

2000-01

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U.S. DISTRICT COURT  
THIRD JUDICIAL DIST

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GENERAL JURISDICTION  
TOPEKA, KANSAS

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
Division 6

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

Plaintiff,

vs.

JOHN MESKER, JR., d/b/a RITE WAY PAVING,

Defendant.

CASE NO. 00 C 64

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

**JOURNAL ENTRY OF DEFAULT JUDGMENT**

1. On or about January 19, 2000, the plaintiff brought suit against the defendant, John Mesker, Jr., *et al.*, d/b/a Rite Way Paving for violations of the Kansas Consumer Protection Act.
2. Defendant John Mesker, Jr., d/b/a Rite Way Paving, was served with the Petition and Summons via certified mail service on or about January 26, 2000.
3. Defendant has submitted to the jurisdiction of the courts of this state by transacting business within this state and by entering 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 30 violations of the Kansas Consumer Protection Act in representations to and transactions involving at least 6 Kansas consumers. Further, Defendant has committed a total of at least 10 violations of the Kansas Consumer Protection Act in transactions involving at least 2 elderly consumers, as provided by K.S.A. §50-677.

WHEREFORE, Defendant is in default for failure to answer or otherwise plead in the above-captioned action by and through a licensed Kansas attorney as required by law and relief sought in the plaintiff's Petition, specifically:

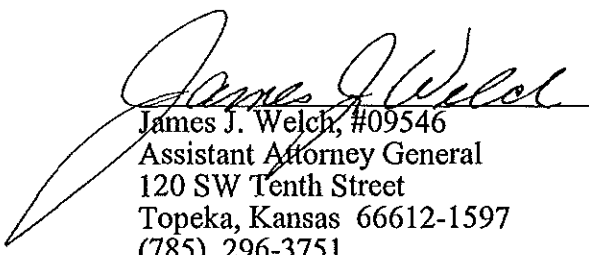
- (a) the complained-of acts and practices are hereby ordered declared deceptive and unconscionable, in violation of the Kansas Consumer Protection Act, pursuant to K.S.A. §50-632(a)(1);
- (b) the Defendant and his agent are hereby enjoined from engaging in the acts and practices set out in Plaintiff's Petition, other violative practices, pursuant to K.S.A. §50-632(a)(2);
- (c) the Defendant is hereby ordered to pay actual damages to all known consumers, as set out in Exhibit A, harmed as a result of Defendant's violations of the Kansas Consumer Protection, pursuant to K.S.A. §50-632(a)(3), totaling at least \$19,845.00;
- (d) the Defendant is hereby ordered to pay reasonable expenses and investigative fees of \$5,000.00 to the Office of the Attorney General pursuant to K.S.A. §50-632(a)(4);
- (e) the 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 (6 consumers X 5 violations X \$5,000.00, totaling \$150,000.00);
- (f) the Defendant is hereby ordered to pay an additional \$5,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act committed against elderly consumers, as provided by K.S.A. §50-677 (5 violations X 2 consumers X \$5,000.00, totaling \$50,000.00); and
- (g) All court costs be assessed to the Defendant.

**SO ORDERED.**

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Honorable Terry Bullock  
District Judge

Respectfully submitted,  
OFFICE OF THE ATTORNEY GENERAL  
CARLA J. STOVALL



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