

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

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	
DAVE YOST)	Case No:
30 E. Broad St., 14 th Floor)	
Columbus, Ohio 43215)	
)	Judge:
Plaintiff,)	
v.)	
)	
PHILIP W. JOHNSON, JR.)	COMPLAINT AND REQUEST
1766 East 25 th Avenue)	FOR DECLARATORY JUDGMENT,
Columbus, Ohio 43219)	INJUNCTIVE RELIEF,
)	CONSUMER RESTITUTION,
Defendant.)	CIVIL PENALTIES, AND
)	OTHER APPROPRIATE RELIEF
)	

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through its counsel, Ohio 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 him by R.C. 1345.01 *et seq.*

2. The actions of Defendant Philip W. Johnson, Jr. (“Defendant”), hereinafter described, have occurred in Franklin County and, as set forth herein, are in violation of the Consumer Sales Practices Act (“CSPA”), R.C. 1345.01, *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) and (3) in that Franklin County is where the Defendant resides and conducted the activity that gave rise to the claims for relief.

DEFENDANT

5. Defendant is a natural person whose residence at all times pertinent hereto was located at 1945 Orlando Rd., Columbus, Ohio 43232.
6. Defendant currently resides at 1766 East 25th Avenue, Columbus, Ohio 43219.
7. On or about September 14, 2020, Defendant registered the trade name “Scarlet Events” with the Ohio Secretary of State.
8. Defendant is a “supplier,” as that term is defined in the CSPA, R.C. 1345.01(C), as he engaged in the business of soliciting or effecting “consumer transactions” by promoting, offering for sale, and selling event tickets to individual consumers in the State of Ohio and other states for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A).

STATEMENT OF FACTS

9. Defendant, either under his own name or the trade name Scarlet Events, engaged in the business of promoting, offering for sale, and selling event tickets to consumers for sporting events, concerts, and other events.
10. Defendant operated his event ticket business out of his residence, which at all times pertinent hereto, was located at 1945 Orlando Rd., Columbus, Ohio 43232.
11. Defendant promised consumers that the event tickets he sold them would be delivered at a time prior to the scheduled events.
12. Defendant did not have ownership or possession of the event tickets at the time he sold them to consumers.

13. Defendant did not disclose to consumers that delivery of the event tickets he sold was conditioned upon his acquisition of them, because he did not have ownership or possession of the tickets at the time of sale to consumers.
14. In many instances, after Defendant received payment from consumers for the event tickets that he sold, Defendant failed to obtain and, in turn, provide the tickets to the consumers.
15. Despite consumers' demands to do so, Defendant has not refunded consumer payments for the event tickets that Defendant failed to provide.

VIOLATIONS OF OHIO'S CONSUMER SALES PRACTICES ACT

COUNT I – UNFAIR OR DECEPTIVE ACTS OR PRACTICES

16. The preceding paragraphs of this Complaint are incorporated by reference as if fully rewritten herein.
17. Defendant committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by entering into consumer transactions for the sale of event tickets for sporting events, concerts, and other events, but then, after accepting consumer payments and promising delivery, failing to provide the event tickets or make a refund.
18. The acts or practices described above 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).

COUNT II – UNCONSCIONABLE SALES ACTS OR PRACTICES

19. The preceding paragraphs of this Complaint are incorporated by reference as if fully rewritten herein.

20. Defendant committed unconscionable sales acts or practices in violation of the CSPA, R.C. 1345.03(A), in consideration of R.C. 1345.03(B)(3), by entering into consumer transactions for the sale of event tickets for sporting events, concerts, and other events, when Defendant knew at the time of such transactions of the inability of consumers to receive a substantial benefit from the consumer transactions.
21. The acts or practices described above 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 grant the following relief:

- A. ISSUE A DECLARATORY JUDGMENT, 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.*, in the manner set forth in this Complaint.
- B. ISSUE A PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining the Defendant, together with his agents, employees, partners, successors or assigns, and all persons acting in concert and participation with any of them, directly or indirectly, through any corporate device, partnership, or other association, under their own 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.*
- C. ORDER Defendant, pursuant to R.C. 1345.07(B), to pay damages to all consumers injured by the conduct of the Defendant as set forth in this Complaint.

- D. ASSESS, FINE and IMPOSE upon Defendant, pursuant to R.C. 1345.07(D), a civil penalty of up to \$25,000.00 for each separate and appropriate violation of the CSPA described herein.
- E. ISSUE AN INJUNCTION, pursuant to the Court's authority in R.C. 1345.07(B) to grant other appropriate relief, enjoining the Defendant from engaging in consumer transactions as a supplier in the State of Ohio until all monetary amounts ordered to be paid in this action have been satisfied.
- F. ORDER Defendant to pay all court costs associated with this matter.
- G. GRANT such other relief as the court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Attorney General

/s/ W. Travis Garrison
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