

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION 7

FILED BY CLERK
KS. DISTRICT COURT
THIRD JUDICIAL DIST.
TOPEKA, KS
2015 JUL 20 A 9:39

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)
)
v.)
)
Roger Crawford,)
an individual d/b/a Allstate Construction,)
a/k/a Asphalt Construction)
)
Defendant.)

Case No.: 2015-CV-000480

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

JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW, on this 17th day of July, 2015, the Plaintiff's Motion for Default Judgment and Memorandum in Support comes before this Court for consideration. The State of Kansas, *ex rel* Derek Schmidt, Attorney General, appears by Adrian Serene, Assistant Attorney General. Defendants do not appear.

WHEREUPON, after reviewing the Court's file and Plaintiff's Motion for Default Judgment, the Court finds the following:

1. On May 27, 2015, the Attorney General ("Plaintiff") filed in Shawnee County District Court a Petition against Defendant Roger Crawford ("Plaintiff").
2. On June 1, 2015, Plaintiff served a copy of the Summons and Petition on Defendant by personal service in this state performed by a law enforcement officer.
3. On June 22, 2015, Plaintiff filed the return of service with the Court.
4. To date, Defendant has not filed an answer to the Petition or otherwise made any appearance, in person or by counsel, in this proceeding.

5. More than 21 days has passed since Defendant was served with process.
6. On July 14, 2015, Plaintiff filed its Motion for Default Judgment and Memorandum in Support (“Motion for Default Judgment”).
7. Plaintiff’s Motion for Default Judgment is predicated upon Defendant’s failure to file an answer to Plaintiff’s Petition.
8. Defendant is in default, pursuant to K.S.A. 60-255.
9. The legal arguments and authorities set forth in Plaintiff’s Motion for Default Judgment are adopted by this Court as its conclusions of law as though fully set forth herein.

IT IS THEREFORE ORDERED, ADJUDICATED, AND DECREED 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 alleged violations of the Kansas Consumer Protection Act are declared “deceptive” and “unconscionable.”

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

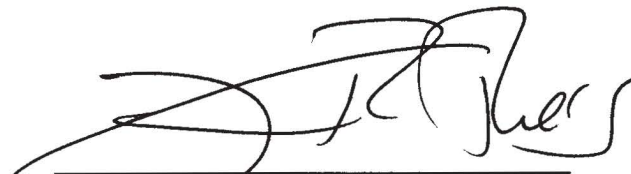
IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED that Defendant pay restitution in the total amount of \$32,198.00 to the following individuals: Stephen Morton in the amount of \$2,794.00; Chester Fincham, in the amount of \$5,694.00, Joseph Prethemer, in the amount of \$1,750.00; Carolyn Jody Greene, in the amount of \$9,500.00; and Loren Chase, in the amount of \$12,460.00.

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendant be restrained from advertising, soliciting and selling any services, goods, or property in Kansas until such time that full restitution is made by Defendant.

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendant 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(a), in the amount of \$250,000.00.

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

IT IS SO ORDERED.



District Court Judge

Submitted by:

/s/ Adrian Serene
Adrian Serene, KS #22810
Assistant Attorney General
Office of the Kansas Attorney General
120 SW 10th Ave., Fourth Floor
Topeka, Kansas 66612
(785) 296-3751
(785) 291-3699 facsimile
adrian.serene@ag.ks.gov