



COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
CIVIL ACTION NO. 10-CI-376
DIVISION II

**KENTUCKY BOARD OF LICENSURE
FOR MASSAGE THERAPY**

PLAINTIFF

v. **DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

DOUG MIDKIFF

DEFENDANT

Upon motion of the Plaintiff, the Kentucky Board of Licensure for Massage Therapy, for the Franklin Circuit Court to enter a default judgment and permanent injunction, the Court has reviewed the record and found that the Defendant, Doug Midkiff, has been served with process by the Sherriff of Daviess County and has failed to respond to this Complaint. The Court having been sufficiently advised:

It is **FOUND AND ORDERED** that the Plaintiff's Motion for Default Judgment and Permanent Injunction is hereby **SUSTAINED**. The Plaintiff is granted a judgment against the Defendant as follows:

1. A default judgment and permanent injunction is hereby entered against the Defendant. The Defendant is permanently enjoined from the practice of "massage therapy" pursuant to KRS 309 or attempting the practice of "massage therapy" pursuant to KRS 309.

2. KRS 309.350(6) defines "practice of massage therapy" as:

[T]he application... of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the intent to enhance or restore the health and well-being of the client. The practice includes the external application of water, heat, cold, lubricants, salt scrubs, or other topical preparations; use of electromechanical devices that mimic or enhance the action of the hands; and determination of whether massage therapy is appropriate or contraindicated, or whether referral to another health care practitioner is appropriate.

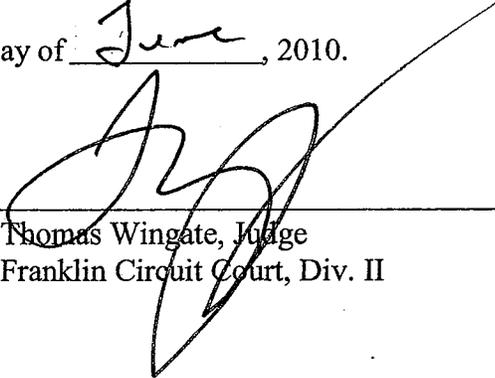
3. This default order and permanent injunction is a binding final order of this Court, the violation of which constitutes contempt of Court, and subjects the Defendant to any and all civil and criminal penalties allowed by law, including but not limited to civil money penalties.

4. This default order and permanent injunction is the **FINAL JUDGMENT** of this Court. This case shall be removed from the active docket of the Court. This Court shall have continuing jurisdiction to enforce this default order and permanent injunction.

5. Should the Defendant violate the terms of this order, Defendant shall be liable to the Board for payment of costs and attorney's fees expended by the Board in pursuit of the enforcement of this and any subsequent order.

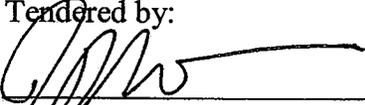
There being no just cause for delay, this is a final and appealable order.

BE IT SO ORDERED, this 2 day of June, 2010.



Thomas Wingate, Judge
Franklin Circuit Court, Div. II

Tendered by:



Michael West
*Assistant Attorney General
Counsel for the Plaintiff*

May 7, 2010
Date