

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

PASSPORT AUTOMOTIVE GROUP, INC., a
corporation,

PASSPORT MOTORCARS, INC., a corporation,
also d/b/a as PASSPORT NISSAN OF MARLOW
HEIGHTS, also d/b/a as PASSPORT NISSAN OF
VIRGINIA, also d/b/a as PASSPORT INFINITI
OF ALEXANDRIA,

IMPORT MOTORCARS, INC., a corporation,
also d/b/a PASSPORT MAZDA,

AUTOS INTERNATIONAL, INC., a corporation,
also d/b/a PASSPORT INFINITI OF SUITLAND,

PASSPORT IMPORTS, INC., a corporation, also
d/b/a PASSPORT TOYOTA,

PASSPORT MOTORS HOLDING, INC., a
corporation, also d/b/a PASSPORT MINI OF
MONTGOMERY COUNTY,

PASSPORT OF ALEXANDRIA, INC., a
corporation, also d/b/a PASSPORT MINI OF
ALEXANDRIA,

INTERNATIONAL MOTOR CARS, INC., a
corporation, also d/b/a PASSPORT BMW,

Case No. _____

**COMPLAINT FOR PERMANENT
INJUNCTION, MONETARY
RELIEF, AND OTHER RELIEF**

EVERETT A. HELLMUTH, III, individually and as an owner of PASSPORT AUTOMOTIVE GROUP, INC., PASSPORT MOTORCARS, INC., IMPORT MOTORCARS, INC., AUTOS INTERNATIONAL, INC., PASSPORT IMPORTS, INC., PASSPORT MOTORS HOLDING, INC., PASSPORT OF ALEXANDRIA, INC., and INTERNATIONAL MOTOR CARS, INC., and

JAY KLEIN, individually and as an officer of PASSPORT MOTORCARS, INC., IMPORT MOTORCARS, INC., AUTOS INTERNATIONAL, INC., PASSPORT IMPORTS, INC., PASSPORT MOTORS HOLDING, INC., PASSPORT OF ALEXANDRIA, INC., and INTERNATIONAL MOTOR CARS, INC.,

Defendants.

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), for its Complaint alleges:

1. The FTC brings this action under Sections 5(a), 13(b), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 53(b), and 57b, and the Equal Credit Opportunity Act (“ECOA”), 15 U.S.C. §§ 1691-1691f, which authorize the FTC to seek, and the Court to order, preliminary and permanent injunctive relief, monetary relief, and other relief for Defendants’ acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and in violation of the ECOA and its implementing Regulation B, 12 C.F.R. § 202 in connection with Defendants’ deceptive advertising and pricing practices, as well as discriminatory and unfair financing.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345.

3. Venue is proper in this District under 28 U.S.C. § 1391(b)(2), (c)(1), (c)(2), and (d), and 15 U.S.C. § 53(b).

PLAINTIFF

4. The FTC is an independent agency of the United States Government created by the FTC Act, which authorizes the FTC to commence this district court civil action by its own attorneys. 15 U.S.C. §§ 41–58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces the ECOA, 15 U.S.C. §§ 1691-1691f, which, *inter alia*, prohibits discrimination on the basis of race, color, or national origin in credit transactions.

DEFENDANTS

5. Defendant Passport Automotive Group, Inc. (“Passport Auto Group”), is a Virginia corporation with its principal place of business at 5000 Auth Way, Marlow Heights, Maryland 20746. Passport Auto Group transacts or has transacted business in this District. At all times relevant to this Complaint, acting alone or in concert with others, Passport Auto Group has advertised, marketed, distributed, or offered vehicles to consumers for sale, and Passport Auto Group regularly arranged for the extension of credit.

6. Defendant Passport Motorcars, Inc., also d/b/a Passport Nissan of Marlow Heights, also d/b/a Passport Nissan of Virginia, also d/b/a Passport Infiniti of Alexandria (“Passport Motorcars”), is a Virginia corporation with its principal place of business at 150 S.

Pickett Street, Alexandria, Virginia 22304. Passport Motorcars transacts or has transacted business in this District. At all times relevant to this Complaint, acting alone or in concert with others, Passport Motorcars has advertised, marketed, distributed, or offered vehicles to consumers for sale, and Passport Motorcars regularly arranged for the extension of credit.

7. Defendant Import Motorcars, Inc., also d/b/a Passport Mazda (“Import Motorcars”), is a Virginia corporation with its principal place of business at 5000 Auth Way, Suitland, Maryland 20746. Import Motorcars transacts or has transacted business in this District. At all times relevant to this Complaint, acting alone or in concert with others, Import Motorcars has advertised, marketed, distributed, or offered vehicles to consumers for sale, and Import Motorcars regularly arranged for the extension of credit.

8. Defendant Autos International, Inc., also d/b/a Passport Infiniti of Suitland (“Autos International”), is a Virginia corporation with its principal place of business at 5000 Auth Way, Suitland, Maryland 20746. Autos International transacts or has transacted business in this District. At all times relevant to this Complaint, acting alone or in concert with others, Autos International has advertised, marketed, distributed, or offered vehicles to consumers for sale, and Autos International regularly arranged for the extension of credit.

9. Defendant Passport Imports, Inc., also d/b/a Passport Toyota (“Passport Imports”), is a Virginia corporation with its principal place of business at 5000 Auth Way, Suitland, Maryland 20746. Passport Imports transacts or has transacted business in this District. At all times relevant to this Complaint, acting alone or in concert with others, Passport Imports has advertised, marketed, distributed, or offered vehicles to consumers for sale, and Passport Imports regularly arranged for the extension of credit.

10. Defendant International Motor Cars, Inc., also d/b/a Passport BMW (“International Motor Cars”), is a Maryland corporation with its principal place of business at 4730 Auth Place, Marlow Heights, Maryland 20746. International Motor Cars transacts or has transacted business in this District. At all times relevant to this Complaint, acting alone or in concert with others, International Motor Cars has advertised, marketed, distributed, or offered vehicles to consumers for sale, and International Motor Cars regularly arranged for the extension of credit.

11. Defendant Passport Motors Holding, Inc., also d/b/a Passport MINI of Montgomery County (“Passport Motors Holding”), is a Virginia corporation with its principal place of business 150 S. Pickett Street, Alexandria, Virginia 22304. Passport Motors Holding transacts or has transacted business in this District. At all times relevant to this Complaint, acting alone or in concert with others, Passport Motors Holding has advertised, marketed, distributed, or offered vehicles to consumers for sale, and Passport Motors Holding regularly arranged for the extension of credit.

12. Defendant Passport of Alexandria, Inc., also d/b/a Passport MINI of Alexandria (“Passport of Alexandria”), is a Virginia corporation with its principal place of business at 5590 Duke Street, Alexandria, Virginia 22304. Passport of Alexandria transacts or has transacted business in this District. At all times relevant to this Complaint, acting alone or in concert with others, Passport of Alexandria has advertised, marketed, distributed, or offered vehicles to consumers for sale, and Passport of Alexandria regularly arranged for the extension of credit.

13. Defendant Everett A. Hellmuth, III (“Hellmuth”) is owner and President of Passport Auto Group, Passport Motorcars, Import Motorcars, Autos International, Passport

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