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10 Attorneys for Plaintiff the People of the State of California

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF SAN DIEGO**

14 THE PEOPLE OF THE STATE OF CALIFORNIA,
15
16 Plaintiff,
17
18 v.
19
20 WAL-MART, INC., a Delaware corporation,
21
22 Defendant.

Case No.: GIC

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

ASSIGN TO MASTER CALENDAR

23 The People of the State of California (“People” or “Plaintiff”), by and through
24 EDMUND G. BROWN JR., Attorney General of the State of California, by LORI J.
25 FORCUCCI, Deputy Attorney General; and BONNIE M. DUMANIS, San Diego District
26 Attorney, by TRICIA PUMMILL, Deputy District Attorney, acting on information and belief,
27 allege:

28 **JURISDICTION AND VENUE**

1. EDMUND G. BROWN JR., Attorney General, and BONNIE M. DUMANIS, District
Attorney for the County of San Diego, bring this action on behalf of the People of the State of

1 California, acting to protect the general public. Plaintiff brings the action pursuant to California
2 Business and Professions Code sections 17200 and 17500.

3 2. Defendant, WAL-MART STORES, INC. (hereafter, "WAL-MART"), at all relevant
4 times, has transacted business in the County of San Diego and elsewhere in the State of
5 California. The violations of law alleged herein have been and are being carried out within the
6 County of San Diego and elsewhere in California. The actions of the Defendant, as set out
7 below are in violation of the laws of the State of California.

8 **DEFENDANT**

9 3. WAL-MART is now and at all times mentioned herein was a Delaware corporation with
10 headquarters located at Bentonville, Arkansas. WAL-MART is engaged in the business of
11 selling goods at its WAL-MART stores throughout the State of California, including in the City
12 and County of San Diego, California.

13 4. Whenever in this Complaint reference is made to any act of a corporate Defendant, or any
14 other Defendant, such allegation shall be deemed to mean that said corporate Defendant, and the
15 officers, directors, agents, servants, and employees of said corporate Defendant do or did
16 authorize such act or acts while actively engaging in the management, direction, operation or
17 control of the affairs of said corporate Defendant, and while acting within the course and scope
18 of their employment.

19 **SUMMARY OF FACTS**

20 5. From February 10, 2004, to the present, weights and measures inspectors conducted
21 inspections at Wal-Mart stores in California. During these inspections, items were randomly
22 chosen by inspectors for price testing. In addition, consumers reported they were overcharged
23 for items at the checkout. In both inspections and consumer purchases, items scanned at a price
24 higher than the currently advertised price on store shelves and signs.

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26 **I**

27 **FIRST CAUSE OF ACTION**

28 **VIOLATION OF BUSINESS AND PROFESSIONS CODE**

1 1. That pursuant to Business and Professions Code sections 17203 and 17535, and the
2 Court's inherent equity powers, Defendant, its officers, directors, employees, agents,
3 franchisees, successors, assignees and representatives, and all natural persons, partnerships,
4 corporations or other entities acting for, under, by, through or on behalf of Defendant, or acting
5 in concert or in participation with or for it with actual or constructive notice of this injunction,
6 be permanently enjoined and restrained from making untrue or misleading statements and
7 engaging in acts and practices of unfair competition, as set forth in Paragraphs 6, 7, 8 and 9
8 above.

9 2. That, pursuant to Business and Professions Code section 17536, Defendant be assessed a
10 civil penalty of two thousand five hundred dollars (\$2,500) for each and every violation of
11 Business and Professions Code section 17500, as proved at trial.

12 3. That, pursuant to Business and Professions Code section 17206, Defendant be assessed a
13 civil penalty in the amount of two thousand five hundred dollars (\$2,500) for each and every
14 violation of Business and Professions Code section 17200, as proved at trial.

15 4. That, pursuant to Business and Professions Code sections 17206 and 17506, Defendant
16 be ordered to pay the investigation and prosecution costs incurred in this case.

17 5. That Plaintiff have such other and further relief as the nature of the case may require and
18 the Court deems appropriate to dissipate the effect of the misleading statements and the unlawful
19 and unfair acts complained of herein.

20 Dated: _____, 2008

Respectfully submitted,

EDMUND G. BROWN JR.

Attorney General of the State of California

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24 By: _____

LORI J. FORCUCCI

Deputy Attorney General

BONNIE M. DUMANIS

San Diego District Attorney

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26 Dated: _____, 2008

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By: _____
TRICIA PUMMILL
Deputy District Attorney

Attorneys for the People of the State of California