

1 **CAROL SHIPLEY**
2 **STANISLAUS COUNTY ASSISTANT DISTRICT ATTORNEY**
3 **GLORIA M. MAS (SBN 132429)**
4 Deputy District Attorney
11th and I Streets, Room 200 2nd Floor
Modesto, California 95353
(209) 525-5550

5 Attorneys for People

FILED
2005 OCT 21 AM 9:34
CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS
BY _____ DEPUTY

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF STANISLAUS

9 THE PEOPLE OF THE STATE OF CALIFORNIA

10 Plaintiff,

11 vs.

12 CRICKET COMMUNICATIONS OF
13 CALIFORNIA,

14 Defendant.

CASE NO. 375579

COMPLAINT FOR CIVIL
PENALTIES AND OTHER
RELIEF

[Health and Safety Code Section
25299; Business and Professions
Code Sections 17200-17208]

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

18 JURISDICTION AND VENUE

19 1. The authority of the District Attorney of Stanislaus County to bring this action is
20 derived from the statutory laws of the State of California, specifically Health and Safety Code
21 §25299 and Business and Professions Code sections 17206 et seq.

22 2. Defendant transacted business within the County of Stanislaus. The alleged
23 violations of law hereinafter described were carried out within said County and within the State of
24 California. Unless enjoined and restrained by an order of this court, the defendants will
25 continue to retain the means to engage in unlawful action and practices and courses of conduct set
26 out below.

27 DEFENDANTS

28 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,

1 did or authorized acts while actively engaged in the management, direction, or control of the
2 affairs of said defendant, and while acting within the course and scope of their duties.

3 4. Defendant CRICKET COMMUNICATIONS OF CALIFORNIA at all times relevant
4 herein was engaged in the business of operating a businesses, located at 1120 Thirteenth Street,
5 Modesto, California, 95354.
6

7 FIRST CAUSE OF ACTION

8 VIOLATION OF HEALTH AND SAFETY CODE
9 SECTION 25299 (DESIGNATED OPERATOR)

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

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

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

15 (a) The violation of Health and Safety Code § 25299 by failing to have a
16 designated operator pursuant to California Code of Regulations, title 23, § 2715, from January 1,
17 2005 to February 25, 2005.

18 SECOND CAUSE OF ACTION

19 VIOLATION OF BUSINESS AND PROFESSIONS CODE
20 SECTIONS 17200 - 17208 (UNLAWFUL AND/OR UNFAIR COMPETITION)

21 8. Plaintiff incorporates by reference paragraphs 1 - 7, above.

22 9. Plaintiff is informed and believes and based on such information and belief alleges that
23 on or about January 1, 2005 and continuing, defendants engaged in acts of unlawful and/or unfair
24 competition prohibited by California Business and Professions Code §17200 - §17208 by virtue of
25 the acts described herein, each of which constitutes an unfair and/or unlawful business practice.

26 These acts include:

27 (a) Violation of Health and Safety Code § 25299 by failing to have a designated
28 operator pursuant to California Code of Regulations, title 23, § 2715 from January
1, 2005 to February 25, 2005.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

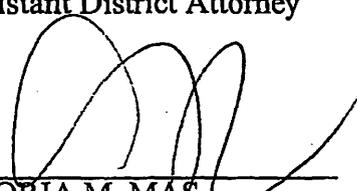
WHEREFORE, Plaintiff prays for judgment as follows:

1. Defendants be permanently restrained and enjoined from engaging in or performing, directly or indirectly, any and all of the following acts:
 - (a) Engaging in any of the unlawful acts of unfair competition set forth in the First Cause of Action of this complaint, as well as any other violations of Business and Professions Code §17200 - §17208.
 - (b) 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 TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for each violation, according to proof;
3. For violations of the Second 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;
4. Plaintiff recover its costs and attorney fees.
5. 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 14 day of October, in the year 2005, at Modesto, California.

Respectfully submitted,

CAROL SHIPLEY
Assistant District Attorney



GLORIA M. MAS
Deputy District Attorney