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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 MAY -7 P 4:01

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)
)
v.)
)
ADVOCATE AUTO CLAIMS, LLC)
a/k/a ADVOCATE AUTO)
CONSULTANTS, LLC)
)
Defendant.)

Case No. 12 C 293

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

JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW, on this 21st day of May, 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 March 16, 2012, Plaintiff filed its Petition in Shawnee County District Court.
2. On March 23, 2012, a copy of the Summons and original Petition were served upon Defendant at 1075 West Morse Blvd., Suite B, Winter Park, Florida, 32789, by certified mail, return receipt requested, pursuant to K.S.A. 60-304 and 60-308.
3. On March 26, 2012, an agent of Defendant signed the return receipt green card and accepted delivery of the Summons and Petition.
4. On April 6, 2012, the Attorney General filed the return of service with the Court.

5. 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).
6. On May 7, 2012, 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. Defendants are 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 “deceptive” and “unconscionable.”

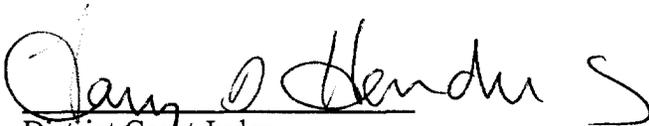
IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED that Defendant be permanently enjoined from engaging in the acts alleged in Plaintiff’s Petition to be violations of the Kansas Consumer Protection Act.

IT IS FURTHER ORDERED, ADJUDICATED, AND DECREED that Defendants be restrained from advertising, soliciting and selling any services, goods, or property in Kansas.

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 judgment made by this Court.

IT IS SO ORDERED.


District Court Judge

Submitted by:


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