

ELECTRONICALLY FILED
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CLERK OF THE SHAWNEE COUNTY DISTRICT COURT
CASE NUMBER: 2021-CV-000047



Court: Shawnee County District Court
Case Number: 2021-CV-000047
Case Title: State of Kansas ex rel Derek Schmidt Atty General
vs. Douglas L Bell III, et al.
Type: Journal Entry of Default Judgment and Permanent
Restraining Order

SO ORDERED.

A handwritten signature in cursive script, reading "M E Christopher", with a long horizontal flourish extending to the right.

/s/ Honorable Mary E Christopher, District Judge

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**IN THE THIRD JUDICIAL DISTRICT COURT
OF SHAWNEE COUNTY, KANSAS
DIVISION 3**

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)
)
v.)
)
DOUGLAS L. BELL III, an individual,)
and)
CUSTOM CONCRETE CONTRACTORS, LLC,)
a Kansas Corporation,)
)
Defendants.)

Case No. 2021-CV-000047

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

**JOURNAL ENTRY OF DEFAULT JUDGMENT AND
PERMANENT RESTRAINING ORDER**

NOW on this date, Plaintiff's Motion for Default Judgment and Permanent Restraining Order is before this Court for hearing. The State of Kansas, appears *ex rel.* Derek Schmidt, Attorney General, by and through counsel Melanie S. Jack, Assistant Attorney General. Defendants, Douglas L. Bell, III and Custom Concrete Contractors, LLC, do not appear.

WHEREUPON, after hearing testimony, 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 March 16, 2021.

2. Plaintiff's Motion for Default Judgment is predicated upon Defendant's failure to file an Answer to Plaintiff's Petition filed on January 28, 2021, against Defendants Douglas L. Bell, III and Custom Concrete Contractors, LLC ("the Defendants").

3. Defendants were properly served with Plaintiff's Petition and Summons on February 9, 2021, by tacking and mailing, pursuant to KSA 60-303(d)(1)(C). Proof of service of process was filed with this Court on February 15, 2021.

4. Defendants failed to file an Answer within twenty-one (21) days after being served with process, as required by K.S.A. 60-212(a).

5. Defendants are in default as set forth in K.S.A. 60-255.

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

7. Plaintiff is entitled to entry of judgment by default, and to all remedies Plaintiff has requested in its Petition, pursuant to K.S.A. 60-255(a).

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

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that judgment is hereby entered in favor of Plaintiff on all counts of the Petition.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that the alleged violations of the Kansas Consumer Protection Act are declared deceptive and unconscionable.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendants be permanently enjoined from conducting consumer transactions in the State of Kansas, pursuant to K.S.A. 50-632(a)(2).

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendants' officers, directors, employees, shareholders and agents be permanently enjoined from conducting consumer transactions in the State of Kansas, pursuant to K.S.A. 50-632(a)(2).

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendants pay civil penalties in the amount of \$10,000.00 for each violation of the Kansas Consumer Protection Act pursuant to K.S.A. 50-636, in the amount of \$50,00.00.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendants pay enhanced civil penalties of \$10,000 for each violation involving two protected consumers pursuant to K.S.A. 50-676 and K.S.A. 50-677, in the amount of \$50,000.00.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendants pay consumer restitution to R.H. in the amount of \$6,489.55 and consumer M.T. in the amount of \$7,117.00.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendants pay expenses and investigative fees in the amount of \$2,062.50 to the Office of the Kansas Attorney General pursuant to K.S.A. 50-636(c).

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

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendants are jointly and severally liable for all damages, civil penalties, expenses and investigative fees.

IT IS SO ORDERED.

**THIS ORDER IS EFFECTIVE AS OF THE DATE AND TIME OF ITS
ELECTRONIC FILING.**

Respectfully submitted,

/s/ *Melanie S. Jack*

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