

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

2013 JAN -9 A 11:23

STATE OF OHIO, ex rel.  
MICHAEL DEWINE  
ATTORNEY GENERAL OF OHIO  
Consumer Protection Section  
615 West Superior Avenue, 11<sup>th</sup> FL  
Cleveland, Ohio 44113-1899

Plaintiff,

-vs-

CHRISTOPHER SYDLO  
2824 Nottingham Dr.  
Cleveland, Ohio 44134-5450

and

BEAR TRANSMISSION, INC.  
4105 Harvard Ave.  
Newburgh Hts, Ohio 44105-3213

Defendants.

CLERK OF COURTS  
CUYAHOGA COUNTY  
JUDGE

CASE NO.

COMPLAINT AND  
REQUEST FOR  
PERMANENT INJUNCTION;  
DECLARATORY JUDGMENT;  
CIVIL PENALTIES AND  
RESTITUTION

Judge: CAROLYN B FRIEDLAND

CV 13 799185

JURISDICTION

1. Plaintiff, State of Ohio, by and through 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., the Ohio Consumer Sales Practices Act.

2. The actions of Defendants Christopher Sydlo and Bear Transmission, Inc. (hereinafter "Defendants"), hereinafter described, have occurred in the State of Ohio, County of Cuyahoga, and as set forth below, are in violation of R.C. §1345.01 et seq.

3. Defendants are "suppliers," as that term is defined at R.C. §1345.01(C), as Defendants are engaged in the business of effecting "consumer transactions" by offering motor vehicle transmission parts and repairs for purchase for a fee, within the meaning of R.C. §1345.01(A).

4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3).

### **STATEMENT OF FACTS**

5. Defendants Sydlo and Bear Transmission Inc., an Ohio corporation, have solicited consumers for motor vehicle transmission parts and services in Cuyahoga County, Ohio. Defendant Sydlo possessed and exercised the authority to establish, implement or alter policies and procedures of Defendant Bear Transmission, Inc., and personally allowed, directed, ratified or caused the unlawful acts or practices described herein. Defendants have accepted payments for motor vehicle transmission parts and repairs, have failed to provide those ordered parts and repairs, and failed to refund consumers' monies.

6. Defendants have unjustifiably delayed repayment of legitimate consumer claims for refunds for numerous months, and have failed to provide consumers with the motor vehicle transmission parts and repair services for which Defendants accepted payment from consumers.

### **COUNT ONE**

#### **FAILURE TO DELIVER**

7. Plaintiff incorporates by reference, as if completely rewritten herein; the allegations set forth in Paragraphs One through Six (1-6) of this Complaint.

8. Defendants committed unfair and deceptive acts or practices in violation of the

Consumer Sales Practices Act, R. C. §1345.02 and Ohio Administrative Code §109-4-3-09, by selling motor vehicle transmission parts and services to consumers and then failing to deliver the contracted motor vehicle parts and services or to refund the consumers' money within eight weeks.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that this Court:

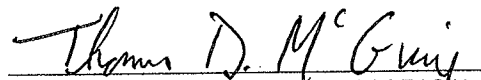
1. **ISSUE** a permanent injunction enjoining Defendants Sydlo and Bear Transmission, Inc., under these or any other names, their agents, servants, representatives, salesmen, employees, successors and assigns and all persons acting in concert or participation with Defendants, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains;
2. **ISSUE** a declaratory judgment declaring that each act or practice complained of in this Complaint violates the Consumer Sales Practices Act, and the Substantive Rules contained in the Ohio Administrative Code in the manner set forth in this Complaint;
3. **IMPOSE** upon Defendants civil penalties in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for each violation of the Consumer Sales Practices Act pursuant to R.C. §1345.07(D);
4. **ORDER** Defendants to reimburse consumers who have been injured by the acts and practices of which Plaintiff complains;
5. As a means of insuring compliance with this Court's Order and with the consumer protection laws of Ohio, **ORDER** Defendants, their successors or assigns, under

this or any other name, to maintain in their possession and control for a period of five (5) years all business records relating to Defendants' solicitation or effectuation of business in Ohio and to permit the Ohio Attorney General or his representative, upon reasonable twenty-four (24) hour notice, to inspect and/or copy any and all of said records and further ORDER that copies of such records be provided at Defendants' expense to the Ohio Attorney General upon request of the Ohio Attorney General or his representatives;

6. **GRANT** Plaintiff his costs in bringing this action;
7. **ORDER** Defendants to pay all court costs;
8. **GRANT** such further relief as justice and equity require.

Respectfully submitted,

**MICHAEL DEWINE**  
**ATTORNEY GENERAL**



THOMAS D. MCGUIRE (0007121)  
Senior Assistant Attorney General  
Consumer Protection Section  
Cleveland Regional Office  
615 W. Superior Ave., 11<sup>th</sup> FL  
Cleveland, OH 44113-1899  
(216) 787-3030  
Trial counsel for Plaintiff State of Ohio  
Thomas.mcguire@ohioattorneygeneral.gov