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**NO FEE PURSUANT TO
GOVERNMENT CODE § 6103**

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

13
14 **PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff,

15
16 v.

17 **CELLCO PARTNERSHIP, D/B/A
18 VERIZON WIRELESS; TRACFONE
19 WIRELESS, INC.,**

Defendants.
20
21

Case No.

**COMPLAINT FOR INJUNCTIVE AND
OTHER RELIEF**

(BUS. & PROF. CODE, §§ 17200 et seq.;
17500 et seq.)

22 **COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF**
23

24 1. Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA (“Plaintiff” or “the
25 People”), by and through Rob Bonta, Attorney General of the State of California, brings this
26 action against Defendants, Cellco Partnership, d/b/a Verizon Wireless (“Verizon”), and TracFone
27 Wireless, Inc., (“TracFone”) (collectively, “Defendants”), for violating the California Unfair
28 Competition Law (“UCL”) (Bus. & Prof. Code § 17200 et seq.) and the California False

1 Advertising Law (“FAL”) (Bus. & Prof. Code § 17500 et seq.), and alleges the following on
2 information and belief.

3 **JURISDICTION AND VENUE**

4 2. Defendants have transacted business within the State of California, including in the
5 County of San Francisco, at all times relevant to this complaint. The violations of law described
6 herein occurred in the County of San Francisco and throughout the State of California.

7 **DEFENDANT**

8 3. Defendants are Cellco Partnership, d/b/a Verizon Wireless, a corporation, and
9 TracFone Wireless, Inc., a corporation, and their respective brands, subsidiaries, and successors
10 and assigns.

11 **DEFENDANTS’ DECEPTIVE ACTS AND PRACTICES**

12 4. Verizon is one of the largest providers of wireless cellphone and data service in the
13 United States. In 2021, Verizon acquired TracFone, assuming its liabilities and continuing to
14 operate TracFone as a separate business. The wireless industry is intensely competitive, and
15 major wireless carriers such as Verizon and TracFone aggressively advertise their wireless
16 offerings in search of customers. This advertising spans a wide variety of media, including
17 television, radio, print, and the internet.

18 5. In an effort to remain competitive, Verizon and TracFone have misrepresented their
19 wireless offerings in the following ways:

- 20 • **Unlimited Data Claims:** Defendants have advertised that they offer plans with
21 “unlimited” data, meaning that there is no limit to the wireless data consumers may
22 use when calling, texting, surfing the internet, or engaging in other activities that
23 require data use. “Unlimited” plans, however, may feature caps on consumer data
24 usage. Where a consumer breaches a set threshold of data use, the carrier may throttle
25 the speed at which it provides data service to the consumer, serving as a very real limit
26 on the consumer’s data use. For example, a consumer who exceeds their “unlimited”
27 data threshold may experience a decline in data speed that hinders their ability to
28 stream high quality video or quickly navigate the internet during periods where the

1 carrier throttles the consumer's data speeds, even if the consumer may still use other
2 functions that require less data.

- 3 • **Switch-and-Save Claims:** Defendants have also made misleading switch-and-save
4 claims, promising to pay early-termination fees charged by rival carriers if a consumer
5 switches to Defendants' services. Taking advantage of switch-and-save claims,
6 however, can be complicated. Consumers may be required to fill out transfer
7 paperwork or to submit documentation from their prior wireless provider to take
8 advantage of the savings, which some consumers fail to do because they do not
9 understand these steps. In other circumstances, the consumer must shoulder the cost of
10 cancellation or termination fees for many weeks until they receive the rebate from
11 their new carrier, or receive credits that they can only apply toward products and
12 services provided by their new carrier.
- 13 • **Discounted Services Claims:** Defendants have also advertised that they will beat the
14 rate paid by the consumer to a competitor. These claims can be deceptive because they
15 sometimes compare competing plans that are more akin to an apples-to-oranges than
16 an apples-to-apples comparison. In other instances, as with the switch-and-save claims
17 described above, Defendants sometimes requires the consumer to complete confusing
18 and onerous paperwork, resulting in the consumer failing to take advantage of the
19 promised savings.
- 20 • **Free or Discounted Device Claims:** Defendants have run promotions promising a
21 "free" device when a consumer signs up for a certain service. However, in order to
22 receive a "free" device, consumers may be required to pay hidden fees, purchase a
23 qualifying predicate device before they can receive the free device, or stay enrolled in
24 a plan for a predetermined period of time.

25 VIOLATIONS OF LAW

26 FIRST CAUSE OF ACTION: CALIFORNIA UNFAIR COMPETITION LAW

27 6. The People reallege and incorporate each and every allegation contained in the
28 preceding paragraphs 1 through 5, inclusive, as though set forth here in full.

1 7. Defendants have engaged in business acts or practices that were unlawful, unfair,
2 deceptive, or misleading, and therefore violated Business and Professions Code section 17200.
3 These acts and practices include material misrepresentations and/or omissions regarding the
4 wireless services provided by Defendants, including but not limited to, statements regarding:
5 unlimited data claims, switch-and-save claims, discounted service claims, and free or discounted
6 device claims. These misrepresentations and/or omissions were material and likely to deceive a
7 reasonable customer or prospective customer.

8 **SECOND CAUSE OF ACTION: CALIFORNIA FALSE ADVERTISING LAW**

9 8. The People reallege and incorporate each and every allegation contained in the
10 preceding paragraphs 1 through 7, inclusive, as though set forth here in full.

11 9. Defendants have engaged in business acts or practices that constitute violations of
12 Business and Professions Code section 17500. These acts and practices include making
13 misrepresentations and/or omissions regarding the wireless services provided by Defendants,
14 which Defendants knew, or by the exercise of reasonable care should have known, were untrue or
15 misleading at the time Defendants made them. These misrepresentations and omissions include,
16 but are not limited to, statements regarding: unlimited data claims, switch-and-save claims,
17 discounted service claims, and free or discounted device claims. These misrepresentations and/or
18 omissions were material and likely to deceive a reasonable customer or prospective customer.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, the People of the State of California respectfully request that this
21 honorable Court enter an order:

22 A. Issuing an injunction prohibiting Defendants, their agents, employees, and all other
23 persons and entities, corporate or otherwise, in active concert or participation with any of them,
24 from engaging in unfair, deceptive or misleading conduct;

25 B. Assessing a civil penalty against defendant for each violation of Business and
26 Professions Code section 17200 and Business and Professions Code section 17500.

27 C. Ordering Defendants to pay Plaintiff's costs of suit, including but not limited to all
28 costs of prosecution and investigation;


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D. Granting such other and further relief as the Court deems equitable and proper.

Respectfully Submitted,

ROB BONTA
Attorney General of California

Dated: May 9, 2024

By: 
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