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FILED

1993 SEP -2 PM 2: 29

CLERK OF DISTRICT COURT
CHEROKEE COUNTY

BY _____

IN THE DISTRICT COURT OF CHEROKEE COUNTY, KANSAS

STATE OF KANSAS, <u>ex rel.</u>)	
ROBERT T. STEPHAN, Attorney General,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 92 C 115
)	
BUD MARTIN ENTERPRISES, INC.,)	
)	
Defendant.)	

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 2nd day of September, 1993, the plaintiff's motion for approval of consent judgment comes before the court for consideration under K.S.A. 1991 Supp. 50-632(b). The State of Kansas ex rel. Robert T. Stephan, Attorney General, appears by and through Shelly Gasper, Assistant Attorney General. The defendant appears by and through Oliver Kent Lynch of Lynch & Meek.

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

1. Robert T. Stephan is the Attorney General of the State of Kansas.

2. Defendant is a Kansas Corporation

3. The Attorney General alleges the following acts and practices by the defendant are violations of the Kansas consumer protection act and are deceptive and unconscionable:

a) Substantially more gallons of fuel labeled by defendant as premium unleaded gasoline were sold than were delivered for a 12 month period beginning January, 1991.

b) Defendant knew or had reason to know that it was selling more fuel it labeled as premium unleaded than was being delivered.

c) Defendant's false octane representations were made knowingly or with reason to know that the fuel had characteristics or ingredients that it did not have, in violation of K.S.A. 1991 Supp. 50-626(b)(1)(A) or was of a particular standard, quality or grade when it was of another which differed materially from defendant's representations in violation of K.S.A. 1991 Supp. 50-626(b)(1)(D).

d) During the time period from January, 1991 through June, 1991, defendant received only 200 gallons of regular leaded fuel, but sold 5,379 gallons of fuel which it labeled as regular leaded.

e) Defendant knew or had reason to know that it was selling more fuel it labeled as regular leaded than was being delivered.

f) Defendant represented, knowingly or with reason to know that its fuel had an ingredient, lead, which it did not, in violation of K.S.A. 1991 Supp. 50-626(b)(1)(A).

4. The defendant denies allegations of plaintiff but to resolve this matter voluntarily agrees to this consent judgment without trial or adjudication of any issue of fact or law.

5. The provisions of this consent judgment will be applicable to the defendant.

6. The defendant agrees to refrain from and to be enjoined from engaging in all acts and practices alleged by the State of Kansas to be deceptive and unconscionable, in paragraph number three.

7. The defendant shall not enter into, form, organize or reorganize into any partnership, corporation, sole proprietorship or any other legal structures, for the purpose of avoiding compliance with paragraph 6 of this consent judgment.

8. The defendant agrees to pay \$500.00 charitable donation as designated by the Attorney General. Payment will be by certified check.

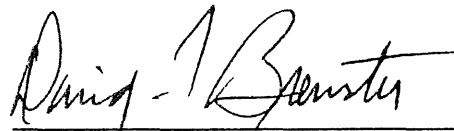
9. The defendant agrees to pay all court costs and filing fees.

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 the court.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the Kansas consumer protection act, and 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.

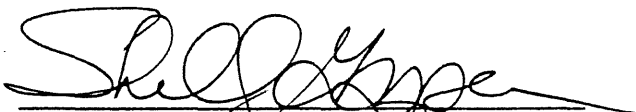
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant will pay all court costs and filing fees.

IT IS SO ORDERED.


DISTRICT COURT JUDGE

Approved by:

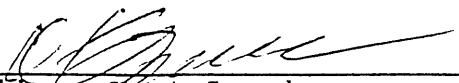

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