

1 **CAROL SHIPLEY**
2 **STANISLAUS COUNTY ASSISTANT DISTRICT ATTORNEY**
3 **GLORIA M. MAS (SBN 132429)**
4 Deputy District Attorney
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6 Modesto, California 95353
7 (209) 525-5550

8 Attorneys for People

FILED

2005 SEP 29 AM 9:17

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY _____

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF STANISLAUS**

11 **THE PEOPLE OF THE STATE OF**
12 **CALIFORNIA,**

13 **Plaintiff,**

14 **vs.**

15 **7-ELEVEN, INC. (dba), 7-ELEVEN #15883,**

16 **Defendant.**

17 **CASE NO. 375111**

18 **COMPLAINT FOR CIVIL**
19 **PENALTIES AND OTHER RELIEF**

20 **[Health and Safety Code Section**
21 **25299]**

22 **THE PEOPLE OF THE STATE OF CALIFORNIA, by and through CAROL SHIPLEY,**
23 **Assistant District Attorney for the County of STANISLAUS, by and through Deputy District**
24 **Attorney GLORIA M. MAS, allege as follows:**

25 **JURISDICTION AND VENUE**

26 1. The authority of the District Attorney of Stanislaus County to bring this action is
27 derived from the statutory laws of the State of California, specifically Health and Safety Code
28 §25299.

1. Defendants 7-ELEVEN, INC. (dba), and 7-ELEVEN #15883, transacted business
within the County of Stanislaus. The alleged violations of law hereinafter described were carried
out within said County and within the State of California. Unless enjoined and restrained by an
order of this court, the defendants will continue to retain the means to engage in unlawful action
and practices and courses of conduct set out below.

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DEFENDANTS

3. Whenever in this complaint reference is made to any act of defendant, such allegation shall be deemed to mean that defendants, and its officers, agents, employees, or representatives, did or authorized acts while actively engaged in the management, direction, or control of the affairs of said defendant, and while acting within the course and scope of their duties.

4. Defendants 7-ELEVEN, INC., (dba) 7-ELEVEN #15883 at all times relevant herein was engaged in the business of operating a businesses, located at 1045 Oakdale Road, Modesto, California, 95355.

FIRST CAUSE OF ACTION

**VIOLATION OF HEALTH AND SAFETY CODE
SECTION 25299**

5. Plaintiff hereby incorporates by reference paragraphs 1 through 4 above.

6. Plaintiff is informed and believes and based upon such information and belief alleges that on or around January 1, 2005 and within three (3) years of filing this complaint, defendant engaged in acts in violation of Health and Safety Code §25299.

7. The violations of Health and Safety Code include the following:

(a) Defendants failed to comply with Health and Safety Code § 25298 (c)

PRAYER

WHEREFORE, Plaintiff prays for judgment as follows:

1. Defendant be permanently restrained and enjoined from engaging in or performing, directly or indirectly, any and all of the following acts:

(a) Violating any environmental offenses including but not limited to California Health and Safety Code § 25299.

2. For violations of the First Cause of Action, that defendants herein be assessed a civil penalty in the amount of TWO THOUSAND DOLLARS FIVE HUNDRED (\$2,500.00) for each violation, according to proof;

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3. Plaintiff recover its costs and attorney fees.

4. Plaintiff have such other and further relief as the nature of the case may require and that the court deems proper to fully dissipate the effects of the unlawful and unfair acts complained of herein.

Dated this 9th day of September, in the year 2005, at Modesto, California.

Respectfully submitted,

CAROL SHIPLEY
Assistant District Attorney

Roy J. Har
GLORIA M. MAS Roy J. Har
Deputy District Attorney