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7  
8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SONOMA

10 ANIMAL LEGAL DEFENSE FUND, a  
11 California Nonprofit Corporation; EAST  
BAY ANIMAL ADVOCATES, a California  
12 Nonprofit Corporation; ANNA GUHA;  
SUSAN MARY JACKSON; and CHRISTY  
13 ANN MORGAN,  
14 Plaintiffs,  
15 v.  
16 CLOUGHERTY PACKING LLC dba  
FARMER JOHN®; CORCPORK, INC., a  
17 California Corporation; CORCPORK LLC;  
and DOES 1-50, inclusive,  
18 Defendants.

Case No. SCV 240050

**SECOND AMENDED COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

1. Violation of Bus. & Prof. Code § 17200, *et seq.*
2. Violation of Bus. & Prof. Code § 17500, *et seq.*

19  
20 **I. INTRODUCTION**

21 1. Defendants Corcpork, Inc. and Corcpork LLC (collectively “Corcpork”),  
22 working as a unified enterprise with Defendant Clougherty Packing LLC, dba Farmer  
23 John® (all three Defendants collectively as “Defendants”), keep thousands of female  
24 pigs (sows) in illegal conditions and constant suffering, every day of the year. The sows  
25 are confined for almost their entire lives in conditions that have been declared cruel by  
26 the California Legislature and that are in violation of California’s anticruelty laws.

27 2. Throughout the entire period of this confinement, the sows are either  
28 pregnant or nursing their young. This practice is hidden from the public eye, so that the

1 purchasers of Defendants' products are unaware of the illegal treatment of the animals  
2 involved in production.

3 3. Many of the pigs born and weaned at the Corcpork facility eventually  
4 become the pork products sold under the Farmer John® brand name used by defendant  
5 Clougherty Packing LLC. Farmer John® is an established brand of Hormel Foods.

6 4. Corcpork's roughly 9000 sows are crammed into "stalls" – cramped  
7 enclosures with metal bars on all sides and a concrete floor. In these stalls, also known  
8 as "gestation crates," the sows are forced to lie on the concrete, in their own excrement,  
9 without relief. They cannot turn around. They cannot scratch. They cannot walk even  
10 one foot forward or backward. They are locked into these crates and cannot engage in  
11 any of the activities common to their species.

12 5. The stalls are often so small that the sows have no option but to have their  
13 bodies permanently forced into the metal bars at either end and on the sides. That is,  
14 they spend their lives pushed into hard, cold metal.

15 6. The intensive confinement of sows and consequent failure to provide them  
16 with any exercise area has been scientifically demonstrated to cause numerous health  
17 problems for these intelligent animals. The concrete floors, lack of exercise, and  
18 constant exposure to pressure can cause severe and painful leg diseases, which may  
19 leave the sows crippled. In addition to this lifelong pain, this abuse can cause many  
20 other medical and physical problems and illnesses, including unnatural obesity which  
21 impairs multiple body systems.

22 7. The documented effects of gestation crate confinement also include  
23 depression and other psychological problems, which can be manifested by behaviors  
24 such as biting of the bars of their enclosures, prolonged repetitive waving of their heads,  
25 obsessive licking, and "vacuum chewing" where the animals simulate chewing, while  
26 having nothing on which to chew, for extended periods of time.

27 8. Defendant Clougherty Packing LLC, dba Farmer John® ("Farmer John"),  
28 working in concert with Corcpork, sells the products of this illegal practice to the

1 individually-named Plaintiffs and tens of thousands of unsuspecting Californians in  
2 supermarkets throughout California.

3 9. Consumers are not informed that the animals who are used as ingredients  
4 in their food were subjected to animal cruelty under California law.

5 10. Plaintiffs bring this action, seeking a court order that will change the way  
6 these sows are treated. Longstanding and extensive California law embodies a strong  
7 public policy against cruelty to animals, and the specific law against confinement without  
8 adequate exercise makes clear that the Legislature has determined that Defendants'  
9 mistreatment of the sows is prohibited under the law and in accord with that policy.

10 11. Plaintiffs bring this action for declaratory and injunctive relief to declare  
11 unlawful the intensive confinement of Corcpork's sows, and to permanently enjoin  
12 Defendants from confining these sows in violation of California Penal Code Section 597t  
13 ("Section 597t"), and from selling products created as a result of this cruelty.

14 12. Section 597t makes clear that all animals must be given adequate room to  
15 exercise. Specifically, Section 597t provides: "Every person who keeps an animal  
16 confined in an enclosed area shall provide it with an *adequate exercise area*."  
17 (Emphasis added). "Exercise" is "bodily exertion for the sake of developing and  
18 maintaining physical fitness." *Merriam-Webster's Collegiate Dictionary*, p. 437 (11<sup>th</sup> Ed.  
19 2005) Given the size of the crates and the fact that the sows can barely move in them,  
20 there can be no dispute that Corcpork is not providing its sows with any room, much less  
21 "adequate" room, to exercise, and is committing thousands of violations of Section 597t  
22 every day, on an ongoing basis.

23 13. Defendants' violation of Section 597t, standing by itself, represents the  
24 requisite predicate act for plaintiffs' First Cause of Action under Business and  
25 Professions Code Sections 17200. Cal. Bus. & Prof. Code § 17200 ("[U]nfair  
26 competition shall mean and include any unlawful . . . business act or practice . . .").

27 14. In addition to their violation of Section 597t, Defendants have violated  
28 Business and Professions Code Sections 17200 and 17500 by unfairly misleading

1 Plaintiffs and the public about the treatment of the animals that are used to produce  
2 Plaintiffs' food and Farmer John® products. Farmer John® claims the production of its  
3 pork has been "a family tradition since 1931," and that its products are inspected and  
4 approved by government authorities. It boasts "strict control of hog production" and that  
5 its products are the "finest quality." Among its products are the "California Natural"™  
6 line. Farmer John®'s parent company, Hormel Foods, claims in public advertisements  
7 that it has "zero tolerance" for cruelty in the production of its company's products, which  
8 any reasonable consumer would assume include Farmer John products. These  
9 statements mislead reasonable consumers, including Plaintiffs, into believing that these  
10 products are produced in a humane fashion.

## 11 **II. THE PARTIES**

12 15. Plaintiff Anna Guha (formerly Anna DeChenne) is a resident of Foster City,  
13 California. She eats pork and other meat products made from the flesh of pigs, and  
14 within the year before the commencement of this action had purchased and eaten pork  
15 goods produced or sold by Defendants under the Farmer John® brand name. She has  
16 paid for these products with her own money, and has received instead illegally-produced  
17 food, not the products she expected to receive.

18 16. Plaintiff Susan Mary Jackson is a resident of Santa Rosa, California. She  
19 eats pork and other meat products made from the flesh of pigs, and within the year  
20 before the commencement of this action had purchased and eaten products  
21 manufactured or sold by Defendants under the Farmer John® brand name. She has  
22 paid for these products with her own money, and has received instead illegally-produced  
23 food, not the products she expected to receive.

24 17. Plaintiff Christy Ann Morgan is a resident of Sonoma, California. She eats  
25 pork and other meat products made from the flesh of pigs, and within the year before the  
26 commencement of this action had purchased and eaten products manufactured or sold  
27 by Defendants under the Farmer John® brand name. She has paid for these products  
28 with her own money, and has received instead illegally-produced food, not the products

1 she expected to receive.

2 18. Plaintiffs are informed and believe, and on that basis allege, that Defendant  
3 Corcpork, Inc. is, and at all times relevant herein was, a corporation organized and  
4 existing under the laws of the State of California and authorized to do business in the  
5 State of California.

6 19. Plaintiffs are informed and believe, and on that basis allege, that Defendant  
7 Corcpork LLC is, and at all times relevant herein was, a California limited liability  
8 corporation, involved with the raising of pigs in violation of California animal cruelty laws.

9 20. Plaintiffs are informed and believe, and on that basis allege, that Defendant  
10 Clougherty Packing LLC doing business as Farmer John® is, and at all times relevant  
11 herein was, a Delaware limited liability corporation, packing pieces of slaughtered pigs  
12 from Corcpork, and is the owner of Corcpork, and is selling products under the Farmer  
13 John® brand name, which include the flesh of animals raised by Corcpork.

14 21. Plaintiffs are presently unaware of the true names and capacities of  
15 Defendants Doe 1 through 50, inclusive, whether individual, corporate or otherwise.  
16 Therefore, Plaintiffs sue each of the Doe Defendants by such fictitious names. Plaintiffs  
17 will seek to amend this Complaint to set forth the true names and capacities of the Doe  
18 Defendants if and when they become known to Plaintiffs. Any reference to Corcpork or  
19 Defendants in this Complaint shall also constitute a reference to the Doe Defendants.  
20 Plaintiffs are informed and believes and on that basis allege that at all relevant times  
21 Does 1 through 50 were and are responsible in some manner for the conduct alleged in  
22 this Complaint.

23 22. Plaintiffs are informed and believe, and on that basis allege, that at all  
24 times herein mentioned, each of the Defendants, including the Doe Defendants, was and  
25 is the agent, servant, employee, representative, and/or alter ego of the remaining  
26 Defendants and, in doing the things alleged in this Complaint, was acting within the  
27 scope of his, her, or its authority as such agent, servant, employee, representative,  
28 and/or alter ego, with the knowledge, consent, permission, and ratification of all

1 remaining Defendants.

2 23. There is unity of interest and ownership among Defendants Corcpork, Inc.,  
3 Corcpork LLC, and Clougherty Packing LLC (previously known as Clougherty Packing  
4 Company), as established in the following paragraphs.

5 24. Defendants Corcpork, Inc., Corcpork LLC, and Clougherty Packing LLC  
6 are subsidiaries of Hormel Foods.

7 25. Defendants Corcpork, Inc., Corcpork LLC, and Clougherty Packing LLC  
8 share common directors and officers:

- 9 a) Joseph D. Clougherty is registered as Corcpork LLC's  
10 manager.
- 11 b) Joseph D. Clougherty is listed as an officer/director in  
12 Corcpork, Inc.'s Articles of Incorporation.
- 13 c) Joseph D. Clougherty retired as president of Clougherty  
14 Packing Company in July 2007, after this action was filed.

15 26. Defendants Corcpork, Inc., Corcpork LLC, and Clougherty Packing  
16 Company were collectively sold to Hormel Foods in December 2004 in a single  
17 transaction:

- 18 a) The sellers were Joseph D. Clougherty, Anthony P.  
19 Clougherty, Bernard J. Clougherty, Kathleen C. Regan, the  
20 Bernard J. Clougherty Annuity Trust, the Joseph D.  
21 Clougherty Annuity Trust, the Anthony P. Clougherty Annuity  
22 Trust and the Kathleen C. Regan Annuity Trust.
- 23 b) The Clougherty family continued to manage the "Los Angeles  
24 based operations" after the acquisition by Hormel.
- 25 c) Patrick F. Collins represented all Sellers in the transaction  
26 with Hormel.

27 27. Defendants Clougherty Packing Company and Corcpork, Inc. entered into  
28 a "hog production agreement" effective on the closing date of the transaction with

1 Hormel.

2 28. The “Farmer John®” trademark is registered to Clougherty Packing LLC.

3 29. Clougherty Packing Company was reorganized as Clougherty Packing LLC  
4 upon acquisition by Hormel.

5 30. Products sold under the “Farmer John®” trademark include products from  
6 Corcpork Company, which is a joint partnership between Defendants Clougherty  
7 Packing LLC and Corcpork, Inc.

8 31. Defendants Corcpork, Inc., and Corcpork LLC share a common business  
9 mailing address. “FJ College Partners” is a fictitious business name owned by Joseph  
10 D. Clougherty, Anthony Clougherty, and Bernard Clougherty and “LNN, LLC,” a  
11 Delaware Limited Liability Company whose registered agent is Joseph D. Clougherty,  
12 also share this same business mailing address. This address is the place of business of  
13 Patrick Collins, CPA, who represented all Sellers in the transaction with Hormel.

14 32. There is no true separate existence between Defendants Corcpork, Inc.,  
15 Corcpork LLC, and Clougherty Packing LLC.

16 33. Defendants Corcpork LLC and Corcpork, Inc. are known to operate as  
17 “Clougherty Packing Company – Farm Division.”

18 34. The address of “Clougherty Packing Company – Farm Division” is the  
19 address of the Corcpork facility.

20 35. Defendant Clougherty Packing LLC and Clougherty Packing Company –  
21 Farm Division (operating the Corcpork facility) jointly conduct human resource  
22 recruitment efforts.

23 36. Defendant Clougherty Packing Company was cited by the California  
24 Environmental Protection Agency for the Corcpork, Inc. facility’s violations of Water  
25 Quality regulations. Corcpork, Inc. was also cited.

26 **III. VENUE AND JURISDICTION**

27 37. Venue is proper in Sonoma pursuant to California Code of Civil Procedure  
28 section 395(a) and (b) because Plaintiffs Christy Morgan and Susan Jackson suffered

1 injury as alleged in the complaint in, and reside in, Sonoma County.

2 **IV. RELEVANT FACTS**

3 38. Defendants are engaged in the business of breeding and raising pigs for  
4 slaughter. Defendants own and maintains pig, including thousands of sows used for  
5 breeding, on property located at 3922 Avenue 120, Corcoran, California 93212 (the  
6 “Corcpork Facility”).

7 39. Corcpork’s everyday operations include thousands of acts of illegal animal  
8 cruelty pursuant to California Penal Code section 597t. Corcpork’s sows are kept in  
9 metal stalls, known as “sow stalls,” “gestation crates,” or “farrowing crates,” which in  
10 some cases are smaller than the animals themselves. In some situations, the sows  
11 cannot lie in these enclosures without having their sensitive heads resting on metal at all  
12 times and their hindquarters pushed into the metal on the other end of the enclosure.

13 40. The enclosures are roughly six or seven feet long and two feet wide, which  
14 makes it virtually impossible for sows to turn around. Thus, the sows’ only opportunity to  
15 move is either to stand up or lay down on the excrement-covered concrete.

16 41. Corcpork’s sows spend virtually their entire lives in some stage of the  
17 reproductive process. That is, at almost all times they are either pregnant or nursing.

18 42. Pigs are highly intelligent animals with complex social lives. Corcpork’s  
19 treatment deprives the sows of every opportunity to engage in important behaviors.  
20 Research establishes that sows develop psychological distress from the treatment they  
21 receive at Corcpork. The result is sows who suffer constantly, and who engage in  
22 stereotypical coping behaviors – which demonstrate derangement due to extended time  
23 in these conditions.

24 43. Scientific studies also establish that confined sows have (1) increased  
25 weakness in their legs, (2) exaggerated locomotion problems, (3) heightened incidence  
26 of urinary tract infections, and (4) more chronic stress, depression, and abnormal  
27 behaviors than pigs not kept in such conditions.

28 44. Industry representatives and scientists have stated that as many as twenty



1 per cent of sows in active production die prematurely from stress and the impacts of this  
2 confinement, as well as the accelerated breeding process they are required to undergo.

3 45. A report in 2007 concluded that pregnant sows who live in group housing  
4 structures and are not subjected to illegal confinement are more productive and less  
5 expensive to maintain than sows kept in confinement.

6 46. While pregnant, the Corcpork sows at issue are confined to sow  
7 stalls/gestation crates. Just prior to giving birth to their young, these pregnant sows are  
8 moved to other, similar enclosures known as “farrowing crates.” The sows in farrowing  
9 crates are confined in much the same way, in an area approximately two feet wide and  
10 six feet long. They cannot turn around. The only movement they can make is to stand  
11 up and lie down, and possibly move a step or two.

12 47. Once born, a sow’s piglets have access to an area adjacent to the sow and  
13 can suckle when the sow is lying down on her side. During the time the sows are  
14 housed in farrowing crates they are not provided access to any other area.

15 48. Plaintiffs are informed and believe, and on that basis allege, that infant  
16 piglets are taken from their mothers when they are less than a month old.

17 49. Plaintiffs are informed and believe, and on that basis allege, that as soon  
18 as their piglets are taken from them, Defendants use artificial insemination processes to  
19 again impregnate the sows. Once pregnant, the sows are again forced into the illegal  
20 confinement of the gestation crates. The sows remain in the gestation crates until they  
21 are once again returned to the farrowing crates.

22 50. The sows’ lives are an endless cycle of intense confinement, gestation,  
23 and farrowing, and at no time during this confinement do they have any exercise at all.

24 51. Pigs, like all animals, have a fundamental need to exercise and ambulate  
25 at will. Even if some confinement is permissible, a sow should be given room to turn  
26 around without difficulty, to relax and move her legs, to walk and run to the extent she  
27 desires, to groom, and to comfortably get up and lie down. Moreover, sows should be  
28 able to walk and run on a surface compatible with their needs, such as grass, straw, or

1 dirt. Section 597t declares that as legislative mandate.

2 52. Once Corcpork determines that pigs (the progeny of the sows and/or the  
3 sows themselves) are ready to be slaughtered and become ingredients in products sold  
4 under the Farmer John® brand, the pigs are shipped to a facility for slaughter, then  
5 combined with other ingredients and packed by at the Clougherty Packing facility.  
6 Defendants' products are sold in supermarkets in California under the Farmer John®  
7 brand.

### 8 **FIRST CAUSE OF ACTION**

#### 9 **(Violation of Bus. & Prof. Code § 17200, et seq.)**

10 **By Plaintiffs Anna Guha, Susan Mary Jackson, and Christy Ann Morgan**

11 53. Plaintiffs incorporate herein by reference each and every prior paragraph of  
12 this complaint, inclusive, and reallege them as though fully set forth herein.

13 54. California Business and Professions Code section 17200 et seq. ("Section  
14 17200") prohibits any unlawful, unfair, or fraudulent business practice that injures a  
15 consumer. Defendants have engaged, and continue to engage, in multiple violations of  
16 Section 17200 every day. Defendants' violations of Section 17200 have injured  
17 plaintiffs.

18 55. Defendants violate Section 17200 on a daily basis by confining sows  
19 without exercise in violation of Section 597t. A violation of any law – state or federal –  
20 constitutes a violation of Section 17200. See, e.g., *Kasky v. Nike, Inc.*, 27 Cal. 4th 939,  
21 949 (2002) ("[Section 17200] permits violations of other laws to be treated as unfair  
22 competition that is independently actionable."); *Podolsky v. First Healthcare Corp.*, 50  
23 Cal. App. 4th 632, 647 (1996) ("Virtually any state, federal or local law can serve as the  
24 predicate for an action under Business and Professions Code section 17200.").

25 56. Plaintiffs are injured by Defendants' violation of Section 597t because of  
26 the connection between the cruelty to which animals are subjected at Corcpork's facility,  
27 and the pork products Plaintiffs have suffered economic damages in purchasing.

28 57. Defendants' violation of Section 597t, related as it is to Plaintiffs' purchase

1 of Farmer John products, represents a valid basis for Plaintiffs' claim against Defendants  
2 in this cause of action.

3 58. Defendant Clougherty Packing LLC shares a unity of interest and  
4 ownership with Corcpork, and, accordingly, is also in daily violation of Section 17200  
5 because of Corcpork's illegal confinement of sows in violation of Section 597t.

6 59. Farmer John® is a brand name of Hormel Foods, which states on its  
7 website, in its annual report, that it is

8 making a difference with our livestock [and] we are proud to  
9 have a zero tolerance policy for the inhumane treatment of  
10 animals. Raising, shipping and harvesting animals in a  
11 humane fashion is not only the right thing to do, it is good  
12 business. We insist on this at our own farms and facilities  
13 and require our suppliers to do the same.

14 (Hormel Foods, Citizenship Overview 2006,

15 [http://www.marstellerstaging.com/hormelcsr/media/hormel\\_citizenship\\_report\\_FINAL.pdf](http://www.marstellerstaging.com/hormelcsr/media/hormel_citizenship_report_FINAL.pdf)

16 at 13). These statements expressly assure consumers that Farmer John® does not  
17 allow any cruel treatment of animals at its facilities and suppliers or in the creation of its  
18 products.

19 60. A reasonable consumer would believe these express statements and  
20 assume that Defendants are complying with all laws.

21 61. Based on the facts surrounding the sale of Farmer John® products, a  
22 reasonable consumer would also believe that the products that come out from  
23 Defendants and sold by Farmer John® are not part of a production process that includes  
24 treatment of animals in violation of the animal cruelty laws.

25 62. Defendants' conduct in violation of Section 17200 includes, but is not  
26 limited to, all of the following:

- 27 a) Defendants' unlawful business practice of intensively confining sows  
28 in gestation crates without any exercise area at all, in violation of  
Section 597t;
- b) Defendants' failure to inform the public, including Plaintiffs, about

1 the treatment of the sows, which constitutes an unfair and  
2 fraudulent business practice, since it prevents reasonable  
3 consumers from making educated choices about the foods they  
4 purchase;

5 c) Defendants engage in the deceptive business practice of labeling its  
6 products in such a way that suggests to the reasonable consumer  
7 that the animals involved in the production are kept in conditions  
8 that meet or exceed the requirements of California animal protection  
9 laws, and are treated humanely and kindly. This is an unfair and  
10 fraudulent practice that misleads the consumer interested in  
11 purchasing legally and humanely-produced animal products;

12 d) Defendants engage in the deceptive business practice of engaging  
13 in material omissions about the illegal conduct vital to the production  
14 of their pork products, with knowledge of the materiality of those  
15 omissions. This is unfair and fraudulent and misleads the public;

16 e) Defendants engage in the fraudulent business practice of providing  
17 the public with products that are defective and tainted since they are  
18 the result of illegal conduct material to consumers' interests and  
19 desires when purchasing animal-derived goods; and

20 f) Defendants' acts result in the placement into the stream of  
21 commerce of a product Defendants know was illegally produced  
22 and derived from inhumane and unlawful business practices. This  
23 conduct deceives consumers into thinking they are purchasing  
24 humanely-treated products.

25 63. Plaintiffs Morgan, Jackson, and Guha have suffered harm and lost money  
26 as a result of Defendants' violations of California Business and Professions Code section  
27 17200, *et seq.*

28 64. Plaintiffs Morgan, Jackson, and Guha lost the money they spent on Farmer

1 John® products because the products they received were not the products they believed  
2 they were buying. At the time Plaintiffs purchased and consumed these products,  
3 Defendants made express and implied representations that their products were  
4 produced in compliance with California laws regarding cruelty to animals. Based on  
5 those representations Plaintiffs reasonably expected that all of the pork products were  
6 being produced in accordance with California law and that the entities raising the pigs for  
7 meat were treating their pigs in accordance with California law.

8 65. Plaintiffs relied on Defendants' express and implied representations,  
9 including but not limited to Defendants' packaging of their products and statements  
10 made on the packaging, as well as the sale of the products in stores throughout  
11 California, in making their decisions to purchase Farmer John® products. Plaintiffs  
12 viewed, reviewed, and relied on Defendants' express and implied representations in  
13 purchasing Farmer John® products.

14 66. Defendants' conduct has harmed Plaintiffs because they would not have  
15 spent the money they paid for the products if they had known the material facts omitted  
16 by Defendants that, *inter alia*, Defendants were participating in violations of the animal  
17 cruelty laws in creating their products, and treating their sows in an inhumane manner.  
18 This provides Defendants with an unfair advantage over unknowing consumers, like  
19 Plaintiffs, who rely upon the representations, express and implied, of Defendants.

20 67. This conduct is additionally unfair because Plaintiffs rely on California  
21 businesses engaged in selling meat to ensure that the animals that become their  
22 products are not raised in a manner that violates California anticruelty laws.

23 68. If Defendants had disclosed the fact that the sows involved in the creation  
24 of Farmer John® products were cruelly confined in violation of California laws, Plaintiffs  
25 would not have bought the products. Defendants knew or should have known that the  
26 public would expect that the sows vital to the creation of Farmer John® products were  
27 treated in accordance with California laws regarding the treatment of animals.

28 69. Plaintiffs spent money because of Defendants' acts in violation of Section

1 17200 when they purchased the illegally-produced pork products. Therefore, Plaintiffs  
2 suffered economic injury as a result of Defendants' conduct that was unlawful, unfair,  
3 and deceitful.

4 70. Plaintiffs have been further injured as a result of Defendants'  
5 misrepresentations, because they believe that the animals who they eat should be  
6 treated legally and humanely prior to their slaughter. When they learned that the pigs  
7 who are involved in the production of Farmer John® pork had been treated illegally and  
8 in violation of the California anticruelty laws, they were distressed and suffered emotional  
9 and aesthetic injury, as any reasonable consumer would.

10 71. As a direct and proximate result of Defendants' wrongful conduct, Plaintiffs  
11 have suffered and will continue to suffer substantial irreparable injury. As such, no legal  
12 remedy can compensate them for their injuries and Plaintiffs are entitled to injunctive  
13 relief.

14 72. Pursuant to California Business and Professions Code section 17203,  
15 Plaintiffs request an order enjoining Defendants from engaging or participating in their  
16 continued violation of the California Penal Code by the practice of confining sows without  
17 access to an adequate exercise area, and enjoining all Defendants from selling pork  
18 products that originate in a facility in which pigs are treated in violation of Section 597t.

19 **SECOND CAUSE OF ACTION**

20 **(Violation of Bus. & Prof. Code § 17500, *et seq.*)**

21 **By Plaintiffs Anna Guha, Susan Mary Jackson, and Christy Ann Morgan**

22 73. Plaintiffs incorporate herein by reference each and every prior paragraph of  
23 this complaint, inclusive, and reallege them as though fully set forth herein.

24 74. California Business and Professions Code section 17500, *et seq.* ("Section  
25 17500") prohibits any deceptive or misleading representations made with the intent to  
26 induce the public to purchase a product. Defendants' packaging of their products as  
27 described above, without informing the public of the manner in which the pigs involved in  
28 the creation of its products are treated, is an unlawful practice for the purposes of

1 Section 17500.

2 75. Defendants affirmatively market their products as being produced as “a  
3 family tradition since 1931,” and as inspected and approved by the government.  
4 Defendants corporate parent claims they “insist” on humane and legal treatment of their  
5 animals. Defendants claim they have “strict control of hog production” and provide the  
6 “finest quality” in products from pigs. They even sell a “California Natural”™ line, which  
7 sends a message to consumers that the animals are treated the way nature intended –  
8 in group living situations, and not in illegal solitary confinement.

9 76. Defendants make these statements with the intention of selling their  
10 products to California consumers unaware of the cruel manner in which Defendants’  
11 products are created.

12 77. By placing their products into the stream of commerce, Defendants have  
13 implicitly represented to the public that the pork products they sell derive from animals  
14 raised in accord with California law, and from facilities which follow those laws. Such  
15 representation is made with the intent to induce consumers to purchase this product.

16 78. Defendants, working with a unity of interest, purpose and ownership, and  
17 with full knowledge of the representations made on Farmer John®’s packaging, continue  
18 to raise sows in conditions that are inconsistent with those representations.

19 79. Defendants’ conduct is deceptive and directed to induce the public into  
20 believing that Defendants’ products are produced in compliance with the anticruelty laws  
21 regarding treatment of animals in California.

22 80. At no point in time did Defendants tell Plaintiffs, or any of their consumers,  
23 that animal cruelty, perpetrated on tens of thousands of animals, is an integral and vital  
24 part of production of the pigs raised and slaughtered by Defendants.

25 81. Plaintiffs relied on Defendants’ packaging of their products, and statements  
26 made on the packaging, as well as the sale of the products in stores throughout  
27 California, in making their decisions to purchase Farmer John® products. Plaintiffs  
28 viewed, reviewed and relied on Defendants’ express and implied representations in

1 purchasing Farmer John® products.

2 82. If Defendants had disclosed the fact that the sows who are an integral part  
3 of Farmer John® products were cruelly confined in violation of California laws, Plaintiffs  
4 would not have bought the products.

5 83. Defendants knew or should have known that the public would expect that  
6 the sows involved in the manufacture of Farmer John® products were treated in  
7 accordance with California laws regarding the treatment of animals.

8 84. Defendants' conduct therefore constitutes unlawful, unfair, and/or illegal  
9 business practices in violation of California Business and Professions Code section  
10 17500, *et seq.*

11 85. Plaintiffs Morgan, Jackson, and Guha have suffered harm and lost money  
12 as a result of Defendants' violation of California Business and Professions Code section  
13 17500, *et seq.*

14 86. At the time of purchasing and consuming these products, Plaintiffs  
15 reasonably expected that Defendants were representing, by the aforementioned means  
16 and the public sale of their products, that their products were produced in compliance  
17 with California laws governing the treatment of animals.

18 87. Plaintiffs relied on Defendants' express and implied representations when  
19 they purchased the pork products and would not have purchased the pork products if  
20 they knew Defendants were violating California's animal cruelty laws by mistreating the  
21 sows. Therefore, they have suffered harm and lost money as a result of purchasing  
22 products that were unlawfully, unfairly, and illegally produced.

23 88. When they learned that the pigs who are involved in the production of  
24 Farmer John® pork had been treated illegally and in violation of the California anticruelty  
25 laws, they were distressed and suffered emotional and aesthetic injury, as any  
26 reasonable consumer would.

27 89. As a direct and proximate result of Defendants' wrongful conduct, Plaintiffs  
28 Morgan, Jackson, and Guha have suffered and will continue to suffer substantial



1 irreparable injury. As such, a legal remedy is not adequate to compensate for their  
2 injuries, and Plaintiffs are entitled to preliminary and permanent injunctive relief.

3 90. Pursuant to California Business and Professions Code section 17203,  
4 Plaintiffs request an order enjoining Corcpork from its continued violation of the  
5 California Penal Code by its practice of confining sows without access to an adequate  
6 exercise area, and enjoining all Defendants from selling any animals or animal products  
7 from pigs raised in violation of Section 597t.

8 **V. PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs request the following relief:

- 10 1. An order declaring that Defendants' treatment of the animals in their  
11 possession and control violates Section 597t of the California Penal Code;
- 12 2. An order enjoining Defendants from continuing to violate the California  
13 Penal Code with respect to the animals in their possession;
- 14 3. An order enjoining Defendants from selling pork products raised in facilities  
15 acting in violation of Section 597t;
- 16 4. Reasonable costs and expenses, including attorneys' fees according to  
17 proof at trial;
- 18 5. Statutory attorneys' fees if applicable; and
- 19 6. Such other and further relief as the Court deems just and proper.

20  
21 DATED: October 22, 2007

EVANS AND PAGE

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23 By:   
24 Corey A. Evans  
Attorneys for Plaintiffs

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**PROOF OF SERVICE**

I, the undersigned, certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is 55 New Montgomery Street, Suite 607, San Francisco, California. On the date stated below, at San Francisco, California, I served the attached document(s) on the parties in this action as follows:

**SECOND AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**


- By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business (pursuant to C.C.P. § 1013)

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*Attorneys for Defendants*

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed this 22<sup>nd</sup> day of October 2007, at San Francisco, California.

  
\_\_\_\_\_  
Leann F. Love