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2015 APR 16 AM 9:12
BARBARA A. BELMONTIN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OH
00492 JUDGE FERENC

Case No.

Judge

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

1. Plaintiff, State of Ohio, by and through Counsel, the Attorney General of Ohio, Michael DeWine, 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, 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, hereinafter described, have occurred in the State of Ohio, Clermont County and, as set forth below, are in violation of the Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*

seq.

3. Defendants are “supplier[s]” 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 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) and (D).
5. Defendants were used motor vehicle dealers as that term is defined in R.C. 4517.01(L), as they were engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles.
6. The actions of Defendants, hereinafter described, have occurred in the State of Ohio and Clermont County.
7. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the Consumer Sales Practices Act.
8. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3), in that Defendants resided in, operated their business from, and engaged in the transactions complained of herein in Clermont County.

STATEMENT OF FACTS

9. Defendant Ohio Valley Motorcars LLC is an Ohio limited liability company last operating at 5656 Wolfpen Pleasant Hill Rd as Ohio Valley Motorcars.
10. Defendant Jason Taylor (“Taylor”) is an individual last residing at 317 Bradley Avenue, Cincinnati, OH 45215.

11. Defendant Taylor dominated, controlled and directed the business activities and sales conduct of Ohio Valley Motorcars LLC and Ohio Valley Motorcars, and exercised the authority to establish, implement or alter the policies of Ohio Valley Motor Cars LLC and Ohio Valley Motor Cars, 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 from their location in Clermont County to consumers residing in Clermont and other Ohio counties.
13. Defendants, operating under the name Ohio Valley Motorcars, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
14. At all relevant times hereto, Defendants held license #UD020015 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing them to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
15. At all relevant times hereto, the Defendants were displaying or selling used motor vehicles at the Ohio Valley Motorcars location.
16. The Defendants failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles.
17. The Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
18. Title Defect Recision consumer claims totaling \$39,075.36 were paid from the Title

Defect Recision Fund, administered by the Ohio Attorney General's Office, after the Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of the motor vehicles.

19. The Title Defect Recision Fund was able to recoup \$5,031.75 by selling some of the vehicles, leaving an unpaid deficit in the fund of \$34,043.61.
20. All facts above have occurred in the two years prior to this lawsuit.

CAUSE OF ACTION
VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT AND
CERTIFICATE OF MOTOR VEHICLE TITLE ACT

21. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty (1-20) of this Complaint.
22. The Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02 by failing to file applications for certificates of title within Thirty (30) days after the assignment of delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
23. The Defendants committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, 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 (40th) day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).
24. Such acts or practices have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, 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

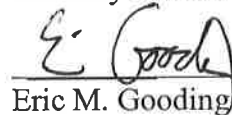
WHEREFORE, Plaintiff respectfully prays that this Court:

- A. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice described in Plaintiff's Complaint violates the Consumer Sales Practices Act, 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 their officers, agents, servants, representatives, salespeople, employees, successors and assigns and all persons acting in concert or participating with them, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains and from further violating the Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- C. ORDER Defendants jointly and severally 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 jointly and severally liable to the Title Defect Recision Fund ("TDR") for funds expended to resolve title defects caused by Defendants' motor vehicle title violations.
- E. ASSESS, FINE, AND IMPOSE upon Defendants, jointly and severally, a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each of the appropriate unfair or deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).

- F. ENJOIN the Defendants from engaging in any consumer transaction as a Supplier in the State of Ohio until they have satisfied all monetary obligations hereunder.
- G. ORDER the Defendants to pay all court costs.
- H. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

MICHAEL DEWINE
Attorney General

A handwritten signature in black ink, appearing to read "Eric M. Gooding", is written over a horizontal line.

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