



94645164

7

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

FILED

STATE OF OHIO, EX REL., ETC.
Plaintiff

Case No: CV-16-858294

2016 JUN 24 P 3: 08

Judge: TIMOTHY MCCORMICK

CLERK OF COURTS
CUYAHOGA COUNTY

CHAMPION MARKETING GROUP, LLC, ET AL.
Defendant

JOURNAL ENTRY

92 DEFAULT - FINAL

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT, FILED 06/01/2016, IS GRANTED. OSJ.
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.

OSJ

Judge Signature

Date

RECEIVED
ATTORNEY GENERAL OF OHIO

MAY 13 2019

**CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE**

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

FILED

2016 JUN 24 P 3:08

STATE OF OHIO, ex rel.
MICHAEL DEWINE,

Plaintiff,

v.

CHAMPION MARKETING
GROUP, LLC, et al.,

Defendants

) CASE NO. CV 16 858294

) JUDGE TIMOTHY McCORMICK
) CLERK OF COURTS
) CUYAHOGA COUNTY

) ORDER OF THE COURT GRANTING
) PLAINTIFF'S MOTION FOR
) DEFAULT JUDGMENT AND
) REQUEST TO SUBMIT AFFIDAVIT
) IN LIEU OF LIVE TESTIMONY
) ON ISSUE OF DAMAGES

Plaintiff, the State of Ohio, moved this Court to grant Default Judgment against Defendants Champion Marketing Group, LLC and Patricia DeCapua, pursuant to Civ. R. 55(A). The Defendants did not answer the State's Complaint or appear within twenty-eight days as required by Civ. R. 12(A). The State has demonstrated that it has complied with the Servicemembers Civil Relief Act of 2003, 50 U.S. C. App. §§ 501-596. The State has also requested the submission of affidavit testimony over live testimony on the issue of damages, which is hereby granted. Attached to Plaintiff's Motion for Default Judgment were the affidavits of the affected consumers and the Ohio Attorney General's Title Defect Recision Fund Administrator, setting forth the damages. Accordingly, the Court hereby grants the State's Motion for Default Judgment against Defendants, and makes the following findings of facts and conclusions of law and orders the relief as recited herein below.

FINDING OF FACTS

The Court finds the following facts:

1. Defendant Champion Marketing Group, LLC ("Champion Marketing") is an Ohio limited liability company registered with the Ohio Secretary of State since April 1, 2009, most recently operating from an address at 4489 W. 130th Street, Cleveland, OH 44134.
2. Defendant Patricia A. DeCapua is an individual and is the Agent/Incorporator of Champion Marketing Group, LLC, whose address is 590 Parkside Dr., Bay Village, OH 44140.
3. Defendants have a used motor dealers' license issued by the State of Ohio, #UD0186561, which allowed them to engage in the business of displaying and selling used motor vehicles.
4. Defendant DeCapua directed and controlled all business activities of Champion Marketing Group, LLC.
5. Defendants failed to file applications for certificates of title within thirty (30) days after the assignment or delivery of motor vehicles.
6. Defendants failed to obtain certificates of title on or before the fortieth (40th) day after the sale of motor vehicles.
7. The Title Defect Recision Fund, administered by the Ohio Attorney General's Office, has paid consumer claims totaling Thirteen Thousand, Nine Hundred twenty-seven dollars (\$13,927.00) as a result of Defendants' failure to obtain certificates of title on or before the fortieth (40th) day after the sale of motor vehicles.

CONCLUSIONS OF LAW

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

2. The Court has subject matter jurisdiction over this action pursuant to R.C. 1345.05 of the Consumer Sales Practices Act.
3. Venue is proper with this Court, pursuant to Ohio Civ. R. 3(B) because Defendants reside and conduct the principal place of business within Cuyahoga County, and conducted the activities which gave rise to the State's claim for relief in Cuyahoga County, Ohio.
4. 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 or motor vehicles as required by R.C. 4505.06(A)(5)(b).
5. 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 (40th) day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).
6. These acts and practices described above have previously been determined by Ohio courts to violate CSPA. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

ORDER

It is therefore **ORDERED, ADJUDGED, and DECREED:**

- A. Plaintiff's request for a Default Judgment is hereby **GRANTED** as Defendants have violated the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*, in the manner as set forth herein.

B. Defendants are **PERMANENTLY ENJOINED**, 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, from further violating the CSPA, 1345.01 *et seq.* and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*

C. Defendants are **ORDERED** jointly and severally liable for reimbursement to the Title Defect Recision Fund in the amount of Thirteen Thousand Nine Hundred Twenty-seven dollars (\$13,927.00) representing monies expended from the fund to resolve title defects caused by Defendants' motor vehicle title violations.

~~E~~ Defendants are **ASSESSED, FINED AND IMPOSED**, jointly and severally, a civil penalty of Twenty-five Thousand Dollars (\$25,000.00) pursuant to R.C. 1345.01(D) of the CSPA.

~~F~~ Defendants are **ASSESSED, FINED AND IMPOSED**, jointly and severally, an additional civil penalty of One Thousand Dollars (\$1,000.00) pursuant to the ~~Certificate of Motor Vehicle Title Act, R.C. 4505.99.~~

~~F~~ ~~G~~ 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.

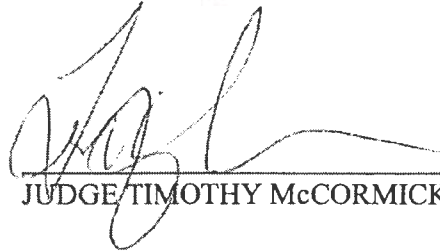
D. Defendants shall pay \$200/month
beginning July 23, 2016 to
Office of the Ohio Attorney General,
30 E. Broad St. ATTN Collections Enforcement
Columbus Ohio 43215

each month until repayment of the
entire \$13,927.00 representing monies
expended from the JDR Fund has
been made in full.

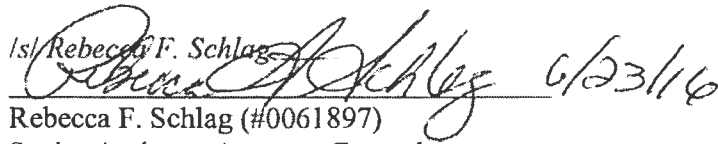
G ~~H~~ Defendants are **ENJOINED** from engaging in consumer transactions as suppliers in the State of Ohio and from applying or renewing a R.C. 4517 auto dealer's license until they have satisfied all restitution, civil penalties, and costs ordered herein.

H ~~H~~ Defendants, jointly and severally, are **ORDERED** to pay all court costs associated with this matter.

IT IS SO ORDERED.


JUDGE TIMOTHY McCORMICK

Prepared by:

/s/ Rebecca F. Schlag  6/23/16
Rebecca F. Schlag (#0061897)
Senior Assistant Attorney General
615 W. Superior St., 11th fl.
Cleveland, OH 44113
Phone: 216-787-3030
Fax: 866-811-4873
Rebecca.Schlag@OhioAttorneyGeneral.gov

Patricia DeCapua
