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Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
March 6, 2020 11:24

By: MICHAEL R. SLIWINSKI 0076728

Confirmation Nbr. 1962132

STATE OF OHIO EX REL DAVE YOST

CV 20 930576

vs.

KAREN HAYES, ET AL

Judge: MICHAEL P. SHAUGHNESSY

Pages Filed: 4

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	
DAVE YOST)	
30 E. Broad St., 14 th Floor)	Case No.:
Columbus, Ohio 43215)	
)	
Plaintiff,)	Judge:
)	
v.)	
)	
KAREN HAYES)	COMPLAINT AND REQUEST FOR
3596 Boston Rd.)	DECLARATORY JUDGMENT,
Brunswick Hills, Ohio 44212)	INJUNCTIVE RELIEF, CONSUMER
)	RESTITUTION, CIVIL PENALTIES,
and)	AND OTHER APPROPRIATE RELIEF
)	
HAYES DISTRIBUTORS INC.)	
dba THE CASKET STORE)	
3596 Boston Rd.)	
Brunswick Hills, Ohio 44212)	
)	
Defendants.)	

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through its 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 in R.C. 1345.01 *et seq.*

2. Defendant Karen Hayes and Defendant Hayes Distributors Inc. *dba* The Casket Store (collectively, “Defendants”) had a principal place of business at 5373 Ridge Rd. Parma, Ohio 44129.
3. The actions of Defendants, hereinafter described, have occurred in Cuyahoga County, State of Ohio and, as set forth below, are in violation of the Consumer Sales Practices Act (“CSPA”), R.C. 1345.01 *et seq.*
4. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
5. This Court has venue to hear this case pursuant to Ohio Civ.R.3(C)(2) and (3), in that Defendants conducted activity that gave rise to the claims for relief in Cuyahoga County, and Defendants’ principal place of business is located in Cuyahoga County.

DEFENDANTS

6. Defendant Hayes Distributors Inc. is a corporation registered in Ohio, doing business as “The Casket Store” with a principal place of business in Cuyahoga County for the express and limited purpose of engaging in the “sale of caskets.”
7. Defendant Karen Hayes is an individual residing at 3596 Boston Rd. Brunswick Hills, Ohio 44212. Upon information and belief, at all times material to this Complaint, acting alone or in concert with others, Defendant Hayes formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint.
8. Defendants are “suppliers,” as that term is defined in R.C. 134501(C), as they engaged in the business of effecting “consumer transactions” by soliciting consumers either directly or indirectly for the sale of caskets, urns and headstones for a fee, within the meaning of R.C. 1345.01(A).

STATEMENT OF FACTS

9. Defendants operated a retail store located in Parma, Ohio which sold caskets, urns, and headstones.
10. Defendants accepted deposits and/or payments from consumers for the purchase of caskets, headstones, and/or urns and failed to deliver those goods.
11. Defendants have refused to refund consumer's deposits or payments.

COUNT I – FAILURE TO DELIVER

12. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through eleven (1-11) of this complaint.
13. Defendants engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02(A) of the CSPA and the Failure to Deliver Rule, O.A.C. 109:4-3-09(A), by accepting money from consumers for goods or services, failing to make full delivery of the promised goods or services, and failing to provide full refunds.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- I. **ISSUE A DECLARATORY JUDGMENT** that each act or practice complained of herein violates the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq., in the manner set forth in the Complaint.
- II. **ISSUE A PERMANENT INJUNCTION**, pursuant to R.C. 1345.07(A)(2), enjoining Defendants, doing business as The Casket Store or under any other names, their agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains and from further

- violating the CSPA, R.C. 1345.01 *et seq.*, and its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*, including, but not limited to, violating the specific statutes and rules alleged to have been violated herein.
- III. **ORDER** Defendants to reimburse all consumers found to have been damaged by Defendants' unlawful actions.
- IV. **ASSESS, FINE and IMPOSE** upon Defendants 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).
- V. **PROHIBIT** Defendants, as a means of insuring compliance with this Court's Order and with the consumer protection laws of Ohio, from engaging in consumer transactions in this state as a supplier until such time as Defendants have satisfied all monetary obligations ordered pursuant to this litigation.
- VI. **GRANT** Plaintiff its costs incurred in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- VII. **ORDER** Defendants to pay all court costs.
- VIII. **GRANT** such other relief as the court deems to be just, equitable and appropriate.

Respectfully submitted,

DAVE YOST
Attorney General

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