

certified mail. Plaintiff filed return of service on June 21, 2012, indicating

UNCLAIMED.

4. Over 30 days have passed since service was had on Defendant's registered agent.
5. Defendant has failed to file an Answer within 21 days as required by K.S.A. 60-212(a), and has otherwise failed to appear in this action.
6. Plaintiff filed its Motion and Memorandum for Default Judgment on June 25, 2012.
7. Pursuant to Shawnee County District Court Rule 3.202(b), Defendant has been allowed 14 days and has failed to respond to Plaintiff's Motion and Memorandum for Default Judgment even though, although not required, it was served with a copy of the Motion by certified mail via the United States Postal Service sent to Defendant's registered agent.
8. Defendant is in default.
9. The Petition filed herein requests this Court to declare Defendant's failure to comply with the Requirements for Sales of Cigarettes ("the Act") to be a knowing violation by failing to become a participating manufacturer or establishing a qualified escrow account in the full amount of \$33,333.25 for the benefit of the State of Kansas for 2011 cigarette sales and failing to certify compliance with the Attorney General.
10. The Petition filed herein requests this Court to order Defendant to place, within fifteen (15) days, the required funds of \$33,333.25 for 2011 cigarette sales into a qualified escrow account as shall bring it into compliance with the Act, and certify its compliance to the Attorney General.

11. The Petition filed herein requests this Court to find a knowing violation of the Act and require Defendant to pay a civil penalty of \$99,999.75 for 2011 cigarette sales.

12. The Petition requests this Court to order Defendant to pay all court costs and attorney's fees incurred by the State in the presentation of this action. K.S.A. 50-6a03(b)(3).

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

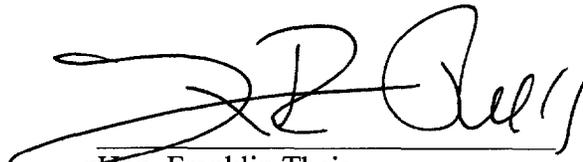
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant place a total of \$33,333.25 in a qualified escrow fund within 15 days;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant's ²⁰¹¹~~2008~~ violation is a knowing violation; 

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant pay civil penalties in total of \$99,999.75;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant pay all court costs and attorney's fees incurred by Plaintiff in the presentation of this action in the amount of \$2,000.

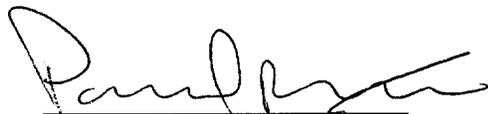
IT IS SO ORDERED.



Hon. Franklin Theis
District Judge

Prepared by:

OFFICE OF ATTORNEY GENERAL
DEREK SCHMIDT

A handwritten signature in black ink, appearing to read "Patrick Broxterman", written over a horizontal line.

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