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K.S. DISTRICT COURT  
THIRD JUDICIAL DIST.  
TOPEKA, KS.

2006 NOV 14 PM 2 05

**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
Division Twelve**

STATE OF KANSAS, *ex rel.* )  
PHILL KLINE, Attorney General )  
 )  
Plaintiff )  
 )  
v. )  
 )  
DAN GRIGGS D/B/A )  
AUTO-WERKS )  
 )  
Defendant )

Case No. 06 C 472

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

**JOURNAL ENTRY**

COMES NOW THIS 13<sup>th</sup> day of Nov., 2006, the Plaintiff's Motion for Summary Judgment comes before this court for consideration, the Honorable David E. Bruns presiding. The state of Kansas *ex rel.* Phill Kline, Attorney General, appears by and through Assistant Attorney General, John Christopher Pryor.

**WHEREUPON**, after reviewing the court file and all documentation before it, the court finds as follows:

1. Plaintiff filed a motion for Summary Judgment and memorandum in support thereof on October 4, 2006.
2. Plaintiff's Motion for Summary Judgment is predicated upon Defendant's failure to answer Plaintiff State of Kansas' First Set of Request for

Admissions issued on June 16, 2006.

3. A Motion to Deem Admitted was filed on July 21, 2006.
4. Said Motion to Deem Plaintiff's State of Kansas' First Set of Requests for Admissions admitted was granted on August 23, 2006.
5. The uncontroverted facts as set forth in Plaintiff's motion and memorandum of Summary Judgment are adopted and incorporated by the court as its controlling findings of facts as though fully set forth herein.
6. The legal arguments and authorities set forth in the Plaintiff's motion and memorandum for Summary Judgment are adopted as the court's conclusions of law as though fully set forth herein.

**IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED** that the Plaintiff's motion for Summary Judgment be and 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 the counts mentioned, acts, and practices are declared unconscionable and deceptive in violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-632(a)(1).

**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 (2) violations of

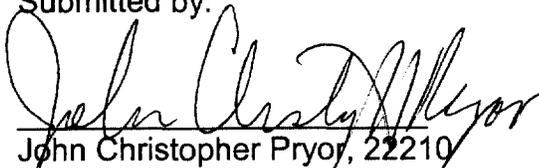
the Kansas Consumer Protection Act, cumulatively amounting to \$20,000.00, as provided by K.S.A. 50-636(a).

**IT IS SO ORDERED**



Shawnee County District Court Judge  
Honorable David E. Bruns

Submitted by:



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