

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS  
Division 2

STATE OF KANSAS, *ex rel.*, )  
STEVE SIX, Attorney General, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DREAMSCAPES LANDSCAPE & )  
IRRIGATION, INC., )  
 )  
and )  
 )  
PAUL B. GARDNER, II, )  
individually, )  
 )  
Defendant. )

Case No. 08 CV 807

FILED  
DOUGLAS COUNTY  
DISTRICT COURT  
2009 MAR 16 A 9 10

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

ORDER OF DEFAULT JUDGMENT

COMES NOW, on this \_\_\_\_ day of March, 2009, the Plaintiff's Motion for Default Judgment before this Court for consideration. The State of Kansas, *ex rel.* Steve Six, appears by and through Assistant Attorney General, Meghan E. Barnds. 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 February 25, 2009.
2. Plaintiff's Motion for Default Judgment is predicated upon Defendants' failure to file an Answer to Plaintiff's Petition which was filed on December 30, 2008.

3. A copy of the Summons and the original Petition were served upon Defendant Dreamscapes Landscape & Irrigation, Inc. and Defendant Paul B. Gardner, II, at 811 North 900 Road in Lawrence, Kansas 66047 by the Douglas County Sheriff's Office on February 4, 2009 pursuant to K.S.A. 60-303(d).

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 soliciting the sale of landscaping and irrigation products and services in the State of Kansas.

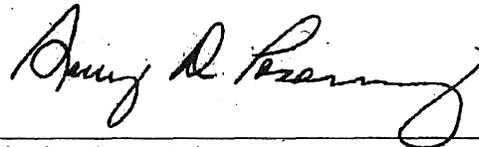
**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendants pay restitution to the Kansas consumers referenced in Plaintiff's Motion for Default Judgment, in this case amounting to \$30,122.00

**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 \$210,000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendants pay \$4,200.00 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.**



District Court Judge

Submitted by:



Meghan E. Barnds, #23685  
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Attorney for Plaintiff