

**STATE OF NEW YORK SUPREME COURT
JEFFERSON COUNTY**

PEOPLE OF THE STATE OF NEW YORK by
LETITIA JAMES, Attorney General of the
State of New York,

ORDER AND JUDGMENT

Petitioner,

-against-

-against-

Index No.: EF 2023-000950

EVAN MILLS SMOKE & ACCESSORIES, LLC, together
With AYOUB ALHARBI, Individually and as Principal of
EVAN MILLS SMOKE & ACCESSORIES, LLC, doing
business as EVANS MILLS SMOKE SHOP,
NORTHWIND26449, INC., doing business as EVAN
MILLS SMOKE & ACCESSORIES, together with
SAMEER MOHAMOD-HIZAN YAHIA, Individually
and as Principal of NORTHWIND26449, INC.,

Respondents.

WHEREAS, Petitioner People of the State of New York, by LETITIA JAMES, Attorney General, having moved this Court by Order to Show Cause for an Order and Judgment pursuant to Executive Law § 63(12) and Article 22-A of the General Business Law ("GBL") enjoining Respondents from engaging in the fraudulent, deceptive and illegal acts and practices alleged in the Amended Verified Petition, and granting civil penalties and costs; and

WHEREAS, the Amended Verified Petition and Amended Affirmation were verified and affirmed by Deanna R. Nelson, Assistant Attorney General In Charge, on April 13, 2023, with attached affidavits of Investigator Chad Shelmidine, sworn to on November 9, 2022 and April 4, 2023; Investigator Andrea Buttenschon, dated January 5, 2023; Investigator Lawrence Kalk, dated

October 26, 2022; and the affidavit of Maja Lundborg-Gray, MD, FAAEM, FACEP, sworn to on December 10, 2021; and

WHEREAS, Respondent Ayoub Alharbi, individually and as Principal of EVAN MILLS SMOKE & ACCESSORIES, LLC, doing business as EVANS MILLS SMOKE SHOP, having been duly served with the Order to Show Cause and Verified Petition in this proceeding and having appeared and answered, and being represented by counsel; and

WHEREAS, Respondent Sameer Mohamod-Hizan Yahia, individually and as Principal of Northwind26449, Inc., doing business as EVAN MILLS SMOKE & ACCESSORIES, having been duly served with the Order to Show Cause and Verified Petition in this proceeding and having not answered, is in default and is no longer represented by counsel; and

WHEREAS, EVAN MILLS SMOKE & ACCESSORIES and/or EVANS MILLS SMOKE SHOP have at all times relevant to this action occupied a continuous presence at 26449 Johnson Road in Evans Mills, NY; and

WHEREAS, the Respondents Ayoub Alharbi, individually and as Principal of EVAN MILLS SMOKE & ACCESSORIES, LLC, doing business as EVANS MILLS SMOKE SHOP, having stipulated to the terms contained herein, and

WHEREAS Respondents Sameer Mohamod-Hizan Yahia, individually and as principal of NorthWind26449, Inc., having defaulted on the Amended Verified Petition, and the relief herein being less than the relief demanded in the Amended Verified Petition, judgment shall be entered by default as against these Respondents; and

NOW, THEREFORE, on motion of Letitia James, Attorney General of the State of New York, attorney for Petitioner, it is hereby

ORDERED, ADJUDGED AND DECREED that

1. Respondents Evan Mills Smoke & Accessories, LLC, Ayoub Alharbi, Individually and as principal of Evan Mills Smoke & Accessories, LLC, together with Northwind26449, Inc., and Sameer Mohamod-Hizan Yahia, Individually and as principal of Northwind26449, Inc., their agents, trustees, servants, employees, successors, heirs and assigns, or any other subsidiaries or person under Respondents' direction and control are bound by the terms of this Order and Judgment; and it is further

ORDERED, ADJUDGED AND DECREED that

INJUNCTIVE RELIEF

2. Respondents shall (a) permanently close the operations of Evan Mills Smoke & Accessories, LLC, and Northwind26449, Inc.; (b) consent to the judicial dissolution of each entity; and (c) forfeit any merchandise removed from the store on December 14, 2021, as alleged in the Amended Verified Petition, including but not limited to 3,325 flavored nicotine vape products, 60 boxes of nitrous oxide, 577 packages of THC vapes, 617 packages of THC or Delta-8 edibles and tinctures, 24 1/8th ounce packages of marijuana, 35 1-gram packages of sativa cannabis, 232 packages of psilocybin mushroom bars, 12 K-Shot liquid drinks, 62 packages of kratom, 31 packages of moon rocks, and 187 packages of miscellaneous misbranded drugs.

3. For a period of five (5) years from the signing of this Order and Judgment, Respondents, their agents, assigns or representatives, are prohibited from owning, operating, supervising, managing, or otherwise partaking in any aspect of any entity whose primary or secondary business is the retail sale of nicotine and/or tobacco products including vape products, cannabis, other drugs, or associated paraphernalia and accessories; and it is further

ORDERED AND ADJUDGED, that

FINES, FEES, AND PENALTIES

4. A suspended judgment in the amount of Three Million Eight Hundred and Eighty-One Thousand Dollars and No Cents (\$3,881,000.00) is entered in favor of the Petitioner against Respondents, as equitable monetary relief, which shall become payable in the event the Respondents fail in any way to honor the terms of this Order and Judgment.

5. In the event that one or both of the individual Respondents (Ayoub Alharbi or Sameer Mohamad-Hizan Yahia) violate the terms of this Order and Judgment, simultaneously or at different points in time, arising out of the same transactions or not, then upon such violation, the violating Respondent(s) shall become responsible to pay the suspended judgment. The suspended judgment shall not become payable as to a non-violating Respondent. The judgment amount shall be a joint and several obligation in the event both Respondents violate the order, whether such violations are done in concert or not. Each Respondent retains the right to seek contribution from other Respondent relative to this suspended judgment.

6. Respondents will be jointly and severally liable to pay a civil penalty to the Attorney General in the sum of Fifty Thousand Dollars (\$50,000), pursuant to Article 22-A of the General Business Law. On execution of this Order and Judgment, judgment shall be immediately entered in this sum as against all Respondents, with interest at 9% running from the entry;

7. In the event that one of the individual Respondents (Ayoub Alharbi or Sameer Mohamad-Hizan Yahia) pays more than \$25,000 of the civil penalty, the paying Respondent shall have available any justiciable cause of action as against the other Respondent for any amount paid over \$25,000, and the paying Respondent may apply directly to this Court via motion for a judgment in its favor and against the non-paying Respondent for any amount paid over \$25,000 as available by law;

8. Evan Mills Smoke & Accessories, LLC and Northwind26449, Inc. are hereby

dissolved; and it is further

ORDERED, ADJUDGED AND DECREED that the Supreme Court of the State of New York, County of Jefferson, shall retain jurisdiction to enforce this Order and Judgment, and all disputes arising under this Order and Judgment shall be submitted to the Court; and it is further

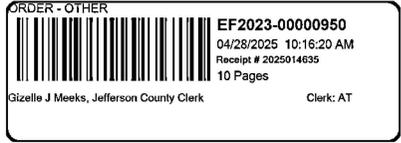
ORDERED, ADJUDGED AND DECREED, Respondents shall provide written notice to the New York Attorney General of any change in address within ten days of such change; and it is further

ORDERED, ADJUDGED AND DECREED that this Order and Judgment shall not extinguish, impair, or otherwise affect any rights the Respondents may have to pursue contribution from one another under applicable law; and it is further

ORDERED AND ADJUDGED, that any and all liabilities, obligations, and potential legal responsibilities of Respondents Evan Mills Smoke & Accessories, LLC, Ayoub Alharbi, and Northwind26449, Inc., Sameer Mohamod-Hizan Yahia, including but not limited to any outstanding debts, regulatory violations, civil penalties, or claims arising from their prior business operations, shall transfer and remain binding upon the individual Respondents, their successors, heirs, assigns, and any entities they may create or become affiliated with, such that they cannot avoid legal or financial accountability through corporate dissolution, transfer of ownership, or other means of corporate restructuring; and it is further

ORDERED, ADJUDGED AND DECREED, that the Clerk of the Court is directed to enter Judgment in favor of the Petitioner STATE OF NEW YORK, residing at 317 Washington Street, Watertown, New York, against the Respondents, Ayoub Alharbi, residing at 7995 Nutmeg Lane, Liverpool, New York 13090, and Sameer Mohamod-Hizan Yahia, residing at 19 Town Garden Dr., Apt. 4, Liverpool, New York 13088, who are jointly and severally liable to pay a civil

penalty to the New York Attorney General's Office in the sum of Fifty Thousand Dollars and No Cents (\$50,000) plus interest at the statutory rate of nine percent (9%) per annum from the date of entry pursuant to CPLR §5004, and Petitioner shall have execution therefor.



[Handwritten Signature]

JAMES P. McCLUSKY, J.S.C.

Dated: *April 28, 2025*
Watertown, New York

INTEREST ACCRUES AT THE RATE OF 9% PER ANNUM PURSUANT TO § 5004 OF THE NEW YORK STATE CIVIL PRACTICE LAW AND RULES.

JUDGMENT signed this ____ day of _____, 2025 .

County Clerk

7433617.1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF JEFFERSON

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THE PEOPLE OF THE STATE OF NEW YORK,
by LETITIA JAMES, Attorney General
of the State of New York,

Petitioner,

**STIPULATION
AND CONSENT**

-against-

Index No. 2021-3254

EVAN MILLS SMOKE & ACCESSORIES, LLC, together
with AYOUB ALHARBI, Individually and as Principal of
EVAN MILLS SMOKE & ACCESSORIES, LLC, doing
business as EVANS MILLS SMOKE SHOP; and
NORTHWIND26449, INC., doing business as EVAN MILLS
SMOKE & ACCESSORIES, together
with SAMEER MOHAMOD-HIZAN YAHIA, Individually and as
Principal of NORTHWIND26449, INC.,

Respondents.

-----X

IT IS HEREBY ACKNOWLEDGED, STIPULATED, AND CONSENTED, by
and between Respondents Evan Mills Smoke & Accessories, LLC, together with Ayoub Alharbi,
Individually and as Principal of Evan Mills Smoke & Accessories, LLC, and Gregory D. Eriksen,
Esq. counsel for Respondents, and Letitia James, Attorney General of the State of New York,
Deanna R. Nelson, Assistant Attorney General In Charge, of Counsel, as attorney for the Petitioner
herein, that:

1. Respondent Ayoub Alharbi, individually, and as a principal of Evan Mills
Smoke & Accessories, LLC, doing business as Evans Mills Smoke Shop acknowledges that he has
been served with a copy of the amended verified petition, affirmation, and supporting affidavits

and exhibits thereto, and that after a review of all such documents, desires to settle and resolve the proceeding.

2. Respondent Ayoub Alharbi acknowledges that he has received a copy of the annexed Order and Judgment, and agrees to the obligations and duties it imposes.

3. Respondent Ayoub Alharbi agrees not to take any action or to make or permit to be made any public statement creating the impression that this proceeding was without factual basis. Nothing in this paragraph affects Respondents': (a) testimonial obligations; or (b) right to take legal or factual positions in connection with any other administrative, judicial and any other matter or proceeding other than the above-referenced matter.

4. The Parties agree that the Order and Judgment, made in relation to Ayoub Alharbi and Evans Mills Smoke & Accessories, LLC only, does not extinguish any rights Ayoub Alharbi may have to pursue contributions from Sameer Mohamad-Hizan Yahia or NorthWind26449, Inc..

5. The Parties agree that Respondents shall be jointly and severally liable to pay a civil penalty to the Attorney General's Office in the sum of Fifty Thousand Dollars and No Cents (\$50,000.00), pursuant to Article 22-A of the General Business Law.

6. The Parties agree that a suspended judgment in the amount of Three Million Eight Hundred and Thirty-One Thousand Dollars and No Cents (\$3,831,000.00) is granted in favor of Petitioner against Respondents, as equitable monetary relief, payable in the event Respondents, Ayoub Alharbi and EVAN MILLS SMOKE & ACCESSORIES, LLC fail to honor the terms of the annexed Order and Judgment issued in conjunction with this Stipulation and Consent.

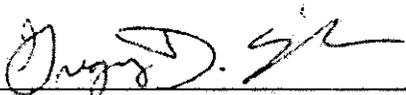
7. The annexed Order and Judgment shall be entered against Respondents without costs, except as set forth in the Order and Judgment.

8. Petitioner may apply to the Court, upon twenty (20) days' notice to counsel, for such other and further relief as they deem necessary for the purpose carrying out the terms of the Order and Judgment.

Dated: Watertown, New York
March 27, 2025

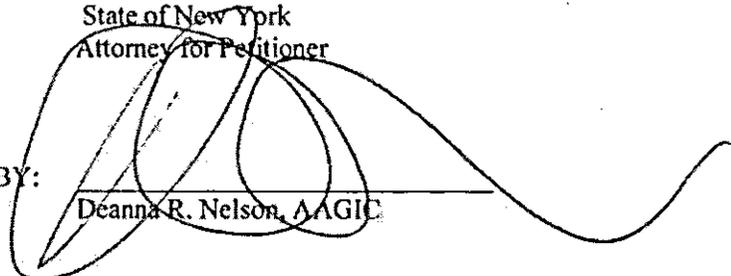


Ayoub Alharbi, Individually and
as Principal of Evan Mills Smoke &
Accessories, LLC.



Gregory D. Eriksen, Esq.
Bousquet Holstein, PLLC

LETITIA JAMES
Attorney General of the
State of New York
Attorney for Petitioner

BY: 

Deanna R. Nelson, AAGIC

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