARGUMENT

A. The Subpoena Was Properly Authorized by the Power Granted to the Attorney General in Section 232.5 of the *Price Gouging Act*.

Under Section 232.5 of the *Price Gouging Act*, the Attorney General has the duty and authority to investigate any complaints received concerning violations of this act.

73 P.S. § 232.5(a).

Upon information and belief, Respondent engaged in trade and commerce within the Commonwealth of Pennsylvania by selling and/or offering for sale various goods on the e-commerce platform, "eBay." The Commonwealth is conducting an investigation into the business practices of Respondent, to determine her compliance with the *Price Gouging Act* and

the Commonwealth is concerned that Respondent's business practices violate the *Price Gouging Act*. Thus, the Commonwealth was in its discretion to subpoena Respondent under the authority granted to the Attorney General in Section 232.5 of said *Act*.

The Attorney General is authorized to require the production of documents relating to the potential violations at issue. For this purpose, the Attorney General or the Attorney General's representative may issue subpoenas, examine witnesses and receive evidence.

The Commonwealth issued the Subpoenas to Respondent in compliance with the law and provided Respondent, on multiple occasions, with a reasonable amount of time and multiple opportunities to comply with the request.

B. Respondent Should be Ordered to Obey the Subpoena and Produce the Documents Requested Therein

The Attorney General may invoke the aid of the Court of Common Pleas, and such Court may thereupon issue an order requiring the person subpoenaed to obey the subpoena and produce the documents relative to the matter in question. 73 P.S. § 232.5(b). The subpoena issued by the Commonwealth is within the authority and scope granted to the Attorney General by 73 P.S. §232.5(a) and (b). Therefore, Respondents should be ordered by this Court to obey the subpoena served upon it.

III. CONCLUSION

The Commonwealth is granted authority to request information and/or documents through the use of subpoenas in its investigations involving the *Price Gouging Act*. The subpoena served upon Respondent was properly issued and is within the scope of the authority granted to the Attorney General in Section 232.5 of the *Price Gouging Act*. Therefore, the relief as requested herein by the Commonwealth should be granted, Respondent should be ordered by

this Court under 73 P.S. § 232.5(b) to obey the subpoena served upon her, produce the requested records and documents, and pay the Commonwealth's filing fees for having to file this action.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

Date: 9/02/2020

By:



JAMES S. WISE

Deputy Attorney General

Attorney I.D. #314913

Commonwealth of Pennsylvania

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