

IN THE COURT OF COMMON PLEAS BELMONT COUNTY, OHIO

STATE OF OHIO, ex rel.)	CASE NO. 19 CV 348
DAVE YOST)	
ATTORNEY GENERAL OF OHIO)	
)	JUDGE FRANK A. FREGIATO
Plaintiff,)	
)	<u>JUDGMENT ENTRY GRANTING</u>
v.)	<u>DEFAULT JUDGMENT</u>
)	<u>AGAINST DEFENDANT</u>
A&J's Used Auto Sales, LLC, et al.)	<u>A&J's USED AUTO SALES LLC</u>
)	
Defendants.)	

This cause came to be heard upon Plaintiff's Motion for Default Judgment against Defendant A&J's Used Auto Sales LLC ("A&J's") pursuant to Civ. R. 55(A). Defendant was properly served in this matter, has failed to file an answer to Plaintiff's Complaint, and has failed to defend against this motion or appear before the Court in any manner. 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 A&J's.

FINDINGS OF FACT

1. Defendant A&J's was an Ohio limited liability company last operating at 422 N. Zane Hwy., Martins Ferry, Ohio 43935.
2. A&J's was 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 its location in Martins Ferry to consumers residing in Belmont and other counties.
3. Defendant, operating under the name A&J's Used Auto Sales LLC, solicited individual

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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. A&J's was a "supplier," as that term is defined in R.C. 1345.01(C), as it 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. A&J's committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by failing to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
6. A&J's committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain certificates of title on or before the Fortieth (40th) day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).
7. A&J's committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by continuing to operate while failing to post a bond after the Attorney General paid retail purchasers of the dealer from the TDR Fund due to the A&J's failure to deliver titles to the purchasers, as required by R.C. 4505.181(A)(2).
8. The acts or practices described in Conclusions of Law 5-7 have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 et seq. Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

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 in the manner set forth therein.
2. A&J's is PERMANENTLY ENJOINED from engaging in any consumer transactions in the State of Ohio as an auto dealer.
3. A&J's under its own name or any other name, its agents, representatives, salespeople, employees, successors and assigns, and all persons acting on behalf of it 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. and the Substantive Rules enacted thereunder.
4. A&J's is ORDERED TO PAY \$7,574.00 to the Ohio Attorney General as recovery for and deposit into the TDR Fund.
5. A&J's is ORDERED TO PAY a civil penalty of \$25,000.00 pursuant to R.C. 1345.07(D).
6. A&J's is prohibited from applying for an auto dealer license under Chapter 4517 of the Revised Code.
7. 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.
8. A&J's is ORDERED to pay all court costs of this action.

IT IS SO ORDERED.

Frank A. Fregiato

DATE

JUDGE FRANK A. FREGIATO

Submitted By:

DAVE YOST

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