

94-12

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DEFAULT.ORD/KATHYG/GRAND

FILED 94 SEP
DISTRICT COURT
JUDICIAL DISTRICT
SEP 23 11 45 AM '94
UNITED STATES OF
KANSAS

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS/
Division 9

STATE OF KANSAS, ex rel.)
ROBERT T. STEPHAN, Attorney General)
)
Plaintiff,)
)
v.)
)
GRAND CONCEPTS, INC.)
)
Defendant.)

Case No. 94 CV 685

JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW on this _____ day of September, 1994, the above-entitled matter comes before the court for hearing upon the plaintiff's Motion for Default Judgment. The plaintiff appears by and through Kathy Greenlee, Assistant Attorney General. The defendant does not appear.

The court being fully and duly advised finds as follows:

- 1) Defendant has been properly served with process.
- 2) Defendant is a supplier as defined by K.S.A. 1993 Supp. 50-624(i) and its activities constitute consumer transactions within the definition of K.S.A. 50-624(c) and (g).
- 3) This court has jurisdiction over the parties and over the subject matter in this case.
- 4) Defendant is in complete default by its non-appearance.

5) Each allegation in plaintiff's petition has been satisfactorily proven. By its default, defendant does not deny the allegations.

6) Defendant mailed prize notification type solicitations to Kansas consumers in both 1993 and 1994. Each prize notification mailed and telephone solicitation made by defendant to a Kansas consumer omitted one or more material facts.

7) The omissions of materials facts in the solicitations constitute deceptive acts, in violation of K.S.A. 1993 Supp. 50-626.

8) As a result of defendant's deceptive acts, the following Kansas consumers suffered actual damages:

- 1. [REDACTED], \$298.00
- 2) [REDACTED], \$298.00
- 3) [REDACTED], \$298.00
- 4) [REDACTED], \$289.99
- 5) [REDACTED], \$299.89
- 6) [REDACTED], \$299.89
- 7) [REDACTED], \$298.00
- 8) [REDACTED], \$298.00
- 9) [REDACTED], \$299.89
- 10) [REDACTED], \$299.89
- 11) [REDACTED], \$299.89
- 12) [REDACTED], \$298.00

9) Each solicitation to the consumers described herein constitutes a separate violation of the Kansas consumer protection act.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. Defendant's acts are declared to be violations of the Kansas consumer protection act.

B. Defendant is ordered to pay to the following consumers actual damages they sustained by reason of defendant's violations

of the Kansas consumer protection act.

1. [REDACTED], \$298.00
- 2) [REDACTED], \$298.00
- 3) [REDACTED], \$298.00
- 4) [REDACTED], \$289.99
- 5) [REDACTED], \$299.89
- 6) [REDACTED], \$299.89
- 7) [REDACTED], \$298.00
- 8) [REDACTED], \$298.00
- 9) [REDACTED], \$299.89
- 10) [REDACTED], \$299.89
- 11) [REDACTED], \$299.89
- 12) [REDACTED], \$298.00

C. Defendant is ordered to pay to the Office of the Attorney General the amount of \$1,000, as costs incurred to investigate defendant's violations of the Kansas consumer protection act.

D. Defendant is ordered to pay \$60,000 in civil penalties to the State of Kansas as result of multiple violations of the Kansas consumer protection act.

E. Defendant is permanently enjoined from conducting telephone or mail solicitations within the State of Kansas, or directed towards Kansas consumers.

F. Defendant is permanently enjoined from further acts declared herein to be violations of the Kansas consumer protection act.

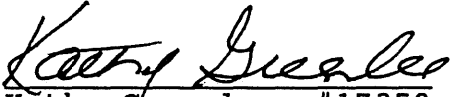
G. All court costs are assessed to the defendant.

IT IS SO ORDERED.

Judge of the District Court

PREPARED AND APPROVED:

OFFICE OF ATTORNEY GENERAL
ROBERT T. STEPHAN



Kathy Greenlee, #17359
Assistant Attorney General

Attorneys for plaintiff