

FILED

IN THE DISTRICT COURT OF KIOWA COUNTY, KANSAS 2009 AUG 21 PM 3:29

DCS
KIOWA COUNTY, KANSAS
Debra C. Schmitt
DISTRICT COURT CLERK

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

Plaintiff,

v.

LGB Heating & Air Conditioning, LLC

and

Greg Buggs, individually

Defendants.

Case No. 09 CV 4

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

JOURNAL ENTRY OF JUDGMENT

NOW, on this 19th day of Aug, 2009, Plaintiff's Motion for Summary Judgment comes before the Court for consideration. The State of Kansas, *ex rel.* Steve Six, appears by and through Assistant Attorney General, Tai J. Vokins. Defendants do not appear on this motion.

WHEREUPON, after reviewing the Court's file, along with Plaintiff's Motion for 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 June 19, 2009.
2. Plaintiff's Motion for Summary Judgment is predicated on Defendant LGB Heating & Air Conditioning, LLC's failure to file an answer, and Defendant Gregg Buggs' answer in this case.

3. On March 9, 2009, Defendant Gregg Buggs, acting *pro se*, filed an unsigned letter with the clerk of the Court that is construed by the Court as an answer to the lawsuit.

4. Defendant Gregg Buggs' answer in this case admits the allegations and claims of the Plaintiff.

5. Defendant LGB Heating & Air Conditioning, LLC, has failed to file an answer in this case.

6. 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.

7. 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 Summary Judgment is granted.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that judgment is hereby entered in favor of Plaintiff on all allegations contained within Plaintiff's Memorandum for Summary Judgment.

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 are 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 and Defendants' employees and agents are hereby permanently enjoined from these and other 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 Defendants pay restitution to Jeryl Unruh and Dianne Unruh in the amount of \$2,520.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED, that Defendants pay the aforementioned restitution to the Office of the Kansas Attorney General for distribution to Jeryl Unruh and Dianne Unruh.

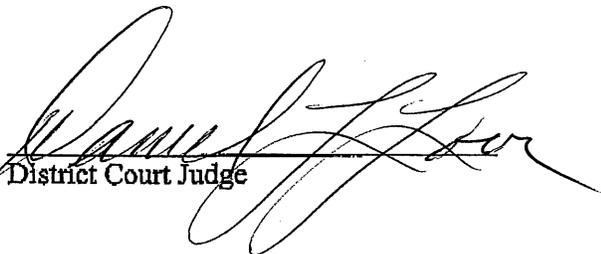
IT IS FURTHER ORDERED, ADJUDICATED AND DECREED, that Defendants are hereby restrained from advertising, soliciting and selling any services, goods or property in Kansas until such time that full restitution is made available to the Office of the Kansas Attorney General.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED, that Defendants pay \$30,000.00 in civil penalties for violations of the Kansas Consumer Protection Act alleged in Plaintiff's Petition as provided by K.S.A. 50-636(a).

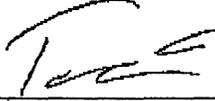
IT IS FURTHER ORDERED, ADJUDICATED AND DECREED, that Defendants pay \$2,500.00 in reasonable expenses and investigative fees to the Office of the Kansas Attorney General, as provided by K.S.A. 50-636(a).

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

IT IS SO ORDERED.


District Court Judge

Prepared and Approved by:



Tai J. Vokins, # 23707
Assistant Attorney General
Office of the Kansas Attorney General
120 SW 10th Ave., 4th Floor
Topeka, Kansas 66612
(785) 368-8413