

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION ONE

FILED BY CLERK
KS. DISTRICT COURT
THIRD JUDICIAL DIST.
TOPEKA, KS
2015 JUN -4 P 2:48 *am*

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)
)
v.)
)
Bobby J. Gillis d/b/a Gillis Construction)
and d/b/a Hot Rubber Seal/Coating)
)
Defendant.)

Case No. 2015-CV-000386

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

JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW, on this 4, day of June, 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. Defendant does not appear.

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

1. On April 29, 2015, the Attorney General ("Plaintiff") filed in Shawnee County District Court a Petition against Defendant Bobby J. Gillis d/b/a Gillis Construction and d/b/a Hot Rubber Seal/Coating.
2. On May 1, 2015, Plaintiff served copies of the Petition and Summons on the Defendant by Federal Express, return receipt delivery, to Bobby J. Gillis 4684 West Hwy 30, North Platte, NE 69109.

3. On May 1, 2015, Plaintiff filed the return of service with the Court.
4. 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 thirty days has passed since Defendant was served with process, as required by K.S.A. 60-308(a)(3).
6. On June 3, 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 ORDER, 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 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 \$140,000.00.

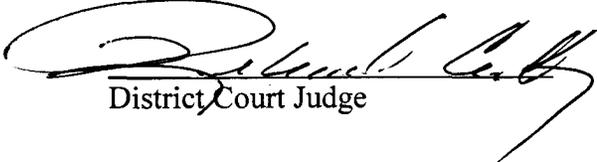
IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendant pay \$10,000.00 in enhanced civil penalties for each violation of the Kansas Consumer Protection Act alleged in Plaintiff's Petition that was committed against an individual deemed a "protected consumer," as provided by K.S.A. 50-677, in the total amount of \$10,000.00.

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendant pay restitution to Devona Sattler, Herndon, Kansas, in the amount of \$1,500.00.

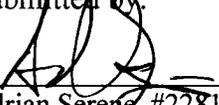
IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendant pay restitution to Glen Strong, Oberlin, Kansas, in the amount of \$1,700.00.

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:



Adrian Serene, #22810

Assistant Attorney General

Office of the Kansas Attorney General

120 SW 10th Street, 2nd Floor

Topeka, Kansas 66612-1597

(785) 296-3751

(785) 291-3699 – facsimile

adrian.serene@ag.ks.gov