

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
Division 4

STATE OF KANSAS, <i>ex rel.</i>	)
DEREK SCHMIDT, Attorney General,	)
	)
Plaintiff,	)
	)
v.	)
	)
DAVID J. ROSALES, an individual	)
d/b/a Rosales Plumbing;	)
d/b/a Rosales Plumbing, LLC;	)
d/b/a J & D Plumbing; and	)
d/b/a Boss Construction, LLC.	)
	)
Defendant	)
	)

Case No. 17CV4463

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

**JOURNAL ENTRY OF DEFAULT JUDGMENT AND  
PERMANENT RESTRAINING ORDER**

NOW on this day, the Plaintiff’s Motion for Default Judgment and Permanent Restraining Order is before this Court for hearing. The State of Kansas, appears *ex rel.* Derek Schmidt, Attorney General, by and through counsel, Melanie S. Jack, Assistant Attorney General. Defendant does not appear.

WHEREUPON, after hearing testimony, 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 September 21, 2017.
2. Plaintiff’s Motion for Default Judgment is predicated upon Defendants’ failure to file an Answer to Plaintiff’s Petition which was filed on August 8, 2017.

3. A copy of the Summons and a copy of the Petition was served upon Defendant by personal service on August 14, 2017.

4. Defendants failed to file an Answer within twenty one (21) days after being served with process, as required by K.S.A. 60-212(a).

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

6. 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.

7. Defendant has been served notice of damages pursuant to Supreme Court Rule 118 and K.S.A. 60-254(c). Proof of service has been filed with the Court. At least 14 days has passed and Defendant has not responded.

**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 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 Defendant 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 Defendant be permanently enjoined from engaging, soliciting and applying for construction and plumbing services within the State of Kansas.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant pay restitution as follows:

Richard Szanto, 1016 W. 13<sup>th</sup> Street, Goodland, Sherman County, Kansas, restitution of \$4,725.00;

Jon & Melinda S. Justice, 17146 12 Road, Plains, Meade County, Kansas, restitution of \$40,535.00;

Joan Stoppel, an "elder person", 403 E. Carson, Sublette, Haskell County, Kansas, restitution of \$12,510.00; and

Mitchell Vandeputte, 5018 Yecker Avenue, Kansas City, Wyandotte County, Kansas, restitution of \$8,000.00.

Restitution total: \$65,770.00

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant pay \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-636(a), in this case amounting to \$160,000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant pay \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act, related to consumer transactions with protected consumers pursuant to K.S.A. 50-676 & 50-677, in this case amounting to \$20,000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant pay \$6,237.82 in investigative fees and expenses to the Office of the Attorney General, pursuant to K.S.A. 50-636(c).

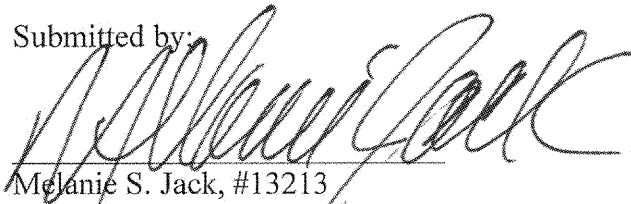
**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant pay  
all court costs.

**IT IS SO ORDERED.**

**THIS ORDER IS EFFECTIVE AS OF THE DATE AND TIME OF THE  
ELECTRONIC FILE STAMP.**

/s/ RHONDA K MASON  
Dated: 11/14/17  
District Court Judge

Submitted by:



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Attorney for Plaintiff