

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO**

STATE OF OHIO, ex rel.)
ATTORNEY GENERAL)
DAVE YOST)
30 East Broad St., 14th Floor)
Columbus, Ohio 43215)
)
Plaintiff,)
)
v.)
)
SIRIUS MOTORS, INC.)
906 Lebanon Street)
Monroe, Ohio 45050)
)
and)
)
TIMOTHY R. THACKER)
2630 Division Street)
Ashland, Kentucky 41101)
)
Defendants.)

CASE NO.

JUDGE

**COMPLAINT FOR
DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF,
CONSUMER DAMAGES, CIVIL
PENALTIES, AND OTHER
APPROPRIATE RELIEF**

JURISDICTION

1. Plaintiff, State of Ohio, through counsel Attorney General Dave Yost, 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 the Attorney General by R.C. 1345.07 of the Consumer Sales Practices Act (“CSPA”), R.C. 1345.01 et seq.
2. The actions of Defendants Sirius Motors, Inc. and Timothy R. Thacker (“Defendants”) have occurred in the State of Ohio, Butler County and other counties and, as set forth below, are in violation of the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 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(C)(2) and (3), in that Butler County is where Defendants' principal place of business was located and where Defendants conducted activities that gave rise to Plaintiff's claim for relief.

DEFENDANTS

5. Sirius Motors, Inc. ("Sirius") is a domestic corporation that conducted business in Butler County, Ohio with its principal place of business located at 906 Lebanon Street, Monroe, Ohio 45050.
6. Defendant Timothy R. Thacker ("Thacker") is an individual who, upon information and belief, resides at 2630 Division Street, Ashland, Kentucky 41101.
7. Defendant Thacker owned Defendant Sirius.
8. Defendant Thacker did business using the name Sirius Motors, Inc. to sell used motor vehicles.
9. Defendant Thacker dominated, controlled, directed, and approved the business activities and sales conduct of Defendant Sirius and caused, personally participated in, or ratified the acts and practices of Defendant Sirius described in this Complaint.
10. Defendants were, at all times relevant to this action, engaged in the business of soliciting, promoting, purchasing, selling, financing and collecting the proceeds of the sales of used motor vehicles to consumers residing in Butler and other Ohio counties.
11. Defendants, as described below, are "suppliers" as that term is defined in R.C. 1345.01(C) as Defendants were, at all times relevant herein, engaged in the business of effecting or soliciting "consumer transactions" as that term is defined in R.C. 1345.01(A).

STATEMENT OF FACTS

12. Defendant Sirius held used motor vehicle dealer license UD023213 issued by the Ohio Bureau of Motor Vehicles pursuant to R.C. 4517.01 et seq., allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles. Defendant Sirius's dealership license has expired.
13. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale and purchase of used motor vehicles.
14. At all relevant times, Defendants displayed and sold used motor vehicles at the Sirius dealership location.
15. Defendants failed to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles.
16. Defendants sold motor vehicles to consumers that did not have certificates of title issued in the name of the dealership at the time of sale.
17. Defendants failed to obtain certificates of title on or before the 40th day after the sale of motor vehicles.
18. To date, Title Defect Recision ("TDR") consumer claims totaling \$86,318.89 have been paid from the TDR Fund, administered by the Ohio Attorney General's Office, after the Defendants failed to obtain certificates of title on or before the 40th day after the sale of the motor vehicles.
19. To date, consumer complaints remain pending with the Ohio Attorney General's Office, which may result in additional future payouts from the TDR Fund.
20. The car dealership operated by Defendants at 906 Lebanon Street in Monroe, Ohio 45050 is out of business, and the lot has been abandoned.

CAUSE OF ACTION

Violations of the Certificate of Motor Vehicle Title Act & the CSPA

21. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
22. Defendants engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
23. Defendants engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by selling to consumers motor vehicles that did not have certificates of title issued in the name of the dealership at the time of the sale and then failing to obtain certificates of title in the name of the consumer purchasers on or before the 40th day after the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
24. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. 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 respectfully prays that this Court:

- A. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice described in Plaintiff's Complaint violates the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq., in the manner set forth in this Complaint.
- B. ISSUE A PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining Defendants, doing business under their own or any other names, and any officers, agents, representatives, salespeople, employees, successors and assigns and all persons acting in

concert or participating with them, directly or indirectly, from committing any unfair, deceptive, or unconscionable acts or practices that violate the CSPA, R.C. 1345.01 et seq., or the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq., including, but not limited to, violating the specific provisions alleged to have been violated herein.

- C. ORDER Defendants, pursuant to R.C. 1345.07(B), to pay damages to all consumers injured by Defendants' conduct.
- D. ORDER the Defendants jointly and severally liable, pursuant to R.C. 1345.52, for payment to the Attorney General's TDR Fund for funds expended to resolve title defects caused by the Defendants' motor vehicle title violations.
- E. ASSESS, FINE, AND IMPOSE upon Defendants, pursuant to R.C. 1345.07(D), a civil penalty of \$25,000.00 for each of the appropriate unfair and deceptive acts alleged in the Complaint.
- F. ORDER that Defendants be enjoined from engaging in consumer transactions as suppliers in the State of Ohio until they have satisfied all restitution, civil penalties, and court costs.
- G. ISSUE A PERMANENT INJUNCTION prohibiting Defendants from maintaining, renewing, or applying for any motor vehicle dealer license under Chapter 4517 of the Revised Code.
- H. GRANT Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- I. ORDER the Defendants to pay all court costs.
- J. GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

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