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Attorneys for Plaintiff  
Animal Protection and Rescue League, Inc.

**SUPERIOR COURT OF CALIFORNIA**

**COUNTY OF SAN DIEGO**

ANIMAL PROTECTION AND RESCUE  
LEAGUE, INC., a California nonprofit  
corporation,

**Plaintiff,**

**vs.**

CH PROJECTS, INC., a California corporation;  
BORN AND RAISED, a business entity of form  
unknown; ARSALUN TAFAZOLI, an individual;  
JASON MCLEOD, an individual; and DOES 1  
through 50,

**Defendants.**

) **CASE NO. 37-2019-00033486-CU-BT-CTL**

) **COMPLAINT FOR ILLEGAL**  
) **BUSINESS PRACTICES IN**  
) **VIOLATION OF THE UNFAIR**  
) **COMPETITION LAW**

) **[Bus. & Prof. §§ 17200 et seq.]**

Plaintiff ANIMAL PROTECTION AND RESCUE LEAGUE, INC., on behalf of itself and the  
general public, alleges as follows against Defendants CH PROJECTS, INC., a California corporation;  
BORN AND RAISED, a business entity of form unknown; ARSALUN TAFAZOLI, an individual;  
JASON MCLEOD, an individual; and DOES 1 through 50, inclusive (collectively “Defendants”):

1 **INTRODUCTION**

2 1. Plaintiff brings this private attorney general action under Business and Professions Code  
3 § 17200 (the “Unfair Competition Law” or “UCL”) on its own behalf and on behalf of the general  
4 public. Plaintiff seeks no different or greater relief for itself than for the general public in this action.

5 **PARTIES**

6 2. Plaintiff ANIMAL PROTECTION AND RESCUE LEAGUE, INC. (“APRL”) is a non-  
7 profit corporation duly formed and validly existing under California law. APRL’s mission is to expose  
8 and eliminate animal cruelty. The illegal acts of Defendants have caused APRL to divert organizational  
9 resources from its core activity of protecting animals and has instead caused APRL to focus these  
10 resources on investigating, exposing and eliminating Defendants’ unlawful activities.

11 3. Defendant CH PROJECTS, INC. is a California corporation headquartered in San Diego,  
12 California.

13 4. Defendant BORN AND RAISED is a business entity of form unknown, located at 1909  
14 India St., San Diego, CA 92101.

15 5. Defendant ARSALUN TAFAZOLI is an individual residing in San Diego County,  
16 California.

17 6. Defendant JASON MCLEOD is an individual residing in San Diego County, California.

18 7. Plaintiff does not know the true names and capacities of the defendants named in this  
19 action as DOES 1-50, and therefore, sues them under fictitious names. Plaintiff will request permission  
20 to amend this complaint, or substitute the Doe Defendants via a court-approved form, to state the true  
21 names and capacities of these fictitiously named Defendants when it ascertains them. Plaintiff alleges  
22 that these fictitiously named Defendants are legally responsible in some manner for the acts set forth  
23 below, and accordingly, are liable for the relief requested.

24 **JURISDICTION AND VENUE**

25 8. This Court has personal jurisdiction over each of the Defendants because each either is  
26 domiciled in, or is authorized or registered to conduct, or in fact does conduct, substantial business in  
27 California.

28 9. This Court has subject matter jurisdiction over the claims asserted herein because relief is

1 sought under California Business and Professions Code §§ 17200 *et seq.*

2 10. Venue is proper in this county because the acts and omissions upon which this action is  
3 based occurred in this county.

4 **STATUTORY FRAMEWORK**

5 11. California’s Unfair Competition Law (“UCL”), Business & Professions Code sections  
6 17200 *et seq.*, prohibits businesses from engaging in unlawful, fraudulent, or unfair business practices.

7 12. An action based on Section 17200 to redress an unlawful business practice borrows  
8 violations of other laws and treats them as a violation of Section 17200. In other words, a business  
9 practice is “unlawful” under Section 17200 when it violates another federal, state or local law. The  
10 violated law that serves as a basis for a UCL claim is referred to as a “predicate” law.

11 13. California Business and Professions Code §§ 17203 and 17204 allow private parties who  
12 have lost money or property to ask a court to enjoin unlawful business practices.

13 **STATEMENT OF FACTS**

14 14. Defendants own and operate many restaurants in San Diego. At some of these  
15 restaurants, including BORN AND RAISED, they sell foie gras, a product made from the grossly  
16 enlarged liver of a force-fed duck.

17 15. California Health & Safety Code section 25982 prohibits sale of products from a duck  
18 that has been force-fed for purposes of enlarging the liver.

19 16. Defendants are aware of the ban and choose to violate it anyway. Defendants’ agents  
20 have told potential customers that they sell foie gras from force fed ducks because they purchase the  
21 whole duck and do not want to waste the liver.

22 17. Choosing to purchase an entire duck from an entity that force feeds ducks to enlarge their  
23 livers rather than from a duck farm that does not force feed its ducks is not compliant with, nor a defense  
24 to violation of, Cal. Health & Safety Code section 25982.

25 18. APRL was instrumental in the passage of Health & Safety Code section 25982 and is  
26 beneficially interested in its enforcement.

27 19. APRL has also investigated and exposed Defendants’ supplier, Hudson Valley Foie Gras  
28 (“HVFG”), on multiple occasions over many years. APRL volunteers have documented how HVFG

1 force feeds ducks by ramming large metal pipes down their throats, pumping them full of corn mash  
2 three times per day for 30 days, until their livers are up to 12 times normal size, and the ducks are sick  
3 and dying from hepatic lipidosis, or fatty liver.

4 20. The work of APRL in this regard was recognized by the San Diego City Council in a  
5 2008 resolution signed by then-councilmembers who are now, *inter alia*, President of the California  
6 Senate, a Congressman, a California state senator and assemblymember, and the current Mayor of San  
7 Diego. A true and correct copy of this resolution is attached hereto as Exhibit 1 and is reflected by the  
8 official San Diego City Council minutes posted at:

9 <https://docs.sandiego.gov/councilminutes/2008/min20080108rm.pdf>

10 21. Members of the public have contacted Plaintiffs to inform them of Defendants' illegal  
11 actions, causing Plaintiff to divert its organizational resources, incur costs, and expend resources to  
12 expose the illegal conduct of Defendants and seek to have it changed.

13 22. Plaintiff has been attempting for over a month to cause enforcement action to be taken  
14 against Defendants, but so far law enforcement agencies have allowed the illegal sales to continue.

15 23. Plaintiff has attempted to convince Defendants to comply with the law without litigation  
16 and made several such requests before filing the present lawsuit, including by sending Defendants  
17 multiple emails and certified mail letters. Defendants have not responded to any of these requests.

18 **FIRST CAUSE OF ACTION**

19 **(Illegal Business Practices in Violation of the**  
20 **Unfair Competition Law, Bus. & Prof. §§ 17200 et seq.)**

21 24. Plaintiff realleges and incorporates by reference the allegations in each of the preceding  
22 paragraphs of this Complaint.

23 25. Defendants have engaged in acts or practices that constitute unfair competition, as that  
24 term is defined in section 17200 *et seq.* of the California Business & Professions Code.

25 26. Defendants have violated, are violating, and plan to violate Business & Professions Code  
26 §§ 17200 *et seq.* through their unlawful business acts and practices, which violate California Health &  
27 Safety Code § 25982.

1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendants as follows:

3 1. For a temporary restraining order, preliminary injunction, and permanent injunction  
4 enjoining Defendants and their principals, members, agents, officers, employees, representatives, co-  
5 conspirators, and all person acting in concert, collaboration or participation with them during the  
6 pendency of this action and permanently thereafter, from selling any product at any of their restaurants  
7 from a duck that has been force-fed for purposes of enlarging the duck's liver beyond normal size.

8 2. For attorneys' fees as provided by, *inter alia*, Code Civ. Proc. § 1021.5, and for costs of  
9 suit incurred herein.

10 3. For pre- and post-judgment interest.

11 4. For such other and further relief as the Court deems just and proper.

12  
13 **LAW OFFICES OF BRYAN W. PEASE**  
14 **SIMON LAW GROUP**

15 Dated: June 27, 2019

16 By: 

17 Bryan W. Pease  
18 Parisa Ijadi-Maghsoodi  
19 David R. Simon  
20 Attorneys for Plaintiff  
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# Exhibit 1



# Resolution of the City Council City of San Diego

## Foie Gras

January 8, 2008

Presented by Councilmember Donna Frye

**WHEREAS**, "foie gras," or fattened liver, is the artificially enlarged liver of a duck or goose that has been force fed twenty percent of its healthy body weight per day for two to three weeks. In order to be labeled *foie gras*, the liver must be five to ten times its normal size and nearly one hundred percent fat; and

**WHEREAS**, effective in 2012, Governor Schwarzenegger signed SB1520 into law, which will make it illegal to sell or produce foie gras in California. At least fifteen countries have banned foie gras production, and only a few still produce it. In 2006, the City of Chicago banned the sale of foie gras by a Council vote of forty-eight to one; and

**WHEREAS**, in May 2007, Zogby International conducted a random, scientific poll of San Diego adults and found that after being told how *foie gras* is produced, eighty-five percent of San Diegans want the City to ban foie gras immediately, without waiting for the statewide ban to go into effect; and

**WHEREAS**, virtually all animal protection groups recognize foie gras as inherently cruel; these groups include the Humane Society of the United States (HSUS), People for the Ethical Treatment of Animals (PETA), and the American Society for the Prevention of Cruelty to Animals (ASPCA); and

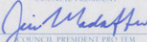
**WHEREAS**, many San Diego restaurants have voluntarily removed *foie gras* from their menus. Many chefs have noted that a ban would allow them to do this without the risk of losing business to competitors who continue serving *foie gras* without telling their customers how it is produced; and

**WHEREAS**, recent studies have discovered a link between *foie gras* consumption and Alzheimer's disease due to proteins that are similar to those that cause mad cow disease; **NOW THEREFORE**,

**BE IT RESOLVED**, by the Council of the City of San Diego, that this Council, for and on behalf of the people of San Diego, commends the Animal Protection and Rescue League (APRL) for raising awareness of the cruel practice of force-feeding ducks and geese to produce *foie gras*, commends the many San Diego restaurants that have stopped selling *foie gras* before the California statewide ban goes into effect, and encourages San Diegans to avoid supporting this extreme form of animal cruelty.

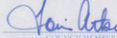


  
COUNCIL PRESIDENT

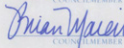
  
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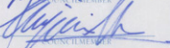
  
COUNCILMEMBER

  
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COUNCILMEMBER

APPROVED: \_\_\_\_\_ MAYOR

Resolution Number R-2008-4210 Approved by Council on the 8<sup>th</sup> Day of January, 2008