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**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

State of Washington, <div style="text-align: center;">Plaintiff,</div> v. Orb Vapor, LLC, <div style="text-align: center;">Defendant.</div>		NO. ASSURANCE OF DISCONTINUANCE
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The State of Washington, by and through its attorneys, Robert W. Ferguson, Attorney General, and Leilani Fisher, Assistant Attorney General, files this Assurance of Discontinuance pursuant to RCW 19.86.100. Orb Vapor, LLC (Respondent), is a New Jersey limited liability company that manufactures and sells electronic cigarette liquid to Washington consumers.

I. ASSURANCE OF DISCONTINUANCE

1.1. The Attorney General deems and Respondent acknowledges the following to constitute unfair or deceptive acts or practices in violation of the Consumer Protection Act (RCW 19.86):

- a) Manufacturing and selling to Washington consumers products that are labelled or represented to be organic if the products have not been certified, marketed, and

1 produced in accordance with the requirements of Washington's Organic
2 Products statute (RCW 15.86) and administrative rules adopted under it,
3 including the National Organic Program (7 CFR 205). See RCW 19.86.023.

4 1.2 Respondent agrees not engage in the unfair or deceptive acts or practices identified
5 above. Respondent also agrees to fully comply with all requirements of the Consumer Protection
6 Act (RCW 19.86), the Organic Products statute (RCW 15.96), and the National Organic Program
7 (7 CFR 205).
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9 1.3 This Assurance of Discontinuance is not and may not be considered an admission
10 of violation for any purposes; but proof of failure to comply with this Assurance of
11 Discontinuance shall be *prima facie* evidence of violations of RCW 19.86.020, thereby placing
12 upon the violator the burden of defending against the Court's imposition of injunctions,
13 restitution, civil penalties of up to \$2,000.00 per violation, and other relief that the Attorney
14 General may seek.
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16 II. RELEASE OF CLAIMS

17 2.1 By its execution of this Assurance of Discontinuance, the State releases
18 Respondent from all civil claims, causes of action, damages, restitution, fines, costs and penalties
19 under Chapter 19.86, RCW arising from the conduct that is the subject of this Assurance of
20 Discontinuance.
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22 2.2 In the event that a Respondent violates this Assurance of Discontinuance, this
23 release of claims becomes void with regard to that Respondent, and nothing shall prevent the State
24 from enforcing RCW 19.86 and seeking permanent injunctive relief and recovery of costs,
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1 restitution, and civil penalties against Respondent for any conduct covered by this Assurance of
2 Discontinuance prior to and after its execution by the parties.

3 4 **III. COSTS & FEES**

5 3.1 The Attorney General initiated an investigation into Respondent's business
6 practices regarding Respondent's marketing sale of products as organic in Washington State.

7 3.2 Respondent agrees pay Washington the amount of \$2,000 for costs and
8 reasonable attorney's fees incurred by Washington in pursuing this matter, for monitoring and
9 potential enforcement of this Assurance of Discontinuance, and for future enforcement of
10 RCW 19.86.

11 3.3 Respondent must mail or deliver the payment of \$2,000 on or before October 31,
12 2015, in the form of a check payable to "Attorney General – State of Washington," to the
13 following address: Office of the Attorney General, Consumer Protection Division, Attention
14 Cynthia Lockridge, 800 Fifth Avenue, Suite 2000, Seattle, Washington, 98104-3188.

15 16 **IV. OTHER PROVISIONS**

17 4.1 Under no circumstances shall this Assurance of Discontinuance or the name of the
18 State of Washington or the Office of the Attorney General, or any of its employees or
19 representatives be used by Respondent or by its officers, employees, representatives, or agents in
20 conjunction with any business activity of Respondent.

21 4.2 This Assurance of Discontinuance is binding on the Respondent and its owners,
22 directors, successors, assigns, transferees, officers, agents, partners, servants, employees,
23 representatives, and all other persons acting in concert or participating with Respondent in the
24 context of conducting Respondent's businesses.
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1 4.3 Nothing in this Assurance of Discontinuance shall be construed so as to limit or
2 bar any other person or entity from pursuing available legal claims or remedies against
3 Respondent.

4 Approved on this _____ day of October, 2015.

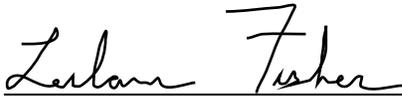
6 _____
7 JUDGE/COURT COMMISSIONER

8 Presented By:

Agreed to, Approved For Entry, and
Notice of Presentation Waived:

9 ROBERT W. FERGUSON
10 Attorney General

ORB VAPOR

11 



12 _____
13 Leilani Fisher, WSBA #48233
14 Assistant Attorney General
15 Attorney for State of Washington

16 _____
17 Sam Caruso, managing member, for
18 Orb Vapor, LLC