#### ELECTRONICALLY FILED 2018 Oct 16 PM 2:09 CLERK OF THE DICKINSON COUNTY DISTRICT COURT CASE NUMBER: 2018-CV-000085-OT



Court: Dickinson County District Court

Case Number: 2018-CV-000085-OT

Case Title: State of Kansas ex rel Derek Schmidt Atty General vs. Glenn Decker

Type: Order for Default Judgment Nunc Pro Tunc

#### SO ORDERED.

/s/ Ryan W Rosauer, Honorable District Court Judge

Electronically signed on 2018-10-16 14:10:10 page 1 of 4

Sarah M. Dietz, #27457 Assistant Attorney General Office of the Kansas Attorney General 120 S.W. 10<sup>th</sup> Avenue, 2nd Floor Topeka, Kansas 66612-1597 Tel: (785) 296-3751 Fax: (785) 291-3699 sarah.dietz@ag.ks.gov

#### IN THE DISTRICT COURT OF DICKINSON COUNTY, KANSAS EIGHTH JUDICIAL DISTRICT

STATE OF KANSAS, <i>ex rel.</i> DEREK SCHMIDT, Attorney General,	) )
Plaintiff,	)
V.	) Case No. 2018-CV-000085-OT
GLENN DECKER, an individual D/B/A DECKER CONSTRUCTION	
Defendant.	) )

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

#### ORDER FOR DEFAULT JUDGMENT NUNC PRO TUNC

At this time this matter comes on for 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, Sarah M. Dietz, Assistant Attorney General. The Defendant appears not and is in default.

**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 October 12, 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 September 10, 2018.

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3. A copy of the Summons, Petition, Affidavit, Motion for *Ex Parte* Temporary Restraining Order and Memorandum in Support, and *Ex Parte* Temporary Restraining Order were served on Defendant by return receipt deliver on September 13, 2018 pursuant to K.S.A 60-303(c).

4. Defendant has failed to file an Answer twenty-one (21) days after being served with process, as required by K.S.A. 60-212(a)(1)(A)(i).

5. Defendant is not a minor or an incapacitated person.

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

7. 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 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 be 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 be permanently enjoined from operating as a roofing contractor in the State of Kansas.

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IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant be

enjoined from these and other violations of the Kansas Roofing Registration Act and the Kansas Consumer Protection Act.

## IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay

reasonable investigative fees and expenses to Plaintiff, pursuant to K.S.A. 50-636(c).

## IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay

a civil penalty in the amount of \$10,000.00 for each violation of the Kansas Roofing Registration Act, in the aggregate of \$20,000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant pay a civil penalty in the amount of \$10,000.00 for each violation of the Kansas Consumer Protection Act alleged herein, in the aggregate of \$10,000.00.

## IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay

\$7,600.00 to be disbursed to the referenced consumer in the Plaintiff's Petition.

## IT IS FURTHER ORDERED, ADJUDICATED AND DECREED the Defendant 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 SHOWN ON THE ELECTRONIC FILE STAMP.

Respectfully submitted,

<u>/s/ Sarah M. Dietz</u> Sarah M. Dietz, #27457 Assistant Attorney General Office of the Kansas Attorney General 120 S.W. 10<sup>th</sup> Avenue, 2nd Floor Topeka, Kansas 66612-1597 Tel: (785) 296-3751 Fax: (785) 291-3699 sarah.dietz@ag.ks.gov