



1. On June 25, 2002, the Plaintiff filed a Petition alleging that Defendant Robert Wayne Pollard, d/b/a Pollard Construction (hereafter "Defendant Pollard"), committed violations of the Kansas Consumer Protection Act, K.S.A. 50-623, *et seq.*

2. Defendant Pollard was personally served with a copy of the summons and Petition at the Jefferson County Jail, Oskaloosa, Kansas 66066, on June 25, 2002.

3. Plaintiff has requested that judgment by default be entered in favor of Plaintiff and against Defendant Pollard.

4. This Court has subject matter jurisdiction over this case under the Kansas Consumer Protection Act, K.S.A. 50-623, *et seq.*

5. This Court has jurisdiction over the parties pursuant to the Kansas Consumer Protection Act, K.S.A. 50-623, *et seq.*

6. More than thirty (30) days have elapsed since Defendant Pollard was served with a copy of the summons and Petition.

7. Defendant Pollard has not filed an answer.

8. Defendant Pollard is in default.

More than ten (10) days prior to the filing of the Motion for Default Judgment, Defendant Pollard was notified of the amount of monetary judgment that would be entered against him in the event of default.

9. Judgment by default should be entered in favor of Plaintiff and against Defendant Pollard for all relief to which Plaintiff is by law entitled.

10. Plaintiff has properly shown that Plaintiff's Motion for Judgment by Default has merit. Plaintiff's Motion for Judgment by Default should be granted and sustained.

11. Plaintiff has alleged in the Petition that the following acts and practices by Defendant Pollard are violations of the Kansas Consumer Protection Act, K.S.A. 50-623, *et seq.*, and are deceptive and unconscionable:

- a. Failing to have in close proximity to the signature line on his contracts with consumers, the disclosure required by K.S.A. 59-640(b)(1);
- b. Failing to provide consumers with the notice of cancellation required by K.S.A. 50-640(b)(2);
- c. Failing to inform consumers orally of their right to cancel as required by K.S.A. 50-640(b)(5);
- d. Failing to provide any material benefit to consumers as prohibited by K.S.A. 50-627(b)(3);
- e. Representing that defendant's services had an approval or characteristic that they did not have as prohibited by K.S.A. 50-626(b)(1)(A)

**IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED** that the Plaintiff's Motion for Judgment by Default is granted and sustained.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that judgment is hereby entered in favor of Plaintiff and against Defendant Robert Wayne Pollard, d/b/a Pollard Construction, as set forth in this Journal Entry of Default Judgment, on all claims.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the acts and practices alleged in Paragraph 12 above are hereby declared to be deceptive and unconscionable and in violation of the Kansas Consumer Protection Act.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant Robert Wayne Pollard, d/b/a Pollard Construction, together with such Defendant's officers, directors,

employees, shareholders, agents, successors, servants and assigns, are hereby permanently enjoined from engaging in the above-cited deceptive and unconscionable acts and practices.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that judgment is hereby entered in favor of Plaintiff State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, and against Defendant Robert Wayne Pollard, d/b/a Pollard Construction, for consumer restitution in the amount of \$2,550.00.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that judgment is hereby entered in favor of Plaintiff State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, and against Defendant Robert Wayne Pollard, d/b/a Pollard Construction, for civil penalties in the amount of \$30,000.00.

**IT IS SO ORDERED.**

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The Honorable District Court Judge

Prepared by:

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