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CLERK OF DISTRICT COURT
THIRD JUDICIAL DIST.
TOPEKA, KS

2011 JUL -7 P 4: 06

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 7

STATE OF KANSAS, *ex rel.*)
DEREK SCHMDIT, Attorney General,)
)
Plaintiff,)
)
v.)
)
LAW OFFICE OF ROBERT V.)
ROSENWASSER P.A.)
d/b/a)
FRIENDLY FINANCIAL SERVICES)
and)
ROBERT V. ROSENWASSER, an individual)
)
Defendants)

Case No. 11 C 579

(Pursuant to K.S.A. Chapter 60

ORDER OF DEFAULT JUDGMENT

NOW, on this 6th day of July, 2011, the Plaintiff's Motion for Default Judgment against Defendants comes before this Court for consideration. The State of Kansas, *ex rel.* Derek Schmidt, appears by and through Assistant Attorney General, Meghan E. Stoppel. Defendants appear not.

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

1. Plaintiff filed its Motion for Default Judgment and Memorandum in Support on July 6, 2011.

2. Plaintiff's Motion for Default Judgment is predicated upon Defendants failure to file an Answer to Plaintiff's Petition which was filed on May 10, 2011.

3. A copy of the Summons and the original Petition were served upon Defendant Robert V. Rosenwasser at 610 NE 168th Street, North Miami Beach, Florida 33162 on May 19, 2011, pursuant to K.S.A. §60-304(a) and §60-303(c).

4. A copy of the Summons and the original Petition were served upon Defendant Law Office of Robert V. Rosenwasser care of Registered Agent, Robert V. Rosenwasser at 633 NE 167th Street #401, Miami, Florida 33162 on May 19, 2011, pursuant to K.S.A. §60-304(e) and §60-303(c).

5. Defendants failed to file an Answer within thirty days after being served with process, as required by K.S.A. §60-308(a)(3).

6. Pursuant to K.S.A. §60-255, Defendants are in default.

7. The legal arguments and authorities set forth in Plaintiff's Motion and Memorandum of Default Judgment are adopted by the 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 Defendants, 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 that Defendants and Defendants' employees and agents 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 pay restitution to Cynthia Johnson in the amount of one thousand, eight hundred dollars (\$1,800.00).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants pay restitution to Linda Crawford in the amount of one thousand, five hundred and ninety-five dollars (\$1,595.00).

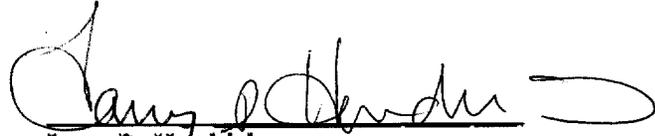
IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants be restrained from advertising, soliciting and selling any services, goods or property in Kansas until such time that full restitution is made to Cynthia Johnson and Linda Crawford.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants pay reasonable investigative fees and expenses to the Office of the Kansas Attorney General, pursuant to K.S.A. §50-632, in this case amounting to \$5,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants 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, in this case amounting to \$60,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that 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.



Larry D. Hendricks
District Court Judge

Submitted by:



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