

97-036

James J. Welch, #09546  
Assistant Attorney General  
Office of the Attorney General  
301 SW 10th  
Topeka, Kansas 66612-1597  
(785) 296-3751

FILED BY CLERK  
KS. DISTRICT COURT  
3RD JUDICIAL DISTRICT  
DEC 19 22 AM '99  
TOPEKA, KANSAS

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
Division 5

STATE OF KANSAS, *ex rel.* )  
CARLA J. STOVALL, Attorney General )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
RANCHOUSE FOODS, INC., )  
 )  
Defendant. )

Case No. 97 CV 717

Petition Pursuant to K.S.A. Chapter 60

ORDER OF SUMMARY JUDGMENT

On or about June 2, 1997, Plaintiff brought this action against Defendant, Ranchouse Foods, Inc., pursuant to the Kansas Consumer Protection Act, K.S.A. §50-623 *et seq.*, alleging that Defendant had committed deceptive and unconscionable acts in connection with consumer transactions, solicitations and sales. On or about June 27, 1997, Defendant, by and through its counsel, Ron Martinek, filed an Answer to Plaintiff's petition. After fruitless negotiations with Defendant, Plaintiff served Defendant with discovery requests, including (1) Plaintiff State of Kansas' First Set of Interrogatories to Defendant Ranchouse Foods, Inc., numbered 1 through 11, (2) Plaintiff State of Kansas' First Set of Requests for Production of Documents to Defendant Ranchouse Foods, Inc., numbered 1 through 18, and (3) Plaintiff State of Kansas' First Set of Requests for Admissions to Defendant Ranchouse Foods, Inc., numbered 1 through 14, on the 30th

day of October, 1998, by delivering the same to the office of Ron D. Martinek, Gehrt & Roberts, Chartered, 5601 SW Barrington Court South, P.O. Box 4306, Topeka, Kansas 66604-0306. Defendant's attorney was allowed to withdraw from the case by an order of the Court entered on or about May 28, 1999. To date, Defendant has failed to answer any of Plaintiff's discovery. Pursuant to K.S.A. §60-208(d), Defendant's failure to file a responsive pleading are admitted when not denied in a responsive pleading.

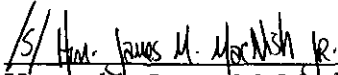
Plaintiff has, in its Memorandum in Support of Motion for Summary Judgment and exhibits satisfied the Court that this plaintiff is entitled to Summary Judgment, based on the uncontroverted facts set out therein..

WHEREFORE, Summary Judgment is hereby granted in favor of the Plaintiff for remedies sought in the Plaintiff's Amended Petition, filed with this Court on or about July 3, 1997.

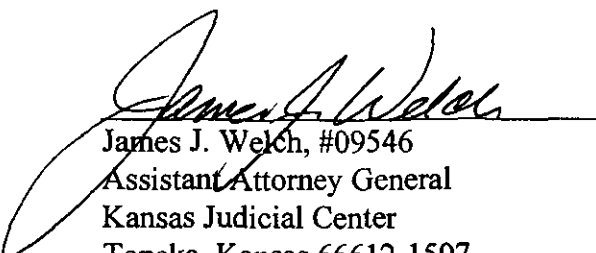
Specifically:

- a. Defendant's acts and practices, as alleged, are hereby declared deceptive and unconscionable and in violation of the Kansas Consumer Protection Act.
- b. Defendant is hereby permanently enjoined from doing business within the State of Kansas.
- c. Defendant is hereby ordered to pay actual damages (totaling \$1,887.00) to all consumers harmed as a result of Defendant' violations of the Kansas Consumer Protection Act, pursuant to K.S.A. §50-632(a)(3).
- d. Defendant is hereby ordered to pay reasonable expenses and investigative fees of \$5,000.00 to the Office of the Attorney General, pursuant to K.S.A. §50-632(a)(4).

- e. Defendant is hereby ordered to pay \$5,000 in civil penalties for each violation of the Kansas consumer protection act as provided by K.S.A. §50-636 (16 consumers x 6 violations per consumer, totaling \$480,000.00).
- f. Defendant is hereby assessed all court costs.

  
\_\_\_\_\_  
Honorable James M. MacNish  
District Judge  
Fifth Division

Respectfully submitted,

  
\_\_\_\_\_  
James J. Welch, #09546  
Assistant Attorney General  
Kansas Judicial Center  
Topeka, Kansas 66612-1597  
(785) 296-3751

Attorney for Plaintiff