

92-036

FILED

1-12-1994

*Norma Jean Russell*  
CLERK OF THE DISTRICT COURT  
9:30 A.M.

Martin J. Peck, #16273  
Assistant Attorney General  
Office of the Attorney General  
Kansas Judicial Center  
Topeka, Kansas 66612-1597  
(913) 296-3751  
MEERS2/TERRIK

IN THE DISTRICT COURT OF DONIPHAN COUNTY, KANSAS

STATE OF KANSAS, ex rel. )  
ROBERT T. STEPHAN, Attorney General, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MICKEY M. MEERS, et al., )  
 )  
Defendants. )

Case No. 92 C 47

JOURNAL ENTRY OF CONSENT JUDGMENT

NOW on this 11th day of January, 199~~3~~<sup>4</sup>, the plaintiff's motion for approval of consent judgment comes before the court for consideration. The State of Kansas ex rel. Robert T. Stephan, Attorney General, appears by and through Martin J. Peck, Assistant Attorney General. Plaintiff Mary Isabelle Graham appears by and through Phillip A. Burdick, 112 South 7th Street, Hiawatha, Kansas 66434. Defendant Mickey M. Meers appears by and through James A. Patton, P. O. Box 424, 121 South 6th Street, Hiawatha, Kansas 66434-0424.

WHEREUPON, the parties advise the court that they have stipulated and agreed as follows:

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

2. Defendant, while sometimes acting in concert with others, engaged in consumer transactions within the State of Kansas.

3. Defendant admits the court has personal and subject matter jurisdiction over the parties.

4. In its Petition, plaintiff has alleged defendant engaged in unconscionable and deceptive practices in connection with consumer transactions. Defendant has denied each such allegation.

5. Defendant agrees to stop and is permanently enjoined from taking advantage of consumers' inability to protect their own interests because of their lack of knowledge regarding the subject matter of a transaction.

6. Defendant agrees to stop and is permanently enjoined from charging consumers a price which grossly exceeds the value of the services or which grossly exceeds the price at which similar services are readily available in similar consumer transactions.

7. Defendant agrees to stop and is permanently enjoined from making exaggerated statements of opinion regarding the need for services in connection with a consumer transaction.

8. Defendant agrees to stop and is permanently enjoined from engaging in door-to-door sales within the State of Kansas unless the consumer is provided with a written notice of the consumer's right to cancel the sale; such notice shall be in strict compliance with the Kansas consumer protection act.

9. Defendant agrees to be liable for and pay restitution to Evelyn Robinson of Sabetha, Kansas in the amount of \$21,945.00.

10. Defendant agrees to be liable for and pay restitution to Mary Isabelle Graham of Sabetha, Kansas in the amount of \$22,322.50.

11. Defendant agrees to pay all court costs.

12. Defendant voluntarily agrees to this consent judgment.


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 the court hereby approves the terms of the consent judgment and adopts the same as the order of the court.

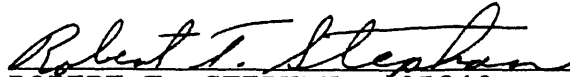
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant will pay all court costs and filing fees.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this is a final order only as to the parties who have signed hereto, and does not terminate or otherwise affect the litigation between any remaining parties, if any.

IT IS SO ORDERED.

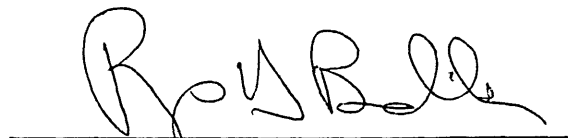
  
\_\_\_\_\_  
J. D. EULER  
JUDGE OF THE DISTRICT COURT

Approved by:


  
ROBERT T. STEPHAN, #05340  
Attorney General

  
Martin J. Peck, #16273  
Assistant Attorney General  
Kansas Judicial Center  
Topeka, Kansas 66612-1597  
(913) 296-3751

Attorneys for plaintiff  
State of Kansas

  
Phillip A. Burdick  
Gernon & Burdick  
112 South 7th Street  
Hiawatha, Kansas 66434  
(913) 742-7101

Attorney for plaintiff  
Mary Isabelle Graham

  
James A. Patton, #08710  
Attorney at Law  
P. O. Box 424  
121 South 6th Street  
Hiawatha, Kansas 66434-0424  
(913) 742-3053

Attorney for defendant