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8	Fax: Attorneys for Plaintiff		
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11	COUNTY OF SACRAME	ENTO	
12		CACENO	
13	THE PEOPLE OF THE STATE OF CALIFORNIA,	CASE NO.:	
14	Plaintiff,	COMPLAINT FOR	
15	v. WAL-MART STORES, Incorporated, a Delaware	INJUNCTION, CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF	
16	Corporation,	EQUITABLE RELIEF	
17	Defendant.		
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2	Attorney General of the State of California RICHARD M. FRANK				
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8	Attorneys for Plaintiff				
9	SUPERIOR COURT OF CALIFORNIA				
10	COUNTY OF SACRAMENTO				
11					
12	THE PEOPLE OF THE STATE OF CALIFORNIA,	CASE NO.:			
13	Plaintiff,	Child ivo			
14		COMPLAINT FOR INJUNCTION, CIVIL			
15	V.	PENALTIES, AND OTHER			
16	WAL-MART STORES, Incorporated, a Delaware Corporation,	EQUITABLE RELIEF			
17	Defendant.				
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19					
20	Plaintiff, the People of the State of California, by and through Bill Lockyer, Attorney				
21	General of the State of California, and Jan Scully, Sacramento County District Attorney, alleges on				
22	information and belief as follows:				
23	DEFENDANT				
24	1. Defendant Wal-Mart Stores, Inc., is a Delaware corporation which owns and				
25	operates retail stores in Sacramento County and elsewhere in the State of California and sells				
26	firearms at many of these retail stores in Sacramento County and elsewhere in California.				
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2. Reference in this Complaint to the acts of Defendant Wal-Mart are deemed to mean that such corporate Defendant did the alleged acts through its officers, directors, agents, employees, and/or representatives while they were acting within the actual or ostensible scope of their authority.

## JURISDICTION AND VENUE

3. The violations of law by Defendant alleged in this Complaint occurred in Sacramento County and elsewhere in California. The Plaintiff brings this action pursuant to California's unfair competition statute to protect the People throughout California from Defendant's unlawful and unfair business practices involving the sale of firearms.

## **CAUSE OF ACTION**

## Violations of Business and Professions Code Section 17200 Unfair or Unlawful Business Acts or Practices

- 4. Plaintiff restates and incorporates by reference paragraphs 1 through 3 as though fully set forth herein.
- 5. Within the past four (4) years from the date of the filing of this Complaint,
  Defendant Wal-Mart engaged in acts of unfair competition as defined and prohibited by Business
  and Professions Code 17200 et seq. by conduct which includes, but is not limited to:
- A. Selling and delivering firearms in violation of Penal Code section 12072(a)(1) to persons who were prohibited under California law from possessing firearms.
- B. Delivering firearms to persons prior to the expiration of the 10-day waiting period required by Penal Code section 12072(c)(1).
- C. Failing to document that a firearm safety device was delivered with firearms as required by Penal Code section 12088.1.
- D. Misstating the amount of fees charged by a governmental agency pursuant to California Penal Code sections 12071(b)(12), 12076, 12082 and 12086.
- E. Failing to properly post, as required by Penal Code section 12071: notice of fees; notice of the dangers loaded firearms pose to minors and the requirement to safely store firearms; notice of the criminal sanctions for improper storage of firearms; notice that the Dealer

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Record of Sale background check must be performed anew after a thirty (30) day period; notice regarding the criminal sanctions for improper storage of firearms when a minor carries the firearm "off premises" to a school or school sponsored event; and other notices required by such section.

- G. Failing to have readily available, as required by California Penal Code section 12071, for inspection and/or display: its valid Certificate of Eligibility (COE); its valid Federal Firearms License (FFL); and all valid seller's permit and/or local license letter; and further, failing to have all applicable local ordinance or municipal code for the jurisdiction where the Defendant's store is located.
- H. Failing to obtain the right thumbprint of the purchaser on the Dealer Record of Sale as required by Penal Code section 12077(c)(2).
- I. Failing to obtain the purchaser or salesperson's signature on the Dealer Record of Sale as required by Penal Code section 12076.
- J. Failing to maintain photocopies of non-scanned purchaser identification as required by Penal Code section 12077(f)(2).
- K. Delivering firearms to persons prohibited from having possession of a firearm by means of a "straw purchase" to a relative or friend.

WHEREFORE, Plaintiff prays for judgment as follows:

- 1. That pursuant to Business and Professions Code section 17203, Defendant, their successors, agents, representatives, employees and all persons who act in concert with Defendant be permanently enjoined from engaging in, as it relates to Defendant's sale of firearms, unfair competition as defined in Business and Professions Code section 17200, including, but not limited to, the acts and practices alleged in this complaint.
- 2. That pursuant to Business and Professions Code section 17206, the Court assess a civil penalty of two thousand five hundred dollars (\$2,500) against defendants for each violation of Business and Professions Code section 17200, as proved at trial, but in an amount not less than \$5,000,000.

1	3. That Defendant be required to pay the Plaintiff's costs in this litigation.	
2	4. That the Court grant such other further relief as the Court deems just and proper.	
3		
4	Dated: January 4, 2005	
5	Respectfully submitted,	
6	BILL LOCKYER Attorney General of the State of California	
7	RICHARD M. FRANK Chief Deputy Attorney General, Legal Affairs	
8 9	TIMOTHY L. RIEGER Deputy Attorney General	
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11	W. SCOTT THORPE	
12	Special Assistant Attorney General	
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