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IN THE DISTRICT COURT OF LINN COUNTY, KANSAS

STATE OF KANSAS, ex rel.,)
ROBERT T. STEPHAN, Attorney General,)
)
Plaintiff,)
)
vs.)
)
COX MOTOR COMPANY, INC.,)
)
Defendant.)

Case No. 85 C 24

Petition Pursuant to K.S.A. Chapter 60

PETITION FOR APPROVAL OF CONSENT JUDGMENT

Comes Now the plaintiff, and alleges and states:

1. That Robert T. Stephan is the duly elected, qualified and acting Attorney General of the State of Kansas.
2. That plaintiff's authority to bring this action is derived from statutory law, the Kansas Consumer Protection Act, K.S.A. 50-623, et seq.
3. That defendant Cox Motor Company, Inc. is a Kansas corporation with a business address of Box 39, Pleasanton, Kansas 66075.
4. Pursuant to negotiations, plaintiff and defendant have entered into a Consent Judgment as provided in K.S.A. 50-632.

WHEREFORE, plaintiff prays the Court approve the aforementioned Consent Judgment.

Respectfully submitted,

ROBERT T. STEPHAN
ATTORNEY GENERAL

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COX MOTOR COMPANY, INC.,)
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Defendant.)
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Case No. 85C24

JOURNAL ENTRY OF CONSENT JUDGMENT

The parties to the above proceedings have stipulated they are in agreement with the following statement of understanding and this journal entry of consent judgment.

STATEMENT OF UNDERSTANDING

1. Cox Motor Company, Inc. admits it is the defendant in this case and that the court has jurisdiction of the parties and subject matter of the action.
2. Plaintiff and defendant have stipulated and consented to this judgment without a trial or other adjudication of any issues of fact or law.
3. This consent judgment is entered into for settlement purposes, and the defendant does not admit any intentional violation of the Kansas Consumer Protection Act, K.S.A. 50-623 et seq.
4. The provisions of this consent judgment are applicable to plaintiff and defendant, and their agents, employees, and representatives having actual or constructive notice.
5. Defendant hereby agrees to remit \$650.00 to the Plaintiff in a check made payable to Mr. Darrell Lane. The retail installment sales contract (see attached Exhibit A) whereby Darrell Lane pur-

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chased a 1979 Ford Courier from Defendant is hereby cancelled and declared void. Defendant guarantees that it is the present holder of the retail installment sales contract (see attached Exhibit A) and will make no further attempts to collect payment under Exhibit A. Defendant will not sell or in any way give the retail installment sales contract shown in Exhibit A to another party. Darrell Lane agrees to return the 1979 Ford Courier and title thereto to Defendant upon receipt of the above mentioned \$650.00, which shall fully satisfy all claims of Darrell Lane against Defendant in connection with the purchase of the vehicle.

6. Defendant will cease and desist the use of written disclaimers of implied warranties of merchantability and fitness for a particular purpose. Defendant will not sell used cars with a disclaimer of liability or in "as is" condition, unless the defects in the vehicle are disclosed in writing to buyer, and the disclosure becomes the basis of the bargain between the parties.

7. Defendant shall pay a civil penalty to the "State of Kansas - General Fund" in the sum of \$250.00.

8. Defendant shall pay to the "Kansas Attorney General Investigation Fund" the sum of \$250.00.

9. Plaintiff will not seek further civil penalties for conduct specified in paragraph 6 above that occurred prior to the date of this judgment except in instances that defendant attempts to rely on disclaimers of implied warranties that were given prior to the date of this judgment.

IT IS, THEREFORE, ORDERED AND DECREED that the statement of understanding as set forth above shall be, and it is, adjudged to be the order of this court, and the Court approves the journal entry in accordance with its precise terms, thereby constituting the consent judgment.

IT IS FURTHER ORDERED AND DECREED that upon payment by defendant of the aforementioned sums and acknowledgment by plaintiff of said payment, the Kansas Attorney General will file the appropriate

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document signifying the full satisfaction of the financial obligations. All further proceedings shall terminate, except that the Court shall retain jurisdiction over the parties and the subject matter for the enforcement of this order in accordance with K.S.A. 50-636.

IT IS SO ORDERED.

Joseph A. Perry
Judge of the District Court
Dated: March 21 1985

Submitted by:

ROBERT T. STEPHAN
ATTORNEY GENERAL

Douglas F. Martin
Douglas F. Martin
Assistant Attorney General

Attorney for Plaintiff



Accepted by:

Frank L. ...
Officer or Legal Representative
Cox Motor Company, Inc.

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Approved as to form:

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Attorney for Defendant