

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

STATE OF OHIO ex rel.	)	
ATTORNEY GENERAL	)	CASE NO.
DAVE YOST	)	
30 E. Broad Street, 14th Floor	)	JUDGE
Columbus, Ohio 43215	)	
	)	
Plaintiff,	)	
v.	)	<b>COMPLAINT AND REQUEST</b>
	)	<b>FOR DECLARATORY JUDGMENT,</b>
FAMILY DOLLAR STORES OF OHIO, LLC	)	<b>INJUNCTIVE RELIEF, CONSUMER</b>
d/b/a FAMILY DOLLAR	)	<b>RESTITUTION, AND CIVIL</b>
500 Volvo Parkway	)	<b>PENALTIES</b>
Chesapeake, VA 23320	)	
	)	
and	)	
	)	
DOLLAR TREE, INC.	)	
d/b/a FAMILY DOLLAR	)	
500 Volvo Parkway	)	
Chesapeake, VA 23320	)	
	)	
Defendants.	)	
	)	
	)	

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**JURISDICTION AND VENUE**

1. Plaintiff, State of Ohio, through 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 of Defendants Family Dollar Stores of Ohio, LLC and Dollar Tree, Inc. and, as described below, have occurred in Ohio, including in Butler 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, 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)(3) because Butler County is one of the Ohio counties in which the Defendants conducted activity that gave rise to the claim for relief.

### **DEFENDANTS**

5. Defendant Family Dollar Stores of Ohio, LLC is a Virginia company that has been registered with the Ohio Secretary of State since August 11, 1971 and the Virginia Secretary of State since May 25, 2017.
6. Defendant Dollar Tree, Inc is a Virginia corporation that has been registered with the Virginia Secretary of State since February 22, 2008.
7. Both Defendants' principal place of business is 500 Volvo Parkway, Chesapeake, Virginia 23320.
8. Defendants engaged in consumer transactions using the name Family Dollar.
9. Defendants registered the fictitious name, Family Dollar, with the Ohio Secretary of State on November 28, 2018.
10. Defendants are "suppliers," as that term is defined in R.C. 1345.01(C), as Defendants engaged in the business of effecting "consumer transactions," either directly or indirectly, by soliciting or selling goods or services to "consumers" for purposes that were primarily for personal, family or household use, as those terms are defined in R.C. 1345.01(A), (C) and (D).

### **STATEMENT OF FACTS**

11. Defendants have been at all times relevant to this action engaged in the business of selling consumer goods in the State of Ohio, including in Butler County.
12. Defendants' stores tend to be located in urban and rural locations in Ohio. When Defendant Dollar Tree, Inc. acquired the Family Dollar business in 2015, the press release stated its strategic rationale for acquiring Family Dollar business was to reach a broader range of customers and geographies because "...Family Dollar targets low- and lower-middle income households through its urban and rural locations."
13. Defendants offer sales of household goods at over 400 store locations throughout Ohio using advertisements on their shelves to display the price of goods.
14. When the goods are scanned for purchase at the register, in some instances, the price that is charged to the consumer is higher than the price advertised on the shelf.
15. Consumers are damaged when they pay prices higher than the advertised price, whether they realize the pricing difference at the point of sale or not.

**CAUSE OF ACTION: VIOLATIONS OF THE CSPA**

**Count I – Unfair and Deceptive Acts and Practices**

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. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.02(B)(8), by representing that a specific price advantage exists, if it does not.
18. The acts or practices described above have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

## **Count II - Bait Advertising**

19. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Fifteen (1-15) of this Complaint.
20. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), and the Bait Advertising Rule, O.A.C. 109:4-3-03, by making offers of sales of goods when such offers are not a bona fide effort to sell such a good.

### **PRAYER FOR RELIEF**

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

- A. 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.
- B. ISSUE A PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining Defendants, doing business under their own names or any other names, their agents, representatives, salespersons, employees, successors, or assigns, and all other persons acting in concert and participation with Defendants, 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 statutes and rules alleged to have been violated herein.
- C. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of \$25,000 for each separate and appropriate violation described herein, pursuant to R.C. 1345.07(D).
- D. ORDER Defendants, pursuant to R.C. 1345.07(B), to pay actual damages to all consumers injured by the conduct of Defendants.

- E. ISSUE AN INJUNCTION prohibiting Defendants from engaging in business as a supplier in any consumer transaction in Ohio until such time as Defendants have satisfied all monetary obligations ordered by this Court or any other Ohio court, in connection with a consumer transaction.
- F. GRANT the Plaintiff its costs in bringing this action including, but not limited to, the costs of collecting on any judgment awarded.
- G. ORDER Defendants to pay all court costs.
- H. 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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