

97-005

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TOPEKA, KANSAS

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IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 5

STATE OF KANSAS, *ex rel.*
CARLA J. STOVALL, Attorney General,

Plaintiff,

vs.

CASE NO. 97 CV 349

PATRICK L. FRASER
d/b/a 4-SEASONS CHIMNEY SWEEP COMPANY

Defendant.

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

MOTION AND ORDER FOR DEFAULT JUDGMENT

COMES NOW the plaintiff, State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, by and through James J. Welch, Assistant Attorney General, and for her motion alleges and states as follows:

1. On or about March 24, 1997, the plaintiff brought suit against the defendant, Patrick L. Fraser, d/b/a 4-Seasons Chimney Sweep Company for violations of the Kansas Consumer Protection Act.
2. Defendant was personally served in the Shawnee County Correctional Facility by the plaintiff on March 24, 1997.
3. Defendant has submitted to the jurisdiction of the courts of this state by transacting business within this state and has entered into consumer transactions, as defined by the

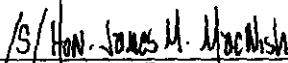
Kansas Consumer Protection Act, K.S.A. §50-624(c).

4. To date, Defendant has failed to respond to the plaintiff's petition or otherwise plead.
5. Defendant has committed a total of at least fifty-two violations of the Kansas Consumer Protection Act in representations to and transactions with at least ten consumers.

WHEREFORE, plaintiff prays the Court to order, adjudge and decree that the Defendant is in default for failure to answer or otherwise plead in the above-captioned action by and through a licensed Kansas attorney as required by law and to grant the relief in the Petition, specifically:

- (a) the Defendant be ordered to pay \$25,087.00 civil penalties to the State of Kansas,
- (b) the Defendant be ordered to pay \$4,000.00 investigative fees, and
- (c) the Defendant be ordered to pay a total of \$913.00 restitution to consumers listed in the attached Exhibit A, in their respective amounts.
- (d) the Defendant be permanently enjoined from engaging in any type of consumer transaction as a supplier within the state of Kansas.

SO ORDERED.



Honorable James M. MacNish
District Judge
Fifth Judicial District
Fifth Division

Respectfully submitted,

OFFICE OF THE ATTORNEY GENERAL
CARLA J. STOVALL



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