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LANHAM.CJ/MARKS

IN THE DISTRICT COURT OF DONIPHAN COUNTY, KANSAS

FILED

STATE OF KANSAS, ex rel.
ROBERT T. STEPHAN, Attorney General,

MARY ISABELLE GRAHAM

Plaintiffs,

vs.

JAMES LEE LANHAM, et al.,

Defendants.

1-10-1994
Norma Jean Russell
CLERK OF THE DISTRICT COURT
9:30 A.M.

Case No. 92 C 48

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 5th day of Jan, 1993⁴, the plaintiff's motion for approval of consent judgment comes before the court for consideration. The State of Kansas, ex rel. Robert T. Stephan, Attorney General appears by and through Mark W. Stafford, Assistant Attorney General. ~~Plaintiff Mary Isabelle Graham appears by and through Phillip A. Burdick, 112 S. 7th Street, Hiawatha, Kansas 66434.~~ Defendant James Lee Lanham appears by and through Robert H. Thornburgh, 115 S. 6th Street, Box 332, Hiawatha, Kansas 66434.

d.o.c.

WHEREUPON, the parties advise the court they have stipulated and agreed as follows:

1. Robert T. Stephan is the Attorney General of the State of Kansas.

2. Defendant, while sometimes acting in concert with others, engaged in consumer transactions within the State of Kansas.

3. Defendant admits the court has personal and subject matter jurisdiction over the parties.

4. In its Petition, plaintiff has alleged defendant engaged in unconscionable and deceptive acts or practices in connection with consumer transactions. Defendant has denied each such allegation.

5. Defendant agrees to stop and is permanently enjoined from taking advantage of consumers' inability to protect their own interests because of their lack of knowledge regarding the subject matter of a transaction.

6. Defendant agrees to stop and is permanently enjoined from charging consumers a price which grossly exceeds the value of the services or which grossly exceeds the price at which similar services are readily available in similar consumer transactions.

7. Defendant agrees to stop and is permanently enjoined from making exaggerated statements of opinion regarding the need for services in connection with a consumer transaction.

8. Defendant agrees to stop and is permanently enjoined from engaging in door-to-door sales within the State of Kansas unless the consumer is provided with a written notice of the consumer's right to cancel the sale; such notice shall be in strict compliance with the Kansas consumer protection act.

9. Defendant agrees to be liable for and pay restitution to Evelyn Robinson of Sabetha, Kansas in the amount of \$29,000.

10. Defendant agrees to pay all court costs.

11. Defendant voluntarily agrees to this consent judgment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the stipulation and agreement of the parties contained herein are adopted and approved as the findings of the court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the Kansas consumer protection act, the court hereby approves the terms of the consent judgment and adopts the same as the order of the court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant will pay all court costs and filing fees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this is a final order only as to the parties who have signed hereto, and does not terminate or otherwise affect the litigation between any remaining parties, if any.

IT IS SO ORDERED.

191 J. D. Euler

J.D. Euler
Judge of the District Court

Agreed to and approved by:

Robert T. Stephan
Robert T. Stephan, #05340
Attorney General

Martin J. Peak
~~Mark W. Stafford, #13233~~ Martin J. Peak, #16273
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