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

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF YOLO

10
11 THE PEOPLE OF THE STATE OF CALIFORNIA,)
12 Plaintiff,)
13 v.)
14 NOR-CAL FARMING COMPANY, LLC, a)
California limited liability company dba Heer Farms)
15 Davis; NAR SINGH HEER, individually and as an)
agent of Nor-Cal Farming Company, LLC;)
16 HARKRISHAN HEER, individually and as an agent)
of Nor-Cal Farming Company, LLC; RAJDEEP)
17 GHURAYA-HEER, an individual; ARJAN HEER, an)
individual; and DOES 1-25,)
18)
19 Defendants.)

Case No. CV2021-2154

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

*Exempt from fees per
Government Code §6103*

20
21 The People of the State of California, by and through Jeff W. Reisig, District Attorney for the
22 County of Yolo, State of California, David J. IreY, Assistant Chief Deputy District Attorney, and
23 Michael R. Hudson, Deputy District Attorney, hereby allege upon information and belief the
24 following:

25 **PLAINTIFF**

26 1. The People bring this action to, in part, enjoin Defendants from violating California
27 Code of Regulations, title 3, Division 6 (“Pesticides and Pest Control Operations”), and Food and
28 Agricultural Code Division 7, and to impose civil penalties against Defendants.

1 informed and believe and thereon allege that Defendant used pesticides, directed the use of
2 pesticides, applied pesticides, and hired a pest control advisor to recommend pesticides to apply in
3 Yolo County. Defendant acted with knowledge of, and assisted in, the illegal activities alleged in
4 this Complaint.

5 **DEFENDANT HARKRISHAN HEER**

6 7. Defendant Harkrishan Heer is now, and at all times since November 1, 2018 was, a
7 member of and agent for Nor-Cal Farming Company, LLC and had knowledge of, assisted in, and
8 had the ability to control, Nor-Cal's activities. Since 2017, Defendant engaged in farming operations
9 in Yolo County, California as an individual and under the name Heer Farms Davis. The People are
10 informed and believe and thereon allege that Defendant used pesticides, directed the use of
11 pesticides, applied pesticides, and hired a pest control advisor to recommend pesticides to apply in
12 Yolo County. Defendant acted with knowledge of, and assisted in, the illegal activities alleged in
13 this Complaint.

14 **DEFENDANT RAJDEEP GHURAYA-HEER**

15 8. Defendant Rajdeep Ghuraya-Heer is now, and at all times since November 1, 2018
16 was, an employee of or agent for Nor-Cal Farming Company, LLC. Since 2017, Defendant engaged
17 in farming operations in Yolo County, California as an individual and under the name Heer Farms
18 Davis. The People are informed and believe and thereon allege that Defendant used pesticides,
19 directed the use of pesticides, applied pesticides, and hired a pest control advisor to recommend
20 pesticides to apply in Yolo County. Defendant acted with knowledge of, and assisted in, the illegal
21 activities alleged in this Complaint.

22 **DEFENDANT ARJAN HEER**

23 9. Defendant Arjan Heer is now, and at all times since November 1, 2018 was, an
24 employee of or agent for Nor-Cal Farming Company, LLC. Since 2017, Defendant engaged in
25 farming operations in Yolo County, California as an individual and under the name Heer Farms
26 Davis. The People are informed and believe and thereon allege that Defendant used pesticides,
27 directed the use of pesticides, applied pesticides, and hired a pest control advisor to recommend
28 pesticides to apply in Yolo County. Defendant acted with knowledge of, and assisted in, the illegal

1 activities alleged in this Complaint.

2 **DEFENDANTS DOES 1-25**

3 10. DOES 1 through 25, inclusive, are persons whose names and identities are unknown
4 to the People at this time, and the People therefore sue these defendants by their fictitious names.
5 The People will seek leave to amend this Complaint to allege the true names of DOES 1 through 25
6 once they have been determined. DOES 1 through 25 participated in some or all of the acts alleged
7 herein.

8 **DEFENDANTS’ ACTS, OMISSIONS, AND AGENCY**

9 11. The defendants in this action, to wit NOR-CAL FARMING COMPANY, LLC, NAR
10 SINGH HEER, HARKRISHAN HEER, RAJDEEP GHURAYA-HEER, ARJAN HEER, and DOES
11 1-25, are hereafter collectively referred to as “Defendants.”

12 12. Allegations in this Complaint concerning Defendants’ acts or omissions include the
13 acts and omissions of Defendants’ officers, agents, employees, and representatives that were
14 committed while acting within the course and scope of their employment or agency on behalf of
15 Defendants.

16 13. All Defendants at all relevant times acted as agents of one another. Regarding the
17 conduct and omissions alleged in this Complaint, each of the Defendants ratified the actions of the
18 other Defendants.

19 **JURISDICTION AND VENUE**

20 14. This Court has jurisdiction over Defendants because all causes of action asserted in
21 this Complaint arise out of Defendants’ conduct in Yolo County, California.

22 15. Venue is proper in this Court as all the violations alleged in this Complaint and the
23 actions of Defendants and their agents occurred in whole or in part in Yolo County, California.

24 **ENFORCEMENT AUTHORITY**

25 16. Business and Professions Code section 17206 imposes civil liability for any act of
26 unfair competition, as defined in Business and Professions Code section 17200.

27 17. Section 12998 of the Food and Agricultural Code imposes civil liability for any
28 violation of Division 7 of the Food and Agricultural Code or any regulation issued pursuant to

1 Division 7.

2 18. Business and Professions Code section 17203 authorizes the Court to issue an order
3 that enjoins any person who engages, has engaged, or proposes to engage in unfair competition, as
4 defined in Business and Professions Code section 17200.

5 **GENERAL ALLEGATIONS**

6 19. The People are informed and believe and thereupon allege that Defendants Nar Singh
7 Heer, Harkrishan Heer, Rajdeep Ghuraya-Heer, and Arjan Heer, violated Food and Agriculture Code
8 Division 7, California Code of Regulations, title 3, Division 6, and the Unfair Competition Law, in
9 Yolo County. Defendants' violations include, but are not limited to, the following representative
10 actions:

- 11 a. Using pesticides in conflict with their label, in violation of Food and Agricultural
12 Code section 12973;
- 13 b. Using pesticides in violation of a permit issued by the Yolo County Agricultural
14 Commissioner, in violation of Food and Agricultural Code section 12973;
- 15 c. Failing to perform pest control under climatic conditions suitable to ensure proper
16 application of pesticides, in violation of title 3 of the California Code of
17 Regulations 6600(d);
- 18 d. Applying pesticides when there was a reasonable possibility of contamination of
19 non-target public or private property, including the creation of a health hazard, in
20 violation of title 3 of the California Code of Regulations section 6614(b)(3);
- 21 e. Failing to maintain a record of pesticide use, in violation of title 3 of the California
22 Code of Regulations section 6624; and
- 23 f. Failing to submit a report of the use of a pesticide applied to a crop by the 10th day
24 of the month following the month in which the pest control was performed, in
25 violation of title 3 of the California Code of Regulations section 6626.

26 20. The People are informed and believe and thereupon allege that defendant Nor-Cal
27 Farming Company, LLC failed to submit a report of the use of a pesticide applied to a crop by the
28 10th day of the month following the month in which the pest control was performed, in violation of

1 title 3 of the California Code of Regulations section 6626.

2 **TOLLING OF STATUTES OF LIMITATION**

3 21. The People entered into a tolling agreement with Defendants Nar Singh Heer,
4 Harkrishan Heer, and Rajdeep Ghuraya-Heer preserving the People’s right to pursue violations
5 beyond the typical limitations period provided by statute. The parties agreed that the time period
6 from August 17, 2021 to December 27, 2021 inclusive would be tolled (“Stipulated Tolling Period”),
7 and that any claim or cause of action that would expire or would otherwise cease to be actionable
8 would not expire, and that the time between August 17, 2021 to December 27, 2021, would not be
9 included in computing the time limits created by any statutory limitation period for pursuing causes
10 of action against Defendants Nar Singh Heer, Harkrishan Heer, and Rajdeep Ghuraya-Heer.

11 22. By operation of amended Emergency Rule 9(a) of the California Rules of Court,
12 Appendix I, related to COVID-19, all statutes of limitation exceeding 180 days are tolled from April
13 6, 2020, until October 1, 2020. Accordingly, the time between April 6, 2020 to October 1, 2020, is
14 not included in computing the time limits created by any statutory limitation period for pursuing
15 causes of action against all Defendants.

16 **FIRST CAUSE OF ACTION**

17 **(Against Defendants Nar Singh Heer, Harkrishan Heer, and Rajdeep Ghuraya-Heer; Violation**
18 **of Food and Agricultural Code Division 7 and Cal. Code Regs., tit. 3, §6000 et. seq.)**

19 23. The People reallege and incorporate herein all previous paragraphs of this Complaint.

20 24. Food and Agriculture Code Division 7 and California Code of Regulations, title 3
21 section 6000 et seq. dictate, in part, rules for the safe handling and application of pesticides, and
22 contain detailed reporting requirements concerning their application and use for the purpose of
23 protecting workers, the environment, and the general public.

24 25. Within two years and ten months of the commencement of this action, Defendants Nar
25 Singh Heer, Harkrishan Heer, and Rajdeep Ghuraya-Heer violated Division 7 of the Food and
26 Agricultural Code and California Code of Regulations, title 3, section 6000 et seq. by, among other
27 things, failing, on no less than 25 occasions, to submit timely reports of the use of pesticides.

28 26. Each violation of Food and Agricultural Code Division 7 and the regulations

1 promulgated thereunder (California Code of Regulations, title 3) occurring within two years and ten
2 months of commencing this action subject the Defendants named in this cause of action to a
3 minimum civil penalty of one thousand dollars (\$1,000.00) per violation and a maximum penalty of
4 ten thousand dollars per violation (\$10,000.00) under Food and Agricultural Code sections 12998
5 and 13000.

6 27. Based on the above, the People request civil penalties pursuant to Food and
7 Agricultural Code section 12998 as described in the People's Prayer for Relief.

8 **SECOND CAUSE OF ACTION**

9 **(Against Defendants Nor-Cal Farming Company, LLC and Arjan Heer; Violation of Food and**
10 **Agricultural Code Division 7 and Cal. Code Regs., tit. 3, §6000 et. seq.)**

11 28. The People reallege and incorporate herein all previous paragraphs of this Complaint.

12 29. Within two years and six months of the commencement of this action, Defendants
13 Nor-Cal Farming Company, LLC and Arjan Heer violated Division 7 of the Food and Agricultural
14 Code and California Code of Regulations, title 3, section 6000 et seq. by, among other things, failing,
15 on no less than 21 occasions, to submit timely reports of the use of pesticides.

16 30. Each violation of Food and Agricultural Code Division 7 and the regulations
17 promulgated thereunder (California Code of Regulations, title 3) occurring within two years and six
18 months of commencing this action subject the Defendants named in this cause of action to a
19 minimum civil penalty of one thousand dollars (\$1,000.00) per violation and a maximum penalty of
20 ten thousand dollars per violation (\$10,000.00) under Food and Agricultural Code sections 12998
21 and 13000.

22 31. Based on the above, the People request civil penalties pursuant to Food and
23 Agricultural Code section 12998 as described in the People's Prayer for Relief.

24 **THIRD CAUSE OF ACTION**

25 **(Against Defendants Nar Singh Heer, Harkrishan Heer, Rajdeep Ghuraya-Heer, and Arjan**
26 **Heer; Violations of Unfair Competition Law)**

27 32. The People reallege and incorporate herein all previous paragraphs of this Complaint.

28 33. Within four years and six months of the date of commencement of this action,

1 Defendants Nar Singh Heer, Harkrishan Heer, Rajdeep Ghuraya-Heer, and Arjan Heer engaged in
2 unlawful acts, omissions, and practices that constitute unfair competition within the meaning of
3 Business and Professions Code sections 17200 through 17208—including but not limited to the acts
4 or omissions and practices alleged in this Complaint and the following acts below:

- 5 a. Using pesticides in conflict with their label on at least one occasion, in violation of
6 Food and Agricultural Code section 12973;
- 7 b. Using pesticides in violation of a permit issued by the Yolo County Agricultural
8 Commissioner on at least three occasions, in violation of Food and Agricultural
9 Code section 12973;
- 10 c. Failing to perform pest control under climatic conditions that were suitable to
11 ensure proper application of pesticides on at least three occasions, in violation of
12 title 3 of the California Code of Regulations section 6600(d);
- 13 d. Applying pesticides when there was a reasonable possibility of contamination of
14 non-target public or private property, including the creation of a health hazard, on
15 at least six occasions, in violation of title 3 of the California Code of Regulations
16 section 6614(b)(3);
- 17 e. Failing to maintain a record of pesticide use, in violation of title 3 of the California
18 Code of Regulations section 6624; and
- 19 f. Failing, on no less than 37 occasions, to submit a report of the use of a pesticide
20 applied to a crop by the 10th day of the month following the month in which the
21 pest control was performed, in violation of title 3 of the California Code of
22 Regulations section 6626.

23 34. By the acts described herein, the Defendants named in this cause of action engaged in
24 unlawful acts and acts of unfair competition prohibited by California Business and Professions Code
25 sections 17200-17208. Each act constituted an unlawful and/or unfair business act or practice.

26 35. Pursuant to California Business and Professions Code section 17206 and applicable
27 tolling periods, the Defendants named in this cause of action are liable for civil penalties for each
28 violation which accrued within four years and six months of the filing of this Complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

1. That this Court permanently enjoin Defendants and their successors, agents, representatives, employees, and assigns from violating those provisions of Food and Agricultural Code Division 7 and California Code of Regulations, title 3, Division 6, which Defendants are alleged to have violated;

2. That this Court permanently enjoin Defendants and their successors, agents, representatives, employees, and assigns from engaging in unfair competition as defined in Business and Professions Code section 17200, including but not limited to those acts alleged in this Complaint;

3. That this Court assess a civil penalty against Defendants Nar Singh Heer, Harkrishan Heer, and Rajdeep Ghuraya-Heer for each violation of Food and Agricultural Code Division 7 and each violation of California Code of Regulations, title 3, Division 6, at the statutory maximum of TEN THOUSAND DOLLARS (\$10,000.00) for each violation, in a total amount of no less than TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00);

4. That this Court assess a civil penalty against Defendants Nor-Cal Farming Company, LLC and Arjan Heer for each violation of Food and Agricultural Code Division 7 and each violation of California Code of Regulations, title 3, Division 6, at the statutory maximum of TEN THOUSAND DOLLARS (\$10,000.00) for each violation, in a total amount of no less than TWO HUNDRED TEN THOUSAND DOLLARS (\$210,000.00);

5. That this Court assess a civil penalty against Defendants Nar Singh Heer, Harkrishan Heer, Rajdeep Ghuraya-Heer, and Arjan Heer under Business and Professions Code section 17206 for each act of unfair competition at the statutory maximum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for each violation of the Unfair Competition Law, in a total amount of no less than ONE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$127,500.00);

6. That this Court assess a civil penalty against Defendant Nor-Cal Farming Company, LLC under Business and Professions Code section 17206 for each act of unfair competition at the

1 statutory maximum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for each
2 violation of the Unfair Competition Law, in a total amount of no less than EIGHTY-SEVEN
3 THOUSAND FIVE HUNDRED DOLLARS (\$87,500.00);

4 7. That this Court grant the Plaintiff its cost of inspection, investigation, attorney's fees,
5 enforcement, prosecution, and suit, herein;


6 8. That this Court grant the Plaintiff all other relief to which the People are legally
7 entitled; and

8 9. That this Court grant such other relief as the Court deems just, proper, and equitable.
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10 Dated: December 8, 2021

Respectfully submitted,

11 JEFF W. REISIG
12 Yolo County District Attorney

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14 By: 
15 MICHAEL R. HUDSON
16 Deputy District Attorney
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