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ENDORSED
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*Attorneys for Plaintiff People of the State of
California ex rel. State Air Resources Board*

*Exempt from Filing Fees
Pursuant to Gov. Code, §6103*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

**PEOPLE OF THE STATE OF
CALIFORNIA EX REL. STATE AIR
RESOURCES BOARD,**

Plaintiffs,

v.

**SOLO MOTO, LLC,
dba SOLO MOTO PARTS,
dba BUSTER'S DIRT SHOP,
DANIEL RELICH,
AND DOES 1-100,**

Defendants

Case No. 34-2020-00281166

JUDGMENT

Action Filed: June 22, 2020
Trial Date: None set.

1 **JUDGMENT**

2 Pursuant to the stipulation of the parties to fully settle and resolve this case, the Court enters
3 judgment against defendants Solo Moto, LLC dba Solo Moto Parts and Buster’s Dirt Shop,
4 Daniel Relich (“Defendants”) as follows:

- 5 1. This Court has jurisdiction over the parties and subject matter of this action.
- 6 2. Within 20 days of entry of this judgment, Defendants shall pay a civil penalty of
7 \$2,876,000 to the California Air Resources Board (CARB), as a joint and several
8 liability.
- 9 3. Payment shall be made by certified or cashier’s check to the California Air Resources
10 Board, delivered to California Air Resources Board, Accounting Office, P.O. Box
11 1436, Sacramento, CA 95812-1436, along with the Payment Transmittal Form
12 (Exhibit B to the Stipulation for Entry of Judgment), or by wire transfer according to
13 the instructions on the Payment Transmittal Form, and with a photocopy of all
14 payments to the Office of the Attorney General, 1300 I Street, 15th Floor, Sacramento,
15 CA 95814, attn.: Deputy Attorney General Russell B. Hildreth.
- 16 4. Defendants, and each of them, are permanently enjoined from violating Vehicle Code
17 sections 27156 and 38391, and California Code of Regulations, title 13, sections
18 2220, et seq. and 2470 et seq., and from engaging in or performing, directly or
19 indirectly, any and all of the following acts:
- 20 a. Offering for sale, advertising, or representing as an approved or exempted
21 device in California any motor vehicle pollution control device or system that
22 has not been approved or exempted by CARB.
- 23 b. Offering for sale, advertising, or representing as an approved or exempted
24 device in California any motor vehicle pollution control device or system that
25 alters or modifies the original design or performance of the motor vehicle
26 pollution control system unless that device or system has first been exempted by
27 CARB.
- 28

- 1 c. Offering for sale, advertising, or representing as an approved or exempted
2 device in California any motor vehicle exhaust system, or part thereof, in
3 California unless that system or part has first been exempted by CARB.
- 4 d. Offering for sale, advertising, or representing as an approved or exempted
5 device in California through any agent any aftermarket part for use on a motor
6 vehicle unless that part has first been exempted by CARB.
- 7 e. Selling any motor vehicle pollution control device or system that has not first
8 been exempted by CARB, directly or indirectly through any person, whether
9 such person is a dealer, distributor, reseller, affiliate, contractor, or otherwise, to
10 any other person that reasonably may install such pollution control device or
11 system on a vehicle registered in California.
- 12 f. Selling or installing, directly or indirectly through any person, whether such
13 person is a dealer, distributor, reseller, affiliate, contractor or otherwise, to any
14 other person that reasonably may install such pollution control device or system
15 on a vehicle registered in California, a part as a motor vehicle pollution control
16 device or system or as an approved or exempted device or system, when in fact,
17 such part is not a motor vehicle pollution control device or system or is not
18 exempted by CARB.
- 19 g. Selling, directly or indirectly through any person, whether such person is a
20 dealer, distributor, reseller, affiliate, contractor or otherwise, to any other person
21 that reasonably may install such device or system on a vehicle registered in
22 California, any device, apparatus, or mechanism that alters or modifies the
23 original design or performance of a motor vehicle pollution control device or
24 system unless such part, apparatus, or mechanism has first been exempted by
25 CARB.
- 26 h. Selling, directly or indirectly through any person, whether such person is a
27 dealer, distributor, reseller, affiliate, contractor or otherwise, to any other person
28 that reasonably may install such device or system on a vehicle registered in

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California, any motor vehicle exhaust system, or part thereof, in California unless that system or part has first been exempted by CARB.

i. Selling, directly or indirectly through any person, whether such person is a dealer, distributor, reseller, affiliate, contractor or otherwise, to any other person that reasonably may install such device or system on a vehicle registered in California, any aftermarket part for use on a motor vehicle unless that part has first been exempted by CARB.

j. Advertising in California any device, apparatus, or mechanism which alters or modifies the original design or performance of any required motor vehicle pollution control device or system and not exempted from Vehicle Code section 27156 or 38391, as applicable, unless each advertisement contains a conspicuous disclaimer. The disclaimer shall be one of the following:

i. "NOT LEGAL FOR SALE OR USE IN CALIFORNIA. THE MANUFACTURE, SALE, OFFER FOR SALE, OR INSTALLATION OF THIS PRODUCT MAY ALSO BE ILLEGAL NATIONWIDE UNDER THE FEDERAL CLEAN AIR ACT (42 U.S.C. § 7522(A)(3))."

ii. "NOT LEGAL FOR SALE OR USE IN CALIFORNIA ON ANY POLLUTION CONTROLLED MOTOR VEHICLE. THE MANUFACTURE, SALE, OFFER FOR SALE, OR INSTALLATION OF THIS PRODUCT MAY ALSO BE ILLEGAL NATIONWIDE UNDER THE FEDERAL CLEAN AIR ACT (42 U.S.C. § 7522(A)(3))."

iii. "LEGAL IN CALIFORNIA ONLY FOR RACING VEHICLES WHICH MAY NEVER BE USED, OR REGISTERED OR LICENSED FOR USE, UPON A HIGHWAY. THE MANUFACTURE, SALE, OFFER FOR SALE, OR INSTALLATION OF THIS PRODUCT MAY ALSO BE ILLEGAL NATIONWIDE UNDER THE FEDERAL CLEAN AIR ACT (42 U.S.C. § 7522(A)(3))."

1 iv. "FOR CLOSED COURSE COMPETITION USE ONLY. NOT
2 INTENDED FOR STREET USE. THE MANUFACTURE, SALE,
3 OFFER FOR SALE, OR INSTALLATION OF THIS PRODUCT MAY
4 ALSO BE ILLEGAL NATIONWIDE UNDER THE FEDERAL
5 CLEAN AIR ACT (42 U.S.C. § 7522(A)(3))."

6 v. The disclaimer shall be in a minimum font size 10, and shall appear on
7 each page on which any non-exempt part appears.

8 k. Pursuant to Vehicle Code section 40150, Defendants shall produce proof that
9 their violations have been corrected.

10 5. If Defendants, individually or collectively, violate any of the injunctive relief
11 provisions set forth in Paragraph 4, above, Plaintiff shall have Judgment against
12 Defendants in the amount of \$1,500 per sale, offer for sale, or installation and
13 \$37,500 per part advertised for each day each part is offered for sale beginning from
14 the date any advertisement was first published on any medium, including but not
15 limited to a website identifying the part for sale.

16 6. No provision of the injunction set forth above shall bar Plaintiffs from seeking other
17 judicial remedies (including, but not limited to, injunctive relief) as to future
18 violations.

19 7. In lieu of Paragraph 2, above, if Defendants make timely payment of \$40,000 to
20 CARB (\$10,000 upon signing of this Stipulation and \$10,000 per year, due on the
21 anniversary of the date of entry of judgment), CARB shall provide to defendants a
22 signed Acknowledgment of Satisfaction of Judgment as to Paragraph 2 of the
23 Judgment, within 30 days of the final payment.

24 8. The Court retains jurisdiction over all parties to enforce the terms of this Judgment.

25 9. Each party shall bear its own costs and attorneys' fees incurred in this matter.

26
27 DATED: 8/5/2020

/S/
JUDGE OF THE SUPERIOR COURT

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *People, ex rel. State Air Resources Board v. Solo Moto, et al.*

CaseNo.: **Sacramento County Superior Court No. 34-2020-00281166-CU-MC-GDS**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On July 27, 2020, I served the attached **JUDGMENT** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Seth Weinstein (CA Bar No. 279625)
Law Offices of Seth Weinstein, P.C.
15260 Ventura Blvd #1200
Sherman Oaks, CA 91403
Counsel for Defendants

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 27, 2020, at Sacramento, California.

Valerie Tamulevich

Declarant

/S/

Signature