IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

STATE EX REL ATTORNEY   :
GENERAL YOST,
                                        :
        Plaintiff,
                                        :   Case No. 21 CV H 03 0113
    -vs-   **RECEIVED**
                                        :   ATTORNEY GENERAL OF OHIO
DAVID D FRANCIS, et al.,
                                        :
        Defendants.   **JUL 2 7 2021**

<u>Final Judgment Entry and Order</u> CONSUMER PROTECTION SECTION <u>on Consumer Damages and Civil Penalties</u> PUBLIC INSPECTION FILE

Plaintiff State of Ohio ex rel. Attorney General Dave Yost ("Plaintiff" or "Attorney

General") commenced this action on March 19, 2021, by filing a Complaint and Request

for a Declaratory Judgment, Injunctive Relief, Consumer Damages, and Civil Penalties

against Defendants David D. "Doug" Francis d/b/a D-Way Construction LLC and D-

Way Construction LLC (collectively, "Defendants"). The Complaint alleged violations of

the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., and its

substantive rules, and the Home Solicitation Sales Act ("HSSA"), R.C. 1345.21 et seq.

Plaintiff moved for default judgment on May 19, 2021, and the Court entered an

Order and Entry Granting Default Judgment Against Defendants on May 20, 2021.

On June 30, 2021, Plaintiff filed a Memorandum in Support of Consumer Damages and

Civil Penalties ("Damages Memo"), in which Plaintiff submitted evidence, including

consumer affidavits, supporting the amount of consumer damages and civil penalties

that Plaintiff requested. In their affidavits, the consumers attested to the damages each

of them suffered. The evidence established that the consumers sustained monetary

damages after Defendants failed to provide the services for which Defendants accepted

the consumers' payments. The Court provided Defendants with the opportunity to respond to the Memorandum in Support of Damages and Other Requested Relief by July 16, 2021. Defendants failed to respond.
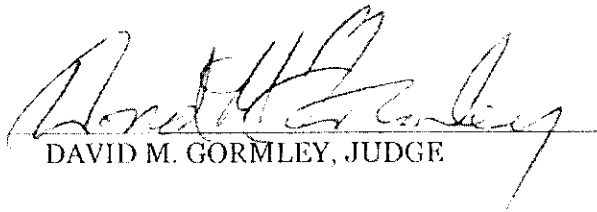
The Court finds that the consumers sustained damages in the amount of $63,058. The Court finds that the amount of damages sustained by Randy Barker is $24,461, which is the amount he testified to in his affidavit and not the incorrect amount on the Consumer Damages Summary List on Exhibit 5 to the Damages Memo. The damages amounts listed on the Consumer Damages Summary List on Exhibit 5 are correct for the three remaining consumers, and the Court finds that those three remaining consumers sustained damages in the amounts listed on Exhibit 5 to the Damages Memo.

In its Damages Memo, Plaintiff also explained the basis for a $25,000 civil penalty. Plaintiff requested the civil penalty pursuant to R.C. 1345.07(D) and provided evidence of Defendants' violations of the CSPA sufficient to warrant imposing a civil penalty. The Court finds Plaintiff's request for a civil penalty in the amount of $25,000 well-taken.

For the purposes of effecting the Order and Entry Granting Default Judgment Against Defendants on May 20, 2021, it is hereby ORDERED, ADJUDGED, and DECREED that:

A. Defendants are, jointly and severally, ORDERED to pay actual damages to all consumers injured by the conduct of Defendants in the total amount of $63,058 to be distributed by the Attorney General to the four consumers who provided affidavits that were attached to Plaintiff's Damages Memo as Exhibits 1–4.

B. Defendants are, jointly and severally, ORDERED to pay civil penalties, pursuant to R.C. 1345.07(D), in the amount of $25,000.

C. Defendants are, jointly and severally, liable for Plaintiff's costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded plus interest, as permitted by statute.

D. Defendants are, jointly and severally, ORDERED to pay all court costs.

DAVID M. GORMLEY, JUDGE

The Clerk of this Court is hereby Ordered to serve a copy of this Judgment Entry upon all parties or their counsel through the Clerk's e-filing system, by regular mail, or by fax.

THIS IS A FINAL APPEALABLE ORDER.
THERE IS NO JUST CAUSE FOR DELAY.