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THIRD JUDICIAL DIST.
TOPEKA, KS

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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION 9

STATE OF KANSAS, *ex rel.*
Steve Six, Attorney General,

Plaintiff,

v.

VACTION INTERNATIONAL
PROFESSIONAL SERVICES, LLC, et. al.,

Defendants.

Case No. 08-C-1047

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

JOURNAL ENTRY

COMES NOW on this 12 day of Nov, 2008, the Plaintiff's Motion for Default Judgment before this Court for consideration. The State of Kansas, *ex rel.* Steve Six, appears by and through Assistant Attorney General, Lee Everett Urban. Defendants do not appear.

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

- (1) On July 22, 2008, Plaintiff filed a Petition alleging Defendants violated the Kansas Consumer Protection Act.
- (2) A copy of the summons and a copy of the Petition were served upon Defendant Michael

Mitchell via certified mail on July 30, 2008. Plaintiff filed a return of service with the Clerk of the Court for Defendant Michael Mitchell on July 31, 2008.

- (3) A copy of the summons and a copy of the Petition were served upon Defendant Vacation International Professional Services, LLC via certified mail on July 26, 2008. Plaintiff filed a return of service with the Clerk of the Court for Defendant Vacation International Professional Services, LLC on August 5, 2008.
- (4) A copy of the summons and a copy of the Petition were served upon Defendant Elite Escapes International, LLC via certified mail on July 28, 2008. Plaintiff filed a return of service with the Clerk of the Court for Defendant Elite Escapes on August 5, 2008.
- (5) Defendants failed to file an Answer within twenty (20) days after being served with process, as required by K.S.A. 60-212(a).
- (6) Defendants are in default.
- (7) 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 each Defendant on all counts in 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 Defendants and its employees and are permanently enjoined from these and other violating practices, pursuant to K.S.A. 50-632(a)(2). Specifically, Defendants are permanently enjoined from:

- A. Advertising, soliciting, performing, accepting payments for, supervising, operating or in any manner conducting any business related to the sale of property or services as defined in K.S.A. 50-624 within the State of Kansas as described in Plaintiff's Petition;
- B. Engaging in any consumer transactions as that term is defined by K.S.A. 50-624(c).
- C. Sending prize notices as that term is defined by K.S.A. 50-692(a)(2) and/or from sending solicitations designed to resemble prize notifications;
- D. Conducting presentations to Kansas consumers at which property or services are solicited and/or sold to Kansas consumers;
- E. Destroying any logs, registers, memorandum, record or any other document, including any such document stored in electronic format, containing identifiable Kansas consumer information for individuals who attended presentations conducted in Kansas;
- F. Moving, liquidating or in any way releasing any funds obtained by Defendants as a result of any consumer transaction with any Kansas consumer as a result of the consumer's attendance at a sales presentation conducted by any named Defendant.

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendants 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). The total amount of civil penalties assessed against

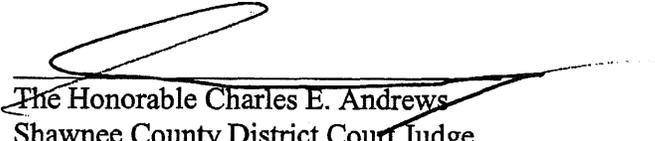
Defendants, jointly and severally, is One Million Nine Hundred Ten Thousand Dollars (\$1,910,000).

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendants pay consumer restitution, a sum to be not less than Thirty Two Thousand Three Hundred Ninety Six Dollars (\$32,396).

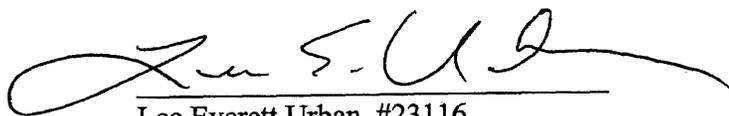
IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Defendants pay reasonable investigative fees and expenses to the Office of the Attorney General in the amount of Twenty Seven Thousand Two Hundred Dollars (\$27,200).

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

IT IS SO ORDERED.


The Honorable Charles E. Andrews
Shawnee County District Court Judge

Submitted by:

A handwritten signature in black ink, appearing to read "Lee E. Urban", written over a horizontal line.

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