



Court: Shawnee County District Court
Case Number: 2021-CV-000244
Case Title: State of Kansas ex rel Derek Schmidt Atty General
vs. Joshs Appliance Repair, et al.
Type: Order for Defaut (sic) Judgment and Injunctive
Relief

SO ORDERED.

A handwritten signature in cursive script that reads "M.E. Christopher".

/s/ Honorable Mary E Christopher, District Judge

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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)
)
v.)
)
Josh’s Appliance Repair;)
Josh’s Electric, LLC;)
Joshua Thomas, an individual)
)
Defendant.)
_____)

Case No. 2021-CV-000244

ORDER FOR DEFAULT JUDGMENT AND INJUNCTIVE RELIEF

NOW on this day, the Plaintiff’s Petition for Enforcement of Subpoena, filed by the State of Kansas, *ex rel.* Derek Schmidt, Kansas Attorney General, by and through counsel, Assistant Attorney General Christopher Teters. Defendant Josh’s Appliance Repair, Defendant Josh’s Electric, LLC, and Defendant Joshua Thomas (“Defendants”) appears not.

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

1. The Court has jurisdiction over the subject matter and the parties.

2. Notice of the present matter has been provided as required by law.
3. Plaintiff served a subpoena to Defendants pursuant to K.S.A. 50-631(a) on February 24, 2021.
4. Said subpoena set a response deadline within 20 days.
5. Defendants failed to provide a response to Plaintiff by that date. Defendants has failed to respond to said subpoena as of today's date.
6. Plaintiff provided notice to the Defendants that Defendants' failure to respond could result in Plaintiff seeking enforcement by the District Court against Defendants, pursuant to K.S.A. 50-631(e).
7. Plaintiff served said notice on Defendants on March 25, 2021.
8. Plaintiff has met the statutory requirements of serving the subpoena, and giving notice of remedial actions.
9. The Kansas Consumer Protection Act allows the Attorney General to seek enforcement in District Court when a person fails to obey such a subpoena. K.S.A. 50-631(e).
10. Plaintiff filed its Petition for Enforcement of Subpoena on April 28, 2021.
11. Plaintiff filed the Return of Service for the Petition and Summons with the Court on June 28, 2021, establishing proper service on Defendants, pursuant to K.S.A. 60-205 and K.S.A. 60-303.
12. Plaintiff filed its Motion for Default Judgment on August 12, 2021.
13. Defendants failed to file an Answer within thirty (30) days after being served with process, as required by K.S.A. 60-308(a)(3).
14. Pursuant to K.S.A. 60-255, Defendants are in default.

15. Plaintiff is entitled to all injunctive relief set forth in its Petition pursuant to K.S.A. 50-631(e).

16. The allegations set forth in 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 in favor of Plaintiff and against Defendants;

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants are enjoined from the following:

1. 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;

2. 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;

3. 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;

4. Moving, liquidating or in any way releasing any funds obtained by Defendants as a result of any consumer transaction with any Kansas consumer;

5. 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; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court authorizes agents and attorneys of the Office of the Kansas Attorney General to monitor Defendants' compliance with this Order pending further order of this Court or final resolution of this matter;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants pay all court costs incurred to date and all costs associated with 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/ Christopher Teters
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