

IN THE CIRCUIT COURT OF PHELPS COUNTY,
STATE OF MISSOURI

STATE OF MISSOURI, ex rel.)
Attorney General Andrew Bailey,)
Plaintiff,)
vs.)
Zechariah Hockersmith, et al.,)
Defendants.)

Case No. 22PH-CV00311

Division: 1

FILED

SEP 07 2023

MARLAINA WALLACE
CIRCUIT CLERK
PHELPS COUNTY, MO

FINAL DEFAULT JUDGMENT

This case comes before the Court on Plaintiff's Motion for Default Judgment as to Defendants Zechariah Hockersmith and ProCare Pools LLC (d/b/a ProCare Pool and Spa) ("defendants"). The State appears by Assistant Attorney General John Grantham. Defendant ProCare Pools LLC appears not and Defendant Zecahriah Hockersmith appears not.

The Court hereby grants judgment and finds as follows:

1. On March 7, 2022, the State of Missouri at the relation of Attorney General Eric Schmitt filed a Petition for Injunction, Restitution, Civil Penalties, and Other Relief.
2. On April 4, 2022, Defendant Hockersmith was personally served with the Petition and summons and an agent for Defendant ProCare Pools LLC was served with Petition and summons.

3. Defendants failed to answer or otherwise respond to the Petition and are both in default.

4. The evidence presented at the hearing on damages sets forth evidence supporting an award of restitution, penalties, and injunctive relief against Defendants.

5. The Court takes notice that certain consumers have received a total \$54,683.58 in criminal restitution from Richard Hockersmith and are no longer owed that amount as a result.

6. As Plaintiff previously dismissed its claims against Richard Hockersmith, and this judgment resolves all claims against all remaining defendants, this judgment is final.

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 Defendants for violating § 407.020, RSMo through: 1) deception in connection with the sale of pool repair and construction services to consumers; 2) false promises in connection with the sale of pool repair and construction services to consumers; 3) misrepresentations to consumers that Defendants would provide pool repair and construction services in exchange for upfront payments; and 4) unfair practices including unilaterally breaching unambiguous provisions of consumer contracts by failing to complete pool repair and construction services in a skillful and workmanlike manner and

failing to pay subcontractors and saddling the consumers with the lien.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants shall pay \$98,868 to the State of Missouri to the credit of the Merchandising Practices Restitution Fund, pursuant to §407.100.4, to provide restitution to consumers who were harmed by their actions as set forth in Exhibit A.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants shall pay an amount equal to 10% of the restitution, or \$9,886.80, to the State of Missouri to the credit of the Merchandising Practices Revolving Fund per § 407.140.3, RSMo.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants, shall pay civil penalties of \$6,000 to the State of Missouri per § 407.100.6, RSMo.

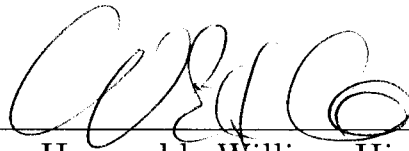
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that per § 407.100, RSMo, Defendants, and their agents, servants, employees, representatives, and other individuals acting at their direction are permanently enjoined and prohibited from advertising, offering for sale, or selling pool repair and construction services in the state of Missouri.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants Zechariah Hockersmith and ProCare Pools LLC are jointly and

severally liable for the total amount of \$114,754.80 entered against them in this Judgment.

IT IS SO ORDERED:

Date: 9-7-2023



The Honorable William Hickle
Circuit Judge, Division 1
Circuit Court of Phelps County