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K.S. DISTRICT COURT  
THIRD JUDICIAL DIST.  
TOPEKA, KS.  
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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
Division 7

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

Plaintiff,

vs.

JESSE D. CASARES, an individual;  
d/b/a PROMOTIONAL MARKETING and;  
d/b/a NEW HEALTH PLAN,

Defendant.

Case No. 06 C 711

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

JOURNAL ENTRY

COMES NOW THIS 1<sup>st</sup> day of November, 2006, the Plaintiff's Motion for Default Judgment comes before this court for consideration, the Honorable Franklin R. This presiding. The state of Kansas ex rel. Phill Kline, Attorney General, appears by and through Assistant Attorney General, Joseph N. Molina. The defendant appears not.

WHEREUPON, after reviewing the court file and Plaintiff's motion, the court finds as follows:

1. Plaintiff filed a motion for Default Judgment and Memorandum in Support thereof on September 25, 2006.
2. Defendant failed to respond to said motion.
3. Plaintiff's Motion for Default Judgment is predicated upon Defendant's failure to file an Answer to Plaintiff's Petition which was filed on May 16, 2006.

4. Defendant was served with said Petition on July 21, 2006.
5. Plaintiff also served on Defendant a Statement of Damages on September 14, 2006.
6. More than thirty (30) days have elapsed since Defendant was served with a copy of the summons and a copy of the Petition and Defendant has failed to file an Answer. Pursuant to K.S.A. 60-308(a)(3), Defendant is in default.
7. The legal arguments and authorities set forth in the Plaintiff's motion and memorandum for Default Judgment are adopted as the court's conclusions of law as though fully set forth herein.

**IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED** that Plaintiff's Motion for Default Judgment is granted.

**IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED** that judgment is hereby entered in favor of Plaintiff and against Defendant on all counts of the petition.

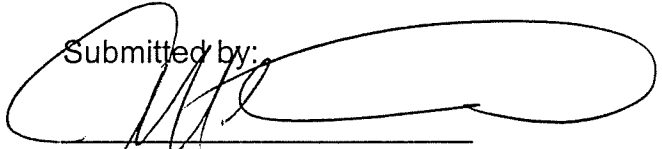
**IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED** that two violations of the Kansas Consumer Protection Act are declared to be unconscionable.

**IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED** that Defendant and its employees and agents be permanently enjoined from these and other violating practices, pursuant to K.S.A. 50-632(a)(2).

**IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED** that Defendant pay \$10,000.00 in civil penalties and investigative fees for each of the two violations of the Kansas Consumer Protection Act, cumulatively amounting to \$20,000.00, as provided by K.S.A. 50-636(a).

IT IS SO ORDERED

  
\_\_\_\_\_  
Shawnee County District Court Judge  
Honorable Franklin R. Theis

Submitted by:   
\_\_\_\_\_  
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