

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.	)	CASE NO. 17CV005272
MICHAEL DEWINE	)	
ATTORNEY GENERAL OF OHIO	)	
	)	JUDGE JULIE LYNCH
Plaintiff,	)	
	)	<u>DEFAULT JUDGMENT ENTRY</u>
v.	)	<u>AND ORDER AGAINST</u>
	)	<u>DEFENDANTS COUSINS CAR</u>
COUSINS CAR LOT LLC, et al.,	)	<u>LOT LLC AND ALAN CABRAL</u>
	)	
Defendants.	)	

This cause came to be heard upon Plaintiff's Motion for Default Judgment against Defendants Cousins Car Lot LLC and Alan Cabral ("Defendants") pursuant to Civ. R. 55(A). Defendants were properly served in this matter, have failed to file an answer to Plaintiff's Complaint, and have failed to defend against this motion or appear before the Court in any manner. Defendant Cabral is not active duty military, a reservist in active Federal service or a National Guardsman in active service. The Court finds the motion well taken and hereby grants and sustains Plaintiff's Motion for Default Judgment. The Court, based on that motion, and Plaintiff's Complaint, hereby renders the following Default Judgment Entry and Order against Defendants.

FINDINGS OF FACT

1. Defendant Alan Cabral ("Cabral") is an individual who, upon information and belief, resides at 20 Dudley Ave. N., Middletown, Rhode Island 02842.

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2. Defendant Cabral did business under the registered trade name “Cousins Car Lot” (“Cousins”).
3. Doing business as Cousins Car Lot LLC, Defendant Cabral operated a used car dealership, last operating at 600 E. Broad St., Columbus, Ohio 43211 and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
4. Defendants were 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 their location in Franklin County.
5. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. At all relevant times hereto, Cousins Car Lot LLC held dealer permit #UD020022 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
7. At all relevant times hereto, Defendants were displaying or selling used motor vehicles at the Cousins location.
8. Defendants failed to file an application for a certificate of title within Thirty (30) days after the assignment or delivery of a motor vehicle.
9. Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of the motor vehicles.
10. Title Defect Recission consumer claims totaling twenty thousand one hundred six dollars and nine cents (\$20,106.09) were paid from the Title Defect Recission Fund, administered by the Ohio Attorney General’s Office, after the Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of the 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 the Defendants, as described herein and in Plaintiff's Complaint, are governed by the Consumer Sales Practices Act, 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 this state, is the proper party to commence this action under the authority of the Consumer Sales Practices Act, R.C. 1345.07, and by virtue of his authority to protect the interests of the citizens of the State of Ohio.
4. Defendants were "suppliers," as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting "consumer transactions" by soliciting consumers for the sale and repair of motor vehicles for a fee, within the meaning of R.C. 1345.01(A).
5. Defendants have committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by:
  - A. failing to file applications for certificates of title within Thirty (30) days after the assignment or delivery of the motor vehicles as required by R.C. 4505.06(A)(5)(b).
  - B. selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain the certificates of title on or before the Fortieth (40th) day of the sale of the motor vehicles as required by R.C. 4505.181(B)(1).

6. The acts or practices described in Conclusions of Law ¶¶5A-B have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 et seq. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).
7. Defendant Cabral is personally liable as he had ownership interest in Cousins Car Lot, LLC and dominated, controlled and directed the business activities and sales conduct of Cousins Car Lot, LLC. Defendant Cabral exercised the authority to establish, implement or alter the policies of Cousins, and committed, allowed, directed, ratified or otherwise caused the unlawful acts to occur.

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

1. Plaintiff's request for Declaratory Judgment is **GRANTED**, and it is therefore **DECLARED** that the acts and practices set forth above violate the Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.* in the manner set forth therein.
2. Defendants are **PERMANENTLY ENJOINED** from engaging in any consumer transactions as a supplier in the State of Ohio until all financial obligations ordered in this matter are satisfied in their entirety.
3. Defendants under their own names or any other name, their agents, representatives, salespeople, employees, successors and assigns, and all persons acting on behalf of them directly or indirectly, through any corporate or private device, partnership or association, are **PERMANENTLY ENJOINED** from engaging in the acts or practices of which Plaintiff complains and from further violating the Consumer Sales Practices Act, R.C. 1345.01 et seq..

4. Defendant Cabral is **PERMANENTLY ENJOINED** from applying for an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
5. Defendants are **ORDERED TO PAY**, jointly and severally, Twenty thousand one hundred six dollars and nine cents (\$20,106.09) to the Ohio Attorney General to reimburse the Title Defect Recission Fund.
6. Defendants are **ORDERED TO PAY**, jointly and severally, a civil penalty of twenty-five thousand dollars (\$25,000.00).
7. Within seven days of the filing of this decision, all payments shall be made by Defendants delivering a certified check(s) or money order(s) payable to the "Ohio Attorney General" and sent c/o Consumer Protection Compliance Officer, 30 E. Broad St., 14<sup>th</sup> Floor, Columbus, Ohio 43215 in the total amount of forty-five thousand one hundred six dollars and nine cents (\$45,106.09).
8. This Court shall retain jurisdiction for the purpose of enforcement, or for inclusion of a consumer restitution Order, in the event additional consumer complaints are filed with the Plaintiff.
9. Defendants are **ORDERED** to pay, jointly and severally, all court costs of this action.
10. This is a final appealable order and there is no just cause for delay.

**IT IS SO ORDERED.**

**Direction to Clerk:**

**Pursuant to Civ.R.58(B), you are to serve notice of this judgment and its date of entry upon the journal to all parties not in default for failure to appear within three days of the judgment's entry upon the journal, and note the service in the appearance docket.**

Franklin County Court of Common Pleas

**Date:** 08-18-2017  
**Case Title:** OHIO STATE ATTORNEY GENERAL MICHAEL DEWI -VS-  
COUSINS CAR LOT LLC ET AL  
**Case Number:** 17CV005272  
**Type:** JUDGMENT ENTRY

It Is So Ordered.

The image shows a handwritten signature in cursive script that reads "Julie M. Lynch". The signature is written over a circular, embossed or stamped seal. The seal contains text around its perimeter, which is partially obscured by the signature, but it appears to be an official court seal.

/s/ Judge Julie M. Lynch