

APR 22 2014

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

KAMALA D. HARRIS  
Attorney General of California  
KAREN LEAF  
Senior Assistant Attorney General  
NICHOLAS M. WELLINGTON  
ERIN W. ROSENBERG  
Deputy Attorneys General  
State Bar No. 262377  
1515 Clay Street, 20th Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 622-2137  
Fax: (510) 622-2270  
E-mail: Erin.Rosenberg@doj.ca.gov  
*Attorneys for the People of the State of California*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF HUMBOLDT

**THE PEOPLE OF THE STATE OF  
CALIFORNIA, ex rel. Kamala D. Harris,  
Attorney General of the State of California,**

Plaintiff,

v.

**ARDITH HUBER, individually, dba  
HUBER ENTERPRISES, and DOES 1  
through 20 inclusive,**

Defendants.

Case No. DR110232

**~~PROPOSED~~ ORDER RE: PEOPLE'S  
REQUEST FOR SANCTIONS FOR  
VIOLATING THE PRELIMINARY  
INJUNCTION AND MOTION TO  
MODIFY PRELIMINARY INJUNCTION**

**CODE CIV. PROC., §§ 177.5; 533**

Date: March 21, 2014  
Time: 1:45 p.m.  
Dept: 8  
Judge: Hon. W. Bruce Watson  
Trial Date: November 3, 2014  
Action Filed: March 8, 2011

The motion of Plaintiff, the People of the State of California ("the People"), for an order requiring payment of money sanctions to this Court by Defendant, Ardith Huber, individually, doing business as Huber Enterprises ("Defendant"), for violation of a lawful court order done without good cause or substantial justification having come on regularly for hearing before the undersigned on March 21, 2014, upon notice duly and regularly given, counsel for both parties

1 appearing, and oral and documentary evidence having been received and the matter having been  
2 submitted, and good cause appearing therefore,

3 The Court hereby finds that the order requiring payment of money sanctions in the amount  
4 of \$1,500.00 (one thousand five hundred dollars) to this Court is justified by the following  
5 conduct or circumstance showing that Defendant violated a lawful court order without good cause  
6 or substantial justification in that Defendant violated the Preliminary Injunction dated October 16,  
7 2013, ~~by possessing for sale and for selling non fire safe cigarettes to the general public.~~

8 Specifically, the Preliminary Injunction enjoined Defendant and her directors, officers,  
9 employees, agents, and persons acting in concert or participation with her from selling, offering,  
10 or possessing for sale cigarettes that are not in compliance with the California Cigarette Fire  
11 Safety and Firefighter Protection Act, Health and Safety Code sections 14950 to 14960. On  
12 January 13, 2014, in violation of the Preliminary Injunction, Defendant possessed for sale to the  
13 general public Seneca and Opal brand cigarettes, which are not in compliance with Health and  
14 Safety Code sections 14950-14960, and sold a carton of Seneca brand cigarettes to a non-Wiyot  
15 Tribe member.

16 It is hereby ordered that money sanctions in the amount of \$1,500.00 (one thousand five  
17 hundred dollars) is awarded and that Defendant is to pay that amount to this Court within seven  
18 (7) days from the date of this order.

19 The Court also finds that modification of the Preliminary Injunction dated October 16,  
20 2013, is justified due to a material change in facts, specifically because Defendant violated the  
21 Preliminary Injunction, and to serve the ends of justice, specifically to prevent future violations of  
22 the Preliminary Injunction. The Court hereby orders that within seven (7) days from the date of  
23 this order, Plaintiff shall submit a proposed modified preliminary injunction with the following  
24 additional requirements:

*over whom she has authority or control that are*

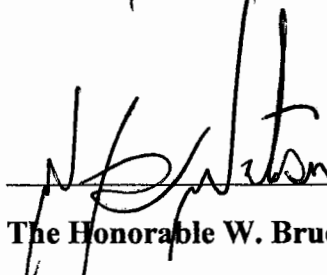
- 25 1. That Defendant, within seven (7) days from the date of the modified injunction,  
26 serve a copy of the modified injunction order on each of Defendant's current  
27 directors, officers, employees, agents and persons acting in concert or participation  
28 with her (collectively, "enjoined persons");

1 2. That Defendant train such persons on how to conduct sales so as not to violate the  
2 modified injunction;

3 3. That Defendant obtain and retain a signed statement from all enjoined persons  
4 indicating that they have received and read a copy of the modified injunction and  
5 agree to abide by it; and

6 4. That Defendant post notice of the modified injunction outside of Defendant's  
7 store.

8  
9 Date: 4/18/14

10  
11  **W. BRUCE WATSON**  
12  
13 **The Honorable W. Bruce Watson**

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