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COMMON PLEAS COURT  
2021 JAN 21 PM 3:43

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CLERK OF COURTS  
ALLEN COUNTY, OHIO

IN THE COURT OF COMMON PLEAS ALLEN COUNTY, OHIO

STATE OF OHIO, ex rel.  
ATTORNEY GENERAL  
DAVE YOST  
30 East Broad St., 14th Floor  
Columbus, Ohio 43215

Plaintiff,

v.

S&S IMPORTS LLC  
2435 Kunneke Ave.  
Lima, Ohio 45805

and

MATTHEW N. SPRADLIN, Individually  
2435 Kunneke Ave.  
Lima, Ohio 45805

Defendants.

CASE NO.

CV 2021 0019

JUDGE

Kohlrieser

**COMPLAINT FOR**  
**DECLARATORY JUDGMENT,**  
**INJUNCTIVE RELIEF,**  
**RESTITUTION, CIVIL**  
**PENALTIES, AND OTHER**  
**APPROPRIATE RELIEF**

**JURISDICTION**

1. Plaintiff, State of Ohio, by and through counsel, the Attorney General of Ohio, Dave Yost, having reasonable cause to believe that violations of Ohio's consumer protection laws have occurred, brings this action in the public interest and on behalf of the State of Ohio under the authority vested in him by the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
2. The actions of Defendants S&S Imports LLC and Matthew N. Spradlin ("Defendants"), hereinafter described, have occurred in the State of Ohio, Allen County and other counties, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 *et seq.*, and the

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Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*

3. Defendants, as described below, are each a “supplier” as that term is defined in R.C. 1345.01(C) as Defendants were, at all times relevant herein, engaged in the business of effecting or soliciting “consumer transactions” as that term is defined in R.C. 1345.01(A).
4. Defendants, as described below, engaged in “consumer transactions” by offering for sale, selling or financing the purchase of used motor vehicles to individuals for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A).
5. The actions of Defendants, hereinafter described, have occurred in the State of Ohio and Allen County.
6. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
7. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(2) and (3), in that Defendants operated their business from and engaged in some of the transactions complained of herein in Allen County, Ohio.

#### **DEFENDANTS**

8. S&S Imports LLC (“S&S Imports”) is a domestic limited liability company conducting business in Allen County and other counties in the State of Ohio with its principal place of business formerly located at 423 E. Kirby St., Lima, Allen County, Ohio 45804.
9. Defendant S&S Imports at all relevant times was a licensed used motor vehicle dealer, operating under a permit issued by the Ohio Bureau of Motor Vehicles, permit number UD011777. The permit is now inactive.
10. On information and belief, Defendant Matthew N. Spradlin is an individual whose address

is 2345 Kunneke Ave., Lima, Allen County, Ohio 45805.

11. On information and belief, Defendant Matthew N. Spradlin is the principal owner of S&S Imports and dominated, controlled and directed the business activities and sales conduct of S&S Imports, exercised the authority to establish, implement or alter the policies of S&S Imports, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
12. Defendants were at all times relevant to this action engaged in the business of soliciting, promoting, purchasing, selling, financing and collecting the proceeds of the sales of used motor vehicles to consumers residing in Allen and other Ohio counties.
13. Defendants, operating under the name S&S Imports LLC, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.

#### **STATEMENT OF FACTS**

19. Defendants have solicited Ohio consumers for the sale of motor vehicles.
20. The Defendants failed to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles.
21. The Defendants failed to obtain certificates of title on or before the fortieth day after the sale of motor vehicles.
22. The total payouts from the Title Defect Recision Fund administered by the Attorney General for the Defendants' failure to transfer titles were \$5,210.
23. After payments were made from the TDR Fund, the Defendants failed to obtain a surety bond in violation of R.C. 4505.181, which requires that a dealer post a surety bond in an amount not less than \$25,000.00 after the Attorney General has paid a retail purchaser of the dealer from the TDR Fund.

**CAUSE OF ACTION**  
**VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT**

24. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty-Three (1-23) of this Complaint.
25. The Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A) by failing to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
26. The Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A), by selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain certificates of title on or before the fortieth day after the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
27. The Defendants failed to post a surety bond after the Attorney General paid a retail purchaser of the dealer from the TDR Fund due to the Defendants' failure to deliver title to the purchaser, as required by R.C. 4505.181.
28. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* The Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

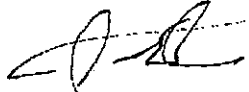
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that this Court:

- A. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice described in Plaintiff's Complaint violates the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.* in the manner set forth in this Complaint.

- B. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendants and any officers, agents, representatives, salespeople, employees, successors and assigns and all persons acting in concert or participating with them, directly or indirectly, from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- C. ORDER Defendants liable for reimbursement to all consumers found to have been damaged by the Defendants' unfair and deceptive acts and practices, and motor vehicle title violations.
- D. ORDER Defendants liable for repayment to the TDR Fund for funds expended to resolve title defects caused by Defendants' motor vehicle title violations.
- E. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of \$25,000.00 for each of the appropriate unfair and deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).
- F. ORDER that the Defendants be enjoined from engaging in consumer transactions as a Supplier in the State of Ohio until they have satisfied all restitution, civil penalties, court costs, repaid the TDR Fund and have posted the required R.C. 4505.181 surety.
- G. ORDER that the Defendants be prohibited from maintaining, renewing or applying for an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
- H. GRANT Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- I. ORDER the Defendants to pay all court costs.
- J. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Dave Yost  
Ohio Attorney General



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## Fax Cover Page

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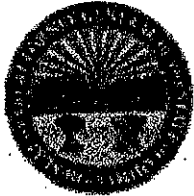
Good afternoon,

Attached you will find the case management sheet and Complaint to be filed for the State of Ohio, ex rel. Attorney General Dave Yost v. S&S Imports LLC and Matthew N. Spradlin, Individually.

Please let me know if there is any additional information needed in order to complete the filing process.

Thank you,

Timothy W. Effler (0083768)



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*\* Please note that, in adherence to best practices brought about in response to COVID-19, the Ohio Attorney General's Consumer Protection Section moved to a "remote work" status effective March 18, 2020. All members of the section remain available remotely during normal business hours. Thank you for your patience.*

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