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8 *The People of the State of California*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JAN 30 2019

BY 
RAFAEL HERNANDEZ, DEPUTY

[EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE SECTION 6103]

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN BERNARDINO

11
12 **THE PEOPLE OF THE STATE OF CALIFORNIA,**
13
14 Plaintiff,
15
16 v.
17 **AETNA INC.,**
18 Defendant.

Case No. CIVDS1903012

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

(CIVIL CODE § 56.101; BUS. & PROF.
CODE, § 17200, *et seq.*)

1 Plaintiff, the People of the State of California (“Plaintiff” or the “People”), by and through
2 Xavier Becerra, Attorney General of the State of California, alleges the following on information
3 and belief:

4 **INTRODUCTION**

5 1. Plaintiff brings this action against Aetna Inc. (“Aetna” or “Defendant”) for
6 violations of California state law, including the Confidentiality of Medical Information Act
7 (“CMIA”), Health and Safety Code section 120980, the State Constitution, and the Unfair
8 Competition Law (“UCL”), after 1,991 Californians were mailed letters revealing through an
9 enlarged, clear window of the envelope that they were taking HIV-related medication.

10 **PLAINTIFF**

11 2. Plaintiff is the People of the State of California. Plaintiff brings this action by and
12 through Xavier Becerra, Attorney General. The Attorney General is authorized by Civil Code
13 section 53.36(f)(1)(A) to bring actions to enforce the CMIA, and by Business and Professions
14 Code sections 17204, 17206, and 17207 to bring actions to enforce the UCL.

15 **DEFENDANT**

16 3. Defendant Aetna is a health care insurance company. Its principal place of
17 business is located at 151 Farmington Avenue, Hartford, CT 06156-3475.

18 4. The defendant identified in Paragraph 1 above is referred to in this Complaint as
19 “Aetna” or “Defendant.” Whenever reference is made in this Complaint to any act of or by
20 Aetna, the allegation shall mean that Aetna did the acts alleged in this Complaint through Aetna’s
21 officers, directors, employees, agents and/or representatives acting within the actual or ostensible
22 scope of their authority.

23 **JURISDICTION AND VENUE**

24 5. This Court has jurisdiction over Defendant because Aetna, by providing health
25 care insurance in California, intentionally availed itself of the California market so as to render
26 the exercise of jurisdiction over Aetna by the California courts consistent with traditional notions
27 of fair play and substantial justice.

28 6. The violations of law alleged in this Complaint occurred throughout California.

1 PRAYER FOR RELIEF

2 WHEREFORE, Plaintiff prays for judgment as follows:

3 1. Pursuant to Business and Professions Code section 17203, that the Court enter all
4 orders necessary to prevent Aetna, its successors, agents, representatives, employees, and all
5 persons who act in concert with Aetna from engaging in any act or practice that constitutes unfair
6 competition in violation of Business and Professions Code section 17200, including as alleged in
7 this Complaint;

8 2. Pursuant to Civil Code section 56.36(c)(1), that the Court assess a civil penalty of
9 Two Thousand Five Hundred Dollars (\$2,500) for each violation of Civil Code section 56.101, as
10 proved at trial;

11 3. Pursuant to Business and Professions Code section 17536, that the Court assess a
12 civil penalty of Two Thousand Five Hundred Dollars (\$2,500) for each violation of Business and
13 Professions Code section 17200, as proved at trial;

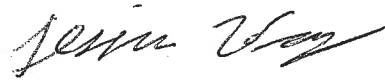
14 4. That Plaintiff recovers its cost of suit herein, including costs of investigation.

15 5. For such other and further relief as the Court deems just and proper.

16 Dated: January 28, 2019

17 Respectfully Submitted,

18 XAVIER BECERRA
19 Attorney General of California
20 NICKLAS A. AKERS
21 Senior Assistant Attorney General
22 STACEY SCHESSER
23 Supervising Deputy Attorney General

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25 JESSICA WANG
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