

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 ALBERT NORMAN SHELDEN,
Senior Assistant Attorney General
3 MARGARET REITER
Supervising Deputy Attorney General
4 JOHN G. DONHOFF, JR. (State Bar # 91732)
Deputy Attorney General
5 California Department of Justice
455 Golden Gate Ave., Suite 11000
6 San Francisco, California 94102
Telephone: (415) 703-1117
7 Facsimile: (415) 703-5480

8 Attorneys for Plaintiff,
People of the State of California
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN FRANCISCO

12 THE PEOPLE OF THE STATE OF CALIFORNIA,)	CASE NO.
)	
13 Plaintiff,)	
)	COMPLAINT FOR CIVIL
14 v.)	PENALTIES, INJUNCTION
)	AND OTHER EQUITABLE
15 AT&T MOBILITY LLC,)	RELIEF
)	
16 Defendant.)	
)	
17)	

18 Plaintiff, the People of the State of California ("Plaintiff" or the "People"), by and
19 through EDMUND G. BROWN JR., Attorney General of the State of California, alleges on
20 information and belief:

21 **DEFENDANT**

22 1. Defendant AT&T Mobility LLC ("AT&T" or "Defendant"), a Delaware
23 corporation with its principal place of business in Atlanta, Georgia, is a telephone company
24 which is in the business, among other things, of marketing and distributing wireless
25 telecommunications services in California. Its wireless services until recently were marketed
26 under the service mark Cingular Wireless.

27 **VENUE**

2. The violations of law alleged in this complaint occurred in San Francisco County and elsewhere throughout California.

DEFENDANT'S BUSINESS PRACTICES

3. Defendant sells cellular telephone services throughout California. Defendant requires its customers to enter into a written service contract. Defendant bills customers periodically, usually every 30 days, for any products or services charged to a customer's cellular device ("cell phone").

4. In each of Defendant's service contracts Defendant has expressly provided that if subscriber's cell phone is lost or stolen, the subscriber must pay all of the charges that were incurred before the subscriber notified the company about the loss or theft. If a customer has disputed charges billed during the time a phone was lost or stolen, Defendant has asserted that the customer is liable for all charges incurred before the phone was reported lost or stolen, regardless of whether they occurred after the phone was lost or stolen. Defendant has failed to inform its subscribers they are responsible only for the charges they authorize and, among other rights, that a subscriber may dispute charges on a bill, the carrier must investigate the dispute within 30 days and, if not satisfied with the result of the carrier's investigation, the customer may have additional legal rights, including the filing of a complaint with the Public Utilities Commission, and that the carrier may not attempt to collect disputed amounts while an investigation is pending.

FIRST CAUSE OF ACTION

**VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200
(UNFAIR COMPETITION)**

5. Plaintiff, the People of the State of California, restates and incorporates paragraphs 1 through 4 as though fully set forth herein.

6. Defendant has engaged in unfair competition as defined in Business and Professions Code section 17200 as set forth in this paragraph:

A. Defendant has purported to bind its customers to pay for charges for which

1 they are not liable because they did not authorize the charges, which were incurred after a phone
2 was lost or stolen.

3 B. Defendant has collected or attempted to collect for charges the customer
4 did not authorize because they were incurred after a cell phone was lost or stolen.

5 C. Defendant has failed to timely carry out a reasonable investigation of
6 charges disputed because a cell phone was lost or stolen.

7 D. Defendant has failed to timely credit or refund billed amounts for charges
8 that were not authorized because they were incurred after a cell phone was lost or stolen.

9 E. Defendant has violated Public Utilities Code section 2890(d)(2)(D) and (e)
10 in connection with charges incurred on a lost or stolen phone.

11
12 **WHEREFORE, the People pray for judgment as follows:**

13 1. Pursuant to Business and Professions Code sections 17203, Defendant, its agents,
14 employees, officers, representatives, successors, partners, assigns, and those acting in concert or
15 participating with Defendant, be permanently enjoined from engaging in unfair competition as
16 defined in Business and Professions Code section 17200 by committing the acts and practices
17 specifically alleged in this complaint.

18 2. Pursuant to Business and Professions Code section 17206, that Defendant be
19 ordered to pay a civil penalty for each of its violations of Business and Professions Code section
20 17200.

21 3. The People recover their costs of suit.

22 4. The Court order such other and further relief that the Court deems just and proper.

23 DATED:

EDMUND G. BROWN JR.
Attorney General of the State of California
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By _____
JOHN G. DONHOFF
Deputy Attorney General

Attorneys for Plaintiff,
the People of the State of California