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CLERK OF THE SHAWNEE COUNTY DISTRICT COURT  
CASE NUMBER: 2018-CV-000041



**Court:** Shawnee County District Court  
**Case Number:** 2018-CV-000041  
**Case Title:** State of Kansas ex rel Derek Schmidt Atty General  
vs. Zachary Lipppa  
**Type:** Order of Default Judgment

SO ORDERED.

A handwritten signature in black ink, appearing to read "T. Watson", is written in a cursive style.

/s/ Honorable Teresa L Watson, District Court Judge

Sarah M. Dietz, #27457  
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**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS**

<b>STATE OF KANSAS, <i>ex rel.</i></b>	)	
<b>DEREK SCHMIDT, Attorney General,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>CASE NO. 2018-CV-41</b>
<b>ZACHARY LIPPA, an individual</b>	)	<b>DIVISION NO. 3</b>
<b>dba</b>	)	
<b>PACIFIC TOOL &amp; MACHINERY/</b>	)	
<b>PACIFIC MANAGEMENT GROUP</b>	)	
<b>aka</b>	)	
<b>PACIFIC TOOL CO</b>	)	
	)	
<b>Defendant.</b>	)	
	)	
<hr/>		
<b>(Pursuant to K.S.A. Chapter 60)</b>		

**ORDER OF DEFAULT JUDGMENT**

**NOW**, on this date, Plaintiff’s Motion for Default Judgment against the Defendant and Memorandum in 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 Sarah M. Dietz. The Defendant, Zachary Lippa d/b/a Pacific Tool & Machinery/Pacific Management Group a/k/a Pacific Tool Co appears not.

**WHEREUPON**, after reviewing the Court’s file and Plaintiff’s Motion for Default Judgment, the Court finds the following:

1. Plaintiff filed a Motion for Default Judgment on February 27, 2018.

2. Plaintiff's Motion for Default Judgment is predicated on Defendant's failure to file an Answer to the Plaintiff's Petition, which was filed on January 11, 2018.

3. The Defendant was served via Fed Ex to his residential address of 2455 W. Serene Ave #225 Las Vegas, NV 89123 on January 26, 2018 pursuant to K.S.A. 60-303(c). The Fed Ex was signed for by K. Kevin, the receptionist at the front desk of the Defendant's apartment complex.

4. At the request of the Defendant, the Plaintiff also sent copies of the pleadings and service documents to Defendant at a second mailing address via first class mail to the Defendant on January 29, 2018 to the address of 7582 Las Vegas Blvd S, Las Vegas, NV 89123. Plaintiff also provided copies of the pleadings and service documents to Defendant via email to zacklippa22@gmail.com.

5. Plaintiff has met all statutory service requirements laid out in K.S.A. 60-303(c) and K.S.A. 60-308.

6. Pursuant to K.S.A. 60-205, the Defendant has received appropriate and sufficient service as he has been fairly apprised of this civil judicial action affecting his interests. *See All. Mortg. Co. v. Pastine*, 281 Kan. 1266, 1273, 136 P.3d 457, 463 (2006) (distinguished on other grounds by *Almack v. Steeley*, 230 P.3d 452 (Kan.App 2010)).

7. Defendant has also acknowledged the service on the summons in his emails to Plaintiff pursuant to K.S.A. 60-303(e).

8. The record reflects that the Defendant attempted to file a dispositive motion that was rejected on March 5, 2018. The record shows no other filing attempts to date.

9. Defendant has failed to file an answer to the Plaintiff's petition, as required by K.S.A. 60-308(a)(3).

10. The Defendant is not a minor or an incapacitated person.

11. Defendant is in default pursuant to K.S.A. 60-255.

12. The factual allegations set forth in the Plaintiff's Motion for Default Judgment are adopted by the Court as its findings of fact 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 Zachary Lippa d/b/a Pacific Tool & Machinery/Pacific Management Group a/k/a Pacific Tool Co and in favor of Plaintiff on all Counts of the Petition.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that the actions 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 Zachary Lippa d/b/a Pacific Tool & Machinery/Pacific Management Group a/k/a Pacific Tool Co and any employees, agents, representatives, affiliates, assignees and successors are permanently enjoined from engaging in acts and practices alleged in the Plaintiff's Petition to be violations of the Consumer Protection Act.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant Zachary Lippa d/b/a Pacific Tool & Machinery/Pacific Management Group a/k/a Pacific Tool Co and any employees, agents, representatives, affiliates, assignees and successors are permanently enjoined from doing business in the State of Kansas.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant Zachary Lippa d/b/a Pacific Tool & Machinery/Pacific Management Group a/k/a Pacific Tool Co pay reasonable investigative fees and expenses of the Office of the Kansas Attorney General, pursuant to K.S.A. 50-632(c)(7), in this case amounting to \$3,142.50.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant Zachary Lippa d/b/a Pacific Tool & Machinery/Pacific Management Group a/k/a Pacific Tool Co pay \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act alleged in the Plaintiff's Petition, pursuant to K.S.A. 50-636(a), in this case amounting to \$20,000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant Zachary Lippa d/b/a Pacific Tool & Machinery/Pacific Management Group a/k/a Pacific Tool Co pay consumer restitution totaling \$19,425.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant Zachary Lippa d/b/a Pacific Tool & Machinery/Pacific Management Group a/k/a Pacific Tool Co pay all Court Costs and all costs associated with distributing and executing this judgment.

**IT IS SO ORDERED.**

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

Respectfully submitted,

/s/ Sarah M. Dietz

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