

IN THE DISTRICT COURT OF JEFFERSON COUNTY, KANSAS
CIVIL DIVISION

STATE OF KANSAS
JEFFERSON COUNTY
FILED

STATE OF KANSAS, *ex rel.*,)
STEPHEN N. SIX, Attorney General,)
)
Plaintiff,)
)
vs.)
)
NICOLE PICKENS, individually)
)
and)
)
JEREMY PICKENS, individually)
)
d/b/a OUTDOORS UNLIMITED)
LAWN AND LANDSCAPE,)
)
Defendants.)

2008 OCT 16 P 2: 03
CONNIE D. MILNER
CLERK OF DIST COURT

Case No. 08 CV 110

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

JOURNAL ENTRY OF DEFAULT JUDGMENT

COMES NOW, on this 16th day of October, 2008, the Plaintiff's Motion for Default Judgment before this Court for consideration. The State of Kansas, *ex rel.* Stephen N. Six, appears by and through Assistant Attorney General, Tai J. Vokins. Defendants appear not.

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

1. Plaintiff filed its Motion for Default Judgment and Memorandum in Support on October 16th, 2008.
2. Plaintiff's Motion for Default Judgment is predicated upon Defendants' failure to file an Answer to Plaintiff's Petition which was filed on August 7, 2008.
3. A copy of the Summons and a copy of the Petition were served upon Defendants by personal service on August 25, 2008.

4. Defendants failed to file an Answer within twenty days after being served with process, as required by K.S.A. 60-212(a).

5. Pursuant to K.S.A. 60-255, Defendants are in default.

6. The legal arguments and authorities set forth in Plaintiff's Motion and Memorandum of Default Judgment are adopted by the Court as its conclusions of law as though fully set forth herein.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Plaintiff's Motion for Default Judgment is granted.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that judgment is hereby entered 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 to be deceptive and unconscionable.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants be permanently enjoined from the enumerated deceptive and unconscionable acts and practices, pursuant to K.S.A. 50-632(a)(2).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants be permanently enjoined from engaging in lawn and landscaping services within the State of Kansas.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants pay \$2,500.00 to Tim Shoemaker and Johnna Shoemaker as restitution,

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, pursuant to K.S.A. 50-636(a), in this case amounting to \$40,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants pay \$900.00 in investigative fees and expenses to the Office of the Attorney General, pursuant to K.S.A. 50-636(c).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants pay all court costs.

IT IS SO ORDERED.

**ORIGINAL SIGNED BY
GARY L. NAFZIGER**

District Court Judge

Submitted by:



Tai J. Vokins, #23707
Assistant Attorney General
Office of the Kansas Attorney General
120 SW 10th Ave., 2nd Floor
(785) 368-8413

Attorney for Plaintiff