

PEASE LAW, APC

Bryan W. Pease (SBN 239139)

Email: bryan@peaselaw.org

Parisa Ijadi-Maghsoodi (SBN 273847)

Email: parisa@peaselaw.org

3960 W. Point Loma Blvd., Ste. H-2562

San Diego, CA 92110

Ph. (619) 723-0369

LAW OFFICES OF JOHN T. MAHER

John T. Maher (NYS Bar No. 2357408)

Email: johntmaher@yahoo.com

105 E 122nd St.

New York, NY 10035

Ph. (646) 675-8909

Pro hac vice application pending

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

HEATHER TAFT, KIRSTEN) Case No. '22CV0697 WQHMD

GONZALEZ, CHEYENNE HENRY,)

YURIDIA CERON, and VANESSA) **CLASS ACTION**

ZAPATA,)

) **COMPLAINT FOR DAMAGES AND**

Plaintiffs,) **PROFIT DISGORGEMENT**

v.)

) **DEMAND FOR JURY TRIAL**

DAVID SALINAS, and individual;)

VERONICA SALINAS, an individual;)

RED ROCK ENTERPRISES OF)

UTAH, INC., a Utah corporation; PET)

CONNECT RESCUE, INC., a)

Missouri corporation; RAY)

ROTHMAN, an individual; ALYSIA)

ROTHMAN, an individual;)

JEANNE’S GEMS, INC., an Iowa)
 corporation; DAVID)
 STEFFENSMEIER, an individual;)
 SELECT PUPPIES, INC., an Iowa)
 corporation; BRIAN MOHRFELD, an)
 individual; RAK TRANSPORT, LLC,)
 a Missouri limited liability company;)
 TIFFANIES, LLC, a Missouri limited)
 liability company; TIFFANIE KURZ,)
 an individual; TBHF, LLC, an Iowa)
 limited liability company; RICHARD)
 KIRK, an individual; RUSSELL)
 KIRK, an individual; and DOES 1-25,)
 Defendants.)

INTRODUCTION

1. Defendants for many years supplied puppies from puppy mills into the State of California to be sold in retail pet stores.

2. Starting on January 1, 2019, California Health & Safety Code § 122354.5 (the “Puppy Mill Ban”) banned the commercial sale of non-rescue dogs, cats, and rabbits in retail pet stores.¹ The law defined “rescue” group as an entity organized as a 501(c)(3) nonprofit that was in a “cooperative agreement” with at least one public or private shelter, and that did not obtain animals from brokers or breeders for compensation.

3. The legislative history describes the Puppy Mill Ban’s purpose as follows:
 California taxpayers spend a quarter of a billion dollars annually to house and kill animals in local shelters while puppy mills throughout the country continue to mass breed animals for profit. [This bill] attempts to curtail these operations by supporting access to pet rescue and adoption in

¹ The law has since been amended to ban *all* retail sale of these animals in pet stores, while allowing stores to provide space for rescue groups to hold adoption events. (Cal. Health & Safety Code § 122354.5, effective January 1, 2021.)

California retail pet stores. By offering puppies, kittens and rabbits for adoption from nearby shelters, pet stores can save the lives of animals in search for a home, save the breeding animals trapped in puppy mills, and relieve pressure on county budgets and local tax payers.

(https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB485#, last visited May 13, 2022.)

4. The legislative history defines “puppy mills” as follows:

Puppy Mills. “Puppy Mills” or “Kitty Factories” are common terms for large commercial breeding facilities that mass produce animals for sale at retail markets. It is estimated that there are 10,000 puppy mills in the United States. These are separate from other types of breeders who produce a smaller quantity of animals and typically in California do not sell directly to retail pet outlets; however, there are no restrictions on pet stores as to where they can acquire animals for retail sale. Mass produced, commercial animal breeders are typically scrutinized for their treatment of the animals including producing sick animals, inhumane treatment, and providing abhorrent living conditions. This bill aims to limit the sales of animals in California that are from “puppy mills,” “kitten factories” or other commercial breeding facilities and to help ensure that available shelter animals are a source of animal sales.

(*Ibid.*)

5. The legislative history notes the following regarding federal law:

Federal Law. The federal Animal Welfare Act was passed by Congress in 1966 and establishes minimum standards for the care and treatment of animals bred for commercial sale, exhibited to the public, used in biomedical research or commercial transport. The United States Department of Agriculture (USDA) is responsible for overseeing the commercial dog breeding industry. Breeders who sell to a pet store or consumers over the Internet are required to hold a license. However, as noted by various animal welfare organizations, federal laws provide a minimal level of specificity for animal care and violations are often found in many commercial breeding organizations, while others operate underground making enforcement of the laws difficult and challenging. According to the USDA, there are approximately 120 field-based employees who inspect licensed commercial breeding facilities in all 50 states. If a violation is found, then a facility is

1 given a notice to correct, and in those serious cases of neglect, legal action
2 may occur. According to the USDA, the system used to inspect a dog or cat
3 breeding facility is based on a risk-based system. The frequency of an
4 inspection is dependent upon a facility's compliance record, while all
5 licensed facilities are inspected; those facilities with more compliance
6 issues are inspected more frequently. In addition, the USDA reports that its
7 inspectors may visit a facility when the USDA receives a complaint.

8 *(Ibid.)*

9 6. Rather than comply with the law, some puppy stores in California continued
10 their exact same business model, replacing breeder information for the puppies with
11 “rescue.”

12 7. All Defendants, acting in concert and as accomplices to each other,
13 intentionally supplied these stores with puppies fraudulently mislabeled as “rescues” to
14 deceive consumers such as Plaintiffs and illicitly profited from these sales.

15 **JURISDICTION AND VENUE**

16 8. This Court has subject matter jurisdiction over this action pursuant to 28
17 U.S.C. § 1332(a) because the action is between citizens of different states and the matter
18 in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

19 9. Alternatively, this Court has subject matter jurisdiction over this action
20 pursuant to 28 U.S.C. § 1332(d) because this is a class action in which (1) there are over
21 100 members in the proposed class; (2) members of the proposed class have a different
22 citizenship from Defendants; and (3) the claims of the proposed class members exceed
23 \$5,000,000 in the aggregate, exclusive of interests and costs.

24 10. In addition, this Court has subject matter jurisdiction over this action
25 pursuant to 28 U.S.C. § 1331 because Defendants’ violations of the federal civil RICO
26 statute arise under federal law, and the Court has supplemental jurisdiction pursuant to
27 28 U.S.C. § 1367.

28 11. This Court has personal jurisdiction over Defendants because all
Defendants have sufficient contacts with California. Plaintiffs’ claims and causes of

1 action alleged herein arise out of Defendants' respective contacts with this State.
2 Moreover, all Defendants have purposely availed themselves of the privileges and
3 benefits of conducting business activities in California through their marketing,
4 advertising, and sale of puppies in this state.

5 12. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because at
6 all relevant times, Defendants engaged in continuous and systematic business activities
7 within the State of California, a substantial portion of the underlying transactions and
8 events complained of occurred and affected persons and entities in this district, and
9 Defendants received substantial compensation from transactions and business activities
10 in this district.

11 **PARTIES**

12 13. Plaintiff HEATHER TAFT is an individual residing in Clark County,
13 Nevada, who purchased a puppy from Broadway Puppies in San Diego County,
14 California on May 15, 2019. The puppy was labeled as being from Defendant PET
15 CONNECT RESCUE, INC. which is a front for SELECT PUPPIES, INC., which
16 obtained the puppy from JEANNE'S GEMS, INC.

17 14. Plaintiff KIRSTEN GONZALEZ is an individual residing in Riverside
18 County, California, who purchased a puppy from Pups & Pets in San Diego County,
19 California on February 23, 2020. The puppy was labeled as being from Defendant PET
20 CONNECT RESCUE, INC. but was actually purchased from a breeder by SELECT
21 PUPPIES, INC. and transferred through TIFFANIES, LLC.

22 15. Plaintiff CHEYENNE HENRY is an individual residing in Virginia who
23 purchased a puppy from National City Puppy in San Diego County on August 25, 2019.
24 The puppy was labeled as being from Defendant PET CONNECT RESCUE, INC. but
25 was actually purchased from a breeder by SELECT PUPPIES, INC. and transferred
26 through CHOICE PUPPIES, INC.

27 16. Plaintiff YURIDIA CERON is an individual residing in San Diego County
28 who purchased a puppy from Broadway Puppies in San Diego County on February 7,

2020. The puppy was labeled as being from Defendant PET CONNECT RESCUE, INC. but was actually purchased from a breeder by SELECT PUPPIES, INC. and transferred through TIFFANIES, LLC.

17. Plaintiff VANESSA ZAPATA is an individual residing in Riverside County who purchased a puppy from the Fancy Puppy in Riverside County on December 3, 2019. The puppy was labeled as being from Defendant PET CONNECT RESCUE, INC. but was actually purchased from a breeder by SELECT PUPPIES, INC. and transferred through TIFFANIES, LLC.

18. Defendant DAVID SALINAS is an individual residing in Utah.

19. Defendant VERONICA SALINAS is an individual residing in Utah.

20. Defendant RED ROCK ENTERPRISES OF UTAH, INC. is a Utah corporation.

21. Defendant PET CONNECT RESCUE, INC. is a Missouri corporation.

22. Defendant RAY ROTHMAN is an individual residing in Missouri.

23. Defendant ALYSIA ROTHMAN is an individual residing in Missouri.

24. Defendant JEANNE'S GEMS, INC. is an Iowa corporation.

25. Defendant DAVID STEFFENSMEIER is an individual residing in Illinois.

26. Defendant SELECT PUPPIES, INC. is an Iowa corporation.

27. Defendant BRIAN MOHRFELD is an individual residing in Iowa.

28. Defendant RAK TRANSPORT, LLC is a Missouri limited liability company.

29. Defendant TIFFANIES, LLC is a Missouri limited liability company.

30. Defendant TIFFANIE KURZ is an individual residing in Missouri.

31. Defendant TBHF, LLC is an Iowa limited liability company.

32. Defendant RICHARD KIRK is an individual residing in Missouri.

33. Defendant RUSSELL KIRK is an individual residing in Missouri.

CLASS ALLEGATIONS

34. The Class includes all persons who purchased a puppy during at least the last four years from the date of the filing of this Complaint until June 18, 2020 at Broadway Puppies in Escondido, California; National City Puppy in National City, California; Pups & Pets in Santee, California; Hello Puppies in Temecula, California; or Fancy Puppy in Corona, California that was labeled a “rescue,” and was sourced through JEANNE’S GEMS, INC., SELECT PUPPIES, INC., CHOICE PUPPIES, INC., and/or TIFFANIES, LLC, and was not supplied by non-party J.A.K.’s Puppies, Inc.

35. Excluded from the Class are: (i) Defendants and their officers, directors, owners, and employees; (ii) any person who files a valid and timely request for exclusion; and (iii) judicial officers and their immediate family members and associated court staff assigned to the case.

36. Plaintiffs reserve the right to amend or otherwise alter the class definitions presented to the Court at the appropriate time, or to propose or eliminate subclasses, in response to facts learned through discovery, legal arguments advanced by Defendants, or otherwise.

37. This action is properly maintainable as a class action pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2), and 23(b)(3) for the reasons set forth below.

38. Numerosity—Federal Rule of Civil Procedure 23(a)(1). Prospective class members, however defined, are readily ascertainable by way of Defendants’ records and are so numerous that joinder of all members is impracticable. The class consists of approximately 6,000 members.

39. Commonality—Federal Rule of Civil Procedure 23(a)(2). There are numerous and substantial questions of law or fact common to all members of the class that predominate over any individual issues. Included within the common questions of law or fact are:

- a. Whether Defendants mislabeled puppies as “rescues” to evade California law and deceive consumers;

- b. Whether Defendants engaged in unlawful, unfair, or deceptive practices by advertising and selling puppies as “rescues”;
- c. Whether Defendants violated the applicable consumer protection state statutes;
- d. Whether Defendants violated Cal. Health & Safety Code § 122354.5;
- e. Whether Defendants have been unjustly enriched;
- f. Whether Plaintiffs and the class members have sustained damage as a result of Defendants’ unlawful conduct; and
- g. The proper measure of damages sustained by Plaintiffs and Class members.

40. Typicality—Federal Rule of Civil Procedure 23(a)(3). Plaintiffs’ claims are typical of the claims of the members of the class they seek to represent. Plaintiffs, like the class members, purchased Defendants’ puppies after falling victim to Defendants’ uniformly deceptive advertising, marketing scheme.

41. Adequacy—Federal Rule of Civil Procedure 23(a)(4). Plaintiffs are adequate representatives of the class they seek to represent because their interests do not materially or irreconcilably conflict with the interests of other members of the class. On the contrary, Plaintiffs will fairly, adequately, and vigorously protect the interests of class members and have retained counsel experienced and competent in the prosecution of complex cases, including complex class action litigation.

42. Predominance and Superiority—Federal Rule of Civil Procedure 23(b)(3). As described above with respect to commonality, there are numerous and substantial questions of law or fact common to class members that predominate over any questions that affect only individual members. In addition, class treatment is superior to other available group-wide methods for the fair and efficient adjudication of this action because it will permit a large number of claims to be resolved in a single forum simultaneously, efficiently, and without the unnecessary hardship that would result from the prosecution of numerous individual actions and the duplication of discovery, effort, expense, and burden on the courts that individual actions would entail.

1 43. The benefits of proceeding as a class action, including providing a method
2 for obtaining redress for claims that would not be practical to pursue individually, are
3 superior to any other method available for the fair and efficient group-wide adjudication
4 of these claims. Absent a class action, it would be highly unlikely that Plaintiffs or any
5 other putative class members would be able to protect their own interests because the
6 cost of litigation through individual lawsuits might exceed expected recovery.

7 **ALLEGATIONS OF FACT**

8 44. Defendants TIFFANIE KURZ, RICHARD KIRK, and RUSSELL KIRK
9 run TBHF, LLC, which operates as a hub for tracking and altering ownership
10 information of puppies so they can be purchased from breeders and shipped to pet stores
11 while obscuring the true source of the puppies, i.e. “puppy laundering.”

12 45. Defendant TIFFANIE KURZ also owns and operates TIFFANIES, LLC,
13 which is a broker of puppies and acted as a conduit or go-between in the present case.

14 46. Defendant RAY ROTHMAN and ALYSIA ROTHMAN created the sham
15 PET CONNECT RESCUE, INC. to fraudulently act as the source of the puppies sold as
16 “rescues” in California stores.

17 47. Defendant RAY ROTHMAN is and at all relevant times was the sole
18 manager of SELECT PUPPIES, INC.

19 48. On a weekly basis, RAY ROTHMAN would email breed availability
20 notices to pet stores in California from SELECT PUPPIES, INC. The stores would then
21 indicate which puppies they wished to purchase for that week’s shipment. Defendants
22 would then obscure the source of the puppies from consumers by listing a series of sham
23 transactions between Defendants’ various shell companies and pass-through entities.
24 Defendants purchased all puppies from breeders.

25 49. Defendants DAVID SALINAS and VERONICA SALINAS directly
26 conspired with ROTHMAN to set up sham “cooperative agreements” with shelters to
27 claim that Defendant PET CONNECT RESCUE, INC. was a valid “rescue group” from
28 which puppies could be sold in pet stores.

1 50. Through a series of pass-through entities and shell corporations owned by
2 their wholly owned corporation RED ROCK ENTERPRISES OF UTAH, INC.,
3 Defendants DAVID SALINAS and VERONICA SALINAS then reaped the profits of
4 the illegal and fraudulent puppy sales at National City Puppy, Pups & Pets, Broadway
5 Puppies, Fancy Puppy, and Hello Puppies, all located in San Diego and Riverside
6 Counties.

7 51. Defendants JEANNES GEMS, INC. and DAVID STEFFENSMEIER were
8 brokers that knowingly purchased puppies from breeders and sold them to PET
9 CONNECT RESCUE, with the funds being paid through other shell corporations.

10 52. RAY ROTHMAN funneled money being paid for “Pet Connect Rescue”
11 puppies through his wholly owned shell corporation, RAK TRANSPORT, LLC, to
12 disguise those transactions and claim that Defendant PET CONNECT RESCUE was not
13 receiving compensation for the puppies. Neither RAK TRANSPORT, LLC nor PET
14 CONNECT RESCUE, INC. have ever had any physical location.

15 53. Defendant BRIAN MOHRFELD is the sole owner of both SELECT
16 PUPPIES, INC. and CHOICE PUPPIES, INC. and specifically empowered and
17 conspired with ROTHMAN to use these entities to launder puppies from breeders to pet
18 stores, fraudulently labeled “rescues.”

19 54. CHOICE PUPPIES, INC. is yet another pass-through entity that Defendants
20 claimed was “closed” during the relevant time period but were using as a shell to transfer
21 puppy ownership through to obscure the true source of the puppies.

22 55. All puppies sold by Defendants to Plaintiffs came from puppy mills and
23 had severe health problems requiring expensive and ongoing veterinary care, or in some
24 cases euthanasia.

25 56. All Defendants acted as accomplices to each other, with full knowledge and
26 ratification of each others’ fraudulent acts, and conspired to defraud consumers such as
27 Plaintiffs and putative class members, into purchasing puppies labeled “rescues” that
28 Defendants actually purchased from breeders to resell at a profit.

FIRST CAUSE OF ACTION

Consumer Legal Remedies Act – Civil Code § 1750

57. Plaintiffs reallege the paragraphs above as if fully set forth herein.

58. The Consumer Legal Remedies Act (“CLRA”), Civil Code § 1750, *et seq.*, prohibits “unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer” which includes, but are not limited to:

- a. “Misrepresenting the source, sponsorship, approval, or certification of services”
- b. “Representing that services have approval, characteristics, benefits that they do not have or that a person has an approval, status, that he or she does not have.”
- c. “Representing that services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.”
- d. “Advertising services with intent not to sell them as advertised.”
- e. “Representing that a transaction confers or involves rights, remedies, that it does not have or involve”;
- f. “Representing that the consumer will receive economic benefit, contingent on an event to occur subsequent to the consummation of the transaction”; and
- g. “inserting an unconscionable provision in the contract.”

59. As set forth herein, Defendants misrepresented to consumers in California that they were selling “rescue puppies” when in fact they were selling puppies from puppy mills.

60. Defendants’ advertisements and representations are false and misleading in a material respect and were directed at and misleading to reasonable consumers such as Plaintiffs and class members.

61. At all times during which Defendants made the above-referenced representations to Plaintiffs, and to the public, Defendants knew that they were false and

misleading.

62. Plaintiffs and class members reasonably relied upon and were deceived by Defendants' false and misleading advertising and paid money to Defendants, each obtaining a puppy Defendants' falsely claimed was a "rescue puppy."

SECOND CAUSE OF ACTION

Unfair Business Practices – BPC § 17200, *et seq.*

63. Plaintiffs reallege and incorporate by reference the allegations in each of the preceding paragraphs as if fully set forth herein.

64. At all relevant times mentioned in this complaint, the Puppy Mill Ban provided:

A pet store operator shall not sell a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group that is in a cooperative agreement with at least one private or public shelter pursuant to Section 31108, 31752, or 31753 of the Food and Agricultural Code.

(Health & Safety Code § 122354.5(a), effective January 1, 2019.)

65. The Puppy Mill Ban further provided:

For purposes of this section, a "rescue group" is an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code, and that ***does not obtain animals from breeders or brokers for compensation.***

(Health & Safety Code § 122354.5(a), effective January 1, 2019, emphasis added.)

66. Defendants unlawfully sold puppies in a pet store obtained from breeders or brokers for compensation in violation of California law, including the puppies Defendants sold to Plaintiffs and class members.

67. All Defendants were knowingly and willfully acting as accomplices to all other Defendants to evade the Puppy Mill Ban and defraud consumers into believing they were "adopting" a "rescue" animal, when in fact their purchases are supporting the puppy mill industry of which Defendants are a part.

68. All of the Defendants, both independently and collectively, violated Health and Safety Code § 122354.5 by knowingly participating in and profiting from Defendants' unlawful scheme to sell puppy mill puppies in a pet store and falsely advertise to the public that the puppies are "rescues" from a shelter or other legitimate rescue operation.

69. Defendants, and each of them, engaged in acts or practices that constitute unfair competition, as that term is defined in section 17200 *et seq.* of the California Business & Professions Code.

70. Defendants, and each of them, violated Business & Professions Code §§ 17200 *et seq.* through their unlawful business acts and practices, which violated Health and Safety Code § 122354.5 and Business & Professions Code §§ 17200 *et seq.*

THIRD CAUSE OF ACTION

Fraudulent Deceit – Civil Code § 1710

71. Plaintiffs reallege the paragraphs above as if fully set forth herein.

72. Defendants made false representations and concealed material facts about the puppies they are selling and engaged in deceptive practices before, during, and after the sale of puppies to Plaintiffs.

73. Defendants made said representations and concealed material information with knowledge of their falsity or without sufficient knowledge on the subject to warrant a representation, and with the intent to induce Plaintiffs to act on it.

74. When Defendants made these representations, Defendants knew them to be false, and made these representations with the intent to defraud and deceive Plaintiffs and with intent to induce Plaintiffs to purchase a puppy.

75. Plaintiffs believed the representations and relied on the truth of them in purchasing a puppy. Plaintiffs would not have purchased the puppy had it not been for the fraudulent deceit.

76. The reliance by Plaintiffs was justified because Defendants were in a position of advantage with respect to knowledge of facts concerning where the puppies

1 came from, Defendants falsely and fraudulently represented to Plaintiffs that they were
 2 selling “rescue puppies,” and Defendants represented to Plaintiffs that the puppy
 3 Plaintiffs purchased were “rescue puppies.”

4 77. As a proximate result of Defendants’ fraudulent deceit and the facts herein
 5 alleged, Plaintiffs each purchased a puppy which they believed was a “rescue puppy”,
 6 but instead was a puppy from a puppy mill, and incurred thousands of dollars in
 7 veterinary bills due to illnesses caused by the poor conditions in which the puppies were
 8 bred, transported, and stored prior to sale.

9 78. Defendants acted with malice and fraud, intentionally deceiving Plaintiffs
 10 as they did all of their customers and class members, into believing they were purchasing
 11 a “rescue” animal, solely so that Defendants could continue to profit from selling puppy
 12 mill puppies in violation of the Puppy Mill Ban. Such despicable conduct entitles
 13 Plaintiffs to punitive damages against Defendants.

14 **FOURTH CAUSE OF ACTION**

15 **Negligence – Civil Code § 1714**

16 79. Plaintiffs reallege the paragraphs above as if fully set forth herein.

17 80. Defendants had a duty not to engage in an illegal puppy laundering scheme
 18 to sell puppy mill puppies to unsuspecting consumers in California pet stores.

19 81. Defendants also had a duty not to sell ill puppies from puppy mills to
 20 Plaintiffs and class members, requiring Plaintiffs and class members to pay thousands of
 21 dollars per puppy in veterinary care.

22 82. Defendants breached each of their respective duties.

23 83. As a result of Defendants’ breach, Plaintiffs and class members suffered
 24 damages in an amount to be determined at trial.

25 **FIFTH CAUSE OF ACTION**

26 **Racketeer Influenced and Corrupt Organizations Act (“RICO”)**

27 **18 U.S.C § 1961 *et seq.***

28 84. Plaintiffs reallege the paragraphs above as if fully set forth herein.

1 85. Each Defendant is a “person” capable of holding legal or beneficial interest
2 in property within the meaning of 18 U.S.C. § 1961(3).

3 86. Each Defendant violated 18 U.S.C. § 1962(c) and (d) by the acts described
4 in this Complaint. Specifically, each Defendant’s activities affected interstate commerce,
5 each Defendant conducted or participated, directly or indirectly, in the enterprise’s
6 affairs through a pattern of racketeering activity, and each Defendant conspired to
7 participate, directly or indirectly, in the enterprise’s affairs through a pattern of
8 racketeering activity.

9 87. Defendants, and each of them, formed an association-in-fact for the
10 common and continuing purpose described in this Complaint. Together, they constitute
11 an enterprise within the meaning of 18 U.S.C. § 1961(4) engaged in the conduct of their
12 affairs through a continuing pattern of racketeering activity. Defendants, as the members
13 of the enterprise, functioned as a continuing unit with ascertainable structure separate
14 and distinct from that of the conduct of the pattern of racketeering activity.

15 88. Defendants, and each of them, knowingly, willfully, and unlawfully
16 conducted or participated, directly or indirectly, in the affairs of the enterprise through a
17 pattern of racketeering activity within the meaning on 18 U.S.C § 1691, *et seq.* The
18 racketeering activity was made possible by Defendants’ regular and repeated use of the
19 facilities and services of the enterprise. Defendants have the specific intent to engage in
20 the substantive RICO violations alleged herein.

21 89. Defendants participated in the operation and management of the
22 association-in-fact enterprise alleged above by overseeing and coordinating the
23 commission of multiple acts of racketeering as described below.

24 90. Defendants, each of whom are persons associated with, or employed by, the
25 enterprise(s), did knowingly, willfully, and unlawfully conduct or participate, directly or
26 indirectly, in the affairs of the enterprise through a pattern of racketeering activity within
27 the meaning of 18 U.S.C. § 1961(1), 1961(5), 1962(c), and 1962(d). The racketeering
28 activity was made possible by Defendants’ regular and repeated use of the facilities and

1 services of the enterprise. Defendants had the specific intent to engage in the substantive
2 RICO violations alleged herein.

3 91. Predicate acts of racketeering activity are acts which are indictable under
4 the provisions of the U.S. Code listed in 18 U.S.C § 1961(1)(B) and which are more
5 specifically discussed herein. Each Defendant committed at least two such acts or else
6 aided and abetted such acts.

7 92. These acts of racketeering were not isolated, but rather the acts of
8 Defendants were related in that they had the same or similar purpose and result,
9 participants, victims, and method of commission. Further, the acts of racketeering by
10 Defendants have been continuous. There was repeated conduct during a period
11 continuing to the present, and there is a continued threat of repetition of such conduct.

12 93. The association-in-fact enterprise and the alternative enterprises, as alleged
13 herein, were not limited to the predicate acts and extended beyond their racketeering
14 activity. Rather, they existed separate and apart from the pattern of racketeering activity
15 for legitimate business purposes.

16 94. Defendants committed acts constituting indictable offenses under 18 U.S.C.
17 §§ 1341 and 1343 in that they devised or intended to devise a scheme or artifice to
18 defraud Plaintiffs and putative class members of money by means of false or fraudulent
19 pretenses, representations or promises. For the purpose of executing their scheme or
20 artifice, Defendants caused delivery of various documents and things by the U.S. mails,
21 via the internet, via facsimile and/or by private or commercial interstate carriers or
22 received such therefrom. Defendants also transmitted or caused to be transmitted by
23 means of wire communications in interstate commerce various writings, signs and
24 signals.

25 95. The acts of Defendants set forth above were done with knowledge that the
26 use of the mails or wires would follow in the ordinary course of business, or that such
27 use could have been foreseen, even if not actually intended. These acts were done
28 intentionally and knowingly with the specific intent to advance Defendants' scheme or

1 artifice.

2 96. Defendants carried out their scheme in different states and could not have
3 done so unless they used the U.S. mails or private or commercial interstate carriers or
4 interstate wires.

5 97. In furtherance of their scheme alleged herein, Defendants communicated
6 among themselves and with Plaintiffs and putative class members in furtherance of the
7 scheme to defraud Plaintiffs and putative class members. These communications were
8 typically transmitted by wire (i.e., electronically) and/or through the United States mails
9 or private or commercial carriers.

10 98. In addition, in furtherance of their scheme, Defendants used the wires
11 and/or U.S. mail or private or commercial carriers to induce Plaintiffs to purchase
12 puppies fraudulently labeled as “rescues” to evade California law. Defendants also
13 communicated by the wires and/or U.S. mail or private or commercial carriers to
14 facilitate the sales and subsequent purchases, including accepting payments over the
15 Internet or by mail, including through use of third party lending companies.

16 99. Plaintiffs and putative class members reasonably and justifiably relied on
17 Defendants’ false misrepresentations and deceptive communications as alleged in this
18 Complaint.

19 100. Plaintiffs and putative class members have been damaged as a direct and
20 proximate result of Defendants’ participation in the enterprise.

21 101. Defendants’ violations of state and federal laws as set forth in this
22 Complaint, each of which directly and proximately injured Plaintiffs and putative class
23 members, constituted a continuous course of conduct spanning a period of time
24 encompassing at least 2018 through the present. Defendants’ conduct was intended to
25 obtain money through false representations, fraud, deceit, and other improper and other
26 unlawful means.

27 102. Plaintiffs and putative class members seek an award of actual damages.
28 Plaintiffs further seek an award three times the damages they sustained, and the recovery

1 of reasonable attorneys' fees and costs of investigation and litigation, as well as any
2 other relief authorized by statute.

3
4 **PRAYER FOR RELIEF**

5 Wherefore, Plaintiffs prays for judgment against Defendants as follows:

- 6 1. For damages to be proven at trial;
7 2. For restitution and disgorgement as allowed by law;
8 3. For punitive and treble damages as allowed by law;
9 4. For reasonable attorneys' fees as provided by, *inter alia*, California Code of
10 Civil Procedure § 1021.5;
11 5. For costs of suit incurred herein;
12 6. For pre- and post-judgment interest;
13 7. For such other and further relief as the Court deems just and proper.

14
15 Dated: May 16, 2022

By: 

Bryan W. Pease, Esq.
Attorney for Plaintiff

18
19 **DEMAND FOR JURY TRIAL**

20 Plaintiffs hereby demand a jury trial on all causes of action for which a jury trial is
21 permitted.

22
23 Dated: May 16, 2022

By: 

Bryan W. Pease, Esq.
Attorney for Plaintiff

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Heather Taft, et al.

(b) County of Residence of First Listed Plaintiff State of Nevada
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Bryan Pease, Esq. - Pease Law, APC
3960 W. Point Loma Blvd., Suite H-2562, San Diego, CA 92110
619-723-0369

DEFENDANTS

David Salinas, an individual, et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act		
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 USC 1961

Brief description of cause:

RICO; Unfair Business Practices; Consumer Legal Remedies Act; Fraud

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Linda Lopez

DOCKET NUMBER 20-cv-527

DATE

03/26/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Bryan Pease

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.