

**GREENE COUNTY COMMON PLEAS - GENERAL DIVISION
CIVIL CASE INFORMATION FORM**

45 North Detroit Street — Xenia, Ohio 45385
Telephone (937) 562-5290 Facsimile (937) 562-5309

This form must be completed and filed with all Civil Cases

FILED

2023 JUL 20 PM 2:22

AJ WILLIAMS
COMMON PLEAS COURT
GREENE COUNTY, OHIO

PARTIES

State of Ohio ex rel Attorney General Dave
Plaintiff

Case Number 2023 CV 0526

Kevin R. Walsh
Counsel for Plaintiff
-vs-

Attorney Reg. No. 0073999

Jury Demand (X) ☐ Yes ☒ No
Prayer Amount \$ \$25,000 plus

Speck Custom Woodwork, LLC
Defendant

Deposit Amount \$ N/A government agency

TYPE OF ACTION

- ☐ Administrative Appeal
- ☐ Appropriation
- ☒ Declaratory Judgment
- ☐ Forcible Entry
- ☐ Habeas Corpus
- ☐ Injunction
- ☐ Medical or Legal Malpractice
- ☐ Foreclosure

- ☐ Other Torts
- ☐ Personal Injury
- ☐ Product Liability
- ☐ Professional Tort
- ☐ Workers Compensation
- ☐ All Others (state type below)
- ☐ Violation of R.C. 1345-Consumer Protection

Re-filing Information

Is this a re-filing of a previous related case? (X) ☐ Yes ☒ No

If Yes, please complete the following:

Case Number _____ Assigned Judge _____
Parties _____ vs. _____

Suits Involving Like Issues and Similar Parties

Are there any other cases pending that arise from the same incident or related parties?

(X) ☐ Yes ☒ No

If Yes, please complete the following:

Case Number _____ Assigned Judge _____
Parties _____ vs. _____

"ORDER FOR SCHEDULING CONFERENCE"

When answers have been filed and served by all named defendants, the plaintiff shall contact the assigned Judge to set a scheduling conference date immediately.

Original - Clerk of Courts
Copy - Counsel

Signature of Attorney or Party Filing Case

IN THE COURT OF COMMON PLEAS
GREENE COUNTY, OHIO

FILED

2023 JUL 20 PM 2: 22

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

Plaintiff,

v.

SPECK CUSTOM WOODWORK, LLC
c/o United States Corporation Agents, Inc.
3250 West Market Street, Suite 205
Fairlawn, OH 44333

and

TREVOR J. SPECK
1001 Donald Avenue
Dayton, OH 45420

Defendants.

Case No:

2023 CV 0526

Judge:

~~JUDGE TORNICCHIO~~

JUDGE BUCKWALTER

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

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through its 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 Consumer Sales Practices Act, ("CSPA") R.C. 1345.01 *et seq.*
2. The actions of Speck Custom Woodwork, LLC and Trevor J. Speck, individually and doing business as Speck Custom Woodwork, LLC ("Defendants"), hereinafter described, have occurred in Greene County and other counties in the State of Ohio and, as set forth below, are

in violation of the CSPA, R.C. 1345.01 *et seq.*, and its Substantive Rules, 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) in that Greene County is the county where Defendants conducted activity that gave rise to the claims for relief.

DEFENDANTS

5. Defendant Trevor J. Speck is a natural person residing at 1001 Donald Avenue, Dayton, Ohio 45420.
6. Defendant Speck Custom Woodwork, LLC is a limited liability company registered with the Ohio Secretary of State on March 11, 2016. Defendant Speck Custom Woodwork, LLC is located at 2768 Shakertown Road, Beavercreek, Ohio 45434.
7. Defendants are “suppliers,” as they engaged in the business of effecting “consumer transactions” by soliciting “consumers” either directly or indirectly for home improvement goods and services, including custom wooden cabinets and furniture, for purposes that were primarily for personal, family, or household use, as those terms are defined by R.C. 1345.01(A), (C), and (D).
8. Defendant Trevor J. Speck, at all times pertinent hereto, controlled and directed the business activities and sales conduct of Defendant Speck Custom Woodwork, LLC causing, personally participating in, or ratifying the acts and practices of Defendant Speck Custom Woodwork, LLC including the conduct giving rise to the violations described herein.

STATEMENT OF FACTS

9. Defendants' custom woodworking business operated out of a warehouse and workshop located at 2768 Shakertown Road, Beavercreek, Ohio 45434.
10. Defendants solicited and sold goods to consumers, including custom built wooden cabinets and furniture.
11. Defendants sold their goods or services to consumers nationwide by accepting orders placed by consumers via Etsy, Shopify, and other online storefronts.
12. Defendants required consumers to pay in full for the custom wooden cabinets and furniture at the time they entered into the transaction.
13. Defendants represented to consumers that they would provide the ordered goods at a certain date and time and then failed to provide such goods at the date and time promised, if at all.
14. Defendants accepted payments from consumers, but failed to deliver the goods for which they were paid.
15. Defendants failed to refund consumers' deposits or payments despite consumers' requests for refunds.

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

16. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
17. Defendants committed unfair or 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 services and then permitting eight weeks to elapse without making delivery of services ordered, making a full refund, advising the consumers of the duration of an extended delay and offering to send a refund within two weeks if so requested, or furnishing similar services of equal or greater value as a good faith substitute.

PRAYER FOR RELIEF

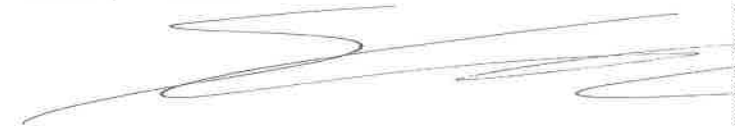
WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. ISSUE A DECLARATORY JUDGMENT that each act or practice complained of herein violates the CSPA, R.C. 1345.01 *et seq.*, and its Substantive Rules, OAC 109:4-3-01 *et seq.* in the manner set forth in the Complaint.
- B. ISSUE A PERMANENT INJUNCTION enjoining the Defendants, their agents, employees, successors or assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership, or other association, under these 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, OAC 109:4-3-01 *et seq.*
- C. ISSUE A PERMANENT INJUNCTION enjoining Defendants from engaging in business as a supplier in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations ordered by this Court, and any other Court in Ohio in connection with a consumer transaction.
- D. ORDER Defendants, pursuant to R.C. 1345.07(B), to pay damages to all consumers injured by the Defendants' conduct as set forth in this Complaint.

- E. ASSESS, FINE and IMPOSE upon Defendants a civil penalty of up to \$25,000.00 for each separate and appropriate violation of the CSPA described herein pursuant to R.C. 1345.07(D).
- F. GRANT Plaintiff its costs incurred in bringing this action, including but not limited to, the cost of collecting on any judgment awarded.
- G. ORDER Defendants to pay all court costs associated with this matter.
- H. GRANT such other relief as the court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Attorney General



KEVIN R. WALSH (0073999)
Assistant Attorney General
Counsel for Plaintiff, State of Ohio
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