

Case assigned to D-47 Judge Archibald

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FILED
LOS ANGELES SUPERIOR COURT

JAN 14 2008

JOHN A. CLARKE, CLERK
BY MARY GARCIA, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES-CENTRAL DISTRICT

11 DEDICATION AND EVERLASTING LOVE TO)
12 ANIMALS, AKA D.E.L.T.A. RESCUE, A)
13 California Non-Profit, Public Benefit Corporation;)

14 Plaintiff,

15 VS.

16 LOS ANGELES COUNTY; GLORIA MOLINA,)
17 Supervisor; YVONNE B. BURKE, Supervisor;)
18 MICHAEL D. ANTONOVICH, Supervisor;)
19 DON KNABE, Supervisor; ZEV YAROSLAVSKY,)
20 Supervisor; MARCIA MAYEDA, Director;)
21 WILLIAM T. FUJIOKA, Chief Executive Officer;)
22 J. TYLER McCAULEY, Auditor-Controller;)
23 DOES 1-20, Inclusive,)

24 Defendants.

CASE NO. **BC383772**
VERIFIED COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF;
PETITION FOR WRIT OF
MANDATE
(CCP Sections 526a, 1085)

25 COMES NOW PLAINTIFF Dedication and Everlasting Love to Animals, aka D.E.L.T.A.
26 Rescue, A California, Public Benefit, Non-Profit Corporation, (hereinafter called "Plaintiff"),
27 and alleges as follows:
28

PARTIES

1
2 1. Plaintiff is and was at all times mentioned herein a California Public Benefit, Non-Profit
3 Corporation with its principal place of business in the County of Los Angeles, State of
4 California. Plaintiff was incorporated in 1982.

5
6 2. Plaintiff operates the largest animal rescue, no-kill, care for life Sanctuary in America for
7 dogs and cats at its 94 acre facility in Acton, California.

8 3. Plaintiff is informed and believes and thereon alleges that the County of Los Angeles,
9 (hereinafter called "County"), is a County agency and is and was at all times mentioned herein
10 the largest county government in America, in terms of both population and financial assets and
11 responsibility.
12

13 4. Defendant County is and was at all times mentioned herein charged with preserving and
14 protecting animal and public safety and enforcing all State and non-conflicting local laws
15 governing the animal shelter system serving all unincorporated areas of Los Angeles and
16 approximately 50 contracting cities in Los Angeles County.
17

18 5. Defendant Gloria Molina, (hereinafter "Molina"), is and was at all times mentioned herein
19 a Supervisor for the County.

20 6. Defendant Yvonne B. Burke, (hereinafter "Burke"), is and was at all times mentioned
21 herein a Supervisor for the County.
22

23 7. Defendant Michael D. Antonovich, (hereinafter "Antonovich"), is and was at all times
24 mentioned herein a Supervisor for the County.

25 8. Defendant Don Knabe, (hereinafter "Knabe"), is and was at all times mentioned herein a
26 Supervisor for the County.
27
28

1 9. Defendant Zev Yaroslavsky, (hereinafter "Yaroslavsky"), is and was at all times
2 mentioned herein a Supervisor for the County.

3 10. Defendant Marcia Mayeda, (hereinafter "Mayeda"), is and was at all times mentioned
4 herein Director of Los Angeles County Department of Animal Care and Control, (hereinafter
5 "DACC").
6

7 11. Defendant William F. Fujioka, (hereinafter "Fujioka"), is and was at all or most of the
8 times mentioned herein the County's Chief Executive Officer.

9 12. Defendant J. Tyler McCauley, (hereinafter "McCauley"), is and was at all or most of the
10 times mentioned herein the County's Auditor-Controller.
11

12 13. Plaintiff is currently unaware of the name and capacities of the individuals and entities
13 sued herein as Does 1-20, inclusive, and therefore sues them under such fictitious names.
14 Plaintiff is informed and believes and thereon alleges that DOES 1-20 were and are in some
15 manner responsible for the acts and omissions alleged herein. Plaintiff will amend this complaint
16 if and when Plaintiff ascertains the names and capacities of any such DOE defendants.
17

18 14. Plaintiff is informed and believes and thereon alleges that the said DOE defendants, and
19 each of them, are now, and at all material times were the agents, servants, employees and or
20 representatives of each of the other defendants and were at all times mentioned herein acting
21 within the scope, course and purpose of said agency, service, representations and/or employment.
22

23 JURISDICTION AND VENUE

24 15. This Court has original jurisdiction over all the causes asserted in this Complaint under
25 Article VI of the California Constitution and California Code of Civil Procedure Sections 526a
26 and 1085. Plaintiff is informed and believes, and thereon alleges, that this Court has personal
27
28

1 jurisdiction over each individual Defendant named in this Complaint because each Defendant is
2 an individual residing in Los Angeles County, State of California, and/or is a local public
3 official.

4 16. Venue is proper in the Superior Court for the County of Los Angeles under California
5 Code of Civil Procedure Section 394 because Defendants, and each of them, are local public
6 agencies and/or local public officials located within the County of Los Angeles; the unlawful
7 acts alleged herein were, and continue to be, performed by Defendants in the County of Los
8 Angeles; and Defendants' unlawful and other practices alleged herein have had, and will
9 continue to have, an adverse impact upon the County of Los Angeles, its citizens and its animals.
10

11 **GENERAL ALLEGATIONS**

12
13 17. Plaintiff is informed and believes and thereon alleges that the budget for the DACC
14 for fiscal year 2007-2008, as approved, is \$27,376,000. (DACC's budget for 2006-2007 was
15 \$25,555,000.)

16
17 18. Plaintiff is further informed and believes that the Defendant County and its CEO,
18 Defendant Fujioka, have approved additional taxpayer funds in the amount of \$20 million to be
19 distributed to DACC for the purpose of building an animal shelter in Lancaster, (\$15 million),
20 and for capital improvements at DACC's six shelters currently in operation. Therefore,
21 Defendant County has allocated almost \$50 million of Los Angeles County taxpayer money to
22 the operations of DACC for the fiscal year 2007-2008.

23
24 19. Under California law, once Defendant County, and the DACC take possession and
25 control of any dogs, cats, or other animals, they must: "provide the animal with necessary and
26

1 prompt veterinary care, adequate nutrition and water, and shelter, and shall treat it humanely and,
2 if the animal has any identification, make reasonable attempts to notify the owner of the animal's
3 location.". (*California Civil Code Section 1846.*)

4 20. The County and its agents must also "convey all injured cats and dogs found without
5 their owners in a public place directly to a veterinarian known by the (animal control officer) to
6 be a veterinarian who ordinarily treats dogs and cats for a determination of whether the animal
7 shall be immediately and humanely destroyed or shall be hospitalized under proper care and
8 given emergency treatment. " Defendants must keep records of the whereabouts of any such
9 animals until the end of their impoundment, which records must be kept for 36 months.
10 (*California Penal Code Section 597.1(c).*)

11 21. The County and its agents must comply with specified holding periods for stray dogs
12 and cats, as well as owner relinquished animals, before they are euthanized, (generally four or six
13 business days after impound, excluding the day of impoundment); and they must keep accurate
14 and detailed records for all such animals concerning the dates of impoundment, medical
15 treatment, and disposition, whether by adoption or euthanasia. In addition, the County and its
16 agents must release any such animals to any 501 (c)(3) animal rescue or adoption organization if
17 requested by the organization prior to the scheduled euthanasia of that animal. *California Food*
18 *and Agricultural Code Sections 32003, 31108, 31752, 31754.*

19 22. Furthermore, it is the policy of the State of California that no adoptable animal should
20 be euthanized if it can be adopted into a suitable home; and it is also the policy of the State of
21 California that no treatable animal, including any animal that is not adoptable but could become
22 adoptable with reasonable efforts, should be euthanized. (*California Penal Code Section 599d.*)

1 23. Under California law, only animals that "are irremediably suffering from a serious
2 illness or injury shall not be held for owner redemption or adoption". "Newborn animals that
3 need maternal care and have been impounded without their mothers" may also be euthanized
4 without being held for owner redemption or adoption. *California Food and Agricultural Code*
5 *Section 1700*. Dogs for whom a shelter has a documented history of vicious or dangerous
6 behavior may also be exempted from holding for owner redemption or adoption. *California Food*
7 *and Agricultural Code Section 31108.5*.

9 24. Defendant County, through DACC and under the administration of Defendant Mayeda
10 purchases and administers controlled substances for the purpose of treating and euthanizing
11 animals that have come under its possession, care and control. State and Federal law require that
12 the County and its agents be properly licensed and adhere to strict recordkeeping requirements
13 concerning the purchasing, supply, inventory, maintenance, and dispensation of all such
14 substances. *California Health and Safety Code Section 11190; 21 United States Code Section*
15 *827; 21 CFR 13*.

18 FIRST CAUSE OF ACTION

19 (PETITION FOR WRIT OF MANDATE)

20 (AGAINST ALL DEFENDANTS)

21 25. Plaintiff incorporates Paragraphs 1 thru 24 hereinabove by reference and thereby
22 make them a part of this cause of action.

24 26. Plaintiff is informed and believes that during the past 36 months, or more, the
25 County, Mayeda and DACC had failed to obtain proper licenses; and had and have failed and
26 refused to maintain, in a timely and lawful manner, detailed, handwritten records for the storing
27 and dispensation of the controlled substances used by the DACC to euthanize and sedate animals
28

1 under its control, care and possession. As a result, the Federal Drug Enforcement Administration,
2 (hereinafter the "DEA"), has initiated an investigation into the County and the DACC's
3 euthanasia practices and has threatened the DACC and Defendant County with fines in the tens
4 of millions of dollars.

5
6 27. Plaintiff is informed and believes that in response to the DEA's investigation, and in
7 response to requests made by Plaintiff to produce records under California's Public Record's
8 Act, Defendant Mayeda and the DACC have issued orders to fabricate records, i.e., to make up
9 daily euthanasia logs after the fact; and to destroy emails and other "paper trails" concerning the
10 DACC and County's non-compliance with the federal and state euthanasia recordkeeping
11 requirements.
12

13 28. Plaintiff is informed and believes that the DACC does not have and is critically
14 lacking in equipment with which to render proper medical diagnoses for animals under in its
15 possession, care and control. For example, Plaintiff is informed and believes that none of the
16 DACC's shelters are equipped with x-ray machines; and none of DACC's shelters are equipped
17 with machines with which to diagnose medical conditions such as cancer.
18

19 29. Plaintiff is further informed and believes that at all or some of the times mentioned
20 herein the County and DACC have not maintained a lawful and adequate medical treatment
21 program. As an example, some or all of the shelters do not have or administer pain medications;
22 do not have or do not administer, either at all or as prescribed, other medications used to treat
23 and/or prevent illness and disease.
24

25 30. Plaintiff is informed and believes that the DACC, under the supervision of Defendant
26 Mayeda, at all or most of the times mentioned herein has engaged in and continues to engage in
27 inhumane and unlawful euthanasia practices. Plaintiff is informed and believes, among other
28

1 things, that animals at DACC's shelters are disposed of, i.e., placed in barrels for pick up by the
2 DACC's animal disposal company, D & D Disposal and Rendering, while they are still alive, for
3 the purpose of rendering them, along with all other euthanized animals, into animal feed and
4 other commercial products; animals are held down and stepped on while euthanol is being
5 administered; animals are often euthanized out in the open and in front of other animals; and
6 tranquilizer medications are not made available to DACC employees to administer as needed to
7 animals before they are euthanized.
8

9 31. Plaintiff has personal knowledge of two dogs that were recently impounded by
10 DACC and were released to a rescue group with untreated cancer that could have and should
11 have been easily detected by the DACC if it had proper equipment and properly trained
12 personnel. Plaintiff is informed and believes that this type of treatment is common at DACC's
13 six shelters.
14

15 32. In May, 2007 a local newspaper reported in detail the horrible conditions in which
16 animals live at the County's Lancaster shelter. The conditions described included dogs residing
17 in their own urine and feces. The manager of that shelter recently resigned. Plaintiff is informed
18 and believes that these types of conditions are also commonplace at DACC's six shelters.
19

20 33. In a verified complaint filed by another rescue organization in this court on July 13,
21 2007, Case No. BC357617, allegations, supported by exhibits, have been made that during the
22 past two and one-half years Defendant County and the DACC have unlawfully euthanized more
23 than 13,000 adoptable and treatable Owner-Relinquished Animals. That same lawsuit quotes a
24 former deputy director, Ron Edwards, as attesting to the fact that Defendant County and the
25 DACC routinely refuse to provide prompt and necessary veterinary care to animals as are in need
26 of such care, refuse to undertake any reasonable efforts to make treatable animals adoptable, and
27
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1 refuse to allow the public or rescue organizations the opportunity to provide prompt and
2 necessary veterinary care to such animals in need of such care.

3 Plaintiff is informed and believes and thereon alleges that the County has retained
4 outside special counsel, along with general counsel, to defend its interests in this case, and
5 therefore has incurred and will continue to incur substantial attorneys fees and other expenses at
6 great cost to the taxpayers of the County.
7

8 34. On December 20, 2007, in yet another "taxpayer" action filed in this court, a non-
9 profit "no-kill advocacy" group and two individuals filed a verified complaint in this Court,
10 Case No. BS112581. The plaintiffs in that complaint, often citing "records from the DACC" as
11 evidence, have alleged that the County, Mayeda and DACC, in violation of the laws of
12 California, routinely kill healthy and adoptable animals before mandatory holding periods expire;
13 routinely kill animals that are ill or injured, but treatable, or untreatable but not irremediably
14 suffering, before the mandatory holding period expires; routinely kill animals on the basis of
15 impermissible criteria, including being "geriatric", before the mandatory holding period expires;
16 routinely fail to release animals scheduled to be put to death to non-profit rescue and/or adoption
17 organizations that are willing to take them and the animals otherwise qualify for such release;
18 routinely fail to treat animals kindly and humanely, including by failing to provide animals with
19 adequate water, shelter and exercise; routinely fail to provide impounded animals with adequate
20 and appropriate veterinary attention; routinely fail to keep required and accurate records on
21 impounded animals and to perform reasonable identification and tracking measures to enable
22 shelters, rescue organizations, and owners to locate animals within the shelter system.
23
24
25

26 The plaintiffs also allege that the DACC, Mayeda and the County allow the County
27
28

1 Shelters to remain understaffed or staffed with persons who fail and refuse to perform their job
2 functions to the public to facilitate the rescue and adoption of animals.

3 35. Plaintiff is informed and believes the city of Beverly Hills, one of DACC's "contract
4 cities", has initiated an investigation through its code enforcement offices, and conducted a
5 surprise inspection of the County's Carson shelter. This action was prompted by documented
6 incidents of unlawful actions, some of which are described herein.

8 36. Plaintiff is informed and believes that there exists a video which shows a shelter
9 employee at the County's Baldwin Park animal shelter dragging a Rotweiler, with a broken back,
10 across the grounds, through puddles and banging its head on the ground. Plaintiff is informed
11 and believes that the employee has not been terminated and/or disciplined.

13 37. Plaintiff is informed and believes that another animal at the County's Carson animal
14 shelter, Impound # A3742091, was not vaccinated until weeks after he was taken in, and was not
15 examined by a veterinarian or registered vet tech at the time of impoundment. He also did not
16 receive medications in the doses prescribed. He later died as a result of the lack of treatment.
17 Plaintiff is further informed and believes that this type of treatment, or lack thereof, is
18 commonplace at DACC's six shelters.

20 38. Plaintiff is informed and believes that the failure to examine and vaccinate animals
21 when they are taken in, as evidence by the examples described hereinabove, is a pattern and
22 practice common to the Defendant County's shelters.

24 39. Plaintiff is informed and believes that DACC employees do not follow proper
25 sanitizing techniques in that they do not sanitize cages between new dogs and they do not isolate
26 sick dogs from the general population. This leads to further unnecessary and needless illness,
27 suffering, neglect and death.

1 40. Plaintiff is informed and believes that an employee at the County's Carson animal
2 shelter injected animals with cleaning solution and water in order to euthanize them. The
3 employee, ("whistleblower"), reporting this was terminated. Defendant Mayeda authorized the
4 termination.
5

6 41. Plaintiff is informed and believes that another dog at the Defendant County's Carson
7 shelter, "Trixie", impound number A3745779, was wrongfully euthanized because the DACC's
8 employees did not place an ID band on the animal and did not check the records which would
9 have indicated that the wrong animal was being euthanized. Plaintiff is informed and believes
10 that this type of conduct is commonplace at DACC shelters.
11

12 42. Plaintiff is informed and believes that another dog at the Carson shelter, ID number
13 A3748035, was wrongfully euthanized because employees did not scan its microchip to
14 determine if there was an owner who could be contacted. Plaintiff is informed and believes that
15 this type of conduct is also commonplace at DACC shelters.
16

17 43. Plaintiff is informed and believes that, at least at the Carson shelter, unqualified
18 kennel workers are being given the responsibility of administering medications to animals; that
19 medications are ending up on cage floors; and that medications are not being given in the
20 prescribed doses. As a result, animals are needlessly suffering pain, becoming ill, being
21 neglected, and being killed.
22

23 44. Plaintiff has complained to the Defendant Supervisors, and each of them, and/or
24 their representatives and agents, about some or all of the conditions described hereinabove, for
25 years. In December, 2005, for example, Plaintiff, through its representative, corresponded with
26 the Defendant Supervisors concerning the apparent admissions of DACC that it was understaffed
27 and not able to comply with its state mandated duties. The amount of County taxpayer funds
28

1 budgeted for the DACC was almost \$30 million less at that time than it is now! Plaintiff
2 complained about waste, mismanagement, or worse at that time and has continued to complain
3 but to no avail. It is now two years later, and Plaintiff's concerns have been validated and
4 conditions have worsened. The County, the Defendant Supervisors and Defendant's Fujioka and
5 McCauley are not responding adequately, and or responsibly.

7 45. During the past 36 months, Plaintiff has publicized the inhumane conditions at the
8 County's shelters and the County's practice of supplying euthanized animals for the purpose of
9 rendering them into animal feed and other commercial products. Defendants, in turn, have
10 targeted and retaliated against Plaintiff and its President, Leo Grillo.

12 46. Plaintiff is informed and believes that the County contracts with 50 incorporated
13 cities to provide animal control services. Defendant Mayeda and the DACC's failure to conform
14 with state and federal law, while charging for services that are not actually provided, means that
15 the cities and its citizens, like the citizens of the unincorporated areas of the county, are also
16 being "bilked" and defrauded.

18 In addition, Plaintiff has been informed and believes that the DACC and the County
19 routinely overcharge and/or undercharge the contract cities because of incompetence or worse.

21 47. Plaintiff is informed and believes that Defendants County and Mayeda and the
22 DACC have retaliated against numerous persons, including, but not limited to Plaintiff herein,
23 and DACC employees, volunteers and citizens for exposing the patterns and practices described
24 herein. In addition, many critical employees have resigned or been terminated and unqualified
25 persons hired and/or promoted in their place. State and federal investigations have been and/or
26 likely will be initiated. Professional persons, including attorneys, have been retained to defend
27 agency, civil, criminal and administrative proceedings and likely will continue to need to be
28

1 retained in the future. All of this has led and will lead to a great and unnecessary waste of
2 county resources and taxpayer money through wrongful prosecution of actions, and/or defense of
3 actions initiated by citizens and public entities and agencies against some or all of the defendants
4 herein.

5
6 48. Plaintiff is further informed and believes that DACC employs and has employed
7 persons, including Mayeda, deputy directors, veterinarians, and others who are not qualified for
8 their positions; who do not perform their functions competently and in accordance with the law;
9 and/or who routinely charge and receive pay from the County for time that they are not working
10 and/or are otherwise obtain compensation in violation of county rules, regulations and policies.

11
12 49. Plaintiff is further informed and believes the Mayeda and the DACC have at all
13 times mentioned herein routinely failed to follow County fiscal policies and procedures in
14 obtaining, or failing to obtain, approval for purchases from vendors for supplies, equipment and
15 goods servicing the County shelters; and have at all times failed to maintain adequate records
16 concerning the same, leading to great waste and/or diversion of County taxpayer funds for the
17 benefit of persons and entities in amounts not authorized and/or intended.

18
19 50. Plaintiff is further informed and believes that Mayeda, and the DACC and its
20 managers and other employees, routinely destroy and/or fabricate records for the purpose of
21 obstructing justice; depriving persons of their property; and/or for obtaining and spending public
22 funds under false pretenses. Such actions are directed at the State as well as the County.

23
24 51. Plaintiff is further informed and believes, based on records received from Mayeda
25 and the County that the amount of money represented by Mayeda and the DACC to the County,
26 the State and contract cities have been spent on the care and treatment of animals in the County's
27 shelters on an annual basis is far in excess of the money actually spent on the animals; and may
28

1 have been overstated by millions of dollars. As a consequence, Mayeda, the County and DACC
2 may have unlawfully obtained substantial sums from State, County and contract cities'
3 treasuries.

4 52. Plaintiff is further informed and believes that the County, Mayeda and the DACC
5 routinely seek to redeem expenses from citizens of this county whose animals have been
6 impounded by the County and the DACC which have not actually been incurred by the DACC.
7 Such expenses claimed, but not incurred, include those for housing and medical treatment. As a
8 result, the County and the DACC have unlawfully and fraudulently obtained funds, and property,
9 including real property, from County taxpayers through enforcement and execution of liens and
10 judgments. In addition, County taxpayers have unlawfully been deprived of the possession of
11 their animals because of their failure to pay for such unlawfully imposed charges.
12

13 53. In total, therefore, Plaintiff is informed and believes that the amount of taxpayer
14 money which has been wasted and/or diverted through the actions of Mayeda, the DACC and its
15 agents and employees; and as a result of the failure of the Defendant Supervisors, Fujioka and
16 McCauley to properly monitor, supervise and enforce the county's animal control budget,
17 general fund, fiscal policies, mandates and guidelines during the past 36 months may be in the
18 tens of millions of dollars.
19

20 54. In addition, Plaintiff is informed and believes that untold numbers of animals
21 belonging to taxpayers of the County and 50 contract cities during the past 36 months have been
22 unlawfully injured and destroyed by the County and the DACC, and continue to be injured and
23 destroyed, all to the taxpayers' great pecuniary and emotional loss and in a total sum which is
24 unknown at this time.
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1 55. Plaintiff is informed and believes that private persons, including Mayeda and other
2 County employees, and entities, such as D & D Disposal Services, Inc., have and will continue to
3 profit as a result of the violations of State and local law described herein.

4 56. Plaintiff has exhausted all administrative remedies available to it, or is excused
5 from exhausting any administrative remedies that may be available because Plaintiff is seeking
6 to enforce a public, rather than a private right.

7 57. Plaintiff has no administrative remedy and no plain, speedy or adequate remedy in
8 the ordinary course of law. The only remedy provided by law for Plaintiff to obtain relief is this
9 Petition for Writ of Mandate pursuant to Sections 1085 et seq. of the California Code of Civil
10 Procedure and/or injunctive relief pursuant to California Code of Civil Procedure Section 526a.

11 58. Plaintiff will suffer irreparable harm if the relief requested herein is not granted,
12 as will the public at large.

13 59. Therefore, Plaintiff requests that this Court immediately order that the following
14 actions be taken in order to protect the animals in the possession and/or under the care of the
15 Defendants; to protect the County treasury; and enforce the applicable State and County laws for
16 which the Defendants, and each of them, is accountable:

17 a. All Defendants be enjoined from distributing and/or using any of the \$20
18 million, including \$15 million earmarked for the construction of a second animal shelter in the
19 Lancaster, California region; and the \$5 million earmarked for unknown and uncertain "capital"
20 improvements pending the final outcome and resolution of all the issues in this case;

21 b. Defendant McCauley be ordered to perform a detailed audit of (i) all of the
22 books and records evidencing all monies distributed to the DACC by any of the Defendants
23 herein during the past 36 months; (ii) all of the books and records evidencing all monies spent
24

1 and distributed by the DACC during the past 36 months; (iii) all of the books and records
2 evidencing all monies received by the DACC from any and all other sources, including contract
3 cities and citizens during the past 36 months; (iv) all of the books and records evidencing any
4 and all purchases by the DACC from any person or entity whatsoever for any and all goods and
5 services whatsoever during the past 36 months; (v) all of the correspondence, including, but not
6 limited to, emails, memoranda, invoices, and bids submitted to Defendants McCauley and
7 Fujioka and/or any of their agents, employees and representatives by Mayeda and any other
8 employees, agents and representatives of the DACC for the past 36 months.
9

10
11 c. Defendants Burke, Antonovich, Knabe, Yaroslavsky and Molina, and their
12 duly and verifiably appointed agents, perform a review and audit of all liens enforced against any
13 residents in their respective districts during the past 36 months resulting from collection actions
14 by the County and the DACC for expenses allegedly incurred to impound and care for animals
15 belonging to any such residents.
16

17 d. The audit performed by Defendant McCauley and the Defendant Supervisors,
18 and their findings, be made available and presented to Plaintiff and the Court according to a
19 fixed, periodic schedule to be determined by the Court, but in no event in less than 60 day
20 intervals;
21

22 e. A committee/commission comprised of not less than three qualified persons
23 be appointed to monitor the daily operations of the DACC to ensure compliance with all
24 applicable Federal, State, County and local laws by the DACC and its directors, managers,
25 employees, and volunteers. Such committee/commission shall make periodic, written reports to
26 the Court and Plaintiff according to a fixed, periodic schedule to be determined by the Court, but
27 in no event in less than 90 day intervals.
28

1 f. A Special Prosecutor be appointed to review the actions of Mayeda, and the
2 DACC's veterinarians, deputy directors, managers, and supervisors to determine if any criminal
3 conduct or other unlawful conduct, such as animal cruelty, has occurred during the past 36
4 months or is occurring at the present time; and that the Special Prosecutor take or recommend to
5 appropriate persons such action as may be warranted by the Special Prosecutor's findings,
6 including, but not limited to, the filing of criminal felony and misdemeanor charges; and/or
7 administrative discipline, including, but not limited to termination of employment.
8

9 g. Restitution of all monies to the county and/or state treasuries found to have
10 been unlawfully paid to and for the benefit of any of the Defendants named herein and/or any
11 other persons.
12

13 SECOND CAUSE OF ACTION

14 (DECLARATORY AND INJUNCTIVE RELIEF AGAINST ALL DEFENDANTS)

15 60. Plaintiff incorporates Paragraphs 1 through 58 hereinabove by reference and
16 thereby makes them a part of this cause of action.
17

18 61. An actual controversy has arisen and now exists between Defendants and Plaintiff
19 in that Plaintiff, as described in detail hereinabove, have failed to and continue to fail to comply
20 with applicable Federal, State, County and local laws; and/or to duly monitor, supervise and
21 enforce such applicable laws.
22

23 62. As a result, Plaintiff has alleged and herein alleges that there has been, continues
24 to be and will be illegal expenditure, waste of and/or injury to the funds and property of the
25 County of Los Angeles.

26 63. Therefore, Plaintiff, as a taxpayer of the County of Los Angeles, is entitled
27 pursuant to California Code of Civil Procedure Section 526a to a judgment in the form of a
28

1 judicial injunction, restraining and preventing the Defendants from continuing to engage in such
2 unlawful conduct as alleged hereinabove which has resulted in and will continue to result in the
3 illegal expenditure and/or waste of public funds and the injury to property of the county,
4 including to the animals which have been impounded by it.

5
6 64. Such judgment and injunction shall include, but not be limited to, the following
7 orders and actions:

8 a. All Defendants be enjoined from distributing and/or using any of the \$20
9 million, including \$15 million earmarked for the construction of a second animal shelter in the
10 Lancaster, California region; and the \$5 million earmarked for unknown and uncertain "capital"
11 improvements pending the final outcome and resolution of all the issues in this case;

12
13 b. Defendant McCauley be ordered to perform a detailed audit of (i) all of the
14 books and records evidencing all monies distributed to the DACC by any of the Defendants
15 herein during the past 36 months; (ii) all of the books and records evidencing all monies spent
16 and distributed by the DACC during the past 36 months; (iii) all of the books and records
17 evidencing all monies received by the DACC from any and all other sources, including contract
18 cities and citizens during the past 36 months; (iv) all of the books and records evidencing any
19 and all purchases by the DACC from any person or entity whatsoever for any and all goods and
20 services whatsoever during the past 36 months; (v) all of the correspondence, including, but not
21 limited to, emails, memoranda, invoices, and bids submitted to Defendants McCauley and
22 Fujioka and/or any of their agents, employees and representatives by Mayeda and any other
23 employees, agents and representatives of the DACC for the past 36 months.

24 c. Defendants Burke, Antonovich, Knabe, Yaroslavsky and Molina, and their
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26
27
28 duly and verifiably appointed agents, perform a review and audit of all liens enforced against any

1 residents in their respective districts during the past 36 months resulting from collection actions
2 by the County and the DACC for expenses allegedly incurred to impound and care for animals
3 belonging to any such residents.

4 d. The audit performed by Defendant McCauley and the Defendant Supervisors,
5 and their findings, be made available and presented to Plaintiff and the Court according to a
6 fixed, periodic schedule to be determined by the Court, but in no event in less than 60 day
7 intervals;
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9 e. A committee/commission comprised of not less than three qualified persons
10 be appointed to monitor the daily operations of the DACC to ensure compliance with all
11 applicable Federal, State, County and local laws by the DACC and its directors, managers,
12 employees, and volunteers. Such committee/commission shall make periodic, written reports to
13 the Court and Plaintiff according to a fixed, periodic schedule to be determined by the Court, but
14 in no event in less than 90 day intervals.
15

16 f. A Special Prosecutor be appointed to review the actions of Mayeda, and the
17 DACC's veterinarians, deputy directors, managers, and supervisors to determine if any criminal
18 conduct or other unlawful conduct, such as animal cruelty, has occurred during the past 36
19 months or is occurring at the present time; and that the Special Prosecutor take or recommend to
20 appropriate persons such action as may be warranted by the Special Prosecutor's findings,
21 including, but not limited to, the filing of criminal felony and misdemeanor charges; and/or
22 administrative discipline, including, but not limited to termination of employment.
23

24 g. Restitution of all monies to the county and/or state treasuries found to have
25 been unlawfully paid to and for the benefit of any of the Defendants named herein and/or any
26 other persons.
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1 WHEREFORE, Plaintiff prays for judgment and relief against the Defendants herein as follows:

2 FOR THE FIRST CAUSE OF ACTION

3 1. The issuance of a Writ, ordering the following actions to be taken by the respective
4 Defendants:

5 a. All Defendants be enjoined from distributing and/or using any of the \$20
6 million, including \$15 million earmarked for the construction of a second animal shelter in the
7 Lancaster, California region; and the \$5 million earmarked for unknown and uncertain "capital"
8 improvements pending the final outcome and resolution of all the issues in this case;

9 b. Defendant McCauley be ordered to perform a detailed audit of (i) all of the
10 books and records evidencing all monies distributed to the DACC by any of the Defendants
11 herein during the past 36 months; (ii) all of the books and records evidencing all monies spent
12 and distributed by the DACC during the past 36 months; (iii) all of the books and records
13 evidencing all monies received by the DACC from any and all other sources, including contract
14 cities and citizens during the past 36 months; (iv) all of the books and records evidencing any
15 and all purchases by the DACC from any person or entity whatsoever for any and all goods and
16 services whatsoever during the past 36 months; (v) all of the correspondence, including, but not
17 limited to, emails, memoranda, invoices, and bids submitted to Defendants McCauley and
18 Fujioka and/or any of their agents, employees and representatives by Mayeda and any other
19 employees, agents and representatives of the DACC for the past 36 months.

20 c. Defendants Burke, Antonovich, Knabe, Yaroslavsky and Molina, and their
21 duly and verifiably appointed agents, perform a review and audit of all liens enforced against any
22 residents in their respective districts during the past 36 months resulting from collection actions
23 by the County and the DACC for expenses allegedly incurred to impound and care for animals
24

1 belonging to any such residents.

2 d. The audit performed by Defendant McCauley and the Defendant Supervisors,
3 and their findings, be made available and presented to Plaintiff and the Court according to a
4 fixed, periodic schedule to be determined by the Court, but in no event in less than 60 day
5 intervals;
6

7 e. A committee/commission comprised of not less than three qualified persons
8 be appointed to monitor the daily operations of the DACC to ensure compliance with all
9 applicable Federal, State, County and local laws by the DACC and its directors, managers,
10 employees, and volunteers. Such committee/commission shall make periodic, written reports to
11 the Court and Plaintiff according to a fixed, periodic schedule to be determined by the Court, but
12 in no event in less than 90 day intervals.
13

14 f. A Special Prosecutor be appointed to review the actions of Mayeda, and the
15 DACC's veterinarians, deputy directors, managers, and supervisors to determine if any criminal
16 conduct or other unlawful conduct, such as animal cruelty, has occurred during the past 36
17 months or is occurring at the present time; and that the Special Prosecutor take or recommend to
18 appropriate persons such action as may be warranted by the Special Prosecutor's findings,
19 including, but not limited to, the filing of criminal felony and misdemeanor charges; and/or
20 administrative discipline, including, but not limited to termination of employment.
21

22 g. Restitution of all monies to the county and/or state treasuries found to have
23 been unlawfully paid to and for the benefit of any of the Defendants named herein and/or any
24 other persons.
25

26 2. For attorneys fees pursuant to CCP Section 1021.5

27 3. For costs of suit.
28

1 4. For such other and further relief as the court deems proper.

2
3 FOR THE SECOND CAUSE OF ACTION

4 1. The issuance of an injunction, ordering the following actions to be taken by the respective
5 Defendants:

6 a. All Defendants be enjoined from distributing and/or using any of the \$20
7 million, including \$15 million earmarked for the construction of a second animal shelter in the
8 Lancaster, California region; and the \$5 million earmarked for unknown and uncertain "capital"
9 improvements pending the final outcome and resolution of all the issues in this case;

10 b. Defendant McCauley be ordered to perform a detailed audit of (i) all of the
11 books and records evidencing all monies distributed to the DACC by any of the Defendants
12 herein during the past 36 months; (ii) all of the books and records evidencing all monies spent
13 and distributed by the DACC during the past 36 months; (iii) all of the books and records
14 evidencing all monies received by the DACC from any and all other sources, including contract
15 cities and citizens during the past 36 months; (iv) all of the books and records evidencing any
16 and all purchases by the DACC from any person or entity whatsoever for any and all goods and
17 services whatsoever during the past 36 months; (v) all of the correspondence, including, but not
18 limited to, emails, memoranda, invoices, and bids submitted to Defendants McCauley and
19 Fujioka and/or any of their agents, employees and representatives by Mayeda and any other
20 employees, agents and representatives of the DACC for the past 36 months.

21 c. Defendants Burke, Antonovich, Knabe, Yaroslavsky and Molina, and their
22 duly and verifiably appointed agents, perform a review and audit of all liens enforced against any
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1 residents in their respective districts during the past 36 months resulting from collection actions
2 by the County and the DACC for expenses allegedly incurred to impound and care for animals
3 belonging to any such residents.

4 d. The audit performed by Defendant McCauley and the Defendant Supervisors,
5 and their findings, be made available and presented to Plaintiff and the Court according to a
6 fixed, periodic schedule to be determined by the Court, but in no event in less than 60 day
7 intervals;
8

9 e. A committee/commission comprised of not less than three qualified persons
10 be appointed to monitor the daily operations of the DACC to ensure compliance with all
11 applicable Federal, State, County and local laws by the DACC and its directors, managers,
12 employees, and volunteers. Such committee/commission shall make periodic, written reports to
13 the Court and Plaintiff according to a fixed, periodic schedule to be determined by the Court, but
14 in no event in less than 90 day intervals.
15

16 f. A Special Prosecutor be appointed to review the actions of Mayeda, and the
17 DACC's veterinarians, deputy directors, managers, and supervisors to determine if any criminal
18 conduct or other unlawful conduct, such as animal cruelty, has occurred during the past 36
19 months or is occurring at the present time; and that the Special Prosecutor take or recommend to
20 appropriate persons such action as may be warranted by the Special Prosecutor's findings,
21 including, but not limited to, the filing of criminal felony and misdemeanor charges; and/or
22 administrative discipline, including, but not limited to termination of employment.
23

24 g. Restitution of all monies to the county and/or state treasuries found to have
25 been unlawfully paid to and for the benefit of any of the Defendants named herein and/or any
26 other persons.
27
28

1 2. For attorneys fees pursuant to CCP Section 1021.5

2 3. For costs of suit.

3 4. For such other and further relief as the court deems proper.

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6 DATED: January 11, 2008

BY 

WILLIAM R. HESS

Attorney for Plaintiff

VERIFICATION

I, Leo Grillo, President of Dedication and Everlasting Love to Animals, aka D.E.L.T.A. Rescue, a California Non-Profit, Public Benefit Corporation, have read the foregoing Verified Complaint For Declaratory and Injunctive Relief and Petition for Writ of Mandate and know its contents.

The matters in this document are true and of my own knowledge except as to those matters that are stated on information and belief, and as to those matters, I believe them to be true.

Executed on this 11th day of January, 2008 at Acton, California.


LEO GRILLO