

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

STATE OF OHIO, ex rel. ATTORNEY	:	
GENERAL DAVE YOST,	:	
	:	
Plaintiff,	:	
	:	Case No. 20CV-1678
vs.	:	
	:	(JUDGE FRYE)
CHRISTOPHER WILDER, et al.	:	
	:	(MAGISTRATE CORDLE)
Defendants.	:	

**DECISION AND FINAL JUDGMENT
ADOPTING MAGISTRATE'S APRIL 13, 2021 DECISION.**

On April 13, 2021, a hearing was held on the record before Magistrate Cordle. The Court had previously found that defendants were liable for violations of the CSPA and referred the question of damages to Magistrate Cordle to determine at a later date. *See* March 5, 2021 Order of Reference. No objections were filed following the issuance of the Magistrate's decision. Upon review, the court determines that there is no error of law or other defect evident on the face of the Magistrate's decision. The Magistrate's Decision is hereby **ADOPTED** in its entirety.

Plaintiff is **GRANTED** Final Judgment against defendants Christopher Wilder, Karmella Andreau-Vivas, and True Quality Home Improvement, LLC, jointly and severally, in the amount of \$22,344.84 in damages and \$25,000.00 in civil penalties. Court costs taxed against defendants.

*****THIS IS A FINAL APPEALABLE ORDER*****

IT IS SO ORDERED.

RECEIVED
ATTORNEY GENERAL OF OHIO

JUL 19 2021

**CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE**

INSTRUCTIONS TO CLERK:

MAIL COPY TO:

CHRISTOPHER WILDER
28709 N 166 WAY
SCOTTSDALE, AZ 85262

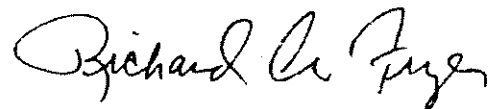
TRUE QUALITY HOME IMPROVEMENT LLC
2830 W SUNSHINE BUTTE DR
QUEEN CREEK, AZ 85142

KARMELLA ANDREU-VIVAS
2830 W SUNSHINE BUTTE DR
QUEEN CREEK, AZ 85142

Franklin County Court of Common Pleas

Date: 07-12-2021
Case Title: STATE OF OHIO EX REL ATTORNEY GENERAL -VS-
CHRISTOPHER WILDER ET AL
Case Number: 20CV001678
Type: JUDGMENT ENTRY

It Is So Ordered.

A handwritten signature in black ink, appearing to read "Richard A. Frye". The signature is written in a cursive, flowing style.

/s/ Judge Richard A. Frye

Court Disposition

Case Number: 20CV001678

Case Style: STATE OF OHIO EX REL ATTORNEY GENERAL -VS-
CHRISTOPHER WILDER ET AL

Case Terminated: 10 - Magistrate

Final Appealable Order: Yes

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

STATE OF OHIO, ex rel. ATTORNEY	:	
GENERAL DAVE YOST,	:	
	:	
Plaintiff,	:	
	:	Case No. 20CV-1678
vs.	:	
	:	(JUDGE FRYE)
CHRISTOPHER WILDER, et al.	:	
	:	
Defendants.	:	

JOURNAL ENTRY
GRANTING PLAINTIFF'S MOTIONS, IN PART, FOR DEFAULT JUDGMENT;
(Motions filed Jan. 11 and Feb. 17, 2021)
VACATING APRIL 13, 2021 TRIAL DATE;
and
ORDER OF REFERENCE FOR DAMAGES HEARING ON MAY 18, 2021.

This is a Consumer Sales Practice Act (CSPA) case. Plaintiff State of Ohio, through the Attorney General, alleges defendants Christopher Wilder, Karmella Andreau-Vivas, and True Quality Home Improvement, LLC violated provisions of the CSPA while engaged in the business of providing home repair, remodeling, and installation services to Ohio consumers. (Complaint, filed February 27, 2020, ¶ 13-19) Plaintiff seeks a declaratory judgment, a permanent injunction against further statutory violations, and civil penalties as appropriate.

On January 11, 2021, plaintiff moved for default judgment against defendants Christopher Wilder and Karmella Andreau-Vivas. Plaintiff moved for default against True Quality Home Improvement, LLC, on February 17. (Andreau-Vivas was served by ordinary mail on May 13, Wilder by certified mail on June 12, and True Quality Home Improvements by ordinary mail on January 12, 2021.) Defendants failed to file an answer or otherwise defend the case. Accordingly, plaintiff's motion is **GRANTED, IN PART** as to the declaratory judgment, permanent injunction and proximate cause of damages. The upcoming trial date of March 8, 2021 is hereby **VACATED**.

This case is **REFERRED** to Magistrate Cordle for a **HEARING** on damages on **Tuesday, April 13, 2021 at 9:30 a.m.** 5th Floor, 345 South High Street, Courtroom **5D**,

Columbus, Ohio. Counsel shall copy the assigned Magistrate with all future filings that affect the referred matter by email (Jennifer_Cordle@fccourts.org). Counsel shall confer with the assigned Magistrate regarding any scheduling changes and whether plaintiff is permitted to submit evidence of damages by affidavit.

If plaintiff deems it prudent that the Permanent Injunction become effective before damages can be tried, counsel should tender a proposed Injunctive Order to Chambers 5F with the requested language. Defendants should receive copies of any communication with the court, notwithstanding their default.

IT IS SO ORDERED.

INSTRUCTIONS TO CLERK:

MAIL COPY TO:

CHRISTOPHER WILDER
28709 N 166 WAY
SCOTTSDALE, AZ 85262

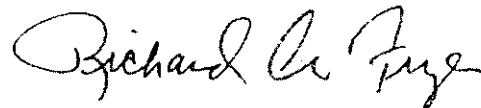
TRUE QUALITY HOME IMPROVEMENT LLC
2830 W SUNSHINE BUTTE DR
QUEEN CREEK, AZ 85142

KARMELLA ANDREU-VIVAS
2830 W SUNSHINE BUTTE DR
QUEEN CREEK, AZ 85142

Franklin County Court of Common Pleas

Date: 03-05-2021
Case Title: STATE OF OHIO EX REL ATTORNEY GENERAL -VS-
CHRISTOPHER WILDER ET AL
Case Number: 20CV001678
Type: DEFAULT TO CERTAIN PARTIES

It Is So Ordered.

A handwritten signature in black ink, appearing to read "Richard A. Frye". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

/s/ Judge Richard A. Frye

Court Disposition

Case Number: 20CV001678

Case Style: STATE OF OHIO EX REL ATTORNEY GENERAL -VS-
CHRISTOPHER WILDER ET AL

Motion Tie Off Information:

1. Motion CMS Document Id: 20CV0016782021-02-1799980000
Document Title: 02-17-2021-MOTION FOR DEFAULT JUDGMENT
- PLAINTIFF: STATE OF OHIO EX REL ATTORNEY GENERAL
Disposition: MOTION GRANTED IN PART
2. Motion CMS Document Id: 20CV0016782021-01-1199980000
Document Title: 01-11-2021-MOTION FOR DEFAULT JUDGMENT
- PLAINTIFF: STATE OF OHIO EX REL ATTORNEY GENERAL
Disposition: MOTION GRANTED IN PART

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

STATE OF OHIO, EX REL.)	
ATTORNEY GENERAL)	Case No: 20 CV-1678
DAVE YOST)	
)	
)	
Plaintiff,)	
)	JUDGE FRYE
v.)	
)	
CHRISTOPHER WILDER, ET AL.,)	
)	
)	
Defendants.)	

MAGISTRATE'S DECISION FOLLOWING DAMAGES HEARING

Plaintiff commenced this action by filing its Complaint against Defendants Christopher Wilder, Karmella Andreau-Vivas and True Quality Home Improvement LLC ("Defendants") on February 27, 2020. The Complaint alleged violations of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.* and the Home Solicitation Sales Act ("HSSA"), R.C. 1345.21 *et seq.* Defendants were all properly served but failed to make any appearance in this action.

Plaintiff filed a Motion for Default Judgment against Defendants Andreu-Vivas and Christopher Wilder on January 11, 2021 and against Defendant True Quality Home Improvement on February 17, 2021. This Court issued a Default Judgment Entry and Order against Defendants on March 5, 2021. Default Judgment established that the Defendants violated the Ohio Consumer Sales Practices Act ("CSPA") and are therefore liable to the state for civil penalties and to all consumers injured by their conduct for restitution in amounts to be determined at a damages hearing.

This matter was referred to the undersigned Magistrate for a damages hearing. Plaintiff filed a Memorandum in Support of Damages and Civil Penalties ("Damages Memo") on April 6, 2021 in which Plaintiff submitted legal argument supporting the amount of civil penalties and affidavits supporting the amount of restitution damages. The damages hearing commenced on April 13, 2021, at 1:30 p.m. No defendant appeared or sent counsel. Counsel on behalf of plaintiff appeared, made legal argument, and moved for the consumer affidavits filed with the Damages Memo to be admitted into evidence. Exhibits 1-6 to the Damages Memo. Those affidavits were admitted without objection.

The evidence established that (1) a civil penalty against Defendants in the amount of \$25,000 is appropriate in this matter, and (2) consumers are entitled to restitution from Defendants in the following amounts:

Fletcher	Craig	Hilliard	OH	\$2,555.37
Howard	Carlton	Columbus	OH	\$5,402.24
Kennedy	Margaret	Westerville	OH	\$3,403.27
Morgan	Charles	Hilliard	OH	\$8,944.37
Roper	Joshua	Pickerington	OH	\$739.59
White	Victoria	Columbus	OH	\$1,300.00

Based on the foregoing findings of fact and conclusions of law, the undersigned Magistrate **RECOMMENDS** that the court enter judgment against Defendants, jointly and severally, as follows: **\$25,000 civil penalty; and \$22,344.84 in restitution.** Costs should be taxed to Defendants, and post-judgment interest should accrue at the statutory rate.

A PARTY SHALL NOT ASSIGN AS ERROR OR APPEAL THE COURT'S ADOPTION OF ANY FINDING OF FACT OR CONCLUSION OF LAW IN THIS DECISION UNLESS THE PARTY TIMELY AND SPECIFICALLY OBJECTS TO THAT FINDING OR CONCLUSION AS REQUIRED BY CIV. R. 53(E)(3).

Franklin County Court of Common Pleas

Date: 04-13-2021
Case Title: STATE OF OHIO EX REL ATTORNEY GENERAL -VS-
CHRISTOPHER WILDER ET AL
Case Number: 20CV001678
Type: MAGISTRATE DECISION

So Ordered

A handwritten signature in black ink, appearing to be 'J. Cordle', with a long horizontal line extending to the right.

/s/ Magistrate Jennifer R. Cordle