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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

**STATE OF CALIFORNIA, ex rel. ROB  
BONTA, in his official capacity as Attorney  
General of the State of California,**

Plaintiff,

**v.**

**PHILLIP DEL ROSA, in his personal  
capacity and official capacity as Chairman  
of the Alturas Indian Rancheria; and  
DAREN ROSE, in his personal capacity and  
official capacities as Vice-chairman of the  
Alturas Indian Rancheria and  
President/Secretary of Azuma Corporation,**

Defendants.

2:23-cv-00743-KJM-SCR

**NOTICE OF VIOLATION**

Date: N/A  
Time: N/A  
Courtroom: 3, 15th Floor  
Judge: Hon. Kimberly J. Mueller  
Trial Date: N/A  
Action Filed: April 19, 2023

**TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Defendant Darren Rose has violated the Court's preliminary  
injunction filed September 8, 2023, Order ("Preliminary Injunction"), ECF No. 43, and Plaintiff

1 files this notice of violation pursuant to the Court’s order filed November 18, 2023, Order  
 2 (“Sanctions Order”), ECF No. 95, that imposed sanctions for Rose’s prior violations of the  
 3 Preliminary Injunction.

4 The Preliminary Injunction enjoins Rose “in his official capacity as vice-chairman of the  
 5 Alturas Indian Rancheria and as president/secretary of Azuma Corporation, and his employees  
 6 and agents” from “completing or causing to be completed any delivery, or any portion of a  
 7 delivery, of packages containing cigarettes on behalf of Azuma Corporation to anyone in  
 8 California.” Prelim. Inj. 24. After Azuma Corporation continued to deliver cigarettes throughout  
 9 the State following the filing of that injunction, the Court held Rose in contempt for a first time:  
 10 “[B]y showing Azuma is continuing to deliver cigarettes to the same customers previously  
 11 identified in the preliminary injunction record, California has shown Rose, in his official capacity  
 12 as an officer of the Alturas Tribe, has violated the preliminary injunction by clear and convincing  
 13 evidence.” Order (“Contempt Order”) 6, ECF No. 6.

14 Rose’s initial production of such documents on January 31, 2025, revealed that despite the  
 15 Preliminary Injunction, the Contempt Order, and the Sanctions Order, the distribution of Azuma  
 16 cigarettes had continued. Accordingly, Plaintiff filed a Notice of Violation, ECF No. 108, and the  
 17 Court once again held Rose in contempt, Order (“Second Contempt Order”), ECF No. 131. The  
 18 Court subsequently held a hearing to determine appropriate sanctions. Mins. Scheduling Conf. &  
 19 Sanctions Hr’g, ECF No. 144. In anticipation of that hearing, the parties provided copies of all  
 20 Azuma purchase records, sales, and invoices through June 2025. *See* Pl.’s Suppl., ECF No. 139;  
 21 Not. Correction & Clarification, ECF No. 141. For Rose’s contemptuous deliveries through June  
 22 2025, the Court ultimately imposed \$68,000 in fines pursuant to the Sanctions Order. Order 6,  
 23 ECF No. 162.

24 On August 11, 2025, Rose provided additional documents pursuant to the Court’s Sanction  
 25 Order. These demonstrated delivery of an additional 420,000 cigarettes to several of the same  
 26 customers during the month of July 2025.<sup>1</sup> Nascenzi Decl. Supp. Not. Violation ¶ 8 [filed under

27 <sup>1</sup> Rose has claimed that “intratribal sales by Azuma to the Desert Rose Casino and AIR  
 28 Fuels” are not “affected by the preliminary injunction.” Defs.’ Not. Correction & Clarification 2,  
 (continued...)

1 seal].<sup>2</sup> Accordingly, Plaintiff provides this second Notice of Violation and asks that the Court  
2 impose the sanctions requested in the concurrently filed Proposed Revised Prospective Sanctions  
3 Order.

4  
5  
6 Dated: August 28, 2025

Respectfully submitted,

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/s/ Peter F. Nascenzi

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19 *State of California*

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26 ECF No. 141. Similarly, Rose has claimed a “defense . . . that the cigarettes that are then picked  
27 up by the casino or picked up by the gas stations, or picked up by in this case Cedarville, are not  
28 deliveries,” Tr. Sanction Hr’g 10:20–23, ECF No. 149. For the reasons stated in the State’s  
Opposition to Defendants’ Motion for Reconsideration/Clarification, ECF No. 150, Rose is  
incorrect.

<sup>2</sup> Consistent with the Parties’ prior practice, the State intends to meet and confer with  
Defendants to file redacted copies of these documents on the public docket.