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98-003
Bill
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KS. DISTRICT COURT
THIRD JUDICIAL DIST
1998 FEB 11 A 8:52
GENERAL JURISDICTION
TOPEKA, KANSAS

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 9

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

Plaintiff,

vs.

WILLIAM H. CUMMINGS,

Defendant.

CASE NO. 98 CV 34

(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:

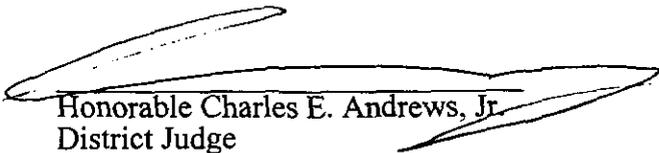
1. On or about January 13, 1998, the plaintiff brought suit against the defendant, William H. Cummings, for violations of the Kansas Consumer Protection Act.
2. Defendant was personally served in Shawnee County, Kansas, by the plaintiff on January 13, 1998.
3. Defendant has submitted to the jurisdiction 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 7 violations of the Kansas Consumer

Protection Act in representations to and transactions with at one consumer. These violations were committed during solicitations and sales made to an elderly consumer (as defined by K.S.A. §50-676.

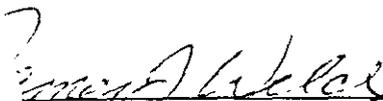
WHEREFORE, plaintiff prays the Court to order, adjudge and decree that the Defendant is in default for failure to answer or otherwise plead in the above-captioned action by and through a licensed Kansas attorney as required by law and to grant the relief in the Petition, specifically:

- (a) the Defendant be ordered to pay \$30,000.00 civil penalties to the State of Kansas, pursuant to K.S.A. §50-636, and an additional \$30,000.00 civil penalties committed against an elderly consumer, pursuant to K.S.A. §50-677.
- (b) the Defendant be ordered to pay \$5,700.00 investigative fees, and
- (c) the Defendant be ordered to pay a total of \$14,200.00 restitution to Margaret Krueger (DOB: 12-2-20).
- (d) the Defendant be ordered to pay a total of \$79,900.00, as set out in (a) through (c) above.
- (e) the Defendant be permanently enjoined from engaging in any type of consumer transaction as a supplier within the state of Kansas.

SO ORDERED.


Honorable Charles E. Andrews, Jr.
District Judge

Respectfully submitted,
Attorney General
LA J. STOVALL


La J. Stovall, #09546
Attorney General
Judicial Center
Kansas 66612-1597
Phone: 785-3751
for plaintiff



STATE OF KANSAS, COUNTY OF SHAWNEE, SS.
I hereby certify the above and foregoing to be
a true and correct copy, the original of which
is filed and entered of record in the court
Dated 2-12-98
CLERK of the DISTRICT COURT
By  DEPUTY