

IN THE CIRCUIT COURT OF LACLEDE COUNTY, MISSOURI

FILED
APR 18 2023
HEATHER OFFICER, CIRCUIT CLERK
LACLEDE COUNTY, MO

STATE OF MISSOURI, ex rel.)
Attorney General Andrew Bailey,)

Plaintiff,)

v.)

VAR-IETY AUTO'S, LLC,)

Defendant.)

Case No. 23LA-CC00014

Division:

DEFAULT JUDGMENT

This case comes before the Court on Plaintiff's Motion for Default Judgment. Plaintiff appears by Assistant Attorney General John W. Grantham. Defendant appears not. Having considered Plaintiff's Motion and Affidavit, the Court hereby grants Plaintiff's Motion and finds as follows:

1. On February 3, 2023, the State brought this action against Defendant alleging violations of the Missouri Merchandising Practices Act, Chapter 407, RSMo..

1. Defendant was served with the Petition and Summons on February 8, 2023. Defendant's answer or motion under Rule 55.27 was to have been filed on or before March 10, 2023. Defendants failed to answer or otherwise plead in response to the Petition.

2. Plaintiff is entitled to a default judgment against Defendants pursuant to Missouri Supreme Court Rule 74.05(a), which provides in relevant

part: "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, upon proof of damages or entitlement to other relief, a judgment may be entered against the defaulting party."

3. The Petition and the Affidavit attached to Plaintiff's Motion for Default Judgment set forth evidence supporting an award of restitution, penalties, and injunctive relief against Defendants.

WHEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that a final judgment in this matter is entered in favor of the State of Missouri and against Defendant Var-iety Auto's, LLC for violating § 407.020, RSMo. by soliciting and accepting advanced payments from consumers vehicles, then failing to deliver vehicles, valid titles or to provide warranty work, in violation of Defendant's promises to a contracts with the consumers.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Var-iety Auto's, LLC shall pay \$27,000 and to the State of Missouri to the credit of the Merchandising Practices Restitution Fund, pursuant to §407.100.4, to provide restitution to consumers listed in Exhibit A who were harmed by his actions.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that per 407.100, RSMo, Defendant Var-iety Auto's, LLC and its agents, servants,

employees, representatives, and other individuals acting at his direction, are permanently enjoined and prohibited from advertising, selling, offering to sell, or market motor vehicles in the State of Missouri.

IT IS SO ORDERED:

Date: 4-18-23

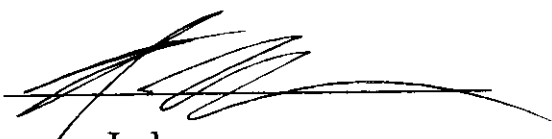

Judge

EXHIBIT A

Icy Bailey	\$ 1,500
Rena Rubles	\$3,500
Linda Cramer	\$3000
Chad Kibodeaux/Audrey Hill	\$2,000
Sandra Graham	\$2,500
Richard Tiegs	\$8,500
Gregory Wagner	\$2,500
<u>Jessie McConnagughey</u>	<u>\$3,500</u>

Total: \$27,000