

IN THE DISTRICT COURT OF KIOWA COUNTY, KANSAS

2009 JUL 29 PM 3:07
SAW Dpty
KIOWA COUNTY, KANSAS
Debra C. Schmidt
DISTRICT COURT CLERK

STATE OF KANSAS, *ex rel.*,)
STEVE SIX, Attorney General,)
)
Plaintiff,)

vs.)

Case No. 08 CV 34

BRIAN K. MCKEE, individually,)
and)
MCKEE CONSTRUCTION, INC.)
)
Defendants.)

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

JOURNAL ENTRY OF JUDGMENT

NOW, on this 29th day of July, 2009, Plaintiff's Journal Entry of Judgment comes before the Court for consideration. The State of Kansas, *ex rel.* Steve Six, appears by and through Assistant Attorney General, Meghan E. Barnds. Defendants appear not.

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

1. Plaintiff filed its Motion and Memorandum in Support of its Motion for Summary Judgment on May 28, 2009.
2. Plaintiff's Motion for Summary Judgment is predicated upon Defendants' failure to file a Response to Plaintiff's discovery requests.
3. Pursuant to K.S.A. 60-255, Defendants are in default.

4. The legal arguments and authorities set forth in Plaintiff's Motion and Memorandum of Summary Judgment are adopted by the Court as its conclusions of law as though fully set forth herein.

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

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that judgment is hereby entered in favor of Plaintiff on all counts of the Petition.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the alleged violations of the Kansas Consumer Protection Act are declared to be deceptive and unconscionable.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants be permanently enjoined from the enumerated deceptive and unconscionable acts and practices, pursuant to K.S.A. 50-632(a)(2).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants and Defendants' employees and agents be permanently enjoined from these and other practices in violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-632(a)(2).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants pay restitution to Tabitha Tillman in the amount of \$156,750.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED, that Defendants pay restitution to Mandy Sorg in the amount of \$39,916.00.

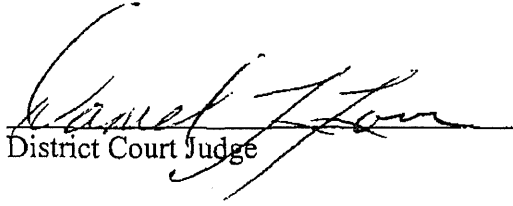
IT IS FURTHER ORDERED, ADJUDICATED AND DECREED, that Defendants be restrained from advertising, soliciting and selling any services, goods or property in Kansas until such time that full restitution is made to Tabitha Tillman and Mandy Sorg.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED, that Defendants pay \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act alleged in Plaintiff's Petition, as provided by K.S.A. 50-636(a).

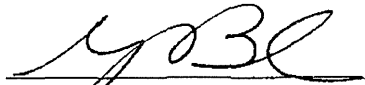
IT IS FURTHER ORDERED, ADJUDICATED AND DECREED, that Defendants pay \$2,450.00 in investigative fees and attorney expenses to the Office of the Kansas Attorney General, as provided by K.S.A. 50-636(a).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants pay all court costs.

IT IS SO ORDERED.


District Court Judge

Prepared and Submitted by:


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