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CLERK OF THE BOURBON COUNTY DISTRICT COURT
CASE NUMBER: 2017-CV-000081



Court: Bourbon County District Court
Case Number: 2017-CV-000081
Case Title: State of Kansas, Ex Rel, Derek Schmidt, AG vs.
Shane Bailey
Type: Order for Default Judgment Against Defendant

SO ORDERED.

A handwritten signature in black ink, appearing to read "Mark A. Ward".

/s/ Honorable Mark A. Ward, District Court Judge

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**IN THE DISTRICT COURT OF BOURBON COUNTY, KANSAS
SIXTH JUDICIAL DISTRICT**

STATE OF KANSAS, <i>ex rel.</i>)	
DEREK SCHMIDT, Attorney General,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2017-CV-81
)	
SHANE BAILEY, an individual)	
d/b/a BAILEY CONSTRUCTION)	
)	
Defendant.)	
)	

(Pursuant to K.S.A. Chapter 60)

ORDER FOR DEFAULT JUDGMENT AGAINST DEFENDANT

At this time this matter comes on for Plaintiff’s Motion for Default Judgment against the Defendant and Memorandum in Support (“Motion for Default Judgment”) comes before this Court for consideration. The State of Kansas *ex rel.* Derek Schmidt, appears by and through counsel, Jonathan E. Trotter, Assistant Attorney General. The Defendant appears not and is in default.

WHEREUPON, after reviewing the Court’s file and Plaintiff’s Motion for Default Judgment, the Court finds the following:

1. Plaintiff filed its Motion for Default Judgment on March 5, 2018.
2. Plaintiff’s Motion for Default Judgment is predicated on Defendant’s failure to file an answer to the Plaintiff’s Petition, which was filed on October 12, 2017.

3. A copy of the Summons and the Petition were served at Defendant's residence at 618 South Clark Street, Fort Scott, Kansas 66701 on October 24, 2017 pursuant to K.S.A 60-303(d)(A).

4. Defendant has failed to file an Answer twenty-one (21) days after being served with process, as required by K.S.A. 60-212(a)(1)(A)(i).

5. Defendant is not a minor or an incapacitated person.

6. Defendant is in default pursuant to K.S.A. 60-255.

7. The factual allegations set forth in the Plaintiff's Motion for Default Judgment are adopted by the Court as its findings of fact and conclusions of law as fully set forth herein.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Plaintiff's Motion for Default Judgment is granted.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Judgment is hereby entered against Defendant in favor of Plaintiff on all Counts of the Petition.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the actions and practices alleged in Plaintiff's Petition are declared to be deceptive and unconscionable and in violation of the Kansas Consumer Protection Act.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant and any employees, agents, representatives, affiliates, assignees and successors are permanently enjoined from engaging in acts and practices alleged in the Plaintiff's Petition to be violations of the Consumer Protection Act.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant and any employees, agents, representatives, affiliates, assignees and successors are permanently enjoined from operating as a roofing contractor in the State of Kansas.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant be enjoined from these and other violations of the Kansas Roofing Registration Act and the Kansas Consumer Protection Act.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay reasonable investigative fees and expenses to Plaintiff, pursuant to K.S.A. 50-636(c).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay a civil penalty in the amount of \$10,000.00 for each violation of the Kansas Roofing Registration Act, in the aggregate of \$10,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay a further civil penalty in the amount of \$10,000.00 for each violation of the Kansas Consumer Protection Act, in the aggregate of \$20,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED the Defendant pay all Court Costs and all costs associated with distributing and executing this judgment.

IT IS SO ORDERED.

THIS ORDER IS EFFECTIVE AS OF THE DATE AND TIME SHOWN ON THE ELECTRONIC FILE STAMP.

Respectfully submitted,

/s/ Jonathan E. Trotter
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