

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

2012 NOV 28 A ID: 22

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

Plaintiff,

-vs-

PHILLIP J. PIERCE)
D.B.A. AUTOMEDS.COM)
304 2860 Van Aken Blvd.)
Cleveland, Ohio)
44120)

Defendant.

Judge: DAVID T MATIA

CV 12 796290

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

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 Defendant Phillip J. Pierce, doing business as "Automeds.com" (hereinafter "Defendant"), 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. Defendant is a "supplier," as that term is defined at R.C. §1345.01(C), as Defendant is engaged in the business of effecting "consumer transactions" by offering

motor vehicle parts 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. Defendant Phillip J. Pierce has solicited consumers for motor vehicle parts across the United States and in Cuyahoga County, Ohio by using the Internet. Defendant has accepted payments for motor vehicle parts, has failed to provide those ordered parts and has failed to refund consumers' monies.

6. Defendant Pierce offers motor vehicle parts to consumers nationwide over the Internet and to consumers as Automeds.com in the State of Ohio. "Automeds.com" is not incorporated in Ohio. Defendant has unjustifiably delayed repayment of legitimate consumer claims for refunds for numerous months, and has failed to provide consumers with the motor vehicle parts for which Defendant 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. Defendant 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 parts to consumers and then failing to deliver the contracted motor vehicle parts 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 Defendant Pierce, under this or any other name, his agents, servants, representatives, salesmen, employees, successors and assigns and all persons acting in concert or participation with Defendant, 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 Defendant 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** Defendant 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** Defendant, his successors or assigns, under this or any other name, to maintain in his possession and control for a period of five (5) years all business records relating to Defendant's 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

Defendant's 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** Defendant to pay all court costs;
8. **GRANT** such further relief as justice and equity require.

Respectfully submitted,

MICHAEL DEWINE
ATTORNEY GENERAL


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