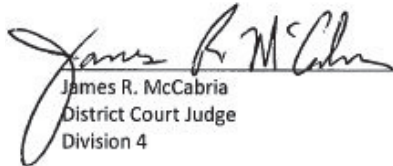




Court: Douglas County District Court
Case Number: 2014-CV-000324
Case Title: State Of Kansas, ex rel. Derek Schmidt, Atty Gen
vs. Aaron Joshua Damm, et al.
Type: Journal Entry

SO ORDERED.


James R. McCabria
District Court Judge
Division 4

/s/ Honorable Judge, James McCabria

Kathryn Carter, #12969
Assistant Attorney General
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**IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
DIVISION 4**

STATE OF KANSAS, *ex rel.*)
Derek Schmidt, Attorney General,)
Plaintiff,)
)
v.)
Aaron Joshua Damm, an individual,)
)
And)
)
Megan Weatherman, an individual,)
both individuals d/b/a)
KAW VALLEY ROOFING,)
Defendants.)
_____)

Case No. 2014CV000324

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

JOURNAL ENTRY

NOW, on this 2nd day of December, 2016, comes before the Court the matter of penalties and fees, as raised by Plaintiff's previously considered Motion for Summary Judgment. Plaintiff, State of Kansas, *ex. rel.* Derek Schmidt, Attorney General, appears by counsel, Assistant Attorney General Kathryn Carter. Defendant Damm appears not. The Court finds that due notice has been given, and the matter is properly before the Court and the Court has jurisdiction to enter findings and orders as follow.

The Court, on October 5, 2016, found that Defendant Aaron Damm:

1. Committed seventeen (17) violations of the Kansas Consumer Protection Act, by deceptive acts and practices.
2. Committed eight (8) violations of the Kansas Consumer Protection Act by unconscionable acts and practices.

The Court, on October 5, 2016, ordered that Defendant Aaron Damm:

- A. Shall pay restitution in the amount of \$46,143.70.
- B. Shall be permanently enjoined from violating the Kansas Consumer Protection Act, at K.S.A. 50-623 *et seq.*, and specifically from violating the statutory requirements of Door to Door Sales, as set out at K.S.A. 50-640 *et seq.*
- C. Shall be restrained from advertising, soliciting and selling any services, goods or property in Kansas, to wit: Consumer Transactions, as defined by K.S.A. 50-624(c), and restrained and prohibited from engaging in Door to Door Sales, as defined by K.S.A. 50-640, until such time that the recited restitution is paid in full to the Office of the Attorney General.

The Court, on October 5, 2016, further ordered that Plaintiff's request for \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act, as provided by K.S.A. 50-636(a) and Plaintiff's request for \$4,575.00 expenses and investigative fees, as provided by K.S.A. 50-636(c), shall be reviewed on this date if the parties have not reached a settlement as to those matters.

Plaintiff informs the Court that the parties have not reached a settlement. Plaintiff makes a statement to the Court.

Having reviewed the file, and being duly advised in the matter, the Court finds as follows:

1. Penalties in the amount of \$25,000 shall be imposed against Defendant Aaron Damm,
2. Penalties shall be suspended on the condition that Defendant Aaron Damm not violate the Kansas Consumer Protection Act,
3. Such suspension shall be lifted, and the penalties become due and payable, upon a finding by the Court, by a preponderance of the evidence, that Defendant Aaron Damm committed a violation of the Kansas Consumer Protection Act,
4. Investigative fees in the amount of \$4,575 shall be assessed against Defendant Aaron Damm,
5. Costs of the action are assessed against Defendant Aaron Damm.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment shall be entered as stated herein. Plaintiff is directed to provide a copy of the Journal Entry to Defendant Aaron Damm, forthwith.

IT IS SO ORDERED.

Honorable James R. McCabria
District Judge

Respectfully Submitted
/s/ Kathryn Carter
Kathryn Carter, #12969
Assistant Attorney General
Office of the Attorney General
Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that she did, on the 2nd day of December, 2016 serve a copy of the foregoing proposed Journal Entry via First Class Mail, postage prepaid, to:

Joshua Aaron Damm
429 N. Iowa Street
Lawrence, Kansas 66044

/s/Kathryn Carter
Kathryn Carter, #12969
Assistant Attorney General
Office of the Attorney General
Counsel for Plaintiff