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10 **SUPERIOR COURT OF ARIZONA**
11 **IN MARICOPA COUNTY**

12 STATE OF ARIZONA, *ex rel.* MARK
13 BRNOVICH, Attorney General,

14 Plaintiff,

15 v.

16 FORD MOTOR COMPANY,

17 Defendant.
18

Case No.:

COMPLAINT

19 1. Plaintiff, State of Arizona *ex rel.* Mark Brnovich, the Attorney General (the “State”),
20 alleges the following for its Civil Complaint (the “Complaint”) against Defendant Ford Motor
21 Company (“Ford”).

22 **JURISDICTION AND VENUE**

23 2. The State brings this action pursuant to the Arizona Consumer Fraud Act, Arizona
24 Revised Statutes (“A.R.S.”) §§ 44-1521 to -1534, to obtain injunctive relief to permanently enjoin
25 and prevent the unlawful acts and practices alleged in this Complaint, and to obtain other relief,
26 including restitution, disgorgement of profits, gains, gross receipts, or other benefits, civil
27 penalties, and costs and attorneys’ fees.

28 3. This Court has subject-matter jurisdiction.

4. This Court may issue appropriate orders both prior to and following a determination of liability pursuant to A.R.S. § 44-1528.

5. Ford caused events to occur in this state out of which the claims which are the subject of this Complaint arose.

6. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401(17).

PARTIES

7. Plaintiff is the State of Arizona *ex rel.* Mark Brnovich, the Attorney General of Arizona, who is authorized to bring this action under the Arizona Consumer Fraud Act (the “CFA”), A.R.S. §§ 44-1521 to -1534.

8. Ford is a Delaware corporation with its principal place of business in Dearborn, Michigan.

ALLEGATIONS

9. The State alleges the following regarding the Model Year (“MY”) 2013–2014 C-Max Hybrid:

- a. Ford falsely represented that the MY 2013 C-Max Hybrid's best-in-class horsepower enabled the vehicle to achieve fuel economy of 47 miles per gallon ("mpg") in the city, 47 mpg on the highway, and 47 mpg combined city-highway.

b. Ford falsely advertised that consumers could achieve the advertised fuel economy regardless of a consumer's driving style. Ford deceptively advertised the MY 2013–2014 C-Max Hybrid as concurrently offering consumers an aggressive, high performing, and fun driving experience along with best-in-class fuel economy.

c. Ford made misleading representations about how far consumers in the real world could drive the MY 2013–2014 C-Max Hybrid on a single tank of gas.

d. Ford made misleading real-world representations about the cost of a MY 2013–2014 C-Max Hybrid when it advertised a specific amount of money that

1 consumers would save owning the C-Max Hybrid as opposed to a different
2 vehicle.

3 e. In August 2013, Ford announced that it had restated the gas mileage estimates
4 for the MY 2013 C-Max Hybrid and lowered them to 45 mpg in the city, 40
5 mpg on the highway, and 43 mpg in combined city-highway mix.

6 f. In June 2014, Ford again announced that it had restated the gas mileage
7 estimates for the MY 2013–2014 C-Max Hybrid and lowered them to 42 mpg
8 in the city, 37 mpg on the highway, and 40 mpg combined city-highway mix.

9 g. In conjunction with each mileage restatement, Ford issued a payment to MY
10 2013–2014 C-Max Hybrid owners and lessees as compensation for the higher
11 fuel costs resulting from the vehicle’s decreased fuel economy.

12 h. In 2018, Ford stopped producing the C-Max Hybrid.

13 10. The State alleges the following regarding the MY 2011–2014 Ford Super Duty
14 Trucks:

15 a. Payload capacity is the combined maximum weight of cargo and passengers
16 that the vehicle is designed to carry.

17 b. Ford used a deceptive and misleading methodology to calculate the maximum
18 payload capacity of its MY 2011–2015 Super Duty trucks and used that
19 misleading calculation to falsely advertise its trucks as “Best in Class.”

20 c. Ford’s Super Duty truck line includes the F-250, F-350, and F-450 models, a
21 line that caters to buyers hauling and towing heavy loads.

22 d. In 2010, another manufacturer surpassed Ford’s F-350 in “Best in Class”
23 status for payload and towing capacity. To reclaim its “Best in Class” status
24 for payload capacity, beginning in February 2010, Ford implemented a
25 strategy to take advantage of eliminating standard vehicle equipment to
26 artificially boost its payload and towing capacity numbers.

27 e. Ford’s strategy to calculate the maximum payload capacity for its Super Duty
28 trucks involved using a minimum curb weight strategy, which used

hypothetical truck configurations and omitted standard items such as the spare wheel, tire and jack, center flow console (replacing it with a mini console), and radio.

- f. Using the hypothetical truck configurations enabled Ford to boost its maximum advertised payload capacity. The increase in maximum payload using the hypothetical truck configurations ranged from approximately 154 to 197 pounds.
- g. Ford did not use the minimum curb weight strategy to calculate the payload capacity listed on individual Super Duty trucks, rather, it only used this strategy for advertising a maximum payload capacity.
- h. During the time that Ford calculated the maximum payload using the hypothetical truck configuration, Ford never sold a Super Duty truck with the hypothetical truck configuration.
- i. In fact, only fleet purchasers (a limited category of businesses that purchase multiple new vehicles each year for commercial purposes) were eligible to order a vehicle with the hypothetical truck configuration. The general public did not have the option to purchase Super Duty trucks with the hypothetical truck configuration.

CLAIM FOR RELIEF

VIOLATIONS OF THE ARIZONA CONSUMER FRAUD ACT, A.R.S. §§ 44-1521 to -1534

11. The State realleges all prior allegations of this Complaint as though fully set forth herein.

12. The conduct described in the preceding paragraphs of this Complaint constitutes deception, deceptive or unfair acts or practices, fraud, false pretenses, false promises, misrepresentations, or concealment, suppression or omission of material facts with intent that others rely on such concealment, suppression or omission, in connection with the sale or advertisement of merchandise in violation of A.R.S. §§ 44-1521 to -1534.

...

13. While engaging in the acts and practices alleged in this Complaint, Ford knew or should have known that that its conduct was of the nature prohibited by A.R.S. § 44-1522, subjecting itself to enforcement and penalties as provided in A.R.S. § 44-1531(A).

14. With respect to the concealments, suppressions, or omissions of material fact described above, Ford did so with intent that others rely on such concealments, suppressions, or omissions.

15. With respect to the unfair acts and practices described above, these acts and practices caused or were likely to cause substantial injuries to consumers that were not reasonably avoidable by consumers and were not outweighed by countervailing benefits to consumers or to competition.

PRAYER FOR RELIEF

WHEREFORE, the State respectfully requests that the Court:

16. Pursuant to A.R.S. § 44-1528(A)(1), issue a permanent injunction in accordance with Ariz. R. Civ. P. 65(d)(1), enjoining and restraining (a) Ford, (b) its officers, agents, servants, employees, attorneys, and (c) all persons in active concert or participation with anyone described in part (a) or (b) of this paragraph, directly or indirectly, from engaging in deceptive, misleading, or unfair acts or practices, or concealments, suppressions, or omissions, that violate the CFA, A.R.S. § 44-1522(A), including specific injunctive relief barring Ford from engaging in the unlawful acts and practices set forth above;

17. Pursuant to A.R.S. § 44-1534, order Ford to reimburse the State for its costs and attorneys' fees incurred in the investigation and prosecution of Ford's activities alleged in this Complaint;

18. Pursuant to A.R.S. § 44-1531, order Ford to pay to the State of Arizona a civil penalty of up to \$10,000 for each willful violation of A.R.S. § 44-1522; and

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19. Award the State such further relief the Court deems just and proper under the circumstances.

DATED this 24th day of May, 2022.

MARK BRNOVICH
Attorney General

By: Alyse Meislik
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Assistant Attorney General
Attorneys for the State of Arizona

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