



102658286

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

STATE OF OHIO, EX REL. MICHAEL DEWINE  
Plaintiff

Case No: CV-16-861747

Judge: CAROLYN B FRIEDLAND

AUTOS DIRECT ONLINE, ET AL.  
Defendant

**JOURNAL ENTRY**

92 DEFAULT - FINAL

DEFAULT HEARING HELD 02/22/18. PLAINTIFF AND PLAINTIFF'S COUNSEL APPEARED, DEFENDANT FAILED TO APPEAR. MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANT AUTOS DIRECT ONLINE, FILED 01/24/2018, IS GRANTED.

O.S.J.

COURT COST ASSESSED TO THE DEFENDANT(S).  
PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

~~\_\_\_\_\_  
Judge Signature~~

\_\_\_\_\_  
Date

**RECEIVED**  
ATTORNEY GENERAL OF OHIO

APR 13 2018

CONSUMER PROTECTION SECTION  
PUBLIC INSPECTION FILE

2018 FEB 26 P 11:28  
CLERK OF CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

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

Plaintiff,

vs.

AUTOS DIRECT ONLINE, et al.

Defendants.

)  
)  
) CASE NO: CV-16-861747  
)  
)  
) JUDGE: CAROLYN B. FRIEDLAND  
)  
) DEFAULT JUDGMENT  
) AGAINST DEFENDANT  
) AUTOS DIRECT ONLINE  
)

**DEFAULT JUDGMENT ENTRY AND ORDER**

This cause came to be heard upon Plaintiff's Motion for Default Judgment against Defendant Autos Direct Online (hereinafter "ADO"), pursuant to Civil Rule 55(A). The Defendant was properly served and has failed to defend against this motion or file an Answer before the Court. The Court finds the motion well taken and hereby grants and sustains Plaintiff's Motion for Default Judgment. The Court, based on that motion, Plaintiff's Complaint, and the evidence provided at hearing, hereby renders the following Default Judgment Entry and Order.

**FINDINGS OF FACT**

1. Defendant ADO is an Ohio corporation that did business at 4371 Pearl Road, Cleveland, Ohio.
2. Defendant ADO 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 from its location in Cleveland to consumers residing in

Cuyahoga and other Ohio counties.

3. Defendant ADO solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
4. Defendant ADO held license #UD017432 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing Defendant ADO to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
5. Defendant ADO displayed or sold used motor vehicles at the Autos Direct Online location.
6. Defendant ADO failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of motor vehicles.
7. Defendant ADO failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of motor vehicles.
8. Title Defect Recision consumer claims totaling \$543,703.26 thus far were paid from the Title Defect Recision Fund, administered by the Ohio Attorney General's Office, after ADO failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of motor vehicles.

#### **CONCLUSIONS OF LAW**

1. The Court has jurisdiction over the subject matter, issues and parties to this action and venue is proper.
2. The business practices of Defendant ADO as described herein and in Plaintiff's Complaint are governed by the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.*

3. The Ohio Attorney General, acting on behalf of the citizens of Ohio, and in the best interest of the State, is the proper party to commence this action under the authority of the CSPA, R.C. 1345.07, and by virtue of his authority to protect the interest of the citizens of the State of Ohio.
4. Defendant ADO has committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02, by displaying for sale or selling used motor vehicles without having first obtained certificates of title for the vehicles in the name of the dealer or without possessing a bill of sale for each motor vehicle proposed to be displayed, offered for sale, or sold, and a properly assigned power of attorney or other related documents from the prior owner giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle issued in the name of the dealer for each motor vehicle displayed or sold in violation of R.C. 4505.181(A)(2).
5. Defendant ADO has committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02, by failing, on or before the fortieth day following the date of the sale, to obtain title to the vehicle in the name of the retail purchaser in violation of R.C. 4505.181(B)(1).

#### **ORDER**

- A. The Court hereby DECLARES that the acts and practices described above violate the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- B. Defendant ADO, doing business under the name Autos Direct Online or any other name, its officers, agents, 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, is hereby PERMANENTLY ENJOINED from engaging in any unfair and deceptive acts and practices as described above.

- C. Pursuant to R.C. 1345.07(D), Defendant ADO shall pay a civil penalty in the amount of Five Hundred Thousand Dollars (\$500,000.00).
- D. Defendant ADO is liable to the State of Ohio for reimbursement to the TDR Fund in the amount of Five Hundred Forty-Three Thousand Seven Hundred Three Dollars Twenty-Six cents (\$543,703.26), per the affidavits provided at the damages hearing. Payment shall be made by delivering a certified check or money order within seven days of the date of this entry, made payable to the "Ohio Attorney General," to:

Legal and Finance Assistant  
Consumer Protection Section  
30 E. Broad Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215

- E. Defendant ADO shall pay all court costs associated with this action.

**IT IS SO ORDERED. FINAL ENTRY.**

2-23-18  
DATE

  
JUDGE FRIEDLAND