

IN THE DISTRICT COURT OF LEAVENWORTH COUNTY, KANSAS

FILED
LEAVENWORTH CO. KS

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)

Plaintiff,)

v.)

THOMAS STOLTE, an individual,)
a/k/a TOM STOLTE,)
d/b/a ODDBALLS DECALS)

Defendant.)

2014 JUL 14 AM 11:19
CLERK OF DIST COURT

Case No. 2014-CV-000118

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

JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW, on this 14 day of July, 2014, the Plaintiff's Motion for Default Judgment and Memorandum in Support comes before this Court for consideration. The State of Kansas, *ex rel.* Derek Schmidt, Attorney General, appears by Adrian Serene, Assistant Attorney General. Defendant does not appear.

WHEREUPON, after reviewing the Court's file and Plaintiff's Motion for Default Judgment, the Court finds the following:

1. On March 20, 2014, the Attorney General ("Plaintiff") filed in Leavenworth County District Court a Petition against Defendant Thomas Stolte, a/k/a Tom Stolte, d/b/a Oddballs Decals.
2. On April 16, 2014, Plaintiff served copies of the Summons and Petition on Defendant through the Leavenworth County Sheriff's Office.
3. Plaintiff filed the Return of Service and the Amended Return of Service with the Court.
4. To date, Defendant has not filed an answer to the Petition or otherwise made any appearance, in person or by counsel, in this proceeding.

5. More than twenty-one days has passed since Defendant was served with process.
6. On July 3, 2014, Plaintiff filed its Motion for Default Judgment and Memorandum in Support (“Motion for Default Judgment”).
7. Plaintiff’s Motion for Default Judgment is predicated upon Defendant’s failure to file an answer to Plaintiff’s Petition.
8. Defendant is in default, pursuant to K.S.A. 60-255.
9. The legal arguments and authorities set forth in Plaintiff’s Motion for Default Judgment are adopted by this Court as its conclusions of law as though fully set forth herein.

IT IS THEREFORE ORDERED, ADJUDICATED, AND DECREED Plaintiff’s Motion for Default Judgment is granted.

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED that judgment is hereby entered against Defendant, in favor of Plaintiff, on all counts of the Petition.

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED that the alleged violations of the Kansas Consumer Protection Act are declared “unconscionable.”

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED that Defendant be permanently enjoined from engaging in the acts alleged in Plaintiff’s Petition to be violations of the Kansas Consumer Protection Act.

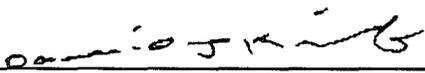
IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendant be restrained from advertising, soliciting and selling any services, goods, or property, including any solicitation through internet website, in Kansas until such time that full restitution is made by Defendant.

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendant pay restitution to John Teeple, in the amount of \$103.93, and to Jan Groves, in the amount of \$19.20.

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendant pay \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act alleged in Plaintiff's Petition, pursuant to K.S.A. 50-636(a), in the amount of \$20,000.00.

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendants pay all court costs and all costs associated with distributing and executing on any restitution or judgment made by this Court.

IT IS SO ORDERED.



Leavenworth County District Court Judge

Submitted by:



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