

MR DRISCOLL LIVES!

S.D. MERC.
6/30

Court revives suit over cigarette sales

SAN FRANCISCO (AP) — A private citizen can sue a grocery chain for allegedly selling cigarettes to minors, a state appeals court has ruled.

The 1st District Court of Appeal on Friday revived a lawsuit by controversial Oakland attorney Donald Driscoll against Lucky Stores. Driscoll says 16-year-olds sent by a private organization into many Lucky supermarkets, from Sacramento to San Jose, were usually able to buy cigarettes despite a state law making the minimum purchase age 18.

The suit seeks \$10 billion in payments to the state, allegedly for profits Lucky made from the sales, an injunction against future

sales and attorney's fees for Driscoll.

Driscoll has filed similar suits against hundreds of Northern California retailers in the name of an organization, Stop Youth Addiction, headed by his mother. Many of the suits were settled with a \$100 payment to the organization or to charity and an agreement not to sell to minors. Some of his targets called the suits extortion.

The suit against Lucky was dismissed by Alameda County Superior Court Judge Ken Kawaichi, who said only public prosecutors could enforce the ban on sales to minors. The appeals court disagreed and said the suit could proceed under a broad state law

forbidding unfair competition and other illegal business practices.

That law encompasses sales of cigarettes to minors and can be enforced by a person or group acting on behalf of the public, said Justice Timothy Reardon in the 3-0 ruling. He said the state Supreme Court had ruled in 1983 that any illegal business practice can be charged in a private suit alleging unfair competition.

Last year the same court let Driscoll sue a drug store chain for allegedly failing to post warning signs for saccharine as required by federal law. The state Supreme Court has agreed to review that case.

— JEFFREY STANBEE

DENIS

CC. FL's

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STORES

Interesting

7/10/06

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Lucky's Store Managers are Telling clerk
to double check Carton fixtures to make
sure they are locked. One Lucky's Manager
refused to let us fill the package fixture.

Terry

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