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FILED BY CLERK
KS. DISTRICT COURT
THIRD JUDICIAL DIST.
TOPEKA, KS

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION 9

2012 FEB 27 A 9 13

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)
)
v.)
)
THE U.S. MITIGATION SERVICE, LLC)
)
Defendant.)

Case No. 11 C 1444

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

JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW, on this 27th day of February, 2012, 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. Defendants do not appear.

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

1. On December 21, 2011, Plaintiff filed its Petition in Shawnee County District Court.
2. On January 10, 2012, a copy of the Summons and original Petition were served upon Defendant at 1648 S. Clementine Street, Anaheim, California, 92802, by certified mail, return receipt requested, pursuant to K.S.A. 60-304 and 60-308.
3. Defendants failed to file an answer to the Petition within thirty days of being served with process, as required by K.S.A. 60-308(a)(3).
4. On February 24, 2012, Plaintiff filed its Motion for Default Judgment and Memorandum in Support ("Motion for Default Judgment").

4. Defendants failed to file an answer to the Petition within thirty days of being served with process, as required by K.S.A. 60-308(a)(3).
5. Defendants are in default, pursuant to K.S.A. 60-255.
6. The legal arguments and authorities set forth in Plaintiff's Motion for Default 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

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 to be "deceptive" and "unconscionable."

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED 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 pay restitution to Michael Quaney, in the amount of \$3,495.00.

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

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendant pay reasonable investigative fees and expenses to the Office of the Attorney General, pursuant to K.S.A. 50-636(c), amounting to \$50.00.

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 \$30,000.00.

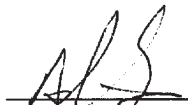
IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED Defendant pay all court costs and all costs associated with distributing and executing on any restitution or judgment made by this Court.

IT IS SO ORDERED.



Mark Braun
District Court Judge

Submitted by:



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