

E-04-000011

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FILED
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BARTON COUNTY, KS
CLERK OF THE DISTRICT COURT

IN THE DISTRICT COURT OF BARTON COUNTY, KANSAS
DIVISION 20

STATE OF KANSAS, *ex rel*)
Phill Kline, ATTORNEY GENERAL)
)
Plaintiff)
vs)
)
ALICIA MORALES-PHILLIPS,)
an Individual)
)
Defendant)

Case No. 04CV 32
Judge Keeley

Pursuant to K.S.A. Chapter 60

JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW on this 17th day of May, 2004, comes before the Court the Motion for Judgment by Default Against Defendant Alicia Morales-Phillips and Memorandum in Support Thereof filed herein by the Plaintiff State of Kansas, *ex rel.* Phill Kline, Attorney General. Plaintiff appears by and through counsel, Bryan J. Brown, Deputy Attorney General. There are no other appearances.

Upon review of the file and the statements of counsel, and being fully apprised of the particulars in this matter, the Court finds and concludes as follows:

1. On February 10, 2004, Plaintiff filed the Petition alleging, *inter alia*, that Defendant Alicia Morales-Phillips, engaged in the unauthorized practice of law and

committed deceptive and unconscionable acts or practices in violation of the Kansas Consumer Protection Act, K.S.A. 50-623 *et seq.*

2. A copy of the summons and a copy of the Petition were personally served upon Defendant Alicia Morales-Phillips on February 17, 2004 by the Sheriff of Sedgwick County.

3. Plaintiff has moved that judgment by default be entered in favor of Plaintiff and against Defendant Alicia Morales-Phillips.

4. This Court has subject matter jurisdiction over this case under the Quo Warranto statutes, common law and 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.* and the common law of Kansas.

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

7. Defendant Alicia Morales-Phillips has not filed an answer.

8. Defendant Alicia Morales-Phillips is in default.

9. Judgment by default should be entered in favor of Plaintiff and against Defendant Alicia Morales-Phillips 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 the following acts and practices by Defendant Alicia Morales-Phillips are violations of Kansas law:

- a. Defendant Alicia Morales-Phillips, in the course of soliciting, entering into or performing the consumer transactions, knowingly, or with reason to know, made claims that her services had approval, status and/or affiliation which they did not enjoy, specifically, that she was a licensed attorney of the State of Kansas, in violation of K.S.A. 50-626(b)(1)(B) of the Kansas Consumer Protection Act.
- b. Defendant Alicia Morales-Phillips, in the course of soliciting, entering into or performing the consumer transactions, made willful use of exaggeration, falsehood, innuendo or ambiguity as to a material fact, specifically, her qualifications to render legal advice and to represent consumers in a legal capacity, in violation of K.S.A. 50-626(b)(2) of the Kansas Consumer Protection Act.
- c. Defendant Alicia Morales-Phillips, in the course of soliciting, entering into or performing the consumer transactions, willfully failed to state a material fact, or willfully concealed, suppressed or omitted such material facts, specifically, that she was not an attorney and that her legal counsel and filings could result in deportation, in violation of K.S.A. 50-626(b)(3) of the Kansas Consumer Protection Act.
- d. Defendant Alicia Morales-Phillips, in the course of soliciting, entering into or performing the consumer transactions set forth herein, falsely stated, knowing or with reason to know, that a consumer transaction involved rights, remedies or obligations, specifically, that asylum filings for nationals from Central American countries would result in

the granting of said amnesty status, rather than deportation, in violation of K.S.A. 50-626(b)(8) of the Kansas Consumer Protection Act.

12. Plaintiff has further alleged in the Petition that the following acts and practices by Defendant Alicia Morales-Phillips are violations of Kansas law:

- a. Defendant Alicia Morales-Phillips, in the course of soliciting, entering into or performing the consumer transactions set forth herein, took advantage of the inability of consumers to reasonably protect their interests due to the consumers' inability to understand English, ignorance regarding the federal government's legal process and illiteracy in general. Specifically, Defendant allowed and/or encouraged consumers to consider her their attorney, filed legal documents on their behalf including misstatements of facts, and filed legal documents that accrued to the great detriment of the consumers, in violation of K.S.A. 50-627(b)(1) of the Kansas Consumer Protection Act.
- b. Defendant Alicia Morales-Phillips, in the course of soliciting, entering into or performing the consumer transactions set forth herein, Defendant Morales-Phillips induced consumers to enter into transactions in which she knew or had reason to know they would receive no material benefit, specifically, consumers were charged for services not rendered, consumers were charged for filings made in an unlawful fashion, consumers were charged for frivolous filings, and consumers were deported or otherwise faced deportation hearings in

violation of K.S.A. 50-627(b)(3) of the Kansas Consumer Protection Act.

c. Defendant Alicia Morales-Phillips, in the course of soliciting, entering into or performing the consumer transactions set forth herein, induced consumers to enter into transactions which were excessively one-sided in favor of the Defendant , specifically, consumers were charged for services that the Defendant did not undertake, and consumers were induced to enter into relationships which accrued to the Defendants' financial benefit but which resulted in the consumer facing deportation hearings in violation of K.S.A. 50-627(b)(5) of the Kansas Consumer Protection Act.

d. Defendant Alicia Morales-Phillips, in the course of soliciting, entering into or performing the consumer transactions set forth herein, induced consumers to enter into transactions by uttering misleading statements of opinion which the consumers relied upon to their own great detriment , specifically, consumers were told that Defendant could help them stay in the United States permanently and secure other benefits by filing for asylum and by filing other unwarranted claims in court, which in fact resulted in deportation hearings and/or actual deportation, in violation of K.S.A. 50-627(b)(6) of the Kansas Consumer Protection Act.

13. Plaintiff has further alleged in the Petition that the following acts and practices by Defendant Alicia Morales-Phillips are violations of Kansas law:

- a. Defendant Alicia Morales-Phillips, in the course of soliciting, entering into or performing the consumer transactions, held herself out as an immigration attorney, formed relationships based upon a guarantee of legal representation without the intent of involving an attorney in the relationship, represented that she had legal knowledge beyond that of the average layman, counseled and advised clients regarding their legal rights, received monies for legal representation, and undertook services requiring the knowledge of legal principles, including the preparation and signing of legal instruments, all such acts constituting, in context, the unauthorized practice of law.
- b. Defendant Alicia Morales-Phillips, in the course of soliciting, entering into or performing the consumer transactions through the guise of being a notary public and by holding herself out as an immigration attorney, commonly excited and stirred up above named consumers into maintaining, and aided the same in prosecuting, a series of fraudulent asylum cases that resulted in great disturbances in the repose of others, constituting the public nuisances of common law barratry and maintenance.

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 Alicia Morales-Phillips 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 11 above are hereby declared to be deceptive and in violation of the Kansas Consumer Protection Act.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the acts and practices alleged in Paragraph 13 above are hereby declared to violations of the common law of Kansas.

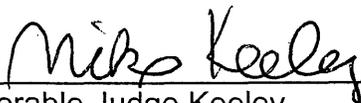
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Alicia Morales-Phillips is hereby permanently enjoined from holding herself out as a 'Notary Public,' a 'notario publico,' an 'attorney,' 'paralegal,' 'abogado' or any kind of an expert in the law, regardless of the language used; and is hereby permanently enjoined from working or volunteering in any capacity with senior citizens; and is hereby permanently enjoined from working or volunteering in any capacity with immigrants; and is hereby permanently enjoined from working or volunteering in any capacity with visiting Central American nationals; and is hereby permanently enjoined from working or volunteering with any agency or business or nonprofit entity as a Spanish-English interpreter; and is hereby permanently enjoined from working or volunteering in the offices of any Kansas attorney.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a scheduling teleconference be held on the 1st day of July, 2004, at which time the Court will
@ 9:00 am

hear from Plaintiff on a plan to ascertain the proper parties to, and amounts to award, as to consumer restitution in the instant case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is hereby entered in favor of Plaintiff State of Kansas, *ex rel.* Phill Kline, Attorney General, and against Defendant Alicia Morales-Phillips for civil penalties in the amount of \$660,000 for committing violations of the Kansas Consumer Protection Act and common law of Kansas.

IT IS SO ORDERED.



The Honorable Judge Keeley
District Court Judge

Prepared by:



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