

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

STATE OF OHIO, *ex rel.*
ATTORNEY GENERAL
MICHAEL DEWINE

Plaintiff

v.

FALCON AUTO SALES INC.
dba EXTREME IMPORTS, et al.

Defendants.

CASE NO. 2013 CV 07 2057

JUDGE HEDRIC

**Final Judgment Entry
And Order**

On June 16, 2014 this Court granted Plaintiff's Motion for Summary Judgment against Defendants Falcon Auto Sales, Inc. and Mohammed Al Barbarawi, and issued findings of fact and conclusions of laws.

On August 20, 2014 this Court conducted a damages hearing in this matter, and all parties were provided the opportunity to present evidence. Based upon the Complaint, the summary judgment order, and the evidence presented at the damages hearing, the Court now issues this Final Judgment Entry and Order. The judgment incorporates its previous findings of fact and conclusions of law, and orders damages and relief.

FINDINGS OF FACT

1. Defendant Falcon Auto Sales Inc. is a for-profit corporation with its principal place of business at 6416 Dixie Highway, Fairfield, Ohio 45014.
2. Defendant Falcon Auto Sales, Inc. at times did business under the registered trade name "Extreme Imports."
3. Defendant Mohammed Al-Barbarawi is an adult Ohio resident and is the owner and operator of Defendant Falcon Auto Sales, Inc.

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4. Defendant Mohammed Al-Barbarawi directed, supervised, approved, formulated, authorized, ratified, benefited from, and/or otherwise participated in the acts and practices hereinafter discussed.
5. Defendants Falcon Auto Sales, Inc. and Mohammed Al-Barbarawi (collectively "Defendants") operate a used motor vehicle dealership and sell used motor vehicles to consumers.
6. Defendants have sold motor vehicles to consumers and failed to file applications for certificates of title within thirty (30) days after the assignment or delivery of a motor vehicle.
7. Defendants have sold motor vehicles to consumers and failed to obtain certificates of title in the names of the retail purchasers on or before the fortieth (40th) day after the sale of the motor vehicle.
8. Defendants have accepted deposits without providing the receipts containing the selling price, amount of deposit, and remaining amount due.

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the subject matter, issues and parties of this action pursuant to R.C. 1345.04 of the Consumer Sales Practices Act, R.C. 1345.01 et seq. ("CSPA").
2. The Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(2) in that Defendants have their principal place of business in Butler County.
3. The Ohio Attorney General is the proper party to commence these proceedings under the authority of R.C. 1345.07, and by virtue of his statutory and common law authority to protect the interests of the citizens of the State of Ohio.

4. Defendants are “suppliers,” as that term is defined in R.C. 1345.01(C), as Defendants were, at all relevant times herein, engaged in the business of effecting consumer transactions with individuals in Ohio for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).
5. Defendants committed unfair and deceptive acts or practices in violation of R.C. 1345.02 and R.C. 4505.181 in connection with their sale of motor vehicles by failing to obtain titles in the name of retail purchasers within forty days of purchase.
6. Defendants committed unfair and deceptive acts or practices in violation of R.C. 1345.02 and R.C. 4505.06(A) by failing to file applications for certificates of title within thirty days after the assignment or delivery of a motor vehicle.
7. Defendants committed unfair and deceptive acts or practices in violation of R.C. 1345.02 and O.A.C 109:4-3-07 by not providing deposit receipts with the disclosures required by O.A.C. 109:4-3-07.
8. Defendants committed the violations in Paragraphs 5 through 7 after such acts and practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendants committed these violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

Therefore, IT IS ORDERED, ADJUGED AND DECREED THAT:

1. Plaintiff's request for Declaratory Judgment is Granted, and it is therefore DECLARED that the acts and practices set forth above violate the Consumer Sales Practices Act in the manner set forth therein.
2. Defendants Mohammed Al-Barbarawi and Falcon Auto Sales, Inc., under their own name or any other name, their partners, agents, servants, representatives, salespersons, employees, successors or assigns, and all persons acting in concert and participation with them directly or indirectly through any corporate device, partnership or association, in connection with any consumer transaction, are PERMENANTLY ENJOINED from engaging in the acts or practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq. and the Substantive Rules enacted thereunder.
3. Defendants Mohammed Al-Barbarawi and Falcon Auto Sales, Inc. are ORDERED, jointly and severally, to rescind the motor vehicle sale of a 2002 Pontiac Firebird between themselves and consumer Earl Green that occurred on July 8, 2013. Specifically, Defendants are ordered to pay consumer Earl Green Ten Thousand Three Hundred Dollars (\$10,300) by certified check or money order, and are ordered to cooperate with Plaintiff and consumer Earl Green to arrange for transfer of the vehicle to Defendants. If within fourteen (14) days of this order Defendants fail to make payment to consumer Earl Green or fail to cooperate with the vehicle transfer, this rescission order is converted to a consumer restitution order and Defendants are ordered, jointly and severally, to

pay Ten Thousand Three Hundred Dollars (\$10,300) in restitution to consumer Earl Green.

4. Defendants Mohammed Al-Barbarawi and Falcon Auto Sales, Inc. are ORDERED TO PAY, jointly and severally, a civil penalty of Twenty-Five Thousand Dollars (\$25,000) pursuant to R.C. 1345.07(D). Payment shall be made payable to the "Ohio Attorney General" and sent by certified check or money order within seven (7) days of this order to:

**Financial Assistant
Office of Ohio Attorney General Mike DeWine
30 E. Broad St., 14th Floor
Columbus, Ohio 43215**

5. Defendants Mohammed Al-Barbarawi and Falcon Auto Sales, Inc. are ORDERED as a means of insuring compliance with this Court's Order and with the consumer protection laws of Ohio, to maintain in their possession and control for a period of five (5) years all business records relating to Defendants Falcon Auto Sales Inc. and Mohammed Albarbarawi and to permit the Ohio Attorney General or his representative, upon reasonable twenty-four (24) hour notice to inspect and/or copy any and all such records.

6. Defendants Mohammed Al-Barbarawi and Falcon Auto Sales, Inc. are ORDERED, jointly and severally, to pay all court costs associated with this matter.

IT IS SO ORDERED THIS

20th

DAY OF Aug., 2014.


JUDGE CRAIG HEDRIC