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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11
12 COUNTY OF SACRAMENTO

13 **PEOPLE OF THE STATE OF**
14 **CALIFORNIA EX REL. XAVIER**
15 **BECERRA, ATTORNEY GENERAL,**

Petitioner,

17 v.

18 **AMAZON.COM, INC.**

19
20 Respondent.

Case No.

**PETITION TO COMPEL COMPLIANCE
WITH INVESTIGATIVE SUBPOENAS
PURSUANT TO GOVERNMENT CODE
SECTIONS 11180 ET SEQ.**

[EXEMPT FROM FILING FEES PER GOV.
CODE § 6103]

1 Petitioners, the People of the State of California, ex rel. Xavier Becerra, Attorney General
2 of the State of California, allege as follows:

3
4 **INTRODUCTION**

5 1. This is an action to enforce compliance with a set of Investigative Interrogatories and
6 an Investigative Subpoena (herein Investigative Subpoenas) issued by the Attorney General's
7 Office to Amazon.com, Inc. (herein Amazon) on August 19, 2020. The Investigative Subpoenas
8 were issued in connection with the Attorney General's ongoing investigation into Amazon's
9 compliance with California law in light of the spread of COVID-19.

10 2. The Attorney General's inquiry into the working conditions at Amazon first came as
11 the State of California persisted in a state of emergency due to the pandemic, first declared by
12 Governor Newsom on March 4, 2020. The filing of this petition comes as the spread of the virus
13 is accelerating, and over 1.4 million Californians are known to have contracted COVID-19,
14 resulting in over 20,900 deaths.¹ On Saturday, December 12, 2020, 122 Californians died from
15 COVID-19.²

16 3. Given the manifest intersection of workplace health and the public health during this
17 pandemic, the Attorney General's concerns grew as several reports regarding working conditions
18 for individuals working at California Amazon facilities and the transmission of SARS-CoV-2
19 highlighted the potential risk to Californians. The Attorney General initiated his present
20 investigation into Amazon in the spring of this year. On May 11, 2020, the Attorney General sent
21 a letter to Amazon seeking information related to working conditions at its California facilities in
22 light of the unique and potentially dangerous conditions created by transmission of SARS-CoV-2.
23 The correspondence also sought the provision of documents.

24 4. Given the urgency of the matter, and the critical, potentially grave consequences for
25 those who contract COVID-19, the Attorney General asked Amazon to provide its response no
26 later than May 22, 2020.

27 ¹ State of California, *Tracking COVID-19 in California*, <https://covid19.ca.gov/state-dashboard/>
28 (last visited Dec. 13, 2020).

² *Id.*

1 5. When a response was not provided by May 22nd, the Attorney General sent a follow-
2 up email to Amazon on May 26, 2020, renewing his requests. On a subsequent meet and confer
3 call between the parties, Amazon stated that the Attorney General's letter had been lost internally
4 and agreed that it would provide the Attorney General with the written policies requested in the
5 May 11, 2020, letter, as well as other documents and responses that were readily accessible to
6 Respondent, no later than the following week beginning June 1, 2020.

7 6. On June 12, 2020, Amazon provided its response to the Attorney General's
8 correspondence. Many, if not all, of the Attorney General's questions were not responded to, and
9 Amazon did not provide specific information or documents that would assist the Attorney
10 General in determining whether Amazon was complying with applicable California law.

11 7. Despite initial representations that additional information would be provided,
12 Amazon failed to send the Attorney General additional information responsive to his May 2020
13 letter. Yet almost concurrently, Amazon made representations in proceedings in San Francisco
14 Superior Court intimating that the Attorney General had received sufficient information related to
15 his requests, and at least with respect to one California Amazon facility, had found no basis to
16 shut down its operations for violations of California law. The Attorney General responded to
17 these misleading representations in both a letter brief to the Court and via a limited appearance at
18 a virtual hearing on July 23, 2020.

19 8. Having received a materially inadequate response from Amazon to the letter inquiry,
20 on August 19, 2020, the Attorney General served Amazon with a set of Investigative
21 Interrogatories and an Investigative Subpoena. The Investigative Subpoenas were very similar in
22 nature to the requests made to Amazon in May 2020. Again, given the severity of the situation,
23 the Attorney General requested that Amazon provide its responses within 21 days of receipt of the
24 requests.

25 9. Following Amazon's receipt of the Investigative Subpoenas, the Attorney General
26 engaged in a series of good faith meet and confer efforts with the company. In the spirit of
27 cooperation, and with the understanding that more fulsome responses to his requests would be
28 imminent, the Attorney General has modified and narrowed his requests, repeatedly emphasizing

1 the need for the provision of complete information. Yet, during this meet and confer period,
2 while waiting for sufficient information to be produced, the Attorney General learned more from
3 media reports and press releases than from Amazon directly. For example, on October 1, 2020,
4 Amazon released a blog post that detailed infection rates at its U.S. facilities, including state-
5 specific information that had been requested but not yet produced to the Attorney General.³

6 10. After a series of meet and confer efforts, and in an effort to more rapidly facilitate the
7 production of information, in late October the Attorney General sent an additional meet and
8 confer letter to Amazon. The letter contained a series of queries seeking to clarify information
9 related to the small amount of imprecise information produced, as well as a demand that Amazon
10 provide full responses to the State's Investigative Interrogatories and Subpoena for Documents
11 with respect to seven California Amazon facilities located across the State. Responses were to be
12 provided within thirty days, but no later than Wednesday, November 25, 2020.

13 11. Notwithstanding the State's prior good faith narrowing of the scope of the
14 Investigative Subpoenas from approximately 150 California facilities to a mere seven, on
15 November 25, 2020, Amazon failed to comply with the Attorney General's request, again
16 providing incomplete responses and documents. A further demand letter sent on December 7,
17 2020, provided Amazon with a final opportunity to comply with the Attorney General's requests.
18 The letter *further* narrowed the information sought from Amazon and provided the company until
19 December 10, 2020, to comply. Amazon did not comply with the request and provided no further
20 information by the deadline.

21 12. Succinctly, it has been nearly *six months* since the Attorney General's initial request
22 to Amazon for information regarding its COVID-19 related data, policies, practices, and
23 procedures for its California facilities and workers. The slow drip of information from Amazon is
24 an insufficient response. Absent the requested data, the Attorney General is unable to adequately
25 determine if Amazon is complying with applicable California law to protect its workers from
26 COVID-19.

27 _____
28 ³ See Amazon, *Update on COVID-19 Testing*, (Oct. 1, 2020),
<https://www.aboutamazon.com/news/operations/update-on-covid-19-testing>.

1 13. If the Attorney General is to meaningfully take steps to try and quell the rampant and
2 lethal wildfire-like spread of SARS-CoV-2 among California workers, he requires more than the
3 limited data produced and broad assurances that Amazon is complying with its own internal
4 policies and procedures.

5 THE PARTIES

6 14. Xavier Becerra is the Attorney General of the State of California. He brings this
7 action in his official capacity on behalf of the People of the State of California. The Attorney
8 General is the chief law officer of the state and has the duty to see that the State's laws are
9 uniformly and adequately enforced for the protection of public rights and interests. In order to
10 carry out these duties effectively, California law gives the Attorney General broad investigative
11 powers. Specifically, Government Code sections 11180 *et seq.* grant the Attorney General, as
12 head of the Department of Justice, the authority to issue subpoenas and promulgate
13 interrogatories. These investigative powers are not dependent on the initiation of a civil lawsuit
14 or an administrative proceeding. If a party refuses to comply with a subpoena, the Attorney
15 General may petition the Superior Court for enforcement.⁴

16 15. Respondent Amazon.com, Inc. is a Delaware corporation with its principal place of
17 business at 410 Terry Avenue, North Seattle, Washington 98109. At all relevant times hereto,
18 Amazon has conducted business within the State of California. Amazon ranks second on the
19 Fortune 500, and number nine on the Global Fortune 500 list of the most profitable companies.⁵

20 JURISDICTION AND VENUE

21 16. Jurisdiction and venue are proper in the Superior Court of the State of California in
22 the County of Sacramento under Government Code section 11186. The Attorney General's
23 investigation into Amazon includes Amazon's operations throughout the State, including in the
24 County of Sacramento. Moreover, Amazon also conducts business in the County of Sacramento,
25 operating various facilities within the county. The Investigative Subpoenas issued to
26 Respondents directed them to serve responses in the County of Sacramento.

27 ⁴ Gov. Code, § 11187.

28 ⁵ Fortune 500, *Amazon Company Profile*, <https://fortune.com/company/amazon-com/fortune500/>
(last visited Dec. 12, 2020).

BACKGROUND

1
2 17. On May 11, 2020, the Attorney General initiated his present investigation into
3 Amazon by sending a letter to the company seeking information related to working conditions at
4 its California facilities in light of the unique and potentially dangerous working conditions
5 connected with COVID-19. (Declaration of Marisa Hernández-Stern in Support of the People’s
6 Petition to Compel Compliance at ¶2, Ex. A). The correspondence also sought the provision of
7 documents related to matters raised in the letter. The Attorney General asked Amazon to provide
8 its response by May 22, 2020.

9 18. The letter requested, *inter alia*, information regarding Amazon’s policies, procedures,
10 and practices with respect to its: Injury and Illness Prevention Programs (IIPPs); COVID-19
11 related cleaning protocols; notification of local health officials of COVID-19 exposure by
12 individuals employed by Amazon in its California facilities, and sub-contractors and individuals
13 working within the facilities; provision of supplemental paid sick leave and hazard pay; updates
14 to employees regarding exposure to COVID-19; and COVID-19 case counts.

15 19. When a response was not provided by May 22nd, the Attorney General sent a
16 follow-up email to Amazon on May 26, 2020, renewing his requests. (Declaration of Satoshi
17 Yanai Dec. ¶2, Ex. A). On a subsequent meet and confer call between the parties, on May 28,
18 2020, Amazon stated that the Attorney General’s letter had been lost internally and agreed that it
19 would provide the Attorney General with the written policies requested in the May 11, 2020,
20 letter, as well as other documents that were readily accessible to Respondent, no later than the
21 following week beginning June 1, 2020. Further written responses by Amazon were to be
22 produced by June 12, 2020. (Yanai Dec. ¶3).

23 20. On June 12, 2020, Amazon sent its response to the Attorney General. (Yanai Dec. ¶4,
24 Ex. B). Instead of directly responding to the questions posed by the Attorney General and
25 providing the requested specific data, Amazon made broad reference to its COVID-19 policies
26 and procedures. The limited documents produced by Amazon contained only a single reference
27 to COVID-19, a parenthetical reference that specifically referred to an IIPP policy that would be
28 modified in light of COVID-19. Importantly, Amazon failed to respond to one of the most

1 pressing questions in the letter: how many confirmed and suspected COVID-19 cases had been
2 recorded by the company at its California facilities.

3 21. The absence of site-specific COVID-19 infection data was especially alarming to the
4 Attorney General, as public reports described the spread of SARS-CoV-2 at California Amazon
5 facilities.⁶ In fact, multiple media outlets had reported in late May that an Irvine-based Amazon
6 worker had died from COVID-19, a fact confirmed by an Amazon spokesperson quoted in the
7 *Los Angeles Times* reporting.⁷ Earlier reporting from late-April 2020, confirmed by Amazon to
8 press outlets, identified a Tracy, California Amazon fulfillment center employee who died from
9 COVID-19.⁸ Yet another media report from mid-April 2020, again, confirmed by Amazon, stated
10 that an operations manager at Amazon’s Hawthorne, California facility had died from COVID-
11 19.⁹ In Amazon’s June 12, 2020, response letter, there was no mention made of any of these
12 Amazon COVID-19 related worker deaths, despite the Attorney General’s *specific* request for
13 information for all confirmed and suspected COVID-19 cases.¹⁰

14 _____
15 ⁶ See Melissa Daniels, ‘Fix it’: Amazon workers demand protections as COVID-19 cases grow in
16 Southern California facilities, Palm Springs Desert Sun (Jun. 23, 2020)
17 [https://www.desertsun.com/story/money/business/2020/06/23/coronavirus-cases-amazon-continue-climb-
workers-demand-protections/5245645002/](https://www.desertsun.com/story/money/business/2020/06/23/coronavirus-cases-amazon-continue-climb-workers-demand-protections/5245645002/); Sam Dean, *Fearful of COVID-19, Amazon workers ask for a
state probe of working conditions*, L.A. Times (Apr. 9, 2020),
18 [https://www.latimes.com/business/technology/story/2020-04-09/fearful-of-covid-19-amazon-workers-ask-
for-state-probe-of-working-conditions](https://www.latimes.com/business/technology/story/2020-04-09/fearful-of-covid-19-amazon-workers-ask-for-state-probe-of-working-conditions).

19 ⁷ Sam Dean, *He was part of Amazon’s coronavirus hiring spree. Two weeks later he was dead*,
L.A. Times (May 29, 2020), [https://www.latimes.com/business/technology/story/2020-05-27/la-fi-tn-
amazon-worker-dead-hiring-wave](https://www.latimes.com/business/technology/story/2020-05-27/la-fi-tn-amazon-worker-dead-hiring-wave) (“In a statement, Lisa Levandowski, a spokesperson for Amazon, said:
20 “We are mourning the loss of an associate at our site in Irvine, California. His family and loved ones are in
our thoughts, and we are supporting his fellow colleagues in the days ahead.”)

21 ⁸ Bob Redell, *Amazon Worker in Tracy Dies from COVID-19 Complications*, NBC Bay Area
(Apr. 30, 2020), [https://www.nbcbayarea.com/news/local/amazon-worker-in-tracy-dies-from-covid-19-
complications-report/2281956/](https://www.nbcbayarea.com/news/local/amazon-worker-in-tracy-dies-from-covid-19-complications-report/2281956/).

22 ⁹ Rachel Sandler, *First Known Amazon Warehouse Worker Dies From COVID-19*, Forbes (Apr.
14, 2020), [https://www.forbes.com/sites/rachelsandler/2020/04/14/first-known-amazon-warehouse-
worker-dies-from-covid-19/?sh=62a019bd4e51](https://www.forbes.com/sites/rachelsandler/2020/04/14/first-known-amazon-warehouse-worker-dies-from-covid-19/?sh=62a019bd4e51).

23 ¹⁰ On July 2, 2020, the Hon. Ethan P. Schulman entered an Order to Show Cause in a private
24 lawsuit filed against Amazon in San Francisco Superior Court, requesting that specific state and local
25 agencies, including the Attorney General, provide the court with any information regarding Amazon’s
26 compliance with applicable public health and safety requirements relating to COVID-19. The Attorney
27 General believes he was specifically asked to provide information to the Court because in pleadings filed
with the court, Amazon made reference to the Attorney General’s May 12, 2020, correspondence. The
28 Attorney General filed his letter brief in response to the Order on July 20, 2020. (Hernández-Stern Dec.
¶4, Ex. C). The letter brief made clear that the Attorney General does not generally comment on pending
investigations or inquiries and that he had not received sufficient information to make a determination with
respect to the Amazon facility at issue in the litigation.⁷ (Id.).

1 22. On August 19, 2020, the Attorney General served Investigative Subpoenas on
2 Amazon. (Hernández-Stern Dec. ¶3, Ex. B). The subpoenas asked Amazon to respond to
3 substantially many of the same inquiries that the Attorney General had made of Amazon in May
4 2020. Since public health officials’ understanding of SARS-CoV-2 and COVID-19 changed
5 between May and August, many requests were modified, expanded upon, or added to the
6 Investigative Subpoenas. Moreover, given the gravity and urgency of the situation, the Requests
7 provided Amazon 21 days to respond.

8 23. In late-August 2020, before the deadline to respond to the Investigative Subpoenas,
9 Amazon’s counsel contacted the Attorney General’s Office. (Hernández-Stern Dec. ¶5, Ex. D).
10 The Attorney General engaged in good faith meet and confer efforts with Amazon regarding the
11 subpoenas. During these meet and confer conversations, the Attorney General agreed to prioritize
12 the production of certain documents and the provision of responses to particular Investigative
13 Interrogatory Requests in order to facilitate a speedier production of information.

14 24. On September 1, 2020, Amazon provided a response to Investigative Interrogatory
15 No. 2 (“IDENTIFY all facilities in California where YOU engage in order fulfillment, including
16 but not limited to, preparing orders, packaging orders, shipping orders and warehouse
17 maintenance during the RELEVANT PERIOD.”), and produced an attachment listing all of its
18 California facilities. (Hernández-Stern Dec. ¶6, Ex. E).

19 25. Shortly thereafter, on September 3, 2020, the Attorney General agreed to an
20 extension to respond to its Investigative Subpoenas if Amazon produced responses to
21 Investigative Interrogatory Nos. 45, 48, 49 and Investigative Subpoena for Documents Request
22 Nos. 26, 27, and 29. (Hernández-Stern Dec. ¶7, Ex. F). The parties agreed to continue to meet
23 and confer to facilitate the production of documents.

24 26. On September 4, 2020, the Attorney General and Amazon met and conferred by
25 teleconference regarding the facility list provided by Amazon. (Hernández-Stern Dec. ¶8).
26 Pursuant to that conversation, on September 8, 2020, Amazon produced an updated California
27 facility list to the Attorney General. (Hernández-Stern Dec. ¶9, Ex. G). From this information,
28

1 the Attorney General then requested that the following data for each of the listed 117 facilities be
2 provided for the time period between May 1, 2020, and the date of Amazon’s production:

3 (a) An employee’s positive test date

4 (b) Employee’s department(s)/location(s) in facility based on the employee’s
5 principal assignment

6 (c) Identify which shift the employee is assigned to

7 (d) Last day employee worked in the facility

8 (e) [employee] Return to work date (if applicable)

9 (f) If the employee died due to COVID-19 or COVID-19 complications, the date of
10 death

11 (See Hernández-Stern Dec. ¶10, Ex. H). The purpose of these meet and confer telephone
12 conferences was to ease Amazon’s production burden by facilitating certain priority production
13 so that the Attorney General could more quickly obtain information.

14 27. Between August and late-October, despite ample time and opportunity, Amazon
15 failed to provide the Attorney General with documents in response to his Document Requests and
16 had only provided responses to Investigative Interrogatories 2 and 48 (of 56 requests). Indeed,
17 over that nearly two-month period, the Attorney General had only received COVID-19 case
18 counts at California facilities, and some limited information about case counts at specifically
19 requested California facilities. At this stage, Amazon had not even provided so-called “low
20 hanging fruit” in response to the Attorney General’s requests. For example, Investigative
21 Interrogatory No. 1 simply asked Amazon to “IDENTIFY [its] business entity’s full legal name
22 and any fictitious business names used in California.” (See Hernández-Stern Dec. Ex. B).

23 28. On October 26, 2020, unsatisfied with the limited information that Amazon had
24 provided thus far, the Attorney General sent Respondent additional meet and confer
25 correspondence. (Hernández-Stern Dec. ¶11, Ex. D).

26 29. The Attorney General also agreed, for purposes of receiving information as quickly
27 and efficiently as practicable, to significantly narrow the scope of the requests as drafted. Thus,
28 the October 26, 2020, letter demanded that Amazon provide the Attorney General with a

1 comprehensive production, including responses to all of the Investigative Requests, only to the
2 following Amazon facilities: FAT1, OAK4, LGB7, LGB3, LGB8, LAX9, and SMF3.¹¹ This
3 represents a substantial accommodation for one of the world’s largest companies, instead of
4 seeking that Amazon dedicate greater resources to timely produce information for all California
5 facilities. Amazon was provided a deadline of Wednesday, November 25, 2020, to provide both
6 responses and documents to the Attorney General.¹²

7 30. Receiving comprehensive information, even if just for seven facilities, was critical as
8 the spread of COVID-19 had rapidly accelerated across California and Amazon had hired
9 thousands of new employees.¹³ On October 27, 2020, Amazon announced it was hiring 100,000
10 seasonal workers,¹⁴ and media reports confirmed that, “Amazon will hire the most workers in
11 California, Texas, Maryland, Georgia and New Jersey.”¹⁵

12 31. In response to the Attorney General’s October 26, 2020, correspondence, the parties
13 met and conferred on October 30, 2020, by telephone. Hernández-Stern Dec. ¶12, Ex.
14 J). Amazon made two further productions of information on November 2, 2020, and November
15 6, 2020. (Hernández-Stern Dec. ¶¶13-14, Exs. K,L). As of the date of these supplemental
16 productions, production related to the following requests was still outstanding, Document Request
17 Nos.: 1-4, 6-16, 19, and 23-31; and Investigative Interrogatories Nos.: 1, 3-47, and 49-55.

18 32. On November 25, 2020, Amazon again provided only partial responses to the
19 Attorney General’s narrowed inquiries. (Hernández-Stern Dec. ¶15, Ex. M). While the company
20 provided Injury and Illness Prevention Plans and a multitude of other training documents, it failed

21 ¹¹ FAT1 facility located at 3575 S. Orange Ave Fresno, CA 93725; OAK4 facility located at 1555
22 N Chrisman Rd Tracy, CA 95304; LGB7 facility located at 1660 N. Linden Ave. Rialto, CA 92376; LGB8
23 facility located at 1568 N. Linden Ave. Rialto, CA 92376; LAX9 facility located at 11263 Oleander Ave.
Fontana, CA 92337; and SMF3 facility located 3923 B St. Stockton, CA 95206.

23 ¹² Id.

24 ¹³ Karen Weise, *Pushing by Pandemic, Amazon Goes on a Hiring Spree Without Equal*, N.Y.
25 Times (Nov. 27, 2020), <https://www.nytimes.com/2020/11/27/technology/pushed-by-pandemic-amazon-goes-on-a-hiring-spree-without-equal.html> (“The spree has accelerated since the onset of the pandemic,
26 which has turbocharged Amazon’s business and made it a winner of the crisis. Starting in July, the
company brought on about 350,000 employees, or 2,800 a day. Most have been warehouse workers[.]”).

27 ¹⁴ Amazon Staff, *Turning jobs into careers, and creating even more opportunities* (Oct. 27, 2020),
<https://www.aboutamazon.com/news/operations/turning-jobs-into-careers-and-creating-even-more-opportunities>.

28 ¹⁵ Annie Palmer, *Amazon is hiring 100,000 seasonal staff for the holidays*, (Oct., CNBC (Oct. 27,
2020), <https://www.cnbc.com/2020/10/27/amazon-is-hiring-100000-seasonal-staff-for-the-holidays.html>.

1 to provide *any* response to Document Requests: Nos. 4, 9, 19, 20, 23, 24, 25, 26, 27, 29, 30, and
2 31. With respect to the Investigative Interrogatories, Amazon has failed to provide responses to
3 the following Requests Nos.: 6, 7, 8, 14, 15, 16, 17, 22, 23, 25, 27, 28, 30, 31, 33, 34, 35, 36, 37,
4 40, 41, 42, 44, 46, 47, 49, 50, 52, 53, 54, 55, and 56.

5 33. Alarmed by the unsatisfactory production, on Monday, December 7, 2020, the
6 Attorney General sent another meet and confer letter via email to Amazon. (Hernández-Stern
7 Dec. ¶16, Ex. N). In addition to providing a brief summary of the parties’ meet and confer
8 efforts, the letter specifically made reference to the requests lacking a response and the fact that
9 Amazon has had ample time to furnish the Attorney General with responses. The Attorney
10 General expressly stated in the email correspondence that Amazon’s failure to provide full
11 responses to the items listed in the letter would leave the Attorney General with no other option,
12 but to file a petition to compel compliance with this Court.¹⁶ The Attorney General provided
13 Amazon until 2 p.m. on Thursday December 10, 2020, to provide the outstanding, requested
14 information.¹⁷

15 34. On Tuesday, December 8, 2020, Amazon and the Attorney General’s Office
16 exchanged email correspondence regarding the Attorney General’s December 7, 2020,
17 correspondence. (Hernández-Stern Dec. ¶17, Ex. O). This was in addition to a meet and confer
18 teleconference between the parties on Wednesday December 9, 2020. (Yanai Dec. ¶5). During
19 these exchanges, the Attorney General’s Office underscored the urgency of receiving the
20 requested information and Amazon’s multitude of opportunities and ample amount of time to
21 comply with the requests. As previously mentioned, as of Saturday, December 12, 2020,
22 California recorded 20,969 known COVID-19 deaths, and a staggering 1,551,766 statewide
23 COVID-19 cases.¹⁸

24 35. At 1:54 p.m. on Thursday December 10, 2020, Amazon’s counsel sent the Attorney
25 General meet and confer correspondence. (Hernández-Stern Dec. ¶18, Ex. P). The meet and

26 ¹⁶ Id.

27 ¹⁷ Id.

28 ¹⁸ State of California, Tracking COVID-19 in California, <https://covid19.ca.gov/state-dashboard/>
(last visited Dec. 13, 2020).

1 confer correspondence did not contain any further Investigative Interrogatory Responses or
2 documents responsive to the Attorney General’s Investigative Subpoena for Documents. It raised
3 Amazon’s previous protestation that it had not been provided sufficient time to comply with the
4 Attorney General’s requests. Moreover, the letter provided no explanation why over the course
5 of nearly four months, the world’s ninth largest company could not allocate further resources to
6 respond to the Attorney General’s requests, requests that the Attorney General had repeatedly
7 stated were time-sensitive and urgent given their subject matter.

8 36. The need has also materialized to evaluate Amazon’s compliance with the newly
9 adopted emergency temporary standards promulgated by the California Occupational Safety and
10 Health Standards Board.¹⁹ Amazon’s repeated delays and series of deficient responses prevent
11 the State from moving forward in its investigation to effectively inquire into its procedures and
12 practices under these COVID-19 regulations. Thus, the importance to the Attorney General of
13 receiving full responses from Amazon without further delay is heightened as the company’s
14 warehouses are staffed by a greater numbers of workers, and as California continues to set solemn
15 records in COVID-19 cases and deaths.

16 **THIS COURT’S AUTHORITY TO ORDER COMPLIANCE**

17 1. Government Code section 11187 provides that if a witness has failed to produce
18 materials called for by an investigative subpoena, the head of the department issuing the subpoena
19 may petition the Superior Court for an order compelling compliance. That section further
20 provides that a proceeding, such as this one, brought by the Attorney General or other appropriate
21 official, shall be the sole vehicle for determining the validity of any objections to the subpoena.

22 **PRAYER FOR RELIEF**

23 Pursuant to Government Code sections 11186 – 11188, the Attorney General prays that
24 this Court:

25 1. Issue an order directing Respondent to appear before this Court and to show cause
26 why it has refused to comply with the Attorney General’s Investigative Subpoenas;

27 ¹⁹ See Cal. Code Regs. Title 8 Division 1, Chapter 4, §§3205-3205.4; See also Ca. Dept. of Inds.
28 Rel., *COVID-19 Prevention – Emergency Temporary Standards* (Nov. 30, 2020),
<https://www.dir.ca.gov/OSHSB/documents/COVID-19-Prevention-Emergency-apprvdtxt.pdf>.

1 2. Upon Respondent's failure to show cause, enter an order directing Respondents to
2 provide full responses to Investigative Interrogatory Nos. 6, 7, 8, 15, 16, 17, 33, 47, 50, 53, 54,
3 and 55, and Document Request Nos.: 4, 9, 19, 21, 23, 24, 25, 26, 27, 29, and 30, forthwith, to
4 ensure that the Attorney General may effectively and expeditiously evaluate Respondent's
5 compliance with applicable California law and ensure worker safety amidst the further spread of
6 COVID-19.

7 3. Grant all other relief to which the People are legally entitled.

8
9 Dated: December 13, 2020

Respectfully Submitted,

10 XAVIER BECERRA
11 Attorney General of California
12 MICHAEL L. NEWMAN
13 Senior Assistant Attorney General
14 SATOSHI YANAI
15 Supervising Deputy Attorney General
16 JENNIFER C. BONILLA
17 MINSU D. LONGIARU
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