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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 UNITED POULTRY CONCERNS, a)	CASE NO.
15 Maryland nonprofit corporation,)	
16 Plaintiff,)	VERIFIED COMPLAINT FOR:
17 vs.)	ILLEGAL BUSINESS
18 CHABAD OF IRVINE, a California)	PRACTICES IN VIOLATION OF
19 corporation; ALTER TENENBAUM, an)	THE CALIFORNIA UNFAIR
20 individual; and DOES 1 through 50,)	COMPETITION LAW
21 Defendants.)	[Bus. & Prof. §§ 17200 et seq.]
)	TEMPORARY RESTRAINING
)	ORDER REQUESTED PRIOR
)	TO OCTOBER 10, 2016

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25 Plaintiff UNITED POULTRY CONCERNS, on behalf of itself and the general
26 public, alleges as follows against Defendants CHABAD OF IRVINE, ALTER
27 TENENBAUM, and DOES 1 through 50, inclusive (collectively “Defendants”):
28

1 **INTRODUCTION**

2 1. Plaintiff brings this private attorney general action under California Business
3 and Professions Code § 17200 (the “Unfair Competition Law” or “UCL”). Plaintiff seeks
4 an injunction to require compliance with California Penal Code (“PC”) section 597(a),
5 which prohibits intentional killing of an animal and does not contain an exception for
6 religious sacrifice. Defendants engage in business practices for profit in which they
7 charge a fee to kill and discard animals in direct violation of PC 597(a).

8 **PARTIES**

9 2. Plaintiff UNITED POULTRY CONCERNS (“UPC”) is a non-profit
10 corporation duly formed and validly existing under the laws of Maryland. UPC’s mission
11 is to encourage respect for chickens and other domestic fowl.

12 3. Defendant CHABAD OF IRVINE (“CHABAD”) is a California corporation
13 with its main place of business in Orange County, California.

14 4. Defendant ALTER TENENBAUM (“TENENBAUM”) describes himself as
15 the “spiritual leader” of Defendant CHABAD and directs the ritual killing of chickens.
16 On information or belief, TENENBAUM profits personally from charging a fee for
17 killing and disposing of the chickens.

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

25 **JURISDICTION AND VENUE**

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

1 organization, including a religious one, can engage in “business practices” if money is
2 exchanged for goods and/or services.

3 13. An action based on Section 17200 to redress an unlawful business practice
4 borrows violations of other laws and treats them as a violation of Section 17200. In other
5 words, a business practice is “unlawful” under Section 17200 when it violates another
6 federal, state or local law, whether or not the other law contains a private right of action.

7 14. California Business and Professions Code §§ 17203 and 17204 allow private
8 parties who have lost money or property as a result of Defendants’ unlawful business
9 practices to ask a court to enjoin such practices.

10 STATEMENT OF FACTS

11 15. Routinely in the fall of each year, Defendants order and receive at their
12 property truckloads of chickens crammed in tiny crates and charge people a fee of
13 approximately \$27 to kill and dispose of each chicken.

14 16. On information or belief, the cost of each chicken is under \$2, and thus the
15 profit to Defendants is approximately \$25 per chicken killed and disposed of.

16 17. Defendants have admitted the chickens are not used for food, and
17 Defendants are not conducting their activities at a USDA licensed slaughterhouse, which
18 would be required to use the chickens for food.

19 18. California Penal Code Section 597(a) prohibits any “intentional and
20 malicious” killing of an animal. PC 599c provides exceptions for killing dangerous
21 animals and using animals for food, hunting, or medical research at a licensed facility.

22 19. Defendants’ conduct described herein is malicious as that term is defined in
23 California Penal Code section 7, in that Defendants have “an intent to do a wrongful act,
24 established either by proof or presumption of law.”

25 20. The Legislature did not see fit to include an exception to PC 597(a) for
26 conduct motivated by religion, and there is no such exception. However, Defendants
27 believe they are above the law and can conduct themselves as they wish because of their
28 religious beliefs.

1 21. PC 597(a) was enacted to prohibit *exactly* the type of conduct that
2 Defendants here are engaged in, that is, the deliberate killing of an animal not known to
3 be dangerous, for any purpose other than food, hunting or medical research.

4 22. Defendants’ stated purpose in carrying out the killing described herein is to
5 allow people to transfer their sins to the animal, and then kill the animal for their sins.
6 Such conduct is clearly illegal under PC 597(a). Engaging in such conduct under the
7 guise of religion does not alter the illegality of the conduct. In fact, taking out vengeance
8 on an innocent animal for one’s own shortcomings is exactly the type of societal evil the
9 legislature sought to prohibit in enacting this provision. Defendants are not entitled to
10 rewrite the laws of California, and determine for themselves what is legal and moral
11 conduct, when the Legislature has found that this exact conduct is illegal and punishable
12 as a misdemeanor or a felony.

13 23. Defendants engage in the above practices for profit, meaning they generate
14 positive cash flow and retain the proceeds rather than donating them to charity.

15 24. Ronnie Kudlow Steinau (“STEINAU”) has been an employee of Plaintiff for
16 over 10 years, since September 2006.

17 25. When Plaintiff learned of Defendants’ illegal activities described herein,
18 STEINAU’s time working for Plaintiff was diverted to investigating and exposing these
19 acts, and attempting to convince authorities to take action.

20 26. STEINAU called Defendant CHABAD OF IRVINE leading up to the
21 October 2014 events and asked how she could participate in the event. An agent of
22 CHABAD OF IRVINE told STEINAU that she could pay at the door and that the price
23 was approximately \$27 per chicken. The agent specifically told STEINAU she could not
24 have a chicken killed for her without paying the fee.
25

26 27. On October 1, 2014, Defendants held a Kapparot event at 5010 Barranca
27 Parkway, Irvine, CA 92604 at which Defendants charged participants a fee for killing a
28 chicken that participants first swung in the air.

1 28. At this event held by Defendants, there were birds crammed in cages so
2 tightly they did not have room to spread their wings or move around, six to seven birds
3 each crammed into small cages barely large enough to hold them, several cages stacked
4 on top of each other and left in the hot sun for hours with no water, and a foul and
5 offensive odor was emanating from the cages.

6 29. Agents of Defendant roughly removed and handled these birds, holding
7 them by the necks and wings, walking around while holding chickens upside down by
8 their feet, holding chickens with their wings held behind them, birds stacked in cages on
9 top of one another, defecating on the cages and birds beneath them, and birds with fecal
10 matter on their bodies and feathers. Agents of Defendant who were handling the birds
11 would often walk around talking while holding the birds by their wings, treating the birds
12 as if they were inanimate objects and handling them very roughly.

13 30. Defendants conducted the killing in a small patio area and tossed dead birds
14 into trash cans. Participants swung the birds around over their heads and then an agent of
15 Defendants would take the birds and slit their throats. The screams of the birds being
16 slaughtered lasted for hours.

17 31. STEINAU was present at the October 1, 2014 event and called Orange
18 County Animal Care from the event to seek enforcement action. However, on
19 information or belief, no such enforcement action was taken.

20 32. On or about September 10, 2015, STEINAU called Defendant CHABAD
21 OF IRVINE at 949-786-5000 and spoke with an individual who would neither confirm
22 nor deny whether the Kapparot event was taking place that year. The agent said she
23 would not give out information because STEINAU was not on the “member” list, and
24 that the police said she does not have to answer questions from anyone. STEINAU also
25 called on or about September 17, 2015 and received the same response.

26 33. On information or belief, Defendants will again be illegally killing and
27 disposing of chickens for a fee beginning on the weekend of October 8, 2016.
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FIRST CAUSE OF ACTION

**(Illegal Business Practices in Violation of the
Unfair Competition Law, BPC §§ 17200 et seq.)**

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

35. Defendants have 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.

36. Defendants have violated, are violating, and plan to violate Business & Professions Code sections 17200 *et seq.* through their unlawful business acts and practices, which violate California Penal Code section 597(a).

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

ON ALL CAUSES OF ACTION

1. For preliminary and permanent injunctions enjoining Defendants and their principals, members, agents, officers, employees, representatives, co-conspirators, and all person acting in concert, collaboration or participation with them during the pendency of this action and permanently thereafter, from killing any chicken or other animal for, or on behalf of, another person, for compensation or donation, for any reason not enumerated in California Penal Code section 599c;

2. For declaratory relief declaring that Defendants' killing of chickens for religious purposes when not using the chickens for food is not permitted under any provision the California Penal Code and is specifically banned by PC 597(a);

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

4. For pre- and post-judgment interest.

