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K.S. DISTRICT COURT  
THIRD JUDICIAL DIST.  
TOPEKA, KS

2014 MAY 21 A 11: 56

**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS**  
**Division 6**

**STATE OF KANSAS, *ex rel.*** )  
**DEREK SCHMIDT, Attorney General,** )  
 )  
**Plaintiff,** )  
 )  
v. )  
 )  
**VARIABLE MARKETING LLC** )  
 )  
**Defendant.** )

Case No. 14 C 248

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

**ORDER OF DEFAULT JUDGMENT**

NOW, on this 13<sup>th</sup> day of May, 2014, Plaintiff's Motion for Default Judgment and Memorandum in Support ("Plaintiff's Motion for Default Judgment") comes before this Court for consideration. The State of Kansas, *ex rel.* Derek Schmidt, appears by and through counsel, Assistant Attorney General Meghan E. Stoppel. 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 its Motion for Default Judgment on May 8, 2014.
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 17, 2014.

3. A copy of the Petition and the Summons were served upon Defendant, care of its Chief Operating Officer Jeffrey S. Schaffer at 1257 Calle Castano, Thousand Oaks, California 91360, on April 4, 2014, pursuant to K.S.A. 60-303(c) and 60-304(e).

4. Defendant failed to file an Answer within thirty days after being served with process, as required by K.S.A. 60-308(a)(3).

5. Defendant is not a minor or incapacitated person.

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

7. The factual allegations set forth in Plaintiff's Motion for Default Judgment are adopted by the Court as its findings of fact and conclusions of law as though fully set forth herein.

**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 against Defendant and in favor of Plaintiff on all counts of the Petition.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that the acts and practices alleged in Plaintiff's Petition are declared to be unconscionable and in violation of the Kansas Consumer Protection Act.

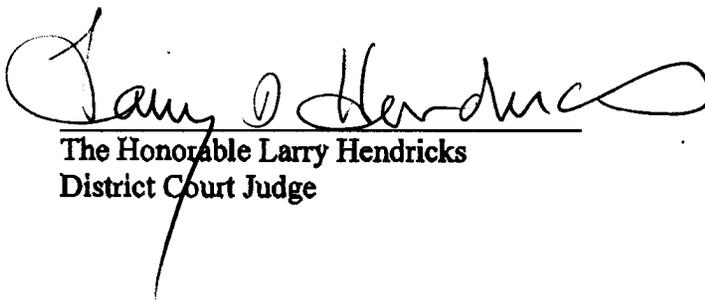
**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant and Defendant's employees and agents are permanently enjoined from engaging in the acts and practices alleged in Plaintiff's Petition to be violations of the Kansas Consumer Protection Act.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant pay reasonable investigative fees and expenses to the Office of the Kansas Attorney General, pursuant to K.S.A. 50-632(a)(4) and 50-670a(m), in this case amounting to \$1,500.00.

**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 alleged in Plaintiff's Petition, pursuant to K.S.A. 50-636 and 50-670a(m), in this case amounting to \$690,000.00.

**IT IS FURTHER ORDERED, ADJUDICATED AND DECREED** that Defendant pay all court costs and all costs associated with distributing and executing on this Judgment.

**IT IS SO ORDERED.**



The Honorable Larry Hendricks  
District Court Judge

Submitted by:



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