

ME

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION 1

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)

v.)

Case No. 12 C 1227

ALL TRADES CONSTRUCTION, LTD)
d/b/a Duran-Duran Roofing)
a/k/a Duran Duran Roofing and)
Restoration)
a/k/a Duran Duran Roofing and Gutters)
a/k/a Duran Duran,)

and)

Luisa Duran, an individual)
)
Defendants.)

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

FILED BY CLERK
KS. DISTRICT COURT
THIRD JUDICIAL DIST.
TOPEKA, KS
2013 APR 24 P 4:31

JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW, on this 24 day of April, 2013, 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 November 14, 2012, the Attorney General ("Plaintiff") filed in Shawnee County District Court a Petition against Defendants All Trades Construction LTD ("All Trades Construction") and Luisa Duran, an individual (collectively referred to as "Defendants").

2. On January 28, 2013, the Plaintiff filed in Shawnee County District Court a First Amended Petition against Defendants.
3. On February 7, 2013, Plaintiff served copies of the Summons and First Amended Petition on Defendants by personal service to Luisa Duran, as an individual, and as the registered agent for All Trades Construction.
4. On February 27, 2013, Plaintiff filed both returns of service with the Court.
5. Defendants have not filed an answer to the First Amended Petition or otherwise made any appearance, in person or by counsel, in this proceeding.
6. Defendants failed to file an answer to the Petition or otherwise appear in this matter.
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 April 18, 2013, 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 Petition.
10. Defendants are in default, pursuant to K.S.A. 60-255.
11. 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 Defendants, 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 Defendants be permanently enjoined from engaging in the acts alleged in Plaintiff’s Petition to be violations of the Kansas Consumer Protection Act.

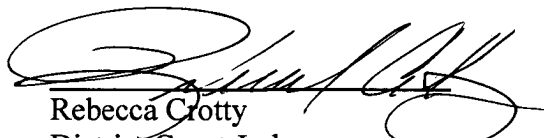
IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED that Defendants pay restitution to the following individuals: Tony Buster, in the amount of \$7,672.70; Ilene Donnelly-Sandell, in the amount of \$8,435.88; Vikesh Tahiliani, in the amount of \$14,779.94; Sheryl Blome, in the amount of \$5,419.80; Gary Edwards, in the amount of \$7,501.90; Amy Freeman, in the amount of \$3,895.73; and Carol Skillett, in the amount of \$3,247.77.

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendants be 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 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 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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