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CONSUMER PROTECTION SECTION
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IN THE COURT OF COMMON PLEAS
PERRY COUNTY, OHIO

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JESSE T. HANLAN
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STATE OF OHIO, EX. REL.,
ATTORNEY GENERAL DAVE
YOST,

Plaintiff,

V.

STORM PRO ELITE, LLC, et al,

Defendants.

CASE NO. 24-CV-00082

JUDGE TINA M. BOYER

ENTRY AS TO CONSUMER
DAMAGES AND CIVIL
PENALTIES AGAINST
DEFENDANTS STORM PRO
ELITE, LLC AND JAMES R.
HARPER

Plaintiff commenced this action on May 6, 2024, filing its Complaint against Defendants Storm Pro Elite, LLC and James R. Harper ("Defendants"). The Complaint alleged violations of the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.*, and its Substantive Rules, Ohio Adm. Code 109:4-3-01 *et seq.*, and the Home Solicitation Sales Act ("HSSA"), R.C. 1345.21 *et seq.*, and sought declaratory relief, injunctive relief, consumer damages, and civil penalties.

Defendant Storm Pro Elite, LLC is a home improvement company based out of Georgia. Defendant Harper is an owner of Defendant Storm Pro Elite, LLC. Defendants solicit consumers at their homes to offer home improvement services, namely roof and siding replacements. Defendants typically work directly with consumers' insurance companies to make a claim on consumers' behalf and determine the scope of work and cost. The consumers were primarily located in Perry County. Consumers paid Defendants pursuant to a contract between the parties for Defendants to provide home renovations, but the consumers did not receive what they paid for. In some cases, consumers paid Defendants a deposit, but no work was ever done. In other cases,

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of the original on file

PERRY COUNTY CLERK OF COURTS

NEW LEXINGTON, OHIO

By:

Date:

[Signature]
11/09/2024

other cases, Defendants began the contracted work but abandoned the worksite prior to completion.

On September 11, 2024, the Court issued a Default Judgment Entry finding Defendants liable for violating the four counts of the CSPA and HSSA that were pled in Plaintiff's Complaint. The Court further set forth Findings of Fact, Conclusions of Law, and issued an order that granted the declaratory relief and injunctive relief requested in the Complaint and ordered Defendants to pay consumer damages to be determined at a later date, and to pay both Plaintiff's costs in bringing this action, including any costs incurred in collecting monetary judgments ordered in this case and all court costs.

On November 4, 2024, the Court held a damages hearing where consumers Cindy Jacobs, Brenda McLean, Michael Jones and Don Lamb testified that they had collectively suffered a total of \$63,449.60 in damages based on Defendants' violations of the CSPA and HSSA.

Therefore, in addition to the relief set forth in the September 11, 2024, Entry Granting Motion for Default Judgment, the Court hereby **ORDERS** the following:

- A. Plaintiff's request for Declaratory Judgment is GRANTED, and it is therefore DECLARED that the acts and practices set forth above violate the CSPA, R.C. 1345.01 *et seq.* and its Substantive Rules, Ohio Adm.Code 109:4-3-01 *et seq.*, and the HSSA, R.C. 1345.21 *et seq.*, in the manner set forth herein.
- B. Defendants, individually or doing business under any other names, their agents, employees, successors or assigns, and all persons acting in concert and participation with them, 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, Ohio Adm.Code 109:4-3-01 *et seq.*, and the HSSA, R.C. 1345.21 *et seq.*

Defendants, individually and doing business under any other names, are hereby PERMANENTLY ENJOINED from engaging in business as a Supplier in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations ordered by this Court, and any other Court in Ohio, in connection with a consumer transaction.

- C. Pursuant to R.C. 1345.07(B), Defendants are ORDERED to pay actual consumer damages to the Ohio Attorney General in the total amount of \$63,449.60 to be distributed by the Attorney General as restitution for consumer damages for the consumers listed in Exhibit "A."
- D. Based on the above findings that Defendants committed unfair and deceptive acts and practices in violation of the CSPA and HSSA, Defendants are ORDERED to pay civil penalties, pursuant to R.C. 1345.07(D), in a total amount of \$25,000.00.
- E. Defendant are ORDERED to pay Plaintiff's costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- F. Defendants are ORDERED to pay all court costs.

IT IS SO ORDERED.

11/7/24

DATE

Tina M Boyer
JUDGE TINA M. BOYER

SUBMITTED BY:

DAVE YOST
Ohio Attorney General

Kevin R. Walsh
Senior Assistant Attorney General
Consumer Protection Section
615 W. Superior Avenue, 11th Floor
Cleveland, OH 44113
216-787-3030

EXHIBIT A

- 1) Brenda McLean - \$29,831.68
- 2) Bruce and Cindy Jacobs - \$19,105.97
- 3) Brett Ingram and Michael Jones - \$8,075.75
- 4) Don Lamb - \$6,436.20

