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KAMALA D. HARRIS  
Attorney General of California  
DANIEL A. OLIVAS  
Supervising Deputy Attorney General  
JUDITH FIORENTINI  
Deputy Attorney General  
State Bar No. 201747  
110 West A Street, Suite 1100  
San Diego, CA 92101  
P.O. Box 85266  
San Diego, CA 92186-5266

[REDACTED]

*Attorneys for Plaintiff*

FILED  
CIVIL BUSINESS OFFICE 4  
CENTRAL DIVISION  
2012 MAY 16 PM 12:14  
CLERK-SUPERIOR COURT  
SAN DIEGO COUNTY, CA

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO  
NO FEE PURSUANT  
TO GOVERNMENT CODE  
SECTION 6103.

**THE PEOPLE OF THE STATE OF CALIFORNIA,**  
  
Plaintiff,  
  
v.  
  
**SKECHERS USA, INC., d/b/a SKECHERS,**  
**a Delaware corporation,**  
  
Defendant.

Case No. **37-2012-00097495-CU-MC-CTL**  
**COMPLAINT FOR INJUNCTION, CIVIL PENALTIES AND OTHER EQUITABLE RELIEF**  
  
ASSIGN TO MASTER CALENDAR.

Plaintiff, the People of the State of California (Plaintiff or the People), by its attorney, Kamala D. Harris, Attorney General of the State of California, by Judith Fiorentini, Deputy Attorney General, is informed and believes and thereupon alleges as follows:

**JURISDICTION AND VENUE**

1. The People brings this action pursuant to the provisions of California Business and Professions Code Sections 17200 et seq. and 17500 et seq.



1           8.    In 2008, following the commercial success of a smaller competitor Masai Barefoot  
2 Technology (MTB) with rocker-bottom shoes, Defendant launched its own line of rocker-bottom  
3 footwear products nationwide.

4           9.    Defendant's version of a rocker-bottom shoe is made of firm and compressible  
5 polyurethane and is much lighter and more flexible than the MBT version.

6           10.   Defendant sells its line of rocker-bottom shoes to consumers in California through its  
7 websites (myshapeups.com and skechers.com), through its own brick-and-mortar retail stores,  
8 and through third party retailers like Famous Footwear, Footlocker, Dillard's and others.

9           11.   From the product launch until the present, Defendant's rocker-bottom shoes have sold  
10 at various retail prices, but have most often been sold for between \$110 and \$120.

11           12.   In the course of marketing its rocker-bottom shoe lines including in advertisements  
12 such as Exhibit A to this Complaint, Defendant has asserted a wide-range of purported benefits,  
13 including that its products:

- 14           •    Create or promote weight loss;
- 15           •    Burn more calories;
- 16           •    Firm buttocks muscles;
- 17           •    Reduce or fight cellulite;
- 18           •    Improve blood circulation;
- 19           •    Firm calf muscles;
- 20           •    Reduce joint stress;
- 21           •    Tone and firm thigh muscles;
- 22           •    Tighten abdominal muscles;
- 23           •    Strengthen back muscles;
- 24           •    Improve sleep; and
- 25           •    Reduce stress

26           when it did not have competent and reliable scientific evidence to substantiate the claims at the  
27 time that they were made.

28



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

19. The People incorporates by reference and realleges each allegation contained in paragraph 1 through 18, inclusive.

20. Defendant, in the course of marketing, packaging, advertising, offering, and selling of its line of rocker-bottom shoe products including Shape-ups, Tone-ups, and the Skechers Resistance Runner, has engaged in unfair competition as defined in Business and Professions Code section 17200, by:

(a) Violating Business and Professions Code section 17500 as alleged in paragraphs 17 through 18, inclusive, of the above First Cause of Action and which is incorporated by reference as though fully set forth here; and

(b) Making claims relating to the health benefits, qualities, or uses of Defendant's line of rocker-bottom shoe products including Shape-ups, Tone-ups, and the Skechers Resistance Runner, without competent and reliable scientific evidence to substantiate those claims.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that:

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

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

3. The Court order Defendant to pay Plaintiff's attorneys fees and costs; and

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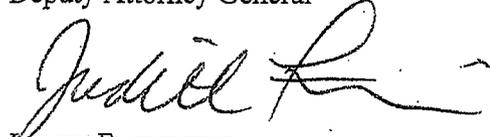
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1           4. Plaintiff is granted such other and further relief as the nature of this case may require  
2 and that this Court deems equitable and proper to fully and successfully dissipate the effects of  
3 the alleged violations of Business and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

4  
5 Dated: March 16 2012

Respectfully Submitted,

6 KAMALA D. HARRIS  
7 Attorney General of California  
8 DANIEL A. OLIVAS  
9 Supervising Deputy Attorney General  
10 JUDITH FIORENTINI  
11 Deputy Attorney General



12 JUDITH FIORENTINI  
13 Deputy Attorney General  
14 *Attorneys for Plaintiff*