

ELECTRONICALLY FILED  
2021 Mar 19 PM 12:05  
CLERK OF THE MCPHERSON COUNTY DISTRICT COURT  
CASE NUMBER: 2021-CV-000008



**Court:** McPherson County District Court  
**Case Number:** 2021-CV-000008  
**Case Title:** Office of the Kansas Attorney General vs. Micheal J Stubbs  
**Type:** Order for Default Judgment M Stubbs Triple M

SO ORDERED.

A handwritten signature in black ink, which appears to read "John J. Klenda". The signature is written in a cursive style.

/s/ Honorable John Klenda, District Court 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 MCPHERSON COUNTY, KANSAS  
NINTH JUDICIAL DISTRICT**

<b>STATE OF KANSAS, <i>ex rel.</i></b>	)	
<b>DEREK SCHMIDT, Attorney General,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 2021-CV-000008</b>
	)	
	)	
<b>MICHEAL J. STUBBS, an individual</b>	)	
<b>d/b/a TRIPLE M ROOFING &amp; REMODELING,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

---

**(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 Micheal J. Stubbs, an individual, doing business as Triple M Roofing & Remodeling. State of Kansas, *ex rel.* Derek Schmidt, Attorney General, appears by and through counsel, Kimberley A. Davenport, Assistant Attorney General. 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 March 19, 2021.
2. Plaintiff's Motion for Default Judgment is predicated on Defendants' failure to file an answer to the Plaintiff's Petition, which was filed on February 3, 2021. A copy of the Summons and the Petition were served on the Defendant on February 4, 2021, by Federal Express Standard Overnight Delivery at the address 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 Roofing Registration Act, K.S.A. 50-6,121 *et seq.*, and the KCPA, K.S.A. 50-623 *et seq.* 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 KCPA, including the KRRRA, 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 valid registration with the Office of the Kansas Attorney General, pursuant to K.S.A. 50-632(c)(6).

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant pays consumer restitution in the amount of \$8,316.00 to Consumer B.S. through her estate through the Plaintiff.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendants pay civil penalties in the amount of Seventy Thousand Dollars (\$70,000.00) 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 Defendants pay 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 Defendants pay 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.**

Respectfully submitted,

*/s/ Kimberley A. Davenport*  
Kimberley A. Davenport, #28078  
Assistant Attorney General  
Office of the Attorney General  
120 SW 10th Ave., 2nd Floor  
Topeka, Kansas 66612-1597  
Phone: (785) 296-3751  
Fax: (785) 291-3699  
[Kim.Davenport@ag.ks.gov](mailto:Kim.Davenport@ag.ks.gov)