

IN THE COURT OF COMMON PLEAS
ROSS COUNTY, OHIO

STATE OF OHIO, *ex rel.*
MICHAEL DEWINE
ATTORNEY GENERAL OF OHIO

PLAINTIFF,

v.

CHAUNCE A. DAWES.

DEFENDANT..

CASE NO. 14 CI 262

JUDGE NUSBAUM

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ATTORNEY GENERAL OF OHIO

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CONSUMER PROTECTION SECTION
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FINAL JUDGEMENT ENTRY AND ORDER

On September 26, 2014, the Court granted default judgment against Defendant Dawes in favor of the Plaintiff, the State of Ohio. The Court then scheduled a non-oral damages hearing for January 8, 2015. After reviewing the State's unopposed Request for Damages and supporting memorandum, the Court issues this Final Judgment Entry and Order.

FINDING OF FACTS

1. Defendant Chaunce A. Dawes is the sole owner and director of the Chillicothe-based "Sludgefaktory." Sludgefaktory, which Dawes sometimes calls "Destruction 101," "Galactic Sludge Clothing," "The Faktion," and "Deadboi_Inc," is an unregistered fictitious business that manufactures and sells apocalyptic-themed clothing.
2. Dawes's address is 4872 U.S. Highway 62 S.W., Washington Court House, OH 43160.
3. Defendant Dawes owned and operated Sludgefaktory from approximately May of 2004 to approximately October of 2013.
4. With the technical assistance of another, Dawes operated a website for his business, <http://www.sludgefaktory.com>. Dawes solicited sales and accepted orders through this website.

5. Consumers paid in advance of receiving their goods. Dawes accepted payments by cash, check, money order, and credit card, principally through e-commerce servicer PayPal, an eBay, Inc., company.
6. Dawes accepted payments from consumers for these good and services and then permitted eight weeks to elapse without shipping or delivering of those goods and services; without making a full refund; without advising the consumer of the duration of an extended delay and offering to send the consumer a refund within two weeks upon the consumer's request; and without, upon the consumer's consent, furnishing similar goods and services of equal or greater value as a good-faith substitute.

CONCLUSIONS OF LAW

1. This Court has personal jurisdiction over the Defendant pursuant to R.C. 2307.382(A)(1) because the Defendant resides in Ohio and because this cause of action arises from the Defendant's business transactions in Ohio.
2. This Court has subject matter jurisdiction over this action pursuant to R.C. 1345.04 because the claims in this Complaint arise from consumer transactions subject to R.C. 1345.01 to 1345.13.
3. Venue is proper with this Court pursuant to Civ. R. 3(B)(3) because the Defendant's actions giving rise to this Complaint occurred in Ross County, Ohio.
4. Dawes is a "supplier" under R.C. 1345.01(C) because he engaged in the business of effecting consumer transactions by selling clothing goods and services to consumers who intended to use the clothing for primarily personal, family, or household purposes.
5. Dawes committed unfair and deceptive acts and practices in violation of R.C. 1345.02(A) and O.A.C. 109:4-3-09(A)(2) by accepting payments from consumers for goods and

services and then permitting eight weeks to elapse without shipping or delivering those goods and services; without making a full refund; without advising the consumer of the duration of an extended delay and offering to send the consumer a refund within two weeks upon the consumer's request; and without, upon the consumer's consent, furnishing similar goods and services of equal or greater value as a good-faith substitute.

ORDER

It is therefore **ORDERED, ADJUDGED, AND DECREED** that:

- A. Dawes's violations of the Consumer Sales Practices Act ("CSPA") occurred as described in the Complaint and as described in this Order granting default judgment.
- B. Dawes, under the name "Sludgefaktory," "Destruction 101," "The Faktion," "Deadboi_Inc," or any others, and all persons acting on behalf of Dawes directly or indirectly, through any corporate or private device, partnership, or association, jointly and severally, are enjoined from engaging in the acts and practices outlined in this Order and from further violating the CSPA.
- C. Dawes is also enjoined from acting as a supplier and from soliciting or engaging in any consumer transactions in the State of Ohio as a supplier until the final ordered resolution of this matter is satisfied in its entirety.
- D. Dawes, as a means of ensuring compliance with this Court's Order and with the consumer protection laws of Ohio, shall maintain in his possession and control for a period of five (5) years, and in a manner designed to secure the privacy of all consumers' personal information, all business records relating to Dawes's solicitation, offer, and sale of clothing and clothing-related services to consumers.


- E. Dawes is liable to all consumers damaged by his violations of the CSPA, and is ordered to pay Three Thousand Two Hundred Two Dollars and Eight Cents (\$3,202.08) in consumer restitution to the State of Ohio to reimburse those consumers listed in Addendum A in the amount specified.
- F. Pursuant to R.C. 1345.07(D), Dawes shall pay the Attorney General's Office Ten Thousand Dollars (\$10,000) in civil penalties for his violations of the CSPA.
- G. Dawes shall pay by money order or cashier's check made payable to the "Ohio Attorney General's Office." The money order or cashier's check shall reference "CPS" on the reference or memo line and be mailed to:

**Restitution Compliance Officer
Consumer Protection Section
30 E. Broad Street, Floor 14
Columbus, Ohio 43215**

- H. Dawes shall also pay court costs.

IT IS SO ORDERED.

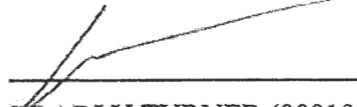
11/12/15
DATE


HON. JUDGE NUSBAUM

The Clerk of the Court is hereby directed to
serve this judgment on the parties and its
clerk. The clerk is to enter all
costs of this proceeding against the
party who has failed to provide
or by whom the judgment was
entered.

Judge Scott W. Nusbaum

Prepared by:



BRADLY TURNER (0091043)
Assistant Attorney General
Consumer Protection Section
30 East Broad Street, 14th Floor
Columbus, Ohio 43215-3428
Phone: (614) 466-1031
bradly.turner@ohioattorneygeneral.gov
Counsel for Plaintiff

Clerk please send copies to:

Bradly Turner, 30 E. Broad St., Floor 14, Columbus, OH 43215; *Counsel for Plaintiff; and*

Chaunce A. Dawes, 4872 US Highway 62 SW, Washington Court House, OH, 43160,
Defendant.

Addendum A

Name	Address	Restitution
Andrea D'Aquino	Kardinal-Faulhaber-Platz, 3, 83022, Rosenheim, Germany	\$247.92
Clayton Carrell	4541 S Paseo Don Juan, Tuscon, AZ 85757	\$296.83
Lucas Smith	1516 East Sam Huston Parkway South, Apt. 1903, Pasadena, TX 77503	\$335.94
Melissa Lee	177 D North Main St., Milbury, MA 01527	\$178.94
Michael Schultz	2114 SW 326th St., Federal Way, WA 98023	\$124.94
Rachael Beck	Untere Kippstrasse 15, 69198 Schriesheim, Germany	\$425.94
Ryan Browning	2320 E State Road 10, Knox, IN 46534	\$259.94
James Sieloff	23055 Emmett, Taylor, MI 48180	\$403.94
Mark Hegeduis	2122 272nd St. B207, Kent, WA 98032	\$107.95
Shawna Sanders	519 Ponce Avenue, Placentia, CA 92870	\$367.92
Steven Kraus	45 South Street, #1, Warwick, NY 10990	\$222.94
Tony Agro	7 Browning Circle, Tonawanda, NY 14150	\$115.94
William Campbell	90 Chaucer Dr., Newark, DE 19713	\$112.94
		\$3,202.08


CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following by
U.S. mail, postage prepaid, this 5 day of January, 2015, to the following:

Chaunce A. Dawes
4872 US Highway 62 SW
Washington Court House, OH 43160
Defendant

Respectfully submitted,

MICHAEL DEWINE
Attorney General



BRADLY M. TURNER (0091043)
Assistant Attorney General
Consumer Protection Section
30 East Broad Street, 14th Floor
Columbus, Ohio 43215-3428
Phone: (614) 466-1031
bradly.turner@ohioattorneygeneral.gov
Counsel for Plaintiff