

IN THE COURT OF COMMON PLEAS
ROSS COUNTY, OHIO

STATE OF OHIO, *ex rel.*
MICHAEL DEWINE
ATTORNEY GENERAL OF OHIO
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

PLAINTIFF,

v.

CHAUNCE A. DAWES
DBA SLUDGEFAKTORY
DBA DESTRUCTION 101
DBA GALACTIC SLUDGE CLOTHING
DBA THE FAKTION
DBA DEADBOI_INC
4872 U.S. Highway 62 S.W.
Washington Court House, OH 43160

DEFENDANT.

CASE NO. 14CI 262

JUDGE Nusbaum

FILED
ROSS COUNTY COMMON PLEAS
CLERK OF COURTS
TY D. HINTON
2014 JUN 17 PM 1:55
COMPLAINT, REQUEST FOR
DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF,
CONSUMER RESTITUTION,
CIVIL PENALTIES, AND COSTS

COURT OF COMMON PLEAS

JURISDICTION AND VENUE

1. Plaintiff, Ohio Attorney General Michael DeWine, having reason to believe that Defendant has violated the consumer protection laws of Ohio, 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.
2. This Court has personal jurisdiction over the Defendant pursuant to R.C. 2307.382(A)(1) because this cause of action arises from the Defendant's business transactions in Ohio.
3. This Court has subject matter jurisdiction over this action pursuant to R.C. 1345.04 because the claims in this Complaint arise from consumer transactions subject to R.C. 1345.01 to 1345.13.

4. Venue is proper with this Court pursuant to Civ. R. 3(B)(3) because the Defendant's actions giving rise to this Complaint occurred in Ross County, Ohio.

DEFENDANT

5. Defendant Chaunce A. Dawes is the sole owner and director of the Chillicothe-based "Sludgefaktory." Sludgefaktory, which Dawes sometimes calls "Destruction 101," "Galactic Sludge Clothing," "The Faktion," and "Deadboi_Inc," is an unregistered fictitious business that manufactures and sells apocalyptic-themed clothing.
6. Although Dawes's current residence is unknown, his last known address was 4872 U.S. Highway 62 S.W., Washington Court House, OH 43160.
7. Dawes is a "supplier" under R.C. 1345.01(C) because he engaged in the business of effecting consumer transactions by selling clothing goods and services to consumers who intended to use the clothing for primarily personal, family, or household purposes.

STATEMENT OF FACTS

8. Defendant Dawes owned and operated Sludgefaktory from approximately May of 2004 to approximately October of 2013.
9. With the technical assistance of another, Dawes operated a website for his business, <http://www.sludgefaktory.com>. Dawes solicited sales and accepted orders through this website.
10. Consumers paid in advance of receiving their goods. Dawes accepted payments by cash, check, money orders, and credit card, principally through e-commerce servicer PayPal, an eBay Inc. company.
11. Dawes accepted payments from consumers for these good and services and then permitted eight weeks to elapse without making shipment or delivery of the goods and

services ordered; without making a full refund; without advising the consumer of the duration of an extended delay and offering to send the consumer a refund within two weeks upon the consumer's request; and without, upon the consumer's consent, furnishing similar goods and services of equal or greater value as a good faith substitute.

CAUSE OF ACTION

VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT

COUNT I

FAILURE TO DELIVER GOODS OR SERVICES, OR PROVIDE REFUNDS

12. Plaintiff incorporates by reference the allegations set forth in paragraphs eight through eleven of this Complaint.
13. Dawes has committed unfair and deceptive acts and practices in violation of R.C. 1345.02(A) and O.A.C. 109:4-3-09(A)(2) by accepting payments from consumers for these good and services and then permitted eight weeks to elapse without making shipment or delivery of the goods and services ordered; without making a full refund; without advising the consumer of the duration of an extended delay and offering to send the consumer a refund within two weeks upon the consumer's request; and without, upon the consumer's consent, furnishing similar goods and services of equal or greater value as a good faith substitute.
14. Such acts and practices had, by the time Dawes committed them, already been declared deceptive by Rule adopted by the Attorney General pursuant to R.C. 1345.05(B)(2).

REQUEST FOR RELIEF

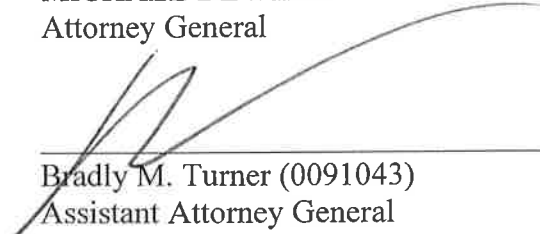
Plaintiff, the State of Ohio, requests this Court:

- A. **ISSUE A DECLARATORY JUDGMENT**, pursuant to R.C. 1345.07(A)(1), declaring that the acts or practices described in paragraphs eight through eleven violate the CSPA in the manner set forth in this Complaint.
- B. **ISSUE PERMANENT INJUNCTIVE RELIEF**, pursuant to R.C. 1345.07, enjoining Defendant Dawes under the name “Sludgefactory,” “Destruction 101,” “The Faktion,” “Deadboi_Inc,” or any others, and all persons acting on behalf of Dawes directly or indirectly, through any corporate or private device, partnership, or association, jointly and severally, from engaging in the acts and practices outlined in this Complaint and from further violating the CSPA.
- C. **ISSUE PERMANENT INJUNCTIVE RELIEF** enjoining Dawes from acting as a supplier and from soliciting or engaging in any consumer transactions in the State of Ohio as a supplier until the final ordered resolution of this matter is satisfied in its entirety.
- D. **HOLD** Dawes liable to all consumers found to have been damaged by his violations of the CSPA and **ORDER** Dawes to reimburse those consumers for their damages, including, but not limited to, restitution for money paid for undelivered goods and services.
- E. Pursuant to R.C. 1345.07(D), **ASSESS, FINE**, and **IMPOSE** upon Dawes a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each act and practice he committed after the act or practice had been declared deceptive by Rule promulgated pursuant to R.C. 1345.05(B)(2).

- F. **ORDER** Dawes, as a means of ensuring compliance with this Court's Order and with the consumer protection laws of Ohio, to maintain in his possession and control for a period of five (5) years, and in a manner designed to secure the privacy of all consumers' personal information, all business records relating to Dawes's solicitation, offer, and sale of clothing services to consumers.
- G. **ORDER** Dawes to reimburse the Ohio Attorney General for all costs incurred in bringing this action.
- H. **ORDER** Dawes to pay all court costs associated with this action.
- I. **GRANT** any other relief the Court deems just, equitable, and appropriate.

Respectfully submitted,

MICHAEL DEWINE
Attorney General



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