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TOPEKA, KS.

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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 6

STATE OF KANSAS, *ex rel.*,)
PHILL KLINE, Attorney General,)
)
Plaintiff,)
)
)
v.)
)
Robert Blackford Consultants, Inc.,)
Robert Blackford, an individual,)
)
Defendants.)

Case No. 04 C 777

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

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 13th day of May 2005, the Petition for Approval of Consent Judgment comes before the Court pursuant to K.S.A. 50-632(b). The Plaintiff, the State of Kansas, *ex rel.* Phill Kline, Attorney General, appears by and through Bryan J. Brown, Deputy Attorney General. Defendant Robert Blackford Consulant, Inc. appears by and through Missouri counsel Daniel L. Goldberg.

WHEREUPON the parties advise the court that they have stipulated and agreed to the following:

PARTIES, JURISDICTION AND VENUE

1. Phill Kline is the duly elected, qualified and acting Attorney General of the State of Kansas.
2. The Attorney General's authority to bring this action is derived from the statutory and common law of the State of Kansas, specifically the Kansas Consumer Protection Act, K.S.A. 50-623, *et seq.*
3. Defendant Robert Blackford Consultants, Inc., (hereafter "RBCI") is a corporation with a principal place of business at 228 North Main, St. Charles, Missouri 63301. Defendant RBCI was served with process through its registered agent, Daniel L. Goldberg, 228 North Main, St. Charles, Missouri 63301.
4. Defendant Robert Blackford is the founder and director of Robert Blackford Consultants, Inc.
5. The Court has subject matter jurisdiction over this case under the Kansas Consumer Protection Act, K.S.A. 50-623 *et seq.*
6. Defendant is subject to the jurisdiction of the court under the Kansas Consumer Protection Act, specifically K.S.A. 50-638(a).
7. Venue lies in the Third Judicial District of Kansas (Shawnee County) in that violations of the Kansas Consumer Protection Act described below occurred, among other places, in Topeka, in Shawnee County, in the State of Kansas, and accordingly venue is proper. K.S.A. 50-638(b).
8. Defendant Robert Blackford Consultants, Inc. was formed by Defendant

Robert Blackford to process claims for consumers filing in a defective siding class action settlement.

9. Affected Kansas consumers granted Defendants a limited power of attorney to file and process their claims relating to the settlement program for class members who had exterior Masonite Hardboard Siding installed and incorporated into their property between January 1, 1980 and January 15, 1998, or Masonite OmniWood Siding installed and incorporated into their property between January 1, 1992 and January 6, 1999.
10. Defendants agreed to receive a percentage of the resulting settlement in consideration of Defendants' processing and consulting services.
11. Defendants submitted these claims to Rust Consulting, Inc., an independent claims administrator that assessed the value of the claim.
12. Rust Consulting, Inc. in turn paid the claims to Defendants, understanding that the settlements would be conveyed to the affected consumers minus Defendants' fee.
13. Defendant RBCI consents to a finding that both Defendants received settlement claims on behalf of Kansas consumers but did not pay said settlements to the consumers according to the agreed upon terms.
14. Defendant RBCI consents to a finding that Defendants engaged in unconscionable acts and practices by entering into consumer transactions with 56 Kansas consumers that the Defendants knew or had reason to know were unable to receive a material benefit from the transactions. (See Attached Exhibit A).

15. Defendant RBCI consents to a finding that Defendants' unconscionable acts and practices are violations of the Kansas Consumer Protection Act, specifically K.S.A. 50-627(b)(3), for which civil penalties should be imposed.
16. Defendant RBCI consents to the entry of judgment in favor of Plaintiff and against Defendant Robert Blackford Consultants, Inc. on the following terms:
- A. IT IS ORDERED, ADJUDGED AND DECREED** that Defendant Robert Blackford Consultants Inc., is liable to the consumers of Kansas, as set forth in the attached listing, for a total amount of \$110,393.53.
- B. IT IS 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 Robert Blackford Consultants, Inc., for civil penalties and investigatory fees in the amount of \$560,000 and \$5000, respectively.
- C. IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant Robert Blackford Consultants Inc., be permanently enjoined from selling, contracting, consulting or otherwise doing business in the State of Kansas until and unless all consumer restitution, civil penalties, fines, costs and expenses sought by the State in the matter of State v. Blackford, 04C777 is fully satisfied.

17. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that pursuant to the Kansas Consumer Protection Act, and the provisions of K.S.A. 50-632(b) (K.S.A. 2002 Supp.), the court hereby approves the terms of the Consent Judgment and adopts the same as the Order of the Court as to Defendant Robert Blackford Consultants, Inc.

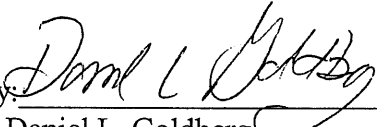
IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Terry L. Bullock", written over a horizontal line.

The Honorable Terry L. Bullock
District Court Judge

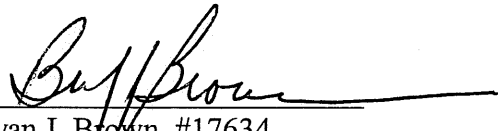
Approved as to form and content:

Robert Blackford Consultants, Inc.

By: 
Daniel L. Goldberg

Title: President
228 N. Main
St. Charles, MO 63301

Office of the Attorney General Phill Kline

By: 
Bryan J. Brown, #17634
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120 W. 10th Street, 4th Floor
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