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 County of Stanislaus
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS

ANIMAL EQUALITY, a California corporation,
 Plaintiff,
 v.
 FOSTER POULTRY FARMS, a California
 corporation; FOSTER POULTRY FARMS,
 LLC, a California limited liability company;
 FOSTER FARMS, LLC, a California limited
 liability company; and DOES 1 through 50,
 Defendants.

Case No. CV-22-002477
Unlimited Jurisdiction

**COMPLAINT FOR VIOLATIONS OF
 CALIFORNIA BUSINESS & PROFESSIONS
 CODE §§ 17200, ET SEQ.**

Trial Date: TBD

Speiller, Stacy

This case has been assigned to Judge
 Dept. 22 _____
 Department _____, for all purposes including Trial.

Plaintiff Animal Equality (“Animal Equality” or “Plaintiff”) brings this action against Foster Poultry Farms, Foster Poultry Farms, LLC, Foster Farms, LLC, and DOES 1-50 (collectively, “Foster Farms” or “Defendants” unless otherwise specified), by and through its undersigned counsel, based upon information and belief and the investigation of counsel, except for information based upon personal knowledge, and hereby alleges as follows:

Nature of the Action

1. California’s animal cruelty laws are some of the most robust in the nation, extending not only to cats and dogs but also to animals raised for food. Although they may ultimately be slaughtered for consumption, chickens are among the species afforded certain legal protections under California law.

2. Defendants, operating under the nationally known brand of Foster Farms, systemically engage in the unlawful treatment of animals. This abuse and neglect is unrelated to any acceptable animal husbandry practice and is even in violation of the poultry industry's *own* minimum standards of care.

3. At its large chicken hatchery in Stanislaus County, Foster Farms handles millions of baby chicks per week. To reduce costs and ensure an unfair competitive advantage, Defendants (1) maintain and operate chick processing systems in a manner that foreseeably and routinely causes unnecessary and needless injury, mutilation, suffering, and death; and (2) fail to promptly and properly euthanize injured chicks, instead allowing them to slowly and painfully languish until they are ultimately killed using methods not approved by the American Veterinary Medical Association and in violation of industry standards, resulting in prolonged, unnecessary suffering.

4. Rather than euthanize the chicks that are injured as a result of these cruel and unlawful cost-cutting practices, Foster Farms routinely dumps hundreds of still-alive baby chicks in garbage receptacles, full of yolk and dead chicks, to drown in fluid or be crushed to death under the accumulation of discarded bodies and materials; mutilates them in scalding hot industrial washing machines; leaves them fatally injured on the floor to languish or drown in chemical foam; runs them through conveyor machinery at such speeds that many are hung to death by their necks; and even uses shovels to painfully dismember and crush hundreds, if not thousands, of injured chicks at once.

5. Plaintiff Animal Equality, a nonprofit animal welfare organization, documented, by video and otherwise, Defendants' systemic and recurring acts of cruelty upon innumerable baby chicks. These practices not only fall far short of industry standards for hatcheries, but also plainly violate California's anti-cruelty laws prohibiting needless suffering and unnecessary cruelty (Cal. Penal Code § 597(b)) as well as improper care and inattention (Cal. Penal Code § 597.1(a)(1)).

6. Chickens in hatcheries are fully protected under California's anti-cruelty laws. Defendants have committed and continue to commit animal cruelty to unlawfully reduce costs, increase profits, and gain an unfair advantage over competitors. Plaintiff seeks to enjoin Defendants' unlawful, cruel, and anti-competitive conduct, among other remedies, pursuant to the Unfair Competition Law, California Business and Professions Code sections 17200 *et seq.*

Jurisdiction and Venue

7. This Court has personal jurisdiction over each of the Defendants because each either resides in, is based in, or conducts substantial business in California.

8. This Court has subject matter jurisdiction over the claims asserted because relief is sought under the Unfair Competition Law, California Business and Professions Code sections 17200 *et seq.*

9. Venue is appropriate in this Court because substantially all, if not all, of the events at issue in this Complaint occurred in Stanislaus County, and because the Defendants' liability, obligations, and breaches of same all arise from and occurred within Stanislaus County.

The Parties

10. Plaintiff Animal Equality is a non-profit organization qualified under section 501(c)(3) of the Internal Revenue Code and headquartered in Los Angeles, California. Plaintiff's mission is to end the suffering of animals in the food system. To that end, Plaintiff works to expose and educate consumers about the treatment of animals inside industrial agriculture operations, advocates for legislation that improves the welfare of animals in these operations, and encourages consumers to make more humane food choices. Defendants' continuing abuse of animals in violation of California law frustrates Plaintiff's mission and injures Plaintiff by requiring it to divert resources from other organizational activities in response to, and to counteract, the effects of the Defendants' misconduct as alleged herein.

11. Defendant Foster Poultry Farms is a California corporation and, at all times relevant herein, was doing substantial business in the County of Stanislaus, State of California.

12. Defendant Foster Poultry Farms, LLC, is a California limited liability company and, at all times relevant herein, was doing substantial business in the County of Stanislaus, State of California.

13. Defendant Foster Farms, LLC, is a California limited liability company and, at all times relevant herein, was doing substantial business in the County of Stanislaus, State of California.

14. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as DOES 1 to 50, inclusive, and therefore sues said Defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities of said Defendants when ascertained.

16. Plaintiff is informed and believes, and based thereon alleges, that all of the Defendants identified herein, whether identified by name or by fictitious name, were and are the agents, servants, and employees of each of the remaining Defendants, and that in doing the things alleged herein were acting within the purpose, course and scope of said agency, service, and/or employment and with the permission, consent, authorization, and subsequent ratification of each of the remaining Defendants.

17. Plaintiff is informed and believes, and based thereon alleges, that Defendants agreed to, cooperated with, aided, abetted, encouraged, ratified, and/or adopted the acts, actions, wrongdoing, and representations of each of the remaining Defendants herein, and that in doing any act alleged herein, were acting in concert and through a civil conspiracy by and among each Defendant to further the interests of each Defendant individually, and all Defendants as a group. For this reason, as well, all Defendants are jointly liable to Plaintiffs.

18. Defendants are nationally known poultry producers commonly operating under the brand name Foster Farms. They falsely claim to raise birds humanely while routinely violating California's anti-cruelty laws.

19. Foster Farms is vertically integrated and controls all aspects of its poultry production process. Defendants hatch, raise, slaughter, and process chickens and turkeys, selling the resulting products to retail supermarkets and foodservice wholesalers.

20. Defendants advertise their poultry products as humanely raised. For example, Defendants’ website states, “We take huge pride in delivering Americans humanely raised** [sic] chickens and turkeys. And we take it even further than that.”¹

¹ Foster Farms, *Our Story*, WWW.FOSTERFARMS.COM, <https://www.fosterfarms.com/our-story/responsibility/> (last visited May 24, 2022).

22. Yet, at Defendants’ Ellenwood Hatchery, located at 1307 Ellenwood Road Waterford, California (the “Ellenwood Hatchery”), Defendants consistently inflict needless suffering and unnecessary cruelty in order to cut costs and inflate profits.

23. As its name indicates, the Ellenwood Hatchery is a hatchery only; it is not a slaughterhouse.

24. Once chickens hatch at this facility, if they survive, they are transferred offsite to the next facility in the chain of production.

25. The Ellenwood Hatchery hatches and ships approximately 3.2 to 3.3 million chicks *per week*, and hatches and ships over 160 million per year.

26. In 2021, Plaintiff began investigating Foster Farms' business practices surrounding animal welfare.

27. Among other efforts, in 2021, Animal Equality retained, paid, and deployed an investigator to investigate the Ellenwood Hatchery for suspected animal cruelty and illegal conduct.

28. Plaintiff's investigation of Defendants' Ellenwood Hatchery lasted several months, revealed *thousands of instances* of animal cruelty against baby chicks, and exposed systemic, recurring, and ongoing violations of California law penal law.

29. Cal. Penal Code § 597(b) provides, “every person who ... having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal ... is, for each offense, guilty of a crime”

30. Cal. Penal Code § 597.1(a) requires every owner or keeper of an animal to provide that animal with “proper care and attention.”

31. Defendants systemically, continually, recurrently, and knowingly engage in at least the following practices, in violation of Cal. Penal Code § 597(b) and § 597.1(a):

² *Id.*

1 a. **Defendants knowingly and regularly cause unnecessary, severe, and fatal**
2 **injuries to hatchlings, then leave them to slowly and painfully languish, rather than**
3 **immediately euthanizing them.**

4 b. For example, Plaintiff's investigator documented Defendants routinely discarding
5 multiple chicks into trash receptacles filled with liquid biological materials (such as rancid
6 yolks and blood), where the chicks were left to slowly drown or be crushed.

7 c. For example, Plaintiff's investigator documented multiple pallets containing
8 several thousands of chicks and nearly hatched eggs crashing, with chicks and other
9 biological materials spilling onto the factory floor. In response, Defendants subjected
10 these animals to slow, painful dismemberment and death with shovels while transferring
11 them into industrial receptacles. Defendants admitted such events happen regularly and
12 that the foregoing response was their standard procedure for disposing of injured chicks
13 in such circumstances.

14 d. For example, Plaintiff's investigator documented Defendants deposit, as a matter
15 of procedure each day, dozens (and some days even hundreds) of injured birds in boxes
16 on the floor to languish with severe injuries for hours without being euthanized.

17 e. **Defendants operate their chick processing systems in a manner that**
18 **foreseeably, inevitably, and routinely causes unnecessary and needless injury,**
19 **suffering, and death.**

20 f. For example, Plaintiff's investigator documented Defendants regularly running
21 their high-pressure industrial washing machines with baby chicks inside, who were
22 mutilated and burned by scalding hot water, causing their feathers to fall out, abrasions on
23 their skin and, typically, slow and painful death. Bodies were found bald, bright red,
24 bloodied, bloated with liquid, and dead or near death. When found still alive, the animals
25 were in extreme suffering—yet were not euthanized.

26 g. For example, Plaintiff's investigator documented frequent flooding and pooling
27 in the facility of liquid and chemical foam. Defendants knowingly move their processing
28

conveyors at such high speeds that chicks are routinely thrown off the machines and into pools of liquid below, where they are left to slowly drown.

h. For example, Plaintiff's investigator documented Defendants' placement of birds on conveyor systems that were improperly maintained and operated, and reliably caused unnecessary injury and death to the chicks. Plaintiff's investigator found multiple chicks hanging dead or nearly dead from their necks, trapped under, or caught in, the conveyor belts.

i. **Defendants operate the macerator in a manner that results in unnecessarily slow and painful death, rather than instantaneous euthanasia.**

j. For example, Plaintiff's investigator documented Defendants packing injured birds into chutes, along with other debris and dead bodies, where they routinely left them for hours, buried alive, to suffer before activating the macerator to finally euthanize them.

32. The above-referenced actions and omissions are *not* acceptable animal husbandry practices, are expressly *prohibited* by the National Chicken Counsel and/or the American Veterinary Medical Association, and violate many of the American Humane Association certification standards with which Defendants purportedly comply. What's more, the fact that these standards directly address many of the issues the investigator documented at the Ellenwood Hatchery underscore the foreseeability (and preventability) of these problems.

33. As one example, American Humane Association states: "The presence of live hatchlings in the washer ... results in automatic failure of [the humane certification audit]."³ Plaintiff's investigator documented multiple instances of chicks being mutilated and killed by the washers.

34. Defendants' conduct as alleged herein is not episodic, but rather reflects recurring and systemic cost-saving measures, as Defendants intentionally operate the Ellenwood Hatchery and its machinery in such a way, and at such speeds, that needless cruelty and unnecessary suffering is the result.

³ American Humane, *American Humane Certified™ Animal Welfare Standards for Hatcheries (Chicks, Poults, and Ducklings)*, *Animal Welfare Standards Audit Tool*, at 19 (2018), <https://www.americanhumane.org/app/uploads/2021/08/Hatcheries-Audit-Tool.pdf>.

1 35. Plaintiff reported the results of its investigation to Stanislaus law enforcement authorities.
2 Plaintiff has spent money and resources attempting to persuade the Stanislaus authorities to take action
3 based on the alleged violations.

4 36. Under Foster Farms' present operation of the Ellenwood Hatchery, animal cruelty is
5 foreseeable and, in fact, reliably occurs, as chicks continue to be needlessly maimed, mutilated, and killed
6 every day.

7 37. Defendants' pattern and practice of knowingly subjecting young chicks to needless
8 suffering, unnecessary cruelty, abuse, improper care, and/or inattention in violation of California's anti-
9 cruelty laws, occurs while Defendants, at the same time, claim to have humane standards.

10 38. The categories and instances of animal mistreatment described above are not exhaustive,
11 and the specific instances of abuse and neglect documented by Plaintiff and referenced above are also not
12 representative of all Penal Code violations and unfair business acts Plaintiff uncovered.

13 39. Defendants deliberately acted and/or failed to act as set forth above and continue to so act
14 and/or fail to act as set forth above.

15 40. Defendants have failed, and continue to fail, to identify, investigate, stop, and/or prevent
16 unlawful and unfair practices as alleged herein.

17 41. The above instances of cruelty and abuse came to light only as a result of Plaintiff's
18 investigation into Defendants' unlawful and unfair conduct.

19 42. Because Defendants' conduct as alleged herein is both illegal and unfair, Defendants'
20 offending conduct has no utility (except conferring Defendants with unlawful and unfair competitive
21 advantage) and does not outweigh the unnecessary pain and suffering imposed on animals.

22 43. The unlawful and unfair conduct alleged herein is not exhaustive, as the full extent of
23 Defendants' unlawful, unfair, and improper business practices are known only by Defendants.

24 44. Defendants' unlawful and unfair conduct has caused Plaintiff injury, including loss of
25 money.

26 45. Plaintiff is engaged in a valid non-profit purpose of animal welfare, with a mission to end
27 abuse of animals in agriculture.
28

47. Plaintiff incurred investigatory expenditures and spent resources in attempting to persuade authorities to take action against Defendants' unlawful and unfair conduct, and to educate the public regarding the same.

48. For example, Plaintiff paid for, among other things: investigatory services and costs to document Defendants' conduct; performing research related to Defendants' animal-cruelty violations; performing services related to preparation of a formal complaint to the Stanislaus County District Attorney's Office and the Sheriff's Department to call for criminal charges; continuing to follow up with and urge these law enforcement authorities to take prosecutorial action; and performing services to educate the public about Defendants' unlawful conduct.

49. Past and continuing instances of animal abuse by Defendants have frustrated Plaintiff's mission by compelling Plaintiff to divert resources away from other activities. Had Defendants not violated the laws prohibiting animal cruelty and anti-competitive business practices, Plaintiff would not have incurred such expenses and/or diverted such organizational resources.

Violation of Cal. Bus. & Prof. Code §§ 17200, *et seq.*

Unlawful and Unfair Business Acts and Practices

50. Plaintiff refers to and incorporates by reference each of the allegations contained in the preceding paragraphs of this Complaint.

51. The acts and/or omissions of Defendants in violation of the California Penal Code, including § 597(b) and § 597.1(a)(1), constitute unlawful and unfair business practices under California Business & Profession Code §§ 17200, *et seq.*, and may be enjoined accordingly. (See Bus. & Prof. Code § 17202.)

53. Defendants' actions and omissions alleged herein violate the laws and public policies of California, including the very purpose of the state anti-cruelty laws: "to prevent the active or passive infliction of unnecessary or unjustifiable pain or suffering, or cruelty, on animals by their owner, or keeper, or others." (*See People v. Untiedt* (1974) 42 Cal.App.3d 550, 554.)

54. Accordingly, Defendants' actions and omissions are unlawful, unfair, unethical, and unscrupulous, and have caused, and continue to cause, injury to Plaintiff.

55. Plaintiff has suffered an injury in fact, including loss of money and diversion of organizational resources, as a result of Defendant's unfair and unlawful conduct as herein alleged.

56. The diversion of Plaintiff's resources to offset Defendants' unlawful and unfair conduct hinders the development of other organizational projects that would better advance Plaintiff's mission and/or increase Plaintiff's visibility, influence, and membership.

57. Had Defendant complied with California law, Plaintiff would not have suffered an injury, lost money, and diverted organizational resources to continuously investigate, offset, and combat Defendant's unlawful and unfair conduct.

58. Defendants' unfair and unlawful conduct are likely to continue and therefore will continue to injure Plaintiff.

Prayer for Relief

WHEREFORE, Plaintiff prays for relief and judgment against Defendants, jointly and severally, as follows:

A. For an order permanently enjoining each of the Defendants from continuing to engage in the unlawful and unfair business acts and practices as alleged herein;

B. For an order requiring Defendants to establish policies and procedures to ensure compliance with state anti-cruelty laws at the Ellenwood Hatchery;

C. For an order requiring Defendants to reduce production and/or line speeds to levels where injury to birds is not foreseeable;

D. For this Court to retain jurisdiction over Defendants until such time as the Court is satisfied that Defendants' unlawful practices, acts, and omissions no longer exist and will not occur;

E. For an order awarding Plaintiff actual damages;

F. For restitution and disgorgement of ill-gotten profits and benefits;


G. For payment of attorneys' fees and costs, including those recoverable pursuant to California Code of Civil Procedure § 1021.5 and/or pursuant to equitable principles, and/or other applicable method of awarding attorney's fees and costs; and

H. For any such further relief as may be permitted by law and/or that this Court deems equitable, just, and proper.

Respectfully submitted,

ADVANCING LAW FOR ANIMALS

Dated: June 7, 2022

By: 
Ryan Gordon
Vanessa Shakib
Attorneys for Plaintiff