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13 *ADDITIONAL COUNSEL LISTED IN APPENDIX A*
14 *ATTORNEYS FOR THE PEOPLE*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF SAN DIEGO**

17 **PEOPLE OF THE STATE OF CALIFORNIA,**

18 Plaintiff,

19 v.

20 **AMAZON.COM, INC., a Delaware corporation,**

21 Defendant.

22 Case No. 37-2021-00011984-CU-BT-CTL

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

24
25 THE PEOPLE OF THE STATE OF CALIFORNIA, by and through NANCY E.
26 O'MALLEY, District Attorney for the County of Alameda, by Nancy Tung, Deputy District
27 Attorney; JEFFREY F. ROSEN, District Attorney for the County of Santa Clara, by Tiyen Lin,
28 Deputy District Attorney; JEFFREY S. ROSELL, District Attorney for the County of Santa

Exempt from fees Pursuant to Govt. Code § 6103

FILED
Clerk of the Superior Court

MAR 17 2021

By: _____, Deputy

NOV 17 2021 09:43

1 Cruz, by Douglas Allen and Francisca Allen, Assistant District Attorneys; SUMMER
2 STEPHAN, District Attorney for the County of San Diego, by Stephen Spinella and Colleen
3 Huschke, Deputy District Attorneys; MICHAEL A. HESTRIN, District Attorney for the County
4 of Riverside, by Timothy Brown, Deputy District Attorney; and JEFF W. REISIG, District
5 Attorney for the County of Yolo, by Larry Barlly, acting on information and belief, bring this
6 action and allege the following:

7 **THE PEOPLE'S AUTHORITY**

8 1. The People's authority to bring this action is derived from Business and
9 Professions Code section 17200 et seq. and section 17500 et seq.

10 **DEFENDANT**

11 2. AMAZON.COM, INC. ("Amazon" or "Defendant") is a Delaware corporation
12 with its principal place of business in Seattle, Washington. Amazon does business throughout
13 the world and within the State of California.

14 **JURISDICTION AND VENUE**

15 3. At all times mentioned herein, Amazon transacted business within the counties of
16 Alameda, Santa Clara, Santa Cruz, San Diego, Riverside, and Yolo (hereinafter referred to as
17 "the Counties") and elsewhere in the State of California. The violations of law alleged herein
18 have been carried out within the Counties and throughout the State of California, and the
19 Superior Court of the State of California, County of San Diego, is an appropriate venue for the
20 adjudication of the within action.

21 **GENERAL ALLEGATIONS**

22 4. Defendant engaged in the acts and practices alleged in this Complaint since at
23 least on or about August 30, 2014. The relevant statutes of limitation have been tolled by
24 agreement of the parties effective August 30, 2018.

25 5. Defendant advertises products for sale on its website to consumers in the State of
26 California and the Counties. Many of these advertisements use reference pricing; that is, the
27 price for which a product is advertised by Defendant for purchase is compared to a higher
28 former price at which the product was sold by Defendant previously, often termed a "Was"

1 price, or is compared to a higher price, often termed a "List" price, that suggests to a consumer
2 the price at which the product is regularly sold by another seller, supplier or the product's
3 manufacturer.

4 6. A material number of Defendant's advertised reference prices were either
5 misleading or had the tendency and capacity to mislead in violation of Business & Professions
6 Code section 17501 and/or section 17500, as follows:

7 a. In the case of some advertised reference prices that referred to a former price at which
8 a product was available for sale by Defendant, there were insufficient temporal
9 constraints and/or number of sales to support the reference price as a former price,
10 and there was insufficient disclosure to the consumer of the methodology used to
11 derive the former price.

12 b. In the case of some advertised reference prices that suggested the price at which the
13 product is or was regularly sold by another seller, supplier or the product's
14 manufacturer, Defendant insufficiently disclosed that the reference price was not
15 necessarily the prevailing market price or regular retail price for which the product
16 could be purchased.

17 **FIRST CAUSE OF ACTION**

18 **(False Advertising Law – Bus. & Prof. Code, § 17500)**

19 7. Plaintiff restates and incorporates herein by reference the allegations of the
20 preceding paragraphs as thought fully set forth at length.

21 8. The above-alleged practices by Defendant relative to its advertising of certain
22 reference prices were known, or by the exercise of reasonable care should have been known, to
23 be misleading or to have the tendency and capacity to mislead and, therefore, violated Business
24 and Professions Code section 17500 et seq.

25 **SECOND CAUSE OF ACTION**

26 **(Unfair Competition – Bus. & Prof. Code, § 17200)**


27 9. Plaintiff restates and incorporates herein by reference the allegations of the
28 preceding paragraphs as thought fully set forth at length.

1 6. Any and all other relief that the Court deems just and proper.

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3 Dated: 03-16-2021

Respectfully submitted,

4 SUMMER STEPHAN
5 District Attorney, County of San Diego

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8 STEPHEN SPINELLA
9 Deputy District Attorney

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Appendix A
Additional Counsel

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