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10 (For a list of additional Plaintiff's counsel,
11 See attached Appendix 1)

12 *Attorneys for Plaintiff*

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SONOMA

15 SCV-270231

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA,

18 Plaintiff,

19 v.

20 TARGET CORPORATION, a Minnesota
21 corporation,

22 Defendant.

Civil Case No.: ~~SCV~~

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

23 Plaintiff, the People of the State of California (the "People" or "Plaintiff"), appearing
24 through its attorneys, Jill R. Ravitch, Sonoma County District Attorney, by Matthew T. Cheever,
25 Chief Deputy District Attorney; Nancy O'Malley, Alameda District Attorney, by Matthew L.
26 Beltramo, Assistant District Attorney and Nancy Tung, Deputy District Attorney; Lori Frugoli,
27 Marin County District Attorney, by Andres H. Perez, Deputy District Attorney; Diana Becton,
28 Contra Costa County District Attorney, by Gary E. Koeppel, Deputy District Attorney; Jeffrey
S. Rosell, Santa Cruz County District Attorney, by William Atkinson, Supervising Assistant
District Attorney and Edward Browne, Assistant District Attorney; Summer Stephan, San Diego
District Attorney, by Kathryn L. Turner, Special Prosecutor and Stephen M. Spinella, Deputy

1 District Attorney; and Erik Nasarenko, Ventura County District Attorney, by Andrew Reid,
2 Deputy District Attorney (hereinafter "Plaintiff") allege on information and belief the following:

3 **JURISDICTION AND VENUE**

4 1. Defendant, Target Corporation ("Target" or "Defendant"), is and at all times
5 mentioned herein, has been engaged in the retail business of selling foods, drugs, and consumer
6 merchandise. At all times relevant herein, Target has transacted business in the Counties of
7 Sonoma, Alameda, Contra Costa, Marin, Santa Cruz, San Diego, and Ventura, and elsewhere
8 throughout the State of California. The violations of law alleged herein have been carried out
9 within the Counties of Sonoma, Alameda, Contra Costa, Marin, Santa Cruz, San Diego, and
10 Ventura, and elsewhere throughout the State of California.

12 2. Target owns and operates retail stores throughout the State of California under
13 the names Target, CityTarget, and SuperTarget.

14 3. Target is and was at all times mentioned in the Complaint, a Minnesota
15 Corporation, with its principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota
16 55403.

18 4. Whenever reference is made in this Complaint to any representation, act or
19 transaction of Target, such allegation shall be deemed to mean that Target and its principals,
20 officers, directors, employees, agents, and/or representatives (hereinafter collectively
21 "Defendant"), while actively engaged within the actual or ostensible scope of their employment,
22 did or authorized such representation, acts or transactions on behalf of Target Corporation.

23 5. The authority of the District Attorneys to bring this action on behalf of the
24 People of the State of California is derived from the statutory law of the State of California,
25 *inter alia* Business and Professions Code sections 17200, 17204, 17206, 17207, 17500, 17535,
26 17535.5, and 17536.
27
28

GENERAL ALLEGATIONS

6. Prior to the filing of this action, the People and Target entered into a series of tolling agreements, the result of which is to toll the statute of limitations applicable to the causes of action alleged herein.

FIRST CAUSE OF ACTION

(Misleading Statements in Violation of Business and Professions Code §17500)

7. Plaintiff re-alleges and incorporates herein by reference Paragraphs 1 through 6, inclusive, of this Complaint as though fully set forth herein.

8. Beginning at an exact date unknown to Plaintiff, but commencing no later than three years prior to the filing of this Complaint, plus any additional time tolled by agreement of the parties, Target, with the intent to induce members of the public to purchase goods in its stores, made or caused to be made, statements about those goods that were untrue or misleading or had the capacity, likelihood, or tendency to deceive or confuse the public, and that were known or by the exercise of reasonable care should have been known to be untrue or misleading or having the capacity, likelihood, or tendency to deceive or confuse the public, in violation of Business and Professions Code section 17500, including but not limited to: (1) advertising, posting, marking, or quoting a price for a commodity and charging at the point of sale a greater price; (2) advertising, posting, marking or quoting a price for a commodity on Target.com or via the Target mobile application ("Target App") when deployed by a consumer outside the perimeter of a Target store, and then advertising, posting, marking or quoting a different price for that commodity on Target.com or via the Target App when deployed in store by the same consumer; (3) advertising, posting, marking or quoting a price for a commodity on Target.com or via the Target App that is simultaneously available for purchase in a store at a different price without clearly and conspicuously disclosing the sales channel – online or in-store – at which the commodity may be obtained at the advertised price.

9. The unlawful conduct, acts, and omissions of Defendant in violation of section 17500 et seq. of the Business and Professions Code as set forth herein demonstrate the necessity and legal basis for granting injunctive relief, disgorgement and restitution to victims and imposing civil penalties pursuant to sections 17535 and 17536 of the Business and Professions Code.

SECOND CAUSE OF ACTION
(Unfair Competition in Violation of Business and Professions Code §17200)

10. The People re-allege and incorporate herein by reference Paragraphs 1 through 9, inclusive, of this Complaint as though fully set forth herein.

11. Beginning at an exact date unknown to Plaintiff, but commencing no later than four years prior to the filing of this Complaint, plus any additional time tolled by agreement of the parties, Defendant engaged in acts of unfair competition within the meaning of Business and Professions Code section 17200, including but not limited to the following:

A. Making untrue or misleading statements in connection with the sale or offering for sale of goods to the public in California, which statements constituted false advertising within the meaning of Business and Professions Code section 17500, and in violation of that provision, as alleged in the First Cause of Action, above;

B. At the time of sale of a commodity, charging an amount greater than the lowest price posted on the commodity itself or on a shelf tag that corresponds to the commodity, notwithstanding any limitation of the time period for which the posted price is in effect, in violation of Business and Professions Code section 12024.2(a)(2).

12. The unlawful conduct, acts, and omissions of Defendant in violation of section 17200 et seq. of the Business and Professions Code as set forth herein demonstrate the necessity and legal basis for granting injunctive relief, disgorgement and restitution to victims and

1 imposing civil penalties pursuant to sections 17203 and 17206 of the Business and Professions
2 Code.

3 **PRAYER**

4 **WHEREFORE**, PLAINTIFF PRAYS for judgment as follows:

5 1. That pursuant to Business and Professions Code sections 17203 and 17535,
6 Defendant and its officers, directors, employees, agents, representatives, successors and
7 assigned, and all persons, corporations or other entities acting in concert or participation with or
8 for them, be preliminarily, and thereafter permanently, restrained and enjoined from engaging in
9 any acts constituting false or misleading statements as defined in section 17500 of the Business
10 and Professions Code and unfair competition as defined in section 17200 of the Business and
11 Professions Code, including but not limited to the acts set forth in paragraphs 1 through 12
12 above.

13
14 2. That Pursuant to Business and Professions Code section 17206, Defendant be
15 assessed a civil penalty in the amount of two thousand five hundred dollars (\$2,500.00) for each
16 and every violation of Business and Professions Code section 17500 as alleged in the First
17 Cause of Action and for each and every violation of Business and Professions Code section
18 17200 as alleged in the Second Cause of Action.

19
20 3. That pursuant to Business and Professions Code section 12015.5, Defendant pay
21 the incurred costs of the investigation in this action.

22 4. That Plaintiff recover reasonable restitution on behalf of consumers who suffered
23 loss by Defendant's act of deceptive advertising and/or unfair competition, to the extent
24 practicable.

25
26 5. That Plaintiff recover its costs of suit.

1 6. That Plaintiff be given such other further relief as the nature of this case may
2 require and this Court deems proper to fully and successfully dissipate the effects of the
3 unlawful and unfair acts complained of in this complaint.
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5
6 Dated: 2/17/22
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Respectfully submitted,

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Sonoma County District Attorney

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9 By: Matthew T. Cheever
10 Matthew T. Cheever
11 Chief Deputy District Attorney
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APPENDIX 1

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