

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO, <i>ex rel.</i>	:	
MICHAEL DEWINE	:	CASE NO.
ATTORNEY GENERAL OF OHIO	:	
30 East Broad Street, 14 th Floor	:	JUDGE
Columbus, Ohio 43215	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
OLD SKOOL SPORTS, LLC	:	<u>COMPLAINT, REQUEST FOR</u>
c/o Christopher Sabatino	:	<u>DECLARATORY JUDGMENT,</u>
Statutory Agent	:	<u>INJUNCTIVE RELIEF, CONSUMER</u>
PO Box 101	:	<u>RESTITUTION, AND CIVIL PENALTIES</u>
Pataskala, Ohio 43062	:	
	:	
and	:	
	:	
CHRISTOPHER SABATINO	:	
1297 Sedge Lane	:	
Gahanna, Ohio 43230	:	
	:	
	:	
Defendants.	:	

JURISDICTION AND VENUE

1. Plaintiff, Ohio Attorney General 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 ("CSPA"), R.C. 1345.01 et seq.
2. The actions of Defendants, hereinafter described, have occurred in Franklin County and the State of Ohio, and as set forth below are in violation of the CSPA, and its Substantive Rules.
3. This court has subject matter jurisdiction over this action pursuant to R.C. 1345.04.

4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B), in that some of Defendants' actions complained of herein, and out of which this action arose, occurred in Franklin County, Ohio.

DEFENDANTS

5. Defendant Old Skool Sports, LLC ("Old Skool") is an Ohio-registered limited liability company that primarily did business from its website, www.oldschoolsports.com.
6. Defendant Christopher Sabatino ("Sabatino") is a resident of the State of Ohio and is the owner, officer, and operator of Old Skool.
7. Defendants are "suppliers," as defined in R.C. 1345.01(C), as Defendants are, and have been, at all times relevant herein, engaged in the business of effecting consumer transactions by soliciting, offering, and selling services to participate on sports teams and for related goods, to individuals in Franklin County and other counties in the State of Ohio for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).

STATEMENT OF FACTS

8. Defendants were, and have been at all relevant times, engaged in the business of soliciting, offering, and selling individual and/or team spots to participate in sports leagues and related goods, in the State of Ohio, including in Franklin County.
9. Defendants solicited, offered, and sold their individual and/or team spots to participate in sports leagues and for related goods through the websites www.oldschoolports.com.
10. Defendants entered into contracts with consumers in order for consumers to purchase individual and/or team spots to participate in sports leagues and for related goods, such as flag football, cheerleading, and t-ball, and team uniforms.

11. Defendants accepted payments from consumers as payments to participate in the Defendants' sports teams.
12. Defendants failed to provide consumers with the individual and/or team spots to participate in sports leagues or the related goods purchased, even after eight weeks had elapsed since Defendants accepted money from the consumers as payment for the goods and services ordered.
13. Defendants failed to refund consumers' payments for individual and/or team spots to participate in sports leagues and for related goods, even after eight weeks had elapsed without Defendants fully providing such goods and services ordered.
14. Defendants failed to provide refunds to consumers upon request in accordance with the Defendants' refund policy.
15. Defendants failed to provide the sports leagues for which consumers contracted.
16. Defendant Sabatino, at all relevant times, authorized, directed, ratified, and personally committed or participated in the acts and practices described in Paragraphs Eight through Fifteen (8-15) of this Complaint.

PLAINTIFF'S CAUSE OF ACTION:

VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT

FAILURE TO DELIVER GOODS AND/OR SERVICES OR PROVIDE REFUNDS

17. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Sixteen (1-16) of this Complaint.
18. Defendants have committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) and the Ohio Admin. Code 109:4-3-09(A), by accepting payments from consumers for individual and/or team spots to participate in sports leagues

and for related goods and failing to deliver the goods and services contracted and paid for, and failing to return the payments to the consumers.

19. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT IV

UNFAIR AND DECEPTIVE ACTS OR PRACTICES

20. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Nineteen (1-19) of this Complaint.
21. Defendants have committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by engaging in inadequate and unfair customer services.
22. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. 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 Paragraphs Eight through Twenty-Two (8-22) of Plaintiff's Complaint violates the CSPA in the manner set forth in this Complaint.
- B. ISSUE PERMANENT INJUNCTIVE RELIEF, pursuant to R.C. 1345.07, enjoining Defendants Old Skool Sports, LLC and Christopher Sabatino, under their own names or any other names, and all persons acting on behalf of Defendants directly or indirectly, through any corporate or private device, partnership or association, jointly and severally,

from engaging in the acts or practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq.

- C. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendants Old Skool Sports, LLC and Christopher Sabatino from acting as a supplier and soliciting or engaging in any consumer transactions in the State of Ohio as a supplier until the final ordered resolution of this matter is satisfied in its entirety.
- E. ORDER Old Skool Sports, LLC and Christopher Sabatino, jointly and severally liable, pursuant to R.C. 1345.07(B), for reimbursement to all consumers found to have been damaged by Defendants' unfair and deceptive acts and practices, including, but not limited to, making restitution to consumers who paid money to Defendants but never fully received the goods or services for which they paid.
- F. ASSESS, FINE AND IMPOSE upon Defendants Old Skool Sports, LLC and Christopher Sabatino, jointly and severally, a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation described herein, pursuant to R.C. 1345.07(D).
- G. ORDER Defendants Old Skool Sports, LLC and Christopher Sabatino, as a means of insuring compliance with this Court's Order and with the consumer protection laws of Ohio, to maintain in their possession and control for a period of five (5) years, and in a manner designed to secure the privacy of all consumers' personal information, all business records relating to Defendants' solicitation, offer, and sale of team spots to participate in sports leagues and for related goods in the State of Ohio.
- H. ORDER Defendants Old Skool Sports, LLC and Christopher Sabatino to cooperate with the Ohio Attorney General or his representative by providing the Ohio Attorney General,

upon his request and upon reasonable twenty-four (24) hour notice, copies of any and all records necessary to establish compliance with the law and any court order granted herein, or to permit the Ohio Attorney General or his representative to inspect and/or copy any and all such records.

- I. ORDER Defendants Old Skool Sports, LLC and Christopher Sabatino, jointly and severally, to reimburse the Ohio Attorney General for all costs incurred in bringing this action.
- J. ORDER Defendants Old Skool Sports, LLC and Christopher Sabatino, jointly and severally, to pay all court costs associated with this action.
- K. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

MICHAEL DEWINE
Attorney General

/s/ Teresa A. Heffernan

TERESA A. HEFFERNAN
Ohio Supreme Court No. 0080732
Counsel for Plaintiff, Ohio Attorney General
Senior Assistant Attorney General
Consumer Protection Section
30 East Broad Street, 14th Floor
Columbus, Ohio 43215-3428
(614) 466-1305
teresa.heffernan@ohioattorneygeneral.gov
(866) 521-9921 (facsimile)