

IN THE COURT OF COMMON PLEAS  
LICKING COUNTY, OHIO

CLERK COMMON  
PLEAS COURT  
LICKING CO. OHIO

2020 AUG 10 PM 3:50

GARY R. WALTERS  
CLERK

STATE OF OHIO ex rel. )  
ATTORNEY GENERAL )  
DAVE YOST )  
30 E. Broad St., 14<sup>th</sup> Floor )  
Columbus, Ohio 43215 )

Case No: 20CV00870

Judge:

Plaintiff, )

v. )

MATTHEW HOYD, )  
Individually, and )  
dba ANGELETTI OVERHEAD )  
DOOR COMPANY, LLC, )  
dba HOYD'S OVERHEAD )  
DOOR COMPANY, LLC )  
and dba ANGELETTI OVERHEAD )  
DOOR, LLC )  
1123 Swans Rd. )  
Newark, OH 43055 )

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

---

**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 by R.C. 1345.01 *et seq.*
2. The actions of Matthew Hoyd, individually and doing business as Angeletti Overhead Door Company, LLC, dba Hoyd's Overhead Door Company, LLC, and dba Angeletti Overhead Door, LLC ("Defendant"), hereinafter described, have occurred in Licking

County and other counties in the State of Ohio and, as set forth below, are in violation of the Consumer Sales Practices Act (“CSPA”), R.C. 1345.01, *et seq.* and the Home Solicitation Sales Act (“HSSA”), R.C. 1345.21 *et seq.*

3. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(1), (2), and (3) in that Licking County is the county in which Defendant resides, the county where Defendant’s principal place of business is located, and the county where Defendant conducted activity that gave rise to the claims for relief.

#### **DEFENDANT**

5. Defendant Matthew Hoyd is a natural person residing at 1123 Swans Rd., Newark, Ohio 43055.
6. “Angeletti Overhead Door Company, LLC” is a trade name registered on July 31, 2013 with the Ohio Secretary of State by Hoyd’s Overhead Door Company, LLC, with Matthew Hoyd signing as the authorized representative. “Hoyd’s Overhead Door Company, LLC” is a business name not registered with the Ohio Secretary of State.
7. Defendant Matthew Hoyd engaged in consumer transactions under the name “Angeletti Overhead Door, LLC,” and this is the business name used on his contracts.
8. Defendant is a “supplier,” as that term is defined in R.C. 1345.01(C), as he engaged in the business of effecting “consumer transactions” by soliciting consumers either directly or indirectly for home remodeling and repair goods and services for a fee, within the meaning of R.C. 1345.01(A).

### **STATEMENT OF FACTS**

9. Defendant provided goods and services to consumers, including engaging in the business of selling and installing garage doors.
10. Defendant has refused to refund consumers' deposits or payments despite consumers' requests for refunds.
11. Defendant represented to consumers that he would provide the ordered goods and services within an estimated time and then failed to provide such goods and services in the time promised.

### **PLAINTIFF'S FIRST CAUSE OF ACTION:**

#### **VIOLATIONS OF THE CSPA**

#### **COUNT I- FAILURE TO DELIVER**

12. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-11 of this Complaint.
13. Defendant committed unfair or deceptive acts or practices in violation of the Failure to Deliver Rule, O.A.C. 109:4-3-09(A), and the CSPA, R.C. 1345.02(A), by accepting money from consumers for goods and services and then permitting eight weeks to elapse without making shipment or delivery of the goods and services ordered, making a full refund, advising the consumers of the duration of an extended delay and offering to send a refund within two weeks if so requested, or furnishing similar goods or services of equal or greater value as a good faith substitute.

**PRAYER FOR RELIEF**

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

- A. ISSUE A DECLARATORY JUDGMENT that each act or practice complained of herein violates the CSPA, its Substantive Rules, and the HSSA, in the manner set forth in the Complaint.
- B. ISSUE A PERMANENT INJUNCTION enjoining the Defendant, his agents, employees, successors or assigns, and all persons acting in concert and participation with him, directly or indirectly, through any corporate device, partnership, or other association, under these or any other names, from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 *et seq.*, its Substantive Rules, and the HSSA, R.C. 1345.21 *et seq.*
- C. ORDER Defendant, pursuant to R.C. 1345.07(B), to pay damages to all consumers injured by the conduct of the Defendant as set forth in this Complaint.
- D. ASSESS, FINE and IMPOSE upon Defendant a civil penalty of up to \$25,000.00 for each separate and appropriate violation of the CSPA described herein pursuant to R.C. 1345.07(D).
- E. GRANT Plaintiff its costs incurred in bringing this action, including but not limited to, the cost of collecting on any judgment awarded.
- F. ORDER Defendant to pay all court costs associated with this matter.
- G. GRANT such other relief as the court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST  
Attorney General



---

BRANDON C. DUCK (0076725)  
Assistant Attorneys General  
Counsel for Plaintiff, State of Ohio  
Consumer Protection Section  
30 East Broad Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215  
614-466-1031