

STATE OF VERMONT
WASHINGTON COUNTY

FILED
2009 SEP -4 A 11:09

State of Vermont,)	
Plaintiff,)	
)	
v.)	Washington Superior Court
)	Docket No. 641-9-09 Wncv
)	
Stuff Your Own.com, and)	
Jeff Gimotty)	
Defendants)	
)	

COMPLAINT

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

Introduction

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

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 Defendants because they transact 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 Defendants occurred in Washington County.

Parties

5. Plaintiff, the State of Vermont, through Attorney General William H. Sorrell, is charged, inter alia, with the enforcement of Vermont's Consumer Fraud Act, 9 V.S.A.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

§§ 2451-66, and Vermont's ban on mail-order and Internet sales and deliveries of tobacco products, 7 V.S.A. § 1010.

6. Defendants own and/or operate an interactive website, www.stuffyourown.com.

7. Defendants maintain a physical facility and/or reside in Buford, GA.

8. Defendant Stuff Your Own.com is an online retailer of tobacco products and conducts business in many locations, including in the State of Vermont.

9. Defendant Jeff Gimotty is the administrator of the domain name "stuffyourown.com." Ex. A (available at

<http://www.enom.com/whois/Whois.aspx?DomainName=stuffyourown.com>).

10. Both Defendants are "persons" within the meaning of 1 V.S.A. § 128.

Facts

11. The Vermont Attorney General's Office advised Defendants of their obligation to cease causing tobacco products to be sold and shipped to Vermont consumers under Vermont's ban on mail-order and Internet sales, 7 V.S.A. § 1010, on or about January 26, 2009.

12. Defendants, acting alone or in concert with others, subsequently caused tobacco products to be sold and shipped to a Vermont consumer.

13. Defendants, acting alone or in concert with others, sold tobacco products via their website to a Vermont consumer on or about April 13, 2009.

14. Defendants, acting alone or in concert with others, caused tobacco products ordered on stuffyourown.com to be shipped to a Vermont consumer on or about April 20, 2009.

Count One

15. Plaintiff incorporates and realleges paragraphs 5 through 14 above.

16. Defendants' conduct alleged above violates 7 V.S.A. § 1010(b) which states that "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

17. Plaintiff incorporates and realleges paragraphs 5 through 16 above.

18. A person who violates 7 V.S.A. § 1010 engages in an unfair or deceptive trade practice in violation of the state's Consumer Fraud Act, 9 V.S.A. §§ 2451-66.

19. The acts and practices engaged in and employed by Defendants 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. §§ 2451-66.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter an Order:

A. Issuing a permanent injunction prohibiting Defendants, their 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 Defendants, their 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. §§ 2451-66,

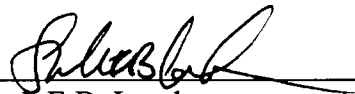
C. Imposing the maximum penalty allowed under 7 V.S.A. § 1010(d)(2),

- D. Imposing the maximum penalty allowed under 9 V.S.A. § 2458(b)(1),
- E. Awarding attorneys fees and costs of the prosecution and investigation of this action as allowed under 7 V.S.A. § 1010(d)(4) and 9 V.S.A. § 2458(b)(3), and
- F. Granting any further relief as the Court deems equitable and proper.

Date: July 22, 2009

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 
Sarah E.B. London
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
Telephone: 802-828-5479
Facsimile: 802-828-2154

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609



[Register](#) [Transfer](#) [Whois](#)

[Register A Domain](#)



[Domains](#) [Hosting](#) [Email](#) [SSL Certificates](#) [More Products](#) [Resellers](#) [Get Started](#)

[My Cart](#)

[Home](#) » [Domains](#) » [whois](#)

[View our help video library](#)

Pre-order your .CM domain before July 31, 2009!
Exclusively available for auction at NameJet! [Learn more](#) »



Search the WHOIS database:

Ex. name.com, sample.ca, example.co.uk, myname.net

Results for stuffyourown.com

[Backorder Domain](#) **NameJet**

TLN Availability

- [stuffyourown.net](#)
- [stuffyourown.biz](#)
- [stuffyourown.ws](#)
- [stuffyourown.us](#)
- [fillyourown.net](#)
- [stuffyourpossess.com](#)

[View More](#) »



ID Protect - Shield your Identity

Hide your Whois information. [Learn More](#)



Business Listing - Get Found

Increase visibility & increase traffic. [Learn More](#)

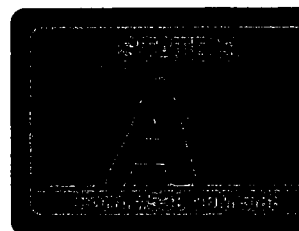
WHOIS Information

Visit [AboutUs.org](#) for more information about STUFFYOUROWN.COM
AboutUs: STUFFYOUROWN.COM

Registrant:

Stuff your own.com
5930 Branden Hill Lane
Buford, GA 30518
US

Domain Name: STUFFYOUROWN.COM



Promote your business to millions of viewers for only \$1 a month
Learn how you can get an Enhanced Business Listing here for your domain name.
Learn more at <http://www.NetworkSolutions.com/>

Administrative Contact, Technical Contact:
Gimotty, Jeff Stuff1@Stuffyourown.com

Stuff your own.com
5930 Branden Hill Lane
Buford, GA 30518
US
877-620-7957 fax: 877-620-7957

Record expires on 17-Aug-2016.
Record created on 18-Aug-1998.
Database last updated on 2-Jun-2009 16:58:52 EDT.

Domain servers in listed order:

ST-NS1.YAHOO.COM 209.191.66.175
NS5.STORE.YAHOO.COM

Please Note: Access to eNom's Whois information is for informational purposes only. eNom makes this information available "as is," and does not guarantee its accuracy. The compilation, repackaging, dissemination or other use of eNom's Whois information in its entirety, or a substantial portion thereof, is expressly prohibited without the prior written consent of eNom by accessing and using our Whois information, you agree to these terms.

[Backorder Domain](#)

Available Domains

- | | |
|---|--|
| <input type="checkbox"/> stuffyourpossess.net | <input type="checkbox"/> stuffyourmine.com |
| <input type="checkbox"/> stuffyourmine.net | <input type="checkbox"/> fillupyourown.com |
| <input type="checkbox"/> fillupyourown.net | <input type="checkbox"/> stuffyourhave.com |
| <input type="checkbox"/> stuffyourhave.net | <input type="checkbox"/> nonsenseyourown.com |
| <input type="checkbox"/> nonsenseyourown.net | <input type="checkbox"/> fillyourpossess.com |
| <input type="checkbox"/> fillyourpossess.net | <input type="checkbox"/> stuffyourain.com |
| <input type="checkbox"/> stuffyourain.net | <input type="checkbox"/> materialyourown.com |
| <input type="checkbox"/> materialyourown.net | <input type="checkbox"/> fillyourmine.com |
| <input type="checkbox"/> fillyourmine.net | |

 [View More »](#)

SUMMONS

STATE OF VERMONT
COUNTY OF WASHINGTON

WASHINGTON SUPERIOR COURT
Docket No. _____

State of Vermont
Plaintiff

v.

Stuff Your Own.com, and
Jeff Gimotty
Defendants

THIS SUMMONS IS DIRECTED TO: JEFF GIMOTTY

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

Served on _____
Date

Sheriff

20729

ATTORNEY'S ADDRESS

STATE OF VERMONT
PLAINTIFF

OFFICE OF THE ATTORNEY GENERAL
109 STATE ST
MONTPELIER VT 05609

VS.

NAME AND ADDRESS OF PARTY TO BE SERVED

JEFF GIMOTTY, ET AL
DEFENDANT

JEFF GIMOTTY
5930 BRANDEN HILL LN
BUFORD GA 30518

RECEIVED

2009 JUL 29 P 4: 35

CIVIL DIV.
G.C.S.O.

SHERIFF'S ENTRY OF SERVICE

PERSONAL Sex M Skin Color Fair Hair Color brn Age 40 Hgt 6'0" Wgt 350
I have this day served the defendant Jeff Gimotty personally with a copy
of the within action and summons.

NOTORIOUS

I have this day served the defendant _____ by leaving
a copy of the action and summons at his most notorious place of abode in this County.

Delivered same into hands of _____ described as follows

SEX	SKIN COLOR	HAIR COLOR	AGE	HGT	WGT

CORPORATION

I have this day served the _____ a corporation
by leaving a copy of the within action and summons with _____
in charge of the office and place of doing business of said Corporation in this County.

TACK AND NAIL

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to
the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true
copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the
address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to
answer said summons at the place stated in the summons.

NON EST

Deligent search made and defendant _____
not to be found in the jurisdiction of this Court.

SPECIAL PROCESS

SUMMONS, COMPLAINT

COMMENTS

Subscribed and sworn to before me this
19 day of Aug, 2009
Jeff Gardner
Notary Public in and for said County and State

Date: 08/04
Time: 7:10 PM
[Signature]
Deputy Sheriff
[Signature]
GWINNETT COUNTY, GEORGIA



SHERIFF DOCKET _____ PAGE _____