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8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SANTA CRUZ

10 THE PEOPLE OF THE STATE OF CALIFORNIA, ) Case No. <sup>23</sup>CV01069  
11 )  
12 Plaintiff, ) COMPLAINT FOR INJUNCTIVE  
13 ) RELIEF, CIVIL PENALTIES, AND  
14 v. ) OTHER RELIEF  
15 )  
16 GARFIELD BEACH CVS, L.L.C., a California )  
17 limited liability company; ) (Bus. & Prof. Code, § 17200 et seq.)  
18 LONGS DRUG STORES CALIFORNIA, L.L.C., a )  
19 California limited liability company; and, )  
20 CVS PHARMACY, INC., a Rhode Island corporation,) *Exempt from fees per Gov. Code, § 6103*  
21 Defendants. )  
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1 **JURISDICTION AND VENUE**

2 7. Defendants, at all times mentioned herein, have transacted business in the County of  
3 Santa Cruz and elsewhere within the State of California. The violations of law described herein  
4 occurred in the County of Santa Cruz and elsewhere in California.

5 8. Venue is proper in this Court under Code of Civil Procedure section 393 because the  
6 causes of action alleged in this Complaint arose, in part, out of Defendants' conduct in Santa Cruz  
7 County, California.

8 **GENERAL ALLEGATIONS**

9 9. Defendants owned and operated pharmacies and retail stores in California at all  
10 relevant times.

11 10. Defendants have sold and offered for sale over-the-counter drugs after the expiration  
12 date stamped or embossed on such products' containers.

13 11. Defendants have further sold and offered for sale infant formula and baby food after  
14 their "use by" date.

15 12. Defendants did not maintain adequate procedures to ensure all of its California retail  
16 locations removed over-the-counter drugs, with expiration dates that had passed, from its inventory  
17 of items available for sale to the public.

18 14. Defendants did not maintain adequate procedures to ensure all of its California retail  
19 locations removed infant formula and baby food products, with "use by" dates that had passed, from  
20 its inventory of items available for sale to the public.

21 15. The sale and offer for sale after the expiration date of an over-the-counter drug  
22 violates Health and Safety Code section 110286.

23 16. The sale and offer for sale of infant formula and baby food after the "use by" date  
24 violates Health and Safety section 114094.5.

25 17. The sale and offer for sale after the expiration date of over-the-counter drugs and  
26 infant formula and baby food after the "use by" date constitutes unfair business practices within the  
27 meaning of California Business and Professions Code section 17200.

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1 **FIRST CAUSE OF ACTION**

2 **(Business & Professions Code, § 17200 et seq.)**

3 18. Plaintiff restates and incorporates all previous paragraphs.

4 19. Within four years of the date of commencement of this action, Defendants engaged in,  
5 among other things, the following unlawful acts, omissions, and practices that constitute unfair  
6 competition within the meaning of Business and Professions Code sections 17200 et seq.:

7 a. Defendants have sold and offered for sale over-the-counter drugs after their  
8 expiration date in violation of Health and Safety Code section 110286.

9 b. Defendants have sold and offered for sale infant formula and baby food after  
10 their “use by” date, in violation of Health and Safety Code section 114094.5.

11 20. Each and every separate act in violation of this provision constitutes a separate  
12 “business act or practice” within the meaning of Business and Professions Code section 17200.

13 21. Based on the above, the People request injunctive relief against Defendants under  
14 Business and Professions Code section 17203, and civil penalties against Defendants under Business  
15 and Professions Code section 17206, as set forth in the People’s prayer for relief.

16 **PRAYER**

17 WHEREFORE, the People respectfully request the following relief:

18 1. That Defendants, their successors, agents, representatives, employees, and assigns be  
19 permanently enjoined from engaging in unfair competition as defined in Business and Professions  
20 Code section 17200, including, but not limited to, acts alleged in this Complaint, under the authority  
21 Business and Professions Code section 17203;

22 2. That the Court assess a civil penalty of two thousand five hundred dollars (\$2,500.00)  
23 against Defendants for each violation of Business and Professions Code section 17200, in an amount  
24 according to proof, under the authority of Business and Professions Code section 17206;

25 3. That the People recover their costs of suit, including costs of investigation;

26 4. That the People receive all other relief to which they are legally entitled; and,

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5. That the Court award such other relief that it deems just, proper, and equitable.

Dated: May 9, 2023

Respectfully submitted,

JEFFREY S. ROSELL  
DISTRICT ATTORNEY

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By: EDWARD T. BROWNE  
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