

NO.

IN THE SUPREME COURT OF THE UNITED STATES

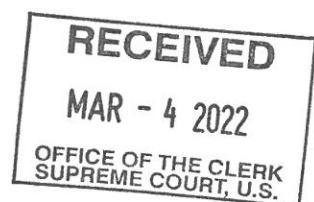
SHANNON RILEY, PETITIONER

v.

CARRIE KATHLEEN MEEHAN, RESPONDENT

APPLICATION FOR STAY OF A KAN. PR. REL DIST. CT 170
ORDER PENDING APPEAL TO THE U.S. SUPREME COURT

Shannon Riley
Applicant, pro se,
1368 Smiths Lawn
Aiken, SC 29801
(815) 814-5179
shannon@infinitysporthorse.com



PARTIES TO THE PROCEEDING

The applicant is Shannon Riley, pro se, Petitioner for a Writ of Mandamus to the Supreme Court of the State of Kansas and a defendant in a Kansas District Court Case captioned, Carrie Kathleen Meehan v Shannon Riley, Johnson County District Court Case No. 18CV490, filed January 29, 2018.

The respondent's are;

- (1) The Honorable Paul C Gurney, District Court Judge, Johnson County, KS
- (2) Rhonda K. Levinson, Esq. Perry & Trent LLC, Bonner, Springs, KS and counsel for plaintiff
- (3) Dionne Carroll, Carroll Law Firm, PA, Aiken SC and counsel for plaintiff in executing foreign judgment in SC

TO: The Honorable Neil M. Gorsuch, Associate Justice
for the Tenth Circuit, United States Supreme Court.
Pursuant to Supreme Court Rule 23, and the all
Writs Act, 28 U.S.C. 1651, applicant respectfully
applies for a stay of a Kansas R: Rel. Dist. Ct.
170(a) Order issued 1/17/22 by the Johnson
County District Court reversing the State of
Kansas Appellate Court as to applicant's counterclaim
and ordering a supercedeas bond in the amount of the
1.
judgment in the event of an appeal.

The Rule 170 Order involves both extrinsic fraud, (fraud
that induces one not to present a case in court, and intrinsic
fraud (which is the fraud that is the subject of the Rule 170 Order.,

Pursuant to Rule 23(f), the relief sought is not available
from any other court or judge. A stay was first sought
in the Supreme Court of the State of Kansas and denied
as MOOT. Case closed.

Order and Request for Rehearing/Modification denied
on 2/1/22. (Appx A).

1. Actual damages in this case total \$40,000.00, punitive damages total \$80,000.00. Total damages are \$120,000.00 (Appx E).
A state violates the due process clause if it imposes procedures which effectively impede access to the appellate court system. *Evitts v Lucey*, 469 U.S. 387, 383-94 (1985); *Smith v Robbins*, 528 U.S. 256, 270 (2000). It has been held that a defendant facing punitive damages have a due process right to appeal. *Honda v Oberg*, 512 U.S. 415, 432 (1994).

This case is extraordinary in the fact that applicant has been before this Court now, for the third time. The first time, on a Petition for Writ of Certiorari to the Supreme Court of South Carolina, Case No. 20-6501 after the electronic filing to execute a Kansas foreign (Appx D/E) judgment in South Carolina on 4/22/19, TWENTY EIGHT (28) months prior to the Kansas Appellate Court mandate (Appx F) on 8/18/21, on a false affidavit.

Worse, the filing to execute the foreign judgment was TWENTY (20) months prior to the Order of Final Judgment in the Kansas District Court on 12/5/19 (Appx G). Judgment on the foreign judgment was obtained in Aiken Court of Common Pleas on 2/3/20 Apppx H.) on a false affidavit (Appx I), and EIGHTEEN (18) months prior to the Kansas mandate (Appx F).

The second filing in this Court on a Petition for a Writ of Mandamus to the Kansas Supreme Court, Case No. 21-3312, after the Kansas Appellate Court issued the mandate in this case (Appx F) on 8/18/21, 22 months after the judgment in South Carolina on 2/3/20 (Appx L) on the foreign judgment filed on the Nunc Pro Tunc Journal Entry Correcting Default Judgment (Appx E), filed 4/22/19, as a Final Order of Judgment, which was filed in the District Court on 12/5/19 (Appx G), 28 months after the filing to execute the Kansas foreign judgment in South Carolina on 4/22/19,

This application to stay a Kansas District Court Rule 170 Order, reversing a 3 judge panel of the Kansas Court of Appeals on applicant's counterclaim with prejudice, and further ordering a supercedens bond in the event of an appeal. The Kansas Supreme Court denying a Mandamus petition and Request to Stay as moot, case closed, on a District Court Case filed in 2018.

The following pages 3-5, and the Appendix (A-K) will unravel the highly sophisticated fraud on the District Court by the District Court itself, fully sanctioned by the Kansas Supreme Court.

The Rule 170 Order Appx B, pg 2@7) stating, "Defendant's counterclaim against Plaintiff was denied on November 20, 2018 and dismissed with prejudice" is false.

The Journal Entry Granting Default Judgment of November 20, 2018, filed 12/3/18 (Appx D) is void of the dismissal of applicant's counterclaim with prejudice. and not part of the District Court record.

The Nunc Pro Tunc Journal Entry Correcting Default Judgment Consistent With The Order of The Court filed 4/15/19 (Appx E) is void of the dismissal of applicant's counterclaim with prejudice and not part of the District Court record.

The Kansas District Court Rule 170 Order (Appx B@7)

states, "Defendant's counterclaim against Plaintiff was denied on November 20, 2018 and dismissed with prejudice."

The November order (filed 12/3/18) (Appx D) states, "IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS: The above findings are adopted as the Order of this Court. Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages and \$80,000.00 in punitive damages, for a total judgment of \$120,000.00. Court costs shall be assessed against Respondent."

The counterclaim was not denied on November 20, 2018.

The District Court reversing the Kansas Appellate Court Memorandum Opinion filed 9/25/20 (Appx C@2/3) states, "At no time has the district court taken action on Riley's counterclaim against Meehan. The counterclaim remains pending." "Riley's counterclaim for breach of contract is outstanding and has not been dismissed."

2. The Final Order of Judgment states @3, "The nunc Pro Tunc Journal Entry Correcting Default Judgment Consistent with the Order of the Court, entered January 15, 2019, constitutes a final order because it disposed of the action as to all claims by all parties and no appeal was taken during the statutory deadlines."

The Nunc Pro Tunc Journal Entry (Appx E) at no time dismissed applicant's counterclaim nor did the Journal Entry Granting Default Judgment (Appx D) dismiss applicant's counterclaim. The Nunc Pro Tunc Journal Entry correcting Default Judgment was actually used as a Final Order (filed 4/22/19 in the Aiken Court of Common Please Case No. 2019CP0200950 (Appx H & I) to execute a Kansas foreign judgment in South Carolina, and EIGHT (8) months prior to the Final Order of Judgment from which applicant appealed on 1/16/20. Yet, The Memorandum Opinion of the Kansas Appellate Court filed 9/25/20 (Appx C pg 2, states, "At no time has the district court taken action on Riley's counterclaim against Meehan. The counterclaim remains pending.

Consistent with the fraud, the Final Order of Judgment citing the Nunc Pro Tunc Journal Entry Correcting Default Judgment as a Final Order because it disposed to "all claims by all parties," for the sole purpose of covering the fraudulent filing to execute the foreign judgment using the Nunc Pro Tunc entry as a final order when it was filed

The District Court reversing the Appellate Court for the sole purpose of refiling to execute a Kansas foreign judgment in South Carolina for the second time.

The first time with the counterclaim pending in violation of South Carolina Code 15-920(A), which states in part,

"A contested judgment includes a judgment which includes a judgment for which post-trial motions are pending before the trial court, notice of appeal has been filed, or an appeal is pending.

The second time with the counterclaim dismissed with prejudice by the engineering of the District Court.

The first filing to execute the foreign judgment filed simultaneously

The first filing to execute the foreign judgment filed on a sworn affidavit (Appx I@15) states, "The foreign judgment is not further contested. There are no post-trial motions pending before the District Court of Johnson County."

To further confuse that, "Defendant's counterclaim against Plaintiff was denied on November 20, 2018 and dismissed with prejudice," the Rule 170 Order (Appx B@3/4) states, On December 3, 2018, this Court granted a default judgment in favor of Plaintiff and against Defendant." On January 15, 2019, the Court issued a Nunc Pro Tunc Judgment, which clarified that Plaintiff was awarded interest on her damages against Defendant during the hearing held November 20, 2018. Through the inadvertent oversight and clerical error of counsel, this detail has been omitted from the original journal entry."

#2. (Con't)

in South Carolina EIGHTEEN (18) months prior as if it were a final order. A final order is an appealable order. "If an order closes the matter and precludes future hearing and investigation it is final; but an order which does not completely dispose of the subject matter and settle the rights of the parties is not final." In Re Keske's Estate 146 N.W. 2d 450, 452. The Nunc Pro Tunc Journal Entry Correcting Default Judgment filed 4/19/19, correcting the Journal Entry Granting Default Judgment of November 20, 2019, filed 12/3/18 is not a final order. The Final Order in this case was filed 12/5/19.

¶4 §In granting these judgments, this Court intended to dispose of all claims in this case, including Defendant's counterclaims against Plaintiff. During the hearing held November 20, 2018, the Court denied Defendant's counterclaims against the Plaintiff when granting judgment in favor of Plaintiff. The Court did not intend to bifurcate this proceeding."

The Nunc Pro Tunc Order correcting default judgment (Appx E) states; IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS:

"The above findings are adopted as the Order of the Court. Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post judgment interest at the statutory rate and the Costs of the action."

THE COUNTER CLAIM IS NOT DENIED ON JANUARY 15, 2019.

3.

Further to the Memorandum Opinion of the Appellate

Court (Appx C@2), states, "Riley's counterclaim for breach of contract is outstanding and has not been dismissed. The district court's judgment only provides, "Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the Cost of the action." "NO RULING HAS EVER BEEN SOUGHT, AND NO ACTION HAS BEEN TAKEN ON RILEY'S COUNTERCLAIM.'

AT NO TIME WAS THE COUNTERCLAIM DISMISSED AND NOT PART OF THE ORDER FILED IN THE DISTRICT COURT.

3. Prior to the Memorandum Opinion of the 3 judge panel on 9/25/20, the Court of Appeals issued a Show Cause Order (Appx K) pg 1), "Based on this court's review of the record, it appears that appellant's counter-claim for breach of contract is outstanding." "The district court's grant of default judgment orders only "Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$0,000.00, \$80,000.00 in punitive damages postjudgment interest at the statutory rate, and the Costs of the action."

ARGUMENT FOR STAY

The fraud upon the court by the Kansas District Court itself, by reversing the Kansas Appellate Court as to applicant's counterclaim and ordering a supercedens bond in the event of an appeal for the sole purpose of REFILING to execute the Kansas foreign judgment for the SECOND time, this time void of the counterclaim and a contested judgment under South Carolina Code

15-35-920(A) which states, "A contested judgment include includes a judgment for which post-trial motions are pending before the trial court, notice of appeal has been filed, or an appeal is pending.

Applicant's counterclaim clearly pending in the District Court. (Appx C&K).

In this case, the Nunc Pro Tunc Journal Entry Correcting Default Judgment (Appx E) was filed as a Final Order of Judgment in South Carolina on a sworn affidavit (Appx I) stating, @15, "The foreign judgment is not further contested. There are no post-trial motions pending before the District Court of Johnson County.

Applicant's counterclaim clearly pending. The affidavit is false. (Appx C&K).

Appx Kpg1, "Based on this court's review of the record, it appears that appellant's counterclaim for breach of contract is outstanding."

Appx Cpg2, "At no time has the district court taken action on Riley's counterclaim against Meehan. The counterclaim remains pending."

The Rule 170 Order, (Appx B, pg2, @7), stating, "Defendant's counterclaim against Plaintiff was denied on November 20, 2018 and dismissed with prejudice."

This Rule 170 Order has reversed the 3 judge panel of the Kansas Appellate Court.

The dismissal of applicant's counterclaim are not part of the public record in the case caption; Carrie Kathleen Meehan, Plaintiff v Shannon Riley, Defendant, Johnson County District Court Case No. 18CV490.

RULE 170 ORDER IMPEACHES DUE PROCESS UNDER
THE FULL FAITH AND CREDIT ACT

The Full Faith and Credit Clause, Article IV, Section 1 of the U.S. Constitution addresses the duties that states have within the United States with respect to the "public acts, records, and judicial proceedings of every other state."

The filing to execute the Kansas foreign judgment in South Carolina violates the "public acts, records, and judicial proceedings in Kansas. The record of filings in Johnson County District Court do not reflect the defendant's Counterclaim against Plaintiff being denied on November 20, 2018 and being dismissed with prejudice. The Rule 170 Order

The fraud upon the Court by the Kansas District Court itself in usurpation of the Kansas Appellate Court in reversing applicant's counterclaim and ordering a supercedas bond in the event of an appeal and sanctioned by the Kansas Supreme Court is a clear violation of due process under the XIV amendment.

When a valid judgment is rendered by a court that has jurisdiction over the parties, the Full Faith and Credit Act requires that the judgment receive the same effect in other states as in the state where it is rendered. The foreign judgment filed in Aiken Court of Common Pleas with post-trail motions pending (applicant's counterclaim) is fraud. The reversing Court as defendant's counterclaim to validate/legitimize the filing of the foreign judgment a fraud upon the court by the court itself.

CONCLUSION

Applicant respectfully asks to STAY the Rule 170 Order whereby a Kansas District Court has reversed the Kansas Appellate Court as to applicant's counterclaim and fully sanction by the Kansas Supreme Court, impeaching due process.

Respectfully submitted


Shannon Riley
Applicant, pro se
1368 Smiths Lawn
Aiken, SC 29801
(815) 814-5179
shannon@infinitysporthorse.com

CERTIFICATE OF SERVICE

Pursuant to Supreme Court Rule 29, I have served the enclosed Application for Stay, dated 2/25/22 on each party to the proceeding or that party's counsel, by depositing an envelope containing the document in the U.S. Mail, with first-class postage prepaid.

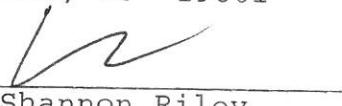
THE NAMES AND ADDRESS OF THOSE SERVED AS FOLLOWS:

The Honorable Paul C Gurney
District Court Judge
Johnson County District Court
150 W Santa Fe St
Olathe, KS 66061

Rhonda K Levinson, Esq
Perry & Trent LLC
132 Oak St
Bonner Springs, KS 66012

Dionne Carroll, Esq
Carroll Law Offices P.A.
107 Pendleton St N.W.
Aiken, SC 29801

by:


Shannon Riley
Applicant, pro se

A-P-P-E-N-D-I-X

A-K

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 124,722

SHANNON RILEY,
Petitioner,

v.

CARRIE KATHLEEN MEEHAN,
Respondent.

ORDER

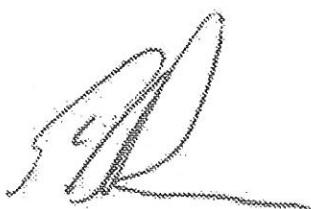
Petitioner's petition for writ of mandamus is denied.

Petitioner's request for stay of proceedings is denied as moot.

This case is closed.

Dated this 25th day of January 2022.

FOR THE COURT



ERIC ROSEN,
Justice

A

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 124,722

SHANNON RILEY,
Petitioner

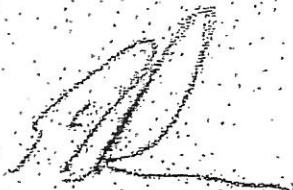
CAROLYN LEEBRECHT REEDER,
Administrator

ORDER

Petitioner's motion for rehearing or modification is denied.

Dated this 1st day of February 2022.

FOR THE COURT



ERIC ROSEN
Justice

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

CARRIE KATHLEEN MEEHAN)
Plaintiff,)
v.) Case No. 18CV490
SHANNON RILEY,) Division 14
Defendant.) K.S.A. Chapter 60

ORDER

NOW ON THIS 12th day of December, 2021, this matter comes before this Court. Plaintiff's *Motion for an Order Nunc Pro Tunc or in the Alternative for Judgment on Defendant's Counterclaim*, filed September 25, 2020; Defendant's *Request for Sanctions*, filed October 2, 2020; and Defendant's *Motion to Strike*, filed October 7, 2020, all come on for hearing.

Plaintiff appears in person and by counsel, Rhonda Levinson, both remotely via Zoom videoconferencing. Defendant fails to appear.

WHEREUPON after reviewing the Motions and the file, and being fully informed in premises, this Court makes the following findings:

1. Defendant received Notice of Hearing on all matters to be heard on this date. Defendant acknowledged by email that she received notice of this hearing. However, Defendant failed to appear.
2. The Court has reviewed the procedural history of this case, including Defendant's failures to comply with discovery, failure to appear for hearings, and failure to comply with the Court's order compelling discovery, as more fully set out on the record.
3. On December 3, 2018, this Court granted a default judgment in favor of Plaintiff and against Defendant. On January 15, 2019, the Court issued a Nunc Pro Tunc Judgment, which

clarified that Plaintiff was awarded interest on her damages against Defendant during the hearing held November 20, 2018. Through the inadvertent oversight and clerical error of counsel, this detail had been omitted from the original Journal Entry.

4. In granting these judgments, this Court intended to dispose of all claims in this case, including Defendant's counterclaims against Plaintiff. During the hearing held November 20, 2018, the Court denied Defendant's counterclaims against the Plaintiff when granting judgment in favor of Plaintiff. The Court did not intend to bifurcate that proceeding.

5. On this date, the Court fully articulated on the record its reasons for the November 20, 2018, imposition of the default judgment against Defendant on Plaintiff's Petition.

6. All the reasons articulated by the Court in support of default judgment against Defendant also support judgment in favor of Plaintiff and against Defendant on Defendant's Counterclaims.

7. Defendant's counterclaim against Plaintiff was denied on November 20, 2018 and dismissed with prejudice.

8. Defendant's Motion to Strike and Motion for Sanctions are both denied.

IT IS THEREFORE ORDERED that Plaintiff is granted her Motion for entry of judgment in favor of Plaintiff on Defendant's Counterclaim. Defendant's Counterclaim is hereby dismissed with prejudice. Defendant's Motion to Strike and Motion for Damages are denied.

IT IS FURTHER ORDERED that Defendant file a supersedeas bond in the amount of Plaintiff's judgment in order to stay any execution on the judgment in the event an appeal is taken by Defendant.

This Order is effective as of the date and time shown on the electronic file stamp.

DISTRICT COURT JUDGE

Respectfully submitted:

/s/ Rhonda K. Levinson
Rhonda K. Levinson #16213
PERRY and TRENT, L.L.C.
132 Oak
Bonner Springs, Kansas 66012
Phone: 913-441-3411
rhonda@perrytrent.com
Attorney for Plaintiff

NOT DESIGNATED FOR PUBLICATION

No. 122,380

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

CARRIE KATHLEEN MEEHAN,
Appellee,

v.

SHANNON RILEY,
Appellant.

MEMORANDUM OPINION

Appeal from Johnson District Court; PAUL C. GURNEY, judge. Opinion filed September 25, 2020.
Appeal dismissed.

Shannon Riley, of Aiken, South Carolina, appellant pro se.

Rhonda K. Levinson, of Perry and Trent, L.L.C., of Bonner Springs, for appellee.

Before GREEN, P.J., STANDRIDGE, J., and MCANANY, S.J.

PER CURIAM: Carrie Kathleen Meehan commenced an action for breach of contract and other claims against Shannon Riley. Riley was personally served in South Carolina. In March 2018, Riley filed her answer, generally denying Meehan's claims. She also asserted a counterclaim against Meehan for a commission she claimed she was due for the sale of a horse that Meehan had imported from Ireland. Riley sought judgment against Meehan for a sum in excess of \$25,000 and requested a jury trial.

In October 2018, Meehan moved for judgment for Riley's failure to comply with the court's discovery order, her failure to pay a court-imposed sanction, and her failure to

cooperate with Meehan in the preparation of an agreed pretrial order. Meehan sent Riley a notice of the hearing on this motion to her South Carolina address.

In December 2018, the district court entered judgment in favor of Meehan and against Riley on Meehan's claim, based on Riley's failure to comply with the court's discovery orders and her failure to attend pretrial hearings. The court's judgment included an award of punitive damages on Meehan's claim after hearing testimony on that issue.

In January 2019, the district court entered an order nunc pro tunc adding pre-judgment interest, which had been omitted from the original journal entry of judgment in favor of Meehan on her claim against Riley. At no time has the district court taken action on Riley's counterclaim against Meehan. The counterclaim remains pending.

Riley moved to set aside the judgment on Meehan's claim against Riley, and the district court denied the motion. Riley appealed.

K.S.A. 2019 Supp. 60-2102(a)(4) allows our court to review a final decision in a civil proceeding. A final decision is a decision "which finally decides and disposes of the entire merits of the controversy and reserves no further questions or directions for the future or further action of the court." *Kansas Medical Mut. Ins. Co. v. Svaty*, 291 Kan. 597, 610, 244 P.3d 642 (2010). The phrase "final decision" is self-defining and refers to an order that definitely terminates a right or liability involved in an action or that grants or refuses a remedy as a terminal act in the case. *Allison v. State*, 56 Kan. App. 2d 470, 475, 432 P.3d 87 (2018).

Interlocutory appeals may be taken when the district court certifies (1) that an order involves a controlling question of law about which substantial ground exists for difference of opinion and (2) that an immediate appeal may materially advance the ultimate termination of the litigation. The Court of Appeals may thereafter permit an

appeal in its discretion. K.S.A. 2019 Supp. 60-2102(c). No such certification exists in this case.

Riley's counterclaim for breach of contract is outstanding and has not been dismissed. The district court's judgment only provides: "Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the Costs of the action." No ruling has ever been sought, and no action has been taken on Riley's outstanding counterclaim.

We have invited the parties to show cause why this appeal should not be dismissed for lack of jurisdiction. Neither party has satisfactorily shown that we have jurisdiction notwithstanding the fact that no action has been taken on Riley's currently pending counterclaim.

Accordingly, there has been no final decision that disposes of all the outstanding issues in this case. As a result, we have no jurisdiction to consider this appeal and the appeal is dismissed.

Appeal dismissed.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

CARRIE KATHLEEN MEEHAN

Plaintiff

v.

SHANNON RILEY

Defendant

Pursuant to K.S.A. Chapter 60:

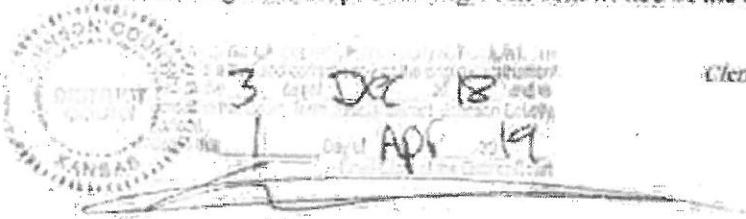
Case No. 18 CV 490
Division No. 11

JOURNAL ENTRY GRANTING DEFAULT JUDGMENT

NOW, on this 20th day of November, 2018, the same being one of the regular judicial days of the above-named Court, this cause comes regularly on for trial to the Court on Plaintiff's Petition in the above captioned case. The Plaintiff Carrie Kathleen Meehan appears in person and by her attorney, Rhonda K. Levinson of Perry & Trent LLC. The respondent does not appear. There are no other appearances.

THEREUPON, the Court, having heard testimony of Plaintiff, having examined the evidence and pleadings in this case, and being otherwise well and duly advised in the premises, finds as follows:

1. That jurisdiction and venue are proper.
2. That the Respondent filed an answer in the above case.
3. That the Respondent has failed to comply with the Court's prior order regarding providing responses to interrogatories and requests for production propounded by the Plaintiff to Respondent.
4. That the Respondent failed to attend the pretrial hearing in this matter.
5. That the Respondent has failed to appear at the hearing on Plaintiff's Motion for Default Judgment despite having been sent notice of the same.



Clerk of the District Court, Johnson County, Kansas
12/03/18 09:56am MM

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6. That as a result of the failure to comply with the Court's order regarding discovery, failure to attend the pretrial hearing, and failure to attend the hearing on the motion for default judgment, the Court finds that entry of judgment against the Defendant is appropriate.
7. The Court finds in favor of the Plaintiff on all counts in the Petition, for actual damages in the amount of forty thousand dollars (\$40,000.00). The Court finds that the Defendant breached the contract between the parties, breached her fiduciary duty, wrongfully converted funds, and committed fraud.
8. Having found in favor of Plaintiff on all counts in the Petition, the Court next considers Plaintiff's motion to award punitive damages.
9. After hearing evidence and testimony regarding the matter, the Court finds that punitive damages are warranted. The Court finds by clear and convincing evidence that the Defendant has committed fraud, that the evidence shows her conduct was willful and an ongoing deceit.
10. The Court therefore, after considering the statutory factors, awards the Plaintiff eighty thousand dollars (\$80,000.00) in punitive damages.

IT IS, THEREFORE, ORDERED ADJUDGED AND DECREED AS FOLLOWS:

The above findings are adopted as the Order of this Court.

Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages and \$80,000.00 in punitive damages, for a total judgment of \$120,000.00.

Court costs shall be assessed against the Respondent.

IT IS SO ORDERED.

/s/ PAUL GURNEY
Dated: 11/30/18

District Judge

Submitted by:

/s/Rhonda K. Levinson
Rhonda K. Levinson #16213
Perry & Trent LLC
13100 Kansas Avenue, Suite C
Bonner Springs, KS 66012
(913) 441-3411
Fax: (913) 551-3656
rhonda@perrytrent.com
Attorney for Plaintiff

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENTCARRIE KATHLEEN MEEHAN
Plaintiff

v.

Case No. 18 CV 490
Division No: 11SHANNON RILEY
Defendant.

Pursuant to K.S.A. Chapter 60

**NUNC PRO TUNC
JOURNAL ENTRY CORRECTING DEFAULT JUDGMENT
CONSISTENT WITH THE ORDER OF THE COURT**

NOW, on this 20th day of November, 2018, the same being one of the regular judicial days of the above-named Court, this cause comes regularly on for trial to the Court on Plaintiff's Petition in the above captioned case. The Plaintiff Carrie Kathleen Meehan appears in person and by her attorney, Rhonda K. Levinson of Perry & Trent LLC. The respondent does not appear. There are no other appearances.

THEREUPON, the Court, having heard testimony of Plaintiff, having examined the evidence and pleadings in this case, and being otherwise well and duly advised in the premises, finds as follows:

1. That jurisdiction and venue are proper.
2. That the Respondent filed an answer in the above case.
3. That the Respondent has failed to comply with the Court's prior order regarding providing responses to interrogatories and requests for production propounded by the Plaintiff to Respondent.
4. That the Respondent failed to attend the pretrial hearing in this matter.

5-30-19
1-1-19

Clerk of the District Court, Johnson County, Kansas
01/15/19 03:27pm SJ

5. That the Respondent has failed to appear at the hearing on Plaintiff's Motion for Default Judgment despite having been sent notice of the same.
6. That as a result of the failure to comply with the Court's order regarding discovery, failure to attend the pretrial hearing, and failure to attend the hearing on the motion for default judgment, the Court finds that entry of judgment against the Defendant is appropriate.
7. The Court finds in favor of the Plaintiff on all counts in the Petition, for actual damages in the amount of forty thousand dollars (\$40,000.00). The Court finds that the Defendant breached the contract between the parties, breached her fiduciary duty, wrongfully converted funds, and committed fraud.
8. Having found in favor of Plaintiff on all counts in the Petition, the Court next considers Plaintiff's motion to award punitive damages.
9. After hearing evidence and testimony regarding the matter, the Court finds that punitive damages are warranted. The Court finds by clear and convincing evidence that the Defendant has committed fraud, that the evidence shows her conduct was willful and an ongoing deceit.
10. The Court therefore, after considering the statutory factors, awards the Plaintiff eighty thousand dollars (\$80,000.00) in punitive damages.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS:

The above findings are adopted as the Order of this Court.

Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the

statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages; post-judgment interest at the statutory rate, and the Costs of the action.

IT IS SO ORDERED.

/s/ PAUL GURNEY
Dated: 01/15/19

District Judge

Submitted by:

/s/Rhonda K. Levinson
Rhonda K. Levinson #16213
Perry & Trent LLC
13100 Kansas Avenue, Suite C
Bonner Springs, KS 66012
(913) 441-3411
Fax: (913) 551-3656
rhonda@perrytrent.com
Attorney for Plaintiff

*Clerk of the District Court, Johnson County Kansas
01/15/19 03:23pm SP*

MANDATE

COURT OF APPEALS,

ss.

Appellate Court No.

20-122380-A

STATE OF KANSAS,

District Court No.

18CV490

The State of Kansas, to the District Court within and for the County of JOHNSON
In the State of Kansas, Greeting:

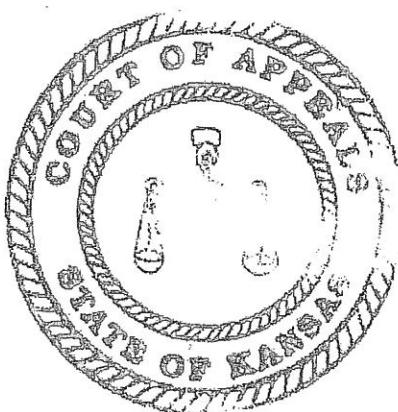
WHEREAS, In a certain civil action lately pending before you, wherein CARRIE KATHLEEN MEEHAN, appellee, and, SHANNON RILEY, appellant, a judgment was rendered by you against the appellant from which judgment appellant prosecuted an appeal in the Court of Appeals within and for the State of Kansas;

AND WHEREAS, on September 25, 2020, on consideration of the appeal, it was ordered and adjudged by the Court of Appeals that the appeal be dismissed.

AND WHEREAS, on October 20, 2020, the Court of Appeals denied the motions for rehearing or modification.

AND WHEREAS, on August 5, 2021, the Supreme Court denied the petitions for review filed in this case and denied all pending motions and noted all responses and replies. The appeal is dismissed. An attested true copy of the Court of Appeals opinion is attached.

YOU ARE THEREFORE COMMANDED, that without delay you cause execution to be had of the judgment of the Court of Appeals, according to law.



Costs

Paid Fees of Clerk of the Appellate Courts..... \$ 155.00

Other Costs \$

Total..... \$

WITNESS my hand and the seal of the Court of Appeals affixed hereto, at my office, in the City of Topeka, on AUG 18 2021

DOUGLAS T. SHIMA, Clerk of the Appellate Courts

MANDATE RECEIVED BY CLERK
TRIAL JUDGE NOTIFIED

Date: _____

PS

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IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL DEPARTMENT

CARRIE KATHLEEN MEEHAN,)
Plaintiff,) Case No. 18-CV-490
vs.)
SHANNON RILEY,) Div. 11
Defendant.)

ORDER OF FINAL JUDGMENT

NOW on this date, the Court considers Defendant's *Motion to Vacate Default Judgment*, filed May 23, 2019, and *Emergency Motion to Dismiss*, filed November 5, 2019. After reviewing the record, the Court finds as follows:

1. Jurisdiction and venue in this action were proper.
2. As a result of the failure to comply with the Court's orders regarding discovery, failure to attend the pretrial hearing, and failure to attend the hearing on the motion for default judgment, the entry of default judgment against the Defendant was appropriate.
3. The *Nunc Pro Tunc Journal Entry Correcting Default Judgment Consistent with the Order of the Court*, entered January 15, 2019, constitutes a final order because it disposed of the action as to all claims by all parties and no appeal was taken during the statutory deadlines.

THEREFORE, the above findings are adopted as the Order of this Court and Defendant's motions to vacate and dismiss the judgment are denied.

IT IS SO ORDERED.

/s/ PAUL GURNEY
Dated: 12/05/19

The Honorable Paul C. Gurney, District Judge

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Clerk of the District Court, Johnson County Kansas
12/05/19 11:13am KH

Prepared by:

/s/ Rhonda K. Levinson

Rhonda K. Levinson #16213
Perry & Trent, LLC
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Bonner Springs, KS 66012
(913) 441-3411 (phone)
(913) 441-3656 (fax)
rhonda@perrytrent.com
Attorney for Plaintiff

STATE OF SOUTH CAROLINA
 COUNTY OF Aiken
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP0200950

Carrie Kathleen Meehan
 PLAINTIFF(S)

Shannon Riley
 DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled);
 Other

ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRCP; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other

STAYED DUE TO BANKRUPTCY

DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Motion for reconsideration of Final Order is denied.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

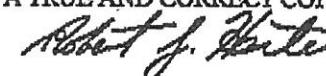
This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 02/03/2020.

Shannon Riley for Shannon Riley
 Shannon Riley for Shannon Riley

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

SCRCP Form 4CE (08/31/2017)

A TRUE AND CORRECT COPY Page 1 of 2



By Charlene Riffert Date 2/13/2020
 Deputy Clerk Plowfay

AFFIDAVIT OF DIONÈ C. CARROLL

April 19, 2019

I, DIONÈ C. CARROLL, do hereby depose and state:

1. I am an attorney licensed to practice in South Carolina.
2. I have been retained by Ms. Meehan to enforce an unpaid foreign judgment.
3. Pursuant to Section 15-35-920, a copy of the foreign judgment is being filed contemporaneously with the Aiken County Clerk of Court in the State of South Carolina.

Case Background

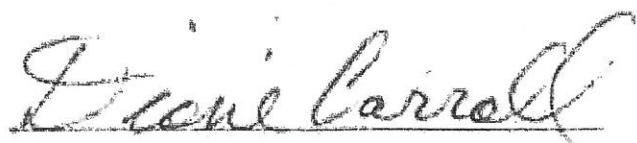
4. Carrie Kathleen Meehan is the judgment creditor.
5. Shannon Riley is the judgment debtor.
6. A Petition was filed in the District Court of Johnson County, Kansas on January 29, 2018. *See Meehan v. Riley*, Case No. 18 CV 490.
7. A default judgment was entered against Ms. Riley on November 30, 2018.
8. District Judge Paul Gurney ruled in favor of the Plaintiff, Carrie Kathleen Meehan. Ms. Meehan was granted judgment against Ms. Riley in the amount of \$40,000.00 in actual damages and \$80,000.00 in punitive damages, for a total judgment of \$120,000.00. The Court ordered that Court costs be assessed against Ms. Riley.
9. A Journey Entry Granting Default Judgment was filed in the District Court of Johnson County, Kansas on December 3, 2018.
10. A Nunc Pro Tunc Journal Entry Correcting Default Judgment Consistent with the Order of the Court was filed in the District Court of Johnson County, Kansas on January 15, 2019.
11. Ms. Meehan was granted judgment against Ms. Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the costs of the action.

Pursuant to Section 15-35-920 (A), affiant states the following in support of the domestication of the aforementioned foreign judgment:

12. The aforementioned foreign judgment is final.
13. The foreign judgment is unsatisfied in whole.
14. Ms. Riley owes \$40,000.00 in actual damages, \$80,000.00 in punitive damages, interest, and the costs of the action.
15. The foreign judgment is not further contested. There are no post-trial motions pending before the District Court of Johnson County. Ms. Riley has not filed a notice of appeal and there is not a pending appeal in this matter.

To the best of my knowledge the foregoing statements of fact are true and correct.

Further the affiant sayeth naught.



Dioné C. Carroll

Sworn and Subscribed before me

On this 10th day of April, 2019.



Notary Public of South Carolina

Commission expires: 4-11-2021

18CV490

CASE NO. 122,380

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

CARRIE KATHLEEN MEEHAN,
APPELLEE,
 V.
 SHANNON RILEY,
APPELLANT.

SHOW-CAUSE ORDER

K.S.A. 2019 Supp. 60-2102(a)(4) allows our court to review a final decision in a civil proceeding. A final decision is a decision "which finally decides and disposes of the entire merits of the controversy and reserves no further questions or directions for the future or further action of the court." *Kansas Medical Mut. Ins. Co. v. Svaty*, 291 Kan. 597, 610, 244 P.3d 642 (2010). The phrase "final decision" is self-defining and refers to an order that definitely terminates a right or liability involved in an action or that grants or refuses a remedy as a terminal act in the case. *Allison v. State*, 56 Kan. App. 2d 470, 475, 432 P.3d 87 (2018).

Interlocutory appeals may be taken when the district court certifies (1) that an order involves a controlling question of law about which substantial ground exists for difference of opinion and (2) that an immediate appeal may materially advance the ultimate termination of the litigation. The Court of Appeals may thereafter permit an appeal in its discretion. K.S.A. 2018 Supp. 60-2102(c). No such certification exists in this case.

Based upon this court's review of the record, it appears that appellant's counter-claim for breach of contract is outstanding. The district court's grant of default judgment orders only "Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at

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the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, postjudgment interest at the statutory rate, and the Costs of the action."

Both the appellant and appellee are ordered to show-cause by written response why the above-captioned case should not be dismissed for lack of jurisdiction. The written responses are ordered to be served and filed with the Clerk of the Appellate Courts no later than September 14, 2020. Administrative Order 2020-PR-47 allows us to exempt cases from the suspension deadlines. We invoke that authority now.

Dated: August 31, 2020

FOR THE COURT

/s/Henry W. Green Jr.
PRESIDING JUDGE