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**COMMON PLEAS DIVISION**

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PAVAN PARIKH  
Clerk of Courts  
Hamilton County, Ohio  
CONFIRMATION 1276125**

**OAG**

**A 2300307**

**vs.**

**EAC AUTO GROUP LLC**

**FILING TYPE: INITIAL FILING (OUT OF COUNTY) WITH NO JURY  
DEMAND**

**PAGES FILED: 6**

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

|                               |   |                                     |
|-------------------------------|---|-------------------------------------|
| STATE OF OHIO, ex rel.        | ) | CASE NO.                            |
| ATTORNEY GENERAL              | ) |                                     |
| DAVE YOST                     | ) |                                     |
| 30 East Broad St., 14th Floor | ) | JUDGE                               |
| Columbus, Ohio 43215          | ) |                                     |
|                               | ) |                                     |
| Plaintiff,                    | ) | <b><u>COMPLAINT FOR</u></b>         |
|                               | ) | <b><u>DECLARATORY JUDGMENT,</u></b> |
| v.                            | ) | <b><u>INJUNCTIVE RELIEF,</u></b>    |
|                               | ) | <b><u>RESTITUTION, CIVIL</u></b>    |
| EAC AUTO GROUP LLC            | ) | <b><u>PENALTIES, AND OTHER</u></b>  |
| 9535 Mangham Dr.              | ) | <b><u>APPROPRIATE RELIEF</u></b>    |
| Cincinnati, Ohio 45215        | ) |                                     |
|                               | ) |                                     |
| and                           | ) |                                     |
|                               | ) |                                     |
| EARL A. COLEMAN, Individually | ) |                                     |
| 1864 Glendon Pl.              | ) |                                     |
| Cincinnati, Ohio 45237        | ) |                                     |
|                               | ) |                                     |
| Defendants.                   | ) |                                     |

**JURISDICTION**

1. Plaintiff, State of Ohio, by and through 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 the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
  
2. The actions of Defendants EAC Auto Group LLC ("EAC") and Earl A. Coleman ("Coleman") (collectively "Defendants"), hereinafter described, have occurred in the State of Ohio, Hamilton County and other counties, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *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), in that Defendants operated their business from, reside in, and engaged in some of the transactions complained of herein, in Hamilton County, Ohio.

### **DEFENDANTS**

5. Defendant EAC is a domestic limited liability company conducting business in Hamilton County and other counties in the State of Ohio with its principal place of business located at 9535 Mangham Dr., Cincinnati, Ohio 43237.
6. Defendant EAC, at all relevant times, was a licensed used motor vehicle dealer operating under a permit issued by the Ohio Bureau of Motor Vehicles, permit number 022412. The permit is active.
7. Defendant Coleman is an individual who, on information and belief, resides at 1864 Glendon Pl., Cincinnati, Ohio 45237.
8. On information and belief, Defendant Coleman is the principal owner of EAC and dominated, controlled and directed the business activities and sales conduct of EAC, exercised the authority to establish, implement or alter the policies of EAC, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
9. Defendants are each a “supplier” as that term is defined in R.C. 1345.01(C) as Defendants, at all times relevant herein, engaged in the business of effecting or soliciting “consumer transactions” either directly or indirectly, by offering for sale, selling or financing the purchase of used motor vehicles 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**

10. Defendants were at all times relevant to this action engaged in the business of soliciting, promoting, purchasing, selling, financing and collecting the proceeds of the sales of used motor vehicles to consumers residing in Hamilton and other Ohio counties.
11. Defendants have solicited, and continue to solicit, individual Ohio consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
12. Defendants failed to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles.
13. Defendants failed to obtain certificates of title on or before the fortieth day after the sale of motor vehicles.
14. As a result of the Defendants' conduct, retail purchasers were unable to obtain certificates of title to their used motor vehicles, and filed claims with the Ohio Attorney General pursuant to Ohio's Title Defect Recision (TDR) statute, R.C. 4505.181.
15. To date, TDR claims totaling \$4,000.00 were paid from the TDR Fund, administered by the Ohio Attorney General's Office, after the Defendants failed to obtain a certificate of title on or before the Fortieth (40th) day after the sale of a motor vehicle to a retail purchaser.
16. After a claim was paid by the TDR Fund, the Defendants were required to obtain a surety bond in an amount not less than \$25,000.00, the proceeds of which to be used by Plaintiff to compensate retail purchasers of motor vehicles who suffer damages as the result of the

Defendants' failure to comply with R.C. 4505.181.

17. Defendants have failed to obtain a surety bond in an amount not less than \$25,000.00 and have continued to operate.

**CAUSE OF ACTION:**  
**VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT AND**  
**CERTIFICATE OF MOTOR VEHICLES ACT**

18. Plaintiff incorporates by reference, as if completely rewritten herein, the preceding paragraphs of this Complaint.
19. Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A), by failing to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
20. Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A), by selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain certificates of title on or before the fortieth day after the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
21. Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A), by continuing to operate without obtaining a surety bond, in violation of R.C. 4505.181(A)(2).
22. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* The Defendants 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 described in Plaintiff's Complaint violates the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.* in the manner set forth in this Complaint.
- B. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendants and any officers, agents, representatives, salespeople, employees, successors and assigns and all persons acting in concert or participating with them, directly or indirectly, from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- C. ORDER Defendants liable for reimbursement to all consumers found to have been damaged by the Defendants' unfair and deceptive acts and practices, and motor vehicle title violations.
- D. ORDER Defendants liable for payment to the TDR for funds expended to resolve title defects caused by Defendants' motor vehicle title violations.
- E. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of \$25,000.00 for each of the appropriate unfair and deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).
- F. ORDER, as a means of insuring compliance with this Court's Order and with the consumer protection laws of Ohio, Defendants to maintain in their possession and control for a period of five (5) years all business records relating to the Defendants' solicitation and sale of

used motor vehicles in Ohio and to permit the Ohio Attorney General or his representative, upon reasonable twenty-four (24) hour notice, to inspect and/or copy any and all records.

- G. ORDER that the Defendants be enjoined from engaging in consumer transactions as a Supplier in the State of Ohio until they have satisfied all payments, civil penalties, court costs, repaid the TDR Fund and have posted the required R.C. 4505.181 surety.
- H. ORDER that the Defendants be prohibited from maintaining, renewing or applying for an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
- I. GRANT Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- J. ORDER the Defendants to pay all court costs.
- K. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Dave Yost  
Ohio Attorney General

/s/ Rosemary E. Rupert

ROSEMARY E. RUPERT (0042389)  
Principal Assistant Attorney General  
Consumer Protection Section  
Ohio Attorney General's Office  
30 East Broad Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 752-5548  
rosemary.rupert@ohioago.gov  
*Counsel for Plaintiff*