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*Exempt from fees Pursuant
to Govt. Code § 6103*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

PACIFIC MAGAZINE BILLING LP, a California
limited partnership;
PACIFIC MAGAZINE BILLING, INC., a
California corporation;
GRAVITY RESOURCES, INC., a California
corporation;
TURKEY RANCH PRODUCTIONS, INC., a
California corporation;
TALBOT WOLF, LLC., a California limited liability
company; and
STEVEN VANDE VEGTE, an individual,

Defendants.

Civil Case No:

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

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1 The People of the State of California (hereinafter “Plaintiff” or “the People”), by and
2 through Rob Bonta, Attorney General; Ursula Jones Dickson, District Attorney of Alameda
3 County; Nathan J. Hochman, District Attorney of Los Angeles County; Lori E. Frugoli, District
4 Attorney of Marin County; Summer Stephan, District Attorney of San Diego County; Brooke
5 Jenkins, District Attorney of San Francisco; and Carla Rodriguez, District Attorney of Sonoma
6 County, allege on information and belief the following:

7 **JURISDICTION AND VENUE**

8 1. This Court has subject matter jurisdiction over this action, among other things,
9 pursuant to Business and Professions Code sections 17203, 17204, 17206, 17535, 17536, and
10 Article 6, section 10 of the California Constitution.

11 2. This Court has jurisdiction over Defendants named above and further identified
12 below pursuant to Code of Civil Procedure section 410.10 because the causes of action alleged
13 herein arise out of business activities that occurred throughout the State of California, including
14 the counties of Alameda, Los Angeles, Marin, San Diego, San Francisco, and Sonoma.

15 3. Venue is proper in this Court because the violations of law herein alleged occurred
16 within San Diego County and throughout the State of California.

17 **PLAINTIFF**

18 4. Plaintiff, the People, are represented by and through the Attorney General and the
19 District Attorneys listed above. The Attorney General and each of the District Attorneys have
20 authority to bring this case on behalf of the People pursuant to the Unfair Competition Law
21 (Bus. & Prof. Code section 17200 et seq.) and False Advertising Law (Bus. & Prof. Code
22 section 17500 et seq.).

23 **DEFENDANTS**

24 5. Defendant PACIFIC MAGAZINE BILLING LP is now, and at all times relevant to
25 the claims in this Complaint was, a California limited partnership that owned and/or operated a
26 magazine subscription solicitation business, located in Escondido, California.

27 6. Defendant PACIFIC MAGAZINE BILLING, INC., is now, and at all times relevant
28 to the claims in this Complaint was, a California corporation located in San Marcos, California,

1 which managed the operations and was a general partner of PACIFIC MAGAZINE BILLING
2 LP.

3 7. Defendant GRAVITY RESOURCES, INC., is now, and at all times relevant to the
4 claims in this Complaint was, a California corporation located in San Marcos, California, and a
5 limited partner of PACIFIC MAGAZINE BILLING LP.

6 8. Defendant TURKEY RANCH PRODUCTIONS, INC., is now, and at all times
7 relevant to the claims in this Complaint was, a California corporation located in San Marcos,
8 California, and a limited partner of PACIFIC MAGAZINE BILLING LP.

9 9. Defendant TALBOT WOLF, LLC, is now, and at all times relevant to the claims in
10 this Complaint was, a California limited liability company located in San Marcos, California,
11 and a limited partner of PACIFIC MAGAZINE BILLING LP.

12 10. Defendant STEVEN VANDE VEGTE, is now, and at all times relevant to the claims
13 in this Complaint was, an individual, residing in San Diego, California who oversaw and
14 managed the operations of PACIFIC MAGAZINE LP, and was the sole officer, shareholder, and
15 director of PACIFIC MAGAZINE INC.

16 11. Whenever reference is made in this Complaint to any of Defendants, individually or
17 collectively, unless otherwise specified, such allegation or allegations shall be deemed to mean
18 the act of each Defendant acting jointly and severally with the others. Further whenever
19 reference is made in this Complaint to any acts of Defendants, such reference shall be deemed
20 to mean that each of Defendants' officers, employees, agents, or representatives did ratify or
21 authorize such acts while actively engaged in the management, direction, or control of the
22 affairs of said Defendants or while acting within the scope and course of their duties.

23 12. Each of the Defendants, even if not personally committing the below-listed predicate
24 violations and therefore violating the law and set forth herein, aided and abetted the other
25 Defendants by giving them substantial assistance and encouragement, all while knowing that the
26 others' conduct was unlawful.

27
28 ///

STATUTORY BACKGROUND

13. This case pertains to deceptive mailers sent by Defendants to consumers in California soliciting the sale of magazine subscriptions and renewals in the guise of a bill or invoice for payment.

14. Under California Civil Code section 1716, it is unlawful to send a solicitation for payment of money that reasonably could be considered a bill, invoice, or statement of account due, but is in fact a solicitation for an order, unless the solicitation bears on its face either a disclaimer prescribed by federal law (discussed below) or the following:

THIS IS NOT A BILL. THIS IS A SOLICITATION. YOU ARE UNDER NO OBLIGATION TO PAY THE AMOUNT STATED ABOVE UNLESS YOU ACCEPT THIS OFFER.

In addition to other requirements, the disclaimer must be displayed in “conspicuous boldface capital letters of a color prominently contrasting” with its background and “be at least as large, bold, and conspicuous as any other print on the face of the solicitation but no smaller than 30-point type.”

15. Under federal law, specifically 39 U.S.C. 3001(d), any mailer which “is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due,” but that is in fact “a solicitation for the order by the addressee of goods or services, or both,” constitutes “nonmailable matter” unless it “bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe ... the following notice:

‘This is a solicitation for the order of goods or services, or both, and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer.’”

In lieu of the disclaimer above, there may be a “a notice to the same effect in words which the Postal Service may prescribe.”

16. Under U.S. Postal Service Rule 9.1.1, “any otherwise mailable matter that reasonably could be considered a bill, invoice, or statement of account due, but is in fact a

solicitation for an order, is nonmailable” unless it bears a conspicuous disclaimer that either complies with 39 U.S.C. 3001, subdivision (d)(2)(A), set forth above, or states the following:

THIS IS NOT A BILL. THIS IS A SOLICITATION. YOU ARE UNDER NO OBLIGATION TO PAY THE AMOUNT STATED ABOVE UNLESS YOU ACCEPT THIS OFFER.

Among other requirements, the disclaimer “must be displayed in conspicuous boldface capital letters of a color prominently contrasting with the background against which it appears, including all other print on the face of the solicitation and that are at least as large, bold, and conspicuous as any other print on the face of the solicitation, but not smaller than 30-point type.”

FACTUAL BACKGROUND

17. As described above, both California and federal law impose strict requirements on mailers that reasonably could be construed to be bills or invoices. Among other things, such mailers must bear a conspicuous disclaimer alerting recipients (in statutorily prescribed language) that what they are looking at is actually an offer, not a statement of account due.

18. Defendants violated these laws. They sent out millions of mailers to California consumers¹ -- including those consumers with existing magazine subscriptions -- that reasonably could be considered a bill, invoice, or statement of account due, but that did not bear the disclaimers referenced above. Among other things, these mailers referenced specific magazine publications (e.g., “People”) and prominently featured deceptive action-language, such as “Notice of Renewal/New Order Offer.” They contained framed boxes mimicking an invoice for payment, and displayed a price, the magazine name, length of the subscription, and what appeared to be an invoice number.

¹ As well as consumers nationwide.

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1 **FIRST CAUSE OF ACTION**

2 **(Misleading Statements in Violation of Business and Professions Code §17500)**

3 21. Plaintiff re-alleges and incorporates herein by reference Paragraphs 1 through 20,
4 inclusive, of this Complaint as though fully set forth herein.

5 22. Beginning at an exact date unknown to Plaintiff, but commencing no later than three
6 years prior to the filing of this Complaint, plus additional time tolled by agreement of the
7 parties, Defendants, with the intent to induce members of the public to purchase goods, made or
8 caused to be made, statements about those goods that were untrue or misleading or had the
9 capacity, likelihood, or tendency to deceive or confuse the public, and that were known or by
10 the exercise of reasonable care should have been known to be untrue or misleading or having
11 the capacity, likelihood, or tendency to deceive or confuse the public, in violation of Business
12 and Professions Code section 17500.

13 23. The unlawful conduct, acts, and omissions of Defendants in violation of section
14 17500 of the Business and Professions Code, as set forth herein, demonstrate the necessity and
15 legal basis for injunctive relief, restitution, and civil penalties under sections 17535 and 17536
16 of the Business and Professions Code.

17 **SECOND CAUSE OF ACTION**

18 **(Unfair Competition in Violation of Business and Professions Code §17200)**

19 24. The People re-allege and incorporate herein by reference Paragraphs 1 through 23,
20 inclusive, of this Complaint as though fully set forth herein.

21 25. Beginning at an exact date unknown to Plaintiff, but commencing no later than four
22 years prior to the filing of this Complaint, plus the additional time tolled by agreement of the
23 parties, Defendants engaged in unlawful conduct within the meaning of Business and
24 Professions Code section 17200, including but not limited to the following:

- 25 A. Violating Business and Professions Code section 17500, as set forth in the First
26 Cause of Action, by making untrue or misleading statements in connection with
27 the sale or offering for sale of goods to the public in California;
28

1 B. Violating California Civil Code section 1716, by soliciting payment of money by
2 another by means of a written statement or invoice, or any writing that
3 reasonably could be considered a bill, invoice, or statement of account due, but is
4 in fact a solicitation for an order, and not including the disclaimer language
5 required by that statute;

6 C. Violating 39 U.S.C. 3001(d) by sending nonmailable mail that reasonably could
7 be interpreted or construed as, a bill, invoice, or statement of account due; but
8 constitutes, in fact, a solicitation for the order by the addressee of goods or
9 services, or both; and that did not bear on its face, in conspicuous and legible
10 type in contrast by typography, layout, or color with other printing on its face, in
11 accordance with regulations which the Postal Service shall prescribe either the
12 following notice: "This is a solicitation for the order of goods or services, or
13 both, and not a bill, invoice, or statement of account due. You are under no
14 obligation to make any payments on account of this offer unless you accept this
15 offer", or in lieu thereof, a notice to the same effect in words which the Postal
16 Service may prescribe as alleged in paragraph 16, above;

17 D. Violating United States Postal Rule 9.1.1 by sending mailers that reasonably
18 could be considered bills, invoices, or statements of account due, but were in fact
19 solicitations for an order, and that did not contain the disclaimers required by that
20 rule.

21 26. The unlawful conduct as set forth herein demonstrate the necessity and legal basis
22 for injunctive relief, restitution and civil penalties under sections 17203 and 17206 of the
23 Business and Professions Code.

24 **PRAYER**

25 **WHEREFORE**, the People pray for relief as follows:

26 A. That pursuant to Business and Professions Code sections 17203 and 17535,
27 Defendants and their officers, directors, employees, agents, representatives, successors and
28 assignees, and all persons, corporations or other entities acting in concert or participation with

1 or for them, be restrained and enjoined from making false or misleading statements as defined
2 in section 17500 of the Business and Professions Code or engaging in acts of unfair
3 competition as defined in section 17200 of the Business and Professions Code, including but not
4 limited to the acts set forth in paragraphs 1 through 26 above.

5 B. That pursuant to Business and Professions Code section 17536, the Court assess a
6 civil penalty of two thousand five hundred dollars (\$2,500.00) against Defendants for each
7 violation of Business and Professions Code section 17500 alleged in the First Cause of Action.

8 C. That pursuant to Business and Professions Code section 17206, the Court assess a
9 civil penalty in the amount of two thousand five hundred dollars (\$2,500.00) for each violation
10 of Business and Professions Code section 17200 as alleged in the Second Cause of Action.

11 D. That, as practicable, the People recover reasonable restitution on behalf of
12 consumers who suffered a loss by Defendants' conduct, as alleged above.


13 E. That Plaintiff recover its costs of suit.

14 F. That Plaintiff be given such other further relief as the nature of this case may require
15 and this Court deems proper to fully and successfully dissipate the effects of the unlawful and
16 unfair acts complained of in this complaint.

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18 Dated: June 10, 2025

Respectfully submitted,

SUMMER STEPHAN
San Diego County District Attorney

20 By: 
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22 Stephen M. Spinella
23 Deputy District Attorney
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