

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

<p>ANIMAL OUTLOOK, a nonprofit corporation, P.O. Box 9773, Washington, DC 20016,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>COOKE AQUACULTURE, INC., TRUE NORTH SALMON U.S., INC., and TRUE NORTH MAINE, INC., P.O. Box 1210, Bangor, ME 04402,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. <u>2020 CA 002908 B</u></p> <p>COMPLAINT</p> <p><u>DEMAND FOR JURY TRIAL</u></p>
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Plaintiff Animal Outlook (formerly Compassion Over Killing) brings this action against Defendants Cooke Aquaculture, Inc., True North Salmon U.S., Inc., and True North Maine, Inc. (collectively, “Cooke”) and alleges the following based upon personal knowledge, information, and belief. This Complaint is on behalf of Animal Outlook and the general public of the District of Columbia, in the interest of consumers.

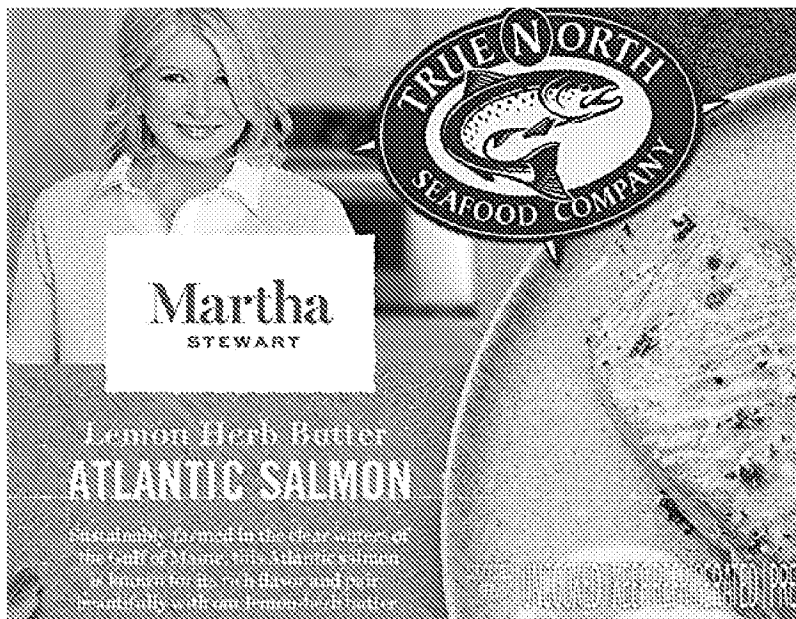
INTRODUCTION

1. This is a consumer protection case concerning deceptive marketing representations about salmon products. The case is brought by Animal Outlook, a nonprofit organization domiciled in the District of Columbia. Animal Outlook seeks no monetary damages, only an end to the deceptive marketing and advertising at issue.

2. Cooke is one of North America’s largest producers of fish products, which it markets under various brand names.¹

¹ See, e.g., *Martha Stewart for True North Seafood*, True North Seafood, <https://www.truenorthseafood.com/martha-stewart-for-true-north-seafood/> (last visited June 22, 2020).

3. Cooke makes numerous marketing representations that convey to D.C. consumers that True North-brand salmon products (“the Products”) are sustainably farmed (“Sustainability Representations”).²



4. Cooke’s Sustainability Representations lead D.C. consumers to believe that its “sustainable” farms “go above and beyond [its] regulatory requirements” and its products are “ecologically sound,” “naturally raised,” and adhere to “optimal” animal welfare standards.

5. In reality, Cooke employs production practices that are environmentally destructive, unnatural, and inhumane.

6. Thus, Cooke’s marketing—which suggests that Cooke produces “sustainably-farmed [sic]” salmon products that meet high standards for environmental protection, natural production, and the humane treatment of animals—is false and misleading.

² Discovery may reveal that additional Cooke brands and products should be included within the scope of the allegations in this Complaint, and Plaintiff reserves the right to add such products.

STATUTORY FRAMEWORK

7. This action is brought under the District of Columbia Consumer Protection Procedures Act (“CPPA”), D.C. Code § 28-3901, *et seq.*

8. The CPPA makes it a violation for “any person” to, *inter alia*:

Represent that goods or services have a source, sponsorship, approval, certification, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have;

Represent that goods or services are of a particular standard, quality, grade, style, or model, if in fact they are of another;

Misrepresent as to a material fact which has a tendency to mislead;

Fail to state a material fact if such failure tends to mislead;

Use innuendo or ambiguity as to a material fact, which has a tendency to mislead; or

Advertise or offer goods or services without the intent to sell them or without the intent to sell them as advertised or offered.

D.C. Code § 28-3904(a), (d), (e), (f), (f-1), (h). A violation occurs regardless of “whether or not any consumer is in fact misled, deceived or damaged thereby.” *Id.*

9. The CPPA “establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia.” *Id.* § 28-3901(c). It “shall be construed and applied liberally to promote its purpose.” *Id.*

10. The CPPA affords Animal Outlook a right to bring this action on behalf of itself, and on behalf of the general public:

A nonprofit organization may, on behalf of itself or any of its members, or on any such behalf and on behalf of the general public, bring an action seeking relief from the use of a trade practice in violation of a law in the District, including a violation involving consumer goods or services that the organization purchased or received in order to test or evaluate qualities pertaining to use for personal, household, or family purposes.

Id. § 28-3905(k)(1)(C).

11. This is not a class action, or an action brought on behalf of a specific consumer, but an action brought by Animal Outlook on its own behalf and on behalf of the general public. No class certification will be sought.

12. This action does not seek money damages. Instead, Animal Outlook seeks an end to the unlawful conduct directed at D.C. consumers. Remedies available under the CPPA include “[a]n injunction against the use of the unlawful trade practice” and “[a]ny other relief which the court determines proper.” *Id.* § 28-3905(k)(2)(D), (F).

FACT ALLEGATIONS

I. Cooke Represents That Its Salmon Products Are Sustainably Farmed.

13. Cooke markets the Products in the District of Columbia. It seeks to reach the District consumer base online through Facebook, YouTube, Twitter, its company websites, and other media.

14. Through these media, Cooke markets the Products as “sustainably-farmed,” as seen in the representative image below.³

³ See *Martha Stewart for True North Seafood*, *supra* note 1; True North Seafood, *Martha Stewart for True North Seafood | Seafood Medley with Signature Herb Spice Blend*, YouTube (Nov. 15, 2019), <https://www.youtube.com/watch?v=lpvjVmrECiw>; True North Seafood, *Martha Stewart for True North Seafood | Easy Atlantic Salmon with Lemon Herb Butter*, YouTube (Nov. 15, 2019), <https://www.youtube.com/watch?v=ONVzrSyFXFU>; True North Seafood (@truenorthseafood), Facebook (Mar. 11, 2020), <https://www.facebook.com/truenorthseafood/photos/a.1480173992194505/2569706336574593/?type=3&theater>; True North Seafood (@truenorthseafood), Facebook (Feb. 1, 2020), <https://www.facebook.com/truenorthseafood/photos/a.1480173992194505/2533819246829969/?type=3&theater>.



True North Seafood

December 17, 2019 · 8

...

Sustainably-farmed in the clear waters of the Gulf of Maine, this Atlantic salmon is known for its rich flavor and pairs beautifully with our lemon herb butter.

<http://bit.ly/2qmvQ15>



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15. Cooke also markets the Products with similar terms such as “sustainable,”⁵ “the most sustainable,”⁶ “sustainability,”⁷ “sustainable resources,”⁸ “sustainable sources,”⁹ and “sustainable farming.”¹⁰

⁴ True North’s advertising prominently features endorsements from Martha Stewart in order to promote the “sustainable” and “natural” quality of the products. See Madelyn Kearns, *A labor of love: How Martha Stewart and True North created their new seafood product line*, SeafoodSource (Mar. 19, 2019), <https://www.seafoodsource.com/news/foodservice-retail/a-labor-of-love-how-martha-stewart-and-true-north-created-their-new-seafood-product-line>; see also True North Seafood (@truenorthseafood), Facebook (Dec. 17, 2019),

<https://www.facebook.com/truenorthseafood/photos/a.1480173992194505/2489871194558108/?type=3&theater>.

⁵ See Martha Stewart for True North Seafood, *supra* note 1; See Atlantic Salmon, *infra* note 9; Cooke Seafood, <https://www.cookeseafood.com/> (last visited June 22, 2020); Cooke Inc. (@cookeseafood), Twitter (Nov. 15, 2018, 1:38 PM), <https://twitter.com/cookeseafood/status/1063139292904595461> (“Follow us @cookeseafood #CookeSeafood ‘The #1 company on @SeafoodSource’s 2018 Top #Seafood Suppliers in North America list.’ <http://cookeseafood.com> #fresh #sustainable”).

⁶ Innovation, Cooke Seafood, <https://www.cookeseafood.com/innovation/> (last visited June 22, 2020).

⁷ See About Us, *infra* note 18; Divisions: Aquaculture, Cooke Seafood, <https://www.cookeseafood.com/divisions/cooke-aquaculture/> (last visited June 22, 2020); *Our Story*, *infra* note 8.

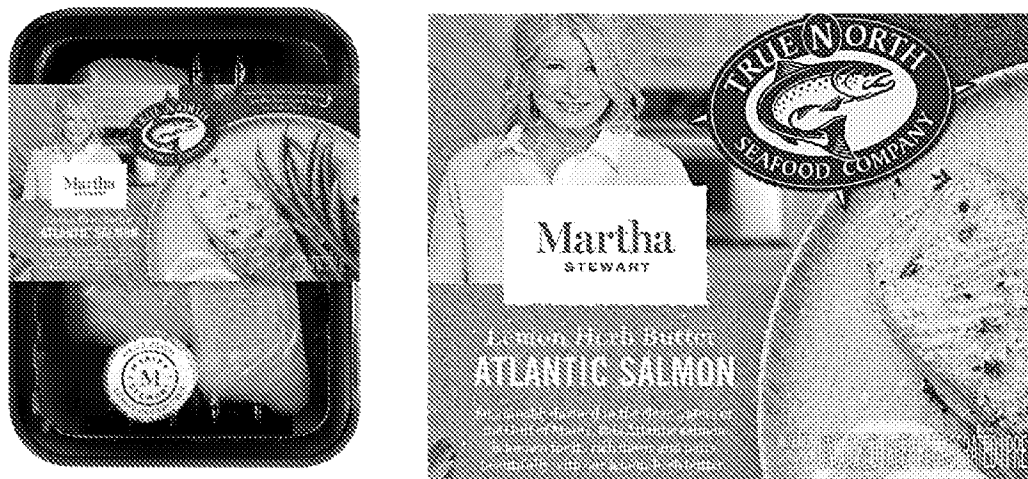
⁸ *Our Story*, Cooke Seafood, <https://www.cookeseafood.com/about-cooke/> (last visited June 22, 2020).

⁹ *Atlantic Salmon*, True North Seafood, <https://www.truenorthseafood.com/Products/atlantic-salmon/> (last visited June 22, 2020).

¹⁰ See Martha Stewart for True North Seafood, *supra* note 1; True North Seafood (@truenorthseafood), Facebook (Feb. 1, 2020), <https://www.facebook.com/truenorthseafood/photos/a.1480173992194505/2533819246829969/?type=3&theater>; Press Release: True North Seafood and Sequential Brands Group Partner to Develop New Martha Stewart Product Line, Sequential Brands Group (Feb. 26, 2019), <https://ir.sequentialbrandsgroup.com/news-releases/news-release-details/true-north-seafood-and-sequential-brands-group-partner-develop>; Martha Stewart for True North Seafood: Frozen Sockeye Salmon and Frozen Atlantic Salmon with a Miso and Lemon Herb Butter. Simple and Easy cooking,



16. Some of the Products contain the “sustainably-farmed” representation directly on their labels and packaging, as seen in the representative images below.



17. Cooke makes numerous other Sustainability Representations that lead consumers to believe that Cooke’s uses of the term “sustainable” (and variations thereof) in its marketing are “promises”¹² to sell salmon products that are “ecologically sound,”¹³ “naturally raised,”¹⁴ and adhere to “optimal” animal welfare standards.¹⁵

pack of 4., Amazon, https://www.amazon.com/Martha-Stewart-True-North-Seafood/dp/B07S3QDHP8/ref=cm_cr_ar_p_d_pl_foot_top?ie=UTF8 (last visited June 22, 2020).

¹¹ *Martha Stewart for True North Seafood*, *supra* note 1.

¹² See Innovation, *supra* note 6.

¹³ *Id.*

¹⁴ *Smoked Salmon*, True North Seafood, <https://www.truenorthseafood.com/Products/cold-smoked-salmon/> (last visited June 22, 2020).

¹⁵ Gleun Cooke, *Sustainability Policy Version 19.04-06*, <https://www.cookeseafood.com/cms/wp-content/uploads/2019/08/Sustainability-Policy-V.19.04-06.pdf> (last visited June 22, 2020).

18. Cooke’s Sustainability Representations, including the representations described in Sections I.A-C, *infra*, lead consumers to believe its practices “go above and beyond [its] regulatory requirements”¹⁶ and adhere to the “highest standards”¹⁷ of sustainability.

A. Cooke Represents That It Adheres to High Environmental Standards.

19. Cooke’s websites lead D.C. consumers to believe that the Products come from farms that adhere to high environmental standards.

20. For example, on truenorthseafood.com (the “True North Website”), Cooke states:

We believe the health of our communities depends on the health of the ocean. For us, staying true to the ocean is how we stay true to ourselves, our community and our future. And that’s why we’re willing to do whatever it takes to ensure long-term social, economic and environmental sustainability.¹⁸

21. The True North Website further represents that Cooke “stay[s] true to . . . the environment”¹⁹ and is “trusted” for its sustainable farming methods that reflect its “passion for the environment.”²⁰

22. CookeSeafood.com (the “Cooke Seafood Website”) represents that the True North brand is “farm[ing] with care—to ensure long-term . . . environmental sustainability.”²¹

23. The Cooke Seafood Website also describes the Products as “the most sustainable and ecologically sound.”²²

24. The Cooke Seafood Website further represents that its farms “operate in pristine marine environments, rely on science and experts to ensure sustainability, use feed from

¹⁶ Sustainability, Cooke Seafood, <https://www.cookeseafood.com/sustainability/> (last visited Apr. 22, 2020).

¹⁷ *Id.*; see also *Innovation*, *supra* note 6 (“NO STANDARDS ARE HIGHER THAN THE ONES WE SET FOR OURSELVES”).

¹⁸ *About Us*, True North Seafood, <https://www.truenorthseafood.com/about/> (last visited June 22, 2020).

¹⁹ *Id.*

²⁰ *Martha Stewart for True North Seafood*, *supra* note 1.

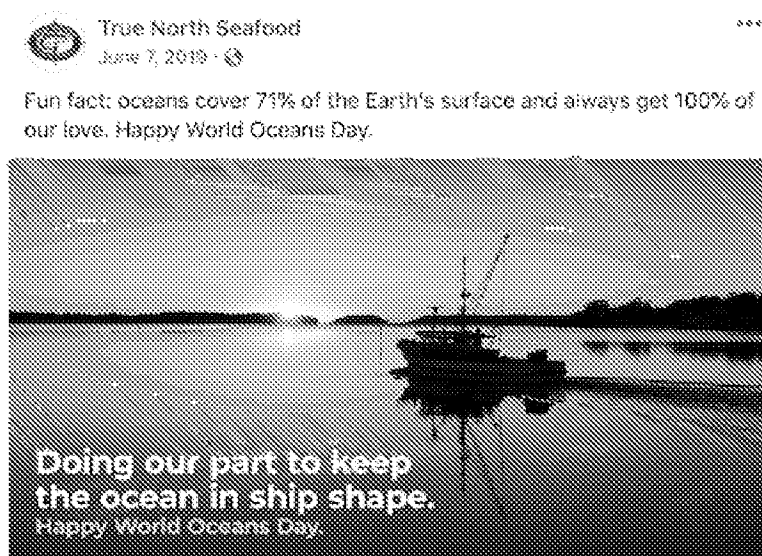
²¹ *Cooke Family of Companies*, Cooke Seafood, <http://www.cookeseafood.com/divisions/fisheries/#true> (last visited June 22, 2020).

²² *Innovation*, *supra* note 6.

sustainable resources, [] constantly search for ways to reduce [their] carbon footprint,” and “don’t take shortcuts.”²³

25. Cooke emphasizes that its high standards for ecologically sound practices ensure that it protects the ocean from environmental harm.

26. For example, on Facebook, Cooke has represented that True North is “[d]oing our part to keep the ocean in ship shape,” as seen in the image below.²⁴



27. Likewise, the Cooke Seafood Website states: “HEALTHY OCEANS, HEALTHY COMMUNITIES, THAT’S OUR SUSTAINABILITY COMMITMENT” and claims that, as “environmental stewards,” “[p]rotecting the ocean has always been essential to our business.”²⁵

²³ *Our Story*, *supra* note 8.

²⁴ True North Seafood (@truenorthseafood), Facebook (June 7, 2019), <https://www.facebook.com/truenorthseafood/photos/a.1480173992194505/2317523961792833/?type=3&theater>.

²⁵ *Sustainability*, *supra* note 16; *see also* Cooke Inc. (@cookeseafood), Twitter (Nov. 26, 2018, 5:07 PM), <https://twitter.com/cookeseafood/status/1067178074360373257> (“Cooke #Aquaculture is pleased to be supporting and participating in the @CleanFoundation #CleanOceanSummit this week in #NB. We’re committed to the well being [sic] of the marine environment and to technologies and techniques that allow us to produce sustainable #CookeSeafood.”).

B. Cooke’s Marketing Represents That the Salmon in Its Products Are “Naturally Raised.”

28. Cooke also makes representations that lead D.C. consumers to believe that allegedly sustainable farming standards ensure that the salmon are “naturally raised.”

29. For example, the True North Website represents that the Products comprise “naturally raised Atlantic salmon.”²⁶

30. The True North Website further represents that the salmon used in the Products are “raised on a natural diet from sustainable sources and are hormone, antibiotic, and pesticide free.”²⁷

31. The Cooke Seafood Website states that Cooke raises animals in the “natural environment.”²⁸

C. Cooke Represents That It Adheres to High Standards for Animal Welfare

32. Cooke also makes representations that lead D.C. consumers to believe that allegedly sustainable farming standards ensure that the salmon are treated humanely.

33. For example, Cooke’s sustainability policy, available on the Cooke Seafood Website, states that “we shall raise our fish with optimal care and consideration of animal welfare practices.”²⁹

34. The Cooke Seafood Website further leads consumers to believe its production methods meet the “Highest Standards” regarding “animal welfare,” which Cooke characterizes as one of the “key areas” of sustainability.³⁰

²⁶ *Smoked Salmon*, True North Seafood, <https://www.truenorthseafood.com/Products/cold-smoked-salmon/> (last visited June 22, 2020).

²⁷ *Atlantic Salmon*, *supra* note 9.

²⁸ *Innovation*, *supra* note 6.

²⁹ Gleun Cooke, *Sustainability Policy Version 19.04-06*, <https://www.cookeseafood.com/cms/wp-content/uploads/2019/08/Sustainability-Policy-V.19.04-06.pdf> (last visited June 22, 2020).

³⁰ *Sustainability*, *supra* note 16.

35. On Facebook, Cooke represents that the company's veterinary care practices ensure that it raises "the healthiest fish possible."³¹

II. Cooke's Farming Practices Are Not Sustainable or Natural, and Do Not Meet Strict Criteria for Animal Welfare.

36. Contrary to Cooke's representations, its production practices are environmentally destructive, unnatural, and fail to meet strict criteria for animal welfare.

A. Cooke's Farming Practices Are Environmentally Destructive.

37. Cooke leads consumers to believe it has "always"³² adhered to strict environmental standards, but in reality, the company has a long history of violating environmental laws and continues to pose a grave threat to the ecosystems in which it operates.

38. Cooke uses an ecologically dangerous method of salmon farming known as "open net pen aquaculture" that has been banned in numerous jurisdictions³³ due to the environmental risks it poses.³⁴ An image of one of Cooke's facilities is below.³⁵

³¹ Cooke Inc. (@cookeinc), *Kaitlyn, fish health Vet student in Nova Scotia*, Facebook (Apr. 12, 2019), <https://www.facebook.com/watch/?v=2353150494737493>.

³² *Sustainability*, *supra* note 16.

³³ See Lynda V. Mapes, *Fish farm objects, but Washington state says it's over for Atlantic salmon pens at Port Angeles*, *Seattle Times* (Dec. 19, 2017, 5:29 PM), <https://www.seattletimes.com/seattle-news/environment/state-says-decision-to-terminate-port-angeles-atlantic-salmon-farm-is-final> ("Atlantic salmon farming in open-water net pens is banned in California and Alaska and not practiced in Oregon.").

³⁴ Ben Fisher, *Washington Governor Jay Inslee signs bill banning Atlantic salmon farming*, *SeafoodSource* (Mar. 23, 2018), <https://www.seafoodsource.com/news/aquaculture/washington-governor-jay-inslee-signs-bill-banning-atlantic-salmon-farming>; Lynda V. Mapes, *Fish farm caused Atlantic salmon spill near San Juans, then tried to hide how bad it was, state says*, *Seattle Times* (Jan. 30, 2018, 11:00 AM; updated Feb. 2, 2018, 11:23 PM), <https://www.seattletimes.com/seattle-news/fish-farm-caused-atlantic-salmon-spill-state-says-then-tried-to-hide-how-bad-it-was/>; Craig Medred, *The failed ban*, *Craig Medred blog* (Oct. 13, 2019), <https://craigmedred.news/2019/10/13/the-failed-ban/>.

³⁵ Martha Stewart, *Visiting the True North Salmon Company Fish Farm*, *Martha Up Close & Personal*, <https://www.themarthablog.com/2016/08/visiting-the-true-north-salmon-company-fish-farm.html> (last visited June 22, 2020).



39. Because open net pens are directly connected to the broader marine environment (see above), experts have concluded that diseases and escaped salmon may spread from the farms into the environment and that “risks of damage to wild salmon populations, ecosystems, and society are large.”³⁶

40. In 2018, the State of Washington banned the open net farming of Atlantic salmon in a direct response to a “catastrophic” incident caused by Cooke in 2017, in which hundreds of thousands of Cooke salmon escaped into the wild, threatening native fish populations, including endangered species.³⁷

41. Washington state regulators determined that “Cooke’s disregard caused [the 2017] disaster and recklessly put our state’s aquatic ecosystem at risk.”³⁸

³⁶ Rosamond Naylor et al., *Fugitive Salmon: Assessing the Risks of Escaped Fish from Net-Pen Aquaculture*, 55 *BioScience* 427 (May 2005).

³⁷ See Mapes, *Fish farm caused Atlantic salmon spill near San Juans, then tried to hide how bad it was, state says*, *supra* note 34.

³⁸ *Id.*

42. According to regulators, Cooke “misled the public and regulators” with “false reporting” about the cause and effects of the incident. Regulators determined that Cooke “knew they had a problem and did not deal with the issue.”³⁹ The State Senate co-sponsor of the Washington ban noted of Cooke that it “is absolutely shocking that a corporation working in Washington would be this negligent and be so very untruthful about it.”⁴⁰

43. Regulators ultimately fined Cooke \$332,000 for violating its water quality permit before and during the incident.⁴¹

44. In November 2019, a federal court found that Cooke violated numerous provisions of the federal Clean Water Act as recently as 2018, well after the catastrophic escape occurred.⁴²

45. In 2018, in an unrelated incident, Washington state regulators fined Cooke Aquaculture for water quality violations at its farmed salmon operations. The Department of Ecology determined that Cooke sent polluted wastewater into Puget Sound, and penalized the company after repeatedly asking Cooke to fix the violations.⁴³

46. In 2018, in another unrelated incident, Cooke was forced to kill 800,000 salmon after a deadly exotic disease strain was detected at one of its farms and determined by regulators to pose an “unacceptable risk” to wildlife.⁴⁴

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Evan Bush, *Cooke Aquaculture agrees to pay \$2.75M to settle lawsuit over salmon net-pen collapse*, Seattle Times (Nov. 29, 2019, 6:25 PM; updated Nov. 30, 2019, 12:53 PM), <https://www.seattletimes.com/seattle-news/environment/cooke-aquaculture-settles-lawsuit-with-wild-fish-advocates-over-net-pen-collapse/>.

⁴³ *Aquaculture company fined for violating ecology regulations*, Kitsap Sun (Dec. 13, 2017), <https://www.kitsapsun.com/story/news/local/2017/12/13/aquaculture-company-fined-violating-ecology-regulations/950312001/>.

⁴⁴ Lynda V. Mapes, *Fish farmer destroys 800,000 juvenile Atlantic salmon due to disease; second purge in past year*, Seattle Times (Dec. 18, 2018, 7:11 PM; updated Dec. 18, 2018, 7:38 PM), <https://www.seattletimes.com/seattle-news/environment/fish-farmer-destroys-800000-juvenile-atlantic-salmon-due-to-disease-second-purge-in-past-year/>.

47. In October 2019, Cooke was fined \$156,000 for multiple environmental violations in Maine, including exceeding fish density limits and not conducting environmental testing.⁴⁵

48. Cooke engages in numerous other environmentally harmful practices, in addition to its violations of environmental laws and regulations.

49. For example, as carnivores, salmon require over a pound of wild fish for every pound of weight they gain.⁴⁶ Accordingly, experts have determined that the use of wild fish in aquaculture feed is “unsustainable for ocean ecosystems”⁴⁷—contrary to Cooke’s claim that its salmon are “fed a natural diet from sustainable sources.”

50. Cooke also uses numerous chemicals that pose risks to the marine environment. For example, Cooke uses the artificial preservative ethoxyquin,⁴⁸ which “poses a risk for aquatic life.”⁴⁹

51. Additionally, Cooke uses the artificial preservative butylated hydroxyanisole (“BHA”) in its feed⁵⁰ despite “consistent evidence that BHA causes tumors in animals.”⁵¹ The

⁴⁵ Robbie Feinberg, *Cooke Aquaculture To Pay State \$150,000 To Resolve Multiple Violations*, Maine Public (Oct. 18, 2019), <https://www.mainepublic.org/post/cooke-aquaculture-pay-state-150000-resolve-multiple-violations>; Bill Trotter, *Cooke Aquaculture to pay \$490,000 after illegal pesticides kill lobsters in Canada*, Bangor Daily News (Apr. 27, 2013, 12:40 PM; updated Apr. 27, 2013, 12:56 PM), <https://bangordailynews.com/2013/04/27/business/cooke-aquaculture-to-pay-490k-after-illegal-pesticides-kill-lobsters-in-canada/> (Cooke’s operations in the Gulf of Maine also have a long history of environmental violations. For example, in 2013, Cooke was fined \$490,000 for using illegal pesticides that killed hundreds of lobsters off the coast of Maine.).

⁴⁶ *Aquaculture*, Monterey Bay Aquarium Seafood Watch, <https://www.seafoodwatch.org/ocean-issues/aquaculture/wild-fish> (last visited June 22, 2020).

⁴⁷ Jillian P. Fry et al., *Environmental health impacts of feeding crops to farmed fish*, 91 Env’t Int’l 201 (May 2016).

⁴⁸ Laurie Niewolny, *Draft NPDES Permits for Four Atlantic Salmon Net Pen Facilities, Appendix D*, Washington State Department of Ecology (Mar. 15, 2019), <https://ecology.wa.gov/Asset-Collections/Doc-Assets/Water-quality/Water-Quality-Permits/Net-pens/ResponsetoComments> (Fact sheet for NPDES permit WA0031526, Cooke Aquaculture Pacific, LLC, Clam Bay Saltwater 1).

⁴⁹ Sophia Egloff & Constanze Pietsch, *Ethoxyquin: a feed additive poses a risk for aquatic life*, 131 Diseases of Aquatic Organisms 39 (Oct. 16, 2018).

⁵⁰ See Niewolny, *supra* note 48.

⁵¹ *Ewg’s dirty dozen guide to food additives: generally recognized as safe – but is it?*, Environmental Working Group (Nov. 12, 2014), <https://www.ewg.org/research/ewg-s-dirty-dozen-guide-food-additives/generally-recognized-as-safe-but-is-it>.

National Toxicology Program classifies BHA as “reasonably anticipated to be a human carcinogen,” the International Agency for Research on Cancer lists it as a possible human carcinogen, and it is listed as a known carcinogen under California’s Proposition 65 (NTP 2011; IARC 1986; OEHHA 2014).⁵²

52. Cooke uses formalin,⁵³ a formaldehyde-based chemical that has been known to cause cancer in humans.⁵⁴

53. Cooke also uses hydrogen peroxide to treat sea lice.⁵⁵ Despite its prevalence as a common household cleaning product, hydrogen peroxide is “toxic to aquatic organisms” and the environment, lethal to shrimp and other benthic crustaceans, and actually promotes sea lice resistance.⁵⁶

⁵² *Id.*

⁵³ *Approved Coverage Under General Permit- Net Pen Aquaculture: MEG130000*, Maine Department of Environmental Protection (Mar. 5, 2015), <https://www3.epa.gov/region1/npdes/permits/2015/finalmeg130031permit.pdf> (New permit approval document for Cooke Aquaculture facility in Perry, Washington County, Maine. Sent from Bill Hinkle, Division of Water Quality Management in the Maine Bureau of Land and Water Quality, to Jennifer Robinson, Cooke Aquaculture USA Inc. in Eastport, Maine.) (hereinafter “Cooke Maine DEP Permit”).

⁵⁴ See, e.g., James A. Swenberg et al., *Formaldehyde Carcinogenicity Research: 30 Years and Counting for Mode of Action, Epidemiology, and Cancer Risk Assessment*, 41 *Toxicologic Pathology* 181 (2013).

⁵⁵ See Cooke Maine DEP Permit, *supra* note 53.

⁵⁶ See Larry J. Schmidt et al., *Environmental Assessment for the Use of Hydrogen Peroxide in Aquaculture for Treating External Fungal and Bacterial Diseases of Cultured Fish and Fish Eggs*, U.S. Geological Survey (June 8, 2006), <https://animaldrugsatfda.fda.gov/adafda/app/search/public/document/downloadEA/123>; *GPS Safety Summary*, Substance Name: Hydrogen Peroxide, Arkema (July 15, 2013), <https://www.arkema.com/export/shared/content/media/downloads/socialresponsability/safety-snmurries/Hydrogen-Peroxide-Hydrogen-Peroxide-GPS-2013-07-15-V0.pdf>.

54. Cooke also administers azamethiphos⁵⁷ to deal with sea lice issues, which has toxic effects on surrounding wild aquatic animals.⁵⁸ Azamethiphos also promotes resistance to sea lice treatments.⁵⁹

55. Chemicals used in fish feed in open net pens are transmitted to the surrounding environment and pose significant threats to the natural ecosystem. The Monterey Bay Aquarium Seafood Watch (“Seafood Watch”) notes that “impacts from the overuse of chemicals remains a serious concern” for the environment in Maine salmon farming operations (where Cooke is the exclusive producer).⁶⁰

56. Seafood Watch specifically advises consumers to avoid salmon farmed on Canada’s Atlantic coast (where Cooke is the primary producer) due to “high concern” related to disease, chemical use, and escapes.⁶¹

B. Cooke Salmon Is Not Naturally Raised.

57. Contrary to Cooke’s claims, the salmon used in the Products are not “naturally raised” in a “natural environment,” they are not “fed a natural diet,” and they are not antibiotic-free.

⁵⁷ See Cooke Maine DEP Permit, *supra* note 53.

⁵⁸ M.A. Urbina et al., *Effects of pharmaceuticals used to treat salmon lice on non-target species: Evidence from a systematic review*, 649 Sci. of Total Env. 1124 (2019) (“Our results show clear negative effects at concentrations lower than those used in treatments against sea lice in all of the species studied.... In addition, negative effects on organisms have potential implications in food webs in the coastal ecosystems where aquaculture develops.... In the case of azamethiphos, besides the effects on the survival and behavior of organisms, reproductive inhibition, the modulation of acetylcholinesterase activity, changes in the allocation of energy to different physiological processes and a decrease in the viability of hemocytes and immune function was observed.”).

⁵⁹ See *id.*

⁶⁰ *Salmon Recommendations*, Monterey Bay Aquarium Seafood Watch, <https://www.seafoodwatch.org/seafood-recommendations/groups/salmon?o=564677163> (last visited June 22, 2020).

⁶¹ *Id.*

58. The extremely crowded and unsanitary environment that the salmon are raised in is nothing like the “natural environment” in which the salmon would be “naturally raised” in the wild.

59. At Cooke facilities, approximately 30,000 salmon are kept in each pen.⁶²

60. Scientists characterize the crowded rearing methods used by companies like Cooke as “stressful high-density conditions” that far exceed the population density that salmon experience in the wild.⁶³

61. The crowded conditions at Cooke facilities are also unnaturally unsanitary. A 2019 undercover investigation by Animal Outlook found that “fungal infections are the norm” and that the water is so dirty that “[l]ive fish have their eyes eaten by fish who are underfed and hungry and mistake their pupils as food.”⁶⁴

62. Cooke’s salmon are also administered numerous drugs, including antibiotics and sedatives,⁶⁵ and routinely fed unnatural feed with artificial preservatives, including ethoxyquin and butylated hydroxyanisole.⁶⁶

63. Cooke administers oxytetracycline, florfenicol, and sulfadimethoxine to its salmon.⁶⁷ These antibiotics are all considered “highly important for human medicine” by the World Health Organization.⁶⁸

⁶² *Visiting the True North Salmon Company Fish Farm*, *supra* note 35.

⁶³ Alison C. Harvey, *Does density influence relative growth performance of farm, wild and F1 hybrid Atlantic salmon in semi-natural and hatchery common garden conditions?*, 3 *Royal Soc. Open Sci.* 1 (May 2016).

⁶⁴ *Aquaculture: A Sea of Suffering*, Animal Outlook, <https://animaloutlook.org/investigations/aquaculture/> (last visited June 22, 2020).

⁶⁵ See Cooke Maine DEP Permit, *supra* note 53.

⁶⁶ See Niewolny, *supra* note 48. The feed also likely contains genetically modified soy, which is characteristic of salmon feed. See e.g., Nini H. Sissener et al., *Genetically modified plants as fish feed ingredients*, 68 *Can. J. Fisheries & Aquatic Sci.* 563 (Feb. 2011).

⁶⁷ See Cooke Maine DEP Permit, *supra* note 53.

⁶⁸ *WHO list of Critically Important Antimicrobials for Human Medicine*, World Health Organization (2019), <https://apps.who.int/iris/bitstream/handle/10665/325036/WHO-NMH-FOS-FZD-19.1-eng.pdf?ua=1>.

64. Cooke also administers the sedative drug tricaine methanesulfonate to some of the salmon.⁶⁹

65. Cooke administers a number of drugs to deal with sea lice issues, including the unnatural chemical emamectin benzoate,⁷⁰ which has toxic effects on surrounding wild aquatic animals.⁷¹ Emamectin benzoate is acutely toxic to lobsters⁷² and, like hydrogen peroxide and azamethiphos, promotes resistance to sea lice treatments.⁷³

66. As set forth above, Seafood Watch notes that “impacts from the overuse of chemicals,” including chemicals such as those used by Cooke, “remains a serious concern” in salmon farming operations in the Gulf of Maine.⁷⁴

C. Cooke’s Production Practices Do Not Meet Strict Criteria for Animal Welfare.

67. Contrary to Cooke’s claims, Cooke does not raise salmon “with optimal care and consideration of animal welfare practices,” and does not raise the “healthiest fish possible.”

68. As set forth above, the crowded facilities used by Cooke cause severe distress to the salmon, who are forced to compete for limited space and resources.

69. Salmon in these crowded environments become highly aggressive and cause harm to each other as a result.⁷⁵

70. Cooke’s crowded conditions are made more stressful by the fact that the barren tanks provide no environmental variety that would be present in a natural habitat. As a result, there are no opportunities for the fish to seek shelter from each other. Research suggests that fish raised

⁶⁹ See Cooke Maine DEP Permit, *supra* note 53.

⁷⁰ *Id.*

⁷¹ Urbina et al., *supra* note 58.

⁷² Dounia Daoud et al., *The Effects of Emamectin Benzoate or Ivermectin Spiked Sediment on Juvenile American Lobsters (Homarus Americanus)*, 163 *Ecotoxicology & Env. Safety* 636 (Nov. 2018).

⁷³ See Urbina et al., *supra* note 58.

⁷⁴ *Salmon Recommendations*, *supra* note 60.

⁷⁵ Joacim Näslund et al., *Hatchery tank enrichment affects cortisol levels and shelter-seeking in Atlantic salmon (Salmo salar)*, 70 *Can. J. Fisheries & Aquatic Sci.* 585 (Feb. 2013).

on farms without such enrichments experience significantly higher stress levels and are subjected to more violent aggression from other fish.⁷⁶

71. Cooke's dangerous method of net pen aquaculture also leaves the salmon vulnerable to massive "die-off" events from various causes.

72. In March 2020, Cooke reported a massive "die-off" incident at one of its facilities in Newfoundland, resulting in "physical trauma" and the deaths of 77,000 salmon. The Canadian Fisheries Minister stated that "early evidence suggests harsh winter weather may have jostled the cages, causing injuries to the fish."⁷⁷ The Minister noted that such incidents are not uncommon on facilities like those used by Cooke, and thus, it "may very well happen again in the future."⁷⁸

73. An undercover investigator from Animal Outlook also documented⁷⁹ numerous willful and intentional acts of cruelty inflicted on the salmon by Cooke employees.

74. As reported in the Guardian, footage recorded by Animal Outlook "appears to show disfigured salmon being scooped out of cramped tanks and tossed into plastic containers where they are left to slowly suffocate at an aquaculture farm in Maine."⁸⁰

75. Animal Outlook's investigation found that fish were routinely left to suffocate in garbage bins or were crushed by other fish stacked above them.⁸¹

⁷⁶ *Id.*

⁷⁷ David Maher, *Cooke Aquaculture salmon deaths off Newfoundland's south coast under investigation: Byrne*, Telegram (Mar. 4, 2020, 5:51 PM; updated Mar. 4, 2020, 9:00 PM), <https://www.thetelegram.com/business/local-business/cooke-aquaculture-salmon-deaths-off-newfoundlands-south-coast-under-investigation-byrne-419475/>.

⁷⁸ *Harsh weather linked to die-off at Newfoundland salmon farm*, CBC News (Mar. 30, 2018, 8:00 AM NT), <https://www.cbc.ca/news/canada/newfoundland-labrador/another-salmon-die-off-1.5483364>.

⁷⁹ Animal Outlook, *A Sea of Suffering: Compassion Over Killing Exposes Cruelty on Fish Farm*, YouTube (Oct. 7, 2019), https://www.youtube.com/watch?v=8tpd3Y1X7pQ&feature=emb_logo (hereinafter "Investigation Video").

⁸⁰ Maanvi Singh, *Seafood company under investigation after allegations of animal abuse*, Guardian (Oct. 8, 2019, 6:09 AM), <https://www.theguardian.com/environment/2019/oct/08/seafood-company-under-investigation-after-allegations-of-animal-abuse>.

⁸¹ Investigation Video, *supra* note 79.

76. Cooke workers acknowledged that the practice has been routine for years at the facility, stating that the salmon “just suffocate. It’s so rough. *Over the years* you kinda get desensitized.”⁸²

77. Other workers acknowledged that suffering fish are often left to die slowly at the facility, noting that one salmon would “just suffer until he’s fucking dead.”⁸³

78. The investigation documented workers throwing salmon—including performing “trick shots” into plastic tubs, stomping on them, smashing them into concrete, and repeatedly slamming conscious fish into the ground until “their scales ripped from their bodies due to the friction.”⁸⁴

79. Investigators documented Cooke workers cutting off parts of the fins of conscious, inadequately anesthetized salmon.

80. Animal Outlook’s investigation discovered that many fish are missing eyes as a result of the squalid environment. One Cooke employee explained: “If the fish aren’t fed enough, they’ll actually think the little pupil of the other fish is food, and they’ll come after and they’ll peck the eye out. You happen to see some missing eyeballs, that’s the reason.”⁸⁵

81. Video captured by Animal Outlook shows that some of the salmon at Cooke facilities suffer from spinal deformities, and others have fungal growth eating away at their faces, as shown in the image below.

⁸² *Id.* (emphasis added).

⁸³ *Id.*

⁸⁴ Singh, *supra* note 80.

⁸⁵ Investigation Video, *supra* note 79.



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82. Several practices documented by Animal Outlook violate the Best Aquaculture Practice (“BAP”) standards promoted by the Global Aquaculture Alliance that Cooke misleads consumers to believe it follows. For example, the BAP standards require that “farm facilities shall be clean and orderly,”⁸⁷ but the Cooke hatchery was filthy and prevented salmon from being able to “thrive.”

83. The State of Maine Department of Agriculture, Conservation, and Forestry’s Animal Welfare Program conducted an independent investigation of Cooke’s Bingham hatchery and observed in their final investigation report (the “Report”) “a work place culture where bad techniques for handling and euthanasia were being taught by one staff member to another with no formal structure.”⁸⁸

⁸⁶ *Id.*

⁸⁷ Best Aquaculture Practices, *Aquaculture Facility Certification: Salmon Farms, BAP Standards, Guidelines*, Oct. 3, 2016, <https://www.aquaculturealliance.org/wp-content/uploads/2019/08/PI-Standard-Salmon-Farms-Issue-2.3-13-October-2016.pdf>, at 17.

⁸⁸ L. Hughes, Director of Animal Welfare, State of Maine Department of Agriculture, Conservation, and Forestry – *Animal Welfare Program, Final Investigation Report*, Nov. 8, 2019.

84. The Report additionally cited the observations of a fish pathologist from the Maine Department of Inland Fisheries and Wildlife who concluded that “[h]andling the fish in the way they were handled in the video could damage the fish and make them more at risk for infections and damage” and “culling . . . fish from the tanks . . . was not being done properly.”⁸⁹

III. Cooke’s Representations Are Material and Misleading to Consumers.

85. Cooke’s Sustainability Representations are false, misleading, and material to D.C. consumers.

86. D.C. consumers care about supporting sustainable farming practices that are environmentally sound, natural, and humane. Consumers rely on “promises” like those made by Cooke to identify fish products that conform to higher sustainability standards.⁹⁰

87. One consumer that viewed an online advertisement for the Products on Martha Stewart’s blog specifically commented that “we have to be aware of farm raised fish” and noted that “[a]ntibiotic use . . . and the environmental impact are all concerning factors.”⁹¹ The consumer further stated that “I will look into True North Salmon Company as I value your opinion Martha.”⁹²

88. In warning letters to other companies, the Federal Trade Commission (“FTC”) has acknowledged that the term “sustainable” can be “interpreted to imply certain specific environmental benefits.” The FTC has “admonished” companies for using unqualified claims such as “sustainable,” due to the FTC’s determination that it is “highly unlikely that they can substantiate all reasonable interpretations of these claims.”⁹³

⁸⁹ *Id.*

⁹⁰ *Innovation, supra* note 6.

⁹¹ *Visiting the True North Salmon Company Fish Farm, supra* note 35.

⁹² *Id.*

⁹³ *FTC Sends Warning Letters to Companies Regarding Diamond Ad Disclosures*, Federal Trade Commission (Apr. 2, 2019), <https://www.ftc.gov/news-events/press-releases/2019/03/ftc-sends-warning-letters-companies-regarding-diamond-ad>.

89. Research demonstrates that claims such as “sustainably produced” are perceived by many consumers to mean “produced according to higher animal welfare standards.”⁹⁴

90. Consumers have ranked the “minimal use of hormones and drugs,” “helping to protect endangered species,” “no pollution to the environment,” and “respect of fish welfare” as the top four most important elements of sustainable aquaculture.⁹⁵

91. A study on consumer perception of the phrase “ecologically sustainable” found that a majority of consumers “expect eco-labelled seafood to be harvested in a way that reduced impact on the fish population or the marine environment.”⁹⁶

92. Of 235 responses, only 4% “expressed skepticism about the term [‘ecologically sustainable’], stating that they felt it was primarily a marketing term without real meaning.” Accordingly, researchers have found that overall consumers are willing to pay a substantial price premium (\$14) for products labeled as “ecologically sustainable” because these representations are meaningful.⁹⁷

93. This finding is consistent with other consumer research that has found that “consumers are willing to pay to improve animal welfare and reduce undesirable environmental effects from fish farming”⁹⁸—demonstrating the materiality of such claims to consumers.

94. Cooke’s specific claims about the “natural” raising and diet of the salmon are also misleading.

⁹⁴ Katrin Zander & Yvonne Feucht, *Consumers’ Willingness to Pay for Sustainable Seafood Made in Europe*, 30 J. Int’l Food & Agribusiness Marketing 251 (Dec. 22, 2017).

⁹⁵ *Id.*

⁹⁶ Loren McClenachan et al., *Fair trade fish: consumer support for broader seafood sustainability*, 17 Fish & Fisheries 825 (Sept. 2016).

⁹⁷ *Id.*

⁹⁸ Ingrid Olesen et al., *Eliciting consumers’ willingness to pay for organic and welfare-labelled salmon in a non-hypothetical choice experiment*, 127 Livestock Sci. 218 (Feb. 2010).

95. As set forth above, salmon feed used by Cooke contains artificial chemicals like butylated hydroxyanisole, a synthetic substance that the overwhelming majority of consumers do not consider to be “natural.”⁹⁹

96. One study, published in the *Journal of Food Products Marketing*, found that 60% of consumers associate “natural” products with “improved animal handling/animal welfare practices.”¹⁰⁰

97. A 2015 nationally representative consumer survey conducted by Consumer Reports Survey Group found that 57% of consumers believe the claim “natural” on food means that “no antibiotics or other drugs were used.”¹⁰¹

98. Cooke’s specific claims that the Products are antibiotic “free” are also misleading.

99. A 2018 nationally representative consumer survey on the similar claim “no antibiotics” found that 67% of consumers believe that the term should mean that no antibiotics were administered to the animals under any circumstances.¹⁰²

100. This understanding is consistent with the United States Department of Agriculture Food Safety and Inspection Service’s policy for use of the claim “antibiotics free” on food labels. Such a claim is permitted only with evidence that the source animals have not been administered antibiotics.¹⁰³

⁹⁹ Edgar Chambers, V et al., *What Is “Natural”? Consumer Responses to Selected Ingredients*, 7 *Foods* (Apr. 23, 2018).

¹⁰⁰ S.R. Dominick et al., *Consumer Associations with the “All Natural” Food Label*, 24 *J. Food Prod. Marketing* 249 (Feb. 28, 2017).

¹⁰¹ Consumer Reports Survey Group, *Natural and Antibiotics Label Survey: 2015 Nationally Representative Phone Survey*, <https://foodpolitics.com/wp-content/uploads/Consumer-Reports-Natural-Food-Labels-Survey-Report.pdf>.

¹⁰² Consumer Reports Survey Group, *Natural and Antibiotics Label Survey: 2018 Nationally Representative Phone Survey* (May 1, 2018), <https://advocacy.consumerreports.org/wp-content/uploads/2018/10/2018-Natural-and-Antibiotics-Labels-Survey-Public-Report-1.pdf> (The survey also found that a majority of consumers are willing to pay more for food from animals that were not administered antibiotics.).

¹⁰³ U.S. Department of Agriculture Food Safety and Inspection Service, *Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submissions* (Dec. 2019).

101. Cooke’s specific claims regarding its “optimal” standards for “animal welfare” are also misleading.

102. Because Cooke sells salmon products that are environmentally destructive, unnatural, and inhumane (*see supra* Part II), Cooke’s Sustainability Representations are misleading to consumers.

PARTIES

103. Defendant True North Maine, Inc. is a Maine corporation with a place of business in Machiasport, Maine. True North Maine, Inc. is a subsidiary of Defendant True North Salmon U.S., Inc.

104. Defendant True North Salmon U.S., Inc. is a Maine corporation that is a wholly owned subsidiary of Defendant Cooke Aquaculture, Inc., a Canadian corporation.

105. Collectively, Defendants produce, process, market, and distribute salmon products.

106. The Products are available in a wide variety of national supermarket chains, regional stores, and other retail outlets, including stores in the District.

107. Plaintiff Animal Outlook (formerly Compassion Over Killing) is a nonprofit organization that works to expose cruel, unsustainable, and unhealthy practices of animal agribusinesses, and to promote humane, environmentally friendly,¹⁰⁴ and healthy¹⁰⁵ food alternatives. Animal Outlook is incorporated in the District of Columbia and maintains an office

¹⁰⁴ *World Environment Day: How You Can Protect the Earth*, Animal Outlook (June 5, 2018), <https://animaloutlook.org/world-environment-day-can-protect-earth/> (“Plastic isn’t just taking up space…it’s smothering coral reefs, killing wildlife, and even getting into our food and water. Animal rights and environmental justice go hand in hand, and all life on this planet is interconnected. Our consumer choices impact the lives of others: By protecting the earth, we’re also protecting those who call it home!”).

¹⁰⁵ *See e.g., South Miami Meatless Mondays Resolution Passes*, Animal Outlook (Dec. 6, 2013), <https://animaloutlook.org/press/press-releases/south-miami-meatless-mondays/> (Applauding the city of South Miami “for acknowledging the far-reaching impacts of our food choices and the benefits of starting each week with healthier and more sustainable food”).

in the Washington, D.C. metro area.¹⁰⁶ Animal Outlook has hundreds of thousands of supporters nationwide, with hundreds in the District of Columbia, including consumers who seek to purchase food products that are better for animals, the environment, and public health. Industrial farming is one of Animal Outlook's priority issues, and Animal Outlook is engaged in numerous campaigns to increase the transparency of the animal agriculture industry, decrease the consumption of industrially farmed animal products, and hold industrial agribusinesses accountable for their adverse impacts on animals, the environment, and human health.

108. On June 4, 2020, Animal Outlook bought True North Atlantic salmon online through GourmetFoodStore.com, and had the product delivered to a laboratory for chemical residue testing on June 9, 2020. GourmetFoodStore.com delivers in the District.

109. Animal Outlook purchased the Products in order to evaluate Cooke's marketing claims regarding sustainable farming. Among other things, Animal Outlook determined, though its evaluation, that these Products contained detectable levels¹⁰⁷ of ethoxyquin and therefore originated from facilities where ethoxyquin was routinely used as a feed additive.

JURISDICTION AND VENUE

110. This Court has personal jurisdiction over the parties in this case. Animal Outlook is incorporated in the District and consents to this Court having personal jurisdiction over the organization.

111. This Court has personal jurisdiction over Cooke because Cooke has purposefully directed its conduct to the District and has availed itself of the benefits and protections of District of Columbia law.

¹⁰⁶ Takoma Park, Maryland.

¹⁰⁷ Results showed 0.05 ppm of ethoxyquin-dimer, a metabolite of ethoxyquin. Testing completed on June 16, 2020 by Animal Outlook through IEH Laboratories.

112. This Court has subject-matter jurisdiction over this action under the CPPA, D.C. Code § 28-3901, *et seq.*

113. Venue is proper in this Court because Cooke aims marketing at consumers within the District. Cooke internet advertising is accessible in the District. Cooke salmon products can be, and are, purchased in the District by District consumers.

CAUSE OF ACTION

Violations of the District of Columbia Consumer Protection Procedures Act

114. Animal Outlook incorporates by reference all the allegations of the preceding paragraphs of this Complaint.

115. Animal Outlook is a nonprofit organization that brings these claims in its individual and representative capacities, on its own behalf, and on behalf of affected consumers and the general public. *See* D.C. Code § 28-3905(k)(1)(C).

116. Through § 28-3905(k)(1)(C), the DC CPPA allows for nonprofit organizational standing to the fullest extent recognized by the D.C. Court of Appeals in its past and future decisions addressing the limits of Constitutional standing under Article III.

117. Cooke is a “person” and a merchant that provides “goods” within the meaning of the CPPA. *See id.* § 28-3901(a)(1), (3), (7).

118. Cooke has advertised and marketed the Products with phrases such as “sustainably-farmed,” “naturally raised,” and “optimal” animal-welfare standards, when, in fact, Cooke sells salmon products that are environmentally destructive, unnatural, and not produced according to these animal-welfare standards. Thus, Cooke has violated the CPPA by “represent[ing] that goods . . . have a source . . . [or] characteristics . . . that they do not have”; “represent[ing] that goods . . . are of a particular standard, quality, grade, style, or model, in in fact they are of another”;

“misrepresent[ing] as to a material fact which has a tendency to mislead”; “fail[ing] to state a material fact if such failure tends to mislead”; “us[ing] innuendo or ambiguity as to a material fact, which has a tendency to mislead”; and “advertis[ing] . . . goods . . . without the intent to sell them as advertised.” See *id.* § 28-3904(a), (d), (e), (f), (f-1), (h).

JURY TRIAL DEMAND

119. Plaintiff Animal Outlook hereby demands a trial by jury.

PRAYER FOR RELIEF

Wherefore, Plaintiff Animal Outlook prays for judgment against Cooke and requests the following relief:

- a. A declaration that Cooke’s conduct is in violation of the CPPA;
- b. An order enjoining Cooke’s conduct found to be in violation of the CPPA; and
- c. An order granting Plaintiff costs and disbursements, including reasonable attorneys’ fees and expert fees, and prejudgment interest at the maximum rate allowable by law.

RICHMAN LAW GROUP



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(718) 228-8522 (fax)

Counsel for Plaintiff

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

ANIMAL OUTLOOK,
a nonprofit corporation,

INFORMATION SHEET

P.O. Box 9773, Washington, DC 20016,

Case Number: **2020 CA 002908 B**

vs

Date: _____

COOKE AQUACULTURE, INC., TRUE NORTH SALMON U.S., INC.,
and TRUE NORTH MAINE, INC, P.O. Box 1210, Bangor, ME 04402,

☐ One of the defendants is being sued
in their official capacity.

Name: <i>(Please Print)</i> Kim E. Richman	Relationship to Lawsuit
Firm Name: Richman Law Group	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: (718) 705-4579 Six digit Unified Bar No.: 1022978	<input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____

TYPE OF CASE: ☐ Non-Jury ☐ 6 Person Jury ☒ 12 Person Jury
Demand: \$ n/a Other: _____

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____

Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: *(Check One Box Only)*

A. CONTRACTS

COLLECTION CASES

- | | | |
|---|---|---|
| <input type="checkbox"/> 01 Breach of Contract | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 16 Under \$25,000 Consent Denied |
| <input type="checkbox"/> 02 Breach of Warranty | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied |
| <input type="checkbox"/> 06 Negotiable Instrument | <input type="checkbox"/> 27 Insurance/Subrogation | <input type="checkbox"/> 26 Insurance/Subrogation |
| <input type="checkbox"/> 07 Personal Property | Over \$25,000 Pltf. Grants Consent | Over \$25,000 Consent Denied |
| <input type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 07 Insurance/Subrogation | <input type="checkbox"/> 34 Insurance/Subrogation |
| <input type="checkbox"/> 15 Special Education Fees | Under \$25,000 Pltf. Grants Consent | Under \$25,000 Consent Denied |
| | <input type="checkbox"/> 28 Motion to Confirm Arbitration | |
| | Award (Collection Cases Only) | |

B. PROPERTY TORTS

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> 01 Automobile | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass |
| <input type="checkbox"/> 02 Conversion | <input type="checkbox"/> 04 Property Damage | |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a) | | |

C. PERSONAL TORTS

- | | | |
|--|--|--|
| <input type="checkbox"/> 01 Abuse of Process | <input type="checkbox"/> 10 Invasion of Privacy | <input type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection | <input type="checkbox"/> 11 Libel and Slander | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) |
| <input type="checkbox"/> 03 Assault and Battery | <input type="checkbox"/> 12 Malicious Interference | <input type="checkbox"/> 19 Wrongful Eviction |
| <input checked="" type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution | <input type="checkbox"/> 20 Friendly Suit |
| <input type="checkbox"/> 05 Deceit (Misrepresentation) | <input type="checkbox"/> 14 Malpractice Legal | <input type="checkbox"/> 21 Asbestos |
| <input type="checkbox"/> 06 False Accusation | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) | <input type="checkbox"/> 22 Toxic/Mass Torts |
| <input type="checkbox"/> 07 False Arrest | <input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice) | <input type="checkbox"/> 23 Tobacco |
| <input type="checkbox"/> 08 Fraud | | <input type="checkbox"/> 24 Lead Paint |

SEE REVERSE SIDE AND CHECK HERE IF USED

Information Sheet, Continued

C. OTHERS

- | | |
|---|---|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA) |
| <input type="checkbox"/> 02 Att. Before Judgment | (D.C. Code Title 1, Chapter 6) |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 18 Product Liability |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 10 Traffic Adjudication | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 31 Housing Code Regulations |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 32 Qui Tam |
| <input type="checkbox"/> 16 Declaratory Judgment | <input type="checkbox"/> 33 Whistleblower |

II.

- | | | |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 08 Foreign Judgment/International | 2-1802.03 (h) or 32-151 9 (a)] | <input type="checkbox"/> 23 Rule 27(a)(1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 13 Correction of Birth Certificate | <input type="checkbox"/> 20 Master Meter (D.C. Code § | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | 42-3301, et seq.) | <input type="checkbox"/> 25 Petition for Liquidation |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle) | | |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) | | |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other) | | |

D. REAL PROPERTY

- | | |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate | <input type="checkbox"/> 08 Quiet Title |
| <input type="checkbox"/> 12 Specific Performance | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain) | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) | |



Attorney's Signature

June 26, 2020

Date



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Telephone: (202) 879-1133 • Website: www.dccourts.gov

ANIMAL OUTLOOK

Vs.

C.A. No. 2020 CA 002908 B

COOKE AQUACULTURE, INC. et al

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure (“Super. Ct. Civ. R.”) 40-I, it is hereby **ORDERED** as follows:

(1) Effective this date, this case has assigned to the individual calendar designated below. All future filings in this case shall bear the calendar number and the judge’s name beneath the case number in the caption. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant: copies of the summons, the complaint, and this Initial Order and Addendum. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in Super. Ct. Civ. R. 4(m).

(3) Within 21 days of service as described above, except as otherwise noted in Super. Ct. Civ. R. 12, each defendant must respond to the complaint by filing an answer or other responsive pleading. As to the defendant who has failed to respond, a default and judgment will be entered unless the time to respond has been extended as provided in Super. Ct. Civ. R. 55(a).

(4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an initial scheduling and settlement conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients **prior** to the conference whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this Conference.**

(5) Upon advice that the date noted below is inconvenient for any party or counsel, the Quality Review Branch (202) 879-1750 may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. Request must be made not less than seven business days before the scheduling conference date.

No other continuance of the conference will be granted except upon motion for good cause shown.

(6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each judge’s Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court’s website <http://www.dccourts.gov/>.

Chief Judge Robert E. Morin

Case Assigned to: Judge HEIDI M PASICHOW

Date: June 29, 2020

Initial Conference: 9:30 am, Friday, September 25, 2020

Location: Courtroom 516

500 Indiana Avenue N.W.

WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

In accordance with the Medical Malpractice Proceedings Act of 2006, D.C. Code § 16-2801, et seq. (2007 Winter Supp.), "[a]fter an action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ("ISSC"), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC." D.C. Code § 16-2821.

To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. D.C. Code § 16-2825 Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Both forms also are available in the Multi-Door Dispute Resolution Office, Suite 2900, 410 E Street, N.W. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. *Pro se* Plaintiffs who elect not to eFile may file by hand in the Multi-Door Dispute Resolution Office.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following persons are required by statute to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case. D.C. Code § 16-2824.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code § 16-2826. Any Plaintiff who is *pro se* may elect to file the report by hand with the Civil Actions Branch. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Robert E. Morin