



Court: Butler County District Court
Case Number: 2018-CV-000133
Case Title: State of Kansas ex rel Derek Schmidt Atty General
vs. Ryan Andes, et al.
Type: Order of Default Judgment Against Ryan Andes and
East Side Factory Built Homes

SO ORDERED.

A handwritten signature in black ink that reads "Mike Ward".

/s/ Honorable Mike Ward, District Court Judge

Robert Reynolds, #27703
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
robert.reynolds@ag.ks.gov

IN THE DISTRICT COURT OF BUTLER COUNTY, KANSAS

| | | |
|---|---|---------------------------|
| STATE OF KANSAS, <i>ex rel.</i> |) | |
| DEREK SCHMIDT, Attorney General, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 18-CV-133 |
| |) | |
| RYAN ANDES, an individual, |) | |
| |) | |
| and |) | |
| |) | |
| EAST SIDE FACTORY BUILT HOMES, |) | |
| LLC, d/b/a EAST SIDE HOMES, LLC, |) | |
| d/b/a FACTORY OUTLET HOMES, Inc. |) | |
| d/b/a FACTORY OUTLET HOMES, LLC, |) | |
| a corporation |) | |
| |) | |
| Defendants. |) | |
| |) | |

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

ORDER OF DEFAULT JUDGMENT
AGAINST RYAN ANDES AND EAST SIDE FACTORY BUILT HOMES

NOW on this day, the Plaintiff’s Motion for Default Judgment against Defendants comes before this Court for consideration. The State of Kansas, *ex rel.* Derek Schmidt, appears by and through Assistant Attorney General, Robert Reynolds. Defendant Ryan Andes, an individual doing business as East Side Factory Built Homes, LLC, d/b/a East Side Homes, LLC, d/b/a Factory Outlet Homes, Inc. d/b/a Factory Outlet Homes, LLC and Defendant East Side Factory Built Homes, LLC, d/b/a East Side Homes, LLC, d/b/a Factory Outlet Homes, Inc. d/b/a Factory Outlet

Homes, LLC, a Kansas limited liability company, doing business as East Side Homes, LLC (“Defendants”) appear not.

WHEREUPON, after reviewing the Court’s file and Plaintiff’s Motion for Default Judgment against Defendants (“Plaintiff’s Motion”), the Court finds the following:

1. Plaintiff filed its Motion on July 24, 2018.
2. Plaintiff’s Motion is predicated upon the Defendants’ failure to file an Answer to Plaintiff’s Petition which was filed on May 31, 2018.
3. A copy of the Summons and the Petition were served upon Defendants at 9003 Windwood Street, Wichita, Kansas 67226-1510 by return receipt delivery, pursuant to K.S.A. 60-303(c) on June 15, 2018 and June 18, 2018.
4. The Defendants failed to file an Answer within twenty-one days (21) after being served with process, as required by K.S.A. §60-212(a)(A)(i).
5. Pursuant to K.S.A. §60-255, the Defendants are in default.
6. The legal arguments and authorities set forth in Plaintiff’s Motion are adopted by the Court as its conclusions of law as though fully set forth herein.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Plaintiff’s Motion for Default Judgment against Defendants is granted.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that judgment is hereby entered against the Defendants in favor of Plaintiff on all counts of the Petition.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the acts and practices alleged in Plaintiff’s Petition, with respect to the Defendants, are declared to be deceptive and unconscionable in violation of the Kansas Consumer Protection Act, pursuant to K.S.A. §50-632(a)(1).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the Defendants are permanently enjoined from engaging in the acts alleged in Plaintiff's Petition to be violations of the Kansas Consumer Protection Act.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the Defendants are permanently enjoined from conducting business in Kansas.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the Defendants pay \$206,733.58 in consumer restitution, to be distributed by Plaintiff to the consumers referenced in Plaintiff's Motion for Default against Defendants, pursuant to K.S.A. §50-632.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the Defendants pay \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act alleged in Plaintiff's Petition, pursuant to K.S.A. §50-636, in this case amounting to \$160,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the Defendants pay \$10,000.00 in enhanced civil penalties for each violation of the Kansas Consumer Protection Act alleged in Plaintiff's Petition, pursuant to K.S.A. §50-676 and K.S.A. §50-677, in this case amounting to \$60,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the Defendants pay reasonable investigative fees and expenses to the Office of the Kansas Attorney General, pursuant to K.S.A. §50-632, in this case amounting to \$1,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that pay all court costs and all costs associated with distributing and executing on any restitution or judgment made by this Court

THIS ORDER IS EFFECTIVE AS OF THE DATE AND TIME OF ITS ELECTRONIC FILING.

IT IS SO ORDERED.

Submitted by:

/s/ Robert Reynolds

Robert Reynolds, #27703

Assistant Attorney General

Office of the Kansas Attorney General

120 SW 10th Ave., 2nd Floor

Topeka, Kansas 66612

(785) 296-3751

robert.reynolds@ag.ks.org