

LYNN M. TODARO
CLERK OF COURTS
STARK COUNTY, OHIO
2025 JUN -3 AM 8:57

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

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

Plaintiff,)

v.)

MIRACLE 42 LLC)
dba Miracle Motors 42)
c/o Amy Albert, Statutory Agent)
3440 Brunnerdale Ave. NW)
Canton, Ohio 44708)

Defendant.)

CASE NO.
2026CV01166
JUDGE
Hartnett

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

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 Defendant Miracle 42 LLC (“Defendant”) have occurred in the State of Ohio, Stark 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. Defendant, as described below, is a “supplier” as that term is defined in R.C. 1345.01(C) as Defendant was, at all times relevant herein, engaged in the business of effecting or soliciting “consumer transactions” as that term is defined in R.C. 1345.01(A).
4. Defendant, as described below, engaged in “consumer transactions” by offering for sale,

selling or financing the purchase of used motor vehicles to individuals for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A).

5. The actions of Defendant, as described below, have occurred in the State of Ohio and Stark County.
6. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
7. This Court has venue to hear this case pursuant to Ohio Civ.R. 3(C)(2) and (3), in that Defendant operated the business from and engaged in some of the transactions complained of in Stark County, Ohio.

DEFENDANTS

8. Miracle 42 LLC (“Defendant Miracle”) was a domestic limited liability company doing business as Miracle Motors 42 in Stark County and other counties in the State of Ohio with its principal place of business located at 1203 Tuscarawas St. W, Canton, Ohio 44702.
9. Defendant Miracle 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 UD024411 allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
10. Defendant was, 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 Stark and other Ohio counties.

STATEMENT OF FACTS

12. Defendant solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
13. Defendant failed to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles.
14. Defendant failed to obtain certificates of title on or before the fortieth day after the sale of motor vehicles.
15. As a result of the Defendant's conduct, retail purchasers have been unable to obtain certificates of title to their used motor vehicles and have filed complaints with Plaintiff pursuant to Ohio's Title Defect Recision (TDR) statute, R.C. 4505.181.
16. Defendant had previously posted a surety bond in favor of the State of Ohio Attorney General as required by Ohio Adm.Code 4501:1-3-11(C) and R.C. 4505.181, but let the bond lapse and failed to renew it.
17. Title Defect Recision consumer claims totaling \$3,353.50 thus far were paid from the Title Defect Recision ("TDR") Fund, administered by the Ohio Attorney General's Office, after the Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of the motor vehicles.
18. The Ohio Attorney General's Office took custody of the motor vehicle at issue and sold it at auction. That vehicle's sale at auction recouped \$460.00 for the TDR Fund. Because the surety bond had lapsed at the time the motor vehicle at issue was sold, the Ohio Attorney General's Office could not make a claim to the bond.
19. Therefore, the unrecouped \$2,893.50 remains outstanding and owed to the TDR Fund by

Defendant for the Defendant's failure to transfer titles.

CAUSE OF ACTION

Violation of the CSPA and Certificate of Motor Vehicle Title Act

20. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
21. Defendant engaged in unfair or deceptive acts or practices in violation of the CSPA, 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) of the Certificate of Motor Vehicle Title Act.
22. Defendant engaged in unfair or deceptive acts or 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) of the Certificate of Motor Vehicle Title Act.
23. Defendant engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02(A), by failing to maintain the surety bond required by Ohio Adm.Code 4501:1-3-11(C) and R.C. 4505.181, and failing to post a surety bond after payment was made from the TDRF, contrary to and in violation of R.C. 4505.181.
24. Such acts or practices 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 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 Defendant 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 the Defendant, pursuant to R.C. 1345.52, to reimburse the TDR Fund all monies paid to consumers and deficiencies in the fund caused by the unfair and deceptive acts and practices of the Defendant as set forth in this complaint.
- D. ASSESS, FINE, AND IMPOSE upon Defendant 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).
- E. ORDER that the Defendant be enjoined from engaging in consumer transactions as a Supplier in the State of Ohio until they have satisfied all restitution, civil penalties, and court costs.
- 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 Defendant to pay all court costs.
- K. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Rebecca F. Schlag
REBECCA F. SCHLAG (0061897)
Senior Assistant Attorney General
Consumer Protection Section
Cleveland Regional Office
615 W. Superior Ave., 11th Floor
Cleveland, Ohio 44113-1899
216.787.3030
Rebecca.Schlag@OhioAGO.gov

Attorney for Plaintiff