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COMMON PLEAS DIVISION

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TRACY WINKLER
Clerk of Courts
Hamilton County, Ohio
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**STATE OF OHIO EX REL
ATTORNEY GENERAL
MICHAEL DEWI
vs.
FORM GIANT LLC**

A 1307550

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH NO JURY
DEMAND**

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IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO ex rel. ATTORNEY	:	
GENERAL MICHAEL DEWINE	:	
441 Vine Street, 1600 Carew Tower	:	Case No.
Cincinnati, Ohio 45202	:	
	:	
Plaintiff,	:	
v.	:	
	:	
FORM GIANT, LLC	:	Judge
d.b.a. Change My Address	:	
7770 Cooper Road, Ste. 20	:	
Cincinnati, OH 45242	:	
	:	
and	:	<u>COMPLAINT FOR DECLARATORY</u>
	:	<u>JUDGMENT, INJUNCTIVE RELIEF,</u>
	:	<u>RESTITUTION AND CIVIL</u>
	:	<u>PENALTIES</u>
MATTHEW RILEY	:	
7770 Cooper Road, Ste. 20	:	
Cincinnati, OH 45242	:	
	:	
Defendants.	:	
	:	
	:	
	:	
	:	

JURISDICTION AND PARTIES

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.*
2. Defendant Form Giant, LLC is an Ohio corporation that has a principal place of business at 7770 Cooper Road, Ste. 20, Cincinnati, OH 45242.
3. Defendant Matthew Riley is the CEO of Defendant Form Giant LLC.

4. The actions of Defendants, hereinafter described, have occurred in Hamilton County 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.*
5. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
6. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1-3) and (6).

STATEMENTS OF FACTS

7. Defendants are doing business in Ohio as Change-my-address.com and have a principle place of business at 7770 Cooper Road, Ste. 20, Cincinnati, OH 45242.
8. Change-my-address.com is registered to do business with the Ohio Secretary of State as a trade name of Form Giant, LLC.
9. On information and belief, Defendant Matthew Riley as CEO controlled and directed the business activities and sales conduct of Defendant Form Giant, LLC, causing, personally participating in, or ratifying the acts and practices of Form Giant, LLC as described in the Complaint.
10. Defendants purport that they will change a consumer’s address with the US Postal Service for \$9.95 - \$29.95. The typical charge is \$19.95.
11. The USPS only charges \$1 for this same service.
12. When an individual searches for “address change” in Google, change-my-address.com comes up at the top of the page as an ad. Consumers click on the link, thinking it is the official United States Postal Service page.
13. Depending on which type of device the individual is using (computer, smartphone, or tablet), the Defendants’ Google advertisement is captioned “USPS® Change of Address”

(on smartphones) and “USPS® Change of Address™ - change-my-address.com” (on traditional computers”). On traditional computers and browsers, they then list their services as USPS® Change of Address™ Form Fast & Secure USPS® Mail Forwarding. Additional links for “USPS Change of Address”, “\$500 in Valuable Coupons”, Secure Change of Address”, and Secure COA Form” are also present.

14. Consumers then fill out the address change form on the website, believing that they are on the official United States Postal Service website.
15. Consumers, believing they are on the official United States Postal Service website, are also unaware that there is an additional charge over \$1 for changing their address.
16. The main page, where consumers input their old and new addresses, does not disclose the fee amount.
17. Defendants’ website appearance, along with Google advertisements, led consumers to think they were using the official United States Postal Service address change website.
18. After a consumer enters their address change information, they are taken to a landing page where they input their payment information.
19. It is on this landing page, after consumers have already input their address change information, that it is first disclosed that there is a \$19.95-\$29.95 fee.
20. From February 2013 through early July 2013, the landing page automatically scrolled down so that the fee did not appear without the consumer scrolling *up*.
21. Additionally, Defendants failed to disclose the cost in any sales summary at the end of the transaction or in any sales confirmation.
22. The email confirmation that was sent to consumers does not list the transaction amount.

23. Defendants did not clearly and conspicuously disclose that they were not the United States Postal Service.
24. Defendants did not clearly and conspicuously disclose the amount that consumers would be charged for using Defendants' website.
25. At least 600 consumers nationally have filed complaints with the Better Business Bureau against Defendants.
26. Many consumers received partial refunds and there are some consumers that have received no refund at all.

PLAINTIFF'S CAUSE OF ACTION

COUNT I – UNFAIR AND DECEPTIVE ACTS AND PRACTICES

27. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in preceding paragraphs.
28. Defendants committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by representing that the subject of a consumer transaction has sponsorship, approval, performance characteristics, accessories, uses, or benefits that it does not have.
29. Defendants committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by representing that the Defendants have a sponsorship, approval, or affiliation that they do not have.
30. The acts and practices described above have been previously determined by Ohio courts to violate the CSPA. Defendants committed said violation after such decisions were available for public inspection pursuant to R.C. 1345.05(B)(2).

**COUNT II – FAILURE TO CLEARLY AND CONSPICUOUSLY DISCLOSE
EXCLUSION AND LIMITATIONS**

31. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in preceding paragraphs.
32. Defendants committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), and Ohio Adm. Code 109:4-3-02, by making an offer on the internet in connection with a consumer transaction without clearly and conspicuously disclosing, in close proximity to the words stating the offer, any material exclusions, reservations, limitations, modifications, or conditions.

PRAYER FOR RELIEF

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

- A. DECLARE that each act or practice complained of herein violates the CSPA 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 to reimburse all consumers found to have been damaged by Defendants' unlawful actions.
- D. ASSESS, FINE and IMPOSE upon Defendants a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation of the CSPA, described herein pursuant to R.C. 1345.07(D).
- E. GRANT Plaintiff its costs incurred in bringing this action.
- F. ORDER Defendants to pay all court costs associated with this matter.

G. GRANT such other relief as the court deems to be just, equitable and appropriate.

Respectfully submitted,

MICHAEL DEWINE

Attorney General



ERIC M. GOODING (0086555)
Assistant Attorney General
441 Vine Street, 1600 Carew Tower
Cincinnati, Ohio 45202
Phone: (513) 852-1527
Fax: (877) 381-1751
Eric.Gooding@ohioattorneygeneral.gov
Counsel for Plaintiff, State of Ohio