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

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

12 **Plaintiff,**)

13 **vs.**)

14 **EMANUEL MEDICAL CENTER**)

15 **Defendants.**)
16 _____)

FILED
2005 APR 14 PM 1:45
CLERK OF SUPERIOR COURT
COUNTY OF STANISLAUS
BY _____
DEPUTY

370721 = =

CASE NO. _____
COMPLAINT FOR
CIVIL PENALTIES
AND OTHER RELIEF

[Health & Safety Code
Section 25299; Business
& Professions Code Section
17200]

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18 **THE PEOPLE OF THE STATE OF CALIFORNIA,** by and through **JAMES C.**
19 **BRAZELTON,** District Attorney for the County of **STANISLAUS,** by and through Deputy
20 District Attorneys **GLORIA M. MAS** and **ROY J. HUBERT,** allege as follows:

21 **JURISDICTION AND VENUE**

22 1. The authority of the District Attorney of Stanislaus County to bring this action is
23 derived from the statutory laws of the State of California, specifically Health and Safety Code
24 §25299 and Business and Professions Code sections 17206 et seq.

25 2. Defendant transacted business within the County of Stanislaus. The alleged
26 violations of law hereinafter described were carried out within said County and within the State of
27 California. Unless enjoined and restrained by an order of this court, the defendants will

28 **COMPLAINT FOR CIVIL PENALTIES AND OTHER RELIEF**

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2 continue to retain the means to engage in unlawful action and practices and courses of conduct set
3 out below.

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5 **DEFENDANTS**

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

10 4. Defendant EMANUEL MEDICAL CENTER (DBA) was at all times relevant herein,
11 engaged in the business of operating a business, located at 825 Delbon Avenue, Turlock,
12 California, 95380.

13 **FIRST CAUSE OF ACTION**

14 **VIOLATION OF HEALTH AND SAFETY CODE**
15 **SECTION 25299 (DESIGNATED OPERATOR)**

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

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

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

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

23 **SECOND CAUSE OF ACTION**

24 **VIOLATION OF BUSINESS AND PROFESSIONS CODE**
25 **SECTIONS 17200 - 17208 (UNLAWFUL AND/OR UNFAIR COMPETITION)**

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

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28 **COMPLAINT FOR CIVIL PENALTIES AND OTHER RELIEF**

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

7 These acts include but are not limited to:

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

9 PRAYER

10 WHEREFORE, Plaintiff prays for judgment as follows:

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

13 (a) Engaging in any of the unlawful acts of unfair competition set forth in the First
14 Cause of Action of this complaint, as well as any other violations of Business and Professions Code
15 §17200 - §17208.

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

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

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

24 4. Plaintiff recover its costs and attorney fees.


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

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Dated this first day of April, in the year 2005, at Modesto, California.

Respectfully submitted,
JAMES C. BRAZELTON
District Attorney



ROY J. HUBERT
Deputy District Attorney