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**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION 7**

**STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)**

Plaintiff,)

v.)

Case No. 2015-CV-387

**MIKE B. GORMAN, an individual)
d/b/a PAVE ALL ASPHALT PAVING)**

a/k/a PAVE ALL)

d/b/a MIKE & MARTIN'S ASPHALT PAVING, LLC)

a/k/a MIKE & MARTIN'S ASPHALT PAVING)

and)

PATRICK C. DOUGHERTY, an individual)

d/b/a PAVE ALL ASPHALT PAVING)

a/k/a PAVE ALL)

d/b/a SEAL DOCTORS)

and)

BARTHOLOMEW "BUD" DALEY, an individual)

d/b/a PAVE ALL ASPHALT PAVING)

a/k/a PAVE ALL)

d/b/a PAVE-A-LOT)

d/b/a DALEY CONTRACTING)

and)

HARRY P. RILEY, an individual)

d/b/a PAVE ALL ASPHALT PAVING)

a/k/a PAVE ALL)

d/b/a H. RILEY PAVING)

Defendants.)

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

**ORDER OF DEFAULT JUDGMENT AGAINST
DEFENDANT BARTHOLOMEW "BUD" DALEY**

NOW, on this 29th day of December, 2015, Plaintiff's Motion for Default Judgment Against Defendant Bartholomew "Bud" Daley and Memorandum and Support ("Motion for Default Judgment") comes before this Court for consideration. The State of Kansas, *ex rel.* Derek Schmidt, appears by and through counsel, Assistant Attorney General Meghan D. Lowry. Defendant 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 on November 13, 2015.
2. Plaintiff's Motion for Default Judgment is predicated on Defendant Daley's failure to file an Answer to Plaintiff's Amended Petition, which was filed on August 17, 2015.
3. A copy of the Summons, Motion for Leave to Amend Plaintiff's Petition, Order for Leave to Amend Plaintiff's Petition and Amended Petition were served upon Defendant Daley at the Greenwood County Jail, 311 N. Main Street, Eureka, Kansas 67045 by the Greenwood County Sheriff's Department on August 18, 2015, pursuant to K.S.A. 60-303(d)(1)(A).
4. Defendant Daley failed to file an Answer within thirty (30) days after being served with process, as required by K.S.A. 60-308(a)(3).
5. Defendant Daley is not a minor or incapacitated person.
6. Defendant Daley is in default pursuant to K.S.A. 60-255.
7. The factual allegations set forth in Plaintiff's Motion for Default Judgment are adopted by the Court as its findings of facts and conclusions of law as though 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 Daley and in favor of Plaintiff on all counts of the Amended Petition.

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

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant Daley and any employees, agents, representatives, affiliates, assignees and successors are permanently enjoined from soliciting, advertising or otherwise engaging in the sale of home improvement and asphalt paving services in the State of Kansas.


IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant Daley pay \$160,235.00 to be distributed as restitution by Plaintiff for the consumer transactions alleged in Plaintiff's Amended Petition, pursuant to K.S.A. 50-632(c)(2).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant Daley pay reasonable investigative fees and expenses to the Office of the Kansas Attorney General, pursuant to K.S.A. 50-632(c)(7), in this case amounting to \$5,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant Daley pay \$5,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act alleged in Plaintiff's Amended Petition, pursuant to K.S.A. 50-636(a), in this case amounting to \$605,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant Daley pay all court costs and all costs associated with distributing and executing this judgment.

IT IS SO ORDERED.



The Honorable Judge Franklin R. This
District Court Judge

Submitted by:

/s/ Meghan D. Lowry
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