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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

STATE OF OHIO, EX REL. ATTORNEY GENERAL
DAVE YOST
Plaintiff

CLE DOOR CO., LLC, ET AL
Defendant

Case No: CV-22-967092

Judge: CASSANDRA COLLIER-WILLIAMS

JOURNAL ENTRY

96 DISP.OTHER - FINAL

CONSENT JUDGMENT ENTRY AND FINAL AGREED ORDER IS SIGNED AND ORDERED RECORDED. ORDER
ATTACHED. FINAL. OSJ.

COURT COST ASSESSED TO THE DEFENDANT(S).

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER
PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL
PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

OSJ
Judge Signature

02/13/24
Date

RECEIVED
ATTORNEY GENERAL OF OHIO

APR 18 2024

CONSUMER PROTECTION SECTION
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CLERK OF COURTS
CUYAHOGA COUNTY

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

STATE OF OHIO <i>ex rel.</i>)	
ATTORNEY GENERAL)	CASE NO. 22-CV-967092
DAVE YOST)	
)	JUDGE COLLIER-WILLIAMS
Plaintiff,)	
v.)	<u>CONSENT JUDGMENT AND</u>
)	<u>FINAL AGREED ORDER AND</u>
CLE DOOR, CO., LLC, et al.)	<u>ENTRY AGAINST DEFENDANT</u>
)	<u>THOMAS DINARDI</u>
)	
Defendants.)	

PREAMBLE

This matter came upon the filing of a complaint by Plaintiff, the State of Ohio *ex rel.* Attorney General Dave Yost, charging Defendants CLE Door Co., LLC, Joshua Robertson, Matthew Petroff and Thomas DiNardi ("Defendants") with violations of the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.* and its Substantive Rules, Ohio Administrative Code 109:4-3-01 *et seq.* and the Home Solicitation Sales Act ("HSSA"), R.C. 1345.21 *et seq.* Plaintiff and Defendant Thomas DiNardi ("DiNardi") have agreed to settle and resolve the matters contained herein and all claims alleged against Defendant DiNardi.

By signing this Consent Judgment and Final Agreed Order and Entry ("Consent Judgment"), Defendant DiNardi submits to the personal jurisdiction of this Court and consents to the entry of this Consent Judgment. Defendant DiNardi also consents to the imposition of this Consent Judgment and to the rights of Plaintiff to enforce it.

FINDINGS OF FACT

1. Defendant Thomas DiNardi is an individual whose address is 19227 Blue Point Drive, Strongsville, OH 44136.
2. Defendant CLE Door Co., LLC maintained a storage warehouse, but did not have a retail

business establishment having a fixed permanent location where goods are exhibited or services are offered for sale on a continuing basis.

3. Defendant DiNardi was a co-owner of Defendant CLE Door Co., LLC, which was a registered with the Ohio Secretary of State in July of 2015 and ceased operations by the end of 2022.
4. Defendant DiNardi had a 10% ownership in Defendant CLE Door Co., LLC.
5. Defendant DiNardi participated in the daily business activities of Defendant CLE Door Co., LLC and had limited involvement with the company financials until October 15, 2021 at which time he left the day-to-day operations of the company.
6. Defendant DiNardi, at all times relevant to this action, through CLE Door Co., LLC, solicited individual consumers to enter into consumer transactions for garage doors, gutters and siding.
7. Defendant DiNardi, through Defendant CLE Door Co., LLC accepted deposits and/or payments from consumers for garage doors, gutters and siding, but in some instances failed to provide the garage doors, gutters and siding.
8. Defendant DiNardi, through Defendant CLE Door Co., LLC accepted deposits and/or payments from consumers for garage doors, gutters, and siding, but in some instances failed to provide timely refunds to consumers and misrepresented the status of requested refunds.
9. Defendant DiNardi, through Defendant CLE Door Co., LLC, did not offer consumers the required three-day right to cancel under Ohio law.
10. To date, all consumers have been refunded for garage doors, gutters, and siding, that were

not delivered.

CONCLUSIONS OF LAW

11. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
12. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(1) and (3).
13. The Attorney General of Ohio 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 the CSPA.
14. Defendant DiNardi was a "supplier," as that term is defined in R.C. 1345.01(C), as he engaged in the business of effecting and soliciting "consumer transactions" by soliciting individual consumers either directly or indirectly for goods and services, including garage doors, gutters and siding, within the meaning of R.C. 1345.01(A).
15. Defendant DiNardi, through Defendant CLE Door Co., LLC, committed unfair or 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, specifically garage doors, gutters and siding, and then permitting more than eight weeks to elapse without providing the goods 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 of equal or greater value as a good faith substitute.
16. Defendant DiNardi, through Defendant CLE Door Co., LLC, committed unfair or deception acts or practices in violation of the CSPA, R.C. 1345.02(A), by misrepresenting the status of consumers' refunds.

17. Defendant DiNardi, through Defendant CLE Door Co., LLC, committed unfair or deception acts or practices in violation of the CSPA, R.C. 1345.02(A) and the HSSA, R.C. 1345.23, by failing to offer the proper notice of a consumer's right to cancel the home solicitation sale before three business days after the consumers signed an agreement.

ORDER


- A. Plaintiff's request for the issuance of a declaratory judgment finding that each act or practice set forth above violates the CSPA, R.C. 1345.01 *et seq.* and its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*, and the HSSA, R.C. 13445.23, *et seq.*, is hereby GRANTED.
- B. Defendant DiNardi, doing business under his own name or any other names, together with officers, partners, agents, representatives, salespersons, employees, successors or assigns, and all persons acting in concert and participation with them directly or indirectly through any corporate device, partnership or association, in connection with any consumer transaction, is hereby PERMANENTLY ENJOINED from engaging in any unfair, deceptive, or unconscionable acts and practices that violate the CSPA, R.C. 1345.01 *et seq.*, its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*, and the HSSA, R.C. 13445.23, *et seq.*, including, without limitation, violations of the specific statutes described in this Consent Judgment.
- C. Defendant DiNardi is hereby PERMANENTLY ENJOINED from engaging in business as CLE Door Co., LLC.
- D. Based on the above findings that Defendant committed unfair and deceptive acts and practices in violation of the CSPA, Defendant is ORDERED, pursuant to R.C. 1345.07(D), to pay a civil penalty of \$5,000.00. Payment of the foregoing amount shall be suspended

in full, so long as Defendant complies with this Consent Judgment.


- E. It is further ORDERED that in the event the Ohio Attorney General must initiate legal action or incur any costs to compel Defendant DiNardi to abide by this Consent Judgment, Defendant DiNardi shall be liable to the Ohio Attorney General, should the Ohio Attorney General prevail, for all related enforcement costs, including, but not limited to, a reasonable sum for attorneys' fees, investigative costs, and interest and collection costs as permitted by statute.
- F. Defendant DiNardi shall not represent, directly or indirectly, that the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of his business operations.

IT IS SO ORDERED.

2/13/2024
DATE


JUDGE COLLIER-WILLIAMS

JOINTLY APPROVED FOR ENTRY AND SUBMITTED BY:

<u>By: /s/</u>  KEVIN R. WALSH (0073999) Assistant Attorney General Consumer Protection Section 615 W. Superior Avenue, 11 th Floor Cleveland, OH 44113 216-787-3030 <i>Counsel for Plaintiff, State of Ohio</i>	<u>By: /s/ Patrick J. Milligan per phone authorization</u> <u>2-13-24</u> PATRICK J. MILLIGAN (0078140) Patrick J. Milligan, Co., LPA 18615 Detroit Avenue, Suite 201 Lakewood, OH 44107 216-299-8415 <i>Counsel for Defendant, Thomas DiNardi</i>
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