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FILED BY CLERK
KS. DISTRICT COURT
THIRD JUDICIAL DIST.
TOPEKA, KS

2000 JUN 19 P 4: 08

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
Division 7

| | |
|--------------------------------------|---------------------|
| STATE OF KANSAS, <i>ex rel.</i> , |) |
| CARLA J. STOVALL, Attorney General, |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) Case No. 99-C-899 |
| |) |
| THE INTERNET YELLOW PAGES, INC., and |) |
| MICHELE ERARD-COUBE, individually, |) |
| |) |
| Defendants. |) |
| |) |

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

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 15 day of June, 2000, comes before the Court this Journal Entry of Consent Judgment entered into between the Plaintiff, State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, and the Defendants pursuant to K.S.A. 50-632(b). Plaintiff appears by and through counsel, Terry D. Hamblin, Assistant Attorney General. Defendants appear by and through counsel, Stephen Weir.

WHEREUPON, the parties advise the Court that they have stipulated and agreed to the following matters:

1. On September 24, 1999, the Plaintiff, State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, filed a Petition in the District Court of Shawnee County, Kansas, alleging violations of the Kansas Consumer Protection Act, K.S.A. 50-623 *et seq.* (hereinafter "Plaintiff's Petition"). Plaintiff's Petition names The Internet Yellow Pages, Inc., and Michele Erard-Coupe (together, "Defendants") as defendants.

JURISDICTION AND VENUE

2. Defendants stipulate and admit the Court has subject matter jurisdiction over this case.

3. Defendants stipulate and admit they are subject to *in personam* jurisdiction in this Court.

4. Defendants stipulate and admit that venue is proper in this Court.

5. Defendants waive service of process related to this Consent Judgment as allowed by K.S.A. 60-303(d) and enter their voluntary general appearances.

ALLEGATIONS

6. The Attorney General has set forth allegations against Defendants in paragraphs twenty (20) through thirty-seven (37) of Plaintiff's Petition, which are hereby incorporated by reference as if set forth fully herein. Defendants do not admit the allegations of the Attorney General. For the purpose of settlement, Plaintiff, State of Kansas, *ex rel.* Carla J. Stovall, Attorney General, and Defendants have agreed to entry of this Journal Entry of Consent Judgment without trial or adjudication of any issue of fact or law.

INJUNCTIVE RELIEF

7. Each Defendant agrees to refrain from, and is hereby permanently enjoined from, engaging in those acts and practices set forth in paragraphs twenty (20) through thirty (30) of Plaintiff's Petition, which are hereby incorporated by reference as if set forth fully herein. Each Defendant agrees that engaging in such acts, or similar acts, after the date of this Consent Judgment shall constitute a violation of this Order.

8. Each Defendant agrees to refrain from, and is hereby permanently enjoined from, engaging in telemarketing in the State of Kansas. Each Defendant agrees that engaging in telemarketing in the State of Kansas, whether directly or through any agent, servant, employee, or corporate or other legal entity under her control, after the date of this Consent Judgment, shall constitute a violation of this Order.

9. Each Defendant agrees to refrain from, and is hereby permanently enjoined from, entering into, forming, organizing or reorganizing into any partnership, corporation, sole proprietorship or any other legal structure for the purpose, or with the effect, of avoiding compliance with the terms of this Consent Judgment. Each Defendant agrees that any such entering into, forming, organizing or reorganizing, after the date of this Consent Judgment, shall constitute a violation of this Order.

10. Each Defendant agrees to refrain from, and is hereby permanently enjoined from, representing, in any manner whatsoever and to any person or entity whatsoever, that this Consent Judgment constitutes approval by, endorsement by or authority from the State of Kansas and/or the Attorney General of the State of Kansas for any act or practice of Defendants. Each Defendant

agrees that the making of any such representation, after the date of this Consent Judgment, shall constitute a violation of this Order.

11. Defendant Erard-Coupe agrees to notify the Office of the Attorney General of the State of Kansas, in writing, of her current telephone number, street address and mailing address at the time of signing this Journal Entry of Consent Judgment and to notify the Office of the Attorney General of the State of Kansas, in writing, of any change in telephone number, street address and/or mailing address not later than ten (10) days after each and every such change until all monetary sums due and owing pursuant to this Journal Entry of Consent Judgment have been paid and satisfied in full. Defendant Erard-Coupe agrees that any failure to so notify, after the date of this Consent Judgment, shall constitute a violation of this Order.

CONSUMER DAMAGES

12. Defendants, jointly and severally, agree to pay \$1,500.00 to Glenna C. Dehn as restitution for damages to the consumer Glenna C. Dehn. Defendants agree that failure to make such payment shall constitute a violation of this Order. Such payment shall be in the form of a cashier's check or money order Payable to Glenna C. Dehn and shall accompany this signed Journal Entry of Consent Judgment.

INVESTIGATIVE FEES AND CIVIL PENALTIES

13. In addition to the amount set forth in paragraph twelve (12), Defendants agree to pay, jointly and severally, \$2,500.00 in investigation fees and expenses and an additional \$2,500.00 in civil penalties to the "Office of the Attorney General" of the State of Kansas. Each Defendant agrees that failure to make such payment shall constitute a violation of this Order.

PAYMENT SCHEDULE

14. Payment to the "Office of the Attorney General" of the sums stipulated and required in paragraphs twelve (12) and thirteen (13) shall be made by Defendants as follows.

Each payment shall be by cashier's check:

| <u>DATE OF PAYMENT</u> | <u>AMOUNT OF PAYMENT</u> |
|--------------------------------|--------------------------|
| At Signing of Consent Judgment | \$1,500.00 |
| June 1, 2000 | \$250.00 |
| July 1, 2000 | \$250.00 |
| August 1, 2000 | \$250.00 |
| September 1, 2000 | \$250.00 |
| October 1, 2000 | \$250.00 |
| November 1, 2000 | \$250.00 |
| December 1, 2000 | \$250.00 |
| January 1, 2001 | \$250.00 |
| February 1, 2001 | \$250.00 |
| March 1, 2001 | \$250.00 |
| April 1, 2001 | \$250.00 |
| May 1, 2001 | \$250.00 |
| June 1, 2001 | \$250.00 |
| July 1, 2001 | \$250.00 |
| August 1, 2001 | \$250.00 |
| September 1, 2001 | \$250.00 |
| October 1, 2001 | \$250.00 |
| November 1, 2001 | \$250.00 |
| December 1, 2001 | \$250.00 |
| January 1, 2002 | \$250.00 |
| | <u>\$6,500.00</u> |

Defendant may, at Defendant's discretion, pre-pay in full at any time the remaining balance of the judgment debt created by entry of this Journal Entry of Consent Judgment, provided such pre-payment is submitted by cashier's check in the manner prescribed by paragraph nineteen (19).

OTHER PROVISIONS

15. Each Defendant agrees to be bound by this Journal Entry of Consent Judgment at all times after the date of entry without regard to whether Defendants act individually and/or through officers, directors, shareholders, representatives, agents, servants, employees, partners, assigns, or whether acting through any corporation or other entity whose acts, practices or policies are directed, formulated, or controlled by either Defendant.

16. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Consent Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and/or for the punishment of violations thereof.

17. If any portion, provision or part of this Consent Judgment is held to be invalid, unenforceable, or void for any reason whatsoever, that portion shall be severed from the remainder and shall not affect the validity or enforceability of the remaining portions, provisions, or parts.

18. Entry of this Journal Entry of Consent Judgment settles only those claims set forth in Plaintiff's Petition. Compliance with this Consent Judgment does not relieve Defendants of any other obligation imposed by applicable federal, state or local law, nor shall the Attorney General be precluded from taking other appropriate legal action to enforce civil or criminal statutes under her jurisdiction.

19. Any notice required by paragraph eleven (11) of this Journal Entry of Consent Judgment, and all payments required by paragraph fourteen (14) of this Journal Entry of Consent Judgment, shall be delivered to the Office of the Attorney General, Consumer Protection Division,

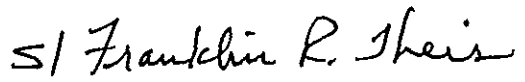
Kansas Judicial Center, 120 S.W. 10th Avenue, Topeka, Kansas 66612-1597. Each such notice and each such payment shall bear the notation "Case File 99-067".

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the stipulation and agreement of the parties contained herein are adopted and approved as the findings of fact and conclusions of law of the Court and any monies owed hereunder by Defendants immediately become a judgment upon filing.

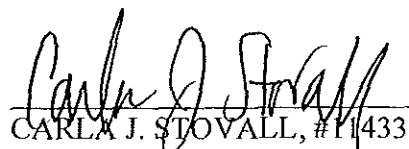
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is hereby entered against Defendants, jointly and severally, and in favor of Plaintiff in the amount of \$6,500.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the Kansas Consumer Protection Act, including the provisions of K.S.A. 50-632(b), the Court hereby approves the terms of the Consent Judgment and adopts the same as the Order of the Court.

IT IS SO ORDERED.


HONORABLE FRANKLIN R. THEIS
Judge of the District Court

Approved by:


CARLA J. STOVALL, #11433
Attorney General




Terry D. Hamblin, #10880
Assistant Attorney General
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120 S.W. 10th Avenue
Topeka, Kansas 66612-1597
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Attorneys for Plaintiff




MICHELE ERARD-COUPÉ

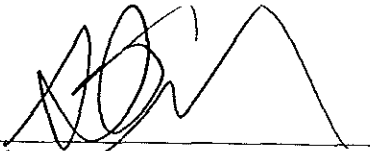


THE INTERNET YELLOW PAGES, INC.
BY: Michele Erard-Coupe, President

Defendants



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