

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO ex rel.)
ATTORNEY GENERAL)
MICHAEL DEWINE)
30 E. Broad St., 14th Floor)
Columbus, Ohio 43215)

Case No:

Judge:

Plaintiff,

v.

TRAVEL BALL AMERICA, LLC.)
dba TRAVEL BASEBALL OF)
AMERICA)
5154 Windorf Drive)
Westerville, Ohio 43081)

COMPLAINT AND REQUEST FOR
DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF, CIVIL
PENALTIES, AND OTHER
APPROPRIATE RELIEF

and)

KENNETH HALLOY, individually)
and dba TRAVEL BALL AMERICA,)
LLC. and dba TRAVEL BASEBALL)
AMERICA)
4214 Greensbury Dr.)
New Albany, Ohio 43054)

Defendants.)

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through its counsel, the Attorney General of Ohio, Michael DeWine, having reasonable cause to believe that violations of Ohio's consumer protection laws have occurred, brings this action 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.

2. The actions of Travel Ball America, LLC. and Kenneth Halloy (“Defendants”), hereinafter described, have occurred in Franklin County and other counties in the State of Ohio and, as set forth below, are in violation of the Consumer Sales Practices Act (“CSPA”), R.C.1345.01, et seq.
3. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(2) and (3).

DEFENDANTS

5. Defendant Kenneth Halloy is a natural person residing at 4214 Greensbury Dr., New Albany, Ohio 43054.
6. The principle place of business for Defendant Travel Ball America, LLC. dba Travel Baseball of America is 5154 Windorf Drive, Westerville, Ohio 43081.
7. Defendant Travel Ball America, LLC. is registered as a Limited Liability Company with the Ohio Secretary of State.
8. Defendants are “suppliers,” as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting “consumer transactions” by soliciting consumers either directly or indirectly for baseball tournament services for a fee, within the meaning of R.C. 1345.01(A).

STATEMENT OF FACTS

9. Defendant Halloy at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant Travel Ball America, LLC. dba Travel Baseball of America, causing, personally participating in, or ratifying the acts and practices of

Defendant Travel Ball America, LLC. dba Travel Baseball of America, including the conduct giving rise to the violations described herein.

10. Defendants accepted monetary deposits from consumers for entry into the Buckeye Baseball Blockbuster tournament in the summer of 2014 and failed to deliver the services by cancelling the tournament.
11. Defendants have refused to refund consumers' deposits or payments despite consumers' requests for refunds.
12. Defendants represented to consumers on several occasions that Defendants would provide refunds but then failed to do so.

CAUSE OF ACTION

FAILURE TO DELIVER GOODS AND/OR SERVICES OR PROVIDE REFUNDS

13. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-12 of this Complaint.
14. Defendants 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 or services and then permitting eight weeks to elapse without making shipment or delivery of the goods or services ordered, making a full refund, advising the consumer 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..

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. ISSUE A DECLARATORY JUDGMENT that each act or practice complained of herein violates the CSPA and its Substantive Rules in the manner set forth in the Complaint.
- B. ISSUE A PERMANENT INJUNCTION enjoining the Defendants, their agents, servants, 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, from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq.
- C. ORDER Defendants, pursuant to R.C. 1345.07(B), to pay all actual damages, including non-economic damages, to all consumers injured by the conduct of the Defendants as set forth in this Complaint.
- D. ASSESS, FINE and IMPOSE upon Defendants a civil penalty of \$25,000.00 for each separate and appropriate violation of the CSPA described herein pursuant to R.C. 1345.07(D).
- E. ISSUE AN INJUNCTION prohibiting Defendants from engaging in any consumer transactions in this state until such time as Defendants have satisfied all monetary obligations ordered pursuant to this litigation.
- F. GRANT Plaintiff its costs incurred in bringing this action.
- G. ORDER Defendants to pay all court costs associated with this matter.
- H. GRANT such other relief as the court deems to be just, equitable, and appropriate.

Respectfully submitted,

MICHAEL DEWINE
Attorney General



JENNIFER L. MILDREN (0087564)
Assistant Attorney General
Counsel for Plaintiff, State of Ohio
Consumer Protection Section
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
614-466-8235

