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CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, *ex rel.*
MICHAEL DeWINE
ATTORNEY GENERAL OF OHIO
615 W. Superior Ave. 11th Floor
Cleveland, Ohio 44113

Plaintiff,

v.

MIDWEST RETAIL LLC
c/o Buckeye Document Services Inc.
8044 Montgomery Road Suite 700
Cincinnati, Ohio 45236

and

CHAD BOWERMAN d/b/a STORM LAKE
TACTICAL
4205 Ashland Avenue
Lorain, Ohio 44053

Defendants.

CASE NO.

Judge: PAMELA A BARKER

CV 14 822249

**COMPLAINT, REQUEST FOR
DECLARATORY AND INJUNCTIVE
RELIEF, DAMAGES AND CIVIL
PENALTIES**

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 the Consumer Sales Practices Act, R.C. 1345.01 et seq.

2. The actions of Defendant Chad Bowerman d/b/a Storm Lake Tactical (Defendant Bowerman) have occurred in the State of Ohio, Cuyahoga County, and violate the Consumer Sales Practices Act, R.C. 1345.01 et seq.
3. This Court has jurisdiction over the subject matter of this action pursuant to R.C. 1345.04 of the Consumer Sales Practices Act.
4. This Court has venue to hear this case pursuant to Civ. R. 3(B)(1), (2), & (3), in that Defendants have their principal place of business in Cuyahoga County, and conducted activity that gave rise to this claim for relief in Cuyahoga County.

DEFENDANT

5. Defendant Chad Bowerman is an individual doing business as Storm Lake Tactical, an unregistered business with the Ohio Secretary of State. Defendant Bowerman is also the sole owner and operator of Midwest Retail LLC, doing business as Storm Lake Tactical. On information and belief, Defendant Bowerman dominated, controlled and directed the business activities and sales conduct of Storm Lake Tactical and Defendant Midwest Retail LLC, causing, personally participating in, or ratifying the acts and practices of Defendant Midwest Retail LLC as described in the Complaint.
6. Defendant Midwest Retail is an Ohio limited liability company doing business as Storm Lake Tactical, a business not registered with the Ohio Secretary of State, with its principal place of business located at 159 Crocker Park Blvd. Suite 400 Westlake, Ohio 44145.
7. Defendants are “suppliers” as that term is defined in R.C. 1345.01(C) as Defendants, at all times relevant herein, engaged in the business of effecting “consumer transactions” by offering for sale and selling products for shooting, reloading, gunsmithing, shooting technique and instruction, tactical products, shooting accessories, and firearm

accessories, to “individuals” in Cuyahoga County, Ohio, and throughout the United States, for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).

STATEMENT OF FACTS

8. Defendants were at all relevant times engaged in the business of offering for sale and selling products for shooting, reloading, gunsmithing, shooting technique and instruction, tactical products, shooting accessories, and firearm accessories.
9. Defendants accepted money for products ordered through their website and failed to deliver the ordered products to consumers or provide refunds.

PLAINTIFF’S CAUSE OF ACTION: **VIOLATIONS OF** **THE CONSUMER SALES PRACTICES ACT**

COUNT ONE **FAILURE TO DELIVER**

10. Defendants have committed unfair or deceptive acts or practices in violation of the Failure to Deliver Rule, Ohio Admin. Code 109:4-3-09(A)(1) and the Consumer Sales Practices Act, R.C. 1345.02(A), by accepting payments from consumers for products related to shooting, reloading, gunsmithing, shooting technique and instruction, tactical products, shooting accessories, and firearm accessories, to “individuals” in Cuyahoga County, Ohio, and throughout the United States, for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D), and failing to deliver those products or provide refunds.
11. The act or practice described in the preceding paragraph has been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 et seq.

12. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

- 1) ISSUE a permanent injunction, pursuant to R.C. 1345.07(A)(2), enjoining Defendants, their agents, servants, representatives, salesmen, employees, successors or assigns, and all persons acting in concert and participation with them, directly or indirectly, from engaging in the acts and practices of which Plaintiff complains.
- 2) GRANT A JUDGMENT against Defendants Midwest Retail LLC and Chad Bowerman in an amount sufficient to reimburse all consumers found to have been damaged by the Defendants' unfair and deceptive acts and practices, including, but not limited to, making restitution to consumers who purchased products from the Defendants and against whom the acts described in this complaint were committed.
- 3) ISSUE a declaratory judgment, pursuant to R.C. 1345.07(A)(1), declaring that each and every act or practice complained of herein violates the Consumer Sales Practices Act in the manner set forth in this Complaint.
- 4) ASSESS, FINE and IMPOSE upon Defendants, jointly and severally, pursuant to R.C. 1345.07, a civil penalty of up to Twenty Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation described herein.
- 5) ENJOIN Defendants from engaging as a supplier in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations due hereunder, as well as any unpaid judgments arising out of consumer transactions.
- 6) GRANT Plaintiff all costs incurred in bringing this action.

- 7) ORDER Defendants to pay all court costs.
- 8) GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General



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