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

STATE OF OHIO, EX REL. MICHAEL DEWINE  
Plaintiff

BIG DEAL AUTO SALES, ET AL  
Defendant

Case No: CV-17-890561

Judge: MICHAEL P SHAUGHNESSY

**JOURNAL ENTRY**

96 DISP.OTHER - FINAL

CONSENT JUDGMENT AND AGREED FINAL ENTRY AND ORDER. OSJ. FINAL.

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.

S

Judge Signature

Date

**RECEIVED**  
ATTORNEY GENERAL OF OHIO

MAY 15 2018

CONSUMER PROTECTION SECTION  
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CLERK OF COURTS  
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.  
MICHAEL DEWINE

Plaintiff,

-vs-

BIG DEAL AUTO SALES, LLC,  
et al,  
Defendants

) CASE NO. CV-17-890561

) JUDGE MICHAEL P. SHAUGHNESSY

) CONSENT JUDGMENT AND  
) AGREED FINAL ENTRY  
) AND ORDER

This matter came upon the filing of a complaint by Plaintiff, the State of Ohio, charging Defendants Big Deal Auto Sales, LLC and Theyesa Bryant (collectively, "Defendants") with violations of the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.* and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.* Plaintiff and Defendants have agreed to settle and resolve all matters alleged in the complaint. By signing this Consent Judgment and Agreed Final Entry and Order ("Consent Judgment"), Defendants waive any claims they have or may have regarding service of process of the summons and complaint, and/or any defects therein, submit to the personal jurisdiction of this Court, consent to the entry of this Consent Judgment pursuant to R.C. 1345.07(F), and to the rights of Plaintiff to enforce this Consent Judgment.

FINDING OF FACTS

1. Defendant Big Deal Auto Sales, LLC is an Ohio limited liability corporation registered with the Ohio Secretary of State since December 11, 2013, most recently operating from an address location of 16370 Euclid Ave., Cleveland, Ohio 44112.

2. Defendant Theyesa Bryant is a natural person and the Statutory Agent for Big Deal Auto Sales, LLC, and her most recent address is 19500 Naumann, Euclid, Ohio 44119.
3. Defendant Bryant owned, controlled, directed and operated the business activities and sales of Big Deal Auto Sales, LLC.
4. Defendant Bryant held a used motor vehicle dealer permit number license #UD020864 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing her to engage in the business of displaying or selling used motor vehicles.
5. Defendants display and sell used motor vehicles at addresses associated with Big Deal Auto Sales, LLC.
6. Defendants failed to file applications for certificates of title within thirty (30) days after the assignment or delivery of motor vehicles.
7. Defendants failed to obtain certificates of title on or before the fortieth (40<sup>th</sup>) day after the sale of motor vehicles.
8. The Title Defect Rescission ("TDR") Fund, administered by the Ohio Attorney General's Office, paid a total loss in consumer claims from the TDR Fund directly attributable to Defendants of One Thousand Seven Hundred Fifty Dollars (\$1,750.00). On March 15, 2018 Defendant Theyesa Bryant hand-delivered a check to Plaintiff in the amount of One Thousand Seven Hundred Fifty Dollars (\$1,750.00) as reimbursement to the TDR Fund, as reflected in the parties' March 15, 2018 Joint Motion to Continue the Default Hearing originally set for March 16, 2018.
9. In the parties' March 15, 2018 Joint Motion, Defendant Theyesa Bryant agreed to obtain and post a R.C. 4505.181(A)(2) bond in favor of the Ohio Attorney General within fourteen days.

10. Defendant failed to timely post the requisite R.C. 4505.181(A)(2) bond within fourteen days. On May 10, 2018, the day before this matter was set for the second default hearing, Defendants indicated to Plaintiff that said bond was secured.

### CONCLUSIONS OF LAW

11. The Court has personal jurisdiction over Defendants pursuant to R.C. 2307.382 because this cause of action arises from Defendants' business transactions with residents of Ohio.

12. The Court has subject matter jurisdiction over this action pursuant to R.C. 1345.04 of the Consumer Sales Practices Act.

13. Venue is proper with this Court, pursuant to Ohio Civ. R. 3(B)(2) and (3) because Defendants operate their principal place of business and conduct the activities which give rise to the State's claim for relief in Cuyahoga County, Ohio.

14. Defendants engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02 by failing to file applications for certificates of title within thirty (30) days after assignment of delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).

15. Defendants committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain certificates of title on or before the fortieth (40<sup>th</sup>) day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).

16. These acts and practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* The Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**ORDER**

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

- 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 in the manner set forth herein.
- B. Defendants, under these or any other names, and their officers, agents, servants, representatives, salespersons, employees, successors and assigns and all persons acting in concert or participation with Defendants, directly or indirectly are **PERMANENTLY ENJOINED** from further violating the CSPA, 1345.01 *et seq.*
- C. Defendants are hereby **ORDERED**, within seven (7) days of the date of this entry, to post a bond with the Ohio Attorney General in an amount not less than Twenty-Five Thousand Dollars (\$25,000) pursuant to R.C. 4505.181(A) (2), if the bond they represented to Plaintiff on May 10, 2018 turns out to be defective or ineffective in any way.
- D. Defendants are **ASSESSED, FINED AND IMPOSED** jointly and severally, a civil penalty of One Thousand Dollars (\$1,000) pursuant to R.C. 1345.01(D) of the CSPA. Payment shall be made by delivering a certified check or money order within seven (7) days of the date of this entry, made payable to the "Ohio Attorney General," to:

Ohio Attorney General  
Finance Assistant  
Consumer Protection Section  
30 E. Broad Street, 14<sup>th</sup> floor  
Columbus, OH 43215

The imposition of this One Thousand Dollar (\$1,000.00) civil penalty will be suspended if Defendants' R.C. 4505.181(A)(2) bond referenced in Paragraph C, was timely secured, posted, and given effect within seven (7) days of the date of this entry.

- E. Defendants are **ORDERED**, as a means of ensuring 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 the Defendants' solicitation and sale of used motor vehicles in Ohio 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 records.
- F. Defendants are **ENJOINED** from engaging in consumer transactions as suppliers in the State of Ohio until they have satisfied all reimbursement, civil penalties, and costs ordered herein.
- G. Defendant Theyesa Bryant is **ENJOINED** from applying for or renewing a used motor vehicle dealers' license or salesperson license under R.C. 4517 until all reimbursement, civil penalties and costs ordered herein have been satisfied.
- H. Defendants are **ORDERED**, jointly and severally, to pay all court costs associated with this action.

IT IS SO ORDERED.

  
JUDGE MICHAEL P. SHAUGHNESSY

Prepared and submitted May 10, 2018 by:

*/s/ Rebecca F. Schlag*

Rebecca F. Schlag (#0061897)  
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Counsel for Plaintiff, State of Ohio  
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*See faxed signature page, attached/RFS*

Theyesa Bryant, pro se, individual Defendant  
and on behalf of Big Deal Auto, LLC  
16370 Euclid Avenue  
Cleveland, OH 44112

cc: Plaintiff  
Defendants


IT IS SO ORDERED.

  
JUDGE MICHAEL P. SHAUGHNESSY

Prepared and submitted May 10, 2018 by:

*/s/ Rebecca F. Schlag*

Rebecca F. Schlag (#0061897)  
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 5/10/18  
Theyesa Bryant, pro se, individual Defendant  
and on behalf of Big Deal Auto, LLC  
16370 Euclid Avenue  
Cleveland, OH 44112

cc: Plaintiff  
Defendants