

1 ANNE MARIE SCHUBERT
2 Sacramento County District Attorney
3 MICHELLE RESTREPO, SBN 242773
4 Deputy District Attorney
5 901 G Street
6 Sacramento, CA 95814
7 Telephone: (916) 874-6174

8 *Attorneys for Plaintiff, People of the State of California*
9 *[Additional Plaintiff's counsel listed in Attachment A]*

FILED
Superior Court Of California,
Sacramento
07/05/2018
skham1
By _____, Deputy
Case Number:
34-2018-00236156

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SACRAMENTO

12 **THE PEOPLE OF THE STATE OF**
13 **CALIFORNIA,**
14 **Plaintiff,**
15 **v.**
16 **COOKS COLLISION, INC., a California**
17 **corporation,**
18 **Defendant.**

19 Case No.
20 **COMPLAINT FOR PERMANENT**
21 **INJUNCTION, CIVIL PENALTIES AND**
22 **OTHER EQUITABLE RELIEF**
23 (Health & Saf. Code, Div. 20, Chapters 6.5
24 and 6.95; Bus. & Prof. Code § 17200, *et seq.*)
25 *Filing Fees Exempt (Govt. Code § 6103)*

26 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA ("People"), based on
27 information and belief, alleges as follows:

28 **PLAINTIFF**

1. The People bring this action by and through Anne Marie Schubert, District
Attorney of Sacramento County; Nancy E. O'Malley, District Attorney of Alameda County;
Diana Becton, District Attorney of Contra Costa County; Jeff W. Reisig, District Attorney of
Yolo County; Krishna A. Abrams, District Attorney of Solano County; Tori Verber Salazar,
District Attorney of San Joaquin County; Jackie Lacey, District Attorney of Los Angeles County;

1 Allison Haley, District Attorney of Napa County; Vern Pierson, District Attorney of El Dorado
2 County; R. Scott Owens, District Attorney of Placer County; Michael A. Hestrin, District
3 Attorney of Riverside County; Gregory D. Totten, District Attorney of Ventura County; Edward
4 S. Berberian, Jr., District Attorney of Marin County; Stephen M. Wagstaffe, District Attorney of
5 San Mateo County; and Jeffrey F. Rosen, District Attorney of Santa Clara County.

6 2. Pursuant to Health and Safety Code section 25182, Plaintiff may bring a civil
7 action in the name of the People of the State of California to enjoin any violation of Chapter 6.5
8 of Division 20 of the Health and Safety Code (hereinafter "Chapter 6.5") and to seek civil
9 penalties for violations of the provisions of Chapter 6.5.

10 3. Pursuant to Health and Safety Code sections 25515.6 and 25515.7, Plaintiff may
11 bring a civil action in the name of the People of the State of California to enjoin any violation of
12 Health and Safety Code sections 25504 to 25508.2, inclusive, or section 25511 of Chapter 6.95 of
13 Division 20 of the Health and Safety Code (hereinafter "Chapter 6.95").

14 4. Pursuant to Business and Professions Code sections 17203, 17204, and 17206,
15 Plaintiff may bring a civil action in the name of the of the State of California to enjoin any person
16 who engages, has engaged, or proposes to engage in unfair competition, as defined in California
17 Business and Professions Code section 17200, and to seek civil penalties for each act of unfair
18 competition.

19 5. Plaintiff brings this action without prejudice to any other action or claim which
20 Plaintiff may have based on separate, independent and unrelated violations arising out of matters
21 or allegations that are not set forth in this Complaint.

22 **DEFENDANT**

23 6. Defendant COOKS COLLISION, INC., is now, and at all times mentioned in this
24 Complaint was, a California corporation, with its principal corporate offices located in Roseville,
25 California.

26 7. At all relevant times, Defendant owned, operated, licensed, or leased, in its own
27 capacity and through affiliates, automotive and auto body repair shops in Sacramento County and
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1 at other locations throughout the State of California (“Defendant’s Facilities”). The specific list of
2 the locations of Defendant’s Facilities is attached as **Exhibit A**.

3 8. At all times relevant hereto, Defendant stored hazardous materials at Defendant’s
4 Facilities, in the ordinary course of conducting their business of automotive and auto body repair.
5 These hazardous materials include, but are not limited to, automotive paints, clear-coats, epoxy,
6 resin, sealants, solvents, buffing compounds, aerosols, batteries, ignitable liquids, and other
7 automotive and auto body repair products that are flammable, reactive, toxic and corrosive
8 materials.

9 9. At all times relevant hereto, Defendant also generated regulated quantities of
10 hazardous waste at each of Defendant’s Facilities as a result of its automotive and auto body
11 repair business practices. These hazardous wastes include, but are not limited to, used automotive
12 paints, clear-coats, epoxy, resin, sealants, solvents, used buffing compounds, used buffing dust,
13 used automotive sanding pads, paint filters, non-empty containers, aerosol cans, grindings,
14 sweepings, and other automotive and auto body repair wastes that are ignitable, reactive, toxic
15 and corrosive.

16 10. At all relevant times hereto, Defendant was and is legally responsible for
17 compliance with the provisions of the Health and Safety Code, including Chapters 6.5 and 6.95 of
18 Division 20, at Defendant’s Facilities. The People are informed and believe and based thereon
19 allege that, at all relevant times, Defendant controlled and was responsible for the operations of
20 Defendant’s Facilities and/or aided and abetted or acted in concert with persons who exercised
21 control over those operations, including but not limited to, all acts and omissions relating to the
22 management of hazardous materials and hazardous waste at Defendant’s Facilities, and/or that
23 Defendant, or its predecessors, failed to take appropriate steps to prevent and/or correct the
24 violations alleged herein despite having power, authority and notice sufficient to do so.

25 11. Defendant is a “person,” as defined in Health and Safety Code section 25118 and
26 Business and Professions Code section 17201, and a “business,” as defined in Health and Safety
27 Code section 25501, subdivision (c).
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1 12. When reference is made herein to any act or omission of Defendant, such
2 allegation shall include the act or omission of the owners, officers, directors, employees, and
3 representatives of Defendant, engaged in said acts or omissions.

4 **JURISDICTION AND VENUE**

5 13. Venue is proper in this County pursuant to Health and Safety Code sections 25183
6 and 25515.6, and Business and Professions Code section 17200 et seq., in that certain of the
7 violations alleged in the Complaint occurred in the County of Sacramento and throughout the
8 State of California. This Court has jurisdiction pursuant to Article 6, section 10 of the California
9 Constitution, section 393 of the Code of Civil Procedure and section 25182 of the Health and
10 Safety Code.

11 14. Plaintiff and Defendant entered into a series of agreements to toll any and all
12 applicable statutes of limitation. As a result of those tolling agreements, the time for commencing
13 an action to enforce any violation which might otherwise have expired on and between January
14 22, 2015 and the filing of this complaint, inclusive, was tolled, did not lapse, and shall be
15 included as validly within the statutory time for commencing this action.

16 **STATUTORY AND REGULATORY BACKGROUND**

17 15. The State of California has enacted a comprehensive statutory and regulatory
18 framework for the generation, handling, treatment, storage, transportation, and disposal of
19 hazardous wastes. This framework, contained in Chapter 6.5 of Division 20 of the Health and
20 Safety Code, section 25100 et seq., and its implementing regulations, which are found at Title 22
21 of the California Code of Regulations section 66260.1 et seq., mandates a “cradle to grave”
22 system known as the Hazardous Waste Control Law (“HWCL”). The HWCL system is
23 maintained to record the generation, registration, tracking, storage, treatment, and disposal of
24 hazardous wastes and to provide for the protection of the public and the environment from present
25 or potential risks posed by hazardous wastes. The State of California has enacted a
26 comprehensive statutory and regulatory framework for the notification, handling, training and
27 spill/release reporting of hazardous materials. This framework is contained in Chapter 6.95 of
28 Division 20 of the Health and Safety Code, section 25500 et seq., and its implementing

1 regulations and is known as the Hazardous Materials Release Response Plans and Inventory Law.
2 In order to better inform the public and to assist emergency responders, Chapter 6.95 has, for over
3 twenty (20) years, mandated that basic information on the location, type, quantity, and the health
4 risks of hazardous materials handled, used, stored, or disposed of in the State, which could be
5 accidentally released into the environment, be made available to firefighters, health officials,
6 planners, public safety officers, health care providers, regulatory agencies and other interested
7 persons.

8 ENFORCEMENT AUTHORITY

9 16. Section 25189 of the Health and Safety Code imposes civil liability for any
10 negligent or intentional violation of the HWCL, or for any violation of any permit, rule,
11 regulation, standard, or requirement issued or promulgated pursuant to the HWCL. Section
12 25189.2 of the Health and Safety Code is an alternative strict liability provision, which creates
13 liability for any violation of the HWCL, or for any violation of any permit, rule, regulation,
14 standard, or requirement issued or promulgated pursuant to the HWCL.

15 17. Section 25515, subdivision (b), of the Health and Safety Code imposes civil
16 liability for any knowing violation of Sections 25504 to 25508.2, inclusive, and Section 25511, of
17 the Health and Safety Code. Section 25515, subdivision (a), of the Health and Safety Code is an
18 alternative strict-liability provision that imposes civil liability for any violation of Sections 25504
19 to 25508.2, inclusive, and Section 25511, of the Health and Safety Code.

20 18. Business and Professions Code section 17206 imposes civil liability for any act of
21 unfair competition, as defined in California Business and Professions Code section 17200.

22 19. Business and Professions Code section 17203 authorizes the Court to issue an
23 order that enjoins any person who engages, has engaged, or proposes to engage in unfair
24 competition, as defined in California Business and Professions Code section 17200.

25 20. Health and Safety Code sections 25181 and 25184 authorize the Court to issue an
26 order that enjoins any ongoing or potential violation of the HWCL, or of any applicable rule,
27 regulation, permit, standard, requirement, or order issued or promulgated pursuant to the HWCL.
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1 21. Health and Safety Code sections 25515.6 and 25515.8 authorize the Court to issue
2 an order that enjoins any ongoing or potential violation of Chapter 6.95.

3 22. Health and Safety Code sections 25184 and 25515.8 provide that in civil actions
4 brought pursuant to the HWCL or Chapter 6.95, respectively, in which an injunction or temporary
5 restraining order is sought, it shall not be necessary for the People to allege or prove at any stage
6 of the proceeding that irreparable damage will occur should the temporary restraining order,
7 preliminary injunction, or permanent injunction not be issued, or that the remedy at law is
8 inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction
9 shall issue without such allegations and without such proof.

10 **GENERAL ALLEGATIONS**

11 23. The facts constituting grounds for commencing this action were discovered within
12 five (5) years of the tolled statute of limitations period, as set out in paragraph 14, or within five
13 (5) years of the filing of this complaint, and continued thereafter and shall henceforth be referred
14 to as "all relevant times."

15 24. At all relevant times Defendant owned, operated, licensed, or leased and continues
16 to own, operate, license, or lease, and is responsible for acts and/or omissions committed at
17 Defendant's Facilities throughout California.

18 25. At all relevant times, Defendant handled at Defendant's Facilities significant
19 quantities of hazardous materials, including but not limited to, automotive paints, clear-coats,
20 epoxy, resin, sealants, solvents, buffing compounds, aerosols, batteries, ignitable liquids, and
21 other automotive and auto body repair products that are flammable, reactive, toxic and corrosive
22 materials.

23 26. At all relevant times, Defendant also generated regulated quantities of hazardous
24 waste at each of Defendant's Facilities as a result of its automotive and auto body repair business
25 practices. These hazardous wastes include, but are not limited to, used automotive paints, clear-
26 coats, epoxy, resin, sealants, solvents, used buffing compounds, used buffing dust, used
27 automotive sanding pads, paint filters, non-empty containers, aerosol cans, grindings, sweepings,
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1 and other automotive and auto body repair wastes that are ignitable, reactive, toxic and corrosive,
2 which must be handled and disposed of as hazardous waste in compliance with the HWCL

3 27. At all relevant times, Defendant also disposed, or arranged for the disposal, of
4 customer records within its custody or control containing personal information, in violation of
5 Civil Code 1798.81

6 28. At all relevant times, Defendant is and was responsible for the operation of
7 Defendant's Facilities.

8 29. At all relevant times to this Complaint, Defendant is and was aware of and
9 conducted, approved and/or controlled the hazardous-materials, and hazardous-waste
10 management activities at Defendant's Facilities.

11 30. At all relevant times to this Complaint, Defendant's actions and/or omissions, as
12 part of a continuing course of conduct, are or were the legal cause of the violations alleged herein,
13 and Defendant reasonably could have taken action to prevent them.

14 31. At all relevant times to this Complaint, Defendant, at each of Defendant's
15 Facilities, generated hazardous waste during every ninety (90) day period.

16 32. At all relevant times to this Complaint, Defendant violated provisions of the
17 following statutes, including implementing regulations associated with each of the statutes and
18 any related permit, rule, standard, or requirement issued or promulgated pursuant to these statutes,
19 at Defendant's Facilities within the time period applicable to this action: Chapter 6.5 of the
20 Health and Safety Code, section 25100 et seq., Chapter 6.95 of the Health and Safety Code,
21 section 25500 et seq., Health and Safety Code Sections 117600-118360; and Business and
22 Professions Code section 17200 et seq.

23 **SPECIFIC ACTS/OMISSIONS IN VIOLATION OF CALIFORNIA ENVIRONMENTAL**
24 **LAWS**

25 33. At all relevant times hereto Defendant, caused and/or performed each of the acts
26 and/or omissions in violation of California law in the ownership and/or operation of some or all of
27 the of the Defendant's Facilities as alleged below:

28 a. Disposed, or caused the disposal, of hazardous waste at a point not authorized by

1 law, in violation of Health & Safety Code Sections 25189 and 25189.2, including, without
2 limitation, to any trash, dumpster, or other container at any of the Defendant's Facilities, and onto
3 the surface or subsurface of the ground at any unauthorized location, or at a landfill or transfer
4 station not authorized to receive hazardous waste;

5 b. Failed to transport, transfer custody of, or caused to be transported in California
6 any hazardous waste by a transporter registered to transport hazardous waste as required by
7 Health and Safety Code section 25163;

8 c. Failed to determine if wastes generated at Defendant's Facilities, were hazardous
9 wastes, as required by Title 22 of the California Code of Regulations section 66262.11;

10 d. Failed to properly manage, identify the date of accumulation, and label containers
11 of hazardous waste at Defendant's Facilities, in violation of Title 22 of the California Code of
12 Regulations, section 66262.34;

13 e. Failed to lawfully and timely dispose of all accumulated hazardous waste at each
14 of Defendant's Facilities as required by California Code of Regulations, Title 22,
15 Section 66262.34;

16 f. Failed to timely cause to be prepared and filed with the Department of Toxic
17 Substances Control (DTSC) a hazardous waste manifest for all hazardous waste that is
18 transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or
19 any combination thereof, from any of Defendant's Facilities as required by Health & Safety Code
20 Section 25160(b)(3) and California Code of Regulations, Title 22, Section 66262.23;

21 g. Failed to contact the transporter and/or the owner or operator of the designated
22 facility that was to receive hazardous waste from Defendant, to determine the status of the
23 hazardous waste, in the event of non-receipt of a copy of the manifest with the handwritten
24 signature of the owner or operator of the designated facility within thirty-five (35) days of the
25 date the waste was accepted by the initial transporter, as required by Title 22 of the California
26 Code of Regulations, Section 66262.42;

1 h. Failed to timely notify the DTSC by filing an exception report concerning the
2 treatment, storage, or disposal facility's failure to return any executed manifest, as required by
3 Health & Safety Code Section 25160(b)(3);

4 i. Failed to prepare and maintain copies of hazardous waste manifests for three (3)
5 years, in violation of Title 22 of the California Code of Regulations, section 66262.40;

6 j. Unlawfully stored, handled and accumulated hazardous waste, at each of
7 Defendant's Facilities, as required by Health & Safety Code Section 25123.3 and California Code
8 of Regulations, Title 22, Sections 66262.34 and 66265.173;

9 k. Stored hazardous waste onsite beyond the time permitted by law at a Facility that
10 did not have a hazardous waste storage permit from DTSC, in violation of California Code of
11 Regulations, title 22, section 66262.34, and California Health and Safety Code section 25123.3,
12 subdivision (h);

13 l. Failed to segregate incompatible hazardous-waste items that were in leaking
14 containers at each of Defendant's Facilities, as required by California Code of Regulations, Title
15 22, Section 66265.177;

16 m. Failed to conduct inspections of hazardous waste storage areas, at each of
17 Defendant's Facilities, as required by California Code of Regulations, Title 22, Sections 66262.34
18 and 66265.174;

19 n. Failed to comply with employee training obligations pertaining to handling of
20 hazardous waste at Defendant's Facilities, in violation of Title 22 of the California Code of
21 Regulations, section 66262.34(d) and 40 C.F.R. § 262.16(b)(9)(iii), or title 22, section 66265.16,
22 whichever may apply;

23 o. Failed to immediately report any release or threatened release of a reportable
24 quantity of any hazardous material from any of Defendant's Facilities into the environment, as
25 required by Health and Safety Code section 25510;

26 p. Failed to continuously implement, maintain or submit to the unified program
27 agency (as defined in Health and Safety Code sections 25501), a complete hazardous materials
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1 business plan for each of the Defendant's Facilities, in violation of Health and Safety Code
2 section 25507, and section 2650 of Title 19 of the California Code of Regulations;

3 q. Failed to properly manage, mark, and store universal waste at each of Defendant's
4 Facilities in compliance with the standards for universal waste management found in California
5 Code of Regulations, Title 22, Sections 66273.33 through 66273.36; or in the alternative, failed to
6 manage such waste as hazardous waste as required by Chapter 6.5 of the Health and Safety Code
7 and its implementing regulations in the California Code of Regulations, Title 22, including, but
8 not limited to, Section 66262.34;

9 r. Failed to keep a record of each shipment of universal waste sent from any of
10 Defendant's Facilities, as required by Title 22 of the California Code of Regulations Section
11 66273.39, or in the alternative, failed to manage such waste as hazardous waste as required by
12 Chapter 6.5 of the Health and Safety Code and its implementing regulations in the California
13 Code of Regulations, Title 22, including, but not limited to, Section 66262.34;

14 s. Failed to treat returned or discarded non-empty aerosol cans at Defendant's
15 Facilities as universal waste or hazardous waste, in violation of California Code of Regulations,
16 Title 22, Chapter 23, section 66273.1 et seq.;

17 t. Failed to implement, maintain and comply with, an employee training program
18 meeting the requirements of Health and Safety Code section 25505, subdivision (a)(4), and Title
19 19 of the California Code of Regulations section 2659, pertaining to hazardous materials, and
20 business and area plans, including but not limited to Hazardous Materials Business Plans;

21 u. Failed to implement and maintain a business-emergency plan for emergency
22 response to a release or threatened release of hazardous materials, in violation of Health and
23 Safety Code sections 25505 and 25507;

24 v. Transported, or caused to be transported, any hazardous waste to an unauthorized
25 location in California, in violation of Health and Safety Code section 25189.5; and

26 w. Failed to take all reasonable steps to dispose, or arrange for the disposal, of
27 customer records within its custody or control containing personal information, in violation of
28 Civil Code 1798.81.

1 **SECOND CAUSE OF ACTION**

2 (Unauthorized Transportation of Hazardous Waste)
3 (Health & Saf. Code, §§ 25163, 25189, 25189.2; Cal. Code Regs., tit. 22, § 66263.23)

4 41. Plaintiff realleges paragraphs 1 through 40 inclusive.

5 42. Chapter 6.5 of the Health and Safety Code prohibits the unauthorized
6 transportation, or causing the transportation, of hazardous waste. Section 25163 prohibits the
7 transportation of hazardous waste without a valid registration from the DTSC. California Code of
8 Regulations, Title 22, section 66263.23, subdivision (b), prohibits the transportation of hazardous
9 waste to a location not permitted or otherwise authorized by the DTSC to receive the waste.

10 43. At and within all relevant times Defendant engaged in the transportation of
11 hazardous waste by transporters without a valid DTSC registration from Defendant's Facilities to
12 unauthorized locations, in violation of Health and Safety code section 25163 and California Code
13 of Regulations, Title 22, section 66263.23.

14 44. Each act of unauthorized transportation of hazardous waste without a valid
15 registration subjects Defendant to a separate and additional civil penalty under Health and Safety
16 Code section 25189, or alternatively under section 25189.2.

17 45. Based on the above, the People request injunctive relief against Defendant under
18 Health and Safety Code section 25181, and civil penalties under Health and Safety Code section
19 25189 or 25189.2, as described in the People's prayer for relief.

20 **THIRD CAUSE OF ACTION**

21 (Violation of Hazardous Waste Handling and Storage Requirements)
22 (Health & Saf. Code, § 25100 et seq. (Chapter 6.5)
23 Cal. Code Regs., tit. 22, § 66260.1 et seq.)

24 46. Plaintiff realleges paragraphs 1 through 45, inclusive.

25 47. Health and Safety Code sections 25189 and 25189.2 prohibit improper hazardous
26 waste handling and storage under Chapter 6.5.

27 48. Plaintiff alleges that, at and within all relevant times, Defendant violated hazardous
28 waste handling and storage requirements of Chapter 6.5 of Division 20 of the Health and Safety
Code, section 25100 et seq., and its implementing regulations at Title 22 of the California Code of
Regulations, section 66260.1 et seq., applicable to Defendant's Facilities by virtue of the acts

1 alleged in paragraph 33 through 35 above, and incorporated herein by reference, and unless
2 enjoined by order of the Court, Defendant may or will continue in the course of conduct as
3 alleged herein.

4 49. Each violation of the hazardous waste handling and storage requirements subjects
5 Defendant to a separate and additional civil penalty under Health and Safety Code section 25189,
6 or alternatively under section 25189.2.

7 50. Based on the above, the People request injunctive relief against Defendant under
8 Health and Safety Code section 25181, and civil penalties under Health and Safety Code section
9 25189 or 25189.2, as described in the People's prayer for relief.

10 **FOURTH CAUSE OF ACTION**

11 (Violations of Hazardous Materials Release Response Plans and Inventory Laws)
12 (Health & Saf. Code, § 25500 et seq. (Chapter 6.95); Cal. Code Regs., tit. 19, § 2650)

13 51. Plaintiff realleges paragraphs 1 through 50, inclusive.

14 52. Chapter 6.95 of Division 20 of the Health and Safety Code requires businesses,
15 among other things, to provide training to employees and retain records, maintain hazardous
16 materials response plans and inventories, and applicable permits.

17 53. At and within all relevant times, Defendant failed to maintain the required
18 hazardous materials response plans and inventories, training records and applicable permits
19 required for the Defendant's Facilities, and, unless enjoined by order of the court, Defendant may
20 or will continue in the course of conduct as alleged herein.

21 54. Defendant is liable for civil penalties as set forth in Health and Safety Code
22 sections 25515, subdivisions (a) and (b), for each and every separate violation of Health and
23 Safety Code sections 25504 to 25508.2, inclusive, or section 25511, and any applicable permit,
24 rule, regulation, standard, or requirement issued or promulgated pursuant thereto which occurred
25 within all relevant times.

26 55. As a consequence of Defendant's violation of each of these
27 sections, Defendant is liable for a civil penalty for each day in which the violation occurred,
28 pursuant to Health and Safety Code section 25515, subdivision (a).

56. As a consequence of Defendant's knowing violation of any of these sections,

1 Defendant is liable for a civil penalty for each separate violation for each day in which the
2 violation occurred, pursuant to Health and Safety Code section 25515, subdivision (b).

3 57. Based on the above, the People request injunctive relief against Defendant under
4 Health and Safety Code sections 25515.6 and 25515.8, as described in the People's prayer for
5 relief.

6 **FIFTH CAUSE OF ACTION**
7 (Violations of Unfair Competition Laws)
8 (Bus. & Prof. Code, § 17200 *et seq.*)

8 58. Plaintiff realleges paragraphs 1 through 57 inclusive.

9 59. Within four (4) years of the filing of this complaint, exclusive of any applicable
10 tolling periods and those set forth in paragraph 14, Defendant engaged in, and continues to engage
11 in, unlawful acts, omissions, and practices that constitute unlawful and unfair competition within
12 the meaning of Business and Professions Code sections 17200 through 17208, as alleged in the
13 First through Fourth Causes of Action and paragraph 33, above, and unless enjoined by order of
14 the Court, Defendant may or will continue in the course of conduct as alleged herein.

15 60. Each and every separate act constitutes an unlawful and/or unfair business
16 practice. Each day that Defendant engaged in each separate unlawful act, omission or practice is a
17 separate and distinct violation of Business and Professions Code section 17200.

18 61. Pursuant to Business and Professions Code section 17206, Defendant is liable for
19 civil penalties for each and every separate act of unfair competition as alleged herein.

20 62. Based on the above, the People request injunctive relief against Defendant under
21 Business and Professions Code section 17203 to prevent Defendant from engaging in the acts or
22 practices alleged in paragraph 33 this Complaint—including those acts that violate Chapter 6.5
23 and/or 6.95 of Division 20 of the Health and Safety Code and their implementing regulations, and
24 county and local ordinances pertaining to hazardous waste generator permits—which thereby
25 constitute unfair competition within the meaning of Business and Professions Code section
26 17200.

27 **PRAYER FOR RELIEF**

28 Based on the above, the People request the following relief as to Defendant:

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1. A Permanent Injunction requiring Defendant to comply with those provisions of Health and Safety Code, Division 20, Chapter 6.5, and implementing regulations, which Defendant are alleged to have violated;
2. A Permanent Injunction requiring Defendant to comply with those provisions of Health and Safety Code, Division 20, Chapter 6.95, and implementing regulations, which Defendant is alleged to have violated;
3. A Permanent Injunction, issued pursuant to Business and Professions Code section 17203, prohibiting Defendant from engaging in the unlawful activity alleged in paragraph 33 of this Complaint—including those acts that violate the provisions of Chapters 6.5 and 6.95 of Division 20 of the Health and Safety Code—which thereby constitute unfair competition within the meaning of Business and Professions Code section 17200;
4. Civil penalties against Defendant for each violation of Health and Safety Code section 25189, or alternatively section 25189.2, in an amount according to proof;
5. Civil penalties against Defendant pursuant to Health and Safety Code section 25515, in an amount according to proof;
6. Civil penalties against Defendant pursuant to Business and Professions Code section 17206 for each act of unfair competition, in an amount according to proof;
7. Plaintiff's costs of inspection, investigation, attorney's fees, enforcement, prosecution, and suit herein; and
8. Such other and further relief as the Court deems just and proper.

ANNE MARIE SCHUBERT, District Attorney
County of Sacramento, State of California

Dated: July 3, 2018

By: MM. Restrepo
Michelle Restrepo
Deputy District Attorney

Attachment A - Additional Counsel for the Plaintiff

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NANCY E. O'MALLEY
Alameda County District Attorney
KEVIN WONG, SBN 215446
Deputy District Attorney
7677 Oakport Street, Suite 650
Oakland, CA 94621
Telephone: (510) 383-8600

DIANA BECTON
Contra Costa County District Attorney
STACEY GRASSINI, SBN 154937
Deputy District Attorney
900 Ward Street
P.O. Box 670
Martinez, CA 94553-0150
Telephone: (925) 957-8604

VERN PIERSON
El Dorado County District Attorney
ROBERT E. NICHOLS, SBN 100028
Deputy District Attorney
515 Main Street
Placerville, CA 95667
Telephone: (530) 621-6472

JACKIE LACEY
Los Angeles County District Attorney
DANIEL J. WRIGHT, SBN 129309
Deputy District Attorney
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
Telephone: (213) 974-3512

EDWARD S. BERBERIAN, JR.
Marin County District Attorney
ANDRES H. PEREZ, SBN 186219
Deputy District Attorney
3501 Civic Center Drive, Suite 145
San Rafael, CA 94903
Telephone: (415) 473-6450

1 ALLISON HALEY
Napa County District Attorney
2 PATRICK COLLINS, SBN 138114
Deputy District Attorney
3 931 Parkway Mall
4 Napa, CA 94559
Telephone: (707) 253-4211
5
6 R. SCOTT OWENS
Placer County District Attorney
7 JANE CRUE, SBN 210122
Deputy District Attorney
8 10810 Justice Center Drive, Suite 240
Roseville, CA 95678
9 Telephone: (916) 543-8000
10
11 MICHAEL A. HESTRIN
Riverside County District Attorney
12 LAUREN R. MARTINEAU SBN 250982
Deputy District Attorney
13 3960 Orange Street, First Floor
Riverside, CA 92501-3707
14 Telephone: (951) 955-5400
15
16 TORI VERBER SALAZAR
San Joaquin County District Attorney
17 CELESTE KAISCH, SBN 234174
Deputy District Attorney
18 222 E. Weber Avenue, Room 202
Stockton, CA 95202
Telephone: (209) 468-2400
19
20 STEPHEN M. WAGSTAFFE
San Mateo County District Attorney
21 JOHN E. WILSON, SBN 95602
Deputy District Attorney In Charge
22 400 County Center, 3rd Floor
Redwood City, CA 94063
23 Telephone: (650) 363-4636
24
25 JEFFREY F. ROSEN
Santa Clara County District Attorney
26 BUD PORTER, SBN 197277
70 W Hedding Street
San Jose, CA 95110
27 Telephone: (408) 299-7400
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KRISHNA A. ABRAMS
Solano County District Attorney
DIANE M. NEWMAN, SBN 179926
Deputy District Attorney
675 Texas Street, 4th Floor, # 4500
Fairfield, CA 94533-6340
Telephone: (707) 784-6800

GREGORY D. TOTTEN
Ventura County District Attorney
MITCHELL F. DISNEY, SBN 138114
Senior Deputy District Attorney
5720 Ralston Street, Suite 300
Ventura, CA 93003
Telephone: (805) 662-1750

JEFF W. REISIG
District Attorney of Yolo County
DAVID J. IREY, SBN 142864
Assistant Chief Deputy District Attorney
301 Second Street
Woodland, CA 95695
Telephone: (530) 666-8428