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JAMES C. BRAZELTON
STANISLAUS COUNTY DISTRICT ATTORNEY
GLORIA M. MAS (SBN 132429)
Deputy District Attorney
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Modesto, California 95353
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Attorneys for People

FILED
05 APR 21 PM 2:04
CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS
BY _____
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

DHB INC., dba JIFFY LUBE,

Defendants.

CASE NO. 370013

COMPLAINT FOR CIVIL
PENALTIES AND OTHER
RELIEF

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

THE PEOPLE OF THE STATE OF CALIFORNIA, by and through JAMES C.
BRAZELTON, District Attorney for the County of STANISLAUS, by and through Deputy
District Attorney GLORIA M. MAS, allege as follows:

JURISDICTION AND VENUE

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

2. Defendant 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.

DEFENDANTS

3. Whenever in this complaint reference is made to any act of defendant, such allegation
shall be deemed to mean that defendant, and its officers, agents, employees, or representatives,

THIS CASE HAS BEEN REFERRED TO THE
Department 15
COURT CLERK'S OFFICE

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 4. Defendant JIFFY LUBE at all times relevant herein was engaged in the business of
5 operating a business, located at 3927 Mc Henry Avenue, Modesto, California, 95356.

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 but are not limited to the
15 following:

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

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
25 of the acts described herein, each of which constitutes an unfair and/or unlawful business practice.

26 These acts include but are not limited to:

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

28 PRAYER

WHEREFORE, Plaintiff prays for judgment as follows:

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

3 (a) Engaging in any of the unlawful acts of unfair competition set forth in the First
4 Cause of Action of this complaint, as well as any other violations of Business and Professions
5 Code §17200 - §17208.

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

8 2. For violations of the First Cause of Action, that defendants herein be assessed a
9 civil penalty in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for each
10 violation, according to proof;


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

14 4. Plaintiff recover its costs and attorney fees.

15 5. Plaintiff have such other and further relief as the nature of the case may require and that
16 the court deems proper to fully dissipate the effects of the unlawful and unfair acts complained of
17 herein.
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21 Dated this Thirteenth day of April, in the year 2005, at Modesto, California.

22 Respectfully submitted,
23 JAMES C. BRAZELTON
24 District Attorney

25 
26 _____
27 GLORIA M. MAS
28 Deputy District Attorney