

MICROFILMED  
3rd JUDICIAL DISTRICT

93-019-  
FILED BY CLERK  
KS DISTRICT COURT  
3RD DISTRICT  
Nov 8 2 38 PM '93

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
DIVISION 12  
GENERAL JURISDICTION  
TOPEKA KS

STATE OF KANSAS, ex rel. )  
ROBERT T. STEPHAN, Attorney General, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
NOLLER LINCOLN-MERCURY, INC. )  
 )  
Defendant. )  
\_\_\_\_\_ )

(Pd)

Case No. 93-CV-1323

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 8<sup>th</sup> day of November, 1993, the plaintiff's petition for approval of consent judgment comes before the Court for consideration under K.S.A. 1992 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 Carla J. Stovall of Entz & Chanay.

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 Kansas corporation. Defendant's business is located at 2946 S. Kansas, Topeka, Kansas. The defendant enters its voluntary general appearance. The defendant admits the Court has jurisdiction over the parties and the subject matter.

3. Defendant sells and leases new and used automobiles.
4. Defendant advertises its business in newspapers.
5. On July 15, 1993 in The Topeka Capital-Journal, defendant advertised 7 new vehicles. Each vehicle had a purchase price and a "PreTrade" price. The ad is attached as Exhibit A.
6. The "PreTrade" price is advertised as a monthly payment amount.
7. "PreTrade" is defendant's term for lease, but it is not a commonly used term in the industry or by the general public for lease.
8. Defendant did not disclose in the ad that the "PreTrade" price is actually a monthly lease payment. The Attorney General alleges that this is a willful failure to state a material fact in violation of K.S.A. 1992 Supp. 50-626(b)(3).
9. The defendant voluntarily agrees to this consent judgment without trial or adjudication of any issue of fact or law.
10. The provisions of this consent judgment will be applicable to the defendant, and every employee, agent or representative of the defendant.
11. The defendant agrees to make available and/or disclose the provisions of this consent judgment to its employees, agents and representatives.
12. The defendant agrees to comply with the attorney general's car advertising guidelines in connection with advertising and selling new and used cars, as attached as exhibit B.

13. This consent judgment shall be binding on defendant and its assigns. If the defendant shall enter into, form, organize or reorganize into any partnership, corporation, sole proprietorship or any other legal structures, the terms of this consent judgment shall be binding on the new entity as though entered into with that entity directly.

14. Payments will be by certified checks. The defendant agrees to pay \$500.00 in investigation fees and expenses to the Attorney General of the State of Kansas and \$2,000.00 to two specified charities in lieu of a penalty to the State of Kansas at the time of filing this consent judgment. Payment will be by certified checks.

15. The defendant agrees to allow the Attorney General to inspect relevant business records in the future.

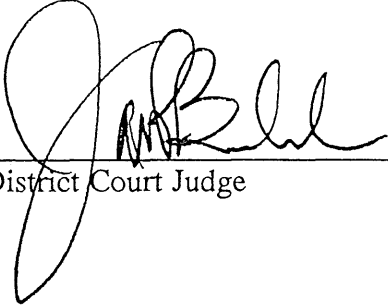
16. The defendant agrees to pay all court costs and filing fees.

**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.

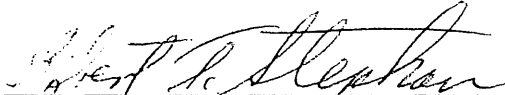
**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that pursuant to the Kansas Consumer Protection Act, and the provisions of K.S.A. 50-632(b), the Court hereby approves the terms of the consent judgment and adopts the same as the Order of the Court.

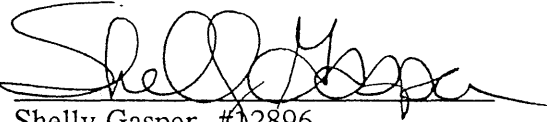
**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the defendant will pay all court costs and filing fees.

IT IS SO ORDERED.


  
\_\_\_\_\_  
District Court Judge

Approved by:

  
\_\_\_\_\_  
ROBERT T. STEPHAN, #05340  
Attorney General

  
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