

ELECTRONICALLY FILED
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CLERK OF THE ALLEN COUNTY DISTRICT COURT
CASE NUMBER: 2017-CV-000033



Court: Allen County District Court

Case Number: 2017-CV-000033

Case Title: State of Kansas ex rel Derek Schmidt, Attorney General vs. Alta Care Corporation, et al.

Type: Entry of Judgment for Relief as to Defendant Florida Senior Housing Council Inc

SO ORDERED.

/s/ Honorable Daniel D. Creitz, Chief District Court Judge

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**IN THE DISTRICT COURT OF ALLEN COUNTY, KANSAS
THIRTY-FIRST JUDICIAL DISTRICT**

**STATE OF KANSAS, *ex rel.*,
DEREK SCHMIDT, Attorney General,**

Plaintiff,

v.

**ALTACARE CORPORATION
DBA PINE CREST NURSING HOME
and
DOUGLAS K. MITTLEIDER an individual
and
FLORIDA SENIOR HOUSING COUNCIL, INC.**

Defendants.

Case No. 2017-CV-33

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

**ENTRY OF JUDGMENT FOR RELIEF
AS TO DEFENDANT FLORIDA SENIOR HOUSING COUNCIL, INC**

COMES BEFORE THE COURT on this date the Motion For Entry Of Judgment For Relief As To Defendant Florida Senior Housing Council, Inc. filed by Plaintiff State of Kansas *ex rel.* Attorney General Derek Schmidt, by and through counsel Assistant Attorney General Kathryn Carter. There are no appearances.

Having reviewed the pleadings herein, being duly advised in the premises, the Court finds as follows:

1. On January 9, 2018, after hearing, the captioned Court entered Default Judgment against Defendant Florida Senior Housing Council, Inc.

2. At that hearing relief was reserved pending further discovery.

3. Further discovery has been completed, and Plaintiff has made a proffer of sufficient information relating to the liability of Defendant FSHC to determine appropriate relief.

4. Defendant Florida Senior Housing Council, Inc. has been provided due notice of the matter currently before the Court.

5. Defendant Florida Senior Housing Council, Inc. has committed more than one thousand one hundred (1,100) violations of the Kansas Consumer Protection Act, for which Defendant is liable for civil penalties of not more than \$10,000 each, pursuant to K.S.A. 50-636(a).

6. Defendant Florida Senior Housing Council, Inc. has committed violations of the Kansas Consumer Protection Act against no less than fifty (50) protected consumers, for which Defendant is liable for an enhanced civil penalty of not more than \$10,000 for each violation committed against a protected consumer, in addition to the civil penalty referenced in paragraph 4, pursuant to K.S.A. 50-677.

7. Plaintiff has incurred investigative fees and expenses to date of \$19,869.12, for which the Court may award judgment pursuant to K.S.A. 50-632(c)(7).

8. Plaintiff is entitled to the relief set forth in its Petition and the motion now before the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff is entitled to the relief requested in its Petition and the motion before the Court, and judgment for relief is entered accordingly against Defendant Florida Senior Housing Council, Inc. in favor of Plaintiff as follows:

- a. Investigative fees and expenses in the amount of \$19,869.12;
- b. Civil penalties for violations of the Kansas Consumer Protection Act as declared in the default judgment entered on January 9, 2018, in the amount of \$750,000.00;
- c. An order directing Florida Senior Housing Council, Inc. to pay all Court costs and all costs associated with distributing and executing any judgment made by this Court.
- d. An order permanently enjoining Defendant Florida Senior Housing Council, Inc. from committing acts and practices in violation of the Wayne Owen Act and the Kansas Consumer Protection Act, pursuant to K.S.A. 50-632(c)(8);

IT IS SO ORDERED. THIS ORDER IS EFFECTIVE AS OF THE DATE AND TIME SHOWN ON THE ELECTRONIC FILE STAMP.

Respectfully submitted,

/s/ Kathryn Carter
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