



**Court:** Shawnee County District Court  
**Case Number:** 2019-CV-000584  
**Case Title:** State of Kansas ex rel Derek Schmidt Atty General  
vs. Marathon Roofing LLC  
**Type:** Order for Default Judgment and Injunctive Relief

SO ORDERED.

A handwritten signature in black ink that reads "Richard D. Anderson". The signature is written in a cursive style with a long horizontal flourish at the end.

/s/ Honorable Richard Anderson, District Judge

Kimberley A. Davenport, #28078  
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  
[Kim.Davenport@ag.ks.gov](mailto:Kim.Davenport@ag.ks.gov)

**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
THIRD JUDICIAL DISTRICT, DIVISION 2**

**STATE OF KANSAS, *ex rel.*,** )  
**DEREK SCHMIDT, Attorney General,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**MARATHON ROOFING, LLC,** )  
 )  
**Defendant.** )

**Case No. 2019-CV-000584**

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

**ORDER FOR DEFAULT JUDGMENT AND INJUNCTIVE RELIEF**

**NOW on this day**, the Plaintiff’s Petition for Enforcement of Subpoena and accompanying request for a temporary restraining order comes before this Court for consideration. The State of Kansas, *ex rel.* Derek Schmidt, appears by and through Assistant Attorney General, Kimberley A. Davenport. Defendant Marathon Roofing, LLC (“Defendant”) appears not.

**WHEREUPON**, after reviewing the Court’s file and the testimony given, the Court finds the following:

1. The Court has jurisdiction over the subject matter and the parties.
2. Plaintiff filed a Petition for Enforcement of Subpoena, along with an Affidavit and Exhibits, against the Defendant on August 7, 2019, pursuant to K.S.A. 50-631(e).

3. On August 15, 2019, the Defendant was served with Plaintiff's Petition for Enforcement of Subpoena and Memorandum in Support with attached Affidavit and Exhibits, a Notice of Hearing and a Summons to answer the Petition within thirty (30) days of service.

4. The Defendant failed to file an Answer to Plaintiff's Petition, or otherwise plead, or contact the Plaintiff.

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

6. On September 25, 2019, at 9:00 a.m., a hearing was held on the Petition for Enforcement of Subpoena. The Defendant failed to appear at the scheduled hearing.

7. The evidence in the record presented by the Plaintiff's filings with this Court, including the Petition for Enforcement of Subpoena and Memorandum in Support with its accompanying Affidavit and Exhibits, when viewed as a whole, demonstrate that the Plaintiff has met their pleading and statutory requirements to provide this Court with the statutory grounds for the requested default judgment and injunctive relief.

8. The factual allegations set forth from the evidence presented in the September 25, 2019 hearing on the Plaintiff's Petition for Enforcement of Subpoena together with the attached Affidavit and Exhibits 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 request for default judgment and injunctive relief are granted;

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendants are compelled to respond to the subpoena served on November 5, 2018;

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendants are

enjoined from destroying, disposing of, or otherwise concealing the evidence requested by the subpoena, or any other evidence relevant to the investigation, including any such evidence stored in electronic format;

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendants are enjoined from advertising, soliciting, performing, accepting payments for, supervising, operating or in any manner conducting any business related to the sale of property or services as defined in K.S.A. 50-624 within the State of Kansas until such time as the Court finds the Defendants are in compliance with the subpoena;

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendants are enjoined from engaging in any consumer transactions as defined by K.S.A. 50-624(c) until such time as the Court finds the Defendants are in compliance with the subpoena;

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendants are enjoined from moving, liquidating or in any way releasing any funds obtained by Defendants as a result of any consumer transactions with any Kansas consumers until such time as the Court finds the Defendants are in compliance with the subpoena;

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendants are enjoined from engaging in any corporate or non-corporate reorganization, reconstruction, dissolution, bankruptcy or any other business entity restructuring or reforming without prior, written notice to this Court and Plaintiff until such time as the Court finds the Defendants are in compliance with the subpoena;

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** the Defendants pay all Court Costs and all costs associated with executing this judgment.

**IT IS SO ORDERED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**This Order is effective upon filing with the Clerk of the Court.**

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The Honorable Richard D. Anderson  
District Court Judge

Submitted by:

/s/ Kimberley A. Davenport

Kimberley A. Davenport, #28078

Assistant Attorney General

Office of the Kansas Attorney General

120 SW 10<sup>th</sup> Avenue, 2<sup>nd</sup> Floor

Topeka, Kansas 66612

Tel: (785) 296-3751

Fax: (785) 291-3699

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