

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 22

MILWAUKEE COUNTY

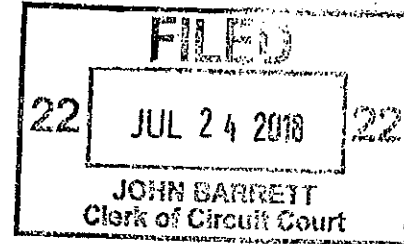
WISCONSIN DEPARTMENT
OF AGRICULTURE, TRADE
AND CONSUMER
PROTECTION,

Plaintiff,

v.

ATOMIC GLASS, INC., and
DAVID KELLY,

Defendants.



Case No. 17-CX-002

ORDER FOR JUDGMENT

On the basis of the affidavits, brief(s), and other materials submitted for the Court's consideration, the Court hereby **GRANTS** the plaintiff's Motion for Summary Judgment, and finds the defendants jointly and severally liable for 60,006 violations of Wis. Stat. § 100.182(3).

IT IS FURTHER ORDERED that a Judgment be entered by the Clerk as follows:

PERMANENT INJUNCTION

Pursuant to Wis. Stat. §100.182(5)(a), the defendants are permanently enjoined from promoting for sale in the State of Wisconsin, in any manner of advertisement or representation, any products containing synthetic cannabinoid

substances, commonly known as "spice," and "K2," and commonly mislabeled as "herbal incense" or "potpourri."

CIVIL FORFEITURES AND MANDATORY ASSESSMENTS

Pursuant to Wis. Stat. §100.26(4) and the other statutes cited below, the defendants shall pay a total of \$4,560,587.00 to the Clerk of the Milwaukee County Circuit Court. The Clerk shall apportion that amount as follows, pursuant to statute:

- a) a civil forfeiture of \$3,000,300 pursuant to Wis. Stat. § 100.26(4);
- b) a penalty surcharge of \$780,078.00 pursuant to Wis. Stat. § 757.05 (26 percent of forfeiture);
- c) a consumer protection surcharge of \$750,075.00 pursuant to Wis. Stat. § 100.261 (25 percent of forfeiture);
- d) a jail surcharge of \$30,003.00 pursuant to Wis. Stat. § 302.46 (1 percent of forfeiture);
- e) a crime laboratories and drug enforcement surcharge of \$13 pursuant to Wis. Stat. § 165.755 (\$13 per count in the *Complaint*);
- f) a court fee of \$25 pursuant to Wis. Stat. § 814.63;
- g) a court support services surcharge of \$68 pursuant to Wis. Stat. § 814.85; and

h) a justice information system surcharge of \$21.50 (and special prosecution clerk's surcharge of \$3.50 for Milwaukee County) pursuant to Wis. Stat. § 814.86.

The defendants are jointly and severally liable for the foregoing civil forfeiture and mandatory assessments.

COSTS OF INVESTIGATION AND PROSECUTION

Pursuant to Wis. Stat. § 100.263, the defendants shall pay \$15,929.64 to the Wisconsin Department of Justice, Attention: Assistant Attorney General Lewis Beilin, Consumer Protection and Antitrust Unit, 17 West Main Street, Post Office Box 7857, Madison, Wisconsin, 53707-7857, to reimburse the plaintiff for its costs incurred in investigating and prosecuting this action, including its reasonable attorney's fees.

The defendants are jointly and severally liable for the foregoing costs of investigation and prosecution.

Dated at Milwaukee, this 24 day of July, 2018.

IT IS SO ORDERED.

THIS IS A FINAL ORDER FOR ALL PURPOSES INCLUDING APPEAL



BY THE COURT:

HON. TIMOTHY WITKOWIAK
Circuit Court Judge, Branch 22