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CLERK OF THE SHAWNEE COUNTY DISTRICT COURT  
CASE NUMBER: 2021-CV-000512



**Court:** Shawnee County District Court  
**Case Number:** 2021-CV-000512  
**Case Title:** State of Kansas ex rel Derek Schmidt Atty General  
vs. Memorial Park LLC, et al.  
**Type:** Order for Default Judgment and Injunctive Relief

SO ORDERED.

A handwritten signature in black ink, appearing to read "T. Watson", is written over a large, stylized circular flourish.

/s/ Honorable Teresa L Watson, District Court Judge

Christopher Teters, #27248  
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  
chris.teters@ag.ks.gov

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

**STATE OF KANSAS, *ex rel.*,** )  
**DEREK SCHMIDT, Attorney General,** )  
 )  
**Plaintiff,** )  
 )  
**MEMORIAL PARK, LLC,** )  
**d/b/a HUTCHINSON FUNERAL CHAPEL,** )  
**f/k/a HUTCHINSON CEMETERY &** )  
**MAUSOLEUM, LLC;** )  
**HUTCHINSON FUNERAL CHAPEL &** )  
**CREMATORY, LLC,** )  
**d/b/a HUTCHINSON FUNERAL CHAPEL;** )  
 )  
**Defendants.** )  
\_\_\_\_\_ )

**Case No. 2021-CV-000512**

**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 Memorial Park, LLC, d/b/a Hutchinson Funeral Chapel, f/k/a Hutchinson Cemetery & Mausoleum, LLC and Defendant Hutchinson Funeral Chapel & Crematory, LLC, d/b/a Hutchinson Funeral Chapel (“Defendants”) appear 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 two subpoenas on Defendants pursuant to K.S.A. 50-631(a) on February 9, 2021.
4. Said subpoenas set a response deadline within 20 days.
5. Defendants failed to provide a response to Plaintiff by that date. Defendant has failed to respond to said subpoenas 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 Defendant on March 11, 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 September 27, 2021.
11. Plaintiff filed the Returns of Service for the Petition and Summons with the Court on October 14, 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 on December 10, 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 subpoenas;

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  
Christopher Teters, #27248  
Assistant Attorney General  
Office of the Kansas Attorney General  
120 S.W. 10th Avenue, 2nd Floor  
Topeka, Kansas 66612-1597  
Tel: (785) 296-3751  
Fax: (785) 291-3699  
chris.teters@ag.ks.gov