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

10  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SACRAMENTO  
13

14  
15 **PEOPLE OF THE STATE OF**  
**CALIFORNIA EX REL. ROB BONTA,**  
16 **ATTORNEY GENERAL,**

17 **Petitioner,**

18 **v.**

19 **THE PLASTICS INDUSTRY**  
20 **ASSOCIATION, INC.,**

21 **Respondent.**  
22

Case No.

**PETITION TO ENFORCE  
INVESTIGATIVE SUBPOENA**

**[Gov. Code, § 11180 et seq.]**

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1           7.           Plastic pollution is pervasive in California, polluting the state’s rivers, beaches,  
2 bays, and ocean waters, including national marine sanctuaries and state marine protected areas,  
3 and costing the state an estimated half a billion dollars each year in clean up and prevention.  
4 Plastic waste also harms California wildlife. Plastic-related wildlife fatalities were documented as  
5 early as the 1970s.

6           8.           Plastic pollution is harmful to human health and the environment. Both the  
7 production of plastic and plastic recycling, among other processes in the plastic life cycle, create  
8 harmful greenhouse gases and airborne toxics that create inhalation risk for humans and animals.

9           9.           Once plastic waste enters the environment as pollution, it is long-lived, and can  
10 have substantial negative impacts on a wide range of species. Exposed to the elements, plastics  
11 leaked into the environment inevitably disintegrate into smaller and smaller pieces until they  
12 eventually become “microplastics,” tiny plastic bits measuring 5 millimeters or less that are  
13 readily transported by air, wind, water, and the fecal matter of organisms that ingest them.

14          10.          Humans have been ingesting plastics due to plastic’s invasion of our food chain.  
15 Microplastics are found in numerous foods including fish and seafood that humans consume.

16          11.          Plastic is being ingested and absorbed by humans to such an extent that it is found  
17 in our tissues. Scientific studies support that molecules of plastic have been found in placentas  
18 and humans with carotid plaque. Several known toxic chemicals are often constituents of plastic,  
19 such as Bisphenol A (BPA) and per- and polyfluoroalkyl substances (PFAS), which have well  
20 documented toxic effects on humans.

## 21   **II.   THE PLASTICS INDUSTRY’S DECEPTIVE RECYCLING CAMPAIGN**

22          12.          In the 1980s, in the wake of images of overflowing plastic at landfills and  
23 widespread plastic litter, state and local governments began considering bills restricting or  
24 banning plastic products. In response, the plastics industry, primarily represented by PLASTICS,  
25 began an aggressive—and deceptive—marketing and advertising campaign to convince the public  
26 that it could recycle its way out of the plastic waste and pollution problem.

27          13.          The Council for Solid Waste Solutions, a special project formed by PLASTICS,  
28 which was comprised of major petrochemical companies, spent millions of dollars to combat the

1 plastics “image” problem, placing advertisements in major magazines like *Time* touting the  
2 benefits of recycling and portraying plastics as the solution, not the problem.

3 14. PLASTICS also adapted the chasing arrows symbol, widely used by the  
4 environmental community, and added numerals in its center for various polymer grades 1 through  
5 7. The symbol was successfully promoted to state governments as a “coding system” to be  
6 adopted in lieu of restrictions like plastic bans, deposit laws, and mandatory recycling standards,  
7 even if there was no way to cost-effectively recycle the products and therefore no realistic  
8 prospect that the products would be recycled. This effort has led to the current misunderstanding  
9 by the majority of Americans that any plastic bearing the symbol would be recycled if placed in a  
10 recycling bin.

11 15. Recent reporting has revealed that the plastics industry has long known the truth  
12 about recycling. In 2020, reporting by National Public Radio and Frontline revealed internal  
13 documents as early as the 1970s showing that plastics industry executives were warned that  
14 recycling was “infeasible” and that there was “serious doubt” that plastics recycling “can ever be  
15 made viable on an economic basis.” Interviews of former PLASTICS executives confirmed that  
16 plastics recycling was promoted as a way of avoiding regulatory restrictions. Lew Freeman,  
17 former PLASTICS’ vice president, admitted that “[t]here was never an enthusiastic belief that  
18 recycling was ultimately going to work in a significant way.” Said Larry Thomas, former  
19 PLASTICS’ president, “The feeling was the plastics industry was under fire. We’ve got to do  
20 what it takes to take the heat off, because we want to continue to make plastic products.... If the  
21 public thinks that recycling is working, then they’re not going to be as concerned about the  
22 environment.”

23 16. Despite the plastics industry’s decades long recycling campaign, the U.S. plastic  
24 recycling rate has never surpassed nine percent, even when a massive amount of U.S. plastic  
25 waste was exported to China under the pretense of recycling. Today, the U.S. recycling rate has  
26 slipped even lower, with a current rate of just five percent, according to the U.S. Department of  
27 Energy. The remaining 95 percent is landfilled, incinerated, or otherwise released into the  
28 environment.



1 the City and County of Sacramento under Government Code section 11186. Moreover, the  
2 documents at issue are designated to be produced in Sacramento, therefore venue is proper  
3 pursuant to Government Code section 11187.

4 **THE ATTORNEY GENERAL'S INVESTIGATIVE AUTHORITY**

5 23. The Attorney General is the head of the Department of Justice, and therefore has  
6 the authority to issue subpoenas pursuant to Government Code section 11181, and to delegate that  
7 power pursuant to Government Code section 11182.

8 24. Specifically, Government Code sections 11180 et seq. grants the Attorney General,  
9 as head of the Department of Justice, the authority to issue subpoenas. (See Gov. Code, § 11181,  
10 subs. (e), (f).) The Attorney General may use these powers for various reasons, including  
11 assisting him in considering possible prosecutorial actions, proposing legislation, and formulating  
12 enforcement policies with other agencies. (Gov. Code, §11180; *Younger v. Jensen* (1980) 26  
13 Cal.3d 397, 404–406.)

14 25. These investigative powers are not dependent on the initiation of a civil lawsuit or  
15 an administrative proceeding. (*Brovelli v. Super. Ct. of L.A. County* (1961) 56 Cal.2d 524, 529  
16 [quoting *United States v. Morton Salt Co.* (1950) 338 U.S. 632, 642–43].) The Attorney General  
17 has broad discretion and may investigate based on suspicion that the law is being violated or to  
18 determine that it is not. (*Ibid.*) If a party disobeys a subpoena, the Attorney General may petition  
19 the Superior Court for enforcement. (Gov. Code, § 11187.)

20 **THE ATTORNEY GENERAL'S INVESTIGATION AND INVESTIGATIVE SUBPOENA**

21 26. On or before April 28, 2022, Attorney General Rob Bonta acted pursuant to  
22 Government Code section 11182 to delegate his authority to investigate the petrochemical  
23 industry regarding its efforts to deceive the public regarding the plastic pollution crisis and to  
24 issue subpoenas, inspect books and records, and administer oaths in connection with that  
25 investigation. The Attorney General delegated that authority to, among others, Deputy Attorney  
26 General (DAG) Dylan K. Johnson.

27 27. On July 27, 2022, DAG Johnson issued an investigative subpoena to PLASTICS  
28 pursuant to Government Code section 11181 and the above-described delegation of authority,

1 directing PLASTICS to produce certain documents at the Attorney General’s Office in  
2 Sacramento.

3 28. On August 15, 2022, the Attorney General served PLASTICS with the  
4 investigative subpoena (“Subpoena”), in accordance with the laws of the State of California.  
5 (Code of Civ. Proc., § 415.40; Gov. Code, §11184.) True and correct copies of the Subpoena and  
6 proof of receipt of service are attached hereto as Exhibits A and B respectively, and are  
7 incorporated into this petition. The Subpoena provided notice of the time and place for the  
8 production of papers. (Id., § 11187, subd. (b)(1).) The subpoena provided PLASTICS thirty days  
9 to respond, which elapsed on September 14, 2022.

### 10 **DOCUMENTS BEING SOUGHT**

11 29. The Attorney General’s Subpoena consists of four (4) narrowly-tailored requests,  
12 listing specific documents sought, including historical publications and communications (the  
13 “Collection”) loaned by PLASTICS to the Hagley Library, located in Wilmington, Delaware.

14 30. The Hagley Library, a 501(3)(c) not for profit organization, is a research  
15 institution existing as a repository for the purposes of illustrating “the impact of the business  
16 system on society” by collecting individuals’ papers and companies’ records ranging from  
17 eighteenth-century merchants to modern telecommunications.

18 31. The Hagley Library initially had a much larger collection of PLASTICS  
19 documents; however in 2008, PLASTICS “recalled” 12 boxes of documents and 2 boxes of  
20 microfilm, purportedly to destroy them. One box of the initial collection remains at the Hagley  
21 Library. As specifically demanded by the subpoena, and despite multiple meet and confer  
22 attempts, PLASTICS has failed to confirm via a verified answer whether the recalled documents  
23 were destroyed.

24 32. Prior to the recall in 2008, the Hagley Library staff had reviewed all of the  
25 documents contained in the Collection and has created a “finding aid” binder which includes  
26 excerpts of all the PLASTICS documents once held at the Hagley Library. The status of this  
27 finding aid is unknown as PLASTICS has refused to acknowledge its existence.

28 33. The Hagley Library has assigned the remaining Collection a call number and

1 provided a lengthy description of the documents on its website, specifically indicating that there  
2 are “no restrictions on use.” (See, Exhibit C, true and accurate copy of Hagley Library call  
3 number and description of collection.)

4 34. The Hagley Library acknowledges that the Collection has been viewed by its staff  
5 and other individuals, such as researchers, not employed by PLASTICS. PLASTICS confirms  
6 that the Collection is available for public review if for the purposes of “scholarly research.”

7 35. Despite the fact at least one journalist had previously accessed the documents at  
8 the Hagley, PLASTICS states that research conducted by a journalist is not scholarly research.  
9 Therefore, PLASTICS claims that any access to the documents that has occurred historically is  
10 not relevant to their assertion of privilege.

11 36. The documents housed at the Hagley Library, purportedly still titled to SPI, are  
12 subject to a Memorandum of Understanding (MOU) entered into in 1988, between the Hagley  
13 Library and PLASTICS. PLASTICS has refused to provide the MOU, despite the fact they claim  
14 it supports their legal position.

15 37. PLASTICS asserts that although the documents are publicly available, they retain  
16 First Amendment privilege rights.

17 38. The Collection at issue consists of publications that are decades old, dating from  
18 1960 to 1990. The Collection consists of documents published and distributed in print form,  
19 likely to all members of “the Society of the Plastics Industry” (or “SPI,” PLASTICS’s  
20 predecessor).

21 39. The documents were not confidential, and they were given to SPI members in a  
22 way which did not prevent further dissemination, and in fact encouraged it. In a document that  
23 PLASTICS did produce, a newsletter titled “Plastics and the Environment” dated April 3, 1970,  
24 Executive Vice President Ralph Harding, Jr. writes, “Of necessity, almost all of this issue is  
25 devoted to plastics waste management. In subsequent issues, we will attempt to keep you posted  
26 on the full range of environmental problems. This bulletin is not confidential. We urge you to  
27 make it available to your customers, colleagues, friends and local newspaper editors.”

28 40. Further, PLASTICS has neither listed the MOU or the Finding Aid binder in its



1 documents subject to privilege, nor has it produced such items, demonstrating that PLASTICS  
2 has not made substantial efforts to comply with the subpoena request.

3 **PLASTICS HAS FAILED TO ADEQUATELY AND SUBSTANTIVELY RESPOND**

4 41. On September 15, 2022, Petitioner received “PLASTICS INDUSTRY  
5 ASSOCIATION INC.’S RESPONSE TO SUBPOENA FOR RECORDS AND DOCUMENTS  
6 SET ONE,” hereinafter referred to as “Response #1.”

7 42. Response #1 was not verified, left unsigned by PLASTICS’ attorney Manesh Rath  
8 (“Mr. Rath”).

9 43. Response #1 included broad boilerplate objections asserting that the temporal  
10 scope of the Subpoena was not reasonably calculated to lead to discoverable information and that  
11 the Subpoena is overly broad, ambiguous, calls for speculation, and is overly burdensome as to all  
12 four (4) requests for documents.

13 44. Response #1 included an initial document production consisting of only a single  
14 document, four pages in length, “Volume 2, Number 25” of Plastics News Brief, dated December  
15 24, 1984. PLASTICS provided no explanation as to why any other volume or numbers of the  
16 Plastics News Brief were not included.

17 45. Upon receiving PLASTICS’ Response #1, Petitioner immediately contested the  
18 viability of PLASTICS’ objections. As further detailed below, Petitioner made ongoing efforts to  
19 encourage compliance and ascertain whether PLASTICS had conducted any document searches,  
20 who had conducted such searches, and what documents it possessed that complied with the  
21 Subpoena.

22 46. PLASTICS continually delayed, failed to follow up on emails and/or scheduled  
23 deadlines, pushed discussions off, and later denied statements of fact made in oral conversations.

24 47. PLASTICS assured Petitioner, in over 20 email exchanges and multiple oral  
25 conversations, that during the period of September 15, 2022, through May of 2023, it was  
26 working diligently to comply with the Subpoena.

27 48. On October 31, 2022, PLASTICS assured the Petitioner it would “promptly” share  
28 information about the documents stored at the Hagley Library when it “learned” of such

1 documents. PLASTICS later disclosed it had “viewed the documents” at the library on at least  
2 three occasions without relaying any correspondence to Petitioner. Recent correspondence with  
3 the library indicates that the Petitioner may have visited the library as many as 14 times in 2022  
4 and 2023.

5 49. From December 15, 2022, through February 21, 2023, Petitioner continued to  
6 follow up regarding compliance with the Subpoena. On February 21, 2023, PLASTICS emailed  
7 Petitioner stating that PLASTICS had evaluated the content of the documents and wanted to  
8 discuss the contents, but they sought to delay the call for an additional month. During such  
9 conversation in May of 2023, PLASTICS indicated that it may grant the Petitioner access to the  
10 documents at the Hagley Library.

11 50. Instead of granting Petitioner access to the requested documents, months later, on  
12 May 19, 2023, PLASTICS submitted its Amended Response to Subpoena for Records and  
13 Documents (“Response #2”), consisting again of a variety of boilerplate objections and further  
14 claiming First Amendment and attorney client privilege, with no accompanying privilege log, and  
15 a supplemental document production consisting of 44 pages.

16 51. On behalf of PLASTICS, Mr. Rath failed to verify Response #2.

17 52. PLASTICS continued to delay, explaining it needed additional time to produce a  
18 privilege log.

19 53. On July 5, 2023, PLASTICS provided a letter, titled Third Response to Subpoena  
20 for Records (Response #3) including Documents (PIA 51-180), again unverified, by Mr. Rath.

21 54. On July 26, 2023, PLASTICS provided a vague and insufficient privilege log  
22 (“Privilege Log”) which included no details about the contents of the documents and instead only  
23 listed a document title and date with subject matter described as “internal member information  
24 related to internal member updates regarding policy developments” or “Internal member updates  
25 regarding policy developments.”

26 55. In total, PLASTICS has provided 180 pages of document production, less than 14  
27 percent of the 1,310 pages listed on the Privilege Log.

28 56. PLASTICS has failed to provide any verified response; meanwhile the fate of the

1 first 12 boxes of documents and original microfilm that PLASTICS recalled from the library are  
2 unknown.

3 57. On April 5, 2024, Petitioner demanded in writing via email and U.S. mail that  
4 PLASTICS turn over the disputed documents, provide a thorough privilege log, and verify its  
5 responses. Petitioner provided PLASTICS with 10 days to comply.

6 58. On April 11, 2024, Petitioner contacted Mr. Rath via telephone and email in  
7 follow up, with no return calls made by PLASTICS.

8 59. On April 15, 2024, PLASTICS emailed a letter with broad objections and  
9 misstating factual and legal assertions made by Petitioner. PLASTICS suggested a meet-and-  
10 confer date on April 29, 2024, again delaying the conversation regarding subpoena compliance.

11 60. On April 17, 2024, Petitioner again contacted PLASTICS via telephone and email,  
12 seeking to meet-and-confer regarding the Demand Letter. PLASTICS refused an opportunity to  
13 resolve this issue in a timely fashion (continuing to offer only one time on April 29, 2024, or  
14 continuing into the first week of May) or to discuss the vague “alternatives” they suggested in  
15 response to the Demand Letter. PLASTICS remains committed to its recalcitrant position, failing  
16 to turn over the documents at the Hagley Library, in spite of the overwhelming evidence  
17 indicating that the First Amendment privilege does not apply.

18 61. On April 18, 2024, Petitioner and PLASTICS met and conferred. During such  
19 meeting, PLASTICS made an offer to view the documents at the Hagley, supervised, subject to  
20 objections, but then failed to offer viewing the Collection as an option in following written  
21 correspondence. Then, in an abrupt change of course, PLASTICS sought to discuss the option of  
22 viewing the Collection, only days before choosing to file a claim for declaratory relief in federal  
23 court (*see* paragraph 65).

24 62. Petitioner met and conferred with PLASTICS trusting that at a minimum  
25 PLASTICS would provide a verified response or a copy of the MOU to which it relies in its  
26 defense.

27 63. Instead, PLASTICS continued to ignore Petitioner’s written requests for these  
28 documents on April 29, 2024 and May 17, 2024.



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Dated: May 28, 2024

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
DEBORAH M. SMITH  
Supervising Deputy Attorney General  
LIZ RUMSEY  
Deputy Attorney General

*Katherine Schoon*

KATHERINE SCHOON  
Deputy Attorney General

# EXHIBIT A

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11  
12 BEFORE THE DEPARTMENT OF JUSTICE  
13 OFFICE OF THE ATTORNEY GENERAL  
14 STATE OF CALIFORNIA  
15

16  
17 **In the Matter of the Investigation of:**  
18  
19 **The Plastics Industry**

**INVESTIGATIVE SUBPOENA  
FOR RECORDS AND DOCUMENTS  
SET ONE**

**(Cal. Gov. Code, § 11180 et seq.)**

20  
21 **TO: PLASTICS INDUSTRY ASSOCIATION, INC.**

22 **Manesh K. Rath**  
23 **Keller and Heckman LLP**  
24 **1001 G Street, NW**  
**Suite 500 West**  
25 **Washington, D.C. 20001**

26 **NOTICE:** ( ) You are served as an individual.  
27 ( ) You are served as (or on behalf of) the person doing business under the  
fictitious name of \_\_\_\_\_.  
28 (X) You are served on behalf of: **PLASTICS INDUSTRY ASSOCIATION,**

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**INC.**

**SET NUMBER: ONE**

Pursuant to the powers conferred by California Government Code section 11180 et seq. upon the Attorney General of California, as head of the Department of Justice, which powers the Attorney General has delegated to Senior Assistant Attorney General Daniel A Olivas, Supervising Deputy Attorney General Deborah M. Smith, Deputy Attorney Generals Justin J. Lee, Jennifer W. Rosenfeld, Dylan K. Johnson, Erin C. Ganahl, Caitlan L. McLoon, Elise K. Stokes, Stacy J. Lau, and any other Deputy Attorney General assigned to this investigation:

**PLASTICS INDUSTRY ASSOCIATION, INC., a New York and District of Columbia non-profit corporation (“PLASTICS”), IS HEREBY COMMANDED** to produce the DOCUMENTS, papers, books, records, and other items described below in YOUR custody, possession, or control, or the custody, possession, or control of YOUR subsidiaries, affiliates, parents, predecessors, successors, employees, partners, officers, agents, or representatives within thirty (30) days of service hereof. These DOCUMENTS shall be delivered to the California Department of Justice, Office of the Attorney General, 1300 I Street, Suite 125, Sacramento, CA 95814, ATTN: Debbie Smith, DEPUTY ATTORNEY GENERAL.

YOU may seek the advice of an attorney in any matter connected with this subpoena. YOU should consult YOUR attorney promptly so that any problems concerning YOUR production of DOCUMENTS may be resolved within the time required by this subpoena.

**FAILURE TO COMPLY WITH THE COMMANDS OF THIS SUBPOENA WILL SUBJECT YOU TO THE PROCEEDINGS AND PENALTIES PROVIDED BY LAW.**

**DEFINITIONS**

Definitions for industry or trade terms contained herein are to be construed broadly. Where the industry or trade definition set forth herein does not coincide precisely with YOUR definition, the DOCUMENT request should be responded to by using the definition which YOU apply and/or recognize in your usage of the term, and YOU must document YOUR definition in the response.



1           1.       “COMMUNICATION” or “COMMUNICATIONS” means any act, action, oral  
2 speech, written correspondence, contact, expression of words, thoughts, or ideas, or transmission  
3 or exchange of data or other information with or to another PERSON, whether written or oral, by  
4 telephone, letter, personal delivery, intercom, telex, fax, email, text message, voicemail, voice  
5 message, compact or floppy disc, or any other process or medium. Any such  
6 COMMUNICATION in writing shall include without limitation any printed, typed, handwritten,  
7 or other readable DOCUMENTS RELATED TO the COMMUNICATION.

8           2.       “DOCUMENT” or “DOCUMENTS” means, without limitation, “writing” (as  
9 defined in Evidence Code<sup>1</sup> section 250) and includes originals (as defined in Evidence Code  
10 section 255) or duplicates (as defined in Evidence Code section 260)<sup>2</sup> or copies of the writings,  
11 and non-identical copies, bearing or having any attachments, notes or marks which distinguish  
12 them from the originals and any information that is stored in an electronic medium as defined in  
13 California Code of Civil Procedure, section 2016.020. Without limiting the generality of the  
14 foregoing, but to illustrate only, DOCUMENT includes any written, printed, electronically  
15 generated/retained or recorded material or electronic data of writings of every kind and  
16 description that are fixed on any tangible thing, including, but not limited to: typed or  
17 handwritten papers; books; drafts; reports; letters; envelopes; post-its; electronic mail; telephone  
18 messages; voicemail; appointment calendars; address lists; drawings; photographs;

19           <sup>1</sup> All statutory references are to California code sections unless otherwise indicated.

20           <sup>2</sup> Evidence Code section 250: “Writing” means handwriting, typewriting, printing,  
21 photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and  
22 every other means of recording upon any tangible thing any form of communication or  
representation, including letters, words, pictures, sounds, or symbols, or combinations thereof,  
and any record thereby created, regardless of the manner in which the record has been stored.

23           Evidence Code section 255: “Original” means the writing itself or any counterpart  
24 intended to have the same effect by a person executing or issuing it. An “original” of a  
25 photograph includes the negative or any print therefrom. If data are stored in a computer or  
similar device, any printout or other output readable by sight, shown to reflect the data accurately,  
is an “original.”

26           Evidence Code section 260: A “duplicate” is a counterpart produced by the same  
27 impression as the original, or from the same matrix, or by means of photography, including  
28 enlargements and miniatures, or by mechanical or electronic rerecording, or by chemical  
reproduction, or by other equivalent technique which accurately reproduces the original.

1 correspondence; marketing materials; business cards; sales pitch books; newspaper clippings;  
2 memoranda; notes; agenda of meetings; summaries; outlines; calendars; diaries; transcripts or  
3 notes of telephone conversations, meetings or interviews; tape recordings; drafts of agreements  
4 and contracts; agreements; contracts; supplements, amendments and modifications of contracts;  
5 files; results of investigations; court papers; bank records; minutes; accounting work papers and  
6 reports; ledgers; business records; financial reports; facsimile transmissions; invoices; charts;  
7 graphs; directories; file folders, file tabs and labels appended to or containing any documents;  
8 logs; and transcriptions. Without limiting the generality of the above, but to illustrate only, a  
9 tangible thing on which documents may be fixed includes, but is not limited to: paper; audio  
10 tapes or cassettes; phonographic media; photographic media (including, but not limited to, prints,  
11 films, slides, videos, microfilm, and digitally recorded photographs); computer media (including,  
12 but not limited to, hard disks, floppy disks, compact disks and magnetic tapes of any kind); and  
13 optical media. For the avoidance of any doubt, DOCUMENTS include any electronically  
14 transmitted communication, including cell phone texts, or messages using WhatsApp, Facebook  
15 Messenger, Telegram, Slack, or any similar technology. Sources of DOCUMENTS stored in  
16 electronic media include but are not limited to:

17 (i) Desktop personal computers (“PCs”) and workstations; PCs, workstations,  
18 minicomputers, and mainframes used as file servers, application servers, or mail  
19 servers; laptops, notebooks, and other portable computers, whether assigned to  
20 individuals or in pools of computers available for shared use; home computers  
21 used for work-related purposes; and cellular telephones used for work-related  
22 purposes.

23 (ii) Backup disks and tapes, archive disks and tapes, and other forms of offline  
24 storage, whether stored onsite with the computer used to generate them, stored  
25 offsite in another company facility, or stored offsite by a third-party, such as,  
26 without limitation, in a disaster recovery center.

27 (iii) Computers, telephones used for work purposes, and offline storage media used  
28 by agents, vendors, consultants, sales personnel, representatives, and other

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PEOPLE acting for or on behalf of YOU, including without limitation PEOPLE who are not YOUR employees or who do not work on YOUR premises.

3. “IDENTIFY” or “IDENTIFIES” means as follows:

(i) When used in reference to a DOCUMENT, means to state for each DOCUMENT:

- a. The name or title of the DOCUMENT;
- b. The date the DOCUMENT was prepared;
- c. A description of the DOCUMENT’S content and subject matter;
- d. The date of any revision of the DOCUMENT; and
- e. The author(s) of the DOCUMENT.

(ii) When used with reference to a PERSON, means to state for each such PERSON:

- a. His or her name;
- b. His or her current business affiliation and job title;
- c. His or her current business address;
- d. If he or she was once employed by YOU, but is not currently:
  - (1) The dates he or she was employed by YOU;
  - (2) His or her former job title when employed by YOU; and
  - (3) His or her last known home address.

(iii) When used in reference to a location, means to state for each such location:

- a. The name of the business or PERSON at the location;
- b. Its, his, or her street address, city, county, and state; and
- c. Its, his, or her telephone number.

4. “PERSON” or “PEOPLE” means any natural person, individual, business entity (whether partnership, corporation, limited liability company or corporation, trust estate, or incorporated or unincorporated association), governmental agency or entity, and any other legal or commercial entity however organized.



1 tenses must be construed in the manner that would include, rather than exclude, information. In  
2 addition, the use of the singular form of a word includes the plural, and vice-versa.

3 4. Unless otherwise specified, original DOCUMENTS must be produced. If YOUR  
4 “original” is a photocopy, then the photocopy would be and should be produced as the original.  
5 Each such photocopy shall be legible and bound or stapled in the same manner as the original.

6 5. This subpoena calls for the production of all responsive DOCUMENTS and  
7 information in YOUR possession, custody, or control, regardless of whether such DOCUMENTS  
8 or information is possessed directly by YOU or by YOUR directors, officers, agents, employees,  
9 representatives, subsidiaries, managing agents, affiliates, and investigators, or by YOUR  
10 attorneys or their agents, employees, representatives, or investigators.

11 6. DOCUMENTS not otherwise responsive to this subpoena shall be produced if  
12 such DOCUMENTS RELATE TO DOCUMENTS that are requested by this subpoena, or if such  
13 DOCUMENTS are attached to DOCUMENTS requested by the subpoena and constitute  
14 enclosures, attachments, addenda, exhibits, routing slips, transmittal memoranda, letters,  
15 comments, evaluations, or similar materials.

16 7. If any responsive DOCUMENT or information cannot be produced in full, YOU  
17 are to produce it to the extent possible, state or otherwise indicate which DOCUMENT or  
18 information or portion thereof is being withheld, and state each and every reason that  
19 DOCUMENT or information or portion thereof is being withheld.

20 8. If YOU do not possess, control, or have custody of any DOCUMENT responsive  
21 to any request set forth below, state this fact by so specifying in YOUR response to said request,  
22 and IDENTIFY any PERSON in whose possession YOU believe the DOCUMENT to be.

23 9. If a DOCUMENT once existed but has been lost or destroyed or is missing or  
24 cannot be found, provide information sufficient to IDENTIFY the DOCUMENT, state the details  
25 RELATED TO its loss or destruction, and provide any DOCUMENTS RELATED TO its loss or  
26 destruction.

27 10. If any DOCUMENT responsive to a request is withheld from production for any  
28 reason, state the following with respect to each such DOCUMENT:

- 1 (i) The title of the DOCUMENT;
- 2 (ii) The name of the author of the DOCUMENT;
- 3 (iii) The DOCUMENT'S date of preparation;
- 4 (iv) The subject matter of the DOCUMENT;
- 5 (v) The name of the custodian of the original of the DOCUMENT and the name of
- 6 the custodian of any copies of the DOCUMENT; and
- 7 (vi) Each and every reason why YOU have withheld the DOCUMENT from
- 8 production.

9 11. To the extent responsive DOCUMENTS, COMMUNICATIONS, or other things  
10 exist in an electronic format, please contact the officer issuing this subpoena to discuss the  
11 manner and format in which the DOCUMENTS, COMMUNICATIONS, or other things are to be  
12 produced to facilitate the production of full and complete copies in a usable format. In the  
13 absence of a separate agreement regarding the manner and format of production, the following  
14 instructions shall apply to electronically stored information:

15 (i) The information shall be provided on CD/DVD or external hard drive formatted  
16 as follows:

- 17 a. Native files shall be converted to bates numbered single page tiff (black
- 18 and white) or jpg (color) files;
- 19 b. Multipage text files shall be named based on the associated bates number
- 20 containing extracted or OCR text;
- 21 c. Image load files shall be in Opticon or Ipro format;
- 22 d. Concordance DAT file shall include all metadata fields including Sha-1
- 23 hash value and attachment range for compound documents;
- 24 e. Any Excel document or native document that includes formulas shall be
- 25 in a native file format;
- 26 f. Any audio files shall be in a WAV file format; and
- 27 g. Any video files shall be in an AVI file format.

28 (ii) The response should include all DOCUMENTS and computer programs

1 necessary for the accurate conversion, analysis, and review of the electronic  
2 record, information, and data, including but not limited to operating instructions,  
3 manuals, user guides, keys, legends, and codes for systems, programs, files, and  
4 data fields.

5 12. In the event obtaining electronic DOCUMENTS in an effective manner will  
6 require our access to electronic hardware in YOUR possession, custody, or control, we request  
7 that YOU notify us at least ten (10) days prior to the date set for production, to develop a plan for  
8 the production and copying of electronic DOCUMENTS.

9 13. If YOU or YOUR counsel assert that any DOCUMENT or other item requested  
10 herein is privileged or otherwise protected, in whole or in part, YOU must create and submit a  
11 privilege log that sets forth the following information:

12 (i) The place, approximate date, and manner of recording, creating, or otherwise  
13 preparing the DOCUMENT, COMMUNICATION, or other thing;

14 (ii) A description of the type of DOCUMENT, COMMUNICATION, or other  
15 thing, including its subject matter;

16 (iii) The name and organizational position, if any, of each sender, recipient,  
17 custodian, or person participating in the preparation or creation;

18 (iv) A detailed explanation setting forth the factual and legal basis for YOUR  
19 claim that the DOCUMENT, COMMUNICATION, or other thing is privileged or  
20 otherwise immune from production; and

21 (v) Information that IDENTIFIES each PERSON claiming that any information or  
22 response requested herein is privileged or otherwise protected.

23 14. At the date, time, and location for production of the requested DOCUMENTS,  
24 COMMUNICATIONS, and other things, YOU must provide a declaration from YOUR custodian  
25 of records that complies with California Evidence Code sections 1560, 1561, 1562, and 1271.

26 15. YOUR written answers to these DOCUMENT requests must be signed, dated, and  
27 verified by the person providing the answers.

28 16. If search terms were used to conduct all or any part of the search, provide a list of

1 search terms used, along with a glossary of industry and Company terminology. In addition,  
2 describe the search methodologies and the applications used to execute the search.

3  
4 **DOCUMENTS TO BE PRODUCED**

5 1. All DOCUMENTS and COMMUNICATIONS that were at any time housed at, on  
6 loan to, or in the possession of the Hagley Museum and Library, located in Wilmington,  
7 Delaware.

8 2. All DOCUMENTS titled "Plastics Newsbriefs," published by the Society of the  
9 Plastics Industry, Inc., including any iterations or versions of "Plastics Newsbriefs" having a  
10 different title at any point in time.

11 3. All DOCUMENTS titled "President's Report to the Members," published by The  
12 Society of the Plastics Industry, Inc., including any iterations or versions of "President's Report to  
13 the Members" having a different title at any point in time.

14 4. All DOCUMENTS titled "State Bulletin," published by The Council for Solid  
15 Waste Solutions, including any iterations or versions of "State Bulletin" having a different title at  
16 any point in time.



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**DECLARATION OF DYLAN K. JOHNSON**

I, Dylan K. Johnson, declare as follows:

- 1. I am a Deputy Attorney General of the State of California.
- 2. The Attorney General of California, pursuant to California Government Code section 11180, has authorized an investigation of possible violations relating to business practices and subjects under the jurisdiction of the California Department of Justice.
- 3. I have been delegated authority by the Attorney General to conduct said investigation and hold hearings connected to the investigation pursuant to California Government Code section 11182.
- 4. The Attorney General’s Office has received information that PLASTICS’ promotion and marketing of recycling plastic may have resulted in legal violations. These violations include potential common law and statutory violations, such as products liability, public nuisance, and violations of the California Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.), California False Advertising Law (Bus. & Prof. Code, § 17500 et seq.), and other laws regarding environmental protection, public health, and consumer protection.
- 5. The facts set forth herein are personally known to me, and I have first-hand knowledge of the same. If called as a witness, I could and would competently testify thereto under oath.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 27th day of July, 2022 in Carlsbad, California.

  
\_\_\_\_\_  
Dylan K. Johnson

# EXHIBIT B

Dear Customer,

The following is the proof-of-delivery for tracking number: 777649506499

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**Delivery Information:**

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<b>Status:</b>	Delivered	<b>Delivered To:</b>	Receptionist/Front Desk
<b>Signed for by:</b>	B.MURPHY	<b>Delivery Location:</b>	1001 G ST NW
<b>Service type:</b>	FedEx 2Day		
<b>Special Handling:</b>	Deliver Weekday; Adult Signature Required		WASHINGTON, DC, 20001
		<b>Delivery date:</b>	Aug 15, 2022 12:59

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**Shipping Information:**

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<b>Tracking number:</b>	777649506499	<b>Ship Date:</b>	Aug 12, 2022
		<b>Weight:</b>	0.5 LB/0.23 KG

**Recipient:**  
Manesh K. Rath, Keller and Heckman LLP  
1001 G ST NW Suite 500 West  
WASHINGTON, DC, US, 20001

**Shipper:**  
Maribel Santillan, Department of Justice  
300 S. Spring Street, Suite 1702  
Los Angeles, CA, US, 90013

**Reference** 00003-440-SA2019104913  
**Purchase Order** Leslie Higgins



# EXHIBIT C

Start Search Lists My Account Help

Catalog Home

Sign In

Search Guide

Digital Collections

Finding Aids

Museum Collections

About the Library

Using the Library

Questions?

Library Home

## Society of the Plastics Industry records, 1938–1987.

← Return to Search

### Detail

Actions ▾

- Corporate Author:** [Society of the Plastics Industry.](#)
- Title Statement:** [Society of the Plastics Industry records, 1938–1987.](#)
- Description:** Mss.: 16.5 linear ft.
- Description:** Microfilm: 1 reel.
- Org./Arrangement:** Part I. Public relations (1946–1975); Part II. Publications and printed ephemera (1938–1987).
- Biog./Historical Note:** The Society of the Plastics Industry was organized on May 11, 1937, by several engineers and salesmen connected with the manufacture of plastics feedstocks, finished products, and processing machinery. As a general trade association, the Society was somewhat unusual in that it represented both the giant chemical firms and small finishers and molders. In its early years, the Society was a loose organization which brought its members together for socializing and informal exchanges over dinner and on the golf links. While the activities of the Society have become more structured and sophisticated as the industry has matured, the social aspect is still a prominent feature of its annual meetings and expositions.
- Biog./Historical Note:** World War II increased the demand for plastics, particularly for the military and brought the society into the more active role of promoting the use of plastics in new applications and establishing industry-wide standards and specifications. With the appointment of William T. Cruse (1903–1993) as Executive Vice President, the society acquired its first full-time professional manager.
- Biog./Historical Note:** In the 1950s SPI members worked with one another and with regulatory agencies such as the Federal Trade Commission (FTC), the American National Standards Institute (ANSI), and the International Organization for Standardization (ISO) to develop production codes and standards. Desire among member companies to promote public interest in the new products and materials and a concern with the public image of plastics led to an emphasis in SPI on public relations in addition to education and standardization.
- Summary, Etc. Note:** Summary: The records of the Society of the Plastics Industry document the society's evolving role from its formation through the mid-1980s. Pre-1960 material consists primarily of fragments collected for the society's 50th anniversary. The records document the increasing substitution of plastics for more traditional materials and the consumer's changing perception of plastics.
- Summary, Etc. Note:** Summary: Public relations files (1946–1987) include press releases on products, personnel, and the 1964–65 New York World's Fair; scrapbooks; programs and press releases from award ceremonies; transcripts of a radio interview with SPI President Ralph Harding and a plastic bag safety spot.
- Summary, Etc. Note:** Summary: Publications and printed ephemera (1938–1986) include bulletins and newsletters, surveys and reports, public opinion surveys, proceedings from technical conferences, and miscellaneous technical publications. The society's BULLETIN is an important chronicle of the evolution of the plastics industry. Special reports and conference proceedings detail specific problems, products and processes. Topics addressed include individual NLRB decisions and labor relations in general; internal functions of the plastics industry in labor and wages, and the role of plastics products and the plastics industry in society.
- Restriction Note:** No restrictions on use
- Terms of Use:** Literary rights retained by depositor.
- Indexes/Finding Aids:** Indexes: Unpublished finding aid available at the repository.
- Subject:** [Harding, Ralph L., Jr.](#)

Subject: New York World's Fair (1964-1965 : New York, N.Y.)  
Subject: Society of the Plastics Industry--Archives.  
Subject: United States. National Labor Relations Board.  
Subject: Advertising.  
Subject: Advertising--Plastics.  
Subject: Bakelite.  
Subject: Celluloid.  
Subject: Chemical engineering.  
Subject: Chemical industry.  
Subject: Industrial design.  
Subject: Plastics industry and trade--Exhibitions.  
Subject: Fire testing.  
Subject: Industrial safety.  
Subject: Lobbying--Businessmen.  
Subject: Pipe, Plastic.  
Subject: Plastic bottles.  
Subject: Plastic bottles industry.  
Subject: Plastic coating.  
Subject: Plastic coatings.  
Subject: Plastic containers.  
Subject: Plastic films.  
Subject: Plastic foams.  
Subject: Plastic garment bags--Safety.  
Subject: Plastic pipe industry.  
Subject: Plastics.  
Subject: Plastics--Biodegradation.  
Subject: Plastics--Flammability.  
Subject: Plastics--Mixing.  
Subject: Plastics--Molding.  
Subject: Plastics--Research.  
Subject: Plastics--Standards.  
Subject: Plastics--Testing.  
Subject: Plastics as art material.  
Subject: Plastics in agriculture.  
Subject: Plastics in building.  
Subject: Plastics in interior decoration.  
Subject: Plastics in medicine.  
Subject: Plastics in packaging.  
Subject: Plastics in plumbing.  
Subject: Plastics in the textile industry.  
Subject: Plastics industry and trade.  
Subject: Plexiglas.  
Subject: Public relations.  
Subject: Research, Industrial.  
Subject: Standardization--Plastics industry and trade.  
Subject: Testing.  
Subject: Trade associations.  
Subject: Trade shows.  
Index - Genre/Form: Advertisements.  
Index - Genre/Form: Conference materials.  
Index - Genre/Form: Scrapbooks.  
Index - Genre/Form: Yearbooks.  
Call Number: 1929  
Location: SODA HOUSE

Copy 1: Library use only

Items

		Item ID	Call Number	Location	Status
1.		08072725	1929	SODA HOUSE	Library use only

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