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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 27 2012

C. PULSIFER

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF RIVERSIDE
12 DESERT DIVISION, INDIO BRANCH

14 **THE PEOPLE OF THE STATE OF**
15 **CALIFORNIA, ex rel. Edmund G. Brown**
16 **Jr., Attorney General of the State of**
California,

17 Plaintiff,

18 v.

19 **BLACK HAWK TOBACCO, INC., dba**
20 **Black Hawk Tobacco Shop and**
21 **Blackhawktobacco.com, FREDERICK**
22 **ALLEN McALLISTER, dba Black Hawk**
Tobacco Shop, and DOES 1 through 20,
inclusive,

23 Defendants.

Case No. INC 087307

~~PROPOSED~~ FINAL JUDGMENT

Date: Not applicable
Time: Not applicable.
Dept: 2F
Judge: Hon. John G. Evans
Trial Date: October 15, 2012
Action Filed: June 10, 2009

25 Having granted plaintiff's motion for summary judgment in full and in accordance with the
26 Court's formal order granting that motion, the Court now enters judgment for civil penalties and a
27 permanent injunction against defendant Black Hawk Tobacco, Inc., and Frederick Allen
28 McAllister, jointly and severally, as follows:

1 1. Defendants shall pay to plaintiff a \$1,910,290 civil penalty, pursuant to the section
2 17206 of the Business and Professions Code, for defendants' violations of section 30165.1,
3 subdivision (e) of the Revenue and Taxation Code (the tobacco directory law).

4 2. Defendants shall pay to plaintiff a \$1,103,490 civil penalty for defendants' violations
5 of section 14951, subdivision (a)(4), of the Health and Safety Code (the Cigarette Fire-Safety and
6 Firefighter Protection Act).

7 3. Defendants shall pay to plaintiff a \$269,470 civil penalty, pursuant to section 17206
8 of the Business and Professions Code, for defendants' violations of section 30101.7, subdivision
9 (d)(2), of the Revenue and Taxation Code and section 22963, subdivision (b)(3), of the Business
10 and Professions Code (the remote sales laws).

11 4. Defendants shall pay to plaintiff a \$227,500 civil penalty, pursuant to section 17206
12 of the Business and Professions Code, for defendants' violations 18 U.S.C. § 2342, subdivision
13 (a) (the federal Contraband Cigarette Trafficking Act).

14 5. Defendants Black Hawk Tobacco, Inc. and Frederick Allen McAllister, their
15 directors, officers, employees, agents and any persons acting in concert or participation with them
16 are permanently enjoined from engaging in any of the following unlawful business practices:

17 a) Violating the tobacco directory law, Revenue and Taxation Code section 30165.1, in
18 any way and specifically from:

19 i) Selling, offering, or possessing for sale in this state cigarettes of a tobacco
20 product manufacturer or brand family not included in the California Tobacco
21 Directory, which conduct is prohibited by subdivision (e)(2) of section 30165.1;

22 ii) Selling or distributing cigarettes that defendants know or should know are
23 intended to be distributed in violation of subdivision (e)(2), which conduct is
24 prohibited by subdivision (e)(3) of section 30165.1; and

25 iii) Acquiring, holding, owning, possessing, transporting, importing or causing to
26 be imported cigarettes that defendants know or should know are intended to be
27 distributed in violation of subdivision (e)(2), which acts are prohibited by
28 subdivision (e)(3) of section 30165.1.

