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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.

CASE NO. 98 CV 1350

PAUL HANEY and LUELLE M. HOLLAND,
d/b/a CONCERNED PEOPLE OF AMERICA, and
d/b/a C. P. A.,

Defendants.

(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 14, 1998, the plaintiff brought suit against the defendants, Paul Haney and Luella M. Holland, d/b/a Concerned People of America and d/b/a C. P. A., for violations of the Kansas Consumer Protection Act.
2. Defendants Paul Haney and Luella M. Holland, d/b/a Concerned People of America and d/b/a C. P. A., were served via certified mail service on or about October 20, 1998.
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 has failed to respond to the plaintiff's petition or otherwise plead.
5. Defendants have committed a total of at least twenty (20) violations of the Kansas Consumer Protection Act in representations to and transactions involving at least five (5) consumers.

WHEREFORE, plaintiff prays the Court to order, adjudge and decree that the Defendants are 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 Defendants be ordered to pay \$100,000.00 civil penalties to the State of Kansas,
- (b) the Defendants be ordered to pay \$5,000.00 investigative fees,
- (c) the Defendants be ordered to pay \$695.00 restitution to the five consumers from whom Defendants accepted payment, and
- (c) the Defendants be permanently enjoined from engaging in any type of consumer transaction as suppliers 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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