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Cleveland, Ohio 44113

Court of Common Pleas

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By: REBECCA F. SCHLAG 0061897

Confirmation Nbr. 788302

STATE OF OHIO, EX REL. MICHAEL DEWINE

CV 16 865336

vs.

DREAM WORKS HOME IMPROVEMENT, LTD., ET
AL.

Judge:

BRENDAN J. SHEEHAN

Pages Filed: 5

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.
MICHAEL DEWINE
Ohio Attorney General
Cleveland Regional Office
615 W. Superior Avenue, 11th Floor
Cleveland, Ohio 44113-1899

Plaintiff,

-vs-

DREAM WORKS HOME
IMPROVEMENT, LTD.
c/o Archie Coon, Agent
11705 Milligan Avenue
Cleveland, OH 44135

And

KENNETH ADAMS
20426 Boston Road
Strongsville, OH 44149

Defendants

CASE NO.

JUDGE

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

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through the Attorney General of Ohio, Michael DeWine, 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, R.C. 1345.01 et seq.

2. The actions of Defendants Dream Works Home Improvement, Ltd. ("Dream Works") and Kenneth Adams ("Adams") hereinafter described, have occurred in Cuyahoga

County and other counties in the State of Ohio and are in violation of the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., its Substantive Rules O.A.C. 109:4-3-01 et seq.

3. This Court has jurisdiction over the subject matter of this action pursuant to R.C. 1345.05 of the CSPA.

4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1) and (3), in that Defendant resides in Cuyahoga County and some of the transactions complained of herein, and out of which this action arises, occurred within Cuyahoga County, Ohio.

DEFENDANTS

5. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in paragraphs one through four (1-4) of this Complaint.

6. Defendant Dream Works is a domestic limited liability company registered with the Ohio Secretary of State, whose last known business address is 20426 Boston Road, Strongsville, Ohio 44149.

7. Defendant Adams is a natural person whose last known address is 20426 Boston Road, Strongsville, Ohio 44149.

8. At all times relevant to this action, Defendant Adams owned, 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 Dream Works.

9. Defendants are "suppliers" as that term is defined in R.C. 1345.01(C) as Defendants were, at all times relevant herein, engaged in the business of effecting "consumer transactions" by providing services to individuals for purposes which were primarily personal,

family or household within the meaning specified in R.C. 1345.01(A) and (D).

STATEMENT OF FACTS

10. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in paragraphs one through nine (1-9) of this Complaint.

11. At all times relevant to this action, Defendants solicited consumers for home improvement services in Cuyahoga County and other counties within the State of Ohio.

12. Defendants accepted payments for home improvement contracts, failed to perform the contracted services, and failed to refund the payments made by those consumers.

13. After receiving payment, Defendants would sometimes commence the home improvement project, but then fail to complete the contracted work.

14. In some instances, after receiving payment, Defendants would perform work which was substandard.

15. Defendants' failure to perform contracted home improvement services in a proper manner has resulted in harm to consumers and required these consumers to incur additional expenses to have Defendants' contracted work completed and/or corrected.

COUNT I
FAILURE TO DELIVER GOODS AND/OR SERVICES
OR ISSUE REFUNDS

16. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in paragraphs one through fifteen (1-15) of this Complaint.

17. Defendants have committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02 and O.A.C. 109:4-3-09, by selling home improvement services to consumers, receiving payments for these contracted services, and then failing to deliver the

contracted services or to refund the monies paid.

COUNT II
PERFORMING SUBSTANDARD WORK

18. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in paragraphs one through seventeen (1-17) of this Complaint.

19. Defendants committed unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by performing substandard work and then failing to correct such work.

20. The acts and practices described above have been previously determined by Ohio courts to violate the CSPA. 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 in the manner set forth in the Complaint.
- B. ISSUE** a permanent injunction enjoining Defendants, under these or any other names, their agents, servants, 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.;
- C. IMPOSE** upon Defendants civil penalties in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation of the CSPA pursuant to R.C. 1345.07(D);
- D. ORDER** that all contracts entered into between Defendants and Ohio consumers

by unfair or deceptive acts or practices in violation of the CSPA be rescinded with full restitution to the consumers, or award other appropriate damages;

- E. GRANT** Plaintiff his costs in bringing this action;
- F. ORDER** Defendants to pay all court costs;
- G. GRANT** such further relief as justice and equity require.

Respectfully submitted,

MICHAEL DeWINE
OHIO ATTORNEY GENERAL



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