

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

STATE OF OHIO ex rel.	)	CASE NO. 16 CV 004128
OHIO ATTORNEY GENERAL	)	
MICHAEL DEWINE	)	JUDGE O'DONNELL
	)	MAGISTRATE LIPPE
Plaintiff	)	
	)	<b><u>FINAL JUDGMENT</u></b>
v.	)	<b><u>ENTRY AND ORDER</u></b>
	)	
PRIME TECHNOLOGIES, LLC, et al.	)	
	)	
Defendants.	)	

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RECEIVED  
ATTORNEY GENERAL OF OHIO

MAY 14 2019

CONSUMER PROTECTION SECTION  
PUBLIC INSPECTION FILE

The Plaintiff, State of Ohio, commenced this action on April 28, 2016 by filing its Complaint and Request for Declaratory Judgment, Injunctive Relief, Consumer Restitution, and Civil Penalties against Defendants Prime Technologies, LLC and Linda Brown Massey (collectively "Defendants"). The Complaint alleged violations of the Consumer Sales Practices Act R.C. 1345.01 et seq. ("CSPA") and the Telephone Solicitation Sales Act, R.C. 4719.01 et seq. ("TSSA"). The Defendants were served on May 4, 2016 and failed to respond within the twenty-eight days allotted under the rules. Defendants have failed to make any appearance in this action.

Plaintiff filed a Motion for Default Judgment on June 7, 2016. On July 8, 2016, the Court issued an Order Granting Plaintiff's Motion for Default Judgment. The Court granted Plaintiff's Motion as to liability and granted Plaintiff's request to present evidence of consumer damages via affidavits at a damages hearing.

On September 16, 2016, Plaintiff filed a Motion to Award Consumer Damages and Civil Penalties ("Damages Motion"). In support of its request for consumer damages, Plaintiff

attached to its Damages Motion the affidavits of 22 consumers, which attested to the damages suffered by those consumers. The affidavits established that each of the consumers sustained monetary damages, totaling \$67,628.82, in connection with Defendants' computer repair business. The Court finds that each consumer sustained individual damages in the amounts set forth in the Consumer Damages List (attached as Exhibit 1 to Plaintiff's Damages Motion).

In its Damages Motion, Plaintiff also explained the basis for the amount of civil penalties requested. Plaintiff's request was made pursuant to R.C. 1345.07(D). Plaintiff provided evidence of the Defendants' violations of the CSPA which, pursuant to R.C. 1345.07(D), permit the imposition of a civil penalty in the amount of \$50,000.00.

Upon review of Plaintiff's Damages Motion and the attached exhibits, the Court finds that Plaintiff's Damages Motion is well-taken. The Court **GRANTS** said Motion and orders as follows:

- A. Plaintiff's request for Declaratory Judgment is **GRANTED**, and it is therefore **DECLARED** that the acts and practices set forth in the Complaint violate the CSPA and the TSSA in the manner described therein.
- B. Defendants, their agents, servants, employees, successors or assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership, or other association, under these or any other names, are **PERMANENTLY ENJOINED** from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq. or the TSSA, R.C. 4719.01 et seq.
- C. Pursuant to R.C. 1345.07(B), Defendants are **ORDERED** to pay damages to the Ohio consumers identified in the affidavits provided to the Court who were injured by the

Defendants' conduct set forth herein in the amount of \$67,628.82. Such payment shall be made to the Attorney General via certified check or money order payable to the "Ohio Attorney General" and delivered to:

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

The consumer damages will be distributed by the Attorney General to the following consumers in the amounts set forth below:

LAST	FIRST	CITY	STATE	ZIP	AMOUNT
Bricker	Deborah	Dayton	OH	45414	\$3,798.99
Brush	Barbara	Newark	OH	43055	\$1,400.00
Cerney	Robert	S. Euclid	OH	44121	\$499.00
Corpe	Daniel	Canton	OH	44709	\$399.99
Davis	Ruby	Shaker Hts.	OH	44120	\$589.99
Doughty	Clyde	Englewood	OH	45322	\$1996.00
Effler	John	Middletown	OH	45044	\$259.98
Felton	Carolyn	Xenia	OH	45385	\$1,000.00
Forste	Nancy	Cincinnati	OH	45236	\$480.00
Geiser	Roger	Wooster	OH	44691	\$14,499.97
Gillman	Victoria	Grove City	OH	43123	\$4,400.00
Harvey	Michael	Heath	OH	43056	\$7,737.99
Kaufman	John	Columbus	OH	43212	\$2,200.00
Kennedy	Sylvia	Cincinnati	OH	45237	\$5,499.99

Medert	Kurt	Cincinnati	OH	45244	\$6,999.99
Mosbacker	David	Sardinia	OH	45171	\$399.98
Raymond	Carol	Newark	OH	43055	\$9,998.00
Roberts	Charles	Toledo	OH	438620	\$399.99
Rookard	James	Piqua	OH	45356	\$299.99
Verbryke	Jim	Wapokeneta	OH	45895	\$589.99
Wikas	Schild	Cuyahoga Falls	OH	44221	\$3,579.98
Wyant	Dona	Williams Town	OH	45897	\$599.00

- D. Based on the findings that Defendants committed unfair, deceptive, and unconscionable acts and practices in violation of the CSPA, Defendants are **ORDERED** to pay a civil penalty in the amount of \$50,000.00, pursuant to R.C. 1345.07(D). Such payment shall be made to the Attorney General via certified check or money order payable to the "Ohio Attorney General" and delivered to:

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

- E. Defendants are **ENJOINED** from engaging in business as a supplier in any consumer transactions in the State of Ohio, until such time as they have satisfied all monetary obligations assessed at the damages hearing.
- F. Defendants are **ORDERED** to pay all court costs.

Pursuant to Civ.R. 58, the Clerk of Court shall serve notice of this judgment and its date of entry upon all parties.

IT IS SO ORDERED.

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JUDGE O'DONNELL  
MAGISTRATE LIPPE

Submitted by:

/s/ Hallie C. Saferin  
HALLIE C. SAFERIN (0093467)  
Assistant Attorney General  
Consumer Protection Section  
30 East Broad Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215  
614-466-9529  
[Hallie.Saferin@ohioattorneygeneral.gov](mailto:Hallie.Saferin@ohioattorneygeneral.gov)

*Counsel for Plaintiff, State of Ohio*

TO THE CLERK,

PLEASE SERVE ON THE FOLLOWING:

Prime Technologies, LLC  
220 Heritage West Court  
Greenwood, SC 29649

and

Linda Brown Massey  
220 Heritage West Court 2E  
Greenwood, SC 29649

Franklin County Court of Common Pleas

**Date:** 09-30-2016  
**Case Title:** OHIO STATE ATTORNEY GENERAL MIKE DEWINE -VS-  
PRIME TECHNOLOGIES LLC ET AL  
**Case Number:** 16CV004128  
**Type:** JUDGMENT ENTRY

It Is So Ordered.

A handwritten signature in black ink, reading "Colleen O'Donnell", is written over a circular, faded seal. The seal appears to be the official seal of the Franklin County Court of Common Pleas, though the details are not clearly legible.

/s/ Judge Colleen O'Donnell