

**STATE OF VERMONT  
WASHINGTON COUNTY**

**State of Vermont,  
Plaintiff**

v.

**Robert A. Gordon, d/b/a  
Allofourbutts.com and  
CigarettesAmerica.com,  
Defendant**

**Washington Superior Court  
Case No. \_\_\_\_\_**

**COMPLAINT**

Plaintiff, State of Vermont, by and through Attorney General William H. Sorrell, alleges as follows:

**Introduction**

1. This is a civil action brought by the State of Vermont, by and through Attorney General William H. Sorrell, to enforce Vermont's ban on mail-order and Internet sales and delivery of tobacco products, the Consumer Fraud Act, and fire-safe cigarettes law.

**Jurisdiction and Venue**

2. The Court has subject matter jurisdiction over this matter pursuant to 4 V.S.A. § 113.

3. The Court has personal jurisdiction over Defendant because Defendant transacts business within the state, and acts giving rise to this cause of action occurred within this state.

4. Venue is proper pursuant to 9 V.S.A. § 2458(a), because some of the business conducted by Defendant occurred in Washington County.

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ATTORNEY  
GENERAL  
Montpelier,  
Vermont 05609

## Parties

5. Plaintiff, State of Vermont, by and through Attorney General William H. Sorrell, is charged, *inter alia*, with enforcement of the Vermont Consumer Fraud Act, 9 V.S.A §§ 2451-2466, Vermont's ban on mail-order and Internet sales and deliveries of tobacco products, 7 V.S.A. § 1010, and Vermont's fire-safe cigarettes law, 20 V.S.A. § 2757.

6. Defendant, Robert A. Gordon, owns and/or operates interactive websites, Allofourbutts.com and CigarettesAmerica.com.

7. Defendant, Robert A. Gordon, maintains a physical facility at 719 Broad Street, Salamanca, NY 14779.

8. Defendant, Robert A. Gordon, is an online retailer of tobacco products and conducts business in many locations, including in the State of Vermont.

9. Defendant, Robert A. Gordon, is registered with the Cattaraugus County Clerk's Office in the state of New York doing business as Allofourbutts.com.

10. Allofourbutts.com is an interactive website and online retailer of tobacco products which conducts business in many locations, including in the State of Vermont.

11. CigarettesAmerica.com is an interactive website and online retailer of tobacco products which conducts business in many locations, including in the State of Vermont.

## Facts

12. The Vermont Attorney General's Office advised Defendant Robert Gordon, d/b/a Allofourbutts.com and CigarettesAmerica.com, of his obligation to cease causing cigarettes to be sold and shipped to Vermont consumers under Vermont's ban on mail-order and Internet sales and deliveries of tobacco products, 7 V.S.A. § 1010, on or about July 2, 2008.

13. Defendant, alone or acting in concert with others, subsequently caused cigarettes to be sold and shipped to a Vermont consumer.

14. Defendant, alone or acting in concert with others, sold tobacco products via Allofourbutts.com and CigarettesAmerica.com to a Vermont consumer on or about October 22, 2009 and October 28, 2009, respectively.

15. Defendant, alone or acting in concert with others, caused tobacco products ordered on Allofourbutts.com and CigarettesAmerica.com to be shipped to a Vermont consumer on or about November 2, 2009 and November 9, 2009, respectively.

#### **Count One**

16. Plaintiff incorporates and re-alleges paragraphs 5 through 15 above.

17. Defendant's conduct alleged above violates 7 V.S.A. § 1010(b) which states: "No person shall cause cigarettes, roll-your-own tobacco, little cigars, or snuff, ordered or purchased by mail or through a computer network, telephonic network, or other electronic network, to be shipped to anyone other than a licensed wholesale dealer, distributor, or retail dealer in this state."

#### **Count Two**

18. Plaintiff incorporates and re-alleges paragraphs 5 through 17 above.

19. A person who violates 7 V.S.A. § 1010 engages in an unfair or deceptive trade practice in violation of Vermont's Consumer Fraud Act, 9 V.S.A. §§ 2451-2466.

20. The acts and practices engaged in and employed by Defendant as alleged herein are unfair or deceptive acts or practices affecting the conduct of trade and commerce in Vermont, in violation of the Vermont Consumer Fraud Act 9 V.S.A. §§ 2451-2466.

**Count Three**

- 21. Plaintiff incorporates and re-alleges paragraphs 5 through 20 above.
- 22. The tobacco products (cigarettes) that Defendant sold and caused to be shipped to a Vermont consumer on November 2, 2009 and November 9, 2009, were not marked as having met the fire-safe standards required by Vermont law.
- 23. Defendant's conduct violates Vermont's fire-safe cigarettes law, 20 V.S.A. § 2757.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that this Court enter an Order:

- A. Issuing a permanent injunction prohibiting Defendant, his agents, employees, and all other persons and entities, corporate or otherwise, in concert or participation with any of them from further violating 7 V.S.A. § 1010(b),
- B. Issuing a permanent injunction prohibiting Defendant, his agents, employees, and all other persons and entities, corporate or otherwise, in concert or participation with any of them from engaging in unfair or deceptive conduct in violation of 9 V.S.A. §§ 2451-2466,
- C. Issuing a permanent injunction prohibiting Defendant, his agents, employees, and all other persons and entities, corporate or otherwise, in concert or participation with any of them from further violating 20 V.S.A. § 2757,
- D. Imposing the maximum penalty allowed under 7 V.S.A. § 1010(d)(2),
- E. Imposing the maximum penalty allowed under 9 V.S.A. § 2458(b)(1),
- F. Imposing the maximum penalty allowed under 20 V.S.A. § 2757(g)(1),

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G. Awarding attorneys fees and costs of the prosecution and investigation of this action as allowed under 7 V.S.A. § 1010(d)(4), 9 V.S.A. § 2458(b)(3), and 20 V.S.A. § 2757(g),

H. Granting any further relief as the Court deems equitable and proper.

Date: March 16, 2010

STATE OF VERMONT  
WILLIAM H. SORRELL  
ATTORNEY GENERAL

By: 

Sarah London  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609-1001  
Telephone: 802-828-5479

SUMMONS

STATE OF VERMONT  
COUNTY OF WASHINGTON

WASHINGTON SUPERIOR COURT  
Docket No. \_\_\_\_\_

011002

State of Vermont  
Plaintiff

v.

Robert Gordon d/b/a/  
Allofourbutts.com and  
CigarettesAmerica.com  
Defendant

Received 3/22/2010 at 11:16 AM  
Sheriff, Cattaraugus County

**THIS SUMMONS IS DIRECTED TO: ROBERT GORDON d/b/a  
ALLOFOURBUTTS.COM & CIGARETTESAMERICA.COM**

**1. YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights.

**2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must mail the Plaintiff a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to **Assistant Attorney General Sarah London** located at:

**109 State Street, Montpelier, VT 05609-1001**

You must also give or mail your Answer to the Court located at:

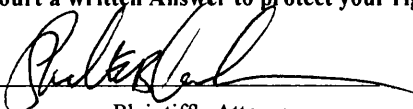
**Washington County Superior Court, 65 State Street, Montpelier, VT 05602**

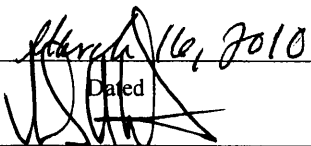
**3. YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

**4. YOU WILL LOSE YOUR CASE IF YOU DO NOT GIVE YOUR WRITTEN ANSWER TO THE COURT.** If you do not Answer within 20 days and file it with the Court, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint.

**5. YOU MUST MAKE ANY CLAIMS AGAINST THE PLAINTIFF IN YOUR REPLY.** Your Answer must state any related legal claims you have against the Plaintiff. Your claims against the Plaintiff are called Counterclaims. If you do not make your Counterclaims in writing in your Answer, you may not be able to bring them up at all. Even if you have insurance and the insurance company will defend you, you must still file any Counterclaims you may have.

**6. LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you cannot afford a lawyer, you should ask the court clerk for information about places where you can get free legal help. **Even if you cannot get legal help, you must still give the Court a written Answer to protect your rights or you may lose the case.**

  
\_\_\_\_\_  
Plaintiff's Attorney

  
\_\_\_\_\_  
Dated  
Sheriff

Served on 3/26/10  
\_\_\_\_\_  
Date

STATE OF VERMONT  
WASHINGTON COUNTY

State of Vermont, )  
Plaintiff, )  
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Docket No. Wncv  
Robert Gordon, d/b/a )  
Allofourbutts.com and )  
CigarettesAmerica.com )  
Defendant )

RETURN OF SERVICE

On the 26 day of MARCH, 2010, at 4:10 ~~A.M.~~/P.M., I made service of the Complaint in the above-titled matter on Defendant Robert Gordon by delivering in hand a copy of said Complaint to Robert Gordon at:

719 Broad Street  
Salemance, NY 14779

Sgt. A. By  
(Deputy) Sheriff

Sworn to before me this 26 day of March, 2010.

Joanna Mentis  
Notary Public

My Commission Expires: 12.4.2013

Office of the  
ATTORNEY  
GENERAL  
Montpelier,  
Vermont 05609

JOANNA MENTIS  
Notary Public for New York  
County of Washington  
My Commission expires 12.4.2013