RETURN DATE: JUNE 15, 2021	:	SUPERIOR COURT
JETOBRA, INC.	:	J.D. OF HARTFORD
V.	:	AT HARTFORD
TESLA, INC. AND INSITE DEVELOPMENT SERVICES, LLC	:	MAY 27, 2021

COMPLAINT

COUNT ONE

1. The plaintiff owns multiple automobile dealerships on Connecticut Boulevard in East Hartford, Connecticut, including Lexus, Audi, Porsche, Ford and Lincoln, and has been in the automobile business with family predecessor companies for approximately 100 years. Additionally, the plaintiff owns three other dealerships in Simsbury, a dealership in Waterbury, Connecticut, and a dealership in New London, Connecticut. All of plaintiff's dealerships are lawfully licensed new and used car automobile dealerships operating under the laws and regulations promulgated in the State of Connecticut for new and used car dealers. All of the plaintiff's dealerships are franchised through a manufacturer in accordance with the requirements of Connecticut law. All new and used car dealers in the State of Connecticut are licensed franchise dealers.

2. The defendant Tesla, Inc. ("Tesla") is an automobile manufacturer, but seeks to open up a business in East Hartford, Connecticut in close proximity to the plaintiff's dealerships for the sale of new automobiles, trucks and service in violation of Connecticut law as it will not be subject to the control and regulations of the Department of Motor Vehicles of the State of Connecticut.

3. Upon information and belief, Tesla entered into a purchase contract with Clayton and Edith Gengras in regard to property known as 300 Connecticut Boulevard in East Hartford, Connecticut.

4. The defendant InSite Development Services, LLC ("Insite") applied to the defendant Planning and Zoning Commission for East Hartford for a site plan modification and special use permit for "electric car showroom and service center" to be owned and operated by the defendant Tesla.

5. While the application was dated March 3, 2021, the hearing on the application was not held until April 14, 2021. The application referred to Section 403.1.a.13 of the Zoning Regulations of the Town of East Hartford, but ultimately the commission granted a Special Use Permit pursuant to § 403.2.1 for use of "an electric car manufacturer as a service center and showroom to conduct repairs, maintenance, charging and storage of new and preowned

vehicles" and a site plan approval pursuant to § 210.2.d for business signage for "Tesla Service Center and Showroom."

6. In regard to the application filed by the defendant InSite, that entity was involuntarily dissolved by the Secretary of State of Illinois on March 16, 2021, and thereafter legally lacked standing to pursue its application at the time of the April 14, 2021 hearing. Insite was acting apparently on behalf of its undisclosed principal, the defendant Tesla.

7. In regard to both Special Use Permit and Site Plan Application Approval, the commission reflected as follows: "In evaluating this Application, the Planning and Zoning Commission has relied upon the information provided by the Applicant and if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit shall be modified, suspended or revoked."

8. Upon information and belief, no public notice was given by the Planning and Zoning Commission ("PZC") properly referencing the zoning sections relied upon by the commission to grant the Special Use Permit and Site Plan Application.

9. Further, the Zoning Regulations of the Town of East Hartford provide in § 224.1 a restriction or prohibition on permits or certificates of zoning compliance for exhibition and storage of used motor vehicles or parts

of new or used motor vehicles unless the display, exhibit or storage is in conjunction with bona fide franchise sales agency engaged in the sale of new motor vehicles.

10. Tesla would not and could not satisfy that section aforesaid of the Zoning Regulations, as it is the manufacturer and not a franchisee.

11. The plaintiff has made the PZC aware of the improprieties in regard to the application and the proceedings of the commission granting Special Use Permit and Site Plan Application, but the defendant PZC has declined to take any action in regard to its granting of same, notwithstanding the improprieties aforesaid.

12. There are extensive laws and regulations which govern automobile dealerships in the State of Connecticut, including those promulgated by the Department of Motor Vehicles and its commissioner, as well as the statutory provisions included in C.G.S. § 14-54 *et seq.* Said regulations do not permit a manufacturer to sell motor vehicles directly to the consuming public.

13. The drawings provided in connection with the application submitted by InSite on behalf of Tesla referenced new automobile and truck sales and services, clearly reflecting that it is the intention of Tesla to directly or indirectly sell new and/or used automobiles, in violation of the Connecticut

statutes as made and provided, and thereby seeking to avoid the regulations imposed by the Commissioner of Motor Vehicles.

14. The Permit and Application upon which Tesla intends to open up its facility and do business with the consuming public will allow it to operate and compete directly with the plaintiff and its franchised automobile dealerships, all to the special loss and damage of the plaintiff.

15. A dispute exists as to whether or not the defendant Tesla can in fact operate a service center and showroom pursuant to the Special Use Permit and the Site Plan Application issued by the defendant PZC, and in violation of state laws promulgated in regard to new and used car dealers in the state of Connecticut.

16. Plaintiff seeks a declaratory judgment that the defendant Tesla cannot so operate as aforesaid, since Tesla as a manufacturer is not permitted under Connecticut law to operate a new and used car dealership.

COUNT TWO

1-15. Plaintiff hereby incorporates paragraphs 1 through 15 of Count One as paragraphs 1 through 15 of this Count Two, as if fully set forth herein.

16. At all times relevant hereto, the conduct of the defendants offended public policy; was immoral, oppressive, unethical and unscrupulous; and caused substantial injury to consumers, competitors and other

businessmen; thereby violating the Connecticut Unfair Trade Practices Act ("CUTPA") C.G.S. § 42-110a, *et seq.*, as made and provided, resulting in ascertainable losses to the plaintiff as set forth herein.

17. The plaintiff has forwarded a copy of this complaint to the Connecticut Attorney General's office and the Commissioner of Consumer Protection, as required by C.G.S. § 42-110g(c).

WHEREFORE the plaintiff claims:

1. Declaratory judgment as to:

a. whether or not the defendant Tesla can operate to display new and preowned vehicles;

b. whether or not the defendant Tesla can install signage referencing Tesla Service Center and Showroom;

c. whether or not the defendant Tesla can sell directly or indirectly new or used vehicles through its proposed East Hartford facility;

2. A temporary and permit injunction precluding Tesla from selling directly or indirectly new or used cars in the State of Connecticut;

3. Damages;

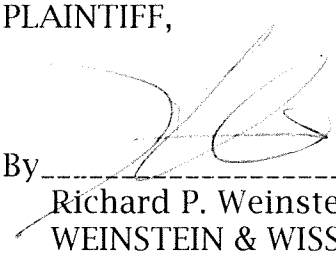
4. Damages pursuant to C.G.S. § 42-110g;

5. Punitive damages pursuant to C.G.S. § 42-110g(a);

6. Attorney's fees pursuant to C.G.S. § 42-110g(d); and

7. Such other legal and equitable relief as the court deems appropriate.

PLAINTIFF,



By_____

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STATEMENT OF AMOUNT IN DEMAND

The amount in demand is greater than Fifteen Thousand and 00/100 ($15,000.00) Dollars, exclusive of interest and costs.

PLAINTIFF,

By_____

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