

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

STATE OF OHIO ex rel.	)	
ATTORNEY GENERAL	)	
DAVE YOST	)	Case No:
30 E. Broad St., 14 <sup>th</sup> Floor	)	
Columbus, Ohio 43215	)	
	)	Judge:
Plaintiff,	)	
v.	)	
	)	
J. GRAM MOSLEY,	)	COMPLAINT AND REQUEST FOR
5305 Redlands Dr.	)	DECLARATORY JUDGMENT,
Hilliard, OH 43026	)	INJUNCTIVE RELIEF, CONSUMER
	)	RESTITUTION, CIVIL PENALTIES,
and	)	AND OTHER APPROPRIATE RELIEF
	)	
DAWN MOSLEY	)	
5305 Redlands Dr.	)	
Hilliard, OH 43026	)	
	)	
and	)	
	)	
MOSLEY'S MEAT MARKET, LLC	)	
c/o J. MOSLEY	)	
6220 Jolliff Street	)	
Galloway, OH 43119	)	

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**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 J. Gram Mosley, individually and doing business as Mosley's Meat Market, LLC, and Dawn Mosley, individually and doing business as Mosley's Meat Market, and Mosley's Meat Market, LLC ("Defendants"), hereinafter described, have occurred in Franklin 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.*
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 Franklin County is the county in which Defendants reside, the County where Defendants' principal place of business is located, and the County where Defendants conducted activity that gave rise to the claims for relief.

#### **DEFENDANTS**

5. Defendant J. Gram Mosley is a natural person residing at 5305 Redlands Dr., Hilliard, OH 43026.
6. Defendant Dawn Mosley is a natural person residing at 5305 Redlands Dr., Hilliard, OH 43026.
7. Mosley's Meat Market, LLC was registered August 11, 2010 with the Ohio Secretary of State as a domestic limited liability company with J. Mosley as the statutory agent.
8. Defendants are each a "supplier," as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting "consumer transactions" by soliciting consumers

either directly or indirectly for the sale of meat products, within the meaning of R.C. 1345.01(A).

9. Defendant J. Gram Mosley at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant Mosley's Meat Market, LLC, causing, personally participating in, or ratifying the acts and practices of Defendant Mosley's Meat Market, LLC, including the conduct giving rise to the violations described herein.
10. Defendant Dawn Mosley at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant Mosley's Meat Market, LLC, causing, personally participating in, or ratifying the acts and practices of Defendant Mosley's Meat Market, LLC, including the conduct giving rise to the violations described herein.

#### **STATEMENT OF FACTS**

11. Defendants provided goods and services to consumers, including selling meat.
12. Defendants sold meat through their store Mosley's Meat Market and by directly delivering meat to consumers.
13. Defendants solicited consumers through their website mosleysmeatmarket.com.
14. Defendants advertised or promised prompt delivery and failed to take reasonable action to insure prompt delivery.
15. Defendants represented to consumers that they would provide the ordered goods and services within an estimated time and then failed to provide such goods and services in the time promised.
16. After receiving payment, Defendants sometimes delivered orders that included meat that was spoiled and rancid.

17. Defendants failed to replace the meat that was delivered spoiled and rancid.
18. Defendants have refused to refund consumers' deposits or payments despite consumers' requests for refunds.

**PLAINTIFF'S CAUSE OF ACTION: VIOLATIONS OF THE CSPA**

**FAILURE TO DELIVER**

19. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-18 of this Complaint.
20. Defendants 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, and its Substantive Rules, in the manner set forth in the Complaint.
- B. ISSUE A PERMANENT INJUNCTION enjoining the Defendants, their agents, employees, successors or assigns, and all persons acting in concert and participation with them, 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.*, and its Substantive Rules.

- C. ISSUE A PERMANENT INJUNCTION enjoining Defendants from engaging in business as a supplier in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations ordered by this Court, and any other Court in Ohio in connection with a consumer transaction.
- D. ORDER Defendants, pursuant to R.C. 1345.07(B), to pay damages to all consumers injured by the conduct of the Defendants as set forth in this Complaint.
- E. ASSESS, FINE and IMPOSE upon Defendants 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).
- F. GRANT Plaintiff its costs incurred in bringing this action, including but not limited to, the cost of collecting on any judgment awarded.
- G. ORDER Defendants to pay all court costs associated with this matter.
- H. GRANT such other relief as the court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST  
Attorney General



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