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of California and A.G. Kawamura, in his
7 *official capacity as Secretary of the*
California Department of Food & Agriculture
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11 CENTRAL DISTRICT

13 **PEOPLE OF THE STATE OF**
14 **CALIFORNIA and A. G. KAWAMURA, IN**
15 **HIS OFFICIAL CAPACITY AS**
16 **SECRETARY OF THE CALIFORNIA**
DEPARTMENT OF FOOD &
AGRICULTURE,

17 Plaintiffs,

18 v.

19 **BOMBINO EXPRESS, INC., a California**
20 **Corporation; BOMBINO EXPRESS**
21 **(WORLDWIDE) INC., a New York**
22 **Corporation; MOHMED YASIN**
LATIWALA, an individual; and DOES 1
through 50, Inclusive,

23 Defendants.

Case No. BC392109

FINAL JUDGMENT

Dept: 78
Judge The Honorable William F. Fahey
Trial Date: May 26, 2009
Action Filed: June 5, 2008

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27 Plaintiffs, People of the State of California and A. G. Kawamura, in his official capacity

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1 as Secretary of the California Department of Food & Agriculture (collectively the “PEOPLE”)
2 appeared through the Attorney General, Edmund G. Brown Jr., by Deputy Attorney General
3 Helen G. Arens. Defendants Bombino Express, Inc., a California Corporation and Bombino
4 Express (Worldwide) Inc. a New York Corporation (collectively, BOMBINO); and Mohmed
5 Yasin Latiwala (LATIWALA), an individual, appeared through their attorneys VALENSI ROSE
6 by Stephen F. Moeller.
7

8 The Court, having considered the Stipulation for Entry of Final Judgment executed by the
9 parties and filed herewith, and good cause appearing,

10 IT IS HEREBY AGREED, ORDERED, ADJUDGED AND DECREED THAT:

11 **JURISDICTION**

12 This Court has jurisdiction of the subject matter of this action and of the parties. Venue as
13 to all matters between the parties relating hereto lies in this Court.
14

15 **CIVIL PENALTIES**

16 LATIWALA and BOMBINO shall pay to the PEOPLE \$40,000.00 as penalties for
17 violations of California Food and Agriculture Code sections 5306, 6321, 6421 and 6461, as well
18 as for violations of California Business and Professions Code section 17200 et seq. for illegally
19 importing mangos and purple yams into the State of California (the “Money Judgment”).
20

21 LATIWALA and BOMBINO are jointly and severally liable for the Money Judgment. The
22 Money Judgment may be paid jointly and/or severally by LATIWALA and/or BOMBINO.

23 The Money Judgment shall be paid by way of a cashier’s check or VALENSI ROSE client trust
24 account check in the amount of \$40,000.00 made payable to “CDFA Pest Exclusion Branch” and
25 the check shall be sent by Express Mail or other delivery providing for overnight delivery to:

26 Helen G. Arens, Deputy Attorney General
27 Office of the Attorney General
28 300 South Spring Street, Suite 1702
Los Angeles, California, 90013

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INJUNCTION

LATIWALA and BOMBINO are hereby enjoined from the following:

1. Violating California Food and Agriculture Code sections 5306, 6321, 6421 and 6461 pertaining to any plant or thing to which those statutes apply;
2. Violating quarantine laws or regulations pertaining to the import of mangos and yams into California;
3. Importing, possessing, propagating, processing, selling, or taking any other action with regard to mangos and yams subject to quarantine which has been imported or moved in violation of the quarantine laws or regulations of the State of California;
4. Transporting, receiving, or importing into the State of California mangos, yams or any other plant or thing against which a quarantine has been established, unless first notifying the Secretary of Food and Agriculture or the commissioner of the county in which the plant or thing is received, of the arrival of the plant or thing immediately after its arrival, and second, holding the plant or thing for immediate inspection by the director or commissioner without unnecessarily moving it, or placing it where it may be harmful;
5. Shipping or transporting any plant or any other thing into the State of California which is infested with any pest which has been listed by the Secretary of Food and Agriculture as detrimental to agriculture in the State of California.

This injunction applies to any plant or thing owned by LATIWALA and BOMBINO or to any other plant or thing transported or otherwise controlled by LATIWALA and BOMBINO.

PENALTIES FOR VIOLATING THE INJUNCTION

Upon a showing by the PEOPLE in a fully noticed motion to this Court that LATIWALA and/or BOMBINO has willfully violated the injunction referenced above, or any part thereof, then

1 the individual and/or company found to have violated the injunction shall pay to the PEOPLE a
2 total penalty in the amount of \$1,630,000.00. Nothing in this Final Judgment is intended, nor
3 shall be construed in any way, to preclude the Attorney General, or any other federal, state or
4 local agency, department, board or commission from exercising its authority under any applicable
5 law with respect to future violations.
6

7 **RETENTION OF JURISDICTION**

8 This Court shall retain jurisdiction over this matter for the purpose of enabling any of the
9 parties to apply to the Court at any time for such further orders or directives as may be necessary
10 or appropriate for the modification of the injunctive provisions herein or for the interpretation or
11 enforcement of any of the provisions of this Judgment.
12

13 **AUTHORITY OF THE COURT**

14 All injunctive and other equitable relief and all money damages under this Judgment is
15 ordered pursuant to the Court's equitable powers and other powers, including those remedial
16 powers authorized by the Food and Agriculture Code, including Food and Agriculture Code
17 section 5310, and by the Business and Professions Code section 17203.
18

19 **EFFECTIVE DATE OF JUDGMENT**

20 This judgment shall be binding and effective when entered by the Court.
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23 Dated: _____, 2009

24 _____
25 Judge of the Superior Court
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