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FILED BY CLERK
KS. DISTRICT COURT
THIRD JUDICIAL DIST.
TOPEKA, KS

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION TWELVE

2009 MAY -6 P 2:15

STATE OF KANSAS, *ex rel.*,)
STEVE SIX, Attorney General,)
)
Plaintiff,)
)
v.)
)
ROSS KURLAND, individually,)
d/b/a AARON & GOLD)
)
Defendant.)

Case No. 08 C 1871

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

JOURNAL ENTRY OF DEFAULT JUDGMENT

COMES NOW, on this 5th day of May, 2009, 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, Tai J. Vokins. Defendants appear not.

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

1. Plaintiff filed its Motion for Default Judgment and Memorandum in Support on May 5, 2009.
2. Plaintiff's Motion for Default Judgment is predicated upon Defendants' failure to file an Answer to Plaintiff's Petition which was filed on December 16, 2008.
3. A copy of the Summons and a copy of the Petition were served upon Defendants at 8677 Villa La Jolla Drive, Suite 233, La Jolla, California 92037 by First Class Mail on January 6, 2009 pursuant to K.S.A. 60-303(c)(1).

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

5. Pursuant to K.S.A. 60-255, Defendants are in default.

6. The legal arguments and authorities set forth in Plaintiff's Motion and Memorandum of Default Judgment are adopted by the Court as its 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 FURTHER ORDERED, ADJUDICATED AND DECREED that judgment is hereby entered in favor of Plaintiff on all counts of the Petition.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the alleged violations of the Kansas Consumer Protection Act are declared to be deceptive and unconscionable.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants be permanently enjoined from the enumerated deceptive and unconscionable acts and practices, pursuant to K.S.A. 50-632(a)(2).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants be permanently enjoined from engaging in all 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 and from engaging in any consumer transactions as defined by K.S.A. 50-624(c).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants pay \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-636(a), in this case amounting to \$40,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants pay \$3,700.00 in investigative fees and expenses to the Office of the Attorney General, pursuant to K.S.A. 50-636(c).

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendants pay all court costs.

IT IS SO ORDERED.



District Court Judge

Submitted by:



Tai J. Vokins, # 23707
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