

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT, IN AND FOR MIAMI-DADE COUNTY, FLORIDA

OFFICE OF THE ATTORNEY GENERAL,
DEPARTMENT OF LEGAL AFFAIRS,
STATE OF FLORIDA,

Plaintiff,

Case No.:

09-65667 CA 23

vs.

ONREBATE.COM INC., a Delaware Corporation,
TIGERDIRECT, INC., a Florida Corporation, and
SYSTEMAX INC., a Delaware Corporation

Defendants.

THE ORIGINAL FILED
ON SEP 04 2009
IN THE OFFICE OF
CIRCUIT COURT DADE CO F
CIVIL DIVISION

COMPLAINT FOR INJUNCTIVE RELIEF, DAMAGES,
CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF

Plaintiff **OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL
AFFAIRS, STATE OF FLORIDA** (hereinafter referred to as "Plaintiff"), sues Defendants
ONREBATE.COM INC., a Delaware Corporation; **TIGERDIRECT, INC.**, a Florida
Corporation, and **SYSTEMAX INC.**, a Delaware Corporation (hereinafter collectively referred
to as "Defendants").

JURISDICTION

1. This is an action for damages, injunctive and other relief, brought pursuant to Florida's Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes (2008).
2. This Court has jurisdiction pursuant to the provisions of said statute.

3. Plaintiff is an enforcing authority of Florida's Deceptive and Unfair Trade Practices Act as defined in Chapter 501, Part II, Florida Statutes, and is authorized to seek damages, injunctive, and other statutory relief pursuant to this part.

4. The statutory violations alleged herein occurred in or affected more than one judicial circuit in the State of Florida. Venue is proper in the Eleventh Judicial Circuit as the Defendants did business in Miami-Dade County, Florida.

5. Plaintiff has conducted an investigation and the head of the enforcing authority, Attorney General Bill McCollum, has determined that an enforcement action serves the public interest.

6. Defendants, at all times material hereto, provided goods or services as defined within Section 501.203(8), Florida Statutes (2008).

7. Defendants, at all times material hereto, solicited consumers within the definitions of Section 501.203(7), Florida Statutes (2008).

8. Defendants, at all times material hereto, were engaged in a trade or commerce within the definition of Section 501.203(8), Florida Statutes (2008).

DEFENDANTS

9. Defendant ONREBATE.COM INC., (hereinafter referred to as "ONREBATE") is a Delaware corporation, and at all times material hereto, had its principal address at 7795 West Flagler, Miami, Florida.

10. Defendant TIGERDIRECT, INC., (hereinafter referred to as "TIGERDIRECT") is a Florida corporation, with its principal address at 7795 West Flagler, Miami, Florida.

11. Defendant SYSTEMAX, INC., (hereinafter referred to as "SYSTEMAX") is a Delaware corporation with its principal address at 11 Harbor Park Drive, Port Washington, New York.

12. Defendants TIGERDIRECT and ONREBATE are affiliated corporations both owned by Defendant SYSTEMAX. Defendant SYSTEMAX controlled and oversaw the decisions made by its subsidiaries, Defendants TIGERDIRECT and ONREBATE, and reaped the rewards of their actions.

COUNT I
DECEPTIVE AND UNFAIR TRADE PRACTICES
CHAPTER 501, PART II FLORIDA STATUTES

13. Plaintiff adopts, incorporates herein and re-alleges paragraphs 1 through 12 as if fully set forth below.

14. Chapter 501.204(1), Florida Statutes, declares that unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

15. Commencing on a date unknown, but at least subsequent to August 1, 2005, the Defendants engaged in various deceptive and unfair trade practices, as set out further herein, in violation of Chapter 501, Part II, Florida Statutes (2008).

16. Defendant TIGERDIRECT is a supplier of electronic devices such as: televisions, personal computers, computer accessories, cameras, camcorders, movies, cellular telephones, and other consumer electronic products that are sold through its retail outlets, catalogs, and website found at www.tigerdirect.com. Through these locations, Defendant TIGERDIRECT markets products to consumers at-large.

17. Defendant TIGERDIRECT offered and advertised various products with rebate incentives that induced consumers to purchase products offered through its retail outlets, catalogs, and website.

18. Defendant ONREBATE processes rebates offered by Defendant TIGERDIRECT and others.

19. Defendant ONREBATE, at all times material, operated its business out of the same office location as Defendant TIGERDIRECT.

20. The Defendants have disseminated or have caused to be disseminated advertisements and rebate forms for mail-in rebates (electronically submitted or otherwise), including but not necessarily limited to the attached Exhibits which contain the following statements:

- A. **Hewlett Packard PSC 1507 All-In-One Printer!**
At An Amazingly Low Price! \$19.99*
Cost Effective, Versatile, Wide Fprmat Color Inkjet
Printer for the Small Office/Small Business Does
4X6 Up To 13X19! (sic)
*After Rebate

(Exhibit A)

- B. **I-Inc CY-199DP 19-Inch LCD Display**
Price: \$189.99
Less Rebate -\$50.00
Final Price: \$139.99*
Before your very eyes, the I-Inc 19-inch LCD bursts
with delicious imaged in vibrant colors and
compelling brilliance...

(Exhibit B)

21. Defendants advertised to consumers that rebates would take approximately “8-10 weeks” although a vast number of consumers experienced delays ranging from one to more than eight months before receiving their promised rebates, if at all.

22. Defendants continually blamed consumers for delays in rebate payments by denying rebates for various reasons. Consumers' rebate submissions were often denied by the Defendants for reasons which included late submissions and failure to attach proof of purchase. These rebates were denied despite the fact that they were submitted with all the proper documentation and within the specified time period. One former employee confirmed that the Defendants' control of rebate processing was so poor, that many UPC bar codes ended up on the floor to later be discarded "in the garbage" and the consumer's rebate "denied." This resulted in the Defendants' computer systems frequently indicating that "no supporting documentation" had been received with the rebate application. But, in truth, it was due to the inaction or nonexistent processing by the Defendants that consumers did not receive their rebate.

23. In fact, Defendants' rebate processing department frequently had backlogged unattended stacks of boxes full of unprocessed rebate forms. Any of the rebates contained in these backlogged boxes would not appear as received in the computer system. For a consumer unfortunate enough to have his or her rebate stashed by Defendants in one of these boxes, the rebate would be received exceedingly late, if at all.

24. Despite the fact that many rebate applications remained unattended and unprocessed for months, Defendants continued to mislead consumers and falsely advertise their "8-10 week" processing time and excellent customer service.

25. The Defendants were made aware of their failure to process rebates in a timely manner as evidenced by their own customer's complaints. Examples of complaints received by the Defendants include, but are not limited to, the following statements set forth in exhibits C-F.

A. The following is an email exchange between a consumer and Defendants:

Consumer: I have emailed and called repeatedly only to get ignored, put on hold, or told ANOTHER story. Your agents

contradict themselves on the phone and by email...I am so tired of the run around I am getting from your company. I did EVERYTHING your contract required and you have failed on your part.

Defendants: ...our records indicate that we did process your check on 11/07/05...We did confirm that your check was never cashed so please reply to this email...and will proceed to reissue the check immediately.

Consumer: Now I have no doubt you are just messing with me! I dont believe you have any intention of sending me the money you owe me. I have gone above and beyond to get the check I am owed. This was supposed to have taken care of in weeks, its been months. (sic)

(Exhibit C)

B. In an email between a consumer and the Defendants, the frustrated consumer wrote:

Let's not play games...This is my fifth email concerning denial of CA-2453. Are you going to answer my question or steal my money?

Which of these four Submission Requires is the reason for denial (sic)

1. Signed rebate form
2. Copy of original invoice or Packing List
3. Write serial number here
4. Copy of UPC & Serial barcode label.

(Exhibit D)

C. One customer, in a voluminous complaint stated:

It is the sole purpose of the rebate process devised by TigerDirect and their subsidiary OnRebate to defraud the consumer by making the process so onerous and complex that most people would either get confused or give up in frustration. In other words they have deliberately and malevolently conceived of such a complicated process for the sole purpose of frustrating rebate collection and defrauding the consumer, and thereby reaping a windfall profit.

(Exhibit E)

D. And, as another consumer succinctly stated:

It does not take a genius to figure out that the procedures that were required were purposely designed to confuse, frustrate and delay if not nullify the recipients ability to receive their rightful rebate.

(Exhibit F)

26. Defendants limited consumers' ability to receive rebates by failing to respond in a timely manner to consumers' e-mail messages, customer service inquiries, and complaints.

27. Additionally, Defendants withheld sending rebate checks to consumers if the particular manufacturer's payments were not made in a timely manner to Defendants. However, at no point in the rebate process were consumers ever instructed that their rebate payment processing time could be contingent upon the manufacturer's payments to Defendants.

28. Moreover, Defendants were aware that rebates which fully complied with its rebate terms were being improperly handled by the Defendants, thus resulting in rebates being denied and/or delayed.

29. Consumers calling Defendants to inquire about the status of their rebates routinely were required to wait on hold for a customer service representative for an hour or more only to be told that nothing could be done for them. Defendants' customer service representatives frequently and knowingly told customers inquiring about their rebates that they could not assist them as their "computer systems were down," when, in fact, the systems were fully functional.

30. Defendants' managers instructed their customer service representatives to tell customers that their rebate payments would be sent "in two to three weeks" when, in fact, no further actions were taken in that time period. Indeed, the managers and the customer service representatives knew full well that the "two to three weeks" line was a complete fabrication in

most instances, bearing no resemblance whatsoever to the amount of time the rebate would actually take to be paid (assuming the rebate would ever be paid at all).

31. Defendants' customer service representatives frequently told customers that their rebate submission materials had not been received, when in fact they had been received, but were simply unduly delayed in processing.

32. Defendants' customer service representatives informed consumers that the customer service representatives would "check their records with the accounting department" simply as a means to put the customer on hold and handle another call rather than confirm the customer's records. Frequently, the Defendants' customer service representatives would not check the records at all. Defendants also failed to provide any formal training or implement any particular protocol to prevent and/or mitigate processing problems.

33. At one point, the Defendant's own employees became so frustrated that they complained to upper management about the Defendant's failure to remedy well-known issues. An example of such frustration is captured in an email by one of the Defendant's customer service representatives to upper management:

A. ...We also have an enormous amount of customers who are past the 10 weeks timeframe to be paid so obviously customers are thinking we are operating an illegal company... The information in our system is incorrect, we may see something was processed...but in reality the check never went out... [we] are running out of things to say... Customers are not buying the blah blah blah anymore.

(Exhibit G)

34. Even after consumers were able to have their rebates approved, the Defendants continued to thwart consumers' ability to receive their valid rebates. Consumers were informed that rebate checks had been sent out when in fact they remained in the mail room waiting for additional authorization to be sent out. At times, batches of checks numbering in the thousands

were never printed and/or mailed, irrespective of what was indicated in the Defendant's computer system and what was being told to consumers. Checks that were not cashed by a consumer within 90 days, whether actually mailed or not, were reversed resulting in the proceeds being retained by the Defendants.

35. The Defendants' rebate program was convoluted and designed to wear down the consumer to the point that the consumer would finally give up their right to the rebate, thereby resulting in an improper windfall to the Defendant. This resulted in similarly situated consumers being treated differently depending on their tenacity to obtain their rebate. As one former controller of Defendant TIGERDIRECT stated: "...the concept was that if the customer complains you send them out the check to make them happy. But if they don't complain, they totally forget about it, that is the concept of these rebates. People forget that they sent them out."

36. These acts and practices, as hereinabove alleged were and are to the injury and prejudice of the public and the Defendants' competitors and constituted and now constitute unfair and deceptive acts and practices and unfair methods of competition within the intent and meaning of Section 501, Part II, Florida Statutes (2008). Said practices further constitute unfair and deceptive acts and practices within the intent and meaning of the Federal Trade Commission Act and pursuant to the standards of unfairness and deception set forth and interpreted by the Federal Trade Commission and federal courts.

37. Unless the Defendants are permanently enjoined from engaging further in the acts and practices herein complained, the continued activities will result in irreparable injury to the unwary, consuming public, for which there is no adequate remedy at law.

WHEREFORE, the Plaintiff, Office of the Attorney General, Department of Legal Affairs, prays for the entry of the final judgment jointly and severally against the Defendants, as

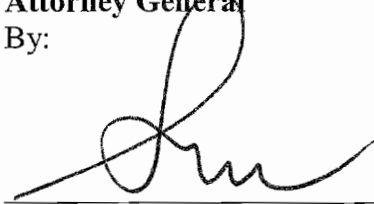
well as the following relief:

1. Grant permanent injunctions against Defendants, its officers, agents, servants, employees, attorneys and those persons in active concert or participation with Defendants who receive actual notice of this injunction, prohibiting such persons from doing the following acts:
 - a. Violating the provisions of Chapter 501, Part II, Florida Statutes (2008);
 - b. Delaying the processing and payment of rebates within represented time periods.
2. Award actual damages to all consumers who are shown to have been injured in this action, pursuant to Section 501.206 (1) (c), Florida Statutes (2008).
3. In the case of affected consumers who are not “senior citizens,” the award of penalties in the amount of Ten Thousand Dollars (\$10,000.00) per violation, as provided by Section 501.2075, Florida Statutes (2008).
4. In the case of affected consumers who are “senior citizens,” the award of penalties in the amount of Fifteen Thousand Dollars (\$15,000.00) per violation, as provided by Section 501.2077, Florida Statutes (2008).
5. Award reasonable attorneys fees and costs pursuant to F.S. 501.2105.
6. Grant temporary relief pursuant to F.S. 501.207.
7. Waive the posting of any bond by Plaintiff in this action.
8. Grant such other relief as this Honorable Court deems just and proper.

SIGNATURE PAGE FOLLOWS

Respectfully Submitted

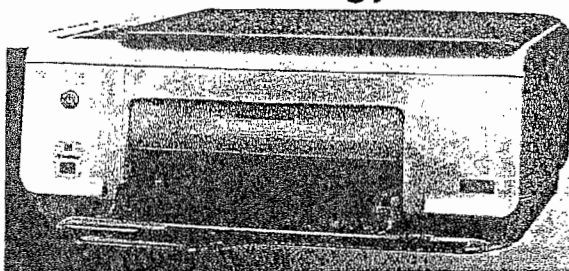
BILL McCOLLUM
Attorney General
By:

A handwritten signature in black ink, appearing to read "G. E. Rudd", written over a horizontal line.

GEORGE E. RUDD
Assistant Attorney General
Economic Crimes Division
Office of the Attorney General
Department of Legal Affairs
110 S.E. 6th Street, Tenth Floor
Ft. Lauderdale, Florida 33301
(954) 712-4600
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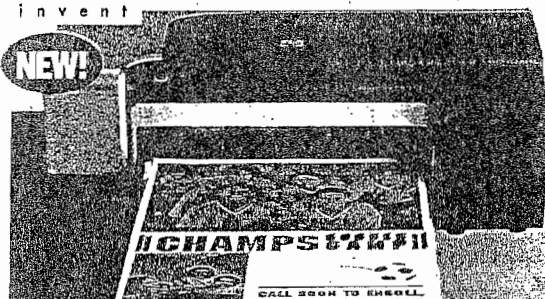
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H24-Q588A	HP PSC 1507 All-In-One Printer	\$19.99 *After Reb.

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A professional printer—at a rock-bottom price! The OfficeJet Pro K850 delivers exceptional quality with 4800 x 1200 dpi resolution that gives you top-notch results every time. Print—and it's fast! Up to 21 pages per minute and features USB 2.0 and FireWire connections. 4-cartridge system, excellent ink use and control. It's a big printer—yet it features a small footprint—ideal for busy desks and dorm rooms. And of course, you get HP's legendary printer technology and reliability. When you want to look good on paper—there's only one choice—HP.

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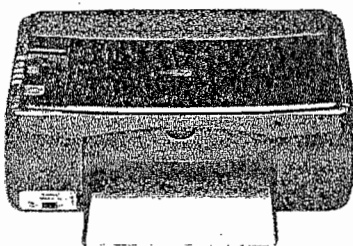
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- 16MB printer memory
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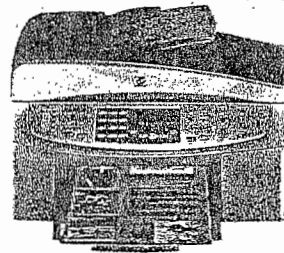


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- 33.6Kbps fax modem
- Built-in Ethernet for networking

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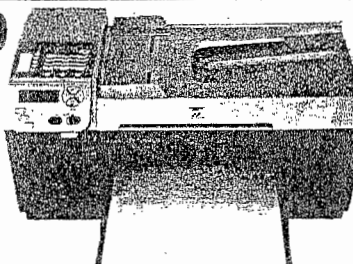


HP OfficeJet 5510

- Up to 4800 x 1200 optimized dpi
- Up to 12 pages per minute color, 17 black
- 33.6Kbps fax modem
- 8.5" x 14" max. document scan size
- 20-page automatic document feeder

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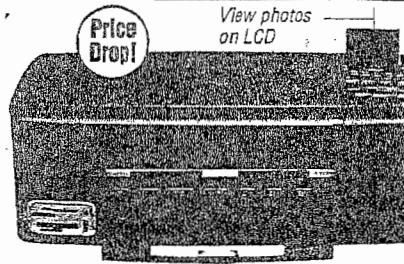


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- 32MB printer memory
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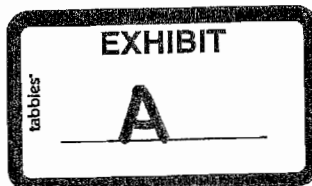


Item #	Description	Max. Res.	PPM	Memory Card Slots	Price Ea.	Extended Service Contract	
H24-Q5765A	PSC 1315	4800x1200	17 B&W/12 Color	No	\$99.99	2 Month Replacement	\$13.99
H24-Q5601A	OfficeJet 4215	4800x1200	17 B&W/12 Color	No	\$99.99	12 Month Replacement	\$13.99
H24-Q5789A	PSC 2355	4800x1200	23 B&W/18 Color	Yes	\$179.99	12 Month Replacement	\$22.99
H24-Q5801A	OfficeJet 6210	4800x1200	23 B&W/18 Color	No	\$199.99	12 Month Replacement	\$22.99
H24-Q5560A	OfficeJet 7210	4800x1200	30 B&W/20 Color	Yes	\$299.99	2 Month Replacement	\$42.99
H24-Q3435A	OfficeJet 5510	4800x1200	17 B&W/12 Color	No	\$149.99	12 Month Replacement	\$42.99



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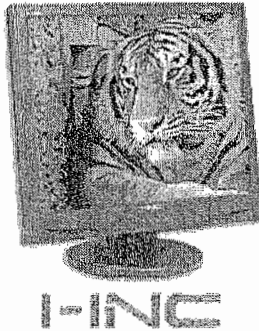
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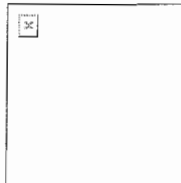
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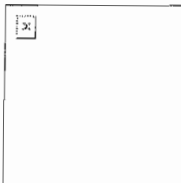
I-Inc CY-199DP 19-Inch LCD Display.

Before your very eyes, the I-Inc 19-inch LCD bursts with delicious images in vibrant colors and compelling brilliance. This exquisitely detailed masterwork of elegance and style, offers incredible 700:1 contrast, stunning 250-nit brightness and tantalizing SXGA 1280 x 1024 resolution. 8ms response for wonderful video performance. DVI-D and VGA(D-sub) input deliver remarkable versatility. Make Your Life Better With I-Inc's 19-inch LCD color active matrix TFT display. Remarkable quality at our unbeatable price.



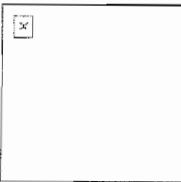
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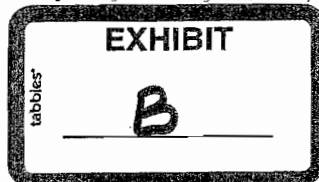


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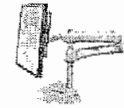


Aldec V-PS-DW Visidec Direct Wall Mount with Tilt/Pan/Swivel up to 20in LCD

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Fast! Fast! Fast!

I ordered laptop memory which was super easy with the memory configurator provided by TigerDirect. I placed my order around 6:00pm on 2/7, shipped the next day, and had in my hands 1:00pm on 2/9. Talk about fast. I've bought a few items from TigerDirect and have to say I don't know how they do it, but keep on doing it!!!!

[See testimonials.](#)

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RE: Still Waiting.....

From: nadina urdaneta <nadina.urdaneta@onrebate.com>
To: soundmn@aol.com
Subject: RE: Still Waiting.....
Date: Fri, 13 Jan 2006 5:22 pm

Dear Onrebate customer-

I sincerely apologize for the inconvenience, our records indicate that we did process your check on 11/07/05 for an amount of \$50.00 check# 9215577.
We did confirm that your check was never cashed so please reply to this email with your correct address and will proceed to reissue the check immediately.

Thanks for using Onrebate!
Nadina

-----Original Message-----

From: soundmn@aol.com [<mailto:soundmn@aol.com>]
Sent: Thursday, January 12, 2006 8:38 PM
To: nadina.urdaneta@onrebate.com
Subject: Still Waiting.....

BPPE64JZY9SSB7CJ \$50 I have emailed and called repeatedly only to get ignored, put on hold, or told ANOTHER story. Your agents contradict themselves on the phone and by email. Your auto-replies state I will get a reply in 72 hours. I have yet to get a reply most email. I am so tired of the run around I am getting from your company. I did EVERYTHING your contract required and you have failed on your part. The agreement as you would send the check within 8-10 weeks. I sent in the rebate 9/26/05 but not even accepted by your site until 11/3/05. Your site says the payment was processed 11/7/05. I finally got an email saying I would receive the check in 8-10 business days and I still do not have a check. I will never purchase another product with a rebate your company handles. Also remove me from any marketing lists you use. I do not wish to have my privacy violated on top of all this. John Freimann 1-386-304-9970



From: soundmn@aol.com
To: nadina.urdaneta@onrebate.com
Subject: Re: Ripoffreport.com
Date: Fri, 10 Feb 2006 9:28 pm

BPPE64JZY9SSB7CJ \$50 Now I have no doubt you are just messing with me! I dont believe you have any intention of sending me the money you owe me. I have gone above and beyond to get the check I am owed. This was supposed to have been taken care of in weeks, its been months. I have been promised repeatedly you were resending a check. On January 14th 2006 you asked the very same question, On January 14th 2006 I replied to you with my correct address. On January 17th 2006 you replied that you were sending the check and I would get it in 10 -14 days! Since then, you apparently forgot to mail it and "Ms. Danny" promised again to resend it. It is now Feb. 10th and you are asking me AGAIN for my address? Are you now telling me that you will mail the check a 4th time? Are you or your staff this incompetent? If I dont have this check in my hand or in my paypal account on Monday Feb. 13th I will begin reporting you and your company to every website, news department and government agency I can find. I am tired of being jerked around and I want this to END NOW! John Freimann

***** From: nadina urdaneta To: soundmn@aol.com Subject: RE: Still Waiting..... Date: Tue, 17 Jan 2006 11:20:35 -0500 Thanks for your reply- We did some research and it turns out that we had an insufficient address. Please note that proper corrections have been made and we have proceeded to reissue the check. Please wait 7 to 10 days for the check to arrive. Should you have further questions please contact us directly at 1-888-222-9300. Thanks for using Onrebate! Nadina. ---Original Message--- From: soundmn@aol.com [<mailto:soundmn@aol.com>] Sent: Saturday, January 14, 2006 12:21 AM To: nadina.urdaneta@onrebate.com Subject: Re: Still Waiting..... Well, Thanks for the prompt response. Im TRULY amazed I got a reply. John Freimann 1676 E. Paradise Lane Daytona Beach, FL 32119-1514 386-304-9970 Its very odd to me that YOU seem to be the ONLY person with "OnRebate" that can figure that out. I've been writing and writing and writing. Usually I dont get a reply. Once I was told 8-10 business days, another time I was told 8-10 weeks. *****

2/08/07 NOTE: This was forwarded to myself to capture header information.

----- Original Message -----

Subject: Re: [Fwd: Re: Question (#8796-53162584-0448) Offer Number: CA-2453.]
Date: Tue, 19 Dec 2006 20:10:31 -0500
From: Byron Wine <byronw1@verizon.net>
To: CustomerService@help.onrebate.com
References: <450AA68C.6080905@verizon.net>

This is my fifth email concerning denial of CA-2453. Are you going to answer my question or steal my money?

Which of these four Submission Requires is the reason for denial:

1. Signed rebate form
2. Copy of original invoice or Packing List
3. Write Serial Number Here
4. Copy of UPC & Serial barcode label.

Byron Wine wrote:

----- Original Message -----

Subject: Re: Question (#8796-53162584-0448) Offer Number: CA-2453.
Date: Fri, 08 Sep 2006 19:50:32 -0400
From: Byron Wine <byronw1@verizon.net>
To: [OnRebate.com Customer Service](mailto:CustomerService@help.onrebate.com)
<CustomerService@help.onrebate.com>
References: <5598257.1157757931241.JavaMail.root@ms1b.instant-service.com>

Lets not play games.

Which of these four Submission Requires is the reason for denial:

1. Signed rebate form
2. Copy of original invoice or Packing List
3. Write Serial Number Here
4. Copy of UPC & Serial barcode label.

[OnRebate.com Customer Service](mailto:CustomerService@help.onrebate.com) wrote:

Thanks for your email.

Your rebate was denied for not meeting the four ways to save.



Jesus
OnRebate.com
-----Original Message-----
From: Byron Wine (byronw1@verizon.net)
Sent: Aug 31, 2006 2:48:06 PM
Subject: Re: Question (#8796-53162584-0448) Offer Number: CA-2453.

Hello,

This is my third request for the specific reason for denial of rebate for Offer Number: CA-2453. Since you have not furnished the specific answer, I conclude there is no reason for denial. The decision to deny must be for another reason and this reeks of fraud.

A copy of my last email follows:

Byron Wine wrote:

This is my second request for specific information concerning denial of rebate for Offer Number: CA-2453.

What is the specific document or information that is the reason for denial?

OnRebate.com Customer Service wrote:

Thanks for your email.

This is in response to support ticket:

Your rebate was denied because you did not meet one of the requirements stated in the "Four Ways to Save" section. You must follow the "Terms and Conditions" in order to successfully redeem your rebate. If you do not have the required documentation as stated on the rebate form, the rebate will not be processed.

FOUR WAYS TO SAVE REBATE REBATE REQUIREMENTS:

PC, Notebook or wireless Router Purchase:
Provide proof of purchase of this computer associates product in addition to proof of purchase of PC, Notebook/Laptop or wireless Router. Both receipts must be dated within 30 days of each other.

Competitive Upgrade:

Provide proof of purchase of a security product from McAfee, Symantec, Webroot, LavaSoft, Intermute or FBM. Include the original product CD diskette and title page of manual. For previously downloaded purchases include the purchase confirmation email.

Pre Own Computer Associates Software:

Provide proof of purchase of a Computer Associates product. (receipt / invoice or original CD) For previously downloaded purchases include the purchase confirmation email.

Tax Attach:

Provide proof of purchase of this Computer Associates product on the same receipt as "TaxCut" from H&R Block or "TurboTax" from Intuit with the date printed and circled.

If you meet one of these requirements and wish to resubmit, Please resubmit the required documentation needed to:

Onrebate.com Resubmissions
P.O Box 440588 Miami, Fl 33144

Upon receiving the required documentation, your rebate will be processed.

Thanks for using OnRebate.com!

marcus

OnRebate.com

-----Original Message-----

From: Byron Wine (byronw1@verizon.net)

Sent: Aug 22, 2006 8:05:57 AM

Subject: Re: Question (#8796-53162584-0448)

Office of the Attorney General

Please return completed consumer contact form to:
Office of Attorney General Charlie Crist
State of Florida
PL-01, The Capitol
Tallahassee, Florida 32399-1050

Consumer Contact Form

The shaded information **MUST** be provided as we correspond via U.S. mail.
Incomplete forms cannot be processed. PLEASE WRITE LEGIBLY.
Only one business per complaint form.

Person Making Complaint:
Miss/Ms/Mrs/Mr
Unger, Phillip E

Complaint is Against:
Name/Firm/Company
Tiger Direct

Mailing Address
10 Shadow Lane

Mailing Address
7795 W Flagler St. Suite 35

City, County
Houston, Harris County

City, County
Miami, unknown

State, Zip Code
Texas, 77080

State, Zip Code
Florida, 33144

Business Phone, including Area Code
281-544-6658

Business Phone, including Area Code
1-800-888-6111

Email Address
phil.unger@shell.com

Business Email or Web Address
www.tigerdirect.com

Product or Service involved: computer parts Amount Over-Paid: \$280

Date of Transactions: 6/24/06 & 7/10/06 I was contacted by: EMail

Have you retained an attorney? No

Did you sign a contract or other papers, i.e. estimates, invoices, or other supporting documents? No

(ATTACHCOPIES. DO NOT SEND ORIGINALS.)

Note:

- All documents and attachments submitted with this complaint are subject to public inspection pursuant to Chapter 119, Florida Statutes.
- Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s.775.083, or s.837.06 Florida Statutes.
- Please indicate if you are over the age of 60. Penalties can be enhanced for victimizing senior citizens. (PLEASE USE OTHER SIDE OF THIS FORM TO DESCRIBE YOUR COMPLAINT & ATTACH YOUR SIGNATURE)



Please explain your complaint. Attach additional sheets, if necessary.

Responding to an e-mailed advertisement I purchased several items from TigerDirect.com in late June and early July of this year. The first item was a computer, consisting of parts, at an advertised (after rebate) price \$180 below the purchase price. The second item was an LCD monitor, advertised price (after rebate) \$100 below the purchase price.

In full compliance with TigerDirect's rebate policies I processed the necessary forms on the web through their subsidiary OnRebate and mailed in separate envelopes the dozen or so separate rebate forms required (sample copies attached).

ISSUE #1: It is the sole purpose of the rebate process devised by TigerDirect and their subsidiary OnRebate to defraud the consumer by making the process so onerous and complex that most people would either get confused or give up in frustration. In other words they have deliberately and malevolently conceived of such a complicated process for the sole purpose of frustrating rebate collection and defrauding the consumer, and thereby reaping a windfall profit.

I received responses by e-mail saying that the rebate process was working and finally after several weeks received notification that the rebates had issued. After several weeks went by and I received no rebate checks I contacted OnRebate to find out why the promised (issued) rebates had not arrived and was told that the process would take several months more as I had not paid them the 10% extra fee for "fast processing".

ISSUE #2: Levying a fee for processing a rebate amounts to collection fraud and should be illegal. Either the rebate is bona fide or it is not. The time required to determine whether to issue a rebate is not subject to reduction of the rebate amount by the payment of collection fees. This whole process reeks of fraud and abuse of the consumer.

Within the 60 day window required for protesting charges to my credit card I informed my credit card company that the amounts of \$180 and \$100 were fraudulent and were due me back per the advertised rebates broadcast by Tiger Direct in their mailings. I am in the process of attempting to collect the monies through MBNA Mastercard, who hopefully can collect them from TigerDirect.

Now, some 3 months later I have still receive no rebates. The advertised rebate period has expired and in spite of multiple e-mail contact with OnRebate I have been unable to secure the monies due me. The multitude of promised rebates have not arrived. Note that the bulk of the rebates were sponsored by TigerDirect and not by the OEM equipment manufacturers, so the process of verifying that I had made bona-fide purchases was completely fake and fraud. TigerDirect and OnRebate could in a mere matter of seconds validate that the rebates were due me and had been properly applied for.

In conclusion, TigerDirect (or their parent Systemax Inc) is deliberately operating a fraudulent rebate process through their subsidiary OnRebate intended to defraud customers of their due monies. This needs to be stopped.

Brown...
to...

Suzan Bengle Boutz

May 28, 2007

Dear Attorney General,

I purchased a computer, some security software, and a wireless card from a company called: TigerDirect.com in October 2006.

TigerDirect.com
7795 W. Flagler St. Suit 35,
Miami FL. 33144
800 800-8300

I was happy with the computer that I received. I was told that I needed the wireless card but when I received the merchandise the card was built in. I did receive a refund on the wireless card that I returned.

I was also to receive a \$40.00 rebate on the computer and a \$50.00 rebate on the Security Software. I have only recently (7 months later) received my rebates from a company different than the one I purchased the computer from. The secondary company; ON Rebate.com (I think it should be NO Rebate)

Is located a: 120 E. Palmetto Park Road 3rd Floor
Boca Raton, FL. 33432
888 222-9300

I am a very persistent person and was determined to receive my rebates. I was able to receive my rebates only with a ridiculous number of phone calls and E-mail/website acrobatics. It does not take a genius to figure out that the procedures that were required were purposely designed to confuse, frustrate and delay if not nullify the recipients ability to receive their rightful rebate.

It would be impossible at this time to outline what I had to go through, but I am sending along the documentation that was required. Besides the time spent in generating

7336 Brookside Drive . Chattanooga, Tennessee 37421
v. 423 855-0874 c.423 653-7185



Carlos Gonzalez

From: Bill Gollan [bill.gollan@onrebate.com]
Sent: Tuesday, August 15, 2006 10:08 AM
To: 'nadina urdaneta'; 'Danny'; 'Tony Jones'
Cc: Nikki Thomas; 'Daniel Jose Rodriguez'; Michael Delgado; Siju Menon
Subject: RE: Update?

Michael - ??

-----Original Message-----

From: nadina urdaneta [mailto:nadina.urdaneta@onrebate.com]
Sent: Tuesday, August 15, 2006 9:01 AM
To: bill.gollan@onrebate.com; 'Danny'; 'Tony Jones'
Cc: nikki.thomas@onrebate.com
Subject: RE: Update?

Bill,

We are experiencing many problems with CS.
The reason we have so many complaints is not because we are saying things are being researched it's because we do NOT know what is being paid and what is not.
We also have an enormous amount of customers who are past the 10 weeks timeframe to be paid so obviously customers are thinking we are operating an illegal company (I am referring to limbo customers).
The information in our system is incorrect, we may see something was processed on 7/3/06 but in reality the check never went out... Nikki has us printing out screen shots for her to give to Danny so he can tell us if that particular customer was in fact paid or not but this doesn't happen within 5 minutes (she has a big stack of papers for Danny to go through).

Another problem is that the "reissue" feature still doesn't work.
This customer never cashed the checks so we don't know whether they were really mailed or not and unfortunately we cannot reissue the checks yet so we need to ask the customer to wait.

AGTKRKVRXSRBLPVJ was processed back on 05/24/06
3PL2ZQ7KWZGB2NHC was processed back on 05/24/06
JNHP5UGK5DAWGUXL was processed back on 05/24/06

Danny and myself are running out of things to say, we are doing what we can but it's hard to offer "Great Customer Service" if we are not provided with the tools to do so!
Customer are not buying the blah blah blah anymore.

If all this things are being fixed please keep us informed.

Thank you.

Nadina Urdaneta
Customer Service - Advocate
nadina.urdaneta@onrebate.com
1-888-426-9467 (Fax)

-----Original Message-----

From: Bill Gollan [mailto:bill.gollan@onrebate.com]
Sent: Monday, August 14, 2006 5:53 PM

012-0021

2/15/2008

