

APR 06 2022

Renee J. Blundell
Clerk of Courts

IN THE COURT OF COMMON PLEAS
MADISON COUNTY, OHIO

STATE OF OHIO ex rel.
ATTORNEY GENERAL
DAVE YOST
30 E. Broad Street, 14th Floor
Columbus, Ohio 43215

Plaintiff,

v.

CARMEN MICHAEL, individually and
d/b/a THE PAUL M. YAUGER
MONUMENTAL WORKS
230 E. High Street
London, Ohio 43140

Defendant.

CASE NO.: CV#20220073

JUDGE:

Complaint and Request for
Declaratory Judgment,
Injunctive Relief, Consumer Damages
and Civil Penalties

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, through counsel 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 the Attorney General by R.C. 1345.07.
2. The actions described below of Defendant Carmen Michael, individually and doing business as The Paul M. Yauger Monumental Works ("Defendant"), have occurred in the State of Ohio, including in Madison County, and are in violation of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., and its Substantive Rules, Ohio Administrative Code ("O.A.C.") 109:4-3-01 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)-3(C)(3), in that Madison 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.

DEFENDANT

5. Defendant is a natural person who resides at 230 E. High Street, London, Ohio 43140.
6. At all times relevant to this action, Defendant did business using the fictitious business name The Paul M. Yauger Monumental Works ("Yauger Monumental").
7. Defendant is the owner of The Paul M. Yauger Monumental Works, which had a principal place of business located at 126 S. Main Street, London, Ohio 43140.
8. At all times relevant to this action, Defendant was engaged in the business of soliciting, offering for sale, or selling monuments, grave markers, and related goods and services to consumers.
9. Defendant is a "supplier" as that term is defined in R.C. 1345.01(C) of the CSPA because, at all times relevant herein, Defendant engaged in the business of effecting "consumer transactions" either by soliciting and selling goods or services to individuals for purposes that were primarily personal, family, or household, within the meaning of R.C. 1345.01(A).

STATEMENT OF FACTS

10. Defendant sold monuments, grave markers, and related goods and services to consumers from the Yauger Monumental store located at 126 S. Main Street in London, Ohio.

11. Defendant accepted money from consumers for the purchase of monuments, grave markers, and related goods and services.
12. After accepting money from consumers, Defendant failed to deliver the monuments, grave markers, and related goods or services the consumers paid for.
13. Consumers who did not receive their monuments, grave markers, and related goods or services requested refunds from Defendant.
14. Defendant failed to provide refunds to consumers for whom she did not deliver the promised monuments, grave markers, and related goods or services.
15. Defendant permitted more than eight weeks to elapse without delivering the promised monuments, grave markers, and related goods or services or making a full refund.

CAUSE OF ACTION: VIOLATION OF THE CPSA

Count I – Failure to Deliver

16. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Fifteen (1-15) of this Complaint.
17. Defendant engaged in unfair or deceptive acts or practices in violation of the CPSA, R.C. 1345.02(A), and the Failure to Deliver Rule, O.A.C. 109:4-3-09(A), by accepting money from consumers for goods or services, failing to make full delivery of the promised goods or services within eight weeks, and failing to provide full refunds.

PRAYER FOR RELIEF

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

- A. ISSUE A PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining Defendant Carmen Michael, doing business under her own name, the name The Paul M. Yauger Monumental Works, or any other names, her agents, representatives, salespeople,

employees, successors, or assigns, and all persons acting in concert or participating with her, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq., including, but not limited to, violating the specific provisions alleged to have been violated herein.

- B. DECLARE, pursuant to R.C. 1345.07(A)(1), that each act or practice complained of herein violates the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq., in the manner set forth in this Complaint.
- C. ORDER Defendant, pursuant to R.C. 1345.07(B), to pay actual damages to all consumers injured by Defendant's conduct.
- D. ASSESS, FINE, AND, IMPOSE upon Defendant a civil penalty of \$25,000 for each separate and appropriate violation described herein, pursuant to R.C. 1345.07(D).
- E. GRANT Plaintiff its costs in bringing this action including, but not limited to, the costs of collecting on any judgment awarded.
- F. ISSUE AN INJUNCTION prohibiting Defendant from engaging in business as a supplier in any consumer transaction in Ohio until such time as Defendant has satisfied all monetary obligations ordered by this Court or any other Ohio court, in connection with a consumer transaction.
- G. GRANT such other relief as the Court deems to be just, equitable, and appropriate.
- H. ORDER Defendant to pay all court costs.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Tracy Morrison Dickens

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