

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 1

2013 DEC 17 A 9:38

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)
)
v.)
)
ADAM COLE SHRYOCK, individually,)
and BOOBIES ROCK! INC., a/k/a,)
THE SE7VEN GROUP,)
)
Defendants.)

Case No. 13 C 1213

(Pursuant to K.S.A. Chapter 60)

ORDER OF PERMANENT INJUNCTION

NOW on this 17 day of December, 2013, the Plaintiff's Petition for Permanent Injunction filed by the State of Kansas, *ex rel.* Derek Schmidt, Kansas Attorney General, by and through counsel, Lynette R. Bakker and Robert E. Hiatt, Assistant Attorneys General, comes before the Court.

After review of the Plaintiff's Petition, attached exhibits and the affidavit provided therein, and testimony presented at the December 17, 2013 hearing, the Court finds the following:

1. This action was commenced by the State of Kansas against the Defendants, Adam Shryock and Boobies Rock! Inc.
2. Defendants have not appeared for a hearing regarding Plaintiff's Petition for Permanent Injunction, set for Tuesday, December 17, 2013, at 9:30 a.m.

3. Defendants received notice of the December 17, 2013 hearing by personal service upon Defendant Shyrock by Colorado Attorney General's Office Consumer Fraud Investigator Ken King ("Colorado Investigator King") on November 4, 2013.

4. Defendant Shryock is an individual, who owns and operates Boobies Rock! Inc.

5. Defendant Boobies Rock! Inc. is a supplier and has engaged in consumer transactions within the definition of K.S.A. 50-624.

6. As owner and operator of Boobies Rock! Inc., Defendant Shryock possesses the exclusive authority to control Defendant Boobies Rock!'s acts and practices.

7. Defendants have transacted business within the State of Kansas.

8. Defendant Boobies Rock! has no current certificate of registration filed with the Kansas Secretary of State's Office to operate as a foreign corporation in the State of Kansas.

9. This Court has authority pursuant to the provisions of the Kansas Consumer Protection Act, K.S.A. 50-623, *et seq.*, the Kansas Charitable Organizations and Solicitations Act, K.S.A. 17-1759 *et seq.*, and K.S.A. 60-901, *et seq.* to issue this Permanent Injunction.

10. Defendants are engaged in solicitation of funds and sale of merchandise, including t-shirts, beer koozies, bracelets, and other items, with images and/or slogans that are pro-breast or anti-cancer.

11. Defendant Boobies Rock! Inc. principal place of business is Defendant Shryock's current residence located at 1045 Meteor Place, Castle Rock, Colorado 80108.

12. Jurisdiction in this Court is proper pursuant to K.S.A. 50-638(a).

13. This Court is the proper venue for this action pursuant to K.S.A. 50-638(b) and K.S.A. 17-1775(a).

14. Plaintiff has been investigating Defendants since April of 2013.

15. Plaintiff had reason to believe that Defendants had engaged in, was engaging in or was about to engage in acts that violated the Kansas Consumer Protection Act and the Kansas Charitable Organizations and Solicitations Act.

16. On April 26, 2013, Investigator Kayla Stansbury (“Investigator Stansbury”) sent separate subpoenas duces tecum to Defendant Adam Shryock and to Defendant Boobies Rock! Inc. to the Colorado Attorney General’s Office for service upon Defendant Shryock.

17. The subpoenas were personally served on Defendant Shryock with the assistance of the Colorado Attorney General’s Office by Colorado Investigator King on May 7, 2013.

18. Defendants failed to respond to the subpoenas.

19. Plaintiff has made multiple attempts to notify Defendants that failure to respond to the subpoenas duces tecum would result in legal action pursuant to K.S.A. 50-631 and K.S.A. 17-1767.

20. On June 12, 2013, Investigator Stansbury sent a letter via certified mail, requesting that Defendants respond to the subpoenas issued by June 22, 2013, and outlining the Kansas Attorney General’s remedies if Defendants did not respond to the subpoena.

21. Defendants failed to respond to the subpoenas by June 22, 2013.

22. The June 12, 2013 mailing was returned to Plaintiff unclaimed, on or about August 1, 2013.

23. On July 8, 2013, Investigator Stansbury sent a second letter via first class mail, requesting that Defendants respond to the subpoenas issued by July 18, 2013, and outlining the Kansas Attorney General’s remedies if Defendants did not respond to the subpoenas.

24. Defendants failed to respond to the subpoenas by July 18, 2013.

25. On September 16, 2013, Plaintiff sent a third letter to Defendants, requesting that Defendants respond to the subpoenas issued by October 8, 2013, and outlining the Kansas Attorney General's remedies if Defendants did not respond to the subpoenas.

26. The September 16, 2013 letter was served upon Defendant Shryock personally by Colorado Investigator King on September 23, 2013.

27. To date, Defendants have failed to respond to the subpoenas *duces tecum* or provide any response to Plaintiff.

28. Plaintiff has fully complied with K.S.A. 50-631(e) and K.S.A. 17-1767(g).


IT IS ORDERED, ADJUDGED AND DECREED that Defendant Adam Cole Shryock and Defendant Boobies Rock! Inc., its officers, agents, employees, and any persons in concert or participation with Defendants are permanently enjoined from advertising, soliciting, performing, accepting payments for, supervising, or in any manner conducting any business related to the solicitation of products and/or services or the solicitation of funds, property, financial assistance or any other things of value within the State of Kansas until such time as Defendants have fully complied with Plaintiff's subpoenas *duces tecum*. Defendants are also permanently enjoined from:

- A. Destroying any logs, registers, memorandum, record or any other document, including any such document stored in electronic format;
- B. Moving, liquidating or in any way releasing any funds obtained by Defendants as a result of any consumer transaction or charitable solicitation with any consumer or individual prior to the date this petition is granted; and

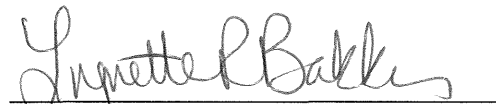
C. Engaging in any corporate or non-corporate reorganization, reconstruction, dissolution, bankruptcy or any other business entity restructuring or reforming.

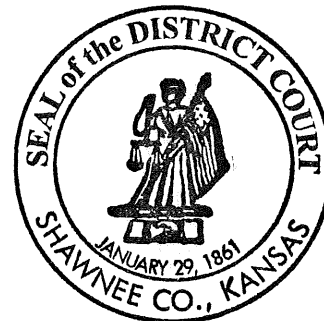
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court authorizes agents and attorneys of the Office of the Kansas Attorney General to monitor compliance with this Permanent Injunction pending further order of this Court or pending final resolution of this matter. Removal of this Injunction is conditioned upon this Court receiving certification from the Plaintiff of Defendants' full compliance with the subpoenas, other action resulting in final resolution of this matter, or an order of this Court.

IT IS SO ORDERED.


The Honorable Rebecca W. Crotty
District Court Judge

Submitted by:


Lynette R. Bakker, #22104
Robert E. Hiatt, #13810
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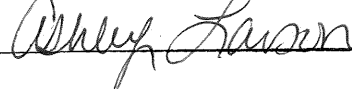


STATE OF KANSAS, COUNTY OF SHAWNEE, S.S.

hereby certify the above and foregoing to be a true and correct copy, the original of which is filed and entered of record in the court

Dated December 17, 2013

CLERK of the DISTRICT COURT

by 
DEPUTY