

1 GIBSON, DUNN & CRUTCHER LLP
Y. VIVIAN LEI, SBN 275898
2 vlei@gibsondunn.com
Y. ERNEST HSIN, SBN 201668
3 ehsin@gibsondunn.com
1881 Page Mill Road
4 Palo Alto, CA 94304-1211
Telephone: 650.849.5300
5 Facsimile: 650.849.5333

6 ANIMAL LEGAL DEFENSE FUND
MATTHEW G. LIEBMAN, SBN 248861
7 mliebman@aldf.org
170 East Cotati Avenue
8 Cotati, CA 94931
Telephone: 707.795.2533
9 Facsimile: 707.795.7280

10 Attorneys for Plaintiff Showing Animals Respect and
11 Kindness

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF MONTEREY

14 Showing Animals Respect and Kindness,

15 Plaintiff,

16 v.

17 California Rodeo Salinas, Tim Eastman, and
18 DOES 1-10,

19 Defendants.

COMPLAINT

20
21 **I. INTRODUCTION**

22 This is an action under California's Unfair Competition Law against California Rodeo
23 Salinas, its head veterinarian Tim Eastman, and DOES 1-10 ("Defendants") for the unlawful business
24 practice of failing to report animal injuries to the California Veterinary Medical Board as required by
25 California Penal Code Section 596.7(d)(2) and California Business and Professions Code Section
26 4830.8.
27
28

1 By their very nature, rodeos entail a serious risk of injuries to animals. Rodeos frequently
2 cause trauma to the animals that are forced to participate. Rodeos involve physically provoking
3 otherwise docile animals with electric prods, metal spurs, and flank straps to cause them to display
4 abnormally dramatic and violent behavior. Countless animals in rodeos suffer broken ribs, backs,
5 and legs, torn tails, punctured lungs, deep internal organ bruising and damage, ripped tendons, torn
6 ligaments and muscles, snapped necks, and agonizing deaths.

8 In recognition of these dangers, both the California Penal Code and the Business and
9 Professions Code require rodeos to provide animals with adequate veterinary care, including
10 treatment for injuries. To ensure accountability and transparency, California Penal Code Section
11 596.7(d)(2) and California Business and Professions Code Section 4830.8 require the attending
12 veterinarian at each rodeo to report to the Veterinary Medical Board *any* animal injury requiring
13 veterinary treatment within forty-eight hours of the conclusion of the rodeo.

15 Defendants violate these provisions by consistently and significantly underreporting the
16 number of injured animals at California Rodeo Salinas. In the last two years, Plaintiff has
17 documented at least *forty-one* injuries at the California Rodeo Salinas, yet the attending veterinarian
18 has reported just *four* injuries. This repeated underreporting constitutes an unlawful business
19 practices that financially injures Plaintiff and must be enjoined under the California Unfair
20 Competition Law, Cal. Bus. & Prof. Code § 17200 et seq.

22 II. PARTIES

23 1. Plaintiff Showing Animals Respect and Kindness (“SHARK”) is an international non-profit
24 organization based in Geneva, Illinois. SHARK is dedicated to protecting animals from abuse,
25 neglect, and cruelty. SHARK campaigns against rodeos, bullfighting, pigeon shoots, turkey shoots,
26 canned hunts, circuses, zoos, and marine parks, and any issue that involves violation of the innate
27 rights of animals. SHARK also conducts animal rescues and education projects.

1 2. As alleged in more detail below, SHARK has diverted significant resources to combating
2 Defendants' violations of California's laws related to rodeo veterinary reporting. Defendants' illegal
3 conduct frustrates SHARK's organizational mission and makes it more difficult for SHARK to
4 pursue its goal of educating the public about animal suffering in rodeos because it deprives SHARK
5 of accurate disclosures that it could use in its advocacy and outreach. Defendants' violations of law
6 have caused SHARK to lose money that could have been spent on other projects to advance its
7 mission. SHARK could have avoided these expenditures if Defendants were compliant with such
8 veterinary reporting requirements.
9

10 3. Upon information and belief, defendant California Rodeo Salinas is a California entity with a
11 registered address for Service of Process at 333 Salinas St., Salinas, California 93901.
12

13 4. Upon information and belief, Defendant Tim Eastman is the Veterinarian of California Rodeo
14 Salinas and resides in the State of California.

15 5. Plaintiff does not know the true names and capacities of the defendant(s) named in this action
16 as DOES 1-10, and therefore, sue them under fictitious names. Plaintiff will request permission to
17 amend this complaint, or substitute the Doe Defendants via a court-approved form, to state the true
18 names and capacities of these fictitiously named Defendants when they ascertain them. Plaintiff
19 alleges that these fictitiously named Defendants are legally responsible in some manner for the acts
20 set forth below, and accordingly, are liable for the relief requested.
21

22 6. Plaintiff is informed and believes, and on that basis alleges, that at all times herein mentioned
23 each of the Defendants was the agent, servant, employee, and/or co-conspirator of each of the other
24 Defendants, and, in doing the acts hereinafter alleged, was acting within the course and scope of their
25 authority as such agent, servant, employee, and/or co-conspirator with the permission and consent of
26 their co-Defendants and, further, that the Defendants, and each of them, have authorized, ratified, and
27 approved the acts of each of the other Defendants with full knowledge of those acts.
28

1 **III. STATUTORY FRAMEWORK**

2 ***California’s Unfair Competition Law***

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

5
6 8. An action based on Section 17200 to redress an unlawful business practice essentially
7 borrows violations of other laws and treats them as a violation of Section 17200. In other words, a
8 business practice is “unlawful” under Section 17200 when it violates another state law.

9 9. California Business and Professions Code Sections 17203 and 17204 allow private parties
10 who have lost money or property to ask a court to enjoin unlawful business practices.

11 ***California’s Requirements on Veterinary Reporting of Rodeo Animal Injuries***

12 10. The California Penal Code prohibits cruelty to animals. California Penal Code Section 596.7
13 regulates rodeos and requires them to provide animals with veterinary care and treatment.

14
15 11. Section 596.7 also provides: “[a]ny animal that is injured during the course of, or as a result
16 of, any rodeo event shall receive immediate examination and appropriate treatment by the attending
17 veterinarian or shall begin receiving examination and appropriate treatment by a veterinarian licensed
18 to practice in this state within one hour of the determination of the injury requiring veterinary
19 treatment.” California Penal Code § 596.7(d)(1).

20
21 12. Section 596.7 further requires “[t]he attending or on-call veterinarian [to] submit a brief
22 written listing of any animal injury requiring veterinary treatment to the Veterinary Medical Board
23 within 48 hours of the conclusion of the rodeo.” California Penal Code § 596.7(d)(2).

24 13. Similarly, California Business and Professions Code Section 4830.8(a) provides: “[a]n
25 attending or on-call veterinarian at a rodeo event shall, pursuant to Section 596.7 of the Penal Code,
26 report to the board any animal injury at the event requiring veterinary treatment within 48 hours of
27 the conclusion of the rodeo.”
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IV. STATEMENT OF FACTS

14. The California Rodeo Salinas takes place once a year. In 2013, the rodeo took place July 18 to July 21. In 2014, the rodeo took place July 17 to July 20. The rodeo is scheduled to take place next year in 2015 from July 16 to July 19.

15. California Rodeo Salinas rodeo draws approximately 50,000 people each year. Ticket prices start at \$7 for kids ages 2-12 and \$13 for adults.

16. For four days each year, California Rodeo Salinas puts on rodeo events such as bareback bronc riding, bull riding, and barrel racing, calf roping, team roping, steer wrestling, ranch cattle sorting, in which contestants provoke animals with flank straps, electric prods and spurs, in order to aggravate them into reacting more roughly than they would normally. In events such as “industrial calf dressing,” calves are wrestled with and twisted by men who attempt to dress them in human-like clothing. In “freestyle bullfighting,” the bulls are often sprayed with hairspray and glitter in the face. Then, the freestyle bullfighters taunt the bulls for several minutes in order to generate points.

17. In team roping events, a steer gets a head start from the holding chute, and two performers – a “header” and a “heeler” – work together to rope the steer. The header attempts to catch the steer by roping it around both horns, around one horn and the head or around the neck. After the header makes his catch, he dallies the rope, turns the steer to one side in order to expose the steer's hind legs to the heeler. The heeler then attempts to rope both hind legs. This event often causes severe injuries to the steer’s neck, shoulders, horns, and legs.

18. In the saddle and bareback riding events, animals’ shoulders are spurred repeatedly, usually for up to eight (8) seconds, causing tissues damage. While sharp spurs cause open wounds, dull spurs cause blunt trauma. The injury becomes chronic as the animals are repeatedly used in similar events. In addition to the pain in the shoulders caused by the spurs, the use of flank strap causes the animals

1 to buck harder than they usually buck during play. This extreme bucking puts the animals at risk for
2 injuries including broken legs, broken backs, and even broken necks.

3 19. In barrel racing events, an animal could sustain injuries to the joints in its legs while doing
4 sharp turns.

5 20. Generally, roping events have a “catch as catch can” policy, which means that the performer
6 may use any way he chooses to catch the animal, such as by their snout, the crown of their head, a
7 leg, or the head. After being forced to break from the holding chute at full speed, animals often
8 sustain severe injuries such as broken bones when they are hauled to a sudden and violent stop once
9 the animal is roped.
10

11 21. In the last two years, these events have injured at least forty-one animals.

12 ***2013 California Rodeo Salinas***

13 22. During the 2013 rodeo, performers injured at least twenty-two animals, yet only three were
14 reported.
15

16 23. On Thursday, July 18, 2013, five animals were injured during California Rodeo Salinas.
17 Specifically, four steers came up limping after rodeo contestants roped them and dragged them to the
18 ground. Each of these steers was incapable of bearing weight on his rear-left leg. A veterinarian who
19 later reviewed the video shot by SHARK concluded that the damage appeared to be in the stifle joint
20 (the equivalent of the human knee), and that such injury requires veterinary treatment. On the same
21 day, one gray horse suffered a bloody wound on the left side of his neck. The wound was circular,
22 about the size of a tennis ball, directly in the middle of the animal’s neck. It did not appear to be
23 treated. According to expert veterinary opinion, this injury required immediate veterinary treatment
24 and care.
25

26 24. On Friday, July 19, 2013, six animals were injured during the rodeo. Specifically, five steers
27 came up limping after rodeo contestants roped their hind legs and dragged them to the ground. Each
28

1 of these steers was unable to bear weight on one of his rear legs. A veterinarian who later reviewed
2 the video shot by SHARK concluded that the damage occurred in the stifle joint of the animals'
3 injured legs, and that such injury requires immediate veterinary treatment.

4 25. Also on Friday, July 19, 2013, one brown and white steer's neck was broken when he was run
5 over by a rodeo contestant's horse. The rider directed the horse into the fleeing steer, clipping the
6 steer so his body turned perpendicular to the horse. The horse then knocked the steer onto his right
7 side. The steer fell with his neck turned to the right at a 135-degree angle, pinning his head beneath
8 the weight of his body. The horse then trampled over the steer, further twisting the steer's body
9 around his neck, breaking it. When the dust settled, the steer simply laid there, his neck rotated nearly
10 180-degrees along the transverse plane, so that the top of his head rested on the ground while his
11 body remained mostly upright. According to expert veterinary opinion, this animal would never
12 recover from such severe injuries and was suffering from incurable pain, and that immediate
13 euthanasia was necessary.

14 26. On Saturday, July 20, 2013, three animals were injured during the rodeo. Specifically, one
15 black steer suffered damage to his rear-left stifle joint and was seen limping back toward the holding
16 pen. Also on this day, one gray steer experienced severe injury to his front-right leg, demonstrated by
17 the animal's extreme limp and jutting of the injured leg straight out in front of him, completely
18 incapable of bearing any weight. According to expert veterinary opinion, the damage appeared to be
19 in the elbow joint. Finally, one brown and white steer sustained significant injury to his neck or horn.
20 The animal limped off with his head cocked awkwardly to the right. A veterinarian who later
21 reviewed the video shot by SHARK of these injuries said immediate veterinary treatment should have
22 been administered to each of the aforementioned animals.

23 27. On Sunday, July 21, 2013, eight animals were injured during the rodeo. Specifically, seven
24 steers came up limping after rodeo contestants roped them and dragged them to the ground. Each of
25
26
27
28

1 these steers was incapable of bearing weight on one of their rear legs. A veterinarian who later
2 reviewed the video shot by SHARK concluded that the damage appeared to be in the stifle joint, and
3 that such injury requires veterinary treatment. Also on Sunday, July 21, 2013, a calf sustained a
4 complete bone fracture of his rear-left leg (femur).

5
6 28. According to expert veterinary opinion, all twenty-two animals mentioned above who were
7 injured in the 2013 California Rodeo Salinas required immediate veterinary treatment and care.

8 29. Despite the twenty-two animal injuries that were readily discernible as described above,
9 Defendant Tim Eastman, Veterinarian for the California Rodeo Salinas, reported just three injuries in
10 the Livestock Injury Report for the 2013 California Rodeo Salinas.

11 ***2014 California Rodeo Salinas***

12 30. During the 2014 rodeo, performers injured at least nineteen animals, yet only one injury was
13 reported.

14
15 31. On Thursday, July 17, 2014, and Friday, July 18, 2014, seven obvious animal injuries
16 requiring veterinary treatment took place during the course of the California Rodeo Salinas rodeo.
17 Specifically, on Thursday, July 17, 2014, three steers came up limping after rodeo contestants roped
18 them and dragged them to the ground. Each of these steers was incapable of bearing weight on his
19 rear-left leg. Four steers sustained rear-leg injuries identical to these the following day, Friday, July
20 18, 2014. A veterinarian who reviewed the video concluded that the damage appeared to be in these
21 animals' stifle joint, and that each steer ought to have received veterinary treatment and care.

22
23 32. On Saturday, July 19, 2014, six obvious animal injuries requiring veterinary treatment took
24 place during the course of the California Rodeo Salinas rodeo. Specifically, six steers suffered
25 damage to the stifle joint in a rear leg. According to a veterinarian who viewed the video, these
26 injuries were evidenced by the steers' inability to bear weight on the injured leg after being roped by
27

1 the rodeo contestants and slammed to the ground. Each steer exhibited a severe limp. All of the
2 aforementioned animals required immediate veterinary treatment and care.

3 33. On Sunday, July 20, 2014, six obvious animal injuries requiring veterinary treatment took
4 place during the course of the California Rodeo Salinas rodeo. Specifically, six steers came up
5 limping after being roped and dragged to the ground by rodeo contestants. These animals could not
6 bear any weight on their injured rear legs, and several moved very slowly as they walked off the
7 arena back toward the holding pen. After struggling to get to his feet, one of these steers came up
8 with his rear-left leg raised high, flailing and kicking backwards before tucking the injured leg close
9 to his body and refusing to move until prodded by the contestant's horse. A veterinarian who
10 reviewed the video concluded that the damage suffered by these six animals was likely in the stifle
11 joint, and that each injury required veterinary treatment.
12

13 34. According to expert veterinary opinion, all nineteen animals mentioned above who were
14 injured in the 2014 California Rodeo Salinas required immediate veterinary treatment and care.
15

16 35. Despite the nineteen animal injuries that were readily discernible as described above,
17 Defendant Eastman reported just one injury in the Livestock Injury Report for the 2014 California
18 Rodeo Salinas.
19

20 36. In addition to failing to report all animal injuries, Eastman did not submit the 2014 Report
21 within 48 hours of the conclusion of the 2014 rodeo as required by California Penal Code Section
22 596.7(d)(2) and California Business and Professions Code Section 4830.8.

23 ***SHARK Has Invested Significant Time and Money to Investigate Defendants' Violations of***
24 ***California Law***

25 37. SHARK has been an opponent of Defendants' rodeo events because their treatment of animals
26 frustrates SHARK's organizational mission of treating animals with respect and kindness. These
27 violations undermine SHARK's ability to educate the public about the dangerousness of rodeos.
28

1 Defendants' failure to accurately disclose the numbers of animals injured and the nature of their
2 injuries deprives SHARK of a legally-mandated source of information that it would use in its
3 education and outreach efforts. In addition to directly frustrating SHARK's organizational mission,
4 Defendants' violations of law also force SHARK to divert its resources away from other projects in
5 order to identify and expose Defendants' unlawful actions. In order to investigate and counteract
6 Defendants' violations of California rodeo veterinary reporting laws, SHARK has spent and will
7 continue to spend significant organizational resources to combat Defendants' violations, which
8 include, but are not limited to, the following examples:
9

10 a. purchasing tickets and paying for expenses for its staff to attend, monitor, and film
11 Defendants' rodeo events in Salinas, California in 2013 and 2014, as well as into the future;

12 b. compensating staff to monitor and document Defendants' rodeo events in Salinas,
13 California;

14 c. compensating staff to review, edit, and produce the resultant videos, which have been
15 viewed more than 627,193 times on YouTube;

16 d. writing to the California Veterinary Medical Board, alerting them to Defendants'
17 violations of applicable California laws and calling on the Defendants to file an amended report that
18 is compliant; issuing and servicing press releases concerning Defendants' violations of California
19 laws;

20 e. committing staff time and resources to educating the public about rodeo animal
21 welfare concerns and rodeo veterinary reporting requirements;

22 f. posting stories, mailers, updates and action alerts on SHARK's website and Facebook
23 account;

24 g. exposing Defendants' violations of laws through various outreach efforts;

25 h. consulting with a veterinarian about animal suffering during rodeos;
26
27
28

1 i. receiving and responding to concerns from the public about Defendants’ and other
2 rodeo events, and their failure to report animal injuries;

3 j. researching state laws and regulations in California concerning animal welfare,
4 veterinary standards, rodeos, and animal injuries reporting;

5 k. filing a request for public record with California Veterinary Medical Board and
6 reviewing such records to determine if Defendants complied with veterinary reporting requirements;
7
8 and

9 l. speaking with state agencies and local officials about Defendants’ and other rodeo
10 events.

11 38. All of above expenditures constitute lost money and property under section 17204 of
12 California Business & Professions Code.

13 39. These expenditures of organizational resources were unrelated to this litigation and were not
14 undertaken in contemplation of or to facilitate this litigation, but were instead undertaken as part of
15 SHARK’s non-litigation outreach, education, and advocacy.
16

17 40. SHARK will continue to divert resources by engaging in public outreach and advocacy
18 against Defendants and will be required to continue monitoring the California Rodeo Salinas to
19 expose future violations of the rodeo reporting law.
20

21 41. Many of these expenditures forced SHARK to divert resources away from its core mission.
22 SHARK would prefer to focus on educating the public about the direct harms that rodeos inflict on
23 animals rather than diverting its resources to focus on Defendants’ violations of the reporting law.
24 SHARK would prefer to concentrate its limited resources on other projects that would help other
25 animals, garner new members, and advance its mission, but it is prevented from doing so by
26 Defendants’ ongoing violations of law, because Defendants’ failure to be candid about injured
27 animals directly undermines SHARK’s outreach efforts. If SHARK was to cease its efforts to expose
28

1 and correct Defendant's unlawful business practices, SHARK would suffer harm to its reputation,
2 credibility, and finances. In this sense, SHARK is compelled to divert organizational resources to
3 counteract Defendants' unlawful business practices, lest it lose the support – both financial and
4 otherwise – of its members, even though its resources could be spent on other projects that more
5 effectively advance its mission.
6

7 42.

8 43. If it prevails in this action, SHARK will no longer have to divert resources to investigating
9 Defendants' failure to report injuries and educating the public about the unlawful actions of
10 Defendants. Those resources would then be directed to other SHARK projects, in furtherance of its
11 overall mission.
12

13 **V. CAUSE OF ACTION**

14 **Violations of Business & Professions Code Section 17200 et seq. 15 (Unlawful Business Practice)**

16 44. Plaintiff re-alleges and incorporates by reference the allegations in each of the preceding
17 paragraphs of this Complaint.

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

20 46. Defendants are violating and plan to violate Business & Professions Code §§ 17200 et seq.
21 through their unlawful business acts and practices, which violate provisions of the California Penal
22 Code and other sections of the California Business and Professions Code.
23

24 47. Specifically, Defendants have, at least two years in a row, violated California Penal Code
25 section 596.7(d)(2) and California Business and Professions Code section 4830.8 by grossly
26 underreporting the number of animal injuries at the California Rodeo Salinas to the Veterinary
27 Medical Board. Defendants' violations have been ongoing, are egregious, and are likely to continue
28 for many years to come without the Court's intervention.

1 **VI. PRAYER FOR RELIEF**

2 Plaintiff hereby prays for:

3 a. Injunctive relief under California’s Business and Professions Code section 17203,
4 compelling Defendants and their agents to timely file veterinary reports that fully and accurately
5 disclose all animal injuries that occurred during the course of, or as a result of, their rodeos in
6 compliance with applicable laws;

7
8 b. Reasonable attorneys’ fees pursuant to California’s Code of Civil Procedure section
9 1021.5, or any other applicable statute or common law doctrine;

10 c. All costs incurred in this action; and

11 d. Any other equitable relief as is just and proper.
12

13
14 DATED: December 16, 2014

15 GIBSON, DUNN & CRUTCHER LLP
16 Y. VIVIAN LEI
17 Y. ERNEST HSIN

18 ANIMAL LEGAL DEFENSE FUND
19 MATTHEW G. LIEBMAN

20
21 By: _____
22 Y. Vivian Lei
23 Y. Ernest Hsin
24 Matthew G. Liebman

25
26 Attorneys for Plaintiff Showing Animals Respect and
27 Kindness
28