

Roy T. Artman #15092
Assistant Attorney General
Office of the Attorney General
Kansas Judicial Center
Topeka, Kansas 66612-1597
(913) 296-3751

IN THE DISTRICT COURT OF PAWNEE COUNTY, KANSAS

STATE OF KANSAS, ex rel.)
CARLA J. STOVALL Attorney General,)
)
Plaintiff,)
)
vs.)
)
EZ SERVE PETROLEUM MARKETING)
COMPANY d/b/a TAYLOR FOOD MART,)
)
Defendant.)
_____)

Case No. 95-C-53

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 31st day of July, 1995, the plaintiff's petition for approval of consent judgment comes before the court for consideration under K.S.A. 50-632(b). The State of Kansas ex rel. Carla J. Stovall, Attorney General, appears by and through Roy T. Artman, Assistant Attorney General. The defendant appears by and through its General Counsel, H.E. Lambert.

Whereupon, the parties advise the court that they have stipulated and agreed to the following matters:

1. Carla J. Stovall is the Attorney General of the State of Kansas.

2. Defendant is a Delaware corporation which does business in Kansas.

3. The Defendant enters its voluntary general appearance. The Defendant admits the Court has jurisdiction over the parties and the subject matter.

4. Venue is proper in Pawnee County according to K.S.A. 50-638.

5. The Defendant sells motor fuels to the public. It is a "supplier" as defined under K.S.A. 50-624.

6. The Defendant entered into "consumer transactions" as defined under K.S.A. 50-624 (c) and (g).

7. The Attorney General alleges the following acts and practices by the Defendant are violations of the Kansas Consumer Protection Act, K.S.A. 50-623 et seq.:

a) The Defendant sells motor fuels to consumers from its pumps located at its facility, Taylor Food Mart, 102 East 14th Street, Larned, Kansas 67550.

b) The octane level of the premium unleaded motor fuel was represented to the public to be 93.

c) A sample of the premium unleaded motor fuel was removed by Kansas Department of Agriculture officials and tested by an independent laboratory.

d) The premium unleaded motor fuel's octane level tested at 91.2, 1.8 points below the rating posted on the pump.

e) Defendant knew or should have known that the octane level of the motor fuel was mislabelled as its bills of lading and other internal memoranda indicated that the octane level was 91.

f) Such mislabelling in regard to motor fuel sold by Defendant constitutes representations, made knowingly or with reason to know that property has ingredients it does not have, or is of a particular standard, quality, or grade if it is of another which differs materially from the representation, in violation of K.S.A. 50-626 (b)(1)(A) and K.S.A. 50-626 (b)(1)(D).

8. The defendant denies allegations of plaintiff but to resolve this matter voluntarily agrees to this consent judgment without trial or adjudication of any issue of fact or law.

9. The provisions of this consent judgment will be applicable to the defendant and its employees, agents, representatives, assignees and successors-in-interest.

10. The Defendant agrees to make available and/or disclose the provisions of this consent judgment to its employees, agents and representatives.

11. The Defendant agrees to refrain from and to be enjoined from engaging in all acts and practices alleged by the Attorney General to be deceptive and unconscionable, in paragraph number seven (7), above. Specifically, Defendant agrees to label the octane of its products consistently with the

bills of lading of the fuel delivered to its facility in compliance with state and federal law.

12. The defendant agrees to pay \$3,000 in investigation fees and expenses to the Attorney General of the State of Kansas and a \$1,000 civil penalty to the State of Kansas at the time of filing this consent judgment. In addition, Defendant agrees to make a \$1,000 charitable donation as designated by the Attorney General. Payment will be by certified checks.

13. The defendant agrees to allow the Attorney General to inspect relevant business records in the future.

14. The defendant agrees to pay all court costs and filing fees.

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, and the provisions of K.S.A. 50-632(b), the court hereby approves the terms of the consent judgment and adopts the same as the order of the court.

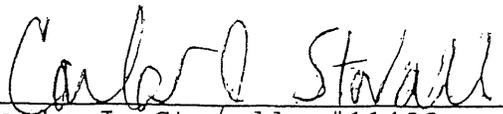
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant will pay all court costs and filing fees.

IT IS SO ORDERED.


DISTRICT COURT JUDGE

Approved by:

STATE OF KANSAS



Carla J. Stovall, #11433
Attorney General



Roy T. Artman, #15092
Assistant Attorney General
Kansas Judicial Center
Topeka, Kansas 66612-1597
(913) 296-3751

Attorneys for plaintiff

EZ SERVE PETROLEUM ~~CORPORATION~~ MARKETING COMPANY
d/b/a TAYLOR FOOD MART



H.E. Lambert, Genral Counsel
EZ SERVE PETROLEUM ~~CORPORATION~~ MARKETING COMPANY
2550 North Loop West, Suite 600
P.O. Box 922021
Houston, Texas 77292-2021
(713) 684-4300