

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.	)	
ATTORNEY GENERAL	)	CASE NO. 17CV011019
MICHAEL DEWINE	)	
	)	JUDGE BEATTY BLUNT
Plaintiff	)	
	)	
v.	)	<u>Entry and Order</u>
	)	<u>Granting Default Judgment</u>
AMAZING AUTO SALES LLC, et al.	)	<u>Against Defendant</u>
	)	<u>Charles R. White</u>
Defendants	)	

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This matter came to be heard upon the filing of Plaintiff's Motion for Default Judgment Against Defendant Charles R. White ("Motion for Default") on October 18, 2018. On December 13, 2017, Plaintiff filed its Complaint against Defendants Charles R. White ("White"), Amazing Auto Sales LLC, Patrick Franklin, and Laura Lassiter alleging violations of the Motor Vehicle Title Act, R.C. 4505.01 et seq., and the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq. Defendant White filed an Answer to Plaintiff's Complaint on February 12, 2018.

Plaintiff served Defendant White with a set of discovery requests on July 11, 2018, including Interrogatories and Requests for Production of Documents. Defendant White failed to timely respond. On August 15, 2018, Plaintiff mailed Defendant White a letter notifying him that if he did not produce responses to the Interrogatories and the Requests for Production of Documents by August 22, 2018, a motion to compel would be filed. Defendant White failed to respond to the letter and failed to produce any documents or responses by the new deadline. Plaintiff filed its Motion to Compel on August 23, 2018. The Court granted that motion on September 13, 2018, ordering Defendant White to respond to Plaintiff's July 11, 2018 Interrogatories and Requests for Production of Documents. On September 18, 2018, Plaintiff

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served Defendant White with a copy of the Court's Order and Entry Granting the motion to compel. Defendant White never responded to Plaintiff's discovery requests, and the deadline set by the Court for responding has passed.

Therefore, pursuant to Civ.R. 55(A) and Civ.R. 37(B)(1)(f), because Defendant White has failed to obey this Court's discovery order, the Court hereby **GRANTS** Plaintiff's Motion for Default and enters a default judgment against Defendant White on all counts of the Complaint.

Plaintiff's Motion for Default requested that the Court order Defendant White to reimburse the Attorney General for the expenditures made from the Title Defect Recision Fund and also requested injunctive relief, a declaratory judgment, and a \$10,000 civil penalty. Plaintiff supplemented the Motion for Default on November 15, 2018, with the filing of an affidavit in compliance with the Servicemembers Civil Relief Act. On November 30, 2018, Plaintiff filed a Memorandum in Support of Requested Relief Against Charles R. White, providing additional evidence to supplement its request for the issuance of a monetary judgment against Defendant White. The Court finds Plaintiff's requests well-taken. The imposition of injunctive relief, a declaratory judgment, and a \$10,000 civil penalty are all proper, appropriate, and permitted by R.C. 1345.07 of the CSPA. Defendant White is also liable to reimburse the Title Defect Recision Fund in the amount of \$13,935.

#### **FINDINGS OF FACT**

1. Defendant Charles R. White ("White") is a natural person residing at 3065 Prosperity Lane, Columbus, Ohio 43231.
2. Defendant White did business as Amazing Auto Sales LLC and caused, personally participated in, or ratified the acts and practices of Amazing Auto Sales LLC, as

described in this Complaint.

3. Defendant White was, at all times relevant to this action, engaged in the business of soliciting, promoting, purchasing, selling, and collecting the proceeds of the sales of used motor vehicles from his location in Columbus, Ohio to consumers residing in Franklin County and other Ohio counties.
4. Defendant White solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
5. Defendant White is known to have operated using the fictitious business name Amazing Auto Sales & Service.
6. At all times relevant to this action, Defendant White displayed and sold used motor vehicles at the Amazing Auto Sales LLC location at 3586 Westerville Road, Columbus, Ohio 43224.
7. Defendant White failed to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles.
8. Defendant White failed to obtain certificates of title in the names of consumer purchasers on or before the 40th day after the sale of motor vehicles.
9. Title Defect Recision consumer claims totaling \$13,935 have been paid from the Title Defect Recision Fund, administered by the Ohio Attorney General's Office, after Defendant White failed to obtain certificates of title in the names of consumer purchasers on or before the 40th day after the sale of the motor vehicles.
10. The actions of Defendant White Auto have occurred in the State of Ohio, including in Franklin County.

**CONCLUSIONS OF LAW**

11. The Attorney General, acting on behalf of the State of Ohio and in the public interest, is the proper party to bring this action by virtue of the authority vested in the Attorney General by R.C. 1345.07 of the CSPA.
12. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
13. Venue in this Court is proper pursuant to Ohio Civ.R. 3(B)(1)-(3) in that Franklin County is where Defendant White resides, where his principal place of business was located, and where he engaged in the transactions described herein.
14. Defendant White was a “supplier” as that term is defined in R.C. 1345.01(C) as Defendant White was, at all times relevant herein, engaged in the business of effecting or soliciting consumer transactions by offering for sale and selling used motor vehicles to individuals for purposes that were primarily personal, family, or household within the meaning specified in R.C. 1345.01(A) and (D).
15. Defendant White engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02 of the CSPA by failing to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b) of the Certificate of Motor Vehicle Title Act.
16. Defendant White engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02 of the CSPA by selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain certificates of title in the names of consumer purchasers on or before the 40th day following the date of the sale of the motor vehicles as required by R.C. 4505.181(B)(1) of the Certificate of Motor Vehicle Title Act.

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

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

- A. Defendant White, doing business under his own name, the names Amazing Auto Sales LLC or Amazing Auto Sales & Service, or any other names, his agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert and participation with him, directly or indirectly, is **PERMANENTLY ENJOINED** from engaging in the acts and practices described in this order and from committing any unfair, deceptive, or unconscionable acts or practices that violate the CSPA, R.C. 1345.01 et seq., or the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
- B. It is **DECLARED** that the acts and practices committed by Defendant White, as set forth above, violate the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
- C. Defendant White is **ORDERED** to pay \$13,935 to the Attorney General to reimburse the Title Defect Recision Fund for expenditures made to resolve consumers' motor vehicle title defects caused by him and Amazing Auto Sales LLC. Such amount shall be owed jointly and severally by Defendant White and Defendant Amazing Auto Sales LLC. Such payment shall be made to the Attorney General via a certified check or money order payable to the "Ohio Attorney General" and delivered within seven days to:

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

Columbus, Ohio 43215

- D. Based on the above findings that Defendant White committed unfair and deceptive acts and practices in violation of the CSPA, Defendant Amazing Auto is **ORDERED** to pay \$10,000 in civil penalties, 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 within seven days to:

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

- E. Defendant White is **ENJOINED** from engaging in business as a supplier in any consumer transaction in the State of Ohio until such time as he has satisfied all monetary obligations ordered herein, and until he has satisfied any monetary obligations ordered by any other Court in Ohio in connection with a consumer transaction.
- F. Defendant White is **PERMANENTLY ENJOINED** from applying for or obtaining any motor vehicle dealer or salesperson license under Chapter 4517 of the Revised Code.
- G. Defendant White is **ORDERED** to pay all court costs.

**IT IS SO ORDERED.**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE BEATTY BLUNT

Submitted by:

MICHAEL DEWINE  
Ohio Attorney General

/s/ Tracy Morrison Dickens  
Tracy Morrison Dickens (0082898)  
Senior Assistant Attorney General  
Consumer Protection Section  
30 East Broad Street, 14th Floor  
Columbus, Ohio 43215  
(614) 644-9618  
(866) 449-0989 (fax)  
tracy.dickens@ohioattorneygeneral.gov  
Counsel for Plaintiff

**TO THE CLERK,**

**PLEASE SERVE ON THE FOLLOWING AT THE FOLLOWING ADDRESSES:**

**Counsel for Plaintiff**

Tracy Morrison Dickens  
Assistant Attorney General  
Office of the Attorney General  
Consumer Protection Section  
30 E. Broad St., 14th Floor  
Columbus, Ohio 43215

**Defendants**

Laura Lassiter  
5189 Windorf Drive  
Westerville, Ohio 43081

Patrick Franklin  
690 Northview Ave.  
Columbus, Ohio 43219

Charles White  
3065 Prosperity Lane  
Columbus, Ohio 43231

Franklin County Court of Common Pleas

**Date:** 12-13-2018  
**Case Title:** OHIO STATE ATTORNEY GENERAL MIKE DEWINE -VS-  
AMAZING AUTO SALES LLC ET AL  
**Case Number:** 17CV011019  
**Type:** DEFAULT TO CERTAIN PARTIES

It Is So Ordered.

A handwritten signature in black ink that reads "Laurel Beatty Blunt". The signature is written in a cursive, flowing style.

/s/ Judge Laurel Beatty Blunt



Court Disposition

Case Number: 17CV011019

Case Style: OHIO STATE ATTORNEY GENERAL MIKE DEWINE -  
VS- AMAZING AUTO SALES LLC ET AL

Motion Tie Off Information:

1. Motion CMS Document Id: 17CV0110192018-10-1899980000  
Document Title: 10-18-2018-MOTION FOR DEFAULT JUDGMENT  
- PLAINTIFF: OHIO STATE ATTORNEY GENERAL MIKE DEWINE  
Disposition: MOTION GRANTED