## THIRD JUDIOIAL DIST. IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSASTOPEKA, KS. Division 12

2008 AUG 7 PM 2 29

FILED BY OLERK K.S. DISTRICT COURT

STATE OF KANSAS, *ex rel*. Stephen Six, Attorney General,

Plaintiff,

( \_\_\_\_)

v.

Case No. 08-C-363

(

INTERNATIONAL COATING & CHEMICAL, CO.,

Defendant.

(Pursuant to K.S.A. Chapter 60)

## JOURNAL ENTRY OF DEFAULT JUDGMENT

)

)

**COMES NOW,** on this <u>day of August, 2008, the Plaintiff's Motion for</u> Default Judgment before this Court for consideration. The State of Kansas, *ex rel.* Stephen Six, Attorney General, appears by and through Emilie Burdette Rush, Assistant Attorney General. Defendant appears not.

WHEREUPON, after reviewing the Court's file and Plaintiff's Motion for Default Judgment, the Court finds the following:

1. Plaintiff filed a Motion for Default Judgment and Memorandum in

Support Thereof on August \_\_\_\_, 2008.

2. Plaintiff's Motion for Default Judgment is predicated upon Defendant's

failure to file an Answer to Plaintiff's Petition which was filed on March 6, 2008.

3. A copy of the Summons and a copy of the Petition were served upon Defendant by certified mail on July 14, 2008.

4. Defendant failed to file an Answer within twenty days after being served with process, as required by K.S.A. 60-212(a).

5. Pursuant to K.S.A. 60-255, Defendant is in default.

6. The legal arguments and authorities set forth in Plaintiff's Motion and Memorandum of Default Judgment are adopted by the Court as its conclusions of law as though fully set forth herein.

 $( \parallel )$ 

IT IS THEREFORE ORDERED, ADJUDICATED AND DECREED that Plaintiff's Motion for Default Judgment is granted.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that

judgment is hereby entered in favor of Plaintiff on all counts of the Petition.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that the alleged violations of the Kansas Consumer Protection Act are declared to be deceptive and unconscionable.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that

Defendant be permanently enjoined from the enumerated deceptive and unconscionable acts and practices, pursuant to K.S.A. 50-632(a)(2).

#### IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that

Defendant pay \$10,000.00 in civil penalties for each violation of the Kansas Consumer Protection Act, pursuant to K.S.A. 50-636(a), in this case amounting to \$20,000.00.

IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that Defendant pay restitution to the Office of the Attorney General to be distributed to Kansas consumers Audria and Jerry Bieberle, in the amount of \$10,283.00, pursuant to K.S.A. 50-632(a)(3).

# IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that

Defendant pay reasonable investigative fees and expenses to the Office of the Attorney

General, pursuant to K.S.A. 50-636(c).

 $(\mathbb{R})$ 

## IT IS FURTHER ORDERED, ADJUDICATED AND DECREED that

Defendant pay all court costs.

## IT IS SO ORDERED.

Judge David E. Bruns

- ()

Submitted by:

Emilie Burdette Rush, #22094 Assistant Attorney General Office of the Attorney General 120 SW 10<sup>th</sup> Ave., 2<sup>nd</sup> Floor (785) 296-3751

Attorney for Plaintiff