

1. On September 9, 2002, the Plaintiff filed a Petition alleging that Defendant Jeff Gardella, d/b/a First Class Tickets (hereafter "Defendant Gardella"), committed violations of the Kansas Consumer Protection Act, K.S.A. 50-623, *et seq.*

2. Defendant Gardella was served with a copy of the summons and Petition by certified mail delivered to 5799 Broadmoor, Suite 102, Shawnee Mission, KS 66202, on September 19, 2002.

3. Plaintiff has requested that judgment by default be entered in favor of Plaintiff and against Defendant Gardella.

4. This Court has subject matter jurisdiction over this case under the Kansas Consumer Protection Act, K.S.A. 50-623, *et seq.*

5. This Court has jurisdiction over the parties pursuant to the Kansas Consumer Protection Act, K.S.A. 50-623, *et seq.*

6. More than thirty (30) days have elapsed since Defendant Gardella was served with a copy of the summons and Petition.

7. Defendant Gardella has not filed an answer.

8. Defendant Gardella is in default.

9. Judgment by default should be entered in favor of Plaintiff and against Defendant Gardella for all relief to which Plaintiff is by law entitled.

10. Plaintiff has properly shown that Plaintiff's Motion for Judgment by Default has merit. Plaintiff's Motion for Judgment by Default should be granted and sustained.

11. Plaintiff has alleged in the Petition that Defendant Gardella sold tickets to a consumer, and, as part of that sale, he willfully concealed, suppressed or omitted a material fact as prohibited by K.S.A. 50-626(b)(3).

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion for Judgment by Default is granted and sustained.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is hereby entered in favor of Plaintiff and against Defendant Jeff Gardella individually and, d/b/a First Class Tickets, as set forth in this Journal Entry of Default Judgment, on all claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the acts and practices alleged in Paragraph 12 above are hereby declared to be deceptive and unconscionable and in violation of the Kansas Consumer Protection Act.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Jeff Gardella individually and, d/b/a First Class Tickets, together with Defendant's agents, successors, servants and assigns, are hereby permanently enjoined from engaging in the above-cited deceptive and unconscionable acts and practices.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is hereby entered in favor of Plaintiff State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, and against Defendant Jeff Gardella individually and, d/b/a First Class Tickets, for consumer restitution in the amount of \$1,750.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is hereby entered in favor of Plaintiff State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, and against Defendant Jeff Gardella individually and, d/b/a First Class Tickets, for civil penalties in the amount of \$10,000.00.

IT IS SO ORDERED.

JANICE D. RUSSELL

The Honorable District Court Judge

Prepared by:



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