

ORIGINAL

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 18 2015

C. PULSIFER

JCW

JUN 23 2015

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF RIVERSIDE
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14

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

17 Plaintiff,

18 v.
19

20 KELLY SIXKILLER, individually, and dba
SIXKILLER NATIVE TOBACCO SHOP
21 and NATIVE SPIRIT TOBACCO and
RUFUS SIXKILLER, individually, and dba
22 SIXKILLER NATIVE TOBACCO SHOP
and NATIVE SPIRIT TOBACCO and Does
23 1 through 20,

24 Defendants.
25

Case No. INC 1300980

~~PROPOSED~~ FINAL JUDGMENT AND
PERMANENT INJUNCTION

(BY FAX)

Date: Not applicable
Time: Not applicable
Dept: PS2
Judge: The Honorable David M.
Chapman
Trial Date: Sept. 28, 2015
Action Filed: February 14, 2013

26 The parties having stipulated to entry of a final judgment and a permanent injunction and
27 good cause appearing therefor, IT IS ORDERED, ADJUDGED AND DECREED:
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1. Defendant Rufus Sixkiller is assessed a civil penalty in the amount of \$10,000 pursuant to Health and Safety Code section 14955, subdivision (b), which penalty is to be deposited in the Cigarette Fire Safety and Firefighter Protection Fund.

2. Defendants Rufus Sixkiller and Kelly Sixkiller, their directors, officers, employees, agents and any persons acting in concert or participation with them are permanently enjoined from engaging in any of the following unlawful business practices:

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

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

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

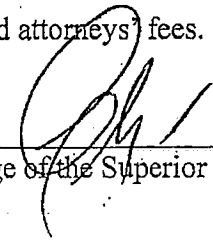
(iii) Acquiring, holding, owning, possessing, transporting, importing or causing to be imported cigarettes that defendants know or should know are intended to be distributed in violation of subdivision (e)(2), which acts are prohibited by subdivision (e)(3) of section 30165.1.

b) Violating the California Cigarette Fire Safety and Firefighter Protection Act, Health and Safety Code section 14950 et seq., in any way 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 & Safety Code.

c) Violating the California Cigarette and Tobacco Products Tax Law, specifically Revenue and Taxation Code section 30001 et seq. and specifically from distributing cigarettes without payment or collection of California cigarette excise taxes, as required by section 30108.

3. The parties shall bear their own costs and attorneys' fees.

Dated: 6-18-15



Judge of the Superior Court

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **People v. Sixkiller Native Tobacco et al**

Case No.: **INC 1300980**

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. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On June 16, 2015, I served the attached **[PROPOSED] FINAL JUDGMENT AND PERMANENT INJUNCTION** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 600 West Broadway, Suite 1800, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

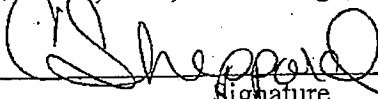
Mark A. Radoff
California Indian Legal Services
609 S. Escondido Boulevard
Escondido, CA 92025
Attorney for: Rufus Sixkiller

Kelly Sixkiller
80710 Plum Lane
Indio, CA 92210
In Pro Per

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 June 16, 2015, at San Diego, California.

Charlette Sheppard

Declarant



Signature