

1 JACKIE LACEY, District Attorney  
County of Los Angeles  
2 STANLEY P. WILLIAMS, SBN 106658  
Head Deputy District Attorney  
3 HOON CHUN, SBN 132516  
Assistant Head Deputy District Attorney  
4 ELLEN J. ARAGON, SBN 112391  
Consumer Protection Division  
5 211 West Temple Street, 10th Floor  
6 Los Angeles, CA 90012  
7 Tel.: (213) 257-2450  
8 E-mail: Swilliams@da.lacounty.gov  
9 E-mail: Hchun@da.lacounty.gov  
E-mail: Earagon@da.lacounty.gov

*Exempt from filing fee pursuant to  
Government Code §6103*

**CONFORMED COPY  
ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles

FEB 22 2016

Sherril R. [Signature], Executive Office/Clerk  
By: [Signature], Deputy  
Ishayla Chambers

10 [Additional Attorneys for Plaintiff Listed on Following Pages]

11  
12 Attorneys for Plaintiff

13  
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF LOS ANGELES

16 BC 6 1 1 1 0 5

17 THE PEOPLE OF THE STATE OF CALIFORNIA,

Case No.

18  
19 Plaintiff,

**COMPLAINT FOR INJUNCTION  
AND OTHER EQUITABLE RELIEF**

20 v.

21 WELLS FARGO BANK, N.A., a National  
Association with its Main Office in South Dakota,

22 Defendant.  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BONNIE M. DUMANIS, District Attorney  
County of San Diego  
THOMAS A. PAPAGEORGE, SBN 77690  
Deputy District Attorney  
Head, Consumer Protection Unit  
330 W. Broadway, Suite 750  
San Diego, CA 92101  
Tel.: (619) 531-3971  
E-mail: Thomas.Papageorge@sdca.org

MICHAEL HESTRIN, District Attorney  
County of Riverside  
ELISE J. FARRELL, SBN 100929  
Senior Deputy District Attorney  
Consumer Protection Division  
3960 Orange Street, First Floor  
Riverside, CA 9501-3707  
Telephone: (951) 955-5400  
E-mail: EJFarrell@RivCoDa.org

NANCY E. O'MALLEY, District Attorney  
County of Alameda  
ANTHONY P. DOUGLAS SBN 118210  
Deputy District Attorney  
Consumer and Environmental Protection Division  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
Telephone: (510) 383-8600  
E-mail: Tony.Douglas@acgov.org

GREGORY D. TOTTEN, District Attorney  
County of Ventura  
MITCHELL F. DISNEY, SBN 138114  
Senior Deputy District Attorney  
Consumer and Environmental Protection Division  
5720 Ralston Street, Suite 300  
Ventura, CA 93003  
Telephone: (805) 662-1706  
E-mail: Mitch.Disney@ventura.org

1 KAMALA D. HARRIS, Attorney General  
2 State of California  
3 MICHELE VAN GELDEREN, SBN 171931  
4 Supervising Deputy Attorney General  
5 Consumer Law Section  
6 300 S. Spring Street, Suite 1702  
7 Los Angeles, CA 90013  
8 Telephone: (213) 897-2000  
9 E-mail: Michele.VanGelderens@doj.ca.gov

10 THE PEOPLE OF THE STATE OF CALIFORNIA (hereinafter sometimes "Plaintiff"), by  
11 and through its attorneys, JACKIE LACEY, Los Angeles County District Attorney, and Hoon  
12 Chun and Ellen Aragon, Deputy District Attorneys; and BONNIE M. DUMANIS, San Diego  
13 County District Attorney, and Thomas A. Papageorge, Deputy District Attorney; and  
14 MICHAEL HESTRIN, Riverside County District Attorney, and Elise J. Farrell, Deputy District  
15 Attorney; and NANCY E. O'MALLEY, District Attorney of Alameda County, and Anthony P.  
16 Douglas, Deputy District Attorney; and GREGORY D. TOTTEN, Ventura County District  
17 Attorney, and Mitchell F. Disney, Deputy District Attorney; and KAMALA D. HARRIS,  
18 Attorney General of the State of California, and Michele Van Gelderen, Deputy Attorney  
19 General, acting on information and belief, allege as follows:

20  
21 **JURISDICTION AND VENUE**

22 1. Venue is proper in this county pursuant to Business and Professions Code section  
23 17204, in that the violations alleged in this Complaint occurred in the County of Los Angeles  
24 and elsewhere in California. Defendant WELLS FARGO BANK, N.A., transacts business  
25 within the County of Los Angeles and throughout the State of California and the alleged  
26 violations of Defendant are in violation of the law and public policy of the State of California.

27 2. This court has jurisdiction pursuant to Article 6, section 10 of the California  
28 Constitution and section 393 of the Code of Civil Procedure.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PARTIES**

3. Plaintiff, the People of the State of California, acting to protect the public from unfair business practices, brings this action pursuant to sections 17203, 17204 and 17206 of the Business and Professions Code (the Unfair Competition Law or "UCL"), and Penal Code sections 632 and 632.7.

4. Defendant, WELLS FARGO BANK, N.A., is a National Association engaged in multinational banking and financial services, headquartered at 101 N. Phillips Ave., Sioux Falls, South Dakota 57104. At all relevant times WELLS FARGO BANK, N.A., and its direct and indirect subsidiaries, have transacted business within and from the County of Los Angeles, and throughout the State of California. WELLS FARGO BANK, N.A., including all of its direct and indirect subsidiaries, is referred to hereafter as "WELLS FARGO."

5. WELLS FARGO is a major financial services provider engaged in operating banking institutions and providing financial products and services throughout the State of California.

6. Whenever reference is made in this Complaint to any act or omission of a corporate defendant, such allegation shall mean that the corporation and its direct and indirect subsidiaries did the acts alleged through their officers, directors, agents, employees, agents or representatives while they were acting within the course and scope of their authority.

**FIRST CAUSE OF ACTION**

**Violation of Business and Professions Code section 17200 et seq.  
(Unfair Competition Law)**

7. The People reallege and incorporate by reference as if fully set forth herein paragraphs 1 through 6, above, and do further allege:

8. Within four years of the date of this Complaint, WELLS FARGO engaged in the

1 following unlawful business acts or practices constituting unfair competition within the meaning  
2 of Business and Professions Code section 17200 (Unfair Competition Law): Violations of  
3 sections 632 and 632.7 of the California Penal Code, including but not limited to the failure of  
4 WELLS FARGO employees to timely and adequately disclose the recording of communications  
5 they had with members of the public.

6 //

7 **PRAYER**

8 WHEREFORE, Plaintiff prays for judgment and relief as follows:  
9

10 1. That pursuant to Business and Professions Code section 17203, WELLS FARGO and  
11 its officers, directors, employees, agents, representatives, subsidiaries, successors and assignees,  
12 and all persons, partnerships, corporations or other entities acting for, under, by or on behalf of  
13 WELLS FARGO, or acting in concert or participation with it with actual or constructive notice  
14 of this judgment, be permanently enjoined from violation of California Penal Code sections 632  
15 and 632.7, and the Unfair Competition Law, as described above in this Complaint.

16 2. That, pursuant to Business and Professions Code section 17206, WELLS FARGO be  
17 ordered to pay civil penalties for each violation of section 17200 as proved at trial.

18 3. That Plaintiff be awarded its costs, including its cost of investigation and  
19 prosecution, and those of other law enforcement and regulatory agencies, as appropriate; and


20 4. That Plaintiff have such other and further relief as the nature of the case may require  
21 and the Court deems appropriate.

22 Respectfully submitted,

23 Dated: 2-16-2016  
24

JACKIE LACEY  
District Attorney, County of Los Angeles

25 By:

  
26 HOON CHUN  
27 Assistant Head Deputy District Attorney  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: 2/16/16

BONNIE M. DUMANIS  
District Attorney, County of San Diego

By: Thomas A. Papageorge  
THOMAS A. PAPAGEORGE  
Head Deputy District Attorney

Dated: 2/16/16

NANCY R. O'MALLEY  
District Attorney, County of Alameda

By: Anthony P. Douglas  
ANTHONY P. DOUGLAS  
Deputy District Attorney

Dated: 2/16/16

MICHAEL HESTRIN  
District Attorney, County of Riverside

By: Elise J. Farrell  
ELISE J. FARRELL  
Senior Deputy District Attorney

Dated: 2/16/16

GREGORY D. TOTTEN  
District Attorney, County of Ventura

By: Mitchell F. Disney  
MITCHELL F. DISNEY  
Senior Deputy District Attorney

Dated: 2/16/16

KAMALA D. HARRIS  
Attorney General of the State of California

By: Michele Van Gelderen  
MICHELE VAN GELDEREN  
Supervising Deputy Attorney General