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CLERK OF THE DICKINSON COUNTY DISTRICT COURT
CASE NUMBER: 2018-CV-000085-OT



Court: Dickinson County District Court
Case Number: 2018-CV-000085-OT
Case Title: State of Kansas ex rel Derek Schmidt Atty General
vs. Glenn Decker
Type: Order for Default Judgment Nunc Pro Tunc

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Ryan W Rosauer", is written over a vertical line that serves as a signature line.

/s/ Ryan W Rosauer, Honorable District Court Judge

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**IN THE DISTRICT COURT OF DICKINSON COUNTY, KANSAS
EIGHTH JUDICIAL DISTRICT**

STATE OF KANSAS, <i>ex rel.</i>)	
DEREK SCHMIDT, Attorney General,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2018-CV-000085-OT
)	
)	
GLENN DECKER, an individual)	
D/B/A DECKER CONSTRUCTION)	
)	
Defendant.)	
)	

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

ORDER FOR DEFAULT JUDGMENT *NUNC PRO TUNC*

At this time this matter comes on for Plaintiff’s Motion for Default Judgment against the Defendant and Memorandum in Support (“Motion for Default Judgment”) comes before this Court for consideration. The State of Kansas *ex rel.* Derek Schmidt, appears by and through counsel, Sarah M. Dietz, Assistant Attorney General. The Defendant 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. Plaintiff filed its Motion for Default Judgment on October 12, 2018.
2. Plaintiff’s Motion for Default Judgment is predicated on Defendant’s failure to file an answer to the Plaintiff’s Petition, which was filed on September 10, 2018.

3. A copy of the Summons, Petition, Affidavit, Motion for *Ex Parte* Temporary Restraining Order and Memorandum in Support, and *Ex Parte* Temporary Restraining Order were served on Defendant by return receipt deliver on September 13, 2018 pursuant to K.S.A 60-303(c).

4. Defendant has failed to file an Answer twenty-one (21) days after being served with process, as required by K.S.A. 60-212(a)(1)(A)(i).

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

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

7. 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 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 against Defendant 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 be permanently enjoined from engaging in acts and practices alleged in the Plaintiff's Petition to be violations of the Consumer Protection Act.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant be permanently enjoined from operating as a roofing contractor in the State of Kansas.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant be enjoined from these and other violations of the Kansas Roofing Registration Act and the Kansas Consumer Protection Act.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay reasonable investigative fees and expenses to Plaintiff, pursuant to K.S.A. 50-636(c).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay a civil penalty in the amount of \$10,000.00 for each violation of the Kansas Roofing Registration Act, in the aggregate of \$20,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay a civil penalty in the amount of \$10,000.00 for each violation of the Kansas Consumer Protection Act alleged herein, in the aggregate of \$10,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay \$7,600.00 to be disbursed to the referenced consumer in the Plaintiff's Petition.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED the Defendant 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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