

STATE OF VERMONT

SUPERIOR COURT
WASHINGTON UNIT

CIVIL DIVISION
Docket No. 310-4-12 Wn Cv

STATE OF VERMONT,)
)
Plaintiff.)
)
v.)
)
AMERICAN THRUST TOBACCO, LLC,)
AND RAYMOND SMUK, D/B/A)
AMERICAN THRUST TOBACCO.COM,)
AMERICAN THRUST RY.O.COM)
)
Defendants.)

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 FILED
 VT STATE COURT
 WASHINGTON UNIT

PROPOSED ENTRY OF DEFAULT JUDGMENT AND ORDER

BASED UPON the law and facts cited in Plaintiff State of Vermont's Motion for Default Judgment, including the accompanying Affidavit in Compliance with Servicemembers Civil Relief Act and the Affidavits of Evelyn Marcus, Lee Michaelides, AJ Van Tassel, and Helen Wagner, and based further upon the failure to enter an appearance in this matter on the part of Defendants American Thrust Tobacco, LLC, and Raymond Smuk, d/b/a americanthrusttobacco.com and americanthrustryo.com (for the purpose of this Entry, "Defendants"),

IT IS HEREBY ADJUDGED AND ORDERED, pursuant to V.R.C.P. 55(b)(3):

1. Defendants and their agents, employees, and all other persons and entities, corporate or otherwise, in concert or participation with any of them, are permanently enjoined and prohibited from (a) conducting sales and deliveries of tobacco products into Vermont contrary to the Internet Ban, 7 V.S.A. § 1010(7); (b) selling products not listed on

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

the Directory to Vermont consumers, 33 V.S.A. §1919; (c) engaging in conduct which violates Vermont's Consumer Fraud Act, 9 V.S.A. §§ 2451-2466.

2. Within 30 (thirty) days of the approval of this Entry of Default Judgment and Order, Defendants shall pay to the State of Vermont, in care of the Vermont Attorney General's Office, 109 State Street, Montpelier, Vermont 05609, the sum of U.S. \$10,000.00 (ten thousand dollars) as civil penalties in this matter.

3. Upon receipt of the civil penalties, the Office of the Attorney General shall pay to the state treasurer for deposit in the tobacco litigation settlement fund that portion of the civil penalties that represents the Defendants' gross receipts from the Directory law violation.

Dated: 5/31/12


Superior Judge

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