

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
Division 14

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

vs.

Case No. 09CV10696

*Div. 14*

ULTIMATE MOTOR CARS, LLC  
and  
R AMERICAN AUTO, INC.  
and  
KIP T. ROWLEY, an individual,  
and  
RENAE M. ROWLEY, an individual,  
and  
KEVIN L. ROWLEY, an individual,  
  
d/b/a DON RAGSDALE CARS  
  
Defendants.

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

ORDER OF DEFAULT JUDGMENT

NOW, on this 9 day of February, 2010, the Plaintiff's Motion for Default Judgment against Defendant Kevin L. Rowley ("Rowley") comes before this Court for consideration. The State of Kansas, ex rel. Steve Six, appears by and through Assistant Attorney General, Meghan E. Barnds. Defendant Rowley appears not.

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 and Memorandum in Support on February 8, 2010.

*only sent*

CLERK OF DISTRICT COURT  
JOHNSON COUNTY, KS  
*2010*  
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2. Plaintiff's Motion for Default Judgment is predicated upon Defendant Rowley's failure to file an Answer to Plaintiff's Petition which was filed on November 25, 2009.

3. A copy of the Summons and the original Petition were served upon Defendant Rowley at 16880 South Ridgeview Road, Olathe, Kansas 66062, by certified mail return receipt requested on December 9, 2009, pursuant to K.S.A. 60-304(a).

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

5. Pursuant to K.S.A. 60-255, Defendant Rowley is in default.

6. The Court also finds no just reason to delay entry of this Order, pursuant to K.S.A. 60-254(b).

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

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

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that judgment is hereby entered against Defendant Kevin L. Rowley, 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** Defendant Kevin L. Rowley be permanently enjoined from engaging in the acts alleged in Plaintiff's Petition to be violations of the Kansas Consumer Protection Act.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** Defendant Kevin L. Rowley pay restitution to Claude and Karla Lovell, in the amount of \$4,999.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** Defendant Kevin L. Rowley be restrained from advertising, soliciting and selling any services, goods or property in Kansas until such time that full restitution is made by Defendant Rowley.

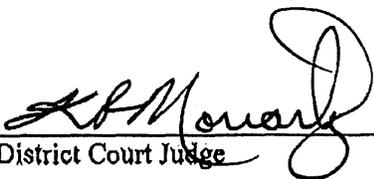
**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** Defendant Kevin L. Rowley pay \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act alleged in Plaintiff's Petition, pursuant to K.S.A. 50-636(a), in this case amounting to \$40,000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** Defendant Kevin L. Rowley pay all Court costs and all costs associated with distributing and executing on any restitution or judgment made by this Court.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** Defendant Kevin L. Rowley pay reasonable investigative fees and expenses to the Office of the Attorney General, pursuant to K.S.A. 50-636(c), in this case amounting to \$2,600.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** Defendant Kevin L. Rowley pay all court costs.

**IT IS SO ORDERED.**

  
District Court Judge

SCAN DATE 2010/02/11 09:23

Submitted by:

  
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Meghan E. Barnds, #23685  
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