

FILED  
PREBLE COUNTY, OHIO  
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CHRISTOPHER B. WASHINGTON  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF PREBLE COUNTY, OHIO

STATE OF OHIO ex rel.  
Ohio Attorney General Dave Yost  
30 E. Broad Street, 14th Floor  
Columbus, Ohio 43215

Plaintiff,

v.

Kelsea Hopkins  
d/b/a Dear Tomasine Stills and Films,  
Dear Tomasin, and Blue Boots Photography  
2406 South A Street  
Richmond, IN 47374

Defendant.

CASE NO.

19CV31735

JUDGE

COMPLAINT FOR DECLARATORY  
JUDGMENT, INJUNCTIVE RELIEF,  
CONSUMER RESTITUTION, AND  
CIVIL PENALTY

JURISDICTION AND VENUE

1. Dave Yost, Ohio Attorney General, 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 R.C. 1345.07.
2. The actions of Defendant, hereinafter described, have occurred in Preble County, Ohio and, as set forth below, are in violation of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq.
3. Defendant, as described below, is a "supplier" as that term is defined in R.C. 1345.01(C), as the Defendant was, at all times relevant herein, engaged in the business of effecting

consumer transactions by soliciting and selling photography and videography services to individuals in Ohio, including Preble County, for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).

4. This Court has jurisdiction over the subject matter of this action pursuant to R.C. 1345.04.
5. Venue is proper pursuant to Ohio Civ. R. 3(C)(2)-(3) in that, at all times relevant to this action, Defendant had her principle place of business in Preble County and some of the transactions complained of herein, and out of which this action arose, occurred in Preble County.

#### **THE DEFENDANT**

6. Defendant Kelsey Hopkins is a natural person whose last known personal residence is 2406 South A Street, Richmond, Indiana 47374.
7. Defendant engaged in consumer transactions using the unregistered trade names Dear Tomasine Stills and Films, Dear Tomasin, and Blue Boots Photography.

#### **STATEMENT OF FACTS**

8. Defendant has been at all times relevant to this action engaged in the business of selling consumer goods or services, specifically photography and videography services, in the State of Ohio, including in Preble County.
9. Defendant failed to register the businesses Dear Tomasine Stills and Films, Dear Tomasin, and Blue Boots Photography with the Ohio Secretary of State.
10. Defendant has owned and operated the websites [www.deartomasinestillsandfilms.com](http://www.deartomasinestillsandfilms.com), [www.deartomasinstillsandfilms.com](http://www.deartomasinstillsandfilms.com), and [www.deartomasine.bigcartel.com](http://www.deartomasine.bigcartel.com).
11. On her websites, Defendant advertises photography services for weddings, engagements, maternity and family photoshoots as well as prints, digital prints, canvas prints, and videos.

12. Consumers contracted with Defendant to provide photography and videography services for their weddings, including specific hours of coverage at the ceremonies and receptions, the subsequent delivery of the developed prints, canvas pictures, digital images, and videos of the events.
13. Defendant attended the wedding events per the contracts, but did not provide the photographs, canvas pictures, digital images, and videos that consumers had purchased.
14. Defendant failed to provide the items that consumers paid for, failed to respond to consumers, and failed to issue refunds.

**PLAINTIFF'S CAUSE OF ACTION**

**COUNT I**  
**FAILURE TO DELIVER GOODS AND/OR SERVICES**  
**OR ISSUE REFUNDS**

15. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through fourteen (1-14) of this Complaint.
16. Defendant committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) and O.A.C. 109:4-3-09 by accepting money from consumers for photography and videography services and products and permitting eight weeks to elapse without delivering the promised goods or services or issuing a full refund.

**COUNT II**  
**FAILURE TO REGISTER WITH THE**  
**OHIO SECRETARY OF STATE**

17. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through fourteen (1-14) of this Complaint.

18. Defendant committed unfair or deceptive acts or practices in violation of R.C. 1345.02(A) and R.C. 1329.01 by failing to register with or report the trade names Dear Tomasine Stills and Films, Dear Tomasin, and Blue Boots Photography to the Ohio Secretary of State.
19. Such acts and practices have been previously determined by Ohio courts to violate the CSPA. Defendant 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:

1. ISSUE a declaratory judgment declaring that each act or practice complained of herein violates the CSPA in the manner set forth in the Complaint.
2. ISSUE a permanent injunction enjoining Kelsea Hopkins, doing business as Dear Tomasine Stills and Films, Dear Tomasin, and Blue Boots Photography, and her agents, representatives, salespeople, employees, independent contractors, successors, or assigns, and all persons acting in concert or participating with her, directly or indirectly, from further violating the CSPA, R.C. 1345.01 et seq., and its Substantive Rules.
3. GRANT a monetary judgment against Defendant in an amount sufficient to reimburse all consumers found to have been damaged by the Defendant's unfair or deceptive acts and practices.
4. ASSESS, FINE, and IMPOSE upon the Defendant a civil penalty in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation described herein pursuant to R.C. 1345.07(D).
5. GRANT Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.

6. ORDER Defendant to pay all court costs.
7. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

DAVE YOST  
Ohio Attorney General



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