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EXEMPT FROM FILING FEES  
UNDER GOV. CODE SEC. 6103

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN FRANCISCO  
12

13  
14 THE PEOPLE OF THE STATE OF  
CALIFORNIA,

15 Plaintiff,

16 v.

17  
18 REVOLUTION CONSUMER SOLUTIONS  
(CA), LLC; METRO POLY CORP.;  
19 PREZERO US PACKAGING, LLC;  
ADVANCE POLYBAG, INC.,

20 Defendants.  
21  
22  
23  
24

**COMPLAINT FOR CIVIL PENALTIES,  
INJUNCTION, AND DISGORGEMENT**

- 25  
26  
27  
28
- (1) UNLAWFUL SALE AND  
DISTRIBUTION OF PLASTIC  
GROCERY BAGS;
  - (2) MISLEADING ENVIRONMENTAL  
MARKETING;
  - (3) FAILURE TO SUBSTANTIATE  
ENVIRONMENTAL MARKETING  
CLAIMS
  - (4) UNTRUE OR MISLEADING  
ADVERTISING;
  - (5) UNLAWFUL, UNFAIR, OR  
FRAUDULENT BUSINESS  
PRACTICES

**[VERIFIED ANSWER REQUIRED  
PURSUANT TO CODE OF CIVIL  
PROCEDURE SECTION 446]**

1 Plaintiff, the People of the State of California, by and through Rob Bonta, the Attorney  
2 General of California (Plaintiff, or the People), alleges as follows:

3 **I. INTRODUCTION**

4 1. In August 2014, the California Legislature passed Senate Bill (SB) 270 (Chapter 850  
5 of the Statutes of 2014), which banned single-use plastic bags from being offered at the point of  
6 sale at certain stores across California. SB 270 went into effect in November 2016, when voters  
7 approved Proposition 67, a statewide referendum to uphold SB 270.

8 2. The Legislature passed SB 270 to address the problem of plastic bag waste and  
9 pollution in California. Billions of single-use plastic bags were entering the State’s waste stream  
10 on an annual basis and polluting and harming the environment. In remarks to the Legislature in  
11 2014, the bill’s author, then-State Senator Alex Padilla, said that the “first and foremost  
12 objective” of SB 270 was “to reduce the amount of waste going into the waste stream”—in  
13 particular, waste attributable to plastic bags.<sup>1</sup> Senator Padilla described the toll that plastic bags  
14 were taking on the environment, including polluting waterways and impairing the health of  
15 wildlife.<sup>2</sup> He also described the costly attempts by many cities and counties across California “not  
16 just to collect and dispose of plastic bags but even [to] try to recycle [the bags].”<sup>3</sup> However,  
17 according to the California Department of Resources Recycling and Recovery (“CalRecycle”) at  
18 the time, less than 5 percent of single-use plastic bags were actually recycled, and plastic bags  
19 placed into the recycling stream were jamming machinery and slowing the sortation of waste at  
20 recycling centers, costing California more than an estimated \$25 million annually to collect and  
21 landfill the plastic bag waste—facts that Senator Padilla also highlighted before the Legislature.<sup>4</sup>

22 <sup>1</sup> Sen. Com. on Environmental Quality, hearing on Sen. Bill No. 270 (2013–2014 Reg. Sess.)  
23 Aug. 29, 2014, at <[https://www.senate.ca.gov/media/20140829\\_0917\\_STV2Vid](https://www.senate.ca.gov/media/20140829_0917_STV2Vid)> [as of Sept. 29,  
2025].

24 <sup>2</sup> Sen. Floor Sess. (2013–2014 Reg. Sess.) Aug. 29, 2014, at  
25 <[https://www.senate.ca.gov/media/20140829\\_0943\\_STV1Vid](https://www.senate.ca.gov/media/20140829_0943_STV1Vid)> [as of Sept. 29, 2025]; Sen. Rules  
26 Com., Off. of Sen. Floor Analyses, analysis of Sen. Bill No. 270 (2013–2014 Reg. Sess.) Aug.  
27 28, 2014, p. 4; see also Sen. Com. on Environmental Quality, analysis of Sen. Bill No. 270  
(2013–2014 Reg. Sess.) Aug. 28, 2014, p. 5;

28 <sup>3</sup> Sen. Floor Sess. (2013–2014 Reg. Sess.) Aug. 29, 2014, *supra*.

<sup>4</sup> *Ibid.*; Sen. Com. on Environmental Quality, analysis of Sen. Bill No. 270 (2013–2014 Reg.  
Sess.), *supra*; see also Sen. Rules Com., Off. of Sen. Floor Analyses, analysis of Sen. Bill No.  
270 (2013–2014 Reg. Sess.) Aug. 28, 2014, p. 4; see also California Integrated Waste

(continued...)

3. SB 270, which is codified at Public Resources Code section 42280 et seq., addresses the problem of plastic bag waste and pollution in California by taking a multi-pronged approach. First, SB 270 prohibits covered grocery and retail stores from providing single-use plastic bags to consumers at the point of sale. (Pub. Resources Code, § 42283, subd. (a).) Second, these stores are allowed to provide to consumers at the point of sale only paper bags or plastic bags that meet specified criteria for durability and reusability (*id.*, § 42281, subd. (a))—and in the case of such bags made of plastic film (hereinafter, plastic carryout bags), they must also be “recyclable in this state.” (*Id.*, § 42281, subd. (b)(1)(C).) Third, plastic carryout bags must have printed on them the chasing arrows symbol or the term “recyclable” and instructions to consumers to return the bags to an appropriate recycling location. (*Id.*, subd. (a)(4)(D).) Fourth, covered stores must charge consumers at least 10 cents for each paper bag or plastic carryout bag that the stores provide to consumers at the point of sale. (*Id.*, § 42283, subd. (c)(2).) Fifth, SB 270 appropriated funds from the state’s Recycling Market Development Revolving Loan Subaccount to make available loans to California companies “for the creation and retention of jobs and economic activity in the state for the manufacture and recycling of plastic reusable grocery bags that use recycled content.” (*Id.*, § 42288, subd. (a).)

4. SB 270 squarely places responsibility on producers of plastic carryout bags to ensure that the plastic carryout bags sold in California comply with SB 270's requirements. (Pub. Resources Code, § 42281.5.) Further, the statute prohibits producers from selling or distributing plastic carryout bags in California without obtaining certification from third-party certification entities indicating that the plastic carryout bags are compliant with SB 270's requirements. (*Ibid.*) Producers are also required to submit these certifications in proofs of certification to CalRecycle, demonstrating the producers' and their bags' compliance with the statute. (*Ibid.*)

5. Producers are thus responsible for ensuring that their plastic carryout bags are recyclable in California before the producers can lawfully sell and/or distribute their bags to California stores covered by SB 270. (Pub. Resources Code, §§ 42281.5, 42281, subd. (b)(1)(C).)

Management Board, Plastic Film Cooperative Recycling Initiative (Plastics Recycling), Problem Statement (Jan. 1, 2006).

1           6.     Since the enactment of SB 270, Defendants have profited from the sale of billions of  
2 plastic carryout bags in California that Defendants represented as being compliant with the  
3 statute. However, the bags do not comply with SB 270, because they are not recyclable in  
4 California. Even when consumers attempt to recycle the plastic carryout bags as instructed on the  
5 bags themselves, the bags are not recycled but instead generally end up in landfills or  
6 incinerators. Defendants knew this, but continued with “business as usual,” selling billions of  
7 plastic carryout bags in violation of SB 270 and other state laws, as set forth below.

8           7.     Despite their awareness that the plastic carryout bags are not recyclable in California,  
9 Defendants have continued to mislead and deceive Californians about the recyclability of  
10 Defendants’ plastic carryout bags. On each plastic carryout bag each Defendant has sold in  
11 California, and in media and other marketing materials that have reached California, Defendants  
12 have represented that their plastic carryout bags are recyclable, when in truth they are not  
13 recyclable. Since SB 270 came into effect in 2016, the vast majority of recycling facilities in  
14 California have not recycled plastic carryout bags—indeed they generally reject them because of  
15 the difficulty in sorting and cleaning such bags. Most materials recovery facilities (MRFs) in  
16 California, where materials collected in curbside recycling commonly go for sorting, specifically  
17 and unambiguously advise consumers that they do *not* accept plastic carryout bags and similar  
18 plastic film materials in residential recycling bins. The MRFs will not accept plastic carryout bags  
19 because the bags get caught up in sorting machinery, requiring that the machinery be shut down  
20 so that the bags can be manually removed. As a result, the vast majority of plastic carryout bags  
21 are not recyclable in California and end up in landfills, incinerators, and the environment.

22           8.     By selling and/or distributing plastic carryout bags in California while claiming that  
23 those bags are “recyclable,” when the bags are not recyclable, Defendants have violated SB 270  
24 (Pub. Resources Code, § 42280 et seq.) as well as California’s Environmental Marketing Claims  
25 Act (Bus. & Prof. Code, § 17580 et seq.), False Advertising Law (*id.*, § 17500 et seq.), and Unfair  
26 Competition Law (*id.*, § 17200 et seq.).  
27  
28

## **II. PARTIES**

### **A. Plaintiff**

9. Plaintiff is the People of the State of California. This civil enforcement action is prosecuted on behalf of the People by and through Rob Bonta, Attorney General of California, under the Attorney General's broad independent powers as chief law officer of the state to enforce state laws (Cal. Const., art. V, § 13), and pursuant to Public Resources Code section 42285 and Business and Professions Code sections 17203, 17204, 17206, 17535, and 17536.

### **B. Defendants**

#### **10. Revolution Consumer Solutions (CA), LLC**

a. Defendant Revolution Consumer Solutions (CA), LLC is a privately held limited liability company formed and headquartered in Vernon, California, and is engaged in the business of manufacturing food, beverage, and specialty packaging, including plastic carryout bags.

#### **11. Metro Poly Corp.**

a. Defendant Metro Poly Corp. is a privately held corporation incorporated and headquartered in San Leandro, California, and is engaged in the business of manufacturing food, beverage, and specialty packaging, including plastic carryout bags.

#### **12. PreZero US Packaging, LLC**

a. Defendant PreZero US Packaging, LLC is a privately held limited liability company formed in Delaware and headquartered in Jurupa Valley, California and was engaged in the business of selling and/or distributing food, beverage, mailing, and specialty packaging, including plastic carryout bags during the applicable period. PreZero ceased operations in California in or around December 2024.

#### **13. Advance Polybag, Inc.**

a. Defendant Advance Polybag, Inc. is a privately held corporation formed in Texas and headquartered in Sugarland, Texas, and is engaged in the business of manufacturing plastic bags, including plastic carryout bags. API has divisions and production facilities across the

1 United States, including Nevada and Oklahoma, and in Asia. API has been registered to do  
2 business in California since 2023.

3 14. During the relevant period, and in order to sell and/or distribute plastic carryout bags  
4 to stores in California under the statutory scheme of SB 270, Defendants, individually and  
5 separately, have paid administrative certification fees and submitted proofs of certification to  
6 CalRecycle pursuant to Public Resources Code section 42281.5. Plastic carryout bags from the  
7 Defendants have appeared on CalRecycle's List of Certified Reusable Grocery Bags and  
8 Producers since 2017, pursuant to Public Resources Code section 42282, subdivision (e).

9 15. When this Complaint references an act or omission of Defendants, unless specifically  
10 attributed or otherwise stated, such references mean that the officers, directors, agents,  
11 employees, or representatives of Defendants committed or authorized such an act or omission, or  
12 failed to adequately supervise or properly control or direct their employees while engaged in the  
13 management, direction, operation or control of the affairs of Defendants, and did so while acting  
14 within the scope of their employment or agency.

### 15 **III. JURISDICTION AND VENUE**

16 16. This Court has original jurisdiction over this action pursuant to article VI, section 10,  
17 of the California Constitution.

18 17. This Court has personal jurisdiction over Defendants, pursuant to Code of Civil  
19 Procedure section 410.10, because each Defendant purposefully availed itself of the California  
20 market, and thus of the benefits of the laws of the State (including SB 270's regulatory scheme  
21 for the sale of plastic carryout bags), at all times relevant to this Complaint, so as to render  
22 California courts' exercise of jurisdiction over each Defendant consistent with traditional notions  
23 of fair play and substantial justice. Each Defendant marketed, distributed, released, promoted,  
24 and/or otherwise sold its plastic carryout bags in markets around the United States, including  
25 within California. Further, each Defendant, in order to sell and/or distribute its plastic carryout  
26 bags in California under SB 270, submitted proofs of certification to CalRecycle, pursuant to the  
27 statutory scheme of SB 270.

1           18. Additionally, jurisdiction is proper over each non-resident Defendant for the  
2 following reasons:

3           a. Each non-resident Defendant parent has the power to direct and control its non-  
4 resident subsidiaries. Thus, each subsidiary is the agent of its parent. As agents, the subsidiaries  
5 of each non-resident Defendant conducted activities in California at the direction and for the  
6 benefit of its parent company;

7           b. The subsidiaries furthered each parent company's marketing, sale, and/or  
8 distribution of plastic carryout bags in California through affirmative promotion of the parent  
9 company's plastic carryout bags as recyclable;

10          c. The subsidiaries made such affirmative promotions with knowledge of the  
11 extremely limited availability of recycling for the parent company's plastic carryout bags in  
12 California and in the United States.

13          d. Each non-resident Defendant parent's and its subsidiaries' actions, as described  
14 above, resulted in increased sales and revenue to the parent company.

15          e. Therefore, that the subsidiaries' jurisdictional activities are properly attributed  
16 to each parent company and serve as a basis to assert jurisdiction over each of the non-resident  
17 Defendant parent companies.

18          19. Venue is proper in this Court pursuant to Code of Civil Procedure section 393,  
19 subdivision (a), because the violations of law alleged in this Complaint occurred throughout  
20 California, including in San Francisco County, and are part of the cause upon which the Plaintiff  
21 seeks recovery of penalties imposed by statute.

#### 22 **IV. LEGAL FRAMEWORK**

##### 23 **A. SB 270**

24          20. SB 270's compliance requirements came into effect on November 9, 2016. The  
25 statute prohibits a covered "store" (defined at Pub. Resources Code, § 42280, subd. (g)) from  
26 "provid[ing] a single-use carryout bag to a customer at the point of sale" (*id.*, § 42283, subd. (a)),  
27 but the statute in turn allows a store to sell and/or distribute at the point of sale a reusable carryout  
28 bag, recycled paper bag, or a compostable bag, as long as the store charges at least 10 cents for

1 each bag the store provides to a customer and the bag complies with the statute's requirements.  
2 (*Id.*, § 42283, subds. (b), (c), & (e); see also § 42283.5.)

3 21. A "reusable grocery bag" is defined as "a bag that is provided by a store to a  
4 customer at the point of sale that meets the requirements of Section 42281." (Pub. Resources  
5 Code, § 42280, subd. (d).) Among other things, section 42281 requires that a reusable grocery  
6 bag:

- 7 a. be "designed for at least 125 uses" (*id.*, subd. (a)(1));
- 8 b. be able to be cleaned and disinfected, such as in a washing machine (*id.*, subd.  
9 (a)(3));
- 10 c. have "printed on the bag, . . . and in a manner visible to the consumer, . . . [a]  
11 statement that the bag is a reusable bag and designed for at least 125 uses" (*id.*, subd. (a)(4)(C));
- 12 d. have "printed on the bag, . . . [i]f the bag is eligible for recycling in the state,  
13 instructions to return the bag to the store for recycling or to another appropriate recycling  
14 location" (*id.*, subd. (a)(4)(D));
- 15 e. "[i]f recyclable in the state, the bag shall include the chasing arrows recycling  
16 symbol or the term 'recyclable,' consistent with the [Federal Trade Commission's Guidelines for  
17 the Use of Environmental Marketing Claims (FTC Green Guides)<sup>5</sup> provisions for] use of that  
18 term" (*ibid.*);
- 19 f. "[c]omplies with [the FTC Green Guides provisions] related to recyclable  
20 claims if the reusable grocery bag producer [(defined at *id.*, § 42280, subd. (e))] makes a claim  
21 that the reusable grocery bag is recyclable" (*id.*, (a)(4)(6)).

22 22. A "reusable grocery bag made from plastic film," or plastic carryout bag, must meet  
23 additional requirements, including but not limited to the following:

- 24 a. "[i]t shall be recyclable in this state" (*id.*, (b)(1)(C));
- 25 b. Effective January 1, 2020, "[i]t shall be made from a minimum of 40 percent  
26 postconsumer recycled material" (*id.*, (b)(1)(B));

27 <sup>5</sup> The FTC Green Guides (16 C.F.R. § 260 et seq.) provides guidance for marketers making  
28 environmental claims about their products or services to ensure that those claims are not  
deceptive or misleading to consumers.



1 c. “[i]t shall have” printed on the bag “a statement that the bag is made partly or  
2 wholly from postconsumer recycled material and stating the postconsumer recycled material  
3 content percentage” (*id.*, (b)(1)(D));

4 d. “[i]t shall be capable of carrying 22 pounds over a distance of 175 feet for a  
5 minimum of 125 uses and be at least 2.25 mil[limeters] thick” (*id.*, (b)(1)(E)).

6 23. SB 270 requires that plastic carryout bags and those who market and sell and/or  
7 distribute them in California conform to the FTC Green Guides standards for marketers who  
8 claim that an item is recyclable. (*Id.*, § 42281, subds. (a)(4)(D) & (a)(6).) While the FTC Green  
9 Guides primarily serve as guidance to marketers at the federal level, SB 270 makes the FTC  
10 Green Guides provisions for “recyclable” claims mandatory under California law for plastic  
11 carryout bags.

12 24. The FTC Green Guides state that in order for a marketer to avoid making a deceptive  
13 or misleading claim that a product or package is recyclable, the product or package should “be  
14 collected, separated, or otherwise recovered from the waste stream through an established  
15 recycling program for reuse or use in manufacturing or assembling another item.” (16 C.F.R.  
16 § 260.12(a).)

17 25. The FTC Green Guides specify that recyclable claims without any qualification or  
18 limitation are not misleading “[w]hen recycling facilities are available to a substantial majority  
19 [i.e. at least 60 percent] of consumers or communities where the item is sold.” (16 C.F.R.  
20 § 260.12(b)(1).) For an unqualified recyclable claim to not be deceptive, the recycling facilities  
21 should “actually recycle, not accept and ultimately discard, the product.”<sup>6</sup>

22 26. Under the FTC Green Guides, “[i]f any component significantly limits the ability to  
23 recycle the item, any recyclable claim would be deceptive. An item that is made from recyclable  
24 material, but, because of its shape, size, or some other attribute, is not accepted in recycling  
25 programs, should not be marketed as recyclable.” (16 C.F.R. § 260.12(d).)

26  
27 <sup>6</sup> FTC Green Guides, Statement of Basis and Purpose, 2012, pp. 175–176, available at  
28 <<https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-issues-revised-green-guides/greenguidesstatement.pdf>> (last accessed September 29, 2025).

1        27. Because SB 270 requires compliance with the FTC Green Guides standards, if a  
2 producer is unable to make a non-deceptive or non-misleading “recyclable” claim about the  
3 producer’s plastic carryout bags, then the bags are not eligible for sale in California under SB  
4 270.

5        28. SB 270 also provides that a producer of plastic carryout bags “shall not sell or  
6 distribute a [plastic carryout] bag in this state unless the producer is certified by a third-party  
7 certification entity pursuant to Section 42282.” Producers “shall provide proof of certification to  
8 [CalRecycle] demonstrating the bags produced by the producer comply with the provisions of  
9 [Article 2 of SB 270, including Section 42281].” (Pub. Resources Code, § 42281.5.) The producer  
10 submits the proof of certification to CalRecycle “under penalty of perjury” and must resubmit the  
11 proof of certification to CalRecycle every two years. (*Id.*, § 42282, subds. (a) & (b).)

12        29. Thus, under SB 270, a plastic carryout bag must be recyclable in California, display  
13 either the chasing arrows symbol or the term “recyclable,” and display instructions to the  
14 consumer to return the plastic carryout bag to an appropriate recycling location. Because the  
15 display of the chasing arrows, the term “recyclable,” or instructions to the consumer to recycle the  
16 bag are each separate “recyclable” claims under the FTC Green Guides, their display on the  
17 plastic carryout bag must be consistent with the FTC Green Guides provisions for “recyclable”  
18 claims. Lastly, the producer of the plastic carryout bag must ensure that it is compliant with SB  
19 270’s requirements, including the above, and demonstrate that compliance by submitting a  
20 complete proof of certification for the plastic carryout bag to CalRecycle, before the producer can  
21 sell the bag in California. (Pub. Resources Code, § 42281.5.)

22        30. CalRecycle must accept producers’ complete proofs of certification. (Pub. Resources  
23 Code, § 42281.5, subd. (a).) SB 270 also requires CalRecycle to establish a certification fee (*id.*, §  
24 42282.1) and set up and maintain a list of certified reusable grocery bags and producers,  
25 published on a CalRecycle website (*id.*, § 42282, subd. (e)).

26        31. SB 270 authorizes the Attorney General on behalf of the People of the State of  
27 California to “impose civil liability on a person or entity that knowingly violated [SB 270], or  
28 reasonably should have known that it violated [SB 270].” (Pub. Resources Code, § 42285, subd.

1 (a.) Violators of SB 270 are subject to civil penalties “in the amount of one thousand dollars  
2 (\$1,000) per day for the first violation of this chapter, two thousand dollars (\$2,000) per day for  
3 the second violation, and five thousand dollars (\$5,000) per day for the third and subsequent  
4 violations.” (*Ibid.*)

5 **B. Environmental Marketing Claims Act**

6 32. The Environmental Marketing Claims Act (EMCA) is codified at Business and  
7 Professions Code section 17580 et seq. The EMCA prohibits any person from making “an  
8 untruthful, deceptive, or misleading environmental marketing claim, whether explicit or implied.”  
9 (Bus. & Prof. Code, § 17580.5, subd. (a).) “Environmental marketing claim” is defined to  
10 “include any claim contained in the [FTC Green Guides],” including “recyclable” claims. (*Ibid.*;  
11 see also FTC Green Guides, 16 C.F.R. § 260.12.)

12 33. In addition to the requirements described above, the FTC Green Guides provide that,  
13 in order to avoid misleading consumers, “marketers should qualify all recyclable claims” about an  
14 item when the substantial majority threshold is not met for the item. (16 C.F.R. § 260.12(b)(2).)

15 34. The FTC Green Guides provide that when “recycling facilities are available to  
16 slightly less than a substantial majority,” marketers can use a qualification like “Recycling  
17 facilities for this product may not exist in your area.” (16 C.F.R. § 260.12(b)(2).) When  
18 “recycling facilities are available only to a few consumers, marketers should use stronger  
19 clarifications,” such as “This product is recyclable only in the few communities that have  
20 appropriate recycling facilities.” (*Ibid.*) For qualified claims, “[t]he lower the level of [consumer]  
21 access to an appropriate recycling facility” for the item, “the more strongly the marketer should  
22 emphasize the limited availability of recycling for the [item].” (*Ibid.*)

23 35. Under the EMCA, anyone “who represents in advertising or on the label or container  
24 of a consumer good that the consumer good that it manufactures or distributes is not harmful to,  
25 or is beneficial to, the natural environment . . . through the use of a chasing arrows symbol or by  
26 otherwise directing a consumer to recycle the consumer good, shall maintain in written form in its  
27 records . . . information and documentation supporting the validity of the representation.” (Bus. &  
28 Prof. Code, § 17580, subd. (a).)

1           36. The EMCA requires maintenance of information and documentation regarding  
2 whether “the consumer good conforms with the uniform standards contained in the [FTC Green  
3 Guides] for the use of the terms ‘recycled’ [or] ‘recyclable.’” The EMCA requires that this  
4 information and documentation supporting the validity of environmental marketing and  
5 recyclable claims must be provided to any member of the public upon request. (Bus. & Prof.  
6 Code, § 17580, subds. (b) & (d).)

7           37. Violators of the EMCA are subject to injunctive relief and to civil penalties up to  
8 \$2,500 per violation. (Bus. & Prof. Code, §§ 17535, 17536.)

### 9           **C. False Advertising Law**

10          38. The False Advertising Law (FAL) is codified at Business and Professions Code  
11 section 17500 et seq. The FAL prohibits “any person, firm, corporation or association, or any  
12 employee thereof with intent directly or indirectly to dispose of . . . property . . . or to induce the  
13 public to enter into any obligation relating thereto,” from making or disseminating, or causing to  
14 be made or disseminated, false or misleading statements about the property or its disposition,  
15 when the person, firm, corporation or association, or employee thereof either knew or should have  
16 known “by the exercise of reasonable care” that the statements were false or misleading. (Bus. &  
17 Prof. Code, § 17500.)

18          39. Violators of the FAL are subject to injunctive relief and to civil penalties up to \$2,500  
19 per violation. (Bus. & Prof. Code, §§ 17535, 17536.) Courts may also award the remedy of  
20 disgorgement for violations of the FAL in actions brought by the Attorney General. (Gov. Code,  
21 § 12527.6.)

### 22           **D. Unfair Competition Law**

23          40. The Unfair Competition Law (UCL) is codified at Business and Professions Code  
24 section 17200 et seq. The UCL prohibits any person from engaging in unfair competition, defined  
25 to include “any unlawful, unfair or fraudulent business act or practice and unfair, deceptive,  
26 untrue or misleading advertising and any act prohibited by [the FAL].” (Bus. & Prof. Code,  
27 § 17200.)  
28

41. Violators of the UCL are subject to injunctive relief and to civil penalties up to \$2,500 per violation. (Bus. & Prof. Code, §§ 17203, 17206.) Courts may also award the remedy of disgorgement for violations of the UCL in actions brought by the Attorney General. (Gov. Code, § 12527.6.)

## **V. FACTUAL BACKGROUND**

### **A. Defendants' Sale of Plastic Carryout Bags Since the Enactment of SB 270**

42. Since 2016 and continuing to present, Defendants have sold and/or distributed more than 4.3 billion plastic carryout bags to California stores covered by SB 270, deriving substantial profits—at least \$33.2 million from 2020 to present.

43. At all relevant times, Defendants have been required to comply with SB 270 in order to lawfully sell and/or distribute plastic carryout bags to covered stores in California.

44. Since at least 2017, to make Defendants' plastic carryout bags eligible for sale to covered stores in California under SB 270, Defendants, individually and separately, have submitted to CalRecycle documentation that has purported to show that Defendants' plastic carryout bags have met the requirements of SB 270, including the requirements that the bags are "recyclable in this state" and claims about the bags' recyclability are consistent with the FTC Green Guides provisions.

45. At all relevant times, Defendants have marketed that the plastic carryout bags that they have sold and/or distributed to covered stores in California are recyclable. In particular, since at least 2017, Defendants have sold in California plastic carryout bags that bear various claims that the bags are recyclable. These claims have included printed language stating that the bags are recyclable; symbols, such as the chasing arrows, indicating that the bags are recyclable; and instructions for consumers to recycle the bags.

46. The recyclable claims and directions printed on the plastic carryout bags that Defendants have sold and/or distributed in California since 2017 have conveyed that the bags are recyclable. A reasonable consumer would understand the recyclable claims and directions printed on Defendants' plastic carryout bags to mean that the bags are recyclable. A reasonable consumer would further understand from the recyclable claims and instructions printed on Defendants'

1 plastic carryout bags that if the consumer were to follow the instructions the bag would typically  
2 get recycled. But, as discussed below, the plastic carryout bags are not recyclable in California.

3 **B. Plastic Carryout Bags Are Not Recyclable in California**

4 47. The plastic carryout bags that Defendants have sold in California during the relevant  
5 period have not been recyclable in this state, as required under SB 270.

6 48. The bags are not being recycled at any meaningful rate in California.

7 49. A variety of recent surveys, studies, and reports have similarly found that plastic  
8 carryout bags are not actually getting recycled at a substantial rate in California. In 2021, a  
9 Statewide Commission on Recycling Markets and Curbside Recycling (“Commission”) released a  
10 series of reports and policy recommendations. The Commission pointed out that plastic carryout  
11 bags are not widely accepted in curbside recycling programs. Further, the Commission observed,  
12 “[t]here is not a comprehensive store takeback system for plastic bags or film in California.”<sup>7</sup> The  
13 Commission further noted that the chasing arrows symbol confused consumers about the  
14 recyclability of plastic carryout bags.<sup>8</sup>

15 50. Starting in 2023, CalRecycle has released several reports indicating that the vast  
16 majority of plastic carryout bags in California are not being recycled in California. For example,  
17 as part of a materials characterization study in 2023, CalRecycle visited MRFs across the state to  
18 sample outflows of sorted materials. CalRecycle found that plastic carryout bags were not  
19 classifiable as sorted for recycling by MRFs, because plastic carryout bags rarely appeared in the  
20 outflow samples, and when CalRecycle observed the bags in the samples, the samples were  
21 destined for landfill—not for recycling.<sup>9</sup> In follow-up reports in 2024 and 2025, CalRecycle  
22 confirmed that it found insufficient evidence that MRFs sort plastic carryout bags for recycling.<sup>10</sup>

23 <sup>7</sup> California’s Statewide Commission on Recycling Markets and Curbside Recycling,  
24 Recommendations Report, Policy 21-34: Request for Enforcement of Labeling Laws (Dec. 20,  
2021), p. 5, available at <<https://calrecycle.ca.gov/recyclingcommission/>> [as of Sept. 29, 2025].

25 <sup>8</sup> California’s Statewide Commission on Recycling Markets and Curbside Recycling, Policy  
26 Recommendations, Policy 20-18: Label Restriction to Stop Plastic Bag/Film Contamination in  
Curbside Recycling (June 25, 2025), p. 105, available at  
<<https://calrecycle.ca.gov/recyclingcommission/>> [as of Sept. 29, 2025].

27 <sup>9</sup> CalRecycle, SB 343 Material Characterization Study Preliminary Findings, DRRR-2023-1728  
(Dec. 2023), Appx. 6, pp. 97–98.

28 <sup>10</sup> CalRecycle, SB 343 Material Characterization Study Revised Preliminary Findings, DRRR-  
2024-1746 (Dec. 2024), pp. 22, 25.

1           51. Also in December 2023, CalRecycle published a list that indicated whether various  
2 material types and forms are recyclable in California based on a standard established under SB  
3 343 in 2021. Material types and forms are considered recyclable under this standard if they are  
4 collected for recycling by programs that serve a substantial majority of the state’s population and  
5 are sorted for recycling by MRFs that serve a substantial majority of the recycling programs. (See  
6 Pub. Resources Code, § 42355.51, subd. (d)(2).) CalRecycle indicated on the list that plastic  
7 carryout bags were not recyclable in California under this standard.<sup>11</sup> CalRecycle updated the list  
8 in 2025, and the agency’s finding that plastic carryout bags are not recyclable remained  
9 consistent.<sup>12</sup>

10           52. CalRecycle and the Commission determined that plastic carryout bags are generally  
11 not collected and sorted by recycling programs that serve the substantial majority of California  
12 residents; accordingly, plastic carryout bags are not recycled through these waste management  
13 pathways.

14           53. Many grocery and retail stores, and other similar designated collection points in  
15 California, offer and maintain bins onsite for consumers to deposit used plastic carryout bags and  
16 other postconsumer plastic film for recycling. Instructions printed on and/or around the bins tell  
17 consumers that they can recycle plastic carryout bags by depositing the bags in the bins. The  
18 chasing arrows symbol is also often displayed on and/or around the bins. Websites, such as  
19 how2recycle.info, have directed consumers to these store drop-off bin sites to recycle plastic  
20 carryout bags.

21           54. But the vast majority of the plastic carryout bags that consumers deposit in these store  
22 drop-off bins for recycling are not recycled, in California or anywhere else. Rather, the bags end  
23 up in landfills or incinerators or are shipped to other countries.

24  
25 <sup>11</sup> CalRecycle, SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act,  
26 Covered Material Category (CMC) List Material Characterization Study (Dec. 2023), Table 1, pp.  
27 8–12, available at <<https://www2.calrecycle.ca.gov/Docs/Web/126582>> [as of Sept. 29, 2025].

28 <sup>12</sup> CalRecycle, SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act,  
Covered Material Category (CMC) List Material Characterization Study Revised Preliminary  
Findings (Jan. 1, 2025), Table 1, pp. 7–9, available at  
<<https://www2.calrecycle.ca.gov/Docs/Web/129525>> [as of Sept. 29, 2025].

1        55. There is no robust market for postconsumer plastic carryout bags anywhere in the  
2 United States, and few plastic film recyclers in California can process more than a modicum of  
3 plastic carryout bags for recycling. (Trex, a company that uses recycled materials to produce  
4 composite decking and lumber at facilities in Nevada and Virginia, sources plastic film from  
5 California, but it can process only a nominal amount of the film consumed by Californians.)

6        56. Defendants either knew, or should have known through the exercise of reasonable  
7 care, that the plastic carryout bags that Defendants have sold in California during the relevant  
8 period are not recyclable in California. Defendants, as active participants in the plastic film  
9 industry, knew or should have known that there has not been a viable market for postconsumer  
10 plastic carryout bags, in California and elsewhere, that the vast majority of plastic carryout bags  
11 deposited in collection bins in California do not reach recycling facilities that actually recycle the  
12 bags, in California and elsewhere. Defendants knew or should have known of the publicly  
13 available reports and other media, from the time SB 270 was passed to the present, illustrating a  
14 lack of recycling for plastic carryout bags, in California and elsewhere.

## 15 **VI. CAUSES OF ACTION**

### 16 **FIRST CAUSE OF ACTION**

#### 17 **UNLAWFUL SALE AND DISTRIBUTION OF PLASTIC CARRYOUT BAGS**

18 (Pub. Resources Code, § 42280 et seq.)

19 (Against All Defendants)

20        57. The People re-allege and incorporate by reference the allegations in paragraphs 1  
21 through 56 as though fully set forth herein.

22        58. Defendants, and each of them, are producers of plastic carryout bags, as defined in  
23 Public Resources Code section 42280, subdivisions (d) and (e). Defendants have manufactured  
24 plastic carryout bags for sale and/or distribution to a store in California, as defined in Public  
25 Resources Code section 42280, subdivision (g), imported plastic carryout bags into California for  
26 sale or distribution to a store, and/or sold and/or distributed plastic carryout bags to a store in  
27 California.  
28



1           59. At all relevant times, Defendants, and each of them, sold and/or distributed their  
2 plastic carryout bags to at least one store in California.

3           60. Defendants, and each of them, continue to sell and/or distribute their plastic carryout  
4 bags to at least one store in California.

5           61. At all relevant times, Defendants, and each of them, have submitted proofs of  
6 certification to CalRecycle to demonstrate that the plastic carryout bags that Defendants sell  
7 and/or distribute to stores in California comply with the requirements of Article 2 of SB 270,  
8 including Public Resources Code section 42281.

9           62. Throughout the relevant time period, Defendants' plastic carryout bags that  
10 Defendants have sold and/or distributed and continue to sell and/or distribute in California have  
11 failed to comply with the requirements of Article 2 of SB 270 in the following ways:

12               a. Defendants' plastic carryout bags are not "recyclable in this state," as required  
13 under Public Resources Code section 42281, subdivision (b)(1)(C);

14               b. Defendants' display of the chasing arrows symbol on Defendants' plastic  
15 carryout bags is not consistent with the FTC Green Guides provisions for use of the chasing  
16 arrows symbol, as required under Public Resources Code section 42281, subdivision (a)(4)(D);

17               c. Defendants' display of the term "recyclable" on Defendants' plastic carryout  
18 bags is not consistent with the FTC Green Guides provisions for use of the term "recyclable," as  
19 required under Public Resources Code section 42281, subdivision (a)(4)(D);

20               d. Defendants' claims that Defendants' plastic carryout bags are recyclable—  
21 including but not limited to claims made by displaying the chasing arrows symbol, the term  
22 "recyclable," and instructions to return the plastic carryout bags to stores for recycling—do not  
23 comply with the FTC Green Guides provisions for making "recyclable" claims, as required under  
24 Public Resources Code section 42281, subdivision (a)(6).

25           63. During the relevant period, Defendants have also sold and/or distributed and continue  
26 to sell and/or distribute in California types of plastic carryout bags that have failed to comply with  
27 the requirements of Article 2 of SB 270, because the bags have not included the display of the  
28 chasing arrows symbol, the term "recyclable," and/or instructions to return the plastic carryout

1 bags to stores or other appropriate locations for recycling, as required under Public Resources  
2 Code section 42281, subdivision (a)(4)(D).

3 64. At all relevant times, Defendants have been in violation of SB 270 by:

4 a. Selling and/or distributing to stores in California plastic carryout bags that do  
5 not comply with the requirements of Article 2 of SB 270;

6 b. Submitting false proofs of certification to CalRecycle that Defendants' plastic  
7 carryout bags comply with the requirements of Article 2 of SB 270, when these bags do not.

8 65. At all relevant times, Defendants knew, or reasonably should have known:

9 a. Of the low level of recycling in California, and elsewhere, for plastic carryout  
10 bags;

11 b. That Defendants' plastic carryout bags that Defendants have sold and/or  
12 distributed and continue to sell and/or distribute in California are not recyclable in this state;

13 c. That Defendants' plastic carryout bags that Defendants have sold and/or  
14 distributed and continue to sell and/or distribute in California display the chasing arrows symbol  
15 and/or the term "recyclable," inconsistent with the FTC Green Guides provisions for the use of  
16 the chasing arrows symbol or the term "recyclable";

17 d. That Defendants' claims that the plastic carryout bags that Defendants have  
18 sold and/or distributed and continue to sell and/or distribute in California are recyclable—  
19 including but not limited to claims made by displaying the chasing arrows symbol, the term  
20 "recyclable," or instructions to return the plastic carryout bags to stores for recycling—have not  
21 complied and do not comply with the FTC Green Guides provisions for making "recyclable"  
22 claims;

23 e. That types of Defendants' plastic carryout bags that Defendants have sold  
24 and/or distributed and continue to sell and/or distribute in California have not included the display  
25 of the chasing arrows symbol, the term "recyclable," and/or instructions to return the plastic  
26 carryout bags to stores or other appropriate locations for recycling;

27 f. That Defendants submitted under penalty of perjury false proofs of certification  
28 to CalRecycle, falsely, deceptively, and/or misleadingly representing that Defendants' plastic

1 carryout bags that Defendants have sold and/or distributed and continue to sell and/or distribute in  
2 California have complied with the requirements of Article 2 of SB 270, when these bags have not  
3 so complied.

4 66. During the relevant period, Defendants violated Public Resource Code section  
5 42281.5 by selling and/or distributing in California at least one type of plastic carryout bag for  
6 which, at the time of sale and/or distribution, there was not an active and complete proof of  
7 certification accepted by CalRecycle.

8 67. Defendants knew, or reasonably should have known, that they were in violation of  
9 Public Resources Code section 42281.5 by selling and/or distributing at least one type of plastic  
10 carryout bag for which, at the time of sale and/or distribution, there was not an active and  
11 complete proof of certification accepted by CalRecycle.

## 12 **SECOND CAUSE OF ACTION**

### 13 **MISLEADING ENVIRONMENTAL MARKETING**

14 (Bus. & Prof. Code, § 17580.5)

15 (Against All Defendants)

16 68. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1  
17 through 67 as though fully set forth herein.

18 69. Defendants, and each of them, have made untruthful, deceptive, and/or misleading  
19 environmental marketing claims, whether explicitly or implicitly, that the plastic carryout bags  
20 that Defendants have sold and/or distributed and continue to sell and/or distribute in California  
21 are recyclable, when the bags are instead not recyclable, in violation of Business and Professions  
22 Code section 17580.5.

23 70. These misleading recyclable claims include but are not limited to such false,  
24 deceptive, and/or misleading representations as:

- 25 a. Displaying the chasing arrows symbol on Defendants' plastic carryout bags;
- 26 b. Displaying the terms, "recyclable," "recycle," "please recycle," or other  
27 recycling terminology on Defendants' plastic carryout bags;
- 28

1 c. Displaying on Defendants' plastic carryout bags instructions to return the bags  
2 to stores or other locations for recycling;

3 **THIRD CAUSE OF ACTION**

4 **FAILURE TO SUBSTANTIATE ENVIRONMENTAL MARKETING CLAIMS**

5 (Bus. & Prof. Code, § 17580)

6 (Against All Defendants)

7 71. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1  
8 through 70 as though fully set forth herein.

9 72. Defendants have failed to maintain in written form and furnish to the Attorney  
10 General, upon the Attorney General's request, all of the information and documentation  
11 supporting the validity of Defendants' representations that the plastic carryout bags that  
12 Defendants have sold and/or distributed and continue to sell and/or distribute in California are  
13 recyclable, as required under Business and Professions Code section 17580, subdivision (a).

14 73. Defendants' have represented and continue to represent to California consumers that  
15 their plastic carryout bags are recyclable, and thus are not harmful to and/or beneficial to the  
16 natural environment.

17 74. Defendants' representations that their plastic carryout bags are recyclable include but  
18 are not limited to the display on the bags themselves of the chasing arrows symbol, the term  
19 "recyclable" and other recycling terminology, and instructions to return the bags to stores or other  
20 locations for recycling.

21 75. In particular, Defendants have failed to furnish to the Attorney General upon request  
22 the information and documentation supporting the validity of Defendants' display of the chasing  
23 arrows and instructions to return Defendants' plastic carryout bags to stores for recycling  
24 consistent with the FTC Green Guides provisions for "recyclable" claims.

1 **FOURTH CAUSE OF ACTION**

2 **UNTRUE OR MISLEADING ADVERTISING**

3 (Bus. & Prof. Code, § 17500)

4 (Against All Defendants)

5 76. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1  
6 through 75 as though fully set forth herein.

7 77. Defendants, and each of them, have engaged in and continue to engage in acts or  
8 practices that constitute violations of the False Advertising Law, Business and Professions Code  
9 section 17500 et seq.

10 78. Defendants have acted with the intent to induce grocery and retail stores and  
11 members of the public to purchase Defendants' plastic carryout bags and made or caused to be  
12 made and/or disseminated misleading statements concerning Defendants' plastic carryout bags,  
13 which Defendants knew, or by the exercise of reasonable care should have known, were untrue or  
14 misleading at the time Defendants made them. Such misrepresentations include but are not  
15 limited to:

16 a. Displaying the chasing arrows symbol on Defendants' plastic carryout bags,  
17 and thus representing that the bags are recyclable, when they are not;

18 b. Displaying the terms "recyclable," "recycle," "please recycle," or other  
19 recycling terminology on Defendants' plastic carryout bags, and thus representing that the bags  
20 are recyclable, when they are not;

21 c. Displaying on Defendants' plastic carryout bags instructions to return the bags  
22 to stores or other locations for recycling, and thus representing that the bags are recyclable, when  
23 they are not;

1 **FIFTH CAUSE OF ACTION**

2 **UNLAWFUL, UNFAIR, OR FRAUDULENT BUSINESS PRACTICES**

3 (Bus. & Prof. Code, § 17200)

4 (Against All Defendants)

5 79. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1  
6 through 78 as though fully set forth herein.

7 80. Defendants have engaged in and continue to engage in unlawful, unfair, or fraudulent  
8 business acts or practices and unfair, deceptive, untrue, or misleading advertising that constitutes  
9 unfair competition as defined in the Unfair Competition Law, Business and Professions Code  
10 section 17200 et seq.

11 81. Defendants' acts in violation of the Unfair Competition Law include but are not  
12 limited to:

13 a. Selling and/or distributing plastic carryout bags that do not comply with the  
14 requirements of SB 270, and submitting false proofs of certification to CalRecycle to sell and/or  
15 distribute Defendants' plastic carryout bags under SB 270, as alleged in the First Cause of Action;

16 b. Making the misleading environmental marketing claim that Defendants' plastic  
17 carryout bags that Defendants have sold and/or distributed and continue to sell and/or distribute in  
18 California are recyclable, in violation of Business and Professions Code section 17580.5, as  
19 alleged in the Second Cause of Action;

20 c. Failing to furnish to the Attorney General upon request written information and  
21 documentation supporting the validity of Defendants' representations that their plastic carryout  
22 bags that Defendants have sold and/or distributed and continue to sell and/or distribute in  
23 California are recyclable, in violation of Business and Professions Code section 17580, as alleged  
24 in the Third Cause of Action;

25 d. Making or causing to be made and/or disseminated untrue and/or misleading  
26 statements about Defendants' plastic carryout bags to the California public in order to sell and/or  
27 distribute the bags in California, in violation of the Business and Professions code section 17500,  
28 as alleged in the Fourth Cause of Action;

1 e. Representing in submissions to CalRecycle, under penalty of perjury and for  
2 the purpose of demonstrating compliance with SB 270 to sell and/or distribute Defendants' plastic  
3 carryout bags in California, that:

4 i. Defendants' plastic carryout bags are recyclable and recyclable in  
5 California, when they are not;

6 ii. Defendants' plastic carryout bags display the chasing arrows symbol  
7 and/or the term "recyclable" consistent with the FTC Green Guides provisions for use of the  
8 chasing arrows symbol or the term "recyclable," when instead Defendants' bags display the  
9 chasing arrows symbol and/or the term "recyclable," inconsistent with the FTC Green Guides  
10 provisions;

11 iii. Defendants' claims that their plastic carryout bags are recyclable  
12 complied with the FTC Green Guides provisions for making "recyclable" claims, when  
13 Defendants' "recyclable" claims did not do so.

#### 14 **VII. PRAYER FOR RELIEF**

15 WHEREFORE, the People respectfully request that the Court enter judgment in favor of the  
16 People and against Defendants, as follows:

17 1. Pursuant to Public Resources Code section 42285, assessing against each Defendant a  
18 civil penalty of one thousand dollars (\$1,000) for the Defendant's first violation, two thousand  
19 dollars (\$2,000) for the Defendant's second violation, and five thousand dollars (\$5,000) for the  
20 Defendant's third and subsequent violations of SB 270, within the applicable limitations and  
21 tolling periods, as proved at trial;

22 2. Pursuant to Business and Professions Code section 17535, entering all orders  
23 necessary to prevent Defendants, along with Defendants' successors, agents, representatives,  
24 employees, and all persons who act in concert with Defendants, from making any false or  
25 misleading statements in violation of Business and Professions Code sections 17500 and 17580.5;

26 3. Pursuant to Business and Professions Code section 17203, entering all orders  
27 necessary to prevent Defendants, along with Defendants' successors, agents, representatives,  
28 employees, and all persons who act in concert with Defendants, from engaging in any act or

1 practice that constitutes unfair competition in violation of Business and Professions Code section  
2 17200;

3 4. Pursuant to Business and Professions Code section 17536, assessing a civil penalty of  
4 two thousand five hundred dollars (\$2,500) against each Defendant for each violation of Business  
5 and Professions Code section 17500, within the applicable limitations and tolling periods, as  
6 proved at trial;

7 5. Pursuant to Business and Professions Code section 17536, assessing a civil penalty of  
8 two thousand five hundred dollars (\$2,500) against each Defendant for each violation of Business  
9 and Professions Code section 17580.5, within the applicable limitations and tolling periods, as  
10 proved at trial;

11 6. Pursuant to Business and Professions Code section 17536, assessing a civil penalty of  
12 two thousand five hundred dollars (\$2,500) against each Defendant for each violation of Business  
13 and Professions Code section 17580, within the applicable limitations and tolling periods, as  
14 proved at trial;

15 7. Pursuant to Business and Professions Code section 17206, assessing a civil penalty of  
16 two thousand five hundred dollars (\$2,500) against each Defendant for each violation of Business  
17 and Professions Code section 17200, within the applicable limitations and tolling periods, as  
18 proved at trial;

19 8. Pursuant to Government Code section 12527.6, awarding disgorgement of profits,  
20 within the applicable limitations and tolling periods, in an amount according to proof;

21 9. Ordering that the People receive all other relief to which it is legally entitled; and

22 10. Awarding such other relief that the Court deems just, proper, and equitable.

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Dated: October 17, 2025

Respectfully submitted,

ROB BONTA  
Attorney General of California  
VANESSA MORRISON  
Supervising Deputy Attorney General

/s/ Brian Calavan  
BRIAN CALAVAN  
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