

FILED

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THIS CASE HAS BEEN ASSIGNED TO JUDGE  
BARBARA A. KRONLUND IN DEPARTMENT 42  
FOR ALL PURPOSES, INCLUDING TRIAL

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN JOAQUIN

17 **THE PEOPLE OF THE STATE OF**  
18 **CALIFORNIA,**

19 **Plaintiff,**

20 **v.**

21 **FAMILY DOLLAR, INC., a North Carolina**  
**Corporation,**  
22 **FAMILY DOLLAR OPERATIONS, INC., a**  
**North Carolina Corporation,**  
23 **FAMILY DOLLAR SERVICES, INC., a**  
**North Carolina Corporation,**  
24 **FAMILY DOLLAR TRUCKING, INC., a**  
**North Carolina Corporation,**  
25 **FAMILY DOLLAR UTAH DC, LLC, a**  
**Utah Limited Liability Company,**  
26 **and DOES 1 – 25,**

27 **Defendants.**

Case No. STK-CV- UNPI -2016- 2933

**COMPLAINT FOR PERMANENT  
INJUNCTION, CIVIL PENALTIES AND  
OTHER EQUITABLE RELIEF**

(Health & Saf. Code, Div. 20, Chapters 6.5,  
and 6.95; Health & Saf. Code § 117600, *et*  
*seq.*; Bus. & Prof. Code § 17200, *et seq.*)

*Exempt from fees per  
Government Code §6103*

*Additional Counsel for the Plaintiff*

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1 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA (“People”), based on  
2 information and belief, alleges as follows:

3 **PLAINTIFF**

4 1. The People bring this action and by and through Barbara Yook, District Attorney  
5 of Calaveras County; Vern Pierson, District Attorney of El Dorado County; Lisa A. Smittcamp,  
6 District Attorney of Fresno County; Lisa S. Green, District Attorney of Kern County; Keith  
7 Fagundes, District Attorney of Kings County; Michael N. Feuer, City Attorney of Los Angeles;  
8 Jackie Lacey, District Attorney of Los Angeles County; David Linn, District Attorney of  
9 Madera County; Larry D. Morse II, District Attorney of Merced County; Tony Rackauckas,  
10 District Attorney of Orange County; R. Scott Owens, District Attorney of Placer County; Mike  
11 Hestrin, District Attorney of Riverside County; Anne Marie Schubert, District Attorney of  
12 Sacramento County; Michael A. Ramos, District Attorney of San Bernardino County; Jan  
13 Goldsmith, City Attorney of San Diego; Bonnie M. Dumanis, District Attorney of San Diego  
14 County; Tori Verber Salazar, District Attorney of San Joaquin County; Krishna A. Abrams,  
15 District Attorney of Solano County; Birgit A. Fladager, District Attorney of Stanislaus County;  
16 Tim Ward, District Attorney of Tulare County; Gregory D. Totten, District Attorney of Ventura  
17 County; and Jeff W. Reisig, District Attorney of Yolo County (collectively “Prosecutors”).

18 2. Pursuant to Health and Safety Code section 25182, the Prosecutors may bring a  
19 civil action in the name of the People of the State of California to enjoin any violation of  
20 Chapter 6.5 of Division 20 of the Health and Safety Code (hereinafter “Chapter 6.5”) and to  
21 seek civil penalties for violations of the provisions of Chapter 6.5.

22 3. Pursuant to Health and Safety Code sections 25515.6 and 25515.7, the Prosecutors  
23 may bring a civil action in the name of the People of the State of California to enjoin any  
24 violation of Health and Safety Code sections 25507 to 25508, inclusive, and sections 25511 to  
25 25519, inclusive, of Chapter 6.95 of Division 20 of the Health and Safety Code (hereinafter  
26 “Chapter 6.95”).

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1 4. Pursuant to Health and Safety Code sections 117830, subdivision (c), 118325, and  
2 118345, subdivision (b), the Prosecutors may bring a civil action in the name of the People of  
3 the State of California to enjoin any violation of section 117600 *et seq.* of the Health and Safety  
4 Code and to seek civil penalties for violations of the provisions thereof.

5 5. Pursuant to Business and Professions Code sections 17203, 17204, and 17206, the  
6 Prosecutors may bring a civil action in the name of the People of the State of California to  
7 enjoin any person who engages, has engaged, or proposes to engage in unfair competition, as  
8 defined in California Business and Professions Code section 17200, and to seek civil penalties  
9 for each unlawful act or act of unfair competition.

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

13 **FAMILY DOLLAR DEFENDANTS**

14 7. Defendant Family Dollar, Inc., is now, and at all times mentioned in this  
15 Complaint was, a North Carolina corporation that does and did business in its own capacity  
16 and/or through agents and affiliates in the State of California.

17 8. Defendant Family Dollar Operations, Inc., is now, and at all times mentioned in  
18 this Complaint was, a North Carolina corporation that does and did business in its own capacity  
19 and/or through agents and affiliates in the State of California.

20 9. Defendant Family Dollar Services, Inc., is now, and at all times mentioned in this  
21 Complaint was, a North Carolina corporation that does and did business in its own capacity  
22 and/or through agents and affiliates in the State of California.

23 10. Defendant Family Dollar Trucking, Inc., is now, and at all times mentioned in this  
24 Complaint was, a North Carolina corporation that does and did business in its own capacity  
25 and/or through agents and affiliates in the State of California.

26 11. Defendant Family Dollar Utah DC, LLC is now, and at all times mentioned in this  
27 Complaint was, a Utah limited liability company that does and did business in its own capacity  
28 and/or through agents and affiliates in the State of California.

1           12. Defendants named in paragraphs 7-11, inclusive, are hereafter collectively referred  
2 to as “Defendants” or “Family Dollar.”

3           13. Family Dollar does and did business in its own capacity and/or through agents and  
4 affiliates in the State of California at the facilities identified in Exhibit A (hereinafter  
5 collectively referred to as “California Facilities”). The California Facilities are located  
6 throughout California.

7           14. The People are informed and believe, and thereon allege, that Family Dollar is the  
8 owner and/or operator of the California Facilities.

9           15. At all times relevant hereto, Family Dollar has stocked, transported, stored and  
10 sold hazardous materials at and from the California Facilities. These hazardous materials  
11 include, but are not limited to, over-the-counter medications, pharmaceuticals, aerosol products,  
12 ignitable liquids, batteries, electronic devices, and other toxic, reactive, ignitable and/or  
13 corrosive materials. Family Dollar also generated regulated quantities of hazardous waste at  
14 each of the California Facilities as a result of various causes, including, but not limited to,  
15 damage to containers, spills and releases of hazardous materials, pharmaceutical waste, and  
16 various hazardous wastes generated from customer returns of hazardous products.

17           16. At all times relevant hereto, Family Dollar was and is legally responsible for  
18 compliance with the provisions of the Health and Safety Code, including Chapters 6.5 and 6.95  
19 of Division 20 and section 117600 *et seq.*, at the California Facilities. The People are informed  
20 and believe, and based thereon allege that, at all relevant times, Family Dollar controlled,  
21 managed, directed and was responsible for the operations of the California Facilities, and/or  
22 aided and abetted, managed, directed or acted in concert with persons who exercised control  
23 over those operations. The People are informed and believe, and based thereon allege, that at  
24 all relevant times, Family Dollar was legally responsible for all acts and omissions of its  
25 officers, directors, agents, employees, contractors, vendors, affiliates, and/or representatives  
26 relating to the management of hazardous materials and hazardous waste, and medical waste, at  
27 the California Facilities, and/or that Family Dollar failed to take appropriate steps to prevent

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1 and/or correct the violations alleged herein despite having power, authority and notice sufficient  
2 to do so.

3 17. Family Dollar is a “person,” as defined in Health and Safety Code sections 25118  
4 and 117745 and Business & Professions Code section 17201, and a “business,” as defined in  
5 Health and Safety Code section 25501, subdivision (c).

6 18. When reference is made herein to any act or omission of Family Dollar, such  
7 allegation shall include the act or omission of the owners, officers, directors, agents, employees,  
8 contractors, vendors, affiliates, and/or representatives of Family Dollar, engaged in said act or  
9 omission.

10 19. The identities of DOES 1 – 25 are unknown to Plaintiff at this time. At such time  
11 as the identities of DOE Defendants become known, Plaintiff will amend this Complaint  
12 accordingly. DOES 1 – 25 are, and at all times relevant to the claims in this Complaint were,  
13 legally responsible for compliance with the provisions of California Health and Safety Code  
14 including, but not limited to, Chapters 6.5 and 6.95 of Division 20, and the corresponding  
15 implementing regulations, and section 117600 *et seq.*, in connection with the ownership and/or  
16 operation of the California Facilities. Family Dollar and DOES 1 – 25 are collectively referred  
17 to herein as “Defendants.”

18 20. At all times relevant hereto, DOES 1 – 25 were in a position of responsibility  
19 allowing them to influence corporate policies or activities with respect to Family Dollar’s  
20 compliance with California environmental laws and regulations at the California Facilities, and  
21 had, by reason of their position in Family Dollar, responsibility and authority either to prevent  
22 in the first instance, or promptly to correct, the violations complained of herein, but failed to do  
23 so. In addition to any direct personal liability of these individuals, DOES 1 – 25 also are  
24 personally liable under the “responsible corporate officer doctrine” for violations of law  
25 committed by Family Dollar as alleged herein.

#### 26 JURISDICTION AND VENUE

27 21. Venue is proper in this County pursuant to Health and Safety Code sections 25183  
28 and 25515.6, and Business and Professions Code section 17200 *et seq.*, in that certain of the

1 violations alleged in the Complaint occurred in the County of San Joaquin and throughout the  
2 State of California. This Court has jurisdiction pursuant to Article 6, section 10, of the  
3 California Constitution and Code of Civil Procedure section 393.

4 22. Plaintiff and Family Dollar have entered into an agreement to toll any applicable  
5 statutes of limitation. As a result of this agreement, the period of time from July 30, 2015,  
6 through January 31, 2016, inclusive (the "Tolling Period") will not be included in computing  
7 the time limited by any statutes of limitation applicable to the claims covered by the tolling  
8 agreement.

### 9 **STATUTORY AND REGULATORY BACKGROUND**

10 23. The State of California has enacted a comprehensive statutory and regulatory  
11 framework for the generation, handling, treatment, storage, transportation, and disposal of  
12 hazardous wastes. This framework, contained in Chapter 6.5 of Division 20 of the Health and  
13 Safety Code, section 25100 *et seq.*, and its implementing regulations, which are found at title 22  
14 of the California Code of Regulations section 66260.1 *et seq.*, mandates a "cradle to grave"  
15 system known as the Hazardous Waste Control Law ("HWCL"). The HWCL system is  
16 maintained to record the generation, registration, tracking, storage, treatment, and disposal of  
17 hazardous wastes, and to provide for the protection of the public and the environment from  
18 present or potential risks posed by hazardous wastes.

19 24. The HWCL is the California analog of the Federal Resource Conservation and  
20 Recovery Act, 42 U.S.C. section 6901 *et seq.* ("RCRA"). Pursuant to state and federal law, the  
21 California Department of Toxic Substances Control ("DTSC") administers the HWCL in lieu of  
22 federal administration of RCRA in California. (See Health & Saf. Code, § 25101, subdivision  
23 (d).) Federal law prohibits California from imposing "any requirements less stringent than  
24 those authorized under [RCRA]." (42 U.S.C. § 6929.)

25 25. The HWCL has, in certain instances, a more inclusive definition of hazardous  
26 waste than federal law. Hazardous wastes that are regulated under California law but not  
27 federal law are known as "non-RCRA hazardous wastes." (Health & Saf. Code, § 25117.9.)

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1 Health and Safety Code, or for any violation of a regulation promulgated pursuant to the  
2 MWMA.

3 31. Business and Professions Code section 17206 imposes civil liability for any act of  
4 unfair competition, as defined in California Business and Professions Code section 17200.

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

8 33. Health and Safety Code sections 25181 and 25184 authorize the Court to issue an  
9 order that enjoins any ongoing or potential violation of the HWCL, or of any applicable rule,  
10 regulation, permit, standard, requirement, or order issued or promulgated pursuant to the  
11 HWCL.

12 34. Health and Safety Code sections 25515.6 and 25515.8 authorize the Court to issue  
13 an order that enjoins any ongoing or potential violation of Chapter 6.95.

14 35. Health and Safety Code section 118325 authorizes the Court to issue an order that  
15 enjoins any ongoing or potential violation of the MWMA.

16 36. Health and Safety Code sections 25184, 25515.8, and 118325 provide that in civil  
17 actions brought pursuant to the HWCL, Chapter 6.95, or MWMA, respectively, in which an  
18 injunction or temporary restraining order is sought, it shall not be necessary for the People to  
19 allege or prove at any stage of the proceeding that irreparable damage will occur should the  
20 temporary restraining order, preliminary injunction, or permanent injunction not be issued, or  
21 that the remedy at law is inadequate, and the temporary restraining order, preliminary  
22 injunction, or permanent injunction shall issue without such allegations and without such proof.

### 23 **GENERAL ALLEGATIONS**

24 37. At all times relevant hereto and continuing from and after the date of filing of this  
25 Complaint, Defendants owned and/or operated, and continue to own and/or operate, and are  
26 responsible for acts and/or omissions committed at, over 147 California Facilities throughout  
27 California, including retail stores and regional distribution centers. At all times relevant hereto  
28 and continuing from and after the date of filing of this Complaint, Defendants, and each of

1 them, handled at the California Facilities enormous volumes of hazardous materials, including,  
2 but not limited to, over-the-counter medications, bleaches, batteries, electronic devices,  
3 ignitable liquids, aerosol products, oven cleaners and various other cleaning agents, and other  
4 ignitable, reactive, toxic, corrosive, and biohazard materials. Most of those hazardous materials  
5 are sold to the public in the ordinary course of business. However, at all times relevant hereto  
6 and continuing from and after the date of filing of this Complaint, hazardous materials handled  
7 by Defendants at the California Facilities were and are rendered unsalable and unusable for their  
8 intended purpose as the result of spillage, breakage, expiration of sell-by dates, contamination,  
9 damage to containers or labeling, and other causes, and must be handled and disposed of as  
10 hazardous waste in compliance with the HWCL.

11 38. At all times relevant to this Complaint, Defendants, and each of them, are and were  
12 responsible for the operation of the California Facilities. At all times relevant to this Complaint,  
13 Defendants, and each of them, were aware of, established, implemented, managed, directed,  
14 approved, ratified and/or controlled the hazardous materials, medical waste, and hazardous  
15 waste management activities, policies and procedures at each of the California Facilities. At all  
16 times relevant to this Complaint, Defendants' actions and/or omissions, as part of a continuing  
17 course of conduct, are or were the legal cause of the violations alleged herein, and Defendants,  
18 and each of them, reasonably could have taken action to prevent violations and comply with  
19 applicable laws and regulations.

20 39. Plaintiff is informed and believes, and thereupon alleges, that at all times relevant  
21 to this Complaint, Defendants, at each of the California Facilities, generated hazardous waste  
22 during every ninety (90) day period.

23 40. Plaintiff is informed and believes and thereupon alleges that Defendants, and each  
24 of them, have violated provisions of the following statutes, including implementing regulations  
25 associated with each of the statutes and any related permit, rule, standard, or requirement issued  
26 or promulgated pursuant to these statutes, at the California Facilities within the time period  
27 applicable to this action: Chapter 6.5 of the Health and Safety Code, section 25100 *et seq.*;  
28 Chapter 6.95 of the Health and Safety Code, section 25500 *et seq.*; Health and Safety Code



1 section 117600 *et seq.*; Business and Professions Code section 17200 *et seq.*; and in addition, to  
2 the period of time tolled pursuant to the tolling agreement referenced in paragraph 22.

3 41. Plaintiff alleges that Defendants, and each of them, at all times relevant hereto,  
4 including the period of time spanned by the Tolling Agreement, and continuing from and after  
5 the date of filing of this Complaint, caused and/or performed each of the acts and/or  
6 omissions in violation of California law in the ownership and/or operation of the California  
7 Facilities as alleged below:

- 8 a. Disposed of, or caused the disposal of, hazardous waste at a point not authorized,  
9 in violation of Health and Safety Code sections 25189 and 25189.2, including in  
10 drains at California Facilities, onto the surface or subsurface of the ground at  
11 unauthorized locations, and at landfills not authorized to accept  
12 commercial/retail hazardous waste and other locations not authorized to receive  
13 hazardous waste;
- 14 b. Transported hazardous waste at, to, from, and between California Facilities on  
15 vehicles that did not hold a valid registration issued by DTSC, in violation of  
16 Health and Safety Code section 25163;
- 17 c. Failed to determine if generated wastes—including, but not limited to, items  
18 returned by customers to California Facilities, and wastes generated at California  
19 Facilities via spills, container breakage, and other means—were hazardous  
20 wastes, as required by title 22 of the California Code of Regulations section  
21 66262.11 and California Code of Regulations, title 22, Section 66260.200;
- 22 d. Where such waste was hazardous, failed to handle the hazardous waste in  
23 accordance with the requirements of Chapter 6.5 of the Health and Safety Code  
24 and its implementing regulations in title 22 of the California Code of  
25 Regulations, including, but not limited to, section 66265.172 (compatibility of  
26 waste with containers), and section 66265.177 (placing incompatible waste  
27 streams in the same container);

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- 1 e. Failed to properly manage, identify the accumulation start date, and properly  
2 label containers of hazardous waste at California Facilities, in violation of  
3 California Code of Regulations, title 22, section 66262.34;
- 4 f. Failed to keep containers of hazardous waste closed and/or sealed, except when  
5 removing or adding hazardous waste, in violation of title 22 of the California  
6 Code of Regulations section 66265.173;
- 7 g. Failed to comply with employee training obligations pertaining to handling of  
8 hazardous waste at California Facilities, in violation of California Code of  
9 Regulations, title 22, section 66265.16;
- 10 h. Failed to obtain and keep current all required hazardous waste generator permits  
11 required by county and local ordinances;
- 12 i. Treated, stored, disposed of, transported, and offered for transportation,  
13 hazardous waste without having received and used a proper identification  
14 number from the U.S. Environmental Protection Agency or DTSC for the  
15 originating facility, in violation of title 22 of the California Code of Regulations  
16 section 66262.12, subdivision (a);
- 17 j. Failed to maintain a program for the lawful storage, handling and accumulation  
18 of hazardous waste, and for the lawful segregation of hazardous-waste items that  
19 are in leaking containers, to the extent required by Health and Safety Code  
20 section 25123.3 and California Code of Regulations, title 22, sections 66262.34,  
21 66265.173 and 66265.177;
- 22 k. Stored hazardous waste onsite beyond the time permitted by law at a facility  
23 which did not have a hazardous waste storage permit from DTSC, in violation of  
24 title 22 of the California Code of Regulations section 66262.34, and California  
25 Health and Safety Code section 25123.3, subdivision (h);
- 26 l. Failed to timely cause to be prepared and filed with the Department of Toxic  
27 Substances Control (“DTSC”) a hazardous waste manifest for all hazardous  
28 waste that is transported, or submitted for transportation, for offsite handling,

1 treatment, storage, disposal, or any combination thereof, as provided by Health  
2 and Safety Code section 25160(b)(3) and California Code of Regulations, title  
3 22, section 66262.23,

- 4 m. Failed to contact the transporter and/or the owner or operator of the designated  
5 facility which was to receive the hazardous waste to determine the status of the  
6 hazardous waste after the generator did not receive a copy of the manifest with  
7 the handwritten signature of the owner or operator of the designated facility  
8 within thirty-five (35) days of the date the waste was accepted by the initial  
9 transporter, in violation of title 22 of California Code of Regulations, section  
10 66262.42;
- 11 n. Failed to submit an exception report to DTSC after the generator did not receive  
12 a copy of the manifest with the handwritten signature of the owner or operator of  
13 the designated facility which was to receive the hazardous waste within forty-  
14 five (45) days of the date the waste was accepted by the initial transporter, in  
15 violation of title 22 of the California Code of Regulations, section 66262.42,  
16 subdivision (b), and Health and Safety Code section 25123.3(h)(2);
- 17 o. Failed to maintain properly designated and designed hazardous waste storage  
18 areas, which include the segregation of hazardous wastes, and to conduct weekly  
19 inspections of hazardous waste storage areas, at each California Facility in  
20 violation of title 22 of the California Code of Regulations, sections 66262.34 and  
21 66265.174;
- 22 p. Failed to keep a copy of each manifest signed in accordance with title 22 of the  
23 California Code of Regulations section 66262.23, subdivision (a), for three (3)  
24 years or until the generator received a signed copy from the designated facility  
25 which received the hazardous waste, in violation of title 22 of the California  
26 Code of Regulations, section 66262.40, subdivision (a);

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- 1 q. Failed to manage, mark, and store universal waste in compliance with the  
2 standards for universal waste management, in violation of California Code of  
3 Regulations, title 22, Chapter 23, section 66273.1 *et seq.*;
- 4 r. Failed to implement, maintain and comply with an employee training program  
5 meeting the requirements of Health and Safety Code section 25505, subdivision  
6 (a), and title 19 of the California Code of Regulations, section 2732, pertaining to  
7 hazardous materials, and business and area plans;
- 8 s. Failed to implement and maintain a business emergency plan for emergency  
9 response to a release or threatened release of hazardous materials, in violation of  
10 Health and Safety Code section 25507;
- 11 t. Failed to implement, maintain or to submit to the administering agency (as  
12 defined in Health and Safety Code sections 25501 and 25502), a complete  
13 hazardous materials business plan for each California Facility, in violation of  
14 Health and Safety Code sections 25505 and 25508, and section 2729 of title 19  
15 of the California Code of Regulations;
- 16 u. Failed to, upon discovery, immediately verbally report any release or threatened  
17 release of a reportable quantity of any hazardous material from any California  
18 Facility into the environment, in violation of Health and Safety Code section  
19 25510;
- 20 v. Failed to comply with the California MWMA, Health and Safety Code section  
21 117600 *et seq.*, by failing to have a Medical Waste Management Plan, failing to  
22 retain on file disposal receipts and tracking documents for waste shipped offsite  
23 for three (3) years, and improperly storing, transporting, and disposing of  
24 pharmaceutical wastes;
- 25 w. Allowed hazardous waste to remain, after causing its deposit, at a point not  
26 authorized, without immediately filing a report of the deposit with the DTSC and  
27 complying with any order by the DTSC, in violation of Health and Safety Code  
28 sections 25189, subdivision (d), and 25189.2, subdivision (c);



1 x. Disposed of or caused the disposal of hazardous waste at an unauthorized point  
2 in violation of Health and Safety Code section 25189.5.

3 42. Defendants' noncompliance with the above statutes and regulations threatened  
4 public health and safety and/or the environment.

5 **FIRST CAUSE OF ACTION**  
6 (Disposal of Hazardous Waste at a Point not Authorized)  
7 (Health & Safety Code, § 25189, subdivision (c))

8 43. Plaintiff realleges paragraphs 1 through 42, inclusive.

9 44. Health and Safety Code sections 25189 and 25189.2 prohibit the disposal, or  
10 causing of the disposal, of hazardous waste at a point not authorized under Chapter 6.5. Section  
11 25189(c) prohibits intentional and negligent disposal of hazardous waste at an unauthorized  
12 point, and 25189.2, subdivision (c), prohibits the disposal of hazardous waste at an unauthorized  
13 point as a matter of strict liability.

14 45. Defendants, and each of them, have disposed of and/or caused the disposal of  
15 hazardous waste originating from the California Facilities at unauthorized points, in violation of  
16 California Health and Safety Code sections 25189 and 25189.2.

17 46. Each disposal of hazardous waste at an unauthorized point discovered within five  
18 (5) years of commencing this action, in addition to any applicable tolling periods and those set  
19 forth in paragraph 22 herein, and each day the waste was allowed to remain at such point  
20 without the immediate filing of a report of the deposit with the DTSC, subjects Defendants to a  
21 separate and additional civil penalty under Health and Safety Code section 25189 or  
22 alternatively under section 25189.2.

23 47. Based on the above, the People request injunctive relief against Defendants under  
24 Health and Safety Code section 25181, and civil penalties under Health and Safety Code  
25 sections 25189 or 25189.2, as described in the People's prayer for relief.

26 **SECOND CAUSE OF ACTION**  
27 (Unauthorized Transportation of Hazardous Waste)  
28 (Health & Safety Code, §§ 25163, 25189 and 25189.2; Cal. Code Regs., title 22, § 66263.23)

48. Plaintiff realleges paragraphs 1 through 47, inclusive.

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1 of Regulations, section 66260.1 *et seq.*, applicable to the California Facilities by virtue of the  
2 acts alleged above, and incorporated herein by reference, and unless enjoined by order of the  
3 Court, Defendants, and each of them, may or will continue in the course of conduct as alleged  
4 herein.

5 56. Each violation of the hazardous waste handling and storage requirements that the  
6 People discovered within five (5) years of commencing this action, in addition to any applicable  
7 tolling periods and those set forth in paragraph 22 herein, subjects Defendants to a separate and  
8 additional civil penalty under Health and Safety Code section 25189 or alternatively section  
9 25189.2.

10 57. Based on the above, the People request injunctive relief against Defendants under  
11 Health and Safety Code section 25181, and civil penalties under Health and Safety Code  
12 sections 25189 and 25189.2, as described in the People's prayer for relief.

13 **FOURTH CAUSE OF ACTION**

14 (Violations of Hazardous Materials Release Response Plans and Inventory Laws)  
15 (Health & Safety Code Chapter 6.95, §§ 25507, 25508 and 25515;  
16 Cal. Code Regs., title 19, § 2729)

17 58. Plaintiff realleges paragraphs 1 through 57, inclusive.

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

21 60. Defendants, and each of them, failed to maintain the required hazardous materials  
22 response plans and inventories, training records and applicable permits required for the  
23 California Facilities, and, unless enjoined by order of the Court, Defendants, and each of them,  
24 may or will continue in the course of conduct as alleged herein.

25 61. Defendants, and each of them, are liable for each and every separate violation of  
26 Health and Safety Code sections 25507 to 25508, inclusive, and sections 25510 to 25511  
27 inclusive, and any applicable permit, rule, regulation, standard, or requirement issued or  
28 promulgated pursuant thereto which occurred within five (5) years after the discovery of the

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1 facts constituting grounds for commencing the action on these claims, in addition to any  
2 applicable tolling periods and those set forth in paragraph 22 herein.

3 62. Based on the above, the People request injunctive relief against Defendants under  
4 Health and Safety Code sections 25515.6 and 25515.8, and civil penalties as set forth in Health  
5 and Safety Code section 25515, subdivisions (a) and (b), for each violation of the required  
6 hazardous materials response plans and inventories and training and updating requirements of  
7 Chapter 6.95 of Division 20 of the Health and Safety Code section 25500 *et seq.*, and its  
8 implementing regulations, at the California Facilities, as described in the People's prayer for  
9 relief.

10 **FIFTH CAUSE OF ACTION**

11 (Disposal of Untreated Medical Waste)

12 (Health & Safety Code §§ 118215, subdivision (a), and 118222)

13 63. Plaintiff realleges paragraphs 1 through 62, inclusive.

14 64. Health and Safety Code sections 118215, subdivision (a), and 118222, prohibit  
15 the disposal of medical waste without first treating such waste by a method specified in the  
16 MWMA.

17 65. Defendants, and each of them, have disposed of medical waste originating from  
18 the California Facilities without first properly treating it, in violation of California Health and  
19 Safety Code section 118215, subdivision (a), and unless enjoined by order of the Court,  
20 Defendants, and each of them, may or will continue in the course of conduct as alleged herein.

21 66. Each act of disposal of medical waste without proper treatment that the People  
22 discovered within three (3) years of commencing this action, in addition to any applicable  
23 tolling periods and those set forth in paragraph 22 herein, subjects Defendants to a separate and  
24 additional civil penalty under Health and Safety Code section 118345, subdivision (b).

25 67. Based on the above, the People request injunctive relief against Defendants under  
26 Health and Safety Code section 118325, and civil penalties under Health and Safety Code  
27 section 118345, subdivision (b), as described in the People's prayer for relief.

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1 *seq.*, and county and local ordinances pertaining to hazardous waste generator permits, which  
2 thereby constitute unfair competition within the meaning of Business and Professions Code  
3 section 17200.

#### 4 **PRAYER FOR RELIEF**

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

6 1. A Permanent Injunction requiring Defendants to comply with those provisions of  
7 Health and Safety Code, Division 20, Chapter 6.5 and implementing regulations, which  
8 Defendants are alleged to have violated;

9 2. A Permanent Injunction requiring Defendants to comply with those provisions of  
10 Health and Safety Code, Division 20, Chapter 6.95 and implementing regulations, which  
11 Defendants are alleged to have violated;

12 3. A Permanent Injunction requiring Defendants to comply with those provisions of  
13 Health and Safety Code section 117600 *et seq.*, which Defendants are alleged to have violated;

14 4. A Permanent Injunction, issued pursuant to Business and Professions Code  
15 section 17203, prohibiting Defendants from engaging in activity that violates the provisions of  
16 Chapters 6.5 and 6.95 of Division 20 of the Health and Safety Code, and Health and Safety  
17 Code section 117600 *et seq.*, as alleged in this Complaint, which thereby constitute unfair  
18 competition within the meaning of Business and Professions Code section 17200;

19 5. That the Defendants herein be assessed a civil penalty of TWENTY FIVE  
20 THOUSAND DOLLARS (\$25,000.00), for each violation, in an amount according to proof, for  
21 their violations of Health and Safety Code section 25189(c) or (b), or alternatively section  
22 25189.2(c);

23 6. That the Defendants herein be assessed a civil penalty of TWO THOUSAND  
24 DOLLARS (\$2,000.00), for each violation, in an amount according to proof, for their violations  
25 of Health and Safety Code sections 25515 and 25515.5;

26 7. That the Defendants herein be assessed a civil penalty of TEN THOUSAND  
27 DOLLARS (\$10,000.00), for each violation, in an amount according to proof, for their  
28 violations of Health and Safety Code section 118345, subdivision (b);



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8. That the Defendants herein be assessed a civil penalty of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), for each violation, in an amount according to proof, for their violations of Business and Professions Code section 17206;

9. Plaintiff's costs of inspection, investigation, enforcement, prosecution, and suit herein; and

10. Such other and further relief as the Court deems just and proper.

Dated: 3/25/10

TORI VERBER SALAZAR, District Attorney  
County of San Joaquin, State of California

By:   
CELESTE KAISCH  
Deputy District Attorney

# EXHIBIT A

## Exhibit A - California Family Dollar Facilities

	Store	Address	City	County	State	Closed Date
1	11389	3502 Spangler Lane	Copperopolis	Calaveras	CA	
2	10709	6524 Pony Express Trail	Pollock Pines	El Dorado	CA	
3	9168	1922 Clovis Avenue	Clovis	Fresno	CA	
4	10122	5301 Williamson Rd.	Firebaugh	Fresno	CA	
5	9064	2340 N Blackstone Avenue	Fresno	Fresno	CA	
6	9070	4855 E Kings Canyon Rd	Fresno	Fresno	CA	
7	9128	4819 East Olive Avenue	Fresno	Fresno	CA	
8	8776	3707 W. Shields	Fresno	Fresno	CA	
9	9129	3243 N. Cedar Ave.	Fresno	Fresno	CA	
10	10301	6380 N. Figarden Dr. # 101	Fresno	Fresno	CA	09/10/15
11	10098	3122 East Gettysburg Ave.	Fresno	Fresno	CA	
12	10180	4027 N. Marks Ave.	Fresno	Fresno	CA	
13	9223	5167 E Belmont Avenue	Fresno	Fresno	CA	
14	10435	1810 E Jensen Avenue	Fresno	Fresno	CA	
15	10403	1928 W. Olive Avenue	Fresno	Fresno	CA	
16	9213	36301 S Lasson Avenue	Huron	Fresno	CA	
17	10017	15070 W Whitesbridge Avenue	Kerman	Fresno	CA	
18	10505	1770 Draper St.	Kingsburg	Fresno	CA	
19	9077	766 Derrick Ave.	Mendota	Fresno	CA	
20	9245	1150 Park Blvd.	Orange Cove	Fresno	CA	
21	8968	885 E. Manning Avenue, Suite 2	Parlier	Fresno	CA	
22	8901	1540 E Manning Avenue	Reedley	Fresno	CA	
23	9183	21790 Colorado Avenue	San Joaquin	Fresno	CA	
24	11189	742 Academy Avenue	Sanger	Fresno	CA	
25	9204	3726 McCall Avenue	Selma	Fresno	CA	
26	9305	395 W E Street	Brawley	Imperial	CA	08/21/14
27	10238	1400 E. Main St.	Brawley	Imperial	CA	
28	10187	438 Grant Street	Calexico	Imperial	CA	08/25/14
29	9258	1111 S Fourth St	El Centro	Imperial	CA	
30	10434	308 W 5th Street	Holtville	Imperial	CA	
31	9291	2108 Hwy 86 Service Rd	Salton City	Imperial	CA	
32	10165	223 E Main Street	Westmorland	Imperial	CA	
33	8777	2110 Niles Street	Bakersfield	Kern	CA	
34	9346	333 Union Avenue	Bakersfield	Kern	CA	
35	10001	2151 S. Chester Avenue	Bakersfield	Kern	CA	
36	10086	5905 Niles Street	Bakersfield	Kern	CA	
37	10102	2677 Mt. Vernon Ave	Bakersfield	Kern	CA	
38	10186	1507 Panama Lane	Bakersfield	Kern	CA	
39	11432	26645 Twenty Mule Team Rd	Boron	Kern	CA	
40	8775	9567 California City Blvd	California City	Kern	CA	
41	8877	1990 Cecil Avenue	Delano	Kern	CA	
42	10051	919 High Street	Delano	Kern	CA	
43	9170	5500 Lake Isabella Blvd.	Lake Isabella	Kern	CA	
44	10107	2343 Highway 58	Mojave	Kern	CA	
45	9076	163 Central Valley Highway	Shafter	Kern	CA	
46	10375	1045 Kern Street	Taft	Kern	CA	
47	9307	655 Tucker Rd	Tehachapi	Kern	CA	

## Exhibit A - California Family Dollar Facilities

	Store	Address	City	County	State	Closed Date
48	8818	2445 Highway 46	Wasco	Kern	CA	
49	9197	601 Skyline Blvd	Avenal	Kings	CA	
50	9214	2217 Whitley Ave.	Corcoran	Kings	CA	
51	9202	1148 N. Lemoore Avenue	Lemoore	Kings	CA	
52	10274	125 East Gladstone St.	Azusa	Los Angeles	CA	
53	10070	14431 Ramona Blvd	Baldwin Park	Los Angeles	CA	
54	11183	3705 Gage Avenue	Bell	Los Angeles	CA	
55	10140	1000 S. La Brea Ave.	Inglewood	Los Angeles	CA	
56	10626	16830 E. Avenue O	Lake Los Angeles	Los Angeles	CA	
57	10248	8338 Pearblossom Highway	Littlerock	Los Angeles	CA	
58	10469	1955 W Slauson Avenue	Los Angeles	Los Angeles	CA	
59	10296	5311 E. Olympic Blvd.	Los Angeles	Los Angeles	CA	
60	11299	1436 E. Florence Avenue	Los Angeles	Los Angeles	CA	
61	10250	3157 E. Palmdale Blvd	Palmdale	Los Angeles	CA	
62	11401	6800 Somerset Boulevard	Paramount	Los Angeles	CA	
63	10189	9170 Whittier Blvd	Pico Rivera	Los Angeles	CA	08/11/14
64	9295	1660 Indian Hill Blvd	Pomona	Los Angeles	CA	
65	10576	111 S. Pacific Avenue	San Pedro	Los Angeles	CA	
66	9201	9507 Long Beach Blvd	South Gate	Los Angeles	CA	
67	10297	3610 Firestone Blvd.	South Gate	Los Angeles	CA	
68	9158	1208 W Francisquito Avenue, Su	West Covina	Los Angeles	CA	
69	9154	403 N Azusa Avenue	West Covina	Los Angeles	CA	10/29/15
70	9121	14153 Whittier Blvd	Whittier	Los Angeles	CA	
71	10470	1342 N Avalon Boulevard	Wilmington	Los Angeles	CA	
72	9310	1440 E Yosemite Avenue	Madera	Madera	CA	
73	10593	2120 E Pacheco Blvd.	Los Banos	Merced	CA	10/22/15
74	11163	1715 Yosemite Parkway	Merced	Merced	CA	
75	10805	398 W 16th Street	Merced	Merced	CA	
76	8931	201 S Harbor Blvd	La Habra	Orange	CA	08/21/14
77	8934	3400 E Chapman Ave	Orange	Orange	CA	
78	11066	720 5th Street	Lincoln	Placer	CA	
79	9074	1481 W Ramsey Street	Banning	Riverside	CA	
80	9421	649 E. 6th Ave.	Beaumont	Riverside	CA	
81	10444	30950 Date Palm Drive	Cathedral City	Riverside	CA	09/10/15
82	10936	34600 Date Palm Dr	Cathedral City	Riverside	CA	
83	8889	49681 Harrison St	Coachella	Riverside	CA	
84	10225	52226 Harrison Street	Coachella	Riverside	CA	
85	10016	1138 W 6th Street	Corona	Riverside	CA	10/22/15
86	8996	2249 E. Florida Avenue	Hemet	Riverside	CA	
87	9099	4722 W Florida Avenue	Hemet	Riverside	CA	08/25/14
88	10018	1925 W. Florida Ave.	Hemet	Riverside	CA	09/10/15
89	10499	44491 Jackson Street	Indio	Riverside	CA	
90	10254	31281 Riverside Drive	Lake Elsinore	Riverside	CA	
91	9171	23921 Sunnymead Blvd Ste A	Moreno Valley	Riverside	CA	
92	9182	15075 Perris Blvd	Moreno Valley	Riverside	CA	
93	8917	5608 Van Buren Blvd.	Riverside	Riverside	CA	09/10/15
94	10072	9185 Magnolia Ave.	Riverside	Riverside	CA	



## Exhibit A - California Family Dollar Facilities

	Store	Address	City	County	State	Closed Date
95	10501	1710 Main St.	Riverside	Riverside	CA	
96	10631	6155 Tyler Street	Riverside	Riverside	CA	
97	10557	1223 S San Jacinto Avenue	San Jacinto	Riverside	CA	
98	10695	104 N. Lincoln Way	Galt	Sacramento	CA	
99	10890	4500 Mack Road	Sacramento	Sacramento	CA	
100	10458	11545 Bartlett Avenue	Adelanto	San Bernardino	CA	
101	8999	1307 E Main St	Barstow	San Bernardino	CA	
102	9289	1831 N Rancho Avenue	Colton	San Bernardino	CA	
103	8902	8933 Sierra Avenue	Fontana	San Bernardino	CA	
104	10291	11647 Cherry Ave. # 200	Fontana	San Bernardino	CA	
105	9073	8050 Citrus Ave.	Fontana	San Bernardino	CA	
106	10794	27046 Helendale Road	Helendale	San Bernardino	CA	
107	9165	17376 Main Street Suite B	Hesperia	San Bernardino	CA	
108	10503	15385 Main Street	Hesperia	San Bernardino	CA	
109	9241	27356 Baseline Street	Highland	San Bernardino	CA	
110	9367	10144 Central Avenue	Montclair	San Bernardino	CA	08/18/14
111	8941	980 N. Mountain Ave.	Ontario	San Bernardino	CA	10/08/15
112	8808	552 W. Foothill Blvd.	Rialto	San Bernardino	CA	
113	9309	271 W Base Line Road	Rialto	San Bernardino	CA	
114	9243	677 S Riverside Ave	Rialto	San Bernardino	CA	08/27/15
115	9404	2150 N Sierra Way	San Bernardino	San Bernardino	CA	
116	10068	116 W Base Line St.	San Bernardino	San Bernardino	CA	09/10/15
117	9148	1224 W. 2nd St.	San Bernardino	San Bernardino	CA	09/17/15
118	9336	1054 W. Highland Avenue	San Bernardino	San Bernardino	CA	
119	10831	1137 W Base Line Street	San Bernardino	San Bernardino	CA	
120	11447	13247 Jones Street	Trona	San Bernardino	CA	
121	10947	6345 Adobe Rd	Twentynine Palms	San Bernardino	CA	
122	10084	5065 Logan Ave	San Diego	San Diego	CA	
123	10810	1755 Euclid Ave, Suite 101	San Diego	San Diego	CA	
124	11134	2638 Imperial Avenue	San Diego	San Diego	CA	
125	11383	3729 University Avenue	San Diego	San Diego	CA	
126	10232	1230 E Mission Rd	San Marcos	San Diego	CA	08/14/14
127	10313	943 E Vista Way	Vista	San Diego	CA	
128	10886	1281 N Santa Fe Avenue	Vista	San Diego	CA	
129	11298	505 W Harding Way	Stockton	San Joaquin	CA	
130	11092	2006 E Mariposa Road	Stockton	San Joaquin	CA	
131	11411	1001 State Highway 12	Rio Vista	Solano	CA	
132	10615	5301 Yosemite Boulevard	Modesto	Stanislaus	CA	
133	11176	1916 Crows Landing Road	Modesto	Stanislaus	CA	
134	11188	448 Paradise Road	Modesto	Stanislaus	CA	
135	9109	1030 N Alta Avenue	Dinuba	Tulare	CA	
136	8790	1425 N Farmersville Boulevard	Farmersville	Tulare	CA	
137	10251	16044 Avenue 328	Ivanhoe	Tulare	CA	
138	9212	12835 Avenue 416	Orosi	Tulare	CA	
139	10706	303 E Olive Avenue Unit C	Porterville	Tulare	CA	
140	10457	23524 Avenue 95	Terra Bella	Tulare	CA	
141	8774	1108 E. Bardsley Ave.	Tulare	Tulare	CA	

### Exhibit A - California Family Dollar Facilities

	Store	Address	City	County	State	Closed Date
142	10087	1277 N Cherry Street	Tulare	Tulare	CA	08/04/14
143	10030	1420 W. Tulare Dr.	Tulare	Tulare	CA	
144	9416	1610 N. Dinuba Boulevard	Visalia	Tulare	CA	
145	10005	250 East Antelope Avenue	Woodlake	Tulare	CA	
146	11008	803 W Ventura Street	Fillmore	Ventura	CA	
147	10804	1260 Lake Blvd., Ste. 102	Davis	Yolo	CA	