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FILED  
YOLO SUPERIOR COURT  
OCT 13 2016  
BY A. SALCIDO  
DEPUTY

7 *Attorneys for the People of the State of California*

8  
9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF YOLO

11 THE PEOPLE OF THE STATE OF CALIFORNIA, ) Case No. **PT16-1083**  
12 )  
Plaintiff, )  
13 ) COMPLAINT FOR INJUNCTIVE  
v. ) RELIEF, CIVIL PENALTIES, AND  
14 ) OTHER RELIEF  
15 )  
DAVID TE VELDE, as trustee of the David and Alice ) (Business & Professions Code, § 17200 et  
Te Velde Revocable Family Trust dated April 21, ) seq.)  
16 2006; ALICE TE VELDE, as trustee of the David and )  
Alice Te Velde Revocable Family Trust dated April )  
17 21, 2006; and DOES 1-20, inclusive, ) *Exempt from fees per Gov. Code, § 6103*  
18 Defendants. )

19  
20 1. Plaintiff, the People of the State of California, by and through Jeff W. Reisig, District  
21 Attorney of Yolo County, hereby allege the following upon information and belief:

22 **PARTIES**

23 2. Plaintiff is the People of the State of California. The People bring this action by and  
24 through Jeff W. Reisig, District Attorney of Yolo County. The authority of the District Attorney of  
25 Yolo County to bring this action is derived from statutory language of the State of California,  
26 specifically Business and Professions Code section 17200 *et seq.*

27 3. Defendant David Te Velde—as trustee of the David and Alice Te Velde Revocable  
28 Family Trust dated April 21, 2006—and Alice Te Velde—as trustee of the David and Alice Te Velde

1 Revocable Family Trust dated April 21, 2006—own and operate a farm in West Sacramento known  
2 as Bypass Farms.

3 4. Does 1 through 20, inclusive, are persons whose names and identities are unknown to  
4 the People at this time, and the People therefore sue these defendants by their fictitious names. The  
5 People will seek leave to amend this Complaint to allege the true names of Does 1 through 20 once  
6 they have been determined. Does 1 through 20 participated in some or all of the acts alleged herein.

7 5. The named and unnamed defendants in this action are collectively referred to as  
8 “Defendants.”

9 6. Allegations in this Complaint of Defendants’ acts or omissions include the acts and  
10 omissions of Defendants’ officers, agents, employees, and representatives that were committed while  
11 acting within the course and scope of their employment or agency on behalf of Defendants.

12 7. All Defendants at all times acted as agents of one another. With regard to the conduct  
13 and omissions alleged in this Complaint, each of the Defendants ratified the actions of the other  
14 Defendants.

#### 15 **JURISDICTION AND VENUE**

16 8. This Court has jurisdiction over Defendants because all causes of action asserted  
17 herein arise out of Defendants’ conduct in Yolo County, California.

18 9. Venue is proper in this Court under Civil Code of Procedure section 393 because the  
19 causes of action alleged in this complaint arose out of Defendants’ conduct in Yolo County,  
20 California.

#### 21 **GENERAL ALLEGATIONS**

22 10. Defendants own and operate Bypass Farms.

23 11. On or around August 18, 2014, Defendants sprayed two pesticides on a Bypass Farms  
24 walnut orchard. Specifically, Defendants sprayed Ethrel®, which contains the chemical ethephon,  
25 and Perm-Up®, which contains the chemical permethrin.

26 12. The label instructions for Perm-Up® instruct pesticide users not to spray the product  
27 in a way that will result in human contact either “directly or through drift.”  
28



1           19.     Each and every separate act in violation of these provisions constitutes a separate  
2 “business act or practice” of Business and Professions Code section 17200.

3           20.     Each and every person harmed as a result of a violation of these provisions constitutes  
4 a separate violation of Business and Professions Code section 17200.

5           21.     Based on the above, the People request injunctive relief against Defendants under  
6 Business and Professions Code section 17203, and civil penalties against Defendants under Business  
7 and Professions Code section 17206, as set forth in the People’s prayer for relief.

8                                 **PRAYER**

9 WHEREFORE, the People respectfully request the following relief:

10           1.     That Defendants, their successors, agents, representatives, employees, and assigns be  
11 permanently enjoined from engaging in unfair competition as defined in Business and Professions  
12 Code section 17200, including, but not limited to, acts alleged in this Complaint, under the authority  
13 Business and Professions section 17203;

14           2.     That the Court assess a civil penalty of TWO THOUSAND FIVE HUNDRED  
15 DOLLARS (\$2,500) against Defendants for each violation of Business and Professions Code section  
16 17200, in an amount according to proof, under the authority of Business and Professions Code  
17 section 17206;

18           3.     That the People recover their costs of suit, including costs of investigation;

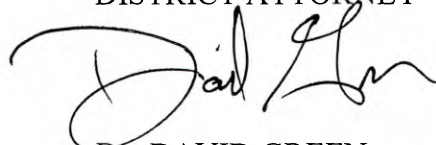
19           4.     That the People receive all other relief to which they are legally entitled; and

20           5.     That the Court award other such relief that it deems just, proper, and equitable.

21  
22 Dated: October 11, 2016

Respectfully submitted,

23 JEFF W. REISIG  
24 DISTRICT ATTORNEY

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26 By: DAVID GREEN  
27 Deputy District Attorney

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