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FILED BY CLERK
KS DISTRICT COURT
3RD JUDICIAL DISTRICT

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TOPEKA, KANSAS

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 11

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

Plaintiff,

vs.

DESTINY TELECOMM INTERNATIONAL, INC.,
and RANDALL D. JEFFERS, Individually,

Defendants.

CASE NO. 97 CV 1273

(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:

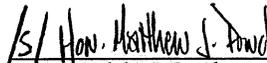
1. On or about October 9, 1997, the plaintiff brought suit against the defendants, Destiny Telecomm International, Inc. and Randall D. Jeffers for violations of the Kansas Consumer Protection Act.
2. Defendant Destiny Telecomm International, Inc. was personally served by way of its registered agent, The Corporation Company, in Shawnee County by the plaintiff on October 14, 1997. Defendant Randall D. Jeffers was personally served in Franklin County by the plaintiff on October 9, 1997.

3. Defendants have 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, Defendants have failed to respond to the plaintiff's petition or otherwise plead.
5. Defendants have committed a total of at least 495 violations of the Kansas Consumer Protection Act in representations to and transactions with at least forty-five 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:

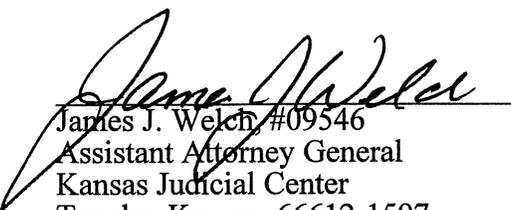
- (a) the Defendant be ordered to pay \$2,090,000.00 civil penalties to the State of Kansas,
- (b) the Defendant be ordered to pay \$20,000.00 investigative fees, and
- (c) the Defendant be ordered to pay a total of \$35,684.74 restitution to consumers listed in the attached Exhibit A, in their respective 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 Matthew J. Dowd
District Judge

Respectfully submitted,
OFFICE OF THE ATTORNEY GENERAL
CARLA J. STOVALL



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