

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
DIVISION 1

FILED BY CLERK  
K.S. DISTRICT COURT  
THIRD JUDICIAL DIST.  
TOPEKA, KS.

2014 APR -4 P 1:29

STATE OF KANSAS, *ex rel.*, )  
DEREK SCHMIDT, Attorney General, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PINNACLE EXTERIORS LLC )  
 )  
Defendant. )  
 )  
\_\_\_\_\_ )  
(Pursuant to K.S.A. Chapter 60)

Case No. 14 C 149

**JOURNAL ENTRY OF DEFAULT JUDGMENT**

NOW, on this 4<sup>th</sup> day of April, 2014, 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 February 20, 2014, the Attorney General ("Plaintiff") filed in Shawnee County District Court a Petition against Defendant Pinnacle Exteriors LLC.
2. On February 27, 2014, Plaintiff served copies of the Summons and Defendant by return receipt delivery.
3. On March 13, 2014, 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 April 4, 2014, 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 “unconscionable.”

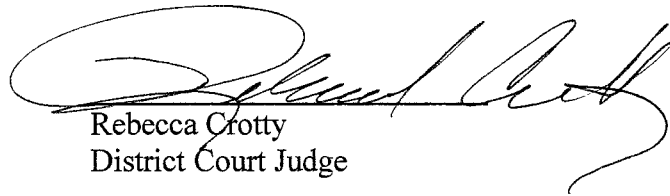
**IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED** that Defendant be permanently enjoined from engaging in the acts alleged in Plaintiff’s Petition to be violations of the Kansas Consumer Protection Act.

**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 \$80,000.00.


**IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED** Defendants 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.**



Rebecca Crotty  
District Court Judge

Submitted by:



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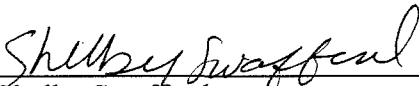
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by first class mail, postage prepaid, on April 7<sup>th</sup>, 2014 to:

Adrian Serene  
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\_\_\_\_\_  
Shelby Swafford  
Administrative Assistant