

Joseph N. Molina # 20934
Assistant Attorney General
Office of the Attorney General
120 SW 10th Avenue, 2nd Floor
Topeka, Kansas 66612-1597
(785) 296-3751

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KS. DISTRICT COURT
THIRD JUDICIAL DIST.
TOPEKA, KS
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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 12

**STATE OF KANSAS, ex rel.,
PHILL KLINE, Attorney General,**

Plaintiff,

**FEATURE FILMS FOR FAMILIES, INC.,
A Utah Corporation,**

Serve Registered Agent:

**Matthew Cooper
5286 S. Commerce Drive, #A116
Murray, UT 84107**

and

**THE DOVE FOUNDATION,
A Michigan Organization,**

Serve Registered Agent:

**David E. Lukens
535 E. Fulton, Suite 2A
Grand Rapids, MI 49503**

Defendants.

Case No. 06C1399

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

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 22nd day of September, 2006, Plaintiff's Journal Entry of Consent Judgment comes before the Court pursuant to K.S.A. §50-632(b). Plaintiff, the State of Kansas, *ex rel.* Phill Kline, Attorney General, appears by and through Joseph N. Molina, Assistant Attorney General. Defendant appears through counsel.

Whereupon, the parties advise the Court that they have stipulated and agreed to the following matters:

1. Phill Kline is the Attorney General of 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, K.S.A. 50-623 *et seq.*, K.S.A. 50-670 (2002 Supp.) and K.S.A. 50-670a (2002 Supp.).
3. Feature Films for Families is a Utah Corporation. Its principal place of business is not in Kansas. Its principal place of business is 5286 S. Commerce Drive, #A-116, Murray, UT 84107. The Dove Foundation is a 501(c)(3) organization organized in the State of Michigan. Its principal place of business is not in Kansas. Its principal place of business is 535 E. Fulton, Suite 2A, Grand Rapids, MI 49503.
4. Feature Films for Families, Inc. is a telephone solicitor, as defined by K.S.A. 50-670(a)(3)(2002 Supp.) and has engaged in unsolicited consumer telephone calls within the definition of the K.S.A. 50-670(a)(1-2) (2002 Supp.).
5. Feature Films for Families, Inc., produces, licenses and distribute movies that support traditional family values and contain no nudity, profanity or graphic violence. The Dove Foundation is a charitable organization whose mission is to encourage and promote the creation, production and distribution of wholesome family entertainment. Defendants entered into an agreement wherein Feature Films agreed to donate call center resources (employees and equipment) to conduct a national consumer opinion poll regarding entertainment beliefs and practices and to solicit contributions for Dove during certain Feature Films calls.
6. The "calling campaign" at issue consist of two calls. During the first call, consumers are educated about the mission and purpose of the Dove Foundation, and surveyed about family demographics, entertainment beliefs and practices. At the end of the call, certain consumers are offered the opportunity to inquire and to learn more about

Feature Films in a future call from Feature Films. Those consumers who consent to and inquire about the second call from Feature Films are contacted a few days later by Feature Films. During this second call consumers are given the opportunity to purchase movies from Feature Films and to make a \$5.00 donation to The Dove Foundation.

7. The Court has personal and subject matter jurisdiction over the parties for the sole purpose of entering into this Consent Judgment and any subsequent enforcement thereof.

8. Defendants stipulate and waive any objection to venue in Shawnee County for the sole purpose of entering into this Consent Judgment and any subsequent enforcement thereof.

9. The Plaintiff alleges and Defendants deny that they engaged in the following unconscionable acts and practices in violation of the Kansas Consumer Protection Act, specifically K.S.A. 50-670 (2002 Supp.) and K.S.A. 50-670a (2002 Supp.):

- a. Defendant made or caused to be made unsolicited consumer telephone calls for the purpose of soliciting a sale of property or services, an extension of credit for the sale of property or services or for obtaining information that will or may be used for the direct solicitation of a sale of property or services.
- b. At the time of the unsolicited consumer telephone calls, each of the consumer telephone numbers were registered on the Kansas No-Call list published on the National Do Not Call Registry
- c. Prior to making the unsolicited consumer telephone calls Defendant failed to consult the Kansas No-Call list.

10. Defendants voluntarily agree to this Consent Judgment without trial or adjudication of any issue of fact or law.

11. Defendants agree to refrain from and to be permanently enjoined from engaging in those acts and practices alleged to be unconscionable in Paragraph Six (6) of

this Consent Judgment. Defendants agree that engaging in such acts or similar acts, after the date of this Consent Judgment, shall constitute a violation of this Order and civil penalties of up to \$5,000.00 may be imposed for each subsequent violation.

12. The provisions of this Consent Judgment will be applicable to Defendant, and every employee, agent or representative of Defendant.

13. Defendants agree to make available and/or disclose the provisions of this Consent Judgment to its employees, agents and representatives involved in the practices at issue within five days of signing the Consent Judgment.

14. Defendants agree to be permanently enjoined from entering into, forming, organizing or reorganizing into any partnership, corporation, sole proprietorship or any other legal structures, for the purpose of avoiding compliance with the terms of this Consent Judgment.

15. The Defendants retain the right to solicit Kansas consumers who have a prior existing relationship with either of the Defendants.

16. Defendants also retain the right to seek Court approval of any future calling campaigns at some future date.

17. Defendants agree to pay \$5,000.00 in civil penalties and investigative fees to the "Office of the Attorney General" of the State of Kansas. Payment shall be made by cashier's check, payable to the Office of the Attorney General, and shall be delivered to the Attorney General of the State of Kansas at the time of Defendant's signing this Consent Judgment.

18. 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.

19. 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.

20. Compliance with this Consent Judgment does not relieve Defendants of any obligation imposed by applicable federal, state, or local law, nor shall the Attorney General be precluded from taking appropriate legal action to enforce civil or criminal statutes under her jurisdiction.

21. The parties understand that this Consent Judgment shall not be construed as an approval of or sanction by the Attorney General of the business practices of Defendants nor shall Defendants represent the decree as such an approval. The parties further understand 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 the Consent Judgment shall not be construed as an approval of or sanction of any representations, acts or practices indicated by such information, nor shall it preclude action thereon at a later date.

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

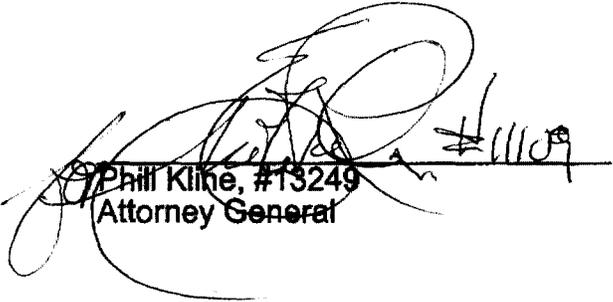
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the Kansas Consumer Protection Act, and the provisions of K.S.A. §50-632 (b), the Court hereby approves the terms of the Consent Judgment and adopts the same as the order of the Court.

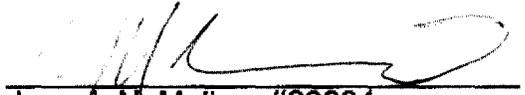
IT IS SO ORDERED


DISTRICT COURT JUDGE

Prepared and approved by:

PLAINTIFF:


Phil Kline, #13249
Attorney General

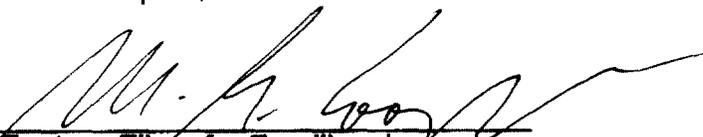


Joseph N. Molina, #20934
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
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Attorneys for Plaintiff

DEFENDANT:  C.O.O.

The Dove Foundation
535 E. Fulton, Suite 2A
Grand Rapids, MI 49503.



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Murray, UT 84107.