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FILED
YOLO SUPERIOR COURT
DEC 17 2018
BY N. PLOWMAN
DEPUTY

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

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF YOLO

10 THE PEOPLE OF THE STATE OF CALIFORNIA,)

Case No. *CV-18-2386*

11 Plaintiff,)

COMPLAINT FOR INJUNCTIVE
RELIEF, CIVIL PENALTIES, AND
OTHER RELIEF

12 v.)

(Bus. & Prof. Code § 17200 *et seq.*)

14 SAMARA RANCHES YOLO LLC, a limited liability)
15 company; and DOES 1-20, inclusive,)

Exempt from fees per Gov. Code § 6103

16 Defendants.)
17)
18)
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22 1. Plaintiff, the People of the State of California, by and through Jeff W. Reisig, District
23 Attorney of Yolo County, hereby alleges the following upon information and belief:

24 **PARTIES**

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

1 restricted materials must, among other things, hold a written permit to use the material and submit a
2 notice of intent to the county agricultural commissioner before each use.

3 12. Samara Ranches, as a user of pesticides, is also required to comply with various laws
4 intended to protect those workers who are handling pesticides or are exposed to pesticides. These
5 laws require, for example, that these workers be appropriately trained and have access to
6 decontamination facilities.

7 13. Samara Ranches, however, has repeatedly failed to abide by laws intended to
8 safeguard worker health.

9 14. On or around May 19, 2016, for example, the Yolo County Department of Agriculture
10 (“the Department”) observed Samara Ranches applying various pesticides, including a paraquat
11 product under the label Helmquat 3SL. Paraquat products, including Helmquat 3SL, are restricted
12 materials requiring a restricted materials permit. During the inspection, the Department found,
13 among other things, that Samara Ranches had engaged in the following acts and omissions in
14 violation of pesticide safety laws:

- 15 a. Failed to provide adequate decontamination facilities, in violation of California
16 Code of Regulations, title 3, section 6734. During the inspection, the
17 Department found there were no decontamination items (such as water, soap,
18 towels, extra coveralls, or eyewash) available to the worker applying Helmquat
19 3SL;
- 20 b. Failed to post information about a facility able to provide emergency medical
21 care, in violation of California Code of Regulations, title 3, section 6726;
- 22 c. Failed to provide an appropriate respirator, in violation of California Code of
23 Regulations, title 3, section 6739. A NIOSH-approved dust mist filtering
24 respirator must be worn by those who are mixing, loading, or applying
25 Helmquat 3SL. Samara Ranches’ worker, however, had the wrong respirator and
26 was wearing it on his forehead;
- 27 d. Failed to provide adequate training, in violation of California Code of
28 Regulations, title 3, section 6724;

- 1 e. Failed to comply with the conditions of its restricted material permit, in violation
2 of Food and Agricultural Code section 14001 et seq.;
- 3 f. Failed to comply with pesticide labeling requirements, in violation of Food and
4 Agricultural Code section 12973; and
- 5 g. Failed to use a closed mixing system for the pesticides, in violation of California
6 Code of Regulations, title 3, section 6746. Closed mixing systems are
7 engineering controls used to protect workers from dermal hazard when mixing
8 pesticides with high acute dermal toxicity.

9 15. The Department also found, during the inspection on or around May 19, 2016, that
10 Samara Ranches had failed to submit a notice of intent before applying a restricted material, in
11 violation of California Code of Regulations, title 3, section 6434.

12 16. The Department's subsequent inspections showed that Samara Ranches continued to
13 violate these and other laws.

14 17. On or around January 27, 2017, Samara Ranches informed the Department that it
15 would no longer be using restricted materials, and so would not renew its restricted materials permit.
16 Samara Ranches' permit expired at that time as a result.

17 18. Despite Samara Ranches' representations, however, it continued to use restricted
18 materials after January 27, 2017.

19 19. On or around July 21, 2017, for example, the Department observed Samara Ranches
20 applying Parazone 3SL, another paraquat product that is a restricted material, to the farm. Samara
21 Ranches did not have a restricted materials permit at this time, and was thus in violation of Food and
22 Agricultural Code section 14006.5. Nor had Samara Ranches notified the Department that it would
23 be applying a restricted material, as required by California Code of Regulations, title 3, section 6434.

24 20. The Department also found, during the inspection on or around July 21, 2017, that
25 Samara Ranches failed to comply with several regulations intended to protect workers. It failed to
26 provide adequate decontamination facilities, in violation of California Code of Regulations, title 3,
27 section 6734. It failed to post information about a facility able to provide emergency medical care,
28 should it be needed, in violation of California Code of Regulations, title 3, section 6726. It failed to

1 instruct its employees on proper use of personal protective equipment, including respirators, in
2 violations of California Code of Regulations, title 3, section 6739. And it failed to adequately train its
3 worker who was applying Parazone 3SL, in violation of California Code of Regulations, title 3,
4 section 6724.

5 **FIRST CAUSE OF ACTION**

6 **(Business & Professions Code, § 17200 *et seq.*)**

7 21. Plaintiff restates and incorporates all previous paragraphs.

8 22. Within four years of the date of commencement of this action, exclusive of any
9 applicable tolling periods, Defendants engaged in, among other things, the following unlawful acts,
10 omissions, and practices that constitute unfair competition within the meaning of Business and
11 Professions Code sections 17200 through 17208:

- 12 a. Defendants failed to obtain a California restricted material permit before using
13 pesticides that require such a permit, in violation of Food and Agriculture Code
14 section 14006.5;
- 15 b. Defendants failed to give twenty-four hours notice before commencing application
16 of a restricted material, in violation of California Code of Regulations, title 3,
17 section 6434;
- 18 c. Defendants failed to provide information about available emergency medical care
19 facilities to workers handling restricted materials, in violation of California Code
20 of Regulations, title 3, section 6726;
- 21 d. Defendants failed to supply proper respiratory equipment to workers handling
22 restricted materials and failed to instruct workers to wear respiratory equipment
23 properly, in violation of California Code of Regulations, title 3, section 6739;
- 24 e. Defendants failed to provide adequate decontamination facilities, in violation of
25 California Code of Regulations, title 3, section 6734;
- 26 f. Defendants failed to provide adequate training, in violation of California Code of
27 Regulations, title 3, section 6724;
- 28

- 1 g. Defendants failed to comply with the conditions of its restricted material permit,
2 in violation of Food and Agricultural Code section 14001 et seq.;
- 3 h. Defendants failed to comply with pesticide labeling requirements, in violation of
4 Food and Agricultural Code section 12973; and
- 5 i. Defendants failed to use a closed mixing system when required, in violation of
6 California Code of Regulations, title 3, section 6746.

7 23. Each and every separate act in violation of these provisions constitutes a separate
8 “business act or practice” of Business and Professions Code section 17200.

9 24. Each and every person harmed as a result of a violation of these provisions constitutes
10 a separate violation of Business and Professions Code section 17200.

11 25. Based on the above, the People request injunctive relief against Defendants under
12 Business and Professions Code section 17203, and civil penalties against Defendants under Business
13 and Professions Code section 17206, as set forth in the People’s prayer for relief.

14 **PRAYER**

15 WHEREFORE, the People respectfully request the following relief:

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

20 2. That the Court assess a civil penalty of TWO THOUSAND FIVE HUNDRED
21 DOLLARS (\$2,500.00) against Defendants for each violation of Business and Professions Code
22 section 17200, in an amount according to proof, under the authority of Business and Professions
23 Code section 17206;

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

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

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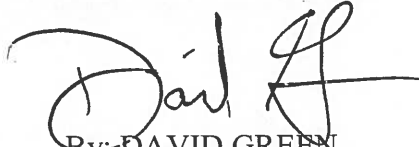
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1 5. That the Court award other such relief that it deems just, proper, and equitable.

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3 Dated: December 17, 2018

Respectfully submitted,

4 JEFF W. REISIG
5 DISTRICT ATTORNEY

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7 By: DAVID GREEN
8 Deputy District Attorney

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