

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO <i>ex rel.</i>)	
ATTORNEY GENERAL)	
DAVE YOST)	Case No: 19 CV 007404
)	
)	Judge Chris M. Brown
Plaintiff,)	
v.)	RECEIVED
)	ATTORNEY GENERAL OF OHIO
)	
ALLAN GULLIFORD)	MAR 08 2021
DBA PERFECT INGROUND POOL)	
)	CONSUMER PROTECTION SECTION
Defendant.)	PUBLIC INSPECTION FILE

Order and Entry Adopting Magistrate's Decision

Pursuant to this Court's Order of Reference dated February 14, 2020, a damages hearing was scheduled before Magistrate Thompson. Previously, this Court entered a default judgment for Plaintiff State of Ohio, ex rel. Attorney General of Ohio Dave Yost ("Plaintiff") and against Allan Gulliford, dba Perfect Inground Pool ("Defendant"), on the issue of liability only. At the damages hearing, Plaintiff presented affidavits and a memorandum in support of its claim for restitution and civil penalty under Ohio's Consumer Sales Practices Act. On July 23, 2020, upon consideration of the testimony and evidence in the record, Magistrate Thompson issued his decision (the "Magistrate's Decision"). In the Decision, Magistrate Thompson recommended that the Court should enter judgment in favor of Plaintiff and against all defendants as follows:

1. A permanent injunction that enjoins Defendant Allan Gulliford from doing business under Gulliford's own name, the name Perfect Inground Pool, or any other names, his agents, representatives, salespeople, employees, successors, or assigns, and all persons

acting in concert or participating with Defendant, from engaging in the acts and practices described in the Magistrate's Decision and from further violating the Consumer Sales Practices Act, R.C. 1345.01 et. seq.

2. An injunction that enjoins Defendant from engaging in business as a supplier in any consumer transactions with Ohio consumers until he has satisfied the financial liabilities of the Court's judgment in this case.
3. A declaratory judgment that declares that the acts and practices of Defendant, as set forth in the Magistrate's Decision, violate the Consumer Sales Practices Act, R.C. 1345.01 et. seq.
4. An Order, pursuant to R.C. 1345.07(D), that Defendant is to pay consumer restitution of \$42,126.20.
5. An Order that court costs are to be paid by Defendant.
6. An Order, pursuant to R.C. 1345.07(D), that Defendant is to pay \$40,000 in civil penalty.

To date, no party has filed an objection to the Magistrate's Decision.

Upon independent review of the Magistrate's Decision, the Court finds no error of law or other facially evident defect. As such, this Court approves and adopts the same as its own in its entirety. Civ.R. 53(D)(4).

Combining the Court's February 10, 2020 Default Judgment Entry and the Magistrate's Decision of July 23, 2020, it is therefore ORDERED, ADJUDGED and DECREED that judgment is entered in favor of Plaintiff as follows:

1. Defendant Allan Gulliford is hereby permanently enjoined from doing business under Gulliford's own name, the name Perfect Inground Pool, or any other names, his

agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert or participating with Defendant, from engaging in the acts and practices described in the Magistrate's Decision and from further violating the Consumer Sales Practices Act, R.C. 1345.01 et. seq.

2. Defendant is hereby enjoined from engaging in business as a supplier in any consumer transactions with Ohio consumers until he has satisfied the financial liabilities of the Court's judgment in this case.
3. The Court further declares that the acts and practices of Defendant, as set forth in the Magistrate's Decision, violate the Consumer Sales Practices Act, R.C. 1345.01 et. seq.
4. Pursuant to R.C. 1345.07(D), Defendant is ordered to pay a civil penalty in the amount of \$40,000.00.
5. Pursuant to R.C. 1345.07(D), Defendant is ordered to pay consumer restitution of \$42,126.20 to Plaintiff.
6. Court costs to Defendant.

Pursuant to Civil Rule 58(B), the Clerk is directed to serve upon all parties notice and the date of this judgment. **This is a final appealable order; there is no just reason for delay.**

IT IS SO ORDERED.

DATE

JUDGE BROWN

Submitted by:
DAVE YOST
Ohio Attorney General

/s/ Christopher Ramdeen
Christopher Ramdeen (0095623)
Assistant Attorney General
30 East Broad Street, 14th Floor
Columbus, Ohio 43215-3400
Phone: (614) 995-1577
Christopher.Ramdeen@OhioAttorneyGeneral.gov
Counsel for Plaintiff, State of Ohio

Franklin County Court of Common Pleas

Date: 02-26-2021
Case Title: STATE OF OHIO EX REL ATTORNEY GENERAL -VS- ALLAN GULLIFORD
Case Number: 19CV007404
Type: JUDGMENT ENTRY

It Is So Ordered.

A handwritten signature in black ink, appearing to read 'Chris Brown', is written over a horizontal line.

/s/s Judge Christopher M. Brown