



Attorney General Exonerates Dalius and Gas Up USA

Following nearly one year of an extensive investigation into consumer complaints against GAS UP USA, INC and its founder, Eric Dalius, the Attorney General of the Commonwealth of Pennsylvania has exonerated both from any wrongdoing and has placed the blame on Patriot Bank and its President Rick Elko for the improper "freezing of consumers funds." The former Petition was filed in the Commonwealth Court of Pennsylvania as a Civil Action In Equity at Number 100MD2000 and, the latter was filed in the same Court in its Civil Division at Number 495MD2003. It can be viewed in its entirety at www.gasupusa.com

([PRWEB](#)) May 7, 2004 -- Following nearly one year of an extensive investigation into consumer complaints against GAS UP USA, INC and its founder, Eric Dalius, the Attorney General of the Commonwealth of Pennsylvania has exonerated both from any wrongdoing and has placed the blame on Patriot Bank and its President Rick Elko for the improper "freezing of consumers funds."

The parties were scheduled to proceed to a hearing today in Commonwealth Court in Harrisburg but, instead of testimony, Deputy Attorney General Michael F. Butler filed a document entitled "Agreement To Terminate Proceedings Affirmatively To Respondent/Defendant [Dalius and Gas Up USA]." The Agreement states in pertinent part that Dalius previously "vigorously denied" any allegations of impropriety when he answered the Petition For Contempt and Civil Actions filed on July 28, 2003. It also explains that the parties engaged in extensive discovery "to determine whether or not there was any legal basis for either filing." According to the Agreement, the investigation proved Dalius' original assertions that any harms suffered by consumers who dealt with GAS UP USA were, in fact, caused by Patriot Bank, not Gas UP USA. The final finding of the nine month \$20,000 Attorney General's investigation appears in the Fifth paragraph of the Twelve paragraph Agreement which provides:

As the consequence of that lengthy and exacting [investigatory] process, the Parties have determined that any injuries claimed to have been suffered by consumers appear to have been the direct and proximate result of the alleged acts or omissions of Patriot Bank and its officers, employees, agents or assigns. More particularly, any harms or inconveniences which may have been suffered by consumers appear to have been directly and proximately caused by Patriot Banks improvident freezing of the accounts into which consumer funds were properly placed.

Most importantly for Gas Up USA and Dalius, the Agreement gives them additional ammunition in the pending lawsuit they have brought against Patriot Bank which claims that GAS UP suffered millions of dollars of losses as a result of the bank's unannounced and unlawful freezing of Gas Up's funds. The freeze completely halted GAS UP's business operations from December 23, 2002 to March 13, 2003. A Lehigh County Court of Common Pleas Judge has already determined that Patriot's acts were improper and entered an injunction on January 23, 2003 requiring Patriot to release more than one million dollars in funds it improperly froze. While the unfreezing of the funds allowed GAS UP to finally process thousands of overdue consumer transactions, the company which was billed prior to the freeze as the fastest growing business in the direct marketing industry by Dr. Keith Laggos editor of the Network Marketing Business Journal never recovered from the loss of consumer confidence, impatience and frustration which resulted from the freeze. As Dalius



attorney, John P. Karoly, Jr. said at the time, "In a direct marketing business sometimes even the smallest hiccup can topple an empire. Halting business operations of GAS UP for nearly three months was just disastrous to this burgeoning company. Patriot bears the full blame for their unlawful acts and we expect a jury to tell them as much."

The agreement with the Attorney General's Office also provides that Dalius and GAS UP will reimburse the Commonwealth \$20,000, the cost of the investigation which ultimately exonerated them. The agreement specifically provides that this amount is for reimbursement of the investigative costs associated with determining that the cause of consumer claims were directly related to the freezing of consumer funds by Patriot Bank. In exchange, Dalius and GAS UP are assigned the right to recoup that \$20,000.00 directly from Patriot and its President, Elko in their pending lawsuit. "That's something we were more than happy to do," said Dalius. "This way, rather than passing that burden on to the taxpayers, we can collect the money directly from the wrongdoers, Patriot and Elko."

When asked for comment, Karoly stated, "this is another victory for the consumer against big business - the biggest, the banks which control a very large portion of the wealth in this nation. Up until now, they've felt that they were untouchable. They subscribe to the Nike school of thought, 'just do it.' We're one stop closer to having them rethink that arrogant anti-consumer philosophy."

In response to a question about the time-consuming investigation his clients had to endure before they were finally exonerated, Karoly said "It was something we would rather not have gone through but, in the end, it proves that the Consumer Protection Bureau will go wherever the truth leads them. Deputy Attorney General Michael Butler has a reputation of being professional, fair and very thorough. He proved once again that he is an extremely valuable public servant. Anyone who has dealt with him knows that he made a lot of personal financial sacrifices in order to represent the common people of Pennsylvania. I have the utmost respect for his ability and integrity. His actions here simply reaffirm my opinion."

The Patriot lawsuit is not yet scheduled for trial but, in all likelihood will commence sometime next summer.

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