

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

WISCONSIN DEPARTMENT OF
AGRICULTURE, TRADE AND
CONSUMER PROTECTION,

FILED

JUN 15 2016

DANE COUNTY CIRCUIT COURT

Plaintiff,

v.

Case No. 16 CX 13

FAROOQ SHAHZAD and
CAPITOL PETROLEUM LLC,

Defendants.

TEMPORARY RESTRAINING ORDER

The Wisconsin Department of Agriculture, Trade and Consumer Protection ("department"), has filed a Complaint seeking temporary and permanent injunctive relief and other remedies, as well as an Motion for Temporary Restraining Order. Based on the findings below, the Motion for Temporary Restraining Order is GRANTED.

The Court finds that with respect to the department's claims under the Wis. Stat. § 100.182, good cause exists to believe that the defendants have engaged in and are likely to engage in acts and practices that violate Wis. Stat. § 100.182. The Court finds that a temporary restraining order should be issued to restrain and prevent the continuing acts and practices of the defendants.

The Court finds from the allegations set forth in the State's *Complaint* and the evidence in the Affidavits of Dr. Joseph Wermeling and Detective Thomas Helgren, that unless the defendants are immediately restrained from the acts prohibited below, defendants are likely to continue to commit such acts before notice can be given and a hearing can be held on the State's request for a temporary injunction.

DEFINITION

“Herbal incense product” means any material, whether packaged and labeled as “potpourri,” “incense” or otherwise, that contains any synthetic cannabinoid substance, whether or not that substance is listed as a controlled substance under Title 21, United States Code or Wis. Stat. §§ 961.14–961.25.

I. PRESERVATION OF EVIDENCE.

IT IS ORDERED that the defendants and their officers, agents, servants, employees and any other person in active participation with them, who receive actual notice of this Order by personal service or otherwise, are hereby prohibited from doing the following:

1. Transferring, concealing, destroying, altering or removing from the State of Wisconsin any records, documents, invoices, bills, contracts, agreements or other written materials, in any form (including emails and text messages) – relating to the sale or purchase of any herbal incense products, that are currently or hereafter in the possession, custody or control of any defendant, except in response to further orders or subpoenas in this case.

2. Destroying, concealing, altering or removing from the State of Wisconsin any video recordings from the interior of defendants’ sales locations, except in response to further orders or subpoenas in this case.

3. Transferring, concealing, destroying or removing from the State of Wisconsin any herbal incense products that are currently or hereafter in the possession, custody or control of any defendant, except in response to further orders or subpoenas in this case.

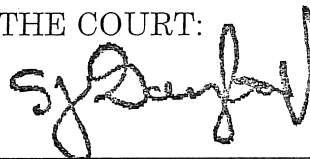
II. PROHIBITED BUSINESS CONDUCT.

IT IS ORDERED that the defendants and their officers, agents, servants, employees and any other person in active participation with them, who receive actual notice of this Order by personal service or otherwise, are hereby prohibited from offering for sale or selling any herbal incense products as defined above, until further order of this Court.

IT IS SO ORDERED.

At Madison, this 15TH day of JUNE, 2016.

BY THE COURT:

A handwritten signature in dark ink, appearing to read "S. Gaylor", written over a horizontal line.

SHELLEY J. GAYLORD
Circuit Court Judge, Branch 6 FOR BR 3