

FILED - COMMON PLEAS

2021 JUN - 8 AM 11:02

CLINTON COUNTY, OHIO
JENNIFER R. BAILEY, Clerk

IN THE COURT OF COMMON PLEAS OF CLINTON COUNTY, OHIO

STATE OF OHIO ex rel.
OHIO ATTORNEY GENERAL DAVE YOST
411 Vine Street, 17th Floor
Cincinnati, Ohio 45202

Plaintiff,

v.

JESSICA EVERHART
aka JESSICA WEBER dba
JESSICA EVERHART PHOTOGRAPHY
380 Grave Street
Leesburg, OH 45135

Defendant.

CASE NO. CV#20210164

JUDGE John W. Rudduck

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 Clinton 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 services to individuals in Ohio, including Clinton 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) and (3) in that Clinton County is where the Defendant has her principal place of business and where the Defendant conducted activity that gave rise to the claim for relief.

THE DEFENDANT

6. Defendant Jessica Everhart aka Jessica Weber is a natural person whose last known personal residence is 380 Grave Street, Leesburg, Ohio 45135.
7. Defendant's principal place of business is located at 78 West Sugartree Street, Wilmington, Ohio 45177.
8. Defendant engaged in consumer transactions using the name Jessica Everhart Photography.

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 photography services, in the State of Ohio, including in Clinton County.
10. Consumers contracted with Defendant to provide photography services and the subsequent delivery of photographs.
11. Defendant failed to attend photography sessions after consumers prepaid for the sessions.
12. When Defendant did attend photography sessions, she failed to provide the photographs that consumers had purchased.
13. Defendant refused to refund consumers' deposits or payments despite consumers' requests for refunds.

PLAINTIFF'S CAUSE OF ACTION

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

14. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through fourteen (1-14) of this Complaint.
15. 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 services and products and permitting eight weeks to elapse without delivering the promised goods or services or issuing a full refund.

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 Jessica Everhart aka Jessica Weber, doing business as Jessica Everhart Photography 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

/S/ Lisa M. Treleven

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