

ELECTRONICALLY FILED  
2021 Oct 12 AM 11:06  
CLERK OF THE POTTAWATOMIE COUNTY DISTRICT COURT  
CASE NUMBER: 2021-CV-000030



**Court:** Pottawatomie County District Court  
**Case Number:** 2021-CV-000030  
**Case Title:** State of Kansas ex rel Derek Schmidt Atty Genera  
vs. Daniel Gomez  
**Type:** Journal Entry of Default Judgment

SO ORDERED.

A handwritten signature in cursive script that reads "Jeff Elder".

/s/ Honorable Jeff Elder, District Court Judge

Kaley Schrader, #27700  
Assistant Attorney General  
Office of Kansas Attorney General Derek Schmidt  
Consumer Protection Division  
120 SW 10th Avenue, 2nd Floor  
Topeka, KS 66612  
(785) 296-3751 Phone  
[kaley.schrader@ag.ks.gov](mailto:kaley.schrader@ag.ks.gov)

**IN THE DISTRICT COURT OF POTTAWATOMIE COUNTY, KANSAS**

<b>STATE OF KANSAS, <i>ex rel.</i>,</b>	)	
<b>DEREK SCHMIDT, Attorney General,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Case No. 2021-CV-000030</b>
	)	
<b>DANIEL GOMEZ, an individual;</b>	)	
<b>d/b/a COMPLETE HOME REHAB &amp; RENOVATION,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

---

**(Pursuant to K.S.A. Chapter 60 and 50)**

**JOURNAL ENTRY OF DEFAULT JUDGMENT**

NOW on this day, Plaintiff’s Motion for Default Judgment and Memorandum in Support is before this Court. Plaintiff appears by and through counsel, Kaley Schrader. Defendant appears not.

WHEREUPON, having reviewed and considered Plaintiff’s Petition, evidence, and Motion for Default Judgment, being duly advised in the premises, 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 issued a subpoena to Defendant pursuant to K.S.A. 50-631(a) on March 6, 2020.
4. Said subpoena was served on Defendant on March 9, 2020 by U.S. Mail- Certified.
5. Said subpoena set a response deadline within 20 days.
6. Defendant failed to provide a response to Plaintiff by that date. Defendant has failed to respond to said subpoena as of today's date.
7. Plaintiff provided notice to Defendant that Defendant's failure to respond could result in Plaintiff seeking enforcement by the District Court against Defendant, pursuant to K.S.A. 50-631(e).
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 to Enforce Subpoena on May 24, 2021.
11. The Return of Service for the Petition and Summons was filed with the Court on August 18, 2021, establishing proper service on Defendant, pursuant to K.S.A. 60-205 and K.S.A. 60-303.
12. Plaintiff filed its Motion for Default Judgment and Memorandum in Support on October 6, 2021.
13. Plaintiff's Motion for Default Judgment is predicated upon Defendant's failure to file an Answer to Plaintiff's Petition for Enforcement of Subpoena and Memorandum in Support.
1. 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)(1)(A).
14. Pursuant to K.S.A. 60-255, Defendant is 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 and Memorandum in Support are adopted by the Court as its findings of fact and conclusions of law as though fully set forth herein.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Plaintiff's Motion for Default Judgment is granted;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that judgment is hereby entered in favor of Plaintiff and against Defendant;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall be 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 Defendant is 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 Defendant is 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 Defendant's compliance with this Order pending further order of this Court or final resolution of this matter.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant pay all court costs incurred to date.

**IT IS SO ORDERED.**

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

Submitted by:

/s/ Kaley Schrader  
Kaley Schrader, # 27700  
Assistant Attorney General  
120 S.W. 10th Avenue, Second Floor  
Topeka, Kansas 66612-1597  
Phone (785) 296-3751  
Fax (785) 291-3699  
kaley.schrader@ag.ks.gov