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IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
Division 7

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

Plaintiff,

vs.

ISABEL MANDELKERN, d/b/a
FLEX PADS INTERNATIONAL,

and

FLEX PADS INTERNATIONAL, INC.,

Defendants.

Case No. 92-C-11760

JOURNAL ENTRY OF JUDGMENT

NOW ON THIS 12th day of December, 1997, the plaintiff's Motion for Summary Judgment on Damages comes before the court for its consideration, the Honorable Janice D. Russell presiding. The State of Kansas *ex rel.* Carla J. Stovall, Attorney General, appears by and through Kristy L. Hiebert, Assistant Attorney General. The defendants, Isabel Mandelkern d/b/a Flex Pads International, and Flex Pads International Inc., appear *pro se*.

WHEREUPON, plaintiff filed a Motion for Summary Judgment on Damages and Memorandum in Support on September 4, 1997, and defendants have failed to respond to said motion within the time allowed by Kan. Ct. R. Annot. 141. The court finds and concludes as follows:

1. The uncontroverted facts, paragraph nos. 1-7, set forth in plaintiff's Memorandum

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JOHNSON COUNTY, KS

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in Support of Motion for Summary Judgment on Damages are adopted and incorporated by the court as its controlling findings of facts as though fully set forth herein.

2. The legal arguments and authorities set forth in plaintiff's Motion and Memorandum for Summary Judgment on Damages are adopted as the court's conclusions of law as though fully set forth herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff's Motion for Summary Judgment on Damages should be and is hereby granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following judgments are hereby entered in favor of plaintiff and against defendants:

- a. Consumer restitution in the amount of \$18,478.67 to be paid to the following consumers in the following amounts:

| | |
|------------|------------|
| [REDACTED] | \$50.00 |
| [REDACTED] | \$350.34 |
| [REDACTED] | \$893.13 |
| [REDACTED] | \$850.00 |
| [REDACTED] | \$568.88 |
| [REDACTED] | \$709.00 |
| [REDACTED] | \$560.00 |
| [REDACTED] | \$1,216.33 |
| [REDACTED] | \$350.00 |
| [REDACTED] | \$400.90 |
| [REDACTED] | \$581.55 |
| [REDACTED] | \$1,927.28 |
| [REDACTED] | \$1,004.81 |
| [REDACTED] | \$560.00 |
| [REDACTED] | \$612.79 |
| [REDACTED] | \$1,636.58 |
| [REDACTED] | \$757.19 |
| [REDACTED] | \$2,855.00 |
| [REDACTED] | \$629.00 |
| [REDACTED] | \$400.00 |
| [REDACTED] | \$525.00 |
| [REDACTED] | \$125.00 |
| [REDACTED] | \$915.89 |

- b. Investigative fees to the Office of the Attorney General in the amount of \$23,924.95.
- c. Civil penalties to the State of Kansas in the amount of \$93,000.00.
- d. Defendants are permanently enjoined from collecting or attempting to collect

any outstanding obligations due Defendants by the consumers listed in paragraph 6 of the Uncontroverted Facts of the Memorandum in Support of Motion for Summary Judgment on Damages filed September 4, 1997, and Defendants are ordered to cancel all outstanding obligations of such consumers.

- e. Defendants are permanently enjoined from representing that their prostheses are custom fit, custom made or custom designed if they are not and that their prostheses are approved by the American Nurses Association, the Oncology Nurses Association and the American Cancer Society or similar organizations if they are not and Defendants are permanently enjoined from similar acts violative of the KCPA.
- f. Defendants are permanently enjoined from selling or offering to sell breast prosthetic devices at a price in excess of five hundred dollars (\$500.00) each.

IT IS SO ORDERED.


DISTRICT COURT JUDGE
HONORABLE JANICE D. RUSSELL

Submitted by:



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Attorney for plaintiff

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