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At IAS Term Part 13 of the Supreme Court held in and for the County of Kings, at the County Courthouse thereof, located at 320 Jay Street, Brooklyn, New York, on the 13th day of January 2025.

P R E S E N T:

HON. RUPERT V. BARRY, J.S.C.

NEW YORK STATE OFFICE OF CANNABIS
MANAGEMENT,

Petitioner,

-against-

BIG CHIEF SMOKE SHOP CORP.; CORNER
PLUG CORP.; AHMED ELDWEIK; the
property located at 7323 3RD AVENUE,
BROOKLYN, NY 11209 bearing block number
05918 and lot number 0001; HAMILTON
EMPIRE REALTY CORP. as owner of the
property located at 7323 3rd Avenue, Brooklyn,
NY; “John Doe” and “Jane Doe,” fictitiously
named parties, true names unknown, the
intended being the owners, lessors, lessees,
operators, or occupants of the commercial
premises operating as “Big Chief Smoke Shop,”
located within the building at 7323 3rd Avenue,
Brooklyn, NY; and any person claiming any
right, title, or interest in the real property that is a
subject of this proceeding,

Respondents.

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**ORDER and JUDGMENT FOR
PENALTIES
and COSTS**

The Court having issued a Decision and Order dated August 29, 2024, and entered by the Kings County Clerk’s Office on September 20, 2024 (NYSCEF Doc. No.: 31), granting a Permanent Injunction against Respondents Big Chief Smoke Shop Corp., Corner Plug Corp., and Ahmed Eldweik (hereafter “Big Chief Respondents”) from cultivating, processing, distributing,

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delivering, or dispensing cannabis, cannabis product, cannabinoid hemp, hemp extract product, or any product marketed or labeled as such for sale without a license in New York State; ordering, pursuant to Cannabis Law § 16(4), the disgorgement of the proceeds for sales of cannabis occurring prior to May 3, 2023; ordering, pursuant to Cannabis Law § 16-a(7)(e), the Big Chief Respondents to pay the actual costs, expenses, and disbursements of the New York State Office of Cannabis Management (hereafter “OCM”) and the Office of the New York State Attorney General (hereafter “OAG”) in bringing and maintaining this proceeding; and directing that a hearing be held to determine the dollar amount of statutory penalties and costs to impose;

And the Court having ordered the Big Chief Respondents to make a full financial disclosure to OCM by producing to OCM all passcodes and account numbers required to access and retrieve sales history information from all cloud-based financial services platforms, including but not limited to Cash App and Zelle; point of sale (hereafter “POS”) systems; and sales devices used by the Big Chief Respondents in the operation of Big Chief Smoke Shop; and documents, including but not limited to, copies of all daily sales receipts, bank account statements, daily register logs, and all business records made in the operation of Big Chief Smoke Shop between June 1, 2022, which is the date that the lease for the subject commercial premises commenced, and December 18, 2023, which is the date that the subject commercial premises were closed pursuant to the Temporary Closing Order dated December 15, 2023 (hereafter “TCO”);

And the Big Chief Respondents having failed to produce any of the records and documents to OCM as ordered by the Court;

And the matter having come before the Court to be heard on January 13, 2025, during which OCM presented evidence of the Big Chief Respondents’ Cash App sales history among other evidence in support of its request for statutory penalties and costs, it is now:

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ORDERED that, pursuant to Cannabis Law § 16(4), as to the Big Chief Respondents, the disgorgement for sales of cannabis prior to May 3, 2023, is hereby determined to be 97 percent of revenue obtained between June 1, 2022, and May 2, 2023, and these funds are hereby disgorged and payable to the State of New York in the amount of **\$121,744.31**. It is further

ORDERED that, pursuant to Cannabis Law § 132(1), the Big Chief Respondents shall pay to the State of New York a penalty equal to five times 97 percent of the revenue obtained from May 3, 2023, through and including December 18, 2023, the date that the subject commercial premises were closed pursuant to the TCO, in the amount of **\$2,333,496.31**. It is further

ORDERED that, pursuant to Cannabis Law § 132(1), the Big Chief Respondents shall pay a penalty to the State of New York of \$10,000.00 for each day during which they sold cannabis or any product marketed or labeled as such without a license from May 3, 2023, through and including August 16, 2023, when they received a Notice of Violation and Order to Cease Unlicensed Activity from OCM, which is equal to **\$1,060,000.00**. It was further

ORDERED that, pursuant to Cannabis Law § 132(1), the Big Chief Respondents shall pay a penalty to the State of New York of \$20,000.00 per day for each day during which they continued to sell cannabis or any product marketed or labeled as such without a license after receiving a Notice of Violation and Order to Cease Unlicensed Activity from OCM, from August 17, 2023, through and including December 18, 2023, the date that the subject commercial premises were closed pursuant to the TCO, which is equal to **\$2,480,000.00**. It is further

ORDERED that, pursuant to 9 NYCRR §§ 133.25(d)(5), (d)(7), and Cannabis Law § 16(1), the Big Chief Respondents are to pay a penalty to the State of New York of \$5,000.00 for each instance that they removed, altered, covered, and/or defaced Notices of Violation and Orders

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to Cease Unlicensed Activity and Illicit Cannabis Seized Warning Stickers posted by OCM at the subject commercial premises, which is equal to **\$25,000.00**. It is further

ORDERED that, the Big Chief Respondents are to pay the actual costs, expenses, and disbursements of OCM in bringing and maintaining this proceeding, pursuant to Cannabis Law § 16-a(7)(e), in the amount of **\$9,250.00**, which represents moving and storage fees incurred by OCM to remove and store the Big Chief Respondents personal property from the subject commercial premises. It is further

ORDERED that, the Big Chief Respondents are to pay the actual costs, expenses, and disbursements of OAG in bringing and maintaining this proceeding, pursuant to Cannabis Law § 16-a(7)(e), as set forth in the Affirmation of Deborah Diamant, Assistant Attorney General, dated January 10, 2025, in the amount of **\$35,032.85**. It is further

ORDERED that, the total amount of disgorgement and penalties in the amount of **\$6,020,240.62**, OCM costs of **\$9,250.00**, and OAG costs of **\$35,032.85** for the total amount of **\$6,064,523.47** is hereby entered as a judgment against the Big Chief Respondents jointly and severally plus interest. It is further

ORDERED that, this Order and Judgment may be docketed by Petitioner as a money judgment in the sum of **\$6,064,523.47**, plus interest, jointly and severally against Respondents Ahmed Eldweik, 130 Rhine Avenue, Staten Island, NY 10304; Big Chief Smoke Shop Corp., 7323 3rd Avenue, Brooklyn, NY 11209; and Corner Plug Corp., 7323 3rd Avenue, Brooklyn, NY 11209 pursuant to CPLR 2222 and, upon docketing this money judgment, Petitioner shall have execution thereon. It further

ORDERED that, the account in the name of Big Chief Smoke Shop Corp., subject to the Court's Temporary Restraining Order dated December 15, 2023, shall be released solely such that

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all funds on deposit with M&T Bank shall be paid to the State of New York so as to be applied to this judgment. It is further

ORDERED that, the Sheriff of the City of New York is hereby directed to pay to the State of New York the proceeds, after deducting expenses, of any sale conducted under the Sheriff's direction of the Big Chief Respondents' personal property removed from the subject commercial premises pursuant to the so-ordered Stipulation of Partial Discontinuance dated May 31, 2024 (NYSCEF Doc. No.: 25), and the Decision and Order dated August 29, 2024 (NYSCEF Doc. No.: 31). If the sale of any personal property would be futile, the Sheriff and/or OCM may return such property to the Big Chief Respondents or otherwise dispose of it after providing the Big Chief Respondents with five days' written notice. It is further

ORDERED that, the Court hereby retains jurisdiction to enforce this Order and Judgment and all disputes arising under this Order and Judgment shall be submitted to the Court, and the Court retains authority to decide all such disputes. It is further

ORDERED that, a copy of this Order and Judgment shall be served upon counsel for Respondents within ten (10) days with Notice of Entry. It is further

ORDERED that, all applications not specifically addressed herein are denied.

The foregoing constitutes the order and judgment of this Court.

R V Barry

HON. RUPERT V. BARRY, J.S.C.