

Sarah M. Dietz, #27457  
 Assistant Attorney General  
 Office of the Kansas Attorney General  
 120 S.W. 10<sup>th</sup> Avenue, 2nd Floor  
 Topeka, Kansas 66612-1597  
 Tel: (785) 296-3751  
 Fax: (785) 291-3699  
 sarah.dietz@ag.ks.gov

FILED BY CLERK  
 KS. DISTRICT COURT  
 THIRD JUDICIAL DIST.  
 TOPEKA, KS *jd*  
 2017 MAR 22 A 10:00

**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS**

STATE OF KANSAS, *ex rel.* )  
 DEREK SCHMIDT, Attorney General, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ALBERT JEFFREY, an individual )  
 d/b/a J. BOYS BLACKTOP and d/b/a )  
 ASPHALT PAVING; )  
 )  
 And )  
 )  
 ALLEN JEFFREY, an individual d/b/a )  
 J. BOYS BLACKTOP and d/b/a ASPHALT )  
 PAVING; )  
 )  
 Defendants. )

Case No. 2016-CV-930

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

**ORDER OF DEFAULT JUDGMENT AGAINST DEFENDANTS ALBERT JEFFREY  
 AND ALLEN JEFFREY DBA J. BOYS BLACKTOP AND DBA ASPHALT PAVING**

NOW, on this date, Plaintiff's Motion for Default Judgment against the Defendants, Albert Jeffrey and Allen Jeffrey dba J, Boys Blacktop and dba Asphalt Paving and Memorandum in Support ("Motion for Default Judgment") comes before this Court for consideration. The State of Kansas *ex rel.* Derek Schmidt, appears by and through counsel, Assistant Attorney General Sarah M. Dietz. The Defendants, Albert Jeffrey and Allen Jeffrey 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 on March 16, 2017.
2. Plaintiff's Motion for Default Judgment is predicated on the Defendants, Albert Jeffrey's and Allen Jeffrey's, failure to file an Answer to the Plaintiff's Petition, which was filed on December 7, 2016.
3. A copy of the Summons and the Petition were served upon the Defendants, Albert Jeffrey and Allen Jeffrey, at 2321 Lane St, Pine Bluff, AR 72041 by the Pine Bluff Arkansas Police Department on February 2, 2017, pursuant to K.S.A 60-303(d)(1)(A).
4. The Defendants, Albert Jeffrey and Allen Jeffrey, have failed to file an Answer within 30 (thirty) days after being served with process, as required by K.S.A. 60-308(a)(3).
5. The Defendants, Albert Jeffrey and Allen Jeffrey, are not minors or incapacitated persons.
6. The Defendants, Albert Jeffrey and Allen Jeffrey, are in default pursuant to K.S.A. 60-255.
7. The factual allegations set forth in the Plaintiff's Motion for Default Judgment are adopted by the Court as its findings of fact and 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 against the Defendants, Albert Jeffrey and Allen Jeffrey dba J. Boys Blacktop and dba Asphalt Paving, and in favor of Plaintiff on all Counts of the Petition.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that the actions and practices alleged in Plaintiff's Petition are declared to be deceptive and unconscionable and in violation of the Kansas Consumer Protection Act.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that the Defendants, Allen Jeffrey and Allen Jeffrey dba J. Boys Blacktop and dba Asphalt Paving and any employees, agents, representatives, affiliates, assignees and successors are permanently enjoined from engaging in acts and practices alleged in the Plaintiff's Petition to be violations of the Consumer Protection Act.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that the Defendants, Allen Jeffrey and Allen Jeffrey dba J. Boys Blacktop and dba Asphalt Paving and any employees, agents, representatives, affiliates, assignees and successors are permanently enjoined from soliciting, advertising or otherwise engaging in the sale of home improvement and asphalt paving services in the State of Kansas.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that the Defendants, Allen Jeffrey and Allen Jeffrey dba J. Boys Blacktop and dba Asphalt Paving pay \$48,183.00 to be distributed as restitution by Plaintiff for the consumer transactions alleged in Plaintiff's Petition, pursuant to K.S.A. 50-632(c)(2).

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that the Defendants, Allen Jeffrey and Allen Jeffrey dba J. Boys Blacktop and dba Asphalt Paving pay reasonable investigative fees and expenses of the Office of the Kansas Attorney General, pursuant to K.S.A. 50-632(c)(7), in this case amounting to \$5000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that the Defendants, Allen Jeffrey and Allen Jeffrey dba J. Boys Blacktop and dba Asphalt Paving pay \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act alleged in the Plaintiff's Petition, pursuant to K.S.A. 50-636(a), in this case amounting to \$180,000.00.

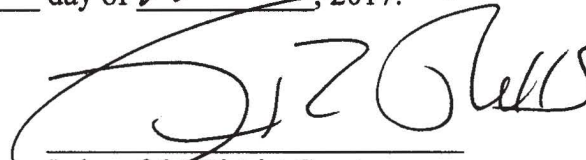
**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that the Defendants, Allen Jeffrey and Allen Jeffrey dba J. Boys Blacktop and dba Asphalt Paving pay \$10,000.00 in enhanced civil penalties for each violation of the Kansas Consumer Protection Act alleged in the Plaintiff's Petition, pursuant to K.S.A. 50-636(a), in this case amounting to \$150,000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that the Defendants, Allen Jeffrey and Allen Jeffrey dba J. Boys Blacktop and dba Asphalt Paving pay all Court Costs and all costs associated with distributing and executing this judgment.

**IT IS SO ORDERED.**

**THIS ORDER IS EFFECTIVE AS OF THE DATE AND TIME OF THE ELECTRONIC FILE STAMP.**

IT IS SO ORDERED, this 21<sup>st</sup> day of March, 2017.

  
\_\_\_\_\_  
Judge of the District Court

Respectfully submitted,

/s/ Sarah M. Dietz

\_\_\_\_\_  
Sarah M. Dietz KS#27457  
Assistant Attorney General

Office of the Kansas Attorney General  
120 S.W. 10<sup>th</sup> Avenue, 2nd Floor  
Topeka, Kansas 66612-1597  
Tel: (785) 368-6204  
Fax: (785) 291-3699  
[sarah.dietz@ag.ks.gov](mailto:sarah.dietz@ag.ks.gov)