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Court of Common Pleas

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Confirmation Nbr. 2271594

STATE OF OHIO, EX REL. DAVE YOST

CV 21 948479

vs.

KEITH ERICKSON D/B/A LIZARDS FOR PEACE

Judge: NANCY R. MCDONNELL

Pages Filed: 6

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

STATE OF OHIO, ex rel.
ATTORNEY GENERAL DAVE YOST
615 W. Superior Ave., 11th fl.
Cleveland, OH 44113-1899

Plaintiff,

V.

KEITH ERICKSON
d/b/a Lizards for Peace
2501 N. Long Rd.
Avon, OH 44011

Defendant

CASE NO.

JUDGE

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

JURISDICTION AND VENUE

1. Plaintiff State of Ohio ex rel. Attorney General 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. 1345.07 *et seq.* to obtain equitable and injunctive relief.
2. Defendant Keith Erickson (“Defendant”) operated a business under the fictional name Lizards for Peace, which had a principal place of business located at 158 Woodbury St., Elyria, OH 44035.
3. The actions of Defendant, hereinafter described, have occurred in the State of Ohio, including Cuyahoga County, 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.*

4. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
5. Venue is proper pursuant to Ohio Civ. R. 3(C)(3), in that Cuyahoga County was a county in which Defendant conducted the activities which gave rise to this claim for relief.

THE PARTIES

6. Defendant Keith Erickson is an individual residing at 2501 N. Long Rd., Avon, Ohio 44011. Upon information and belief, Defendant Keith Erickson is the primary person conducting the online business known as Lizards for Peace.
7. The 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.
8. Defendant is a "supplier" as that term is defined in R.C. 1345.01(C), as the Defendant was, at all relevant times herein, engaged in the business of effecting "consumer transactions" by advertising and selling goods via e-commerce platforms to consumers in Ohio and across the United States and other countries, which were primarily for personal, family or household purposes, within the meaning specified in R.C. 1345.01(A) and (D).

STATEMENT OF FACTS

9. Defendant operated an online business called Lizards for Peace in which he acquired a variety of different types of products and resold those products to the general public via the online platform Amazon.
10. Early in 2020, the highly communicable and dangerous virus known as COVID-19 arrived in the United States and began to spread.
11. On February 29, 2020, the United States reported its first death from COVID-19 in the state of

Washington.

12. In early 2020, in the face of these developments on a national and global level, Ohioans and people across the nation became increasingly frightened.
13. This fear prompted many citizens to bolster their personal supplies of products they believed might be needed and/or in short supply if the crisis continued to worsen. Those products included hand sanitizers, respirator masks, disinfecting wipes and even toilet paper.
14. Upon information and belief, seeing an opportunity to profit from the increase in demand for these essential products, Defendant began to rapidly acquire a significant volume of certain products, namely hand sanitizers and respirator masks, and sold the products to consumers via Amazon.
15. Hand sanitizer was a sought-after alternative to hand washing and an important product to stopping the spread of contagious diseases such as COVID-19, and could be used in homes and businesses.
16. Respirator masks were sought-after products believed to help stop the spread of contagious diseases such as COVID-19, which also complied with the mask wearing mandates put out by many states including Ohio, and could be used in homes and businesses.
17. Defendant exacerbated the growing shortage of hand sanitizer products and respirator masks available in the marketplace for purchase by those with health concerns and health care workers.
18. Between February 10, 2020 to March 16, 2020, Defendant sold 2,298 units of various brands and types of hand sanitizer products and respirator masks.
19. Compared to the average sales price of the same products sold on Amazon by Defendant in January 2020, Defendant raised the prices for these essential products by between 102.1% to

353.7% for an average price mark up of 221.4%.

20. For example, the average sales price of a 10-pack of 3M brand N95 Cool Flow Valve Respirators on January 19, 2020 was \$13.67. In the February-March 2020 period, Defendant sold this product for \$62.00 per package.
21. A further example is seen when comparing in the average sales price of a 4-pack of Purell Advanced Hand Sanitizer Gel, 1 oz. travel size packs. On January 19, 2020 Defendant sold this product for \$7.99. In the February-March 2020 period, Defendant sold this product for \$29.20.
22. Plaintiff estimates Defendant netted \$91,992.00 from the Amazon sales of the hand sanitizer and respirator mask products sold at inflated prices during the February to March 2020 time period.
23. Defendant's behavior contributed to a shortage of highly desirable and essential products, causing harm to consumers and to the public interest.

PLAINTIFF'S CAUSE OF ACTION: VIOLATIONS OF THE CSPA

COUNT I **UNFAIR AND DECEPTIVE ACTS AND PRACTICES**

24. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through twenty-three (1-23) of this Complaint.
25. Defendant committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) by substantially inflating the price of goods because of unforeseen events that caused an increased demand for the products during the time of a national health crisis.

COUNT II
UNCONSCIONABLE ACTS AND PRACTICES

26. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through twenty-five (1-25) of this Complaint.
27. Defendant committed unconscionable acts or practices in violation of the CSPA, R.C. 1345.03(A), as set forth in R.C. 1345.03(B)(5), by requiring consumers to enter into consumer transactions on terms Defendant knew were substantially one-sided in their favor due to a national health crisis.
28. The acts or practices described above have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* 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:

- A. **ISSUE A DECLARATORY JUDGMENT** declaring 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 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 the name Lizards for Peace 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. **ORDER** Defendant, pursuant to R.C. 1345.07(B), to pay consumer restitution to all consumers injured by the conduct of Defendant.

- D. **ASSESS, FINE, AND IMPOSE** upon Defendant a civil penalty of up to Twenty-Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation of the CSPA described herein pursuant to R.C. 1345.07(D).
- E. **GRANT** the Ohio Attorney General his costs incurred in bringing this action including, but not limited to, the costs of collecting on any judgment awarded and interest as permitted by law.
- F. **ORDER** Defendant to pay all court costs.
- G. **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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