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CLERK OF THE SHAWNEE COUNTY DISTRICT COURT
CASE NUMBER: 2021-CV-000052



Court: Shawnee County District Court
Case Number: 2021-CV-000052
Case Title: State of Kansas ex rel Derek Schmidt Atty General
vs. Shawn Jensen, et al.
Type: Consent Judgment

SO ORDERED.

A handwritten signature in cursive script that reads "M.E. Christopher".

/s/ Honorable Mary E Christopher, District Judge

Kathryn Carter
Deputy Attorney General
Office of the Kansas Attorney General
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(785) 296-3751
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**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 8**

STATE OF KANSAS, *ex rel.*)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)
)
v.)
)
SHAWN JENSEN, an individual,)
and)
SHAWN D. JENSEN, D.D.S. P.A.)
d/b/a DIAMOND DENTAL CAREERS,)
)
Defendants.)
_____)

Case No. 2021-CV-000052

CONSENT JUDGMENT

NOW on this date, the parties’ proposed Consent Judgment comes before the Court pursuant to K.S.A. § 50-632(b). Plaintiff State of Kansas, *ex rel.* Derek Schmidt, Attorney General, appears by and through Deputy Attorney General Kathryn Carter. Defendants appear by and through Thomas Haney of Stevens & Brand, L.L.P.

WHEREUPON the parties advise the Court that they have stipulated and agreed to the following:

PARTIES, JURISDICTION AND VENUE

1. Derek Schmidt is the duly elected, qualifying and acting Attorney General for the State of Kansas.

2. The Attorney General's authority to bring this action is derived from the statutory and common law of the State of Kansas, specifically the Kansas Consumer Protection Act ("KCPA"), K.S.A. § 50-623 *et seq.*

3. Defendant Shawn Jensen, an individual, is a Kansas resident and submits himself to the jurisdiction of this Court.

4. Defendant Shawn D. Jensen, D.D.S., P.A. d/b/a Diamond Dental Careers, is a Kansas company and submits itself to the jurisdiction of this Court.

5. Jurisdiction and venue are appropriate in District Court of Shawnee County, Kansas, pursuant to K.S.A. § 50-638(a) and (b), respectively.

ALLEGATIONS

6. Plaintiff alleges that Defendants have acted as “suppliers”, as that term is defined by K.S.A. § 50-624(1).

7. Plaintiff alleges that Defendants have engaged in “consumer transactions”, as that term is defined by K.S.A. § 50-624(c).

8. Plaintiff has alleged that Defendants engaged in acts and practices in violation of the Kansas Consumer Protection Act (the “KCPA”), K.S.A. § 50-623 *et seq.*, specifically Defendants willfully used, in oral and written representations, ambiguity as to a material fact in violation of K.S.A. 50-626(b)(2).

INJUNCTIVE RELIEF

9. Defendants shall comply with the Kansas Consumer Protection Act, K.S.A. § 50-623 *et seq.* and specifically with K.S.A. 50-626(b)(2).

10. Defendants shall not cause or encourage third parties, nor knowingly permit third parties acting on their behalf, to engage in practices from which Defendants are prohibited by this Consent Judgment.

11. Defendants shall not participate, directly or indirectly, in any activity or form a separate entity or corporation for the purpose of engaging in acts or practices which are prohibited in this Consent Judgment or for any other purpose which would otherwise circumvent the spirit or purposes of this Consent Judgment.

12. Defendants agree that the terms of this Consent Judgment apply to acts performed individually, in concert, or by or through its employees, agents, representatives, affiliates, assignees and successors.

13. The parties voluntarily agree to this Consent Judgment without trial or adjudication of any issue of fact or law as a compromise settlement of all issues raised herein. It is further understood that the execution of and compliance with this Consent Judgment is not an admission by Defendants to the allegations.

MONETARY RELIEF

14. Defendants agree to pay the Office of the Kansas Attorney General \$5,000.00 investigative fees in the form of a cashier's check, money order or other certified funds payable to the Office of the Kansas Attorney General, mailed to:

Kathryn Carter
Deputy Attorney General
Office of the Kansas Attorney General
120 SW 10th Ave., 2nd Floor

15. Payment of investigative fees shall be made within ninety (90) days of the effective date of this Consent Judgment.

OTHER PROVISIONS

16. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Consent Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations thereof.

17. If any portion, provision, or part of this Consent Judgment is held to be invalid, unenforceable, or void for any reason whatsoever, that portion shall be severed from the remainder and shall not affect the validity or enforceability of the remaining provisions, portions, or parts.

18. Compliance with this Consent Judgment does not relieve Defendants of any obligation imposed by applicable federal, state, or local law, nor shall this Consent Judgment preclude Plaintiff from taking appropriate legal action to enforce any other statutes under his jurisdiction or from any other Federal or State agency to enforce any other federal, state, or local law under its jurisdiction.

19. The parties understand that this Consent Judgment shall not be construed as an approval of or sanction by the attorney general of Defendants business practices, nor shall Defendants represent the Consent Judgment as such approval. The parties further understand and agree that any failure by the State of Kansas or by the Attorney General to take any action in response to any information submitted pursuant to this Consent Judgment shall not be construed to be an approval of or sanction of any representations, acts, or practices of Defendants, nor shall

any inaction by the Attorney General be considered a waiver by the attorney general of any rights under this Consent Judgment or applicable law.

20. This Consent Judgment represents the entire agreement between Plaintiff and Defendants, and there are no representations, agreements, arrangements or understandings, oral or written, between the parties relating to the subject matter of this Consent Judgment which are not fully expressed herein or attached hereto.

21. Defendants hereby represent and warrant that Defendants have had the opportunity to consult with and receive the advice of legal counsel regarding all matters relative to this Consent Judgment, including the rights and obligations of Defendants under this Consent Judgment and the consequences of breach hereunder. Defendants represent that Defendants have read the Consent Judgment and know and understand the contents thereof. Defendants further represent and warrant that Defendants are signing this Consent Judgment as the result of their own free act, and that Defendants have not relied on any statement(s) or representation(s) of the Attorney General or anyone acting on his behalf, except for those contained in this Consent Judgment.

22. By signing this Consent Judgment, the representative of Defendants represents and warrants that such person is duly and legally authorized to execute this Consent Judgment on behalf of Defendants, thus binding Defendants to the provisions of this Consent Judgment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment is entered against Defendants in favor of Plaintiff in the amount of \$5,000.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the agreement of the parties and K.S.A. § 50-632(b) of the Kansas Consumer Protection Act, the Court hereby approves the terms of the Consent Judgment and adopts the same as the orders of the Court.

IT IS SO ORDERED.

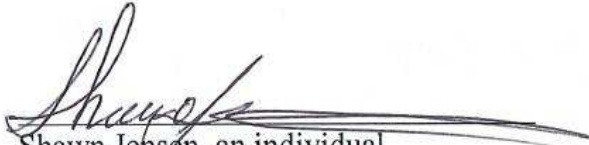
This order is effective as of the date and time shown on the electronic file stamp.

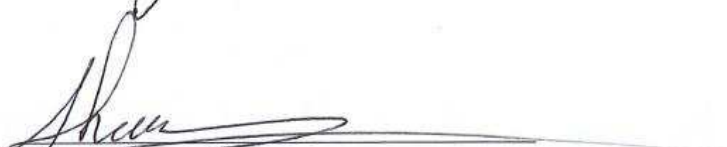
Honorable Mary E. Christopher
Judge of the District Court

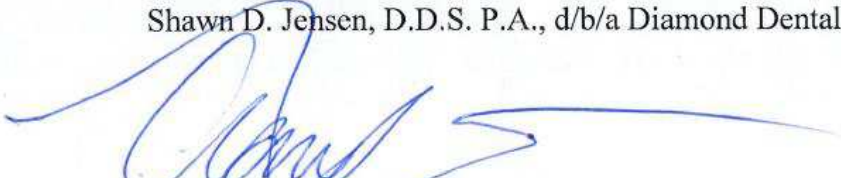
Prepared and respectfully submitted by:

/s/ Kathryn Carter
Kathryn Carter, #12969
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Approved by:


Shawn Jensen, an individual


Shawn Jensen for:
Shawn D. Jensen, D.D.S. P.A., d/b/a Diamond Dental Careers


Thomas Haney
Stevens & Brand, L.L.P
Attorney for Defendants