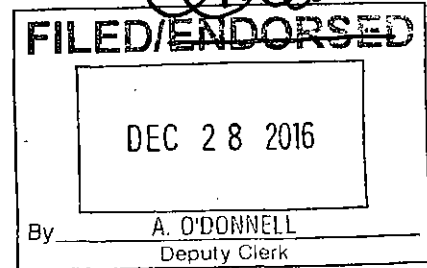


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8  
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SACRAMENTO  
11

12  
13 **PEOPLE OF THE STATE OF**  
14 **CALIFORNIA ex rel. Kamala D. Harris,**  
**Attorney General,**

15 Plaintiff,

16 v.

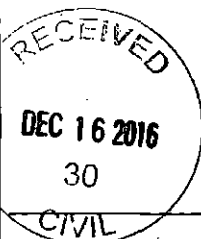
17 **NATIVE WHOLESALE SUPPLY**  
18 **COMPANY, a corporation, and DOES 1**  
19 **through 20,**

20 Defendant.

Case No. 34-2008-00014593 CU-CL-GDS

**~~PROPOSED~~ FINAL JUDGMENT**

Dept: 53  
Judge: Hon. David I. Brown  
Trial Date: Feb. 21, 2017  
Action Filed: June 30, 2008



4  
1 Having granted plaintiff's motion for summary judgment in full and in accordance with the  
2 Court's formal order granting that motion, the Court now enters judgment for civil penalties and a  
3 permanent injunction against defendant Native Wholesale Supply Company as follows:

4 1. Defendant shall pay to plaintiff, the People of the State of California, ("People")  
5 \$2,002,500 in civil penalties, pursuant to section 17206 of the Business and Professions Code for  
6 violations as follows: a \$1,190,000 civil penalty for defendant's 476 violations of Revenue and  
7 Taxation Code section 30165.1, subdivision (e); a \$572,500 civil penalty for defendant's 229  
8 violations Health and Safety Code section 14950 et seq., and; a \$240,000 civil penalty for  
9 defendant's 96 violations of 15 U.S.C. § 376.

10 2. Defendant shall pay to the People \$2,290,000 civil penalty, pursuant to Health and  
11 Safety Code section 14955, subdivision (a), for defendant's 229 violations of Health and Safety  
12 Code section 14950 et seq.

13 3. Defendant Native Wholesale Supply Company, its directors, officers, employees,  
14 agents, successors, and any persons acting in concert or participation with them are permanently  
15 enjoined from engaging in any of the following unlawful business practices:

16 a. Violating Revenue and Taxation Code section 30165.1 in any way and  
17 specifically from:

- 18 i) Selling, offering, or possessing for sale in this state (as used in this  
19 judgment, "this state" has same meaning as defined by Revenue and  
20 Taxation Code section 30013: "within the exterior limits of the State of  
21 California and includes all territory within these limits owned by or ceded  
22 to the United States of America"), shipping or otherwise distributing into or  
23 within this state cigarettes of a tobacco product manufacturer or brand  
24 family not included in the California Tobacco Directory, which conduct is  
25 prohibited by subdivision (e)(2) of section 30165.1;  
26 ii) Selling or distributing cigarettes that defendant knows or should know are  
27 intended to be distributed in violation of subdivision (e)(2), which conduct  
28 is prohibited by subdivision (e)(3) of section 30165.1; and

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- iii) Acquiring, holding, owning, possessing, transporting, importing or causing to be imported cigarettes that defendant knows or should know are intended to be distributed in violation of subdivision (e)(2), which acts are prohibited by subdivision (e)(3) of section 30165.1.
  - b. Violating Health and Safety Code section 14950 et seq., and specifically from selling, offering or possessing for sale in this state cigarettes not in compliance with the requirements of the Act, which conduct is prohibited by section 14951, subdivision (a) of the Health and Safety Code.
  - c. Selling, transferring, or shipping for profit cigarettes into this state without filing the reports required by 15 U.S.C. § 376.
4. The People are entitled to costs in an amount to be determined by a bill of costs.

DATED: \_\_\_\_\_

DEC 28 2016



*David I. Brown*

JUDGE OF THE SUPERIOR COURT  
DAVID I. BROWN

**DECLARATION OF SERVICE BY E-MAIL and OVERNIGHT COURIER**

Case Name: **People v. Native Wholesale Supply Company, et al.**  
No.: **2:08-CV-01827-LKK-KJM**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for overnight mail with **Federal Express Overnight**. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the overnight courier that same day in the ordinary course of business.

On December 16, 2016, I served the attached:

**[PROPOSED] FINAL JUDGMENT**

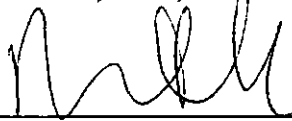
by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery, addressed as follows:

Patrick Mackey, Esq.  
LIPSITZ GREEN SCIME CAMBRIA LLP  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3901  
E-mail Address: pmackey@lglaw.com

Paul J. Cambria Jr, Esq.  
LIPSITZ GREEN SCIME CAMBRIA LLP  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3901  
E-mail Address: pcambria@lglaw.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 16, 2016, at Sacramento, California.

Natalie Clark  
\_\_\_\_\_  
Declarant

  
\_\_\_\_\_  
Signature