

FILED
RILEY COUNTY DISTRICT COURT

IN THE DISTRICT COURT OF RILEY COUNTY, KANSAS
DIVISION 1

STATE OF KANSAS, ex rel.
ROBERT T. STEPHAN, Attorney General,

Plaintiff,

v.

Case No. 92-C-63

DISTRICT COURT
RILEY CO., KS.

DEC 1 4 51 PM '92

FILED

SHERRY EVANS, d/b/a THE GIFT BOOK,
d/b/a ADVERTISING BENEFITS, CO.,
d/b/a ADVERTISING BENEFITS,

Defendant.

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 1st day of December, 1992, the plaintiff's motion for approval of consent judgment is considered by the court. The State of Kansas, ex rel. Robert T. Stephan, Attorney General, appears by and through Daniel P. Kolditz, Deputy Attorney General, and David C. Wetzler, Assistant Attorney General. Defendant, Sherry Evans, appears by and through Michael S. Greiving, Scott, Quinlan & Hecht, 3301 Van Buren, Topeka, Kansas 66611.

Whereupon, the parties advise the court that they have stipulated and agreed to the following:

1. Robert T. Stephan is the Attorney General of the State of Kansas.
2. The court has personal and subject matter jurisdiction over the parties. Jurisdiction is retained by this court for the purpose of enforcement of compliance of this consent judgment.
3. Defendant agrees that the terms of this consent judgment shall apply to her, her assigns, agents, representatives

and employees and any and all persons or entities, acting directly or indirectly on her behalf.

4. Defendant agrees to the terms in this Journal Entry of Consent Judgment without admitting liability and without trial or adjudication of any issue of fact or law. This consent judgment does not constitute an admission by the defendant of a violation of any statute or rule of law and is made only to effectuate a compromise of all controversies between the parties.

5. Defendant shall not represent to consumers that proceeds from the sale of coupon books will benefit or go to a charitable organization when, in fact, none of the proceeds will benefit or go to a charitable organization.

6. Thirty (30) days following the entry of this consent judgment, defendant agrees to refund, on request, the purchase price paid to the defendant by any consumers for the Manhattan Big Brothers/Big Sisters Gift Book, provided the consumer surrenders the coupon book to the Attorney General and provides proof that he/she did not use any of the coupons contained in the coupon book.

7. Defendant agrees to pay \$1,000.00 to the Attorney General for reasonable expenses and investigation fees from funds attached in her bank account and held by garnishee, First Savings Bank, 701 Poyntz, Manhattan, Kansas.

8. Payment under paragraph 7 shall be made by the Clerk of the District Court of Riley County on behalf of the defendant.

9. Defendant shall pay all court costs associated with this action.

IT IS THEREFORE ORDERED AND DECREED that the stipulations and agreements of the parties contained herein are adopted and approved as the findings of the court.

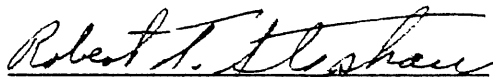
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to K.S.A. 1991 Supp. 50-632(b), the court hereby approves the terms of the consent judgment and adopts the same as the order of this court.

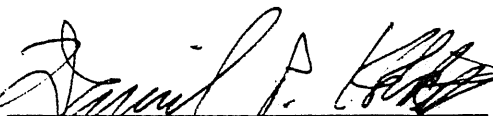
IT IS SO ORDERED.


ORIGINAL SIGNED
PAUL E. MILLER

PAUL E. MILLER
DISTRICT COURT JUDGE

Approved By:


ROBERT T. STEPHAN, #05340
Attorney General


Daniel P. Kolditz, #12102
Deputy Attorney General


David C. Wetzler, #14954
Assistant Attorney General
Office of the Attorney General
Kansas Judicial Center
Topeka, Kansas 66612-1597

Attorneys for Plaintiff

Michael S. Greiving

Michael S. Greiving, #14652
Scott, Quinlan & Hecht
3301 Van Buren
Topeka, KS 66611
(913) 267-0040
Attorney for Defendant

Sherry Evans

Sherry Evans
Defendant



The foregoing instrument is certified to be a true and correct copy of original

FILED Dec 1 1992

County Clerk of Riley County, KS

By *Linda Fox* Deputy