

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS**  
**Civil Division**

**GRANT WILLIAMS, *individually and***  
***on behalf of a class of similarly situated persons***

**PLAINTIFF**

**VS.**

**CASE NO. 60 CV-15-**

**PIPELINE PRODUCTIONS, INC.,**  
**BACKWOOD ENTERPRISES, LLC, THE**  
**MADISON COMPANIES, LLC, and**  
**HORSEPOWER ENTERTAINMENT LLC**

**DEFENDANTS**

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**CLASS ACTION COMPLAINT**

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Comes now the Plaintiff Grant Williams, individually and on behalf of a class of similarly situated Arkansans, and for his Complaint against Pipeline Productions, Inc, Backwood Enterprises, LLC, The Madison Companies, LLC, and Horsepower Entertainment LLC states:

**NATURE OF THE ACTION**

1. This is a class action complaint to provide a remedy to the Plaintiff and the Class for Defendants' violations of the Arkansas Deceptive Trade Practices Act ("ADTPA"). The Class includes the following persons:

All residents of the State of Arkansas that purchased tickets online for the music festival Thunder on the Mountain to be held near Ozark, Arkansas on June 26<sup>th</sup> through 28<sup>th</sup>, 2015. Excluded from the Class are all officers, directors, executives, or employees of any Defendant, and the judge presiding over this action and all of his/her immediate family members.

## **PARTIES, JURISDICTION, AND VENUE**

2. Plaintiff Grant Williams is a citizen of Arkansas and resident of Pulaski County. Plaintiff is a member of the Class having purchased tickets to Thunder on the Mountain online.

3. Defendant Pipeline Productions, Inc. (“Pipeline”) is a Kansas corporation that has its principal business in Lawrence, Kansas. Pipeline organized and promoted Thunder on the Mountain, and sold tickets to the event to be held on Mulberry Mountain near Ozark, Arkansas to Plaintiff and Class members in Arkansas.

4. Defendant Backwood Enterprises, LLC (“Backwood”) is an Arkansas limited liability corporation that has its principal place of business in Lawrence, Kansas. Backwood organized and promoted Thunder on the Mountain, and sold tickets to the event to be held on Mulberry Mountain near Ozark, Arkansas to Plaintiff and Class members in Arkansas.

5. Defendant The Madison Companies, LLC (“Madison”) is a Delaware limited liability company that has its principal place of business in Greenwood Village, Colorado. Madison joint ventured the Thunder on the Mountain festival with Pipeline and Backwood and participated in the organization and promotion of Thunder on the Mountain, and sold tickets to the event to be held on Mulberry Mountain near Ozark, Arkansas to Plaintiff and Class members in Arkansas.

6. Defendant Horsepower Entertainment LLC (“Horsepower”) is a Delaware limited liability company that is a wholly owned subsidiary of Madison and has its principle place of business in Greenwood Village, Colorado. Horsepower, with Madison, joint ventured the Thunder on the Mountain festival with Pipeline and Backwood and participated in the

organization and promotion of Thunder on the Mountain, and sold tickets to the event to be held on Mulberry Mountain near Ozark, Arkansas to Plaintiff and Class members in Arkansas.

7. This Court has subject matter jurisdiction over this action under Ark. Const. Amendment 80, § 6 which makes “Circuit Courts . . . the trial courts of original jurisdiction of all justiciable matters not otherwise pursuant to this Constitution.”

8. This Court has general and specific personal jurisdiction over Defendants under Ark. Code Ann. § 16-4-101 and the Fourteenth Amendment of the United States Constitution. The Defendants engaged in unfair and deceptive business practices directed at and causing injury to persons residing, located, or doing business in Arkansas, including Plaintiff and members of the Class.

9. Defendants have sufficient minimum contacts within Arkansas and this County and do substantial business here, and sold many of the festival’s tickets to Pulaski County residents, including the Plaintiff.

### **FACTUAL ALLEGATIONS**

10. Beginning in November of 2014, Defendants began promoting Thunder on the Mountain in the state of Arkansas.

11. Thunder on the Mountain was to be a music festival held on Mulberry Mountain near Ozark, Arkansas from June 26<sup>th</sup> through 28<sup>th</sup>, 2015, and included country music entertainers such as Carrie Underwood, the Zach Brown Band, Big & Rich, and others.

12. On or about February 14, 2015, Plaintiff purchased tickets from Defendants to Thunder on the Mountain online. He received the tickets on or about April 7, 2015.

13. Defendants hid from Plaintiff and the Class the considerable tension between them related to funding the festival, and indeed, that the funding of the festival was on very shaky ground.

14. Just after sales began, Defendants discussed how the festival would lose money and infighting ensued regarding the working relationships between Defendants, and their responsibilities to one another and their customers. In fact, Madison wanted to pull funding or turn the joint venture into a loan. But none of the Defendants revealed these material issues to Plaintiff and the Class.

15. Rather than reveal these material issues to the public, sales continued even though Defendants' knew the festival was in great peril of being cancelled. Of course, Plaintiff and the Class purchased tickets, continued purchasing tickets, made hotel and camping reservations and other accommodation plans, and thus, incurred substantial and actual damages due to Defendants' deceptive, unfair, and unconscionable actions.

16. On June 13<sup>th</sup>, just about two weeks before the music festival was to begin, Defendants cancelled the event and refused to say why.

### **CLASS ALLEGATIONS**

17. Plaintiff incorporates all allegations and facts in this Complaint.

18. Plaintiff brings this class action, under Rule 23 of the Arkansas Rules of Civil Procedure, individually and for all members of the following Class:

All residents of the State of Arkansas that purchased tickets online for the music festival Thunder on the Mountain to be held near Ozark, Arkansas on June 26<sup>th</sup> through 28<sup>th</sup>, 2015. Excluded from the Class are all officers, directors, executives,

or employees of any Defendant, and the judge presiding over this action and all of his/her immediate family members.

**A. Typicality**

19. The claims of Plaintiff are typical of the claims of the Class members because Plaintiff is an Arkansas resident and purchased the tickets at issue and incurred other costs and damages related to the cancelled event. Thunder on the Mountain was deceptively, unfairly, and unconscionably advertised and sold by Defendants. All Class members purchased the same tickets and incurred similar costs related to the unfairly and unconscionably marketed festival. Plaintiff's claims are based upon the same set of facts and assert the same legal theories as the Class. Therefore, Plaintiff's claims are typical of the Class.

**B. Commonality**

20. There are questions of law and/or fact common to the Class that predominates over questions that may affect particular Class members. The common and predominate question is whether Defendants violated the provisions of the ADTPA.

**C. Numerosity**

21. Defendants marketed and sold tickets to Thunder on the Mountain throughout Arkansas.

22. The members of the Class are so numerous that joinder of all members is impracticable. Plaintiff does not know the exact number of the members of the Class because such information is in the exclusive control of the Defendant. Such numbers can be easily ascertained, but are sufficient to be numerous under Rule 23 of the Arkansas Rules of Civil Procedure.

**D. Superiority**

23. A class action is superior to other methods for the fair and efficient adjudication of the controversy because:

- a. the prosecution of separate actions by individual members of the class creates a risk of inconsistent and varying adjudications regarding members of the class and would establish incompatible standards of conduct for Defendant; and
- b. questions of law and fact common to the members of the Class predominate over questions affecting only individual members and prosecution as a class action will eliminate the possibility of duplicate litigation.

**E. Adequacy**

24. Plaintiff will fairly and adequately represent the interests of the Class because Plaintiff's interests do not conflict with the interests of the other class members he seeks to represent. Plaintiff has retained competent counsel experienced in class action litigation. Plaintiff's counsel will fairly and adequately protect the interests of the Class.

**CAUSE OF ACTION**

**VIOLATION OF THE ARKANSAS DECEPTIVE  
TRADE PRACTICES ACT, ARK. CODE ANN. §§ 4-88-101, *et seq.*,**

25. Plaintiff incorporates all allegations and facts in this Complaint.

26. The ADTPA, Ark. Code Ann. § 4-88-101, *et seq.*, protects consumers from deceptive, unfair and unconscionable trade practices. The ADTPA is a remedial statute, which is to be liberally construed in favor of consumers.

27. The practices employed by Defendant in marketing and selling tickets to Plaintiff and the Class were deceptive, unfair, unconscionable and misleading given the Defendants' knowledge of financial losses and the internal strife existing between them, and which were suppressed from disclosure to Plaintiff and the Class.

28. Defendant's wrongful violate Ark. Code Ann. §§ 4-88-107 (3) and (10) and 4-88-108 (2).

29. Defendant's violations of the ADTPA resulted in Plaintiff and the Class to suffer actual damages.

### **JURY DEMAND**

30. Plaintiff demands a trial by jury regarding all issues.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, for himself and all Class members, requests judgment against Defendants and that the Court grant:

- a. an Order certifying the Class and appointing Plaintiff and his counsel to represent the Class;
- b. an award to Plaintiff and the Class against Defendants for their actual damages;
- c. an award of all costs of this action and attorneys' fees; and,
- d. for all other general, special, and equitable relief to which the Plaintiff and the members of the class are entitled by law.

DATED: June <sup>22<sup>nd</sup></sup>, 2015

Respectfully submitted,

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