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**COMMON PLEAS DIVISION**

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Clerk of Courts  
Hamilton County, Ohio  
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**STATE OF OHIO EX REL OHIO  
ATTORNEY GENERAL DAVE  
YO  
vs.  
PATRICIA L NORTH**

**A 2001605**

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH NO JURY  
DEMAND**

**PAGES FILED: 5**



VERIFY RECORD

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

STATE OF OHIO ex rel.	)	CASE NO.
Ohio Attorney General Dave Yost	)	
411 Vine Street, 17 <sup>th</sup> Floor	)	
Cincinnati, Ohio 45202	)	JUDGE
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>COMPLAINT FOR DECLARATORY</u></b>
	)	<b><u>JUDGMENT, INJUNCTIVE RELIEF,</u></b>
	)	<b><u>CONSUMER RESTITUTION, AND</u></b>
PATRICIA L. NORTH	)	<b><u>CIVIL PENALTY</u></b>
d/b/a Cincinnati Fluteworks	)	
3434 Ruther Avenue	)	
Cincinnati, OH 45220	)	
	)	
Defendant.	)	
	)	

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**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 Hamilton 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 musical instrument repair and consignment services to individuals in Ohio, including Hamilton County, for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).

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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)(1), (2), and (3) in that Hamilton County is where the Defendant resides, where the Defendant's principal place of business was located, and where the Defendant conducted activity that gave rise to the claim for relief.

**THE DEFENDANT**

6. Defendant Patricia North is a natural person residing at 3434 Ruther Avenue, Cincinnati, OH 45220.
7. Defendant engaged in consumer transactions using the unregistered trade name Cincinnati Fluteworks.
8. Cincinnati Fluteworks' principal place of business was located at 621 Clemmer Avenue, Cincinnati, OH 45219.

**STATEMENT OF FACTS**

9. Defendant has been at all times relevant to this action engaged in the business of selling consumer goods or services, specifically musical instrument repair and consignment services, in the State of Ohio, including in Hamilton County.
10. Defendant failed to register the business name Cincinnati Fluteworks with the Ohio Secretary of State.
11. Consumers contracted with Defendant to provide musical instrument repair and consignment services.
12. Defendant failed to make repairs to musical instruments and failed to make consignment sales.
13. Defendant refused to refund consumers' deposits or payments despite consumers' requests for refunds.

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14. Defendant failed to return musical instruments to consumers.

**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 musical instrument repairs and consignment services 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 sixteen (1-16) 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 name Cincinnati Fluteworks 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:

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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 Patricia North, doing business as Cincinnati Fluteworks or any other name, 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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