

IN THE DISTRICT COURT OF JEWELL COUNTY, KANSAS

FILED  
JEWELL COUNTY, KS

2009 AUG 17 A 11: 27

CLERK OF DIST. COURT

*jsa*

STATE OF KANSAS, *ex rel.*, )  
STEVE SIX, Attorney General, )  
 )  
Plaintiff, )

vs. )

Case No. 09 CV 01

White Rock Academy Corporation )  
a/k/a )  
White Rock Academy, Inc. )  
 )  
Defendant. )

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

JOURNAL ENTRY OF JUDGMENT

NOW, on this 13<sup>th</sup> day of August, 2009, Plaintiff's Journal Entry of Judgment comes before the Court for consideration. The State of Kansas, *ex rel.* Steve Six, appears by and through Assistant Attorney General, Meghan E. Barnds. Defendant appears by and through Kevin L. Phillips of Weltmer Phillips Law Office.

WHEREUPON, after reviewing the Court's file, along with Plaintiff's Motion for Partial Summary Judgment and Memorandum in Support, the Court finds the following:

1. Plaintiff filed its Motion for Partial Summary Judgment and Memorandum in Support on August 10, 2009.
2. Plaintiff's Motion for Partial Summary Judgment is predicated upon Defendant's failure to file a response to Plaintiff's discovery requests.
3. Defendant did not file a response to Plaintiff's Motion for Partial Summary Judgment. Therefore, pursuant to Rule 141 of the Kansas Supreme Court Rules, Defendant is

deemed to have admitted the statement of uncontroverted facts as set forth in Plaintiff's Memorandum for Partial Summary Judgment.

4. The facts set forth in Plaintiff's Motion and Memorandum are deemed controlling and adopted by the Court as its findings of fact as though fully set forth herein.

5. The legal arguments and authorities set forth in Plaintiff's Motion and Memorandum are adopted by the Court as its conclusions of law as though fully set forth herein.

**IT IS THEREFORE ORDERED, AJUDICATED AND DECREED** that Plaintiff's Motion for Partial Summary Judgment is granted.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that judgment is hereby entered in favor of Plaintiff as to counts three (3), four (4), seven (7), eleven (11), twelve (12) and fourteen (14) of Plaintiff's Petition.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant's act and practices, as set forth in counts three (3), four (4), seven (7), eleven (11), twelve (12) and fourteen (14) of Plaintiff's Petition, are declared to be deceptive and unconscionable, in violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-632(a)(1).

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant and Defendant's employees and agents be permanently enjoined from these and other acts and practices in violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-632(a)(2).

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant pay restitution to the parents and/or legal guardians of all residents at Defendant's facility between June 20, 2008 and February 19, 2009, in the amount of \$250,000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED**, that Defendant pay the aforementioned restitution to the Office of the Kansas Attorney General for equal distribution among the identified parents and/or legal guardians.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED**, that Defendant be restrained from advertising, soliciting and selling any services, goods or property in Kansas until such time that full restitution is made available to the Office of the Kansas Attorney General.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED**, that Defendant 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 \$60,000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED**, that Defendant pay \$3,500.00 in reasonable expenses and investigative fees to the Office of the Kansas Attorney General, as provided by K.S.A. 50-636(a).

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


**IT IS SO ORDERED.**

**ORIGINAL SIGNED  
BY  
KIM W. CUDNEY  
JUDGE OF THE DISTRICT COURT**

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District Court Judge

Prepared and Submitted by:

  
Meghan E. Barnds, # 23685  
Assistant Attorney General  
Office of the Kansas Attorney General  
120 SW 10<sup>th</sup> Ave., 2nd Floor  
Topeka, Kansas 66612  
(785) 296-3751