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F I L E D
Clerk of the Superior Court

SEP 22 2017

By: J. Browder, Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

ANDY'S SMOKE SHOP, INC., a California corporation; OSSAM YOUNISE SHABA; GHADA SHABA; and DOES 1 through 10, inclusive,

Defendants.

Case No. 37-2016-00021588-CU-BT-CTL

FINAL JUDGMENT AND STIPULATED PERMANENT INJUNCTION

Judge: Honorable Katherine Bacal
Dept.: 69

Complaint Filed: June 27, 2016
Trial: August 28, 2017

The above-captioned action came on regularly for bench trial on August 28, 2017, in Department 69 of the above-entitled court, the Honorable Katherine Bacal, Judge presiding. Kathryn L. Turner of the Office of the San Diego City Attorney and Stephen M. Spinella of the Office of the District Attorney, County of San Diego, appeared on behalf of Plaintiff, the People of the State of California; Brandon M. Smith of the Law Offices of Brandon Smith appeared on behalf of Defendants Andy's Smoke Shop, Inc., Ghada Shaba, and Ossam Younise Shaba aka Issam Younise Shaba.

The Court, having heard and considered the testimony of witnesses, having considered all evidence duly admitted at trial, having heard the argument of counsel, and

1 having stated its decision orally on the record on August 31, 2017, now HEREBY
2 ORDERS, ADJUDGES and DECREES as follows:

3 1. **As to the First Cause of Action, Unfair Competition – Business and**
4 **Professions Code Section 17200 – Sale of Cannabinoid Compounds:** Liability is found
5 as to all three Defendants, Andy’s Smoke Shop, Inc. Ghada Shaba and Ossam Younise
6 Shaba aka Issam Younise Shaba;

7 2. **As to the Second Cause of Action, Unfair Competition – Business and**
8 **Professions Code Section 17200 – Sale of Misbranded Products:** Liability is found as to
9 Ossam Younise Shaba aka Issam Younise Shaba only.

10 ACCORDINGLY, the Court, having exercised its discretion under section 17206 of
11 the California Business and Professions Code as to an appropriate award of civil penalties in
12 light of the evidence, testimony and argument submitted in this action, HEREBY
13 ORDERS, ADJUDGES and DECREES that Plaintiff have judgment against Defendants,
14 and each of them, as follows:

15 1. As to Defendants, Andy’s Smoke Shop, Inc., and Ossam Younise Shaba aka
16 Issam Younise Shaba, jointly and severally, Plaintiff, the People of the State of California, is
17 awarded judgment in the amount of \$50,000;

18 2. As to Defendant, Ghada Shaba, Plaintiff, the People of the State of California
19 is awarded judgment in the amount of \$2,500; and

20 As to all Defendants, jointly and severally, Plaintiff is to recover its costs in the sum
21 of \$_____.

22 IT IS FURTHER ORDERED, ADJUDGED and DECREED that, pursuant section
23 17203 of the Business and Professions Code and the Stipulated Permanent Injunction
24 executed by the Parties, a copy of which is attached hereto as Exhibit 1, Defendants, Andy’s
25 Smoke Shop, Inc., Ghada Shaba, and Ossam Younise Shaba aka Issam Younise Shaba, their
26 employees, agents, servants, or any other person(s) acting in concert with them or on their
27 behalf without knowledge of this Permanent injunction, are hereby PERMANENTLY
28 ENJOINED and RESTRAINED from:

1 Selling, dispensing or transferring any and all synthetic cannabinoids, commonly
2 known as "spice", including, but not limited to, any product, substance, or commodity
3 which contains any chemical, substance or compound listed at San Diego Municipal Code
4 section 52.3302; California Health and Safety Code section 11357.5; Title 21, United State
5 Code, Section 812; and/or Title 21, Code of Federal Regulations, Section 1308.11, including
6 all temporary listing of substances subject to emergency scheduling at subdivision (h) of
7 Title 21, Code of Federal Regulations, Section 1308.11; or any analogue of said chemical(s)
8 or compound(s) as defined by Title 21, United States Code, Sections 802 and 813; and
9 further including, but not limited to, any and all synthetic cannabinoids marketed, sold or
10 distributed under brand names such as "Green Buddha," "Joker," "24K Monkey," "Scooby
11 Snax," "Psycho," "Purple Haze," "California Dreams," "Nuclear Bomb," "Black Tops," and
12 "Green Jabba," "Dead Man Walking," "7H Hydro," "Strawberry Smacked," "Wanted,"
13 "Bob Marleys," "OMG Next Generation," "Tropical Punch Smacked," "Purple Diesel,"
14 "Fruit Punch," or any other product or substance which is claimed to mimic or imitate the
15 effects of cannabis if ingested, smoked or otherwise consumed by a human.

16 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the court reserves
17 jurisdiction to modify or dissolve this Permanent Injunction as may be required by the
18 interests of justice.

19 **IT IS SO ORDERED.**

20
21 Dated: 9/22/17

KATHERINE A. BACAL

22 Honorable Katherine Bacal
23 Judge of the Superior Court
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EXHIBIT 1

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JOHN C. HEMMERLING, Assistant City Attorney
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No Fee GC § 6103

13 Attorneys for Plaintiff

14 SUPERIOR COURT OF CALIFORNIA
15 COUNTY OF SAN DIEGO

16 THE PEOPLE OF THE STATE OF
CALIFORNIA,
17 Plaintiff,
18
19 v.
20 ANDY'S SMOKE SHOP, INC., a California
corporation; OSSAM YOUNISE SHABA;
21 GHADA SHABA; and DOES 1 through 10,
inclusive,
22 Defendants.

Case No. 37-2016-00021588-CU-BT-CTL
STIPULATION FOR ISSUANCE OF
PERMANENT INJUNCTION

23 It is hereby stipulated by Plaintiff, the People of the State of California, through Mara W.
24 Elliott, San Diego City Attorney, by Kathryn L. Turner, Deputy City Attorney, and Summer
25 Stephan, District Attorney of San Diego County, by Stephen M. Spinella, Deputy District
26 Attorney, and Defendants, Andy's Smoke Shop, Inc., a California corporation, Ghada Shaba and
27 Ossam Shaba, through their attorney Brandon Smith, that the Court may issue a Permanent
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1 Injunction.

2 1. This Stipulation is executed between and among Plaintiff, the People of the State of
3 California and Defendants, Andy's Smoke Shop, Inc., Ghada Shaba and Ossam Shaba.

4 2. The parties to this Stipulation are parties to a civil suit pending in the Superior Court of
5 the State of California for the County of San Diego, entitled *People of the State of California v.*
6 *Andy's Smoke Shop, Inc., Ghada Shaba and Ossam Shaba.*

7 3. The parties stipulate this Court has jurisdiction to hear this matter.

8 4. The parties stipulate and consent to the entry of the Permanent Injunction without trial
9 or adjudication of any issue of fact or law alleged in the Complaint and without this Stipulation
10 constituting evidence or an admission by Defendants.

11 5. Defendants Andy's Smoke Shop, Inc., Ghada Shaba and Ossam Shaba, individually
12 and doing business as Andy's Smoke Shop, are hereby enjoined and restrained pursuant to
13 Business and Professions Code section 17203, from engaging in any of the following acts or
14 practices:

15 A. Selling, dispensing or transferring any and all synthetic cannabinoids,
16 commonly known as "spice", including, but not limited to, any product, substance, or commodity
17 which contains any chemical, substance or compound listed at San Diego Municipal Code section
18 52.3302; California Health and Safety Code section 11357.5; Title 21, United State Code, Section
19 812; and/or Title 21, Code of Federal Regulations, Section 1308.11, including all temporary
20 listing of substances subject to emergency scheduling at subdivision (h) of Title 21, Code of
21 Federal Regulations, Section 1308.11; or any analogue of said chemical(s) or compound(s) as
22 defined by Title 21, United States Code, Sections 802 and 813; and further including, but not
23 limited to, any and all synthetic cannabinoids marketed, sold or distributed under brand names
24 such as "Green Buddha," "Joker," "24K Monkey," "Scooby Snax," "Psycho," "Purple Haze,"
25 "California Dreams," "Nuclear Bomb," "Black Tops," and "Green Jabba," "Dead Man Walking,"
26 "7H Hydro," "Strawberry Smacked," "Wanted," "Bob Marleys," "OMG Next Generation,"
27 "Tropical Punch Smacked," "Purple Diesel," "Fruit Punch," or any other product or substance
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1 which is claimed to mimic or imitate the effects of cannabis if ingested, smoked or otherwise
2 consumed by a human.

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IT IS SO STIPULATED.

Dated: 9/6/17

JAN I. GOLDSMITH, City Attorney

By K. Turner
Kathryn Lange Turner
Chief Deputy City Attorney

Attorneys for Plaintiff

Dated: 9/6/17

SUMMER STEPHAN
District Attorney, San Diego County

By Stephen M. Spivella
Stephen M. Spivella
Deputy District Attorney

Attorneys for Plaintiff

Dated: 8/31/17

By Ghada Shaba
Ghada Shaba
Defendant

Dated: 8/31/17

By Ossam Shaba
Ossam Shaba
Defendant

Dated: 8/31/17

By Brandon Smith
Brandon Smith
Attorney for Defendant