

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

STATE OF OHIO ex rel.	)	
ATTORNEY GENERAL	)	
MICHAEL DEWINE	)	Case No: 15 CV 05-003881
	)	
Plaintiff	)	Judge Woods
	)	
v.	)	<b>FINAL JUDGMENT</b>
	)	<b>ENTRY AND ORDER</b>
	)	
TRAVEL BALL AMERICA, LLC.,	)	
et al.	)	
	)	
Defendants.	)	

**RECEIVED**  
ATTORNEY GENERAL OF OHIO  
JAN 04 2016

CONSUMER PROTECTION SECTION  
PUBLIC INSPECTION FILE

The Plaintiff, State of Ohio, commenced this action on May 7, 2015 by filing its Complaint and Request for Declaratory Judgment, Injunctive Relief, Consumer Restitution , and Civil Penalties against Defendants Travel Ball America, LLC and Kenneth Halloy dba Travel Ball America, LLC. The Complaint alleged violations of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.41 et seq. Defendant Travel Ball was served on June 25, 2015. Defendant Halloy was served on July 16, 2015. The Defendants failed to respond within the twenty-eight days allotted under the rules. Defendants have also failed to make any appearance in this action.

Plaintiff filed a Motion for Default Judgment on September 1, 2015. On September 28, 2015, the Court issued a Default Judgment Order and Entry Granting Default ("Default Judgment Order"). The Default Judgment Order included an order for the Defendants to pay civil penalties and restitution to all consumers injured by Defendants' conduct, in an amount to be determined at a later date via affidavits. A damages hearing was scheduled for this case for December 21, 2015. On November 25, 2015, Plaintiff filed a Memorandum in Support of

Damages and Civil Penalties ("Damages Memo"), in which Plaintiff submitted evidence supporting the amount of civil penalties and consumer damages that Plaintiff was requesting. The damages hearing was held before the Court on December 21, 2015 at 9:00 a.m. Plaintiff's counsel appeared before the Court and presented evidence to support the Plaintiff's request for consumer damages and civil penalties. Neither the Defendants nor counsel on their behalf appeared.

In support of its request for consumer damages, Plaintiff attached to its Damages Memo the affidavits of 12 consumers, which attested to the damages suffered by those consumers. The affidavits established that each of the consumers sustained monetary damages in connection with Defendants' travel baseball business. The Court finds that each consumer sustained individual damages in the amounts set forth in the Consumer Damages List (attached as Exhibit 1 to Plaintiff's Damages Memo).

In its Damages Memo, the Plaintiff also explained the basis for the amount of civil penalties requested. Plaintiff's request was made pursuant to R.C. 1345.07(D). Plaintiff provided evidence of the Defendants' violations of the CSPA which, pursuant to R.C. 1345.07(D), permit the imposition of a civil penalty in the amount of \$25,000.00. The Court finds the Plaintiff's request well-taken.

**Based on the above, the Court renders the following FINAL JUDGMENT ENTRY AND ORDER against the Defendants.**

**FINDINGS OF FACT**

1. Defendant Halloy is a natural person who is the owner and operator of Defendant Travel Ball America, LLC.

2. Defendant Halloy at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant Travel Ball America, LLC including the conducting giving rise to the violations described herein.
3. Defendants accepted monetary deposits from consumers for entry into baseball tournaments and then failed to deliver those tournaments within eight weeks.
4. Defendants have refused to refund consumers' deposits or payments despite consumers' requests for refunds.

### **CONCLUSIONS OF LAW**

5. The actions of Defendants, described above, have occurred in the State of Ohio, in Franklin County and other counties in Ohio, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 et seq. and its substantive rules, specifically, the Failure to Deliver Rule, O.A.C. 109:4-3-09(A).
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(B)(2) and (3), in that Franklin County, Ohio is where the Defendants' principal place of business is/was located and where Defendants conducted some of the transactions described herein.
8. The Ohio Attorney General, acting on behalf of the State of Ohio and in the public interest, is the proper party to this action by virtue of the authority vested in him by R.C. 1345.07.
9. Defendants are "suppliers," as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting "consumer transactions" primarily for a personal, family, or

household use within the meaning R.C. 1345.01(A) to wit by soliciting consumers either directly or indirectly for entry into a baseball tournament for a fee.

10. Defendants committed unfair and deceptive acts or practices in violation of the Failure to Deliver Rule, O.A.C. 109:4-3-09(A) and the CSPA, R.C. 1345.02(A), by accepting money from consumers for goods or services and then permitting eight weeks to elapse without delivering entry into the baseball tournament, making a full refund, advising the consumer of the duration of an extended delay and offering to send a refund within two weeks if so request, or furnishing similar services of equal or greater value as a good faith substitute.

**THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT:**

- A. Plaintiff's request for Declaratory Judgment is **GRANTED**, and it is therefore **DECLARED** that the acts and practices set forth above violate the CSPA in the manner described herein.
- B. Defendants, their agents, servants, employees, successors or assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership, or other association, under these or any other names, are **PERMANENTLY ENJOINED** from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq.
- C. Defendants are **ORDERED** to pay consumer damages, to consumers identified in affidavits provided to the court who were injured by the conduct of the Defendants as set forth herein in the amount of \$31,860.00. Such payment shall be made to the Attorney General via certified check or money order payable to the

“Ohio Attorney General” and delivered to:

Compliance Officer  
 Consumer Protection Section  
 Office of the Ohio Attorney General  
 30 East Broad Street, 14th Floor  
 Columbus, Ohio 43215

The consumer damages will be distributed by the Attorney General to the following consumers in the amounts set forth below:

Last Name	First Name	Team Name	State	Amount
Feigin	Gary	Bullets Baseball Academy	NJ	\$1,970.00
Angelo	Andrew	Cincinnati Buckeyes	OH	\$2,000.00
Krzak	Karen	Cobra Baseball Organization	IL	\$4,480.00
Eggleston	Michael	Collegeville Blue Sox	PA	\$2,000.00
Mattison	Greg	Granite State Marauders	NH	\$2,200.00
Jacobs	Jon	KC Longhorns Baseball	MO	\$4,480.00
Hughs	Aaron	Mac-N-Seitz Red Sox	KS	\$1,880.00
Babcock	Ken	Oshawa Legionnaires 13U	ON	\$1,880.00
Merkh	John	Prime 9 Baseball Academy	NJ	\$5,600.00
Ashton	Eric	Sharon Springs Spartans	GA	\$3,300.00

D'Agostino	Bruce	SJ Deptford Titans	NJ	\$800.00
Sabin	Matt	Walled Lake Baseball Club	MI	\$1,270.00

D. Based on the above findings that Defendants committed unfair and deceptive acts and practices in violation of the CSPA, Defendants are **ORDERED** to pay a civil penalty in the amount of \$25,000.00, pursuant to R.C. 1345.07(D). Such payment shall be made to the Attorney General via a certified check or money order payable to the "Ohio Attorney General" and delivered to:

Compliance Officer  
Consumer Protection Section  
Office of the Ohio Attorney General  
30 East Broad Street, 14th Floor  
Columbus, Ohio 43215

E. Defendants are **ENJOINED** from engaging in business as a supplier in any consumer transactions in the State of Ohio, until such time as they have satisfied all monetary obligations due hereunder.

F. Defendants are **ORDERED** to pay all court costs.

**IT IS SO ORDERED.**

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DATE

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JUDGE WOODS

Prepared by:

*/s/ Jennifer L. Mildren*

JENNIFER L. MILDREN (0087564)

Assistant Attorney General

HALLIE C. SAFERIN (0093467)

Assistant Attorney General

Consumer Protection Section

30 East Broad Street, 14<sup>th</sup> Floor

Columbus, Ohio 43215

614-466-8235

*Counsel for Plaintiff, State of Ohio*

TO THE CLERK,

PLEASE SERVE ON THE FOLLOWING:

Jennifer L. Mildren

Hallie C. Saferin

Assistant Attorneys General

Consumer Protection Section

30 East Broad Street, 14<sup>th</sup> Floor

Columbus, Ohio 43215

Kenneth Halloy

5154 Windorf Dr.

Westerville, OH 43081

*Defendant*

Travel Ball America

5154 Windorf Dr.

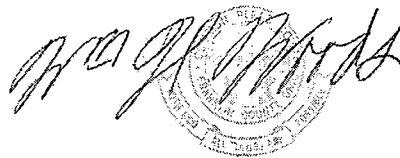
Westerville, OH 43081

*Defendant*

Franklin County Court of Common Pleas

**Date:** 12-30-2015  
**Case Title:** OHIO STATE ATTORNEY GENERAL -VS- TRAVEL BALL  
AMERICA LLC ET AL  
**Case Number:** 15CV003881  
**Type:** ORDER

It Is So Ordered.

A handwritten signature in black ink, appearing to read "W H Woods", is written over a circular embossed seal. The seal contains the text "CLERK OF COURTS OF THE COMMON PLEAS" and "FRANKLIN COUNTY, OHIO".

/s/ Judge William H. Woods