1 2 3 4 5 6 7 8 9	EDMUND G. BROWN JR. Attorney General of the State of California ALBERT NORMAN SHELDEN Senior Assistant Attorney General SANFORD FELDMAN Supervising Deputy Attorney General LORI J. FORCUCCI Deputy Attorney General, SBN 125345 110 West A Street, Suite 1100 San Diego, CA 92101 BONNIE M. DUMANIS San Diego District Attorney TRICIA PUMMILL Deputy District Attorney, SBN 109858 330 West Broadway, Suite 750 San Diego, CA 92101	Exempt from fees pursuant to Government Code §6103				
10	Attorneys for Plaintiff the People of the State of California					
11 12	SUPERIOR COURT OF THE STATE OF CALIFORNIA					
12	FOR THE COUNTY OF SAN DIEGO					
14	THE PEOPLE OF THE STATE OF CALIFORNIA,	Case No.: GIC				
15	Plaintiff,	COMPLAINT FOR INJUNCTION,				
16	v.	CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF				
17	WAL-MART, INC., a Delaware corporation,	ASSIGN TO MASTER CALENDAR				
18	Defendant.					
19 20						
20 21	The People of the State of California ("Peop	ple" or "Plaintiff") by and through				
21	The People of the State of California ("People" or "Plaintiff"), by and through EDMUND G. BROWN JR., Attorney General of the State of California, by LORI J.					
22	FORCUCCI, Deputy Attorney General; and BONNIE M. DUMANIS, San Diego District					
23 24	Attorney, by TRICIA PUMMILL, Deputy District Attorney, acting on information and belief,					
25	allege:					
26	JURISDICTION AND VENUE					
27	1. EDMUND G. BROWN JR., Attorney General, and BONNIE M. DUMANIS, District					
28	Attorney for the County of San Diego, bring this action on behalf of the People of the State of					
	1					
	Complaint for Injunction, Civil Penalties, and Other Equitable Relief					

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

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

### **DEFENDANT**

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

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

### **SUMMARY OF FACTS**

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

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# FIRST CAUSE OF ACTION

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## VIOLATION OF BUSINESS AND PROFESSIONS CODE

Complaint for Injunction, Civil Penalties, and Other Equitable Relief

### SECTION 17500 (MAKING UNTRUE OR MISLEADING STATEMENTS TO THE PUBLIC ABOUT GOODS)

6. Beginning on an exact date unknown to Plaintiff, Defendant, with the intent to directly or indirectly induce members of the public to purchase goods, made and caused to be made advertising shelf and sign price statements to the public in California that were untrue or misleading in violation of section 17500 of the Business and Professions Code, in that while such representations stated one price, on check-out, consumers were told and charged a different, higher price.

7. Defendant knew or should have known, with the exercise of reasonable care, at the time that the statements were made, that the statements were untrue and misleading.

### II <u>SECOND CAUSE OF ACTION</u> VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200 (UNFAIR COMPETITION)

8. Plaintiff realleges and incorporates by reference here all allegations contained in
Paragraphs 1 through 7 of this Complaint as though set forth here in their entirety.
9. Beginning on an exact date unknown to Plaintiff but within 4 years prior to the filing of this Complaint and continuing to the present, WAL-MART engaged in acts of unfair competition in the conduct of its business within the meaning of Business and Professions Code section 17200 by:

A. Committing the violations of Business and Professions Code section 17500 set forth in the First Cause of Action; and

B. Computing at the time of sale of a commodity a value which was more than the price which was then advertised, posted or quoted, in violation of Business and Professions Code section 12024.2.

### PRAYER

Plaintiff prays for judgment against Defendant as follows:

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

That, pursuant to Business and Professions Code section 17206, Defendant be assessed a
civil penalty in the amount of two thousand five hundred dollars (\$2,500) for each and every
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.

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

20	Dated: _	, 2008		Respectfully submitted,
21				EDMUND G. BROWN JR.
22				Attorney General of the State of California
23				
24		В	By:	
25			5	LORI J. FORCUCCI
26	Dated:	, 2008		Deputy Attorney General BONNIE M. DUMANIS
27		,		San Diego District Attorney
28				
	4			
		Complaint for Inju	unction	n, Civil Penalties, and Other Equitable Relief

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