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CLERK OF SUPERIOR COURT  
CENTRAL DIVISION

2011 JUN 23 AM 9:38

CLERK-SUPERIOR COURT  
SAN DIEGO COUNTY, CA

**NO FEE PURSUANT  
TO GOVERNMENT CODE  
SECTION 6103.**

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11  
12 FOR THE COUNTY OF SAN DIEGO  
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15 **THE PEOPLE OF THE STATE OF  
16 CALIFORNIA,**

17 Plaintiff,

18 v.

19 **GLAXOSMITHKLINE LLC and SB  
20 PHARMCO PUERTO RICO, INC.,**

21 Defendants.  
22  
23

Case No.

**37-2011-00093381-CU-MC-CTL**

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

**ASSIGN TO MASTER CALENDAR**

24 Plaintiff, the People of the State of California ("Plaintiff" or the "People"), by its attorney,  
25 Kamala D. Harris, Attorney General of the State of California, by Judith Fiorentini and Albert  
26 Norman Shelden, Deputy Attorneys General, is informed and believes and thereupon alleges as  
27 follows:  
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2. Defendants GLAXOSMITHKLINE LLC, and SB PHARMCO PUERTO RICO, INC. (“Defendants”), at all relevant times have transacted business in the City and County of San Diego and elsewhere in the State of California. The violations of law alleged in this complaint have been and are being carried out within the City and County of San Diego and elsewhere in the State of California. This Court has jurisdiction over the Defendants and venue for this action properly lies in San Diego, California, because Defendants transact business in San Diego, California.

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1 Defendants knew, or by the exercise of reasonable care should have known, the written and oral  
2 representations were not true as a result of the manner in which the prescription drugs were  
3 manufactured.

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6 **SECOND CAUSE OF ACTION**  
7 **Violations of Business and Professions Code**  
8 **Section 17200 (Acts of Unfair Competition)**

9 16. The People reallege and incorporate by reference each and every allegation contained  
10 in the preceding paragraphs 1 through 15 as though fully set forth here.

11 17. Defendants, in the course of engaging in the development, manufacture, promotion,  
12 sales, and interstate distribution of prescription drugs, have engaged in unfair competition as  
13 defined in Business and Professions Code section 17200, by:

14 a. Violating Business and Professions Code section 17500 as alleged in paragraph  
15 15 of the above First Cause of Action and which is incorporated by reference as though fully set  
16 forth here.

17 b. Representing the prescription drugs had sponsorship, approval characteristics,  
18 ingredients, uses, benefits, quantities, or qualities that they do not have as a result of the manner  
19 in which the prescription drugs were manufactured; and

20 c. Creating the likelihood of confusion or of misunderstanding as to the source,  
21 sponsorship, approval, or certification of the prescription drugs as a result of the manner in which  
22 the prescription drugs were manufactured.

23 **PRAYER FOR RELIEF**

24 **WHEREFORE**, Plaintiff prays that:

25 1. An injunction be issued pursuant to Business and Professions Code sections 17203  
26 and 17535 restraining and enjoining Defendants and their agents, employees, and all other  
27 persons or entities, corporate or otherwise, in active concert or participation with any of them,  
28 from violating Business and Professions Code sections 17200 or 17500.

1           2.     Pursuant to Business and Professions Code sections 17206 and 17536, Defendants be  
2 assessed a civil penalty of two thousand five hundred (\$2,500) for each violation of Business and  
3 Professions Code sections 17200 and 17500, as proved at trial.

4           3.     The Court order Defendants to pay Plaintiff's attorneys fees and costs.

5           4.     Plaintiff is given such other and further relief as the nature of this case may require  
6 and that this Court deems equitable and proper to fully and successfully dissipate the effects of  
7 the alleged violations of Business and Professions Code sections 17200 and 17500.

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9 Dated: June 22, 2011

Respectfully Submitted,

10 KAMALA D. HARRIS  
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12 ALBERT NORMAN SHELDEN  
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15 JUDITH FIORENTINI  
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