

James J. Welch, #09546  
Assistant Attorney General  
Office of the Attorney General  
120 SW Tenth Street, 4<sup>th</sup> Floor  
Topeka, Kansas 66612-1597  
(785) 296-3751

FILED BY CLERK  
KS. DISTRICT COURT  
THIRD JUDICIAL DIST  
2001 NOV 20 P 4: 09

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
Division 9

STATE OF KANSAS, *ex rel.*  
CARLA J. STOVALL, Attorney General,

Plaintiff,

vs.

MICHAEL P. MASON, d/b/a BUDGET PAVING,

Defendant.

Case No. 00 C 56

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

**ORDER FOR DEFAULT JUDGMENT**

1. On or about January 18, 2000, the Plaintiff brought suit against the defendant, Michael P. Mason, d/b/a Budget Paving for violations of the Kansas Consumer Protection Act.
2. Defendant was personally served in Shawnee County, Kansas on October 12, 2001.
3. Defendant has submitted to the jurisdiction of the courts of this state by transacting business within this state and has entered into consumer transactions, as defined by the Kansas Consumer Protection Act, K.S.A. §50-624(c).
4. To date, Defendant has failed to respond to the plaintiff's petition or otherwise plead.
5. Defendant has committed a total of at least 162 violations of the Kansas Consumer Protection Act in representations to and transactions with at least 27 Kansas consumers.

WHEREFORE, Plaintiff is hereby granted the relief sought in Plaintiff's Petition, specifically:

- (a) The Defendant's acts and practices, as set forth in Plaintiff's Petition are hereby declared deceptive and unconscionable, in violation of the Kansas Consumer

Protection Act, pursuant to K.S.A. §50-632(a)(1);

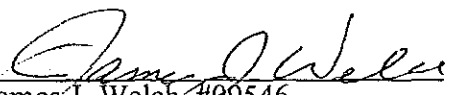
- (b) Defendant and his agents are hereby enjoined from these and other violative practices, pursuant to K.S.A. §50-632(a)(2);
- (c) Defendant is hereby ordered to pay actual damages to all known consumers, as set out in Exhibit B to Plaintiff's Petition, pursuant to K.S.A. §50-632(a)(3), toalling at least \$66,017.00;
- (d) Defendnat is hereby ordered to pay reasonable expenses and investigative fees of \$5,000.00 to the Office of the Kansas Attorney General, pursuant to K.S.A. §50-632(a)(4);
- (e) Defendant is hereby ordered to pay \$5,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act, as provided by K.S.A. §50-636 (27 consumers X 6 violations X \$5,000.00), totalling \$810,00.00.
- (f) All court costs are hereby assessed to Defendant.

SO ORDERED.

---

Honorable Charles E. Andrews, Jr.  
District Judge  
Ninth Division

Prepared & Approved by:  
OFFICE OF THE ATTORNEY GENERAL  
CARLA J. STOVALL

  
James J. Welch, #09546  
Assistant Attorney General  
120 SW Tenth Street, 4<sup>th</sup> Floor  
Topeka, Kansas 66612-1597  
(785) 296-3751

Attorney for Plaintiff