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[EXEMPT FROM FILING FEES
UNDER GOV. CODE, § 6103]

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[Additional Counsel listed on next page]
Attorneys for The People of the State of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MERCED

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

WALMART, INC.,

Defendant.

Case No.

COMPLAINT FOR PERMANENT INJUNCTION, CIVIL PENALTIES, RESTITUTION, AND OTHER EQUITABLE RELIEF

(BUS. & PROF. CODE, § 17200 et seq.)

1 *[Additional Counsel continued from prior page]*

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1 THE PEOPLE OF THE STATE OF CALIFORNIA (“People” or “Plaintiff”), by and
2 through ROB BONTA, Attorney General of the State of California, NICOLE A. SILVEIRA,
3 District Attorney of Merced County, ERIK NASARENKO, District Attorney of Ventura County,
4 and JEFF W. REISIG, District Attorney of Yolo County, allege the following on information and
5 belief:

6 **DEFENDANT**

7 1. Walmart, Inc. (“Walmart” or “Defendant”) is a Delaware corporation headquartered
8 in Arkansas.

9 2. Defendant Walmart is a large American multinational retail corporation that sells a
10 wide range of merchandise in physical retail stores as well as online at Walmart.com. Through its
11 website, Walmart sells products directly to consumers and also provides an e-commerce platform
12 for third-party sellers. Those e-commerce operations are designed and directed in part from
13 Walmart’s facilities in Sunnyvale and San Bruno, California.

14 **JURISDICTION AND VENUE**

15 3. This Court has jurisdiction over Defendant, as it transacts business in Merced County
16 and throughout the State of California and did so at all times relevant to this action.

17 4. Venue is proper, as the violations of law alleged in this Complaint occurred in
18 Merced County and elsewhere in the State of California.

19 **DEFENDANT’S BUSINESS PRACTICES**

20 5. Metal knuckles are illegal to advertise, sell, or possess in California. Metal knuckles,
21 also referred to as brass knuckles, are worn on the hand, over the knuckles, and are typically used
22 in physical altercations to increase the impact of a punch or a blow, or to protect the wearer’s
23 hand while striking a blow. The use of metal knuckles can lead to serious bodily injury, and they
24 are classified as deadly weapons under California law. (Pen. Code, § 21810.) Metal knuckles are
25 dangerous weapons that pose a threat to public safety in California.

26 6. During the relevant time period, Walmart advertised and sold metal knuckles online
27 through its website at www.walmart.com to California consumers and shipped the products
28 directly to consumers in the state as well as to Walmart stores for in-store pickup in the state.

1 7. During the relevant time period, third-party sellers advertised and sold metal knuckles
2 online through Walmart's e-commerce platform at www.walmart.com to California consumers
3 and shipped the products directly to consumers in the state. During this time, Walmart allowed
4 third-party sellers to sell metal knuckles through its platform by failing to properly screen and
5 prevent the products from being made available for purchase in California.

6 8. During the relevant time period, approximately 250 products that may be classified as
7 metal knuckles were sold to California consumers through Walmart's website. Approximately
8 60% of those metal knuckles were sold directly by Walmart, and the remaining 40% were sold by
9 third-party sellers.

10 9. California law also prohibits the advertising, sale, and possession of composite and
11 hard wooden knuckles, certain knives (including, for example, switchblade knives), and other
12 unlawful weapons and devices. (Pen. Code, §§ 20310, 20410, 20510, 20610, 20710, 20810,
13 20910, 21110, 21510, 21710, 22210, 22410.)

14 10. On information and belief, during the above period of time, other illegal and
15 dangerous weapons were also advertised for sale to California consumers by third-party sellers
16 through Walmart's website, including composite knuckles, certain knives, and saps and similar
17 weapons.

18 **FIRST CAUSE OF ACTION**

19 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17200**

20 **(Unfair Competition Law)**

21 11. The People reallege and incorporate by reference each of the paragraphs above as
22 though fully set forth herein.

23 12. Walmart has engaged in acts or practices that constitute unfair competition as defined
24 in Business and Professions Code section 17200. These acts or practices include, but are not
25 limited to, the following:

- 26 a. Violating Penal Code section 21810, including but not limited to, by importing,
27 possessing, offering or exposing for sale, or selling metal knuckles in California
28 and

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b. Violating Penal Code section 21810, including but not limited to, by allowing third-party sellers to offer or expose for sale or sell metal knuckles in California through Walmart’s online platform.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- 1. That Defendant, its successors, agents, representatives, employees, assigns, and all persons who act in concert with them be permanently enjoined from engaging in unfair competition as defined in Business and Professions Code section 17200, including but not limited to, the acts and practices alleged in this Complaint, under the authority of Business and Professions Code section 17203;
- 2. That the Court assess a civil penalty of \$2,500 against Defendant for each violation of Business and Professions Code section 17200 in an amount according to proof, under the authority of Business and Professions Code section 17206;
- 3. That the People recover its costs of suit, including all costs of investigation; and
- 4. For such other and further relief that the Court deems just and proper.

ROB BONTA
Attorney General
State of California


DATED: 5/22/2023

By: *Vesna Cuk*
Vesna Cuk
Deputy Attorney General
Attorney for Plaintiff

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District Attorney of Merced County

DATED: 5/22/2023

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Deputy District Attorney
Attorney for Plaintiff


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District Attorney of Ventura County

DATED: 5/22/2023

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Attorney for Plaintiff

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DATED: 5/22/2023

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