

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH

STATE OF OREGON *ex rel* JOHN
KROGER, Attorney General of Oregon,

Plaintiff,

v.

SUSHIL KUMAR and HARDIP SINGH
SANDHU, dba RAY'S MARKET,

Defendants.

Case No. 0903806CV

Hon. Marci W Adkisson

GENERAL JUDGMENT: JUDGMENT BY
DEFAULT and STIPULATION

1 This matter comes before the court on plaintiff State of Oregon's application for a general
2 judgment against defendants Hardip Singh Sandhu and Sushil Kumar dba Ray's Market. As to
3 defendant Hardip Singh Sandhu ("defendant Sandhu"), plaintiff has obtained an Order of
4 Default. As to defendant Sushil Kumar ("defendant Kumar"), plaintiff submits the stipulation
5 below. This general judgment disposes of all claims as to all defendants in the above captioned
6 matter. The Court, after reviewing the record, and being otherwise fully advised in the premises:

7 FINDS THAT defendant Sandhu was duly served and that an Order of Default was
8 entered against defendant Sandhu on November 25, 2009. It further appears to the court that
9 plaintiff should have and recover judgment against defendant Sandhu.

10 IT IS ADJUDGED as follows:

11 1.
12 Plaintiff is awarded judgment against defendant Sandhu in the form of permanent
13 injunctive relief, as described in Paragraphs 2 through 3 below.

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2 On plaintiff's first claim for relief under Oregon's antitrust statutes, ORS 646.705 through
3 646.836, JUDGMENT in the form of PERMANENT INJUNCTIVE RELIEF is awarded as
4 follows:

- 5 a.) Pursuant to ORS 646.760 and 646.770, defendants Sandhu and Kumar, their employees,
6 agents, and those who are acting under defendants' authority and control, are
7 permanently enjoined and restrained from
8 i. threatening or soliciting any competitor to create an unlawful contract, combination,
9 or conspiracy in restraint of trade or commerce and any similar practices, including
10 but not limited to, fixing the price of any goods or services.

11 3.

12 On plaintiff's second, third and fourth claims for relief under Oregon's Unlawful Trade
13 Practices Act, ORS 646.605 through 646.656, JUDGMENT in the form of PERMANENT
14 INJUNCTIVE RELIEF is awarded as follows:

- 15 a.) Pursuant to ORS 646.632 and ORS 646.636, defendants Sandhu and Kumar, their
16 employees, agents, and those who are acting under defendants' authority and control, are
17 permanently enjoined and restrained from
18 i. advertising the price of fuel on a sign visible from the street with intent not to
19 provide it as advertised, as prohibited by ORS 646.608(1)(i);
20 ii. making false or misleading representations concerning the nature of the transaction
21 or obligation incurred when they charged more at the pump for fuel than advertised
22 on a sign visible from the street, as prohibited by 646.608(1)(k); and
23 iii. displaying, without requisite explanation, a price per gallon of gasoline or diesel fuel
24 that is inconsistent with the price per gallon at the pump, as prohibited by ORS
25 646.608(1)(u) and OAR 137-02-0150

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MONEY AWARD

JUDGMENT, in the form of a MONEY AWARD as described by the Money Award Summary set forth below, shall be entered for plaintiff and against defendant Kumar in the amount of \$25,000.00 (twenty-five thousand dollars). If \$5,000.00 (five thousand dollars) of the Money Award is timely paid pursuant to Paragraph 5, defendant Kumar's responsibility for the remaining \$20,000.00 (twenty thousand dollars) plus interest shall be satisfied Plaintiff shall file a satisfaction document.

5.

Defendant Kumar shall make a single payment of the \$5,000.00 (five thousand dollars) owed, as described in Paragraph 4, to plaintiff for deposit to the Department of Justice (DOJ) account established pursuant to ORS 180.095. Such payment shall be used by DOJ as provided by law. The \$5,000.00 (five thousand dollars) payment described in Paragraph 4 shall become due and owing 30 days after the date that this General Judgment is entered

6.

Simple interest shall accrue on any unpaid portions of the sum described in Paragraph 4 of this General Judgment, at the statutory rate of 9% (nine percent) per annum from the date that this General Judgment is entered, forward, until paid in full.

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MONEY AWARD SUMMARY

A. Judgment Creditor: State of Oregon, *ex rel.* John Kroger, Attorney General of Oregon.

a. Address of Judgment Creditor: 1162 Court Street, NE, Salem, OR 97301-4096.

b. Judgment Creditor's Attorney: Tim Nord, OSB 882800, Senior Assistant Attorney General; Merrill Anne Maiano, OSB 082370, Assistant Attorney General.

c. Address of Judgment Creditor's Attorney: Oregon Department of Justice, 1162 Court Street, NE, Salem, OR 97301-4096 Telephone: (503) 934-4400. Fax: (503) 378-5017. Email: tim.d.nord@doj.state.or.us; merrill.a.maiano@doj.state.or.us

B. Judgment Debtor: SUSHIL KUMAR

a. Address of Judgment Debtor: 4237 Greensprings Drive, Klamath Falls, OR 97601.

b. Date of Birth: May 20, 1958.

c. Social Security Number: 571-97-7488

d. Driver's License No. / State of Issuance: C4934563/ California

e. Judgment Debtor's Attorney: Tom Potter, Carter & Potter, PC

f. Address of Judgment Debtor's Attorney: Carter & Potter, PC, 431 Main St., Klamath Falls, OR 97601. Telephone: (541) 884-8382. Fax: (541) 884-8371 Email: tom@carterandpotter.com.

C. Other person(s) or public body entitled to a portion of payment: None.

D. Principal Amount of Judgment: \$25,000.00 (Twenty-five thousand dollars).

\$5,000.00 (five thousand dollars) shall be paid within 30 days of the date that this judgment is entered. As described in Paragraph 4 above, the remaining \$20,000.00

1 (twenty thousand dollars) plus interest shall be satisfied if defendant timely pays the
2 \$5,000.00 (five thousand dollars).

3 E. **Pre-judgment Interest:** None.

4 F. **Post-judgment Interest:** At the rate of 9% (nine percent) per annum.

5 G. **Other Costs, Disbursements, Periodic Payments, Arrearages:** None.

6 H. **Attorneys' Fees and Associated Costs:** None. Parties to bear their own costs and fees.

7 DATED: _____, 2010.

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Hon. Marci W. Adkisson
CIRCUIT COURT JUDGE
For the County of Klamath

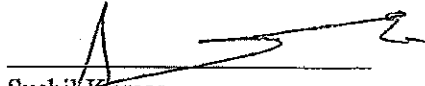
13 Submitted by:
14 Merrill Anne Maiano OSB 082370
15 Assistant Attorney General
16 Oregon Department of Justice
17 1162 Court Street NE
18 Salem, OR 97301-4096
19 Telephone: (503) 934-4400 | Fax: (503) 378-5017
20 Merrill.a.maiano@doj.state.or.us
21 Attorneys for plaintiff

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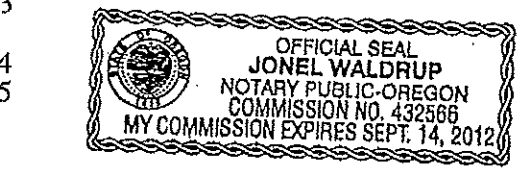
1 IT IS SO STIPULATED:

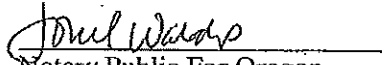
2 Defendant's Acknowledgement

3 Defendant Sushil Kumar has read and understands this Stipulation and each of its terms
4 herein. Defendant has read and agrees to each and every term contained in this Stipulation.

5 
6 Sushil Kumar
7 Current Address:
8 4237 Greensprings Dr.
9 Klamath Falls, OR 97601

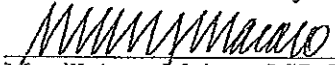
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11 SUBSCRIBED AND SWORN to before me this 29th day of January, 2010.



15 
Notary Public For Oregon
My Commission Expires:

16 DOJ's Acceptance

17 DATED: February 5, 2010.

18 JOHN R KROGER
19 Attorney General
20 Tim Nord OSB 882800
21 Senior Assistant Attorney General
22 
23 Merrill Anne Maiano OSB 082370
24 Assistant Attorney General
25 Of Attorneys for Plaintiff
26 Oregon Department of Justice
27 1162 Court Street, NE
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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2010, I served true copies of the foregoing

GENERAL JUDGMENT: DEFAULT and STIPULATION on the persons identified below by

US Mail, first-class postage prepaid to:

Tom Potter
Carter & Potter, PC
431 Main St.
Klamath Falls, OR 97601

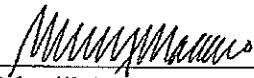
Attorney for Defendant Sushil Kumar

Mark W. Briden
Attorney at Law
PO Box 493085
Redding, CA 96049

Attorney for Defendant Hardip Singh Sandhu

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DATED: February 5, 2010.


Merrill A. Maiano
Assistant Attorney General