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CLERK OF THE DONIPHAN COUNTY DISTRICT COURT
CASE NUMBER: 2021-CV-000006



Court: Doniphan County District Court
Case Number: 2021-CV-000006
Case Title: Office of the Kansas Attorney General vs. Rocky Murry
Type: Proposed Order for Default Judgment R Murry

SO ORDERED.

A handwritten signature in blue ink, which appears to read "James A. Patton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

/s/ Honorable James A. Patton, Chief District Court
Judge

Kimberley Davenport Megrail, #28078
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**IN THE DISTRICT COURT OF DONIPHAN COUNTY, KANSAS
TWENTY-SECOND JUDICIAL DISTRICT**

STATE OF KANSAS, <i>ex rel.</i>)	
DEREK SCHMIDT, Attorney General,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 2021-CV-000006
)	
ROCKY MURRY, an individual)	
d/b/a MURRY 66,)	
)	
Defendant.)	
)	

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

ORDER FOR DEFAULT JUDGMENT

NOW on this date, this matter comes before the Court on for Plaintiff’s Motion for Default Judgment against Defendant Rocky Murry, an individual, doing business as Murry 66. State of Kansas, *ex rel.* Derek Schmidt, Attorney General, appears by and through counsel, Kimberley Davenport Megrail, Assistant Attorney General. Defendant Rocky Murry 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 May 21, 2021.

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 April 21, 2021. The Petition and Summons were served on the Defendant on or about April 22, 2021 by Federal Express at Defendant's address which is on file with the court, as authorized by K.S.A. 60-303(c)(1).

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

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

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

6. 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 and in favor of Plaintiff.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant's acts and practices referred to in Plaintiff's Petition are deceptive and unconscionable, and as such, are in violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-632(a)(1).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant and their officers, directors, employees, shareholders and agents, if any, are permanently enjoined from these and other practices in violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-632(a)(2).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant be temporarily enjoined from soliciting and operating as a roofing contractor in the state of Kansas unless and until such time Defendant obtains a roofing contractor registration issued by the OAG, pursuant to K.S.A. 50-624(c).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pays consumer restitution in the amount of Six Thousand Seven Hundred and Sixty Dollars (\$6,760.00) to Consumer R.F. to be disbursed through the Plaintiff.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pays civil penalties in the amount of Fifty Thousand Dollars (\$50,000.00) or such other amount as the Court finds reasonable in civil penalties for each violation of the KCPA which the Court determines occurred, pursuant to K.S.A. 50-636(a).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pays enhanced civil penalties in the amount of Forty Thousand Dollars (\$40,000.00) or such other amount as the Court finds reasonable in enhanced civil penalties for each violation of the KCPA which the court determines was committed against a protected class pursuant to K.S.A. 50-676 and K.S.A. 50-677.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pays court costs and all other costs associated with collecting, distributing and executing on any restitution or judgment made by this Court and such other relief as the Court may deem just and appropriate.

IT IS SO ORDERED.

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

ELECTRONICALLY SIGNED BY JUDGE OF THE DISTRICT COURT

HONORABLE JAMES A. PATTON

Prepared and submitted by:

PLAINTIFF

/s/ Kimberley Davenport Megrail
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