

Emilie Burdette Rush, #22094
Assistant Attorney General
Office of the Attorney General
Consumer Protection Division
120 SW 10th Ave., 2nd Floor
Topeka, Kansas 66612-1597
(785) 296-3751

FILED BY CLERK
U.S. DISTRICT COURT
CENTRAL JUDICIAL DIST.
TOPEKA, KS.

2007 JAN 25 PM 2 01

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 6

STATE OF KANSAS, *ex rel.*)
PAUL MORRISON, Attorney General,)
)
Plaintiff,)
)
v.)
)
ALS Online, Inc.)
)
Defendant.)

Case No. 06-C-1555

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

JOURNAL ENTRY

COMES NOW on this 24 day of Jan, 2007, the Plaintiff's Motion for Default Judgment before this Court for consideration. The State of Kansas, *ex rel.* Paul Morrison, appears by and through Assistant Attorney General, Emilie Burdette Rush. The Defendant appears not.

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

- (1) Plaintiff filed a Motion for Default Judgement and Memorandum in Support Thereof on January 23, 2007.
- (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 October 18, 2006.

(4) A copy of the summons and a copy of the Petition were served upon Defendant via certified mail on October 20, 2006.

(5) Defendant failed to file an Answer within 30 days after being served with process, as required by K.S.A. 60-212(a).

(6) On December 11, 2006, more than 30 days after Defendant was served with a copy of the summons and Petition, Plaintiff sent notice by certified mail to Defendant of the amount of money for which judgment would be sought, as required by K.S.A. 60-254(c) and Supreme Court Rule 118(d).

(7) A Notice of Statement of Penalties was filed with the Court on December 11, 2006.

(8) More than 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.

(9) Pursuant to K.S.A. 60-255, Defendant is in Default.

(10) The legal arguments and authorities set forth in Plaintiff's Motion and Memorandum of 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 the alleged violations of the Kansas Consumer Protection Act are declared to be deceptive.

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).

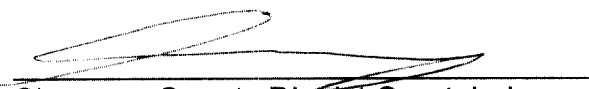
IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendant pay \$10,000.00 in civil penalties for each of the violations of the Kansas Consumer Protection Act as provided by K.S.A. 50-636(a), such sum to be not less than \$100,000.00.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendant pay consumer restitution to all Kansas consumers who were party to these contracts the full damages to which they are entitled, such sum to be not less than \$77,503.00.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendant pay reasonable investigative fees and expenses to the Office of the Attorney General, as provided by K.S.A. 50-636(c);

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendant pay all Court costs.

IT IS SO ORDERED.


Shawnee County District Court Judge
(for Div. Six)

Submitted by:



Emilie Burdette Rush, #22094
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
(785) 296-3751

Attorney for Plaintiff