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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 ORANGE COUNTY COASTKEEPER, a
12 California non-profit corporation,

13 Plaintiff,

14 v.

15 Equestrian Services II, Inc., d/b/a Sycamore
16 Trails Stables, a California corporation;
17 HFT1 LLC, a California Limited Liability
18 Company,

19 Defendants.

Case No.: 8:20-cv-1694

20 **COMPLAINT FOR**
21 **DECLARATORY AND**
22 **INJUNCTIVE RELIEF AND**
23 **CIVIL PENALTIES**

24 **(Federal Water Pollution Control**
25 **Act, 33 U.S.C. §§ 1251 *et seq.*)**

26 Orange County Coastkeeper (“Coastkeeper” or “Plaintiff”), by and through its
27 counsel, hereby alleges:

1 **I. PRELIMINARY STATEMENT**

2 1. This is a civil suit brought under the citizen suit enforcement provision of the
3 Federal Clean Water Act. 33 U.S.C. §§ 1251 *et seq.* This Court has subject matter
4 jurisdiction over the parties and this action because it arises under federal law. The
5 events giving rise to Plaintiff's action and the violations described in this Complaint
6 occurred, and continue to occur, within this judicial district. *See* 33 U.S.C. § 1365(a)(1).

7 2. This action arises out of the unlawful pollution of Trabuco Creek caused by
8 Defendant Equestrian Services II, Inc., d/b/a Sycamore Trails Stables ("Sycamore
9 Trails") and Defendant HFT1, LLC. ("Land Owner") (Collectively, "Defendants"), the
10 owners and/or operators of Sycamore Trails Stables ("Stables" or "Facility"). The
11 Facility stables approximately 450 horses, which are present for the majority of the year.

12 3. Defendants have operated the Facility in violation of the Clean Water Act by
13 failing to obtain permit coverage for the discharge of pollutants from a Medium
14 Concentrated Animal Feeding Operation ("CAFO").

15 4. Failure to obtain mandatory permits for activities at the Facility violates the
16 Clean Water Act's prohibition on unpermitted discharges of pollutants into Waters of the
17 United States. These failures are demonstrated by Defendants' discharges of horse
18 manure and bedding, sediment, trash, fertilizers, rubberized horse footing, and other
19 "non-stormwater" into Trabuco Creek and onsite federal waters, and the discharge of
20 polluted storm water that comes into direct contact with hundreds of stabled horses
21 directly into Trabuco Creek.

22 5. The Clean Water Act enables non-profit organizations such as Orange County
23 Coastkeeper to file lawsuits to enforce the Clean Water Act. 33 U.S.C. § 1365.

24 6. Based upon its investigation to date, Coastkeeper alleges that Defendants are
25 responsible for at least 1,825 violations of Section 301 of the Clean Water Act, 33
26 U.S.C. § 1311.

27 7. Defendants' acts and omissions have harmed, and continue to harm, both the

1 use Trabuco Creek, San Juan Creek downstream of the Facility, and Doheny State
2 Beach, where the San Juan Creek meets the Pacific Ocean.

3 8. Coastkeeper seeks declaratory and injunctive relief, as well as civil penalties,
4 to end the unlawful acts and omissions of Defendants that continue to cause irreparable
5 damage to water quality. Coastkeeper also seeks recovery of reasonable costs of suit,
6 including attorney, witness, expert, and consultant fees, pursuant to Section 505(d) of the
7 Clean Water Act, 33 U.S.C. § 1365(d).

8 9 **II. JURISDICTION AND VENUE**

10 9. This is a citizen enforcement action brought under the Federal Water Pollution
11 Control Act, 33 U.S.C. §§ 1251 *et seq.*, more commonly called the Clean Water Act
12 (“Clean Water Act” or “Act”). *See* 33 U.S.C. § 1365. This Court has subject matter
13 jurisdiction over the parties and this action pursuant to Section 505(a)(1) of the Clean
14 Water Act, 33 U.S.C. § 1365(a)(1), and 28 U.S.C. §§ 1331 and 2201 (an action for
15 declaratory and injunctive relief under the Constitution and laws of the United States).

16 10. Coastkeeper sent a letter by certified mail to Defendants on February 10,
17 2020 (“Notice Letter”). In the Notice Letter, Coastkeeper notified Defendants of their
18 violations of the Clean Water Act and of Coastkeeper’s intention to file suit for such
19 violations after sixty (60) days as required by 40 C.F.R. § 135.2(a)(1) (Mar. 19, 1991).

20 11. The Notice Letter was also sent to the necessary state and federal regulatory
21 agencies, as required by Section 505(b) of the Clean Water Act, 33 U.S.C. §
22 1365(b)(1)(A).

23 12. More than sixty (60) days have passed since the Notice Letter was sent to
24 Defendants and the regulatory agencies.

25 13. Coastkeeper is informed and believes that the federal or state agencies have
26 neither commenced nor are diligently prosecuting any action to redress the violations
27 alleged in the Notice Letter and in this Complaint. *See* 33 U.S.C. § 1365(b)(1)(B).

1 14. This action is not barred by any prior administrative penalty under Section
2 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g).

3 15. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) because a
4 substantial part of the events or omissions giving rise to Coastkeeper's claims occurred
5 in this judicial district, and under 33 U.S.C. § 1365(c)(1) because the sources of the
6 violations described in this Complaint are located within this judicial district.

7 16. Plaintiff seeks relief from Defendants' violations of the procedural and
8 substantive requirements of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

9
10 **III. PARTIES**

11 **A. Orange County Coastkeeper**

12 17. Plaintiff Orange County Coastkeeper ("Coastkeeper" or "Plaintiff") is a
13 non-profit public benefit corporation organized under the laws of the State of California.
14 Coastkeeper's office is located at 3151 Airway Avenue, Suite F-110, Costa Mesa,
15 California 92626.

16 18. Coastkeeper has over 1,400 members who live and/or recreate in and
17 around Orange County, including at Trabuco Creek, San Juan Creek, and Doheny State
18 Beach. Coastkeeper's mission is to protect the region's water resources so they
19 are swimmable, drinkable and fishable for present and future generations. To further its
20 mission, Coastkeeper actively seeks federal and state agency implementation of the
21 Clean Water Act and, where necessary, directly initiates enforcement actions on behalf
22 of itself and our members.

23 19. In addition, Coastkeeper's members use and enjoy Trabuco Creek to swim,
24 birdwatch, picnic, fish, hike, wade, bike, horseback ride, conduct scientific study and
25 research, and/or for aesthetic enjoyment in and around these waters.

26 20. Coastkeeper's members use and enjoy the coast near the San Juan Creek
27 Mouth (downstream of Trabuco Creek) and Doheny State Beach to sail, swim, boat,

1 conduct scientific study and research, and/or for aesthetic enjoyment in and around these
2 waters.

3 21. Defendants' actions individually, collectively, and in culmination with the
4 activities of other landowners adjacent to Trabuco Creek, result in numerous injuries to
5 Coastkeeper's interests, such as: loss, destruction or damage to wetlands and waterways;
6 diminished aesthetic enjoyment; loss of open space and habitat for wildlife, including
7 wading birds and federally protected species like Southern California Coast Steelhead;
8 degraded water quality; and diminished quality of life.

9 22. Defendants' failure to comply with the procedural and substantive
10 requirements of the Clean Water Act negatively affects and impairs Coastkeeper's
11 members' use and enjoyment of these waters.

12 23. The interests of Coastkeeper's members have been, are being, and will
13 continue to be adversely affected by Defendants' failure to comply with the Clean Water
14 Act. Continuing the commission of the acts and omissions alleged in this Complaint will
15 irreparably harm Coastkeeper's members, for which they have no plain, speedy, or
16 adequate remedy at law.

17 24. Coastkeeper's members will continue to be harmed until Defendants bring
18 their activities into compliance with the law.

19 25. The relief sought herein will redress the harms to Coastkeeper caused by
20 Defendants' activities.

21 **B. Equestrian Services II, d/b/a Sycamore Trails Stables**

22 26. Equestrian Services II, Inc. is an active California corporation with its
23 principal place of business located at 26282 Oso Road, San Juan Capistrano, CA 92675.
24 Equestrian Services II, Inc. does business under the name "Sycamore Trails Stables."

25 27. Equestrian Services II, Inc. owns the Facility.

26 28. The Registered Agent for the Facility is Ronald B. Hanson.

27 29. At all times relevant to this Complaint, the Equestrian Services II, Inc. has

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