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6 **STATE OF WASHINGTON**
7 **KING COUNTY SUPERIOR COURT**

8 STATE OF WASHINGTON,
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Plaintiff,

v.

FEDERAL WAY DISCOUNT GUNS,
LLC, a Washington limited liability
company; MOHAMMED BAGHAI,
individually and as part of the marital
community comprised of
MOHAMMED BAGHAI and ANNA
L. BAGHAI,

Defendants.

NO. 22-2-20064-2 SEA

ORDER FINDING DEFENDANTS
FEDERAL WAY DISCOUNT GUNS,
LLC, AND MOHAMMED BAGHAI
IN CONTEMPT AND SETTING
REMEDIAL SANCTIONS

THIS MATTER came before the Court on the State's Motion for an Order of Contempt and Imposition of Remedial Sanctions and Civil Penalty against Defendants Federal Way Discount Guns, LLC, and Mohammed Baghai. The Court reviewed the State's Motion, the Third Declaration of Ben Carr in support of State's Motion, the Defendants' Response, and the State's Reply, as well as materials submitted by both parties and materials in the record, and being otherwise fully advised, the Court hereby enters the following Findings of Fact, Conclusions of Law, and Order:

I. FINDINGS OF FACT

1. Plaintiff is the Attorney General for the State of Washington (State).
2. Defendant Federal Way Discount Guns, LLC, (FWDG) is a Washington Limited Liability Company located at 1401 South 324th Street in Federal Way, WA, 98003-8476.

1 3. Defendant Mohammed Baghai is an individual residing in Mercer Island,
2 Washington. He is the registered agent of FWDG, its governor, a sales representative, and
3 exercises control over FWDG's functions.

4 4. The Attorney General has authority under RCW 19.86.080 to prevent and restrain
5 violations of the Consumer Protection Act (CPA). The Attorney General has authority under
6 RCW 9.41.375 to prevent and restrain the sales and distribution of large capacity magazines
7 (LCMs) as defined under RCW 9.41.010(16).

8 5. On January 6, 2023, the Court issued an order entitled FINDINGS OF FACT,
9 CONCLUSIONS OF LAW, AND ORDER OF PRELIMINARY INJUNCTION (the
10 "Preliminary Injunction Order").

11 6. The Preliminary Injunction Order required Defendants to securely store their
12 LCMs and "prepare an inventory list detailing the make and model of each LCM in their
13 possession," and required that the "inventory list shall be accompanied by a declaration from
14 Defendant Baghai swearing to the accuracy and completeness of the inventory list, under penalty
15 of perjury." (Dkt. #39, p. 8). The deadline for preparing this inventory list and accompanying
16 declaration was January 27, 2023.

17 7. Defendants did not securely store all LCMs in their possession. Instead,
18 Defendants returned all LCMs in their possession to third-party distributors.

19 8. Defendants did not prepare the inventory list or accompanying declaration.
20 Defendants made no contemporaneous record of the details of their LCM returns.

21 9. The Preliminary Injunction Order also required Defendants to "provide
22 reasonable advance notice to the State to allow the State (or any third-party designated by the
23 State) to witness the making of the inventory list . . . or the return to any distributor or wholesaler
24 of any LCM." (Dkt. #39, p. 8).

25 10. Defendants did not provide notice to the State before returning LCMs in
26 Defendants' possession to distributors.

11. Although Defendants argue that the Preliminary Injunction Order can be reasonably construed as providing a 15-day “grace period,” allowing for the return of LCMs to vendors in lieu of storage and inventory, no such “grace period” can reasonably be construed to apply to the notice requirement of the Preliminary Injunction Order. The Preliminary Injunction Order plainly requires Defendants to provide reasonable advance notice to the State to allow the State to witness the return to any distributor or wholesaler of any LCM. Given the totality of the circumstances, the Court finds that the Defendants’ failure to provide notice to the State and allow the State to witness its return of LCMs to vendors were intentional violations of the Preliminary Injunction Order.

12. Recreating an accurate account of the LCMs in Defendants' possession as of the date of the Preliminary Injunction Order will be a difficult task. Defendants should shoulder the cost of this difficult task.

II. CONCLUSIONS OF LAW

13. The Court has jurisdiction over the parties and the subject matter at issue in this case.

14. Venue is proper in King County.

15. The Preliminary Injunction Order was issued pursuant to CR 65 and RCW ch. 19.86, the Consumer Protection Act.

16. Defendants have violated the terms of the Preliminary Injunction Order.

17. Defendants' violations of the Preliminary Injunction Order were knowing and intentional.

18. The State has been harmed by Defendants' violations of the Preliminary Injunction Order.

19. Defendants are in contempt of this Court.

20. The Court has broad authority to order remedial sanctions. *Doerr v. Del Ray Properties, Inc.*, 14 Wn.App.2d 1059 (2020).

1 systems related to sales or inventory, and (3) warehouse or storage spaces, for the purpose of
2 determining Defendants' inventory of LCMs as of (a) July 1, 2022, (b) December 6, 2022, and (c)
3 January 6, 2023, and disposition of LCMs in their possession, custody or control, on or after those
4 dates, pursuant to criteria and guidelines as determined by the Attorney General, with the results of
5 such audit reported to both Defendants and the State;

6 IT IS FURTHER ORDERED that all costs associated with the independent audit
7 discussed in the preceding paragraph shall be borne entirely by Defendants;

8 IT IS FURTHER ORDERED that Defendants shall pay to the State \$2,000 per day for
9 each calendar day that Defendants fail to comply with the above remedial sanctions, after expiration
10 of the applicable time periods set forth above.

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15 IT IS SO ORDERED.

16 DATED this 1st day of March, 2023.

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18 Electronic Signature Attached
19 THE HONORABLE WYMAN YIP
King County Superior Court

20 Presented by
21 ROBERT W. FERGUSON
22 Attorney General

23 s/ Ben Carr
24 BEN CARR, WSBA #40778
Assistant Attorneys General
Attorneys for Plaintiff State of Washington
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King County Superior Court
Judicial Electronic Signature Page

Case Number: 22-2-20064-2
Case Title: STATE OF WASHINGTON VS FEDERAL WAY DISCOUNT
GUNS ET AL
Document Title: ORDER RE CONTEMPT AND REMEDIAL SANCTIONS

Signed By: Wyman Yip
Date: March 02, 2023



Judge: Wyman Yip

This document is signed in accordance with the provisions in GR 30.

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O=KCDJA, CN="Wyman Yip:
TgIvh6kz7RGpbO6W8uVs5w=="