

3. This Court has jurisdiction over the subject matter of this action 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) in that Lake County is where Defendants are located.

DEFENDANTS

5. Resz Fabrication, Inc. is an Ohio corporation in good standing with the Ohio Secretary of State. The company does custom metal fabrication, typically of motor vehicle parts, and until recently operated at 35300 Lakeland Blvd, Unit A, in Eastlake, Lake County, Ohio.
6. Defendant Michael Boresz is a natural person and the statutory agent of Resz Fabrication, Inc., whose last known address is 28716 Gilchrist Drive, Willowick, Lake County, Ohio.
7. At all times relevant to this action, Defendant Boresz directed, supervised, approved, controlled, formulated, authorized, ratified, caused, personally participated in, benefitted from and/or otherwise participated in the day to day activities and practices of the business known as Defendant Resz Fabrication, Inc.
8. Defendants are “suppliers,” as Defendants were, at all times relevant herein, engaged in the business of effecting “consumer transactions” by providing goods and services to individuals for purposes which were primarily personal, family or household within the meaning specified in R.C. 1345.01(A), (C), and (D).

STATEMENT OF FACTS

9. Defendants sold custom metal fabricated parts to consumers nationwide via the website <https://reszfab.com>, which is no longer operational.
10. Defendants also used social media, including a Facebook page, to advertise to consumers.
11. Defendants entered into contracts with consumers to provide custom metal fabricated parts.

12. Defendants accepted down payments from consumers for custom metal fabricated parts.
13. Defendants represented to consumers that they would provide the ordered parts and then failed to deliver the parts.
14. Defendants have refused to refund consumers' deposits or payments, despite consumers' requests for refunds.
15. Defendants' failure to perform the contracted services in a timely and proper manner has resulted in harm to consumers.

PLAINTIFF'S CAUSE OF ACTION: VIOLATIONS OF THE CSPA
FAILURE TO DELIVER

16. Defendants have committed unfair and deceptive acts or practices in violation of the Failure to Deliver Rule, O.A.C. 109:4-3-09(A), and the CSPA, R.C. 1345.02(A), by accepting money from consumers for goods and services and then permitting eight weeks to elapse without making shipment or delivery of the goods or services ordered, making a full refund, advising the consumer of the duration of an extended delay and offering to send a refund within two weeks if requested, or furnishing similar goods or services of equal or greater value as a good faith substitute.
17. The acts and practices described above violate an Ohio Administrative Code rule enacted pursuant to the CSPA, R.C. 1345.01 *et seq.* and 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 requests that this Court:

- A. ISSUE A DECLARATORY JUDGMENT** declaring 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 the Complaint.
- B. ISSUE A PERMANENT INJUNCTION** enjoining Defendants, under these or any other names, their agents, representatives, salespersons, employees, successors and assigns and all persons acting in concert or participation with Defendants, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains and from any further violations of the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq.
- C. ENJOIN** Defendants from acting as suppliers in Ohio until all Judgment-ordered remuneration has been paid and Defendants have produced satisfaction of judgments for all outstanding judgments against them.
- D. ASSESS, FINE, AND IMPOSE** upon Defendants civil penalties 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).
- E. ORDER** Defendants liable for reimbursement to all consumers found to have been damaged by the Defendants' unfair and deceptive acts and practices.
- F. GRANT** 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 further relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

DAVE YOST
OHIO ATTORNEY GENERAL

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