

Terry A. Iles, #17133  
Assistant Attorney General  
Office of the Attorney General  
Kansas Judicial Center  
Topeka, Kansas 66612-1597  
(913) 296-3751

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
Division 6

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

Plaintiff,

v.

NATIONAL QUICK WEIGHT LOSS CENTERS, INC.,

Defendants.

Case No. 97 C 6608

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

JOURNAL ENTRY

NOW on this the 18 day of February, 1998, the above-captioned matter comes for hearing on Plaintiff's Motion for Default Judgment. Plaintiff, State of Kansas, *ex rel.*, Carla J. Stovall, Attorney General, appears by and through counsel, Terry A. Iles, Assistant Attorney General. Defendant appears not.

WHEREUPON, Plaintiff filed its Motion for Default Judgment and Memorandum in Support on February 2, 1998, and Defendant has failed to respond to said motion within the time allowed and has failed to make an appearance for this scheduled hearing of February 18, 1998. The Court hereby finds and concludes as follows:

1. On February 2, 1998, Plaintiff filed a Motion for Default Judgment and Memorandum in Support pursuant to Atchison Homeless Shelters, Inc. v. The County of Atchison, 24 Kan.App.2d 454 (1997), when Defendant National Quick Weight Loss Centers, Inc.

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failed to retain counsel by February 1, 1998, as it was ordered to do by this Court on December 31, 1997.

2. Defendant National Quick Weight Loss Centers, Inc. was served with Notice of Hearing, Notice to Take Default Judgment and Plaintiff's Motion for Default Judgment and Memorandum in Support as follows:

- a. That on February 2, 1998, Special Process Server Amy Elliott personally served Sandy Parsley at the listed registered agent's address located at 7050 West 105th Street, Overland Park, Kansas.
- b. According to Sandy Parsley, Defendant National Quick Weight Loss Centers, Inc. no longer operates the facility located at 7050 West 105th Street, Overland Park, Kansas, and Lester Swanson is in Chicago, IL.
- c. However, the weight loss facility located at 7050 West 105th Street, Overland Park, Kansas is represented as Defendant National Quick Weight Loss Centers, Inc., in that:
  - i. The phone number listed in the telephone directory is the same;
  - ii. The main sign of Metcalf 103 Shopping Center (7050 West 105th Street, Overland Park, Kansas) depicts National Quick Weight Loss;
  - iii. At 7050 West 105th Street, Overland Park, Kansas, there is a sign depicting National Quick Weight Loss above the entrance to the facility; and
  - iv. Throughout the facility there are numerous documents posted and utilized reflecting either National Quick Weight Loss Centers, or National Weight Loss Centers, including, but not limited to:
    - (1) The sign-in sheet at the reception desk;
    - (2) The appointment book in the reception area;

- (3) Documents that appear to be checklists utilized for new consumers; and
  - (4) Tax licenses posted in the main hallway.
- d. On February 4, 1998, Special Process Server Amy Elliott sent Notice of Hearing, Notice to Take Default Judgment and Plaintiff's Motion for Default Judgment and Memorandum in Support, via certified mail, return-receipt requested, to: Lester Swanson, Registered Agent, National Quick Weight Loss Centers, Inc., 7050 West 105th Street, Overland Park, Kansas 66212, which, according to the Kansas Secretary of State's Office, is still the listed office of the registered agent.
- e. On February 4, 1998, Special Process Server Amy Elliott sent Notice of Hearing, Notice to Take Default Judgment and Plaintiff's Motion for Default Judgment and Memorandum in Support, via certified mail, return-receipt requested, to: Lester Swanson, 12816 Linden, Overland Park, Kansas 66209, which, according to the Kansas Department of Motor Vehicles, is the last known address of Lester F. Swanson.
- f. On February 5, 1998, Special Process Server Amy Elliott personally served the Notice of Hearing, the Notice to Take Default Judgment and Plaintiff's Motion for Default Judgment and Memorandum in Support, upon Melissa Wangemann, Kansas Secretary of State's Office, Capitol Building, 300 SW 10th Street, Second Floor, Topeka, Kansas 66612-1594, in accordance with K.S.A. 60-304, since Defendant National Quick Weight Loss Centers, Inc. failed to maintain a registered agent within the State of Kansas.

3. Defendant National Quick Weight Loss Centers, Inc. has failed to respond to said motion and has failed to make an appearance for such hearing scheduled February 18, 1998.

4. The uncontroverted facts set forth in Plaintiff's Motion for Default Judgment and Memorandum in Support are adopted and incorporated herein by the Court as its controlling findings of facts as though fully set forth herein.

5. The legal arguments and authorities set forth in Plaintiff's Motion for Default Judgment and Memorandum in Support are adopted and incorporated herein by the Court as its controlling conclusions of law as though fully set forth herein.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Plaintiff's Motion for Default Judgment and Memorandum in Support should be and is hereby granted in its entirety, and that judgment is hereby entered in favor of Plaintiff and against Defendant National Quick Weight Loss Centers, Inc.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the acts and practices alleged in Plaintiff's Petition are declared deceptive and in violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-632(a)(1).

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant National Quick Weight Loss Centers, Inc. and its employees, agents and representatives are permanently enjoined from those acts and practices alleged in Plaintiff's Petition and any other violative acts and practices of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-632(a)(2).

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that judgment is hereby entered in favor of Plaintiff and against Defendant on all counts of Plaintiff's Petition and that relief shall be afforded to Plaintiff and against Defendant National Quick Weight Loss Centers, Inc., as follows:

1. Defendant is hereby ordered to pay \$315,000.00 in civil penalties to the Office of the Attorney General of the State of Kansas for violations of the Kansas Consumer Protection Act, K.S.A. 50-623 *et seq.*, pursuant to K.S.A. 50-636;

2. Defendant is hereby ordered to pay \$2,379.31 in consumer restitution, pursuant to K.S.A. 50-632(a)(3); and
3. Defendant is hereby ordered to pay \$5,042.40 in investigative fees and expenses to the Office of the Attorney General of the State of Kansas, pursuant to K.S.A. 50-632(b)(4).

**IT IS SO ORDERED.**

JAMES FRANKLIN DAVIS

/s/ Hon. James Franklin Davis  
JUDGE OF THE DISTRICT COURT

Prepared and approved by:

Terry A. Iles  
Terry A. Iles, #17133  
Assistant Attorney General  
Office of the Attorney General  
Kansas Judicial Center  
Topeka, Kansas 66612-1597  
(913) 296-3751

Attorney for Plaintiff

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