

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
DIVISION ONE

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

STATE OF KANSAS, *ex rel.*, )  
DEREK SCHMIDT, Attorney General, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Will J. Harrison Jr. d/b/a Wester Construction, )  
d/b/a Will Harrison Paving, )  
 )  
Defendants. )

2014 OCT 27 P 2:10

Case No. 2014CV552

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

JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW, on this 27<sup>th</sup> day of October, 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 James Welch, Deputy 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 June 10, 2014, the Attorney General ("Plaintiff") filed in Shawnee County District Court an *Ex Parte* Motion for Sequestration of Assets and Temporary Restraining Order to Seize and Hold Property and Enjoining Defendants from Engaging in Consumer Transactions in Kansas and Memorandum in Support, and Petition against Defendants Will J. Harrison Jr. d/b/a Wester Construction, d/b/a Will Harrison Paving.
2. On June 10, 2014, the Attorney General ("Plaintiff") filed in Shawnee County District Court an Amended Petition.

3. On September 17, 2014, Plaintiff obtained Alias Summonses for the Defendants to: Will J. Harrison Jr. d/b/a Wester Construction d/b/a Will Harrison Paving, PO Box 644, Pocola, OK 74902; Will J. Harrison Jr. d/b/a Wester Construction d/b/a Will Harrison Paving, 191468 US Highway 271, Spiro, OK 74959-4446; and Will J. Harrison Jr. d/b/a Wester Construction d/b/a Will Harrison Paving, RR2 Box 359, Spiro, OK 74959.
4. On September 22, 2014, Plaintiff served copies of the Amended Petition, Petition, *Ex Parte* Motion for Sequestration of Assets and Temporary Restraining Order to Seize and Hold Property and Enjoining Defendants from Engaging in Consumer Transactions in Kansas and Memorandum in Support, *Ex Parte* Order for Sequestration of Assets and Temporary Restraining Order to Seize and Hold Property and Enjoining Defendants from Engaging in Consumer Transactions in Kansas, and Summons on the Defendants by return receipt delivery to Will J. Harrison Jr. d/b/a Wester Construction d/b/a Will Harrison Paving, PO Box 644, Pocola, OK 74902.
5. On September 22, 2014, Plaintiff filed the return of service with the Court.
6. Defendants have not filed an answer to the Amended Petition or otherwise made any appearance, in person or by counsel, in this proceeding.
7. More than thirty days has passed since Defendants were served with process, as required by K.S.A. 60-308(a)(3).
8. On October 27, 2014, Plaintiff filed its Motion for Default Judgment and Memorandum in Support (“Motion for Default Judgment”).
9. Plaintiff’s Motion for Default Judgment is predicated upon Defendants’ failure to file an answer to Plaintiff’s Amended Petition.
10. Defendants are in default, pursuant to K.S.A. 60-255.

**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 Defendants, in favor of Plaintiff, on all counts of the Amended 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 Defendants are permanently enjoined from engaging in the acts alleged in Plaintiff's Amended Petition to be violations of the Kansas Consumer Protection Act.

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

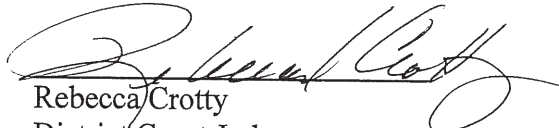
**IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED** that Defendants have committed ten (10) violations of the Kansas Consumer Protection Act.

**IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED** that Defendants 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 total amount of \$100,000.00.

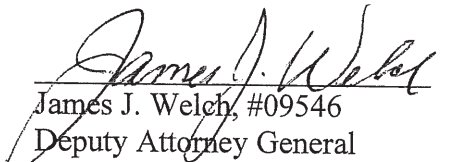
**IT IS FURTHER ORDERED ADJUDICATED, AND DECREED** that Defendants pay restitution to Nathen Wright of Gem, Kansas 66049 in the amount of \$5,700.00, and to Jonathan Pancake of Atwood, Kansas 67730 in the amount of \$7,600.00.

**IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED** that 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:

  
James J. Welch, #09546  
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STATE OF KANSAS, COUNTY OF SHAWNEE, S.S.

I hereby certify the above and foregoing to be  
a true and correct copy, the original of which  
is filed and entered of record in the court.

Dated October 27, 2014

CLERK of the DISTRICT COURT

By Asheley Michaelis  
DEPUTY