

RECEIVED
ATTORNEY GENERAL OF OHIO

DEC 19 2019

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

STATE OF OHIO ex rel.
ATTORNEY GENERAL
DAVE YOST

Plaintiff,

v.

TRI-MAJESTIC LLC
d/b/a MAJESTIC MOTORS et al.

Defendants.

CASE NO.: CV-2019-06-2094

JUDGE JOY MALEK OLDFIELD

Order and Entry Granting
Default Judgment Against
Defendants Tri-Majestic LLC
and Jeffrey Corfman

This matter in before the court on Plaintiff's Motion for Default Judgment Against Defendants Tri-Majestic LLC and Jeffrey Corfman. Neither Tri-Majestic LLC nor Jeffrey Corfman responded in opposition.

I. Case Background

Plaintiff filed its Complaint on June 7, 2019 against Tri-Majestic LLC ("Tri-Majestic"), Jeffrey Corfman ("Corfman"), and Derek Rutter ("Rutter") (collectively "Defendants"), who all did business using the name Majestic Motors, alleging violations of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq. In accordance with Civ.R. 4.1(A)(1), Defendant Tri-Majestic was served via Certified U.S. Mail on June 28, 2019. Defendant Corfman was served via Ordinary U.S. Mail, pursuant to Civ.R. 4.6(D), on August 16, 2019.

Defendant Rutter was initially represented by counsel and filed an answer. Defendants Tri-Majestic and Corfman have failed to file answers or otherwise appear in this action. The court finds the individual Defendant Corfman is not

active duty military, a reservist in active federal service, or a National Guardsman in active service. Therefore, pursuant to Civ.R. 55(A), the court hereby **GRANTS** a default judgment against Defendants Tri-Majestic and Corfman on all counts of the Complaint.

In its Motion, the Plaintiff requested that the court impose upon Defendants Tri-Majestic and Corfman each a separate \$25,000 civil penalty and order them to reimburse the Attorney General's Title Defect Recision ("TDR") Fund in the amount of \$62,612.36, jointly and severally. The Plaintiff also requested a declaratory judgment and injunctive relief, and submitted evidence in support of all of these requests.

II. Law and Analysis

"A default judgment is a judgment entered against a defendant who has failed to timely plead in response to an affirmative pleading." *Ohio Valley Radiology Assocs., Inc. v. Ohio Valley Hosp. Assn.*, 28 Ohio St.3d 118, 121 (1986).

Pursuant to R.C. 1345.07(A)(1)-(2), the Attorney General may bring an action to obtain a declaratory judgment and permanent injunction if he has cause to believe a "supplier" has violated the Consumer Sales Practices Act. Further, if the violation is an act or practice found to unfair, deceptive, or unconscionable, the court may impose a penalty of not more than \$25,000. R.C. 1345.07(D).

The Attorney General's Complaint alleges Corfman did business under the fictitious name Tri-Majestic. The Complaint generally alleges Corfman and Tri-Majestic sold motor vehicles to consumers and failed provide or obtain certificates of title in the name of the consumer. The Attorney General's TDR Fund

reimbursed the affected consumers in the amount of \$62,612.36. The Attorney General attached the Affidavit of Christopher Ellison to its Motion for Default Judgment establishing the amount of money paid by the TDR Fund along with an itemization of each payment made.

After consideration, the court finds the Attorney General's Motion for Default against Corfman and Tri-Majestic well-taken and **GRANTS** it. The court further finds the Attorney General established that the imposition of a separate \$25,000 civil penalty against each of these two Defendants is appropriate and permitted by R.C. 1345.07(D) and that they are liable to reimburse the TDR Fund in the amount of \$62,612.36, jointly and severally. A declaratory judgment and injunctive relief are also issued. No hearing on this matter is necessary.

III. Conclusion

Accordingly, Defendants Tri-Majestic and Corfman, doing business under their own names, the name Majestic Motors, or any other names, their agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, are **PERMANENTLY ENJOINED**, pursuant to R.C. 1345.07(A)(2), from engaging in the acts and practices described in this order and from further violating the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.

Defendants Tri-Majestic and Corfman are **ORDERED**, jointly and severally, to pay \$62,612.36 to the Attorney General to reimburse the TDR Fund for expenditures made to resolve consumers' motor vehicle title defects caused by

Defendants Tri-Majestic and Corfman. Such payment shall be made to the Attorney General via a certified check or money order payable to the "Ohio Attorney General" and delivered within seven days to:

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

Defendants Tri-Majestic and Corfman are further **ORDERED**, pursuant to R.C. 1345.07(D), to pay a civil penalty of \$25,000. Such payment shall be made to the Attorney General via a certified check or money order payable to the "Ohio Attorney General" and delivered within seven days to:

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

Defendant Corfman is **PERMANENTLY ENJOINED** from applying for or obtaining any motor vehicle dealer or salesperson license under Chapter 4517 of the Revised Code.

Defendants Tri-Majestic and Corfman are **ENJOINED** from engaging in business as suppliers in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations ordered herein, and until they have satisfied any monetary obligations ordered by any other court in Ohio in connection with a consumer transaction.

Defendants Corfman and Tri-Majestic are **ORDERED**, jointly and severally, to pay all court costs.

IT IS SO ORDERED.



JUDGE JOY MALEK OLDFIELD

CC: ATTORNEY TRACY MORRISON DICKENS

The Clerk of the Summit County Common Pleas Court shall serve a copy of this Order upon the following Pro Se parties by U.S. Mail, Certificate of Service, noting return of same:

Tri-Majestic LLC
Jeffrey Corfman
Derek Rutter