

IN THE DISTRICT COURT OF BARTON COUNTY, KANSAS

STATE OF KANSAS, ex rel.,
ROBERT T. STEPHAN, Attorney General,

Plaintiff,

vs.

BLO-RITE INSULATION, INC., and
MOSHE (a/k/a Maurice) BENITAH,

Defendants.

Case No. 80-C-541

JOURNAL ENTRY OF JUDGMENT

NOW on this 23rd day of July, 1981, the above captioned matter comes on for trial before this Court; Plaintiff; Richard and Karen Weiser, Bruce and Jeanne Hollembeak and Randy and Betty Haney appear by Joel B. Jackson, Assistant Barton County Attorney; James and Judy Krebaum and Lyle and Elaine Libby appear by Brock R. McPherson, Law Offices of McPherson, Bauer & Pike, Chartered; Defendants Blo-Rite Insulation, Inc. and Moshe (a/k/a Maurice) Benitah appear not although advised of the time and place of trial. There are no other appearances.

WHEREFORE after hearing the arguments of counsel and being advised in the premises, the Court makes the following findings:

1. The Court has jurisdiction over the subject matter of this action.
2. Both Defendants, Blo-Rite Insulation, Inc. and Moshe (a/k/a Maurice) Benitah, individually, were personally served with process, thereby giving the Court personal jurisdiction over them.
3. This action was brought by the Attorney General of Kansas, Robert T. Stephan, as part of his enforcement duties under the Kansas Consumer Protection Act, K.S.A. 50-623 et seq., and on behalf of the following Kansas consumers, who are also real parties in interest in this action:

[REDACTED], Great Bend, Kansas, 67530

[REDACTED], Great Bend, Kansas 67530

[REDACTED], Great Bend, Kansas, 67530

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██████████ ██████████ ██████████, Great Bend, Kansas, 67530

██████████ ██████████ ██████████, Larned, Kansas 67550

4. Both Defendants, Blo-Rite Insulation, Inc. and Moshe (a/k/a Maurice) Benitah, were notified at their last known address of the date and time of the trial in this action, but have failed to appear or otherwise request a continuance.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The actions of Defendants, Blo-Rite Insulation, Inc. and Moshe (a/k/a Maurice) Benitah, individually, as set out in Plaintiff's Petition constitute deceptive and unconscionable practices in violation of K.S.A. 50-623 et seq.

2. Defendants, Blo-Rite Insulation, Inc. and Moshe (a/k/a Maurice) Benitah, are jointly and severally responsible for, and are hereby directed to pay, actual damages in the sum of Sixteen Thousand Eight Hundred Two and 41/100 Dollars (\$16,802.41), which amount represents the amount of damage done to the homes of the above-named consumers as follows:

██████████	\$ 1,142.00
██████████	3,921.00
██████████	640.00
██████████	10,149.41
██████████	950.00

and that each party named herein is granted judgment in that amount against Blo-Rite Insulation, Inc. and Moshe (a/k/a Maurice) Benitah, individually, which judgment is enforceable by both Plaintiff and the above-named consumers as real parties in interest.

3. Defendants, Blo-Rite Insulation, Inc. and Moshe (a/k/a Maurice) Benitah, individually, are ordered to pay civil penalties of Ten Thousand Dollars (\$10,000.00) to the State of Kansas, which amount represents five separate violations of K.S.A. 50-623 et seq.


4. Mechanic's Liens filed by Blo-Rite Insulation and Moshe (a/k/a Maurice) Benitah, against the real estate of Richard and Karen Weiser, James and Judy Krebaum, Bruce and Jeanne Hollembeak, Lyle and Elaine Libby and Randy and Betty Haney are hereby dissolved

and of no further force and effect.

5. Defendants, Blo-Rite Insulation, Inc. and Moshe (a/k/a Maurice) Benitah, individually, are assessed the costs of this action.

6. Defendants, Blo-Rite Insulation, Inc. and Moshe (a/k/a Maurice) Benitah, individually, are permanently enjoined from entering into any transactions in the State of Kansas in violation of K.S.A. 50-623 et seq.

7. This Court retains jurisdiction over the parties and the subject matter involved in this cause of action for the purpose of rendering any additional orders, decrees, judgments or equitable relief as may be required.



JUDGE OF THE DISTRICT COURT
BARTON COUNTY, KANSAS

APPROVED:

BARTON COUNTY ATTORNEY and
OFFICE OF ATTORNEY GENERAL

BY 
JOEL JACKSON

LAW OFFICES OF
MCPHERSON, BAUER & PIKE, Chtd.

BY 
Attorney for James and Judy
Krebaum and Lyle and Elaine
Libby



FILED

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Diane Bistman
CLERK OF DIST. COURT

