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CLERK OF THE SHAWNEE COUNTY DISTRICT COURT
CASE NUMBER: 2021-CV-000165



Court: Shawnee County District Court
Case Number: 2021-CV-000165
Case Title: State of Kansas ex rel Derek Schmidt Atty General
vs. Cody Ruddick
Type: Order for Default Judgment

SO ORDERED.

A handwritten signature in black ink, appearing to read "M.E. Christopher", with a long, sweeping flourish extending to the right.

/s/ Honorable Mary E Christopher, District Judge

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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS

STATE OF KANSAS, <i>ex rel.</i>)	
DEREK SCHMIDT, Attorney General,)	
)	
Plaintiff,)	
)	
v.)	
)	CASE NO. 2021-CV-000165
CODY RUDDICK, an individual)	
dba)	
4R CUSTOM GRAIN WAGONS)	
)	
Defendant.)	
)	

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

ORDER FOR DEFAULT JUDGMENT

NOW, on this date, Plaintiff’s Motion for Default Judgment against the Defendant Cody Ruddick d/b/a 4R Custom Grain Wagons (“Motion for Default Judgment”) comes before this Court for consideration. Plaintiff, State of Kansas ex rel. Derek Schmidt, Attorney General, appears by and through Assistant Attorney General Sarah M. Dietz. Defendant Cody Ruddick d/b/a 4R Custom Grain Wagons 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. Derek Schmidt is the duly elected, qualified and acting Attorney General for the State of Kansas.

2. The Attorney General's authority to bring this action is derived from the statutory and common law of the State of Kansas, specifically the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

3. This Court has personal and subject matter jurisdiction over this controversy by the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*, specifically K.S.A. § 50-638(a).

4. Venue is proper in the Third Judicial District (Shawnee County), pursuant to K.S.A. § 50-638(b).

5. On March 23, 2021, Plaintiff filed a Petition against Defendant Cody Ruddick d/b/a 4R Custom Grain Wagons ("Defendant").

6. Defendant is the owner and operator and exercises exclusive control over the sole proprietorship 4R Custom Grain Wagons.

7. Defendant has a last known residential address in La Vernia, Texas 78121.

8. Defendant has an unknown principal place of business.

9. A copy of Plaintiff's Petition and Summons was served by Personal Service March 23, 2021 by the Reno County Sheriff's Office at the Reno County Jail in Kansas, pursuant to K.S.A. 60-205 and K.S.A. 60-303.

10. Defendant has failed to file an Answer within thirty (30) days after being served with process, as required by K.S.A. 60-308(a)(3).

11. Plaintiff filed its Motion for Default Judgment on April 27, 2021.

12. Plaintiff's Motion for Default Judgment is predicated on Defendant's failure to file an Answer to the Plaintiff's Petition within thirty (30) days after being served with process, as required by K.S.A. 60-308(a)(3).

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

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

15. 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 and are as follows:

a. Defendant Cody Ruddick is the owner and operator and exercises exclusive control over the sole proprietorship 4R Custom Grain Wagons.

b. At all times relevant hereto, and in the ordinary course of business, the Defendant acted as a "supplier," as that term is defined by K.S.A. § 50-624(l).

c. At all times relevant hereto, and in the ordinary course of business, the Defendant made or caused to be made "consumer transactions," as that term is defined by K.S.A. § 50-624(c).

d. Around November 6, 2019, the Defendant engaged in the business of and acted in the capacity of a supplier within this state.

e. The Defendant contracted with one (1) Kansas consumer for a grain trailer for the amount of \$2,500.

f. On November 6, 2019, the consumer paid the full amount of \$2,500.

g. To date, the consumer has not received the grain trailer or a refund.

h. The Defendant made, or caused to be made, a consumer transaction in which the consumer was unable to receive a material benefit from the subject of the transaction pursuant to K.S.A. 50-627(b)(3).

i. The Defendant made, or caused to be made, a consumer transaction in which the transaction was excessively one-sided in favor of the Defendant pursuant to K.S.A. 50-627(b)(5).

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 Cody Ruddick d/b/a 4R Custom Grain Wagons 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 Cody Ruddick d/b/a 4R Custom Grain Wagons 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 Cody Ruddick d/b/a 4R Custom Grain Wagons pay reasonable investigative fees and expenses to Plaintiff, in this case amounting to \$862.50.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant Cody Ruddick d/b/a 4R Custom Grain Wagons pay a civil penalty in the amount of \$10,000.00 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 in the aggregate of \$20,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant Cody Ruddick d/b/a 4R Custom Grain Wagons pay restitution totaling \$2,500.00 to the following consumer: D.D.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant Cody Ruddick d/b/a 4R Custom Grain Wagons 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,

/s/ Sarah M. Dietz
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