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LICKING CO. OHIO
2021 SEP 23 PM 4:02
OLIVIA C. PARKINSON
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IN THE COURT OF COMMON PLEAS
LICKING COUNTY, OHIO

STATE OF OHIO ex rel.)
ATTORNEY GENERAL)
DAVE YOST) Case No: 20 CV 00870

)
)
)
) Judge: Marcelain
)
Plaintiff,)

v.)

MATTHEW HOYD,) FINAL JUDGMENT
Individually, and) ENTRY AND ORDER
dba ANGELETTI OVERHEAD)
DOOR COMPANY, LLC,)
dba HOYD'S OVERHEAD)
DOOR COMPANY, LLC)
and dba ANGELETTI OVERHEAD)
DOOR, LLC)

RECEIVED
ATTORNEY GENERAL OF OHIO

SEP 28 2021

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

The Plaintiff commenced this action on August 10, 2020, by filing its Complaint and Request for a Declaratory Judgment, Injunctive Relief, Consumer Restitution, Civil Penalties, and Other Appropriate Relief against Defendant Matthew Hoyd, Individually, and doing business as Angeletti Overhead Door Company, LLC, dba Hoyd's Overhead Door Company, LLC, and doing business as Angeletti Overhead Door, LLC ("Defendant.") The Complaint alleged violations of the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.*, and the Failure to Deliver Rule, O.A.C. 109:4-3-09(A). On February 5, 2021, Defendant was served by ordinary mail after certified mail service was returned as unclaimed. Plaintiff moved for default judgment on April 19, 2021, and the Court entered a Default Judgment Entry and Order against Defendant on April 20, 2021.

The Clerk of Courts is hereby ORDERED
to serve a copy of the Judgement Entry
upon all parties or counsel

Plaintiff filed Plaintiff's Memorandum in Support of Damages and Other Requested Relief ("Damages Memo"). In its Damages Memo, Plaintiff submitted evidence, including consumer affidavits, supporting the amount of consumer damages and civil penalties that Plaintiff was requesting. In their affidavits, the consumers attested to the damages each of them suffered. The evidence established that the consumers sustained monetary damages after Defendant failed to provide the services for which Defendant accepted the consumers' payments.

The Court finds that the consumers sustained damages in the amount of \$3,475.00.

In its Damages Memo, Plaintiff also explained the basis for a \$5,000 civil penalty. Plaintiff requested the civil penalty pursuant to R.C. 1345.07(D) and provided evidence of the Defendant's 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 \$5,000 well-taken.

Based on the above, the Court restates below the Findings of Fact, Conclusions of Law, and ordered relief included in the Court's April 20, 2021 Default Judgment Entry and Order, with the addition of an updated address for Defendant, and orders additional relief based on the evidence presented in the Plaintiff's Damages Memo.

FINDINGS OF FACT

1. Defendant Matthew Hoyd is a natural person residing at 76 Arbor Court, Newark, Ohio 43055.
2. "Angeletti Overhead Door Company, LLC" is a trade name registered on July 31, 2013 with the Ohio Secretary of State by Hoyd's Overhead Door Company, LLC, with Matthew Hoyd signing as the authorized representative. "Hoyd's Overhead Door Company, LLC" is a business name not registered with the Ohio Secretary of State.

3. Defendant Matthew Hoyd engaged in consumer transactions under the name "Angeletti Overhead Door, LLC," and this is the business name used on his contracts.
4. Defendant provided goods and services to consumers, including engaging in the business of selling and installing garage doors.
5. Defendant has refused to refund consumers' deposits or payments despite consumers' requests for refunds.
6. Defendant represented to consumers that he would provide the ordered goods and services within an estimated time and then failed to provide such goods and services in the time promised.

CONCLUSIONS OF LAW

7. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
8. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(1), (2), and (3) in that Licking County is the county in which Defendant resides, the county where Defendant's principal place of business is located, and the county where Defendant conducted activity that gave rise to the claims for relief.
9. The Attorney General is the proper party to commence these proceedings in the public interest and on behalf of the State of Ohio under the authority vested in him by R.C. 1345.01 *et seq.*
10. Defendant is a "supplier," as that term is defined in R.C. 1345.01(C), as he engaged in the business of effecting "consumer transactions" by soliciting consumers either directly or indirectly for home remodeling and repair goods and services for a fee, within the meaning of R.C. 1345.01(A).

11. Defendant committed unfair and deceptive acts or practices in violation of the Failure to Deliver Rule, O.A.C. 109:4-3-09(A), and the CSPA, R.C. 1345.02(A), by accepting money from consumers for goods and services and then permitting eight weeks to elapse without making shipment or delivery of the goods and services ordered, making a full refund, advising the consumers of the duration of an extended delay and offering to send a refund within two weeks if so requested, or furnishing similar goods or services of equal or greater value as a good faith substitute.


THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED THAT:

- A. The Plaintiff's request for a Declaratory Judgment that the acts and practices set forth above are in violation of the CSPA and its Substantive Rules, is hereby GRANTED.
- B. Defendant, individually and doing business as Angeletti Overhead Door Company, LLC, and doing business as Hoyd's Overhead Door Company, LLC, and dba Angeletti Overhead Door, LLC, his agents, employees, successors or assigns, and all persons acting in concert and participation with him, directly or indirectly, through any corporate device, partnership, or other association, under these or any other names, are hereby PERMANENTLY ENJOINED from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 *et seq.*, and its Substantive Rules including, without limitation, the conduct described in the Conclusions of Law Paragraph 11.
- C. Defendant is ORDERED to pay consumer damages to the Ohio Attorney General in the total amount of \$3,475.00 to be distributed by the Attorney General to the four consumers who provided affidavits attached to the Plaintiff's Damages Memo as Exhibits 2-5.

- D. Pursuant to the above findings that Defendant committed unfair and deceptive acts and practices in violation of the CSPA, Defendant is ORDERED to pay a civil penalty to the Ohio Attorney General in the amount of \$5,000.
- E. Defendant is liable to Plaintiff for collection costs and interest as permitted by law.
- F. Defendant is assessed all court costs.

IT IS SO ORDERED.

DATE


JUDGE THOMAS M. MARCELAIN

IN COMPLIANCE WITH CIVIL RULE 58, IT IS VERIFIED
THAT COPIES HAVE BEEN SENT TO PARTIES AND/OR
THEIR ATTORNEY OF RECORD IN A MANNER
PRESCRIBED BY CIVIL RULE 5 (B) ON THIS 24
DAY OF Sept 2021 K. Roberts

Approved by:



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