## IN THE COURT OF COMMON PLEAS ASHTABULA COUNTY, OHIO

CORV

STATE OF OHIO, ex rel. ATTORNEY GENERAL MICHAEL DEWINE

CASE NO. 2013 CV 00108

JUDGE RONALD W. VETTEL

Plaintiff/Relator,

٧.

۲:

BLUE DRAGON LEATHER, et al.

Defendants/Respondents<sup>1</sup>. :

## AGREED ENTRY ON CIVIL PENALTIES

Plaintiff State of Ohio ("Plaintiff") commenced this action with the files of its Complaint on February 8, 2013<sup>2</sup>. The Complaint asserted claims under the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., and its Substantive Rules, Ohio Admin. Code 109:4-3-01 et seq., as well as Ohio's public nuisance laws, Ohio Revised Code Chapter 3767, and sought a declaratory judgment, injunctive relief, and civil penalties.

On July 25, 2013, Plaintiff filed a Motion for Default Judgment Against Defendants Blue Dragon Leather, Richard K. Leavitt, and David Arthur Nottingham ("Motion for Default Judgment")<sup>3</sup>. On January 21, 2014, the Court entered a Default Judgment Entry and Order Against Defendants Blue Dragon Leather and Richard K. Leavitt ("Default Judgment Entry"). The Default Judgment Entry included an order declaring that each act and practice complained of

MAY 1 6 2019

<sup>&</sup>lt;sup>1</sup> The action brought pursuant to the Ohio Consumer Sales Practices Act, R.C. 1345.01 et seq., only applies to Defendants/Respondents Blue Dragon Leather and Richard Leavitt. The action brought pursuant to Ohio's Public Nuisance laws pertained to all named Defendants/Respondents in this matter.

<sup>&</sup>lt;sup>2</sup> Plaintiff filed its Amended Complaint on April 8, 2013.

<sup>&</sup>lt;sup>3</sup> Pursuant to a Motion to Dismiss filed by Plaintiff, this Court dismissed Defendant Nottingham from this action on January 10, 2014.

RECEIVED

ATTORNEY GENERAL OF OHIO

violated the CSPA and Ohio's public nuisance laws in the manner set forth in the Complaint, and also included an injunction permanently enjoining the Defendants from engaging in the acts or practices of which Plaintiff complained. The Defendants were ordered to be taxed Three Hundred Dollars (\$300.00) in accordance with R.C. 3767.09 and were further assessed a civil penalty in an amount to be determined at a future date.

On March 12, 2014 a hearing was held before this Court in which counsel for Plaintiff appeared and participated via telephone. Counsel for Defendant Leavitt also appeared, filing a Notice of Appearance the same day. Pursuant to discussions had between the parties and the Court, the parties have agreed to forego an evidentiary hearing on the amount of the civil penalties ordered assessed in this case and instead submit to the Court this Agreed Entry on Civil Penalties.

## **ORDER**

It is hereby ORDERED pursuant to R.C. 1345.07(D) that Defendants are assessed, jointly and severally, and shall pay Twenty-Five Thousand Dollars (\$25,000.00) to the Office of the Ohio Attorney General's General Holding Account (R004). As Defendant Blue Dragon Leather is closed; Defendant Richard Leavitt has submitted a Financial Statement regarding his inability to pay; Defendant Leavitt has been punished in related criminal proceedings for the acts and practices enumerated in the Complaint filed in this action; and based upon Defendant Leavitt's full compliance with the January 21, 2014 Default Judgment Entry, such payment shall be suspended in its entirety. If Defendant Leavitt fails to comply with any of the provisions noted in the January 21, 2014 Default Judgment Entry, the Twenty-Five Thousand Dollars (\$25,000.00) payment shall be due and payable upon demand.

IT IS FURTHER ORDERED that in accordance with this Court's January 21, 2014 Default Judgment Entry, Defendants shall remain liable, jointly and severally, for all costs associated with bringing this action.

This Court shall retain jurisdiction to enforce compliance with this Agreed Entry and Order.

IT IS SO ORDERED.	JUDGE RONALD W. VETTEL
	JUDGE KONALD W. V.
DATE	JUDGE RONALD W. VETTEL

## JOINTLY APPROVED FOR ENTRY AND SUBMITTED BY: FOR THE OHIO ATTORNEY GENERAL, MICHAEL DEWINE

MELISSA G. WRIGHT (0077843)

Assistant Section Chief

Consumer Protection Section

CHARISSA PAYER (0064452)

Principal Assistant Attorney General

Health & Human Services Section

30 East Broad Street, 14th Floor

Columbus, Ohio 43215-3428

(614) 466-8169; (866) 528-7423 (facsimile)

melissa, wright@ohioattornevgeneral.gov

charissa.payer@ohioattorneygeneral.gov

Counsel for Plaintiff/Relator Ohio Attorney General

FOR DEFENDANTS BLUE DRAGON LEATHER AND RICHARD K. LEAVITT

WILLIAM P. BOBULSKY (0007357)

1612 East Prospect Road Ashtabula, Ohio 44004

(440) 998-4214; (440) 992-7392 (facsimile)

wpbobulsky@bobulskylaw.com