

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
DIVISION 6

THE KANSAS BOARD OF EXAMINERS)
IN OPTOMETRY,)

Plaintiff,)

v.)

Case No. 19-CV-03022

ROBERT A. KEARN)
D/B/A URBAN BEAUTY SUPPLY,)

Defendant.)

_____)

JOURNAL ENTRY AND PERMANENT INJUNCTION

NOW, on this 25th day of July, 2019, after finding proper notice to the Defendant, the Court heard Plaintiff’s request for a Permanent Injunction. Plaintiff appeared by and through counsel, Brenda L. Head of Frieden & Forbes, LLP, and Dr. Gerard Lozada on behalf of The Board of Examiners in Optometry. After examining the court file, the Court finds service was proper on the Defendant. Defendant failed to appear.

The Court, after reviewing the Verified Petition and Application for Temporary Restraining Order filed by the Plaintiff, and hearing and receiving evidence presented by the Plaintiff, hereby finds that the elements necessary to establish the requirements to enter a Permanent Injunction have been satisfied and the Court grants Plaintiff’s request. All admitted exhibits were retained by Plaintiff’s counsel.

The Court finds as true and credible that the Defendant has repeatedly sold contact lenses in violation of K.S.A. 65-1504b and orders it necessary and proper to enter a Permanent Injunction. The Court further finds that an action at law is not adequate, that the injury to the

Plaintiff and State outweighs the damage to the Defendant and that the injunction is not adverse to the public. This is a final decision for purposes of appeal. The Court further finds injunctive relief is appropriate pursuant to K.S.A. 65-1523 and violation of this Order will subject the Defendant to any potential penalty under K.S.A. 60-909.

The Court issues the following permanent injunction orders which are to be strictly followed by the Defendant:

- a. The Defendant is prohibited from engaging in the sale or distribution of prescription lenses in the State of Kansas without a valid and current prescription from a duly licensed optometrist or a person licensed to practice medicine and surgery.
- b. The Defendant is prohibited from violating the Kansas Optometry Law, K.S.A. 65-1501 *et seq.*
- c. Pursuant to K.S.A. 60-903(f), as an agency of the State of Kansas, the Plaintiff is not required to give security or post bond.

Dated this _____ day of _____, 2020.

/s/ ROBERT WONNELL
Dated: 03/27/20

Robert J. Wonnell
Johnson County District Court Judge

Submitted by:

/s/ Brenda L. Head
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