

1 **JAMES C. BRAZELTON**  
2 **STANISLAUS COUNTY DISTRICT ATTORNEY**  
3 **GLORIA M. MAS (SBN 132429)**  
4 Deputy District Attorney  
11<sup>th</sup> and I Streets, Room 200 2<sup>nd</sup> Floor  
Modesto, California 95353  
(209) 525-5550

5 Attorneys for People

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

8  
9 **THE PEOPLE OF THE STATE OF CALIFORNIA**

10 Plaintiff,

11 vs.

12 **BALDWIN TRUCKING , INC .**

13 Defendant.

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SUPERIOR COURT  
COUNTY OF STANISLAUS  
BY \_\_\_\_\_  
DEPUTY

CASE NO. **376402**  
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 **JAMES C.**  
16 **BRAZELTON**, District Attorney for the County of **STANISLAUS**, by and through Deputy  
17 District 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 **BALDWIN TRUCKING** transacted business within the County of  
23 Stanislaus. The alleged violations of law hereinafter described were carried out within said  
24 County and within the State of California. Unless enjoined and restrained by an order of this  
25 court, the defendants will  
26 continue to retain the means to engage in unlawful action and practices and courses of conduct set  
27 out below.

28 **DEFENDANTS**

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

5 4. Defendant BALDWIN TRUCKING at all times relevant herein was engaged in the  
6 business of operating a businesses, located at 4527 Crows landing Road, Modesto, California,  
7 95358.

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9 FIRST CAUSE OF ACTION

10 VIOLATION OF HEALTH AND SAFETY CODE  
11 SECTION 25299 (DESIGNATED OPERATOR)

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

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

16 7. The violations of Health and Safety Code include but are not limited to the  
17 following:

18 (a) The violation of Health and Safety Code § 25299 by failing to file a designated  
19 operator pursuant to California Code of Regulations, title 23, § 2715.

20 SECOND CAUSE OF ACTION

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

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

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

28 These acts include but are not limited to:

(a) Violation of Health and Safety Code § 25299.

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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) 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 Thirteenth day of April, in the year 2005, at Modesto, California.

Respectfully submitted,

JAMES C. BRAZELTON  
District Attorney

  
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GLORIA M. MAS  
Deputy District Attorney