

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ST. LAWRENCE

HCI Distribution, Inc.,

Petitioner,

-vs-

Index No. _____

New York State Police, Troop B Commander,
Ray Brook, New York;
New York State Police Evidence Custodian,
Ray Brook, New York;
St. Lawrence County District Attorney Nicole M. Duvé;
St. Lawrence County Assistant District Attorney John Becker;
Does 1-20.

Respondents.

ORDER TO SHOW CAUSE

Upon the affidavit of Leisa Guerrero, Vice President of Ho-Chuck Tobacco Division, sworn to on February 28, 2012, and upon all papers in this cause, it is hereby

ORDERED, that the Respondents show cause before this Court to be held at the Courthouse at 48 Court Street in the City of Canton and County of St. Lawrence, at 9:30 a.m. on _____ 2012, why an order should not be entered in this action declaring Respondents' seizure of Petitioner's property for alleged failure to comply with New York Tax Law Article 20, which property was traveling in interstate commerce through New York State and destined for distribution at points outside of New York State, illegal, or granting such other and further relief as may seem just and proper to the Court; and it is further

ORDERED, that until further order of this Court and pending the hearing and determination of this application, the Respondents and their attorneys and all purporting to act on

their behalf are hereby stayed from seizing Petitioners' tobacco products which are traveling in interstate commerce for points outside of the State of New York.

ORDERED, that Respondents shall immediately return the tobacco product seized by Respondents from Petitioner on January 23, 2012.

LET SERVICE of a copy of this order and of the papers on which it is based, by personal delivery to the Respondents, or to a person of suitable age and discretion at Respondents' offices, on or before _____, be deemed sufficient service thereof.

This Order has been signed by me this ___ day of _____, 2012, and shall upon presentation be entered in the office of the clerk,

Justice, Supreme Court,
Saint Lawrence County