

ORIGINAL

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Superior Court of California
County of Los Angeles

DEC 08 2016

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16 THE PEOPLE OF THE STATE OF CALIFORNIA

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 COUNTY OF LOS ANGELES

19 THE PEOPLE OF THE STATE OF
20 CALIFORNIA,

21 Plaintiff,

22 v.

23 MACY'S, INC., a Delaware Corporation, and
DOES 1-10, inclusive,

24 Defendants.

Case No. BC 648040

**COMPLAINT FOR EQUITABLE
RELIEF AND CIVIL PENALTIES FOR
VIOLATIONS OF:**

(1) California Business & Professions
Code §§ 17200, *et seq.* (Unfair
Competition Law); and

(2) California Business & Professions
Code §§ 17500, *et seq.* (False Advertising
Law).

12/08/2016

27 NO FEE GOVT CODES SEC. 6183
 AMOUNT RECOVERABLE PURSUANT
 28 TO 6103.5 GC § 1435
 PLUS A ONE TIME ADMINISTRATIVE FEE UPON JUDGEMENT
 IF THE PARTY BECOMES A JUDGEMENT CREDITOR

1 The People of the State of California ("People") allege the following against
2 Defendant Macy's, Inc. ("Macy's"):

3 I. INTRODUCTION

4 1. The People bring this civil law enforcement action against Macy's to
5 address the unlawful, unfair, and fraudulent business practice commonly referred to as "false
6 reference pricing."¹ "False reference pricing" is the act of misrepresenting the original or regular
7 price of some good that is purportedly offered at a "sale price," a business practice that Macy's
8 engages in to increase sales. To illustrate, Macy's may advertise a necklace for \$30, representing
9 that this constitutes a 75% discount off of its "regular" price of \$120, even though Macy's did not
10 previously sell the necklace at this purported "regular" price.

11 2. Retailers employ false reference pricing because it misleads consumers into
12 believing they are "getting a good deal," thereby increasing sales. The United States Court of
13 Appeals for the Ninth Circuit succinctly stated: "Most consumers have, at some point, purchased
14 merchandise that was marketed as being 'on sale' because the proffered discount seemed too
15 good to pass up. Retailers, well aware of consumers' susceptibility to a bargain, therefore have
16 an incentive to lie to their customers by falsely claiming that their products have previously sold
17 at a far higher 'original' price in order to induce customers to purchase merchandise at a
18 purportedly marked-down 'sale' price. Because such practices are misleading—and effective—
19 the California legislature has prohibited them." *Hinojos v. Kohl's Corp.*, 718 F.3d 1098, 1101
20 (9th Cir. 2013).

21 3. Macy's has engaged in false reference pricing as a frequent business
22 practice, thereby misleading consumers. In fact, the People's investigation has uncovered that
23 Macy's use of false reference prices applies to thousands of products. While the private
24 plaintiffs' bar has actively pursued retailers, including Macy's, for false reference pricing, it has
25 been unable to curb this industry practice. It is, therefore, incumbent on the People to take action,
26

27 ¹ In addition to the instant action, the People are contemporaneously filing similar actions
28 against J.C. Penney Corporation, Inc., Kohl's Department Stores, Inc., and Sears Holdings
Management Corporation and Sears, Roebuck & Co. in the Los Angeles County Superior Court.
The People anticipate submitting notices of related cases, and thereafter requesting that all of
these matters be coordinated.

12/04/2013

1 and the People respectfully request this Court's assistance to protect Californians from such
2 misleading and deceptive business acts and practices.

3 **II. THE PARTIES**

4 4. The People bring this civil law enforcement action by and through Michael
5 N. Feuer, the Los Angeles City Attorney, pursuant to statutory authority provided under
6 California Business and Professions Code sections 17200, *et seq.* ("Unfair Competition Law")
7 and 17500, *et seq.* ("False Advertising Law").²

8 5. Macy's is a publicly-traded Delaware corporation (NYSE: M), with its
9 principal executive offices in Cincinnati, Ohio. According to its 2015 Annual Report (for the
10 fiscal year ending January 30, 2016) filed with the U.S. Securities & Exchange Commission,
11 Macy's sells a wide range of merchandise, including apparel and accessories (men's, women's
12 and children's), cosmetics, home furnishings, and other consumer goods.

13 6. The true names and capacities of Defendants sued herein as Does 1 through
14 10, inclusive, are unknown to the People. The People therefore sue these Defendants by such
15 fictitious names. When the true names and capacities of these Defendants have been ascertained,
16 the People will seek leave of this Court to amend this Complaint to insert in lieu of such fictitious
17 names the true names and capacities of the fictitiously-named Defendants. The People are
18 informed and believe, and thereon allege, that these Defendants participated in, and in some part
19 are responsible for, the illegal acts alleged herein. Each reference in this Complaint to Macy's is
20 also a reference to all Defendants sued as Does.

21 7. Whenever reference is made in this Complaint to any act or omission of
22 Macy's, such reference shall be deemed to mean that Macy's officers, directors, employees,
23 agents, and/or representatives did, ratified, or authorized such act or omission while actively
24 engaged in the management, direction, or control of the affairs of Macy's, or while acting within
25 the course and scope of their duties.

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² All further references are to California codes, unless otherwise noted.

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8. Whenever reference is made in this Complaint to any act or omission of Defendants, such reference shall be deemed to mean the act or omission of each Defendant acting jointly and severally.

III. JURISDICTION AND VENUE

9. Venue is proper in Los Angeles County, pursuant to Business and Professions Code section 17204, because the violations alleged in this Complaint occurred in the City and County of Los Angeles. This Court has jurisdiction pursuant to Article VI, section 10 of the California Constitution and section 393 of the Code of Civil Procedure.

10. This Court has personal jurisdiction over Macy's because: (i) a substantial portion of the wrongdoing alleged in this Complaint took place in the State of California, (ii) Macy's is authorized to do business in this state, (iii) Macy's has sufficient minimum contacts with this state, and/or (iv) Macy's otherwise intentionally avails itself of the markets in this state through the promotion, marketing, and sale of its products in this state, thus rendering this Court's exercise of jurisdiction permissible under traditional notions of fair play and substantial justice.

IV. MACY'S - COMPANY PROFILE

11. Macy's, one of the largest retailers in the United States, directly markets its merchandise to consumers in the City of Los Angeles, across the State of California, and throughout the nation via its e-commerce website (www.macys.com) and other mediums.

12. In 2015 alone, Macy's invested \$1.5 billion on gross advertising and promotional costs.

13. Macy's marketing strategies have proven to be successful. In 2015, Macy's and its affiliates grossed over \$27 billion in total net sales. In addition, Macy's website now has an average of over one million visitors daily. However, Macy's success has, in significant part, been the product of unlawful, unfair, and fraudulent marketing and advertising practices.

11/17/15

1 14. Macy's misleading and deceptive false price advertising scheme has played
2 a major role in Macy's overall marketing and business strategy, and Macy's has leveraged its
3 marketing expertise and technology to perpetrate a false price advertising scheme of massive
4 proportions to the detriment of California consumers.

5 **V. FALSE REFERENCE PRICING – AN OVERVIEW**

6 15. A retailer's "reference price," the stated price presented alongside the
7 retailer's "on sale" price, provides consumers a reference point with which to evaluate the
8 prospective purchase. The reference price is often described with terms such as "Regular Price,"
9 "Original Price," "Former Price," and/or "List Price."

10 16. A retailer's reference price impacts the consumer's behavior in the
11 marketplace. As the reference price increases, so does the consumer's perception of the value of
12 the transaction, the consumer's willingness to make the purchase, and the amount of money the
13 consumer is willing to pay for the product.

14 17. When the reference price is bona fide and truthful, it helps consumers make
15 informed purchasing decisions. In contrast, consumers are harmed when merchants advertise
16 their products alongside falsely-inflated former prices, *i.e.*, "false reference prices," as consumers
17 are provided a false sense of value. In this situation, the reference price is no longer informative
18 but deceptive because consumers are deprived of a full and fair opportunity to accurately evaluate
19 the specific sales offer in its relevant market.

20 18. The hidden nature of false discount pricing makes it effective. Consumers,
21 unaware of the practices at issue, instead complete their purchases feeling like they "got a good
22 deal." In addition, retailers make falsely-discounted sales without suspicion because consumers
23 do not have access to the comprehensive historical pricing information necessary to reveal the
24 fraud.

25 19. Beyond the adverse impact upon consumers' welfare, the practice of
26 employing false reference pricing also negatively affects the integrity of competition in retail
27 markets. A retailer's use of false reference prices constitutes an unfair method of competition,
28 injuring honest competitors that sell the same or similar products, or otherwise compete in the

12/18/2017

1 same market, using only valid and accurate reference prices.

2 20. Over the past forty years, a substantial body of research on the effects of
3 reference prices (also referred to in the relevant literature as “advertised reference prices,”
4 “external reference prices,” and “comparative prices”) shows that reference prices: (i) impact
5 consumers’ perceptions of the value of the sales deal; (ii) impact consumers’ willingness to make
6 the purchase; and (iii) decrease consumers’ intentions to search for a lower price. Consumers
7 form an “internal reference price,” also known as an “expected price,” an “aspirational price” (a
8 price the consumer would like to pay), or a “normative price” (a price that is “fair”). Consumers
9 store and retrieve the “internal reference price” from memory to judge the merits of a specific
10 price offer. Even where an advertised reference price is exaggerated and not itself completely
11 believed, perceptions of value increase in comparison to a promotion with no advertised reference
12 price. Thus, retailers’ use of reference prices influences consumers’ “internal reference price,”
13 and subsequently, increase consumers’ willingness to purchase the product.

14 21. As a result of its effectiveness as a marketing practice, the use of false
15 reference prices has proliferated recently, in both frequency and in degree. See, e.g., David A.
16 Friedman, *Reconsidering Fictitious Pricing*, 100 Min. L. Rev. 921, 923 (2016).

17 **VI. SPECIFIC LAWS RELATING TO FALSE REFERENCE PRICING**

18 22. Under California law, “[n]o price shall be advertised as a former price of
19 any advertised thing, unless the alleged former price was the prevailing market price...within
20 three months next immediately preceding the publication of the advertisement.” CAL. BUS. &
21 PROF. CODE § 17501.

22 23. With respect to sales to consumers, California law prohibits “[m]aking
23 false or misleading statements of fact concerning reasons for, existence of, or amounts of price
24 reductions.” CAL. CIV. CODE § 1770(a)(13).

25 **VII. MACY’S ENGAGES IN DECEPTIVE ADVERTISING**

26 24. Macy’s creates an illusion of savings by engaging in false reference
27 pricing.
28

EXHIBIT 17

1 25. Macy's intends that customers will perceive that its reference prices
2 actually stand for former prices regularly charged by Macy's.

3 26. Macy's deliberately and artificially sets the false reference prices high so
4 that customers feel that they are getting a bargain when purchasing products. Macy's also
5 prominently advertises that its false discounts are being offered for only a limited time in order to
6 create a false sense of urgency and to mislead customers that they will miss out on the purported
7 markdowns if they do not buy the products immediately.

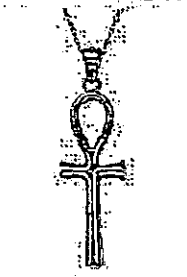
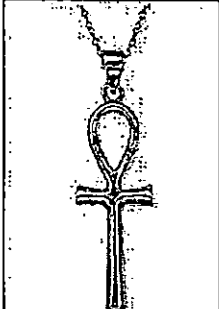
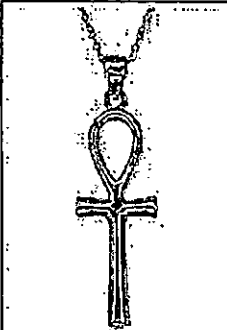
8 27. For example, on May 20, 2016, Macy's first offered for sale online a
9 "Giani Bernini Large Cross Pendant Necklace in Sterling Silver," a Macy's exclusive in-house
10 product, as shown in the screenshot below:

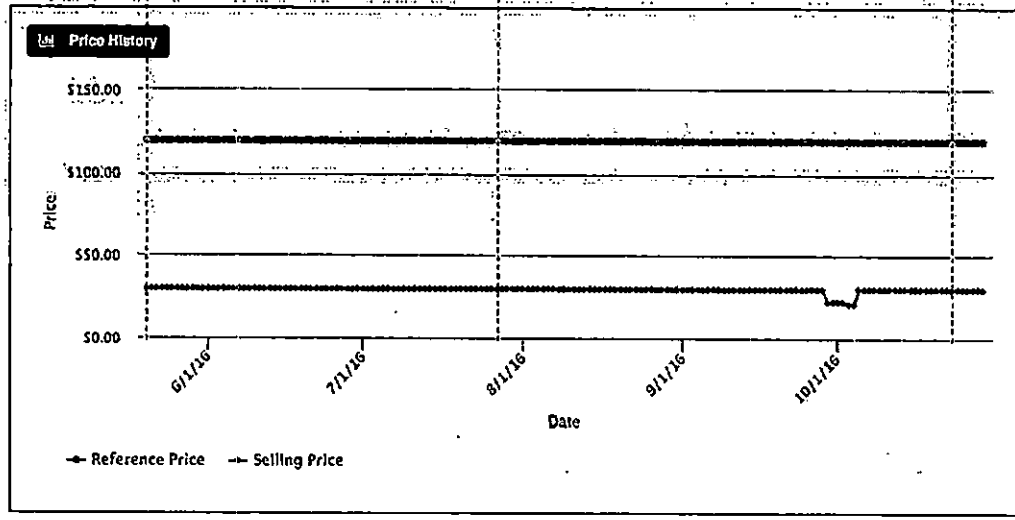
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Giani Bernini Large Cross Pendant Necklace in Sterling Silver, Only at Macy's
Web ID: 2850723

<u>5/20/2016</u> First Day Offered.	<u>7/27/2016</u>	<u>10/22/2016</u>
		
NEW! Giani Bernini Large Cross Pendant Necklace in Sterling Silver, Only at Macy's. Orig: \$120.00 Now \$30.00 EXTRA 15% OFF BONUS VALUE \$250	Giani Bernini Large Cross Pendant Necklace in Sterling Silver, Only at Macy's. Orig: \$120.00 Now \$30.00 FREE SHIP AT \$50 BONUS VALUE \$250	Giani Bernini Large Cross Pendant Necklace in Sterling Silver, Only at Macy's. Orig: \$120.00 Now \$30.00 FREE SHIP AT \$25



28. On the first day Macy's offered this item for sale online, it was advertised with an "original" price of \$120 and a "sale" price of \$30.

29. However, the purported "original" price of \$120 was a false reference price. As reflected in the screenshot and price history chart above, Macy's did not offer the item for sale online for more than \$30, even though the item was consistently advertised with a

2850723

1 purported "original" price of \$120.

2 30. Another example is an "INC International Concepts Men's Colorblocked
3 Mix-Media V-Neck T-Shirt," another Macy's exclusive in-house product, which Macy's first
4 offered for sale online on May 4, 2016, as shown in the screenshot below:

5
6 INC International Concepts Men's Colorblocked Mix-Media V-Neck T-Shirt, Only at Macy's
Web ID: 2800813

7 **5/4/2016**
First Day Offered

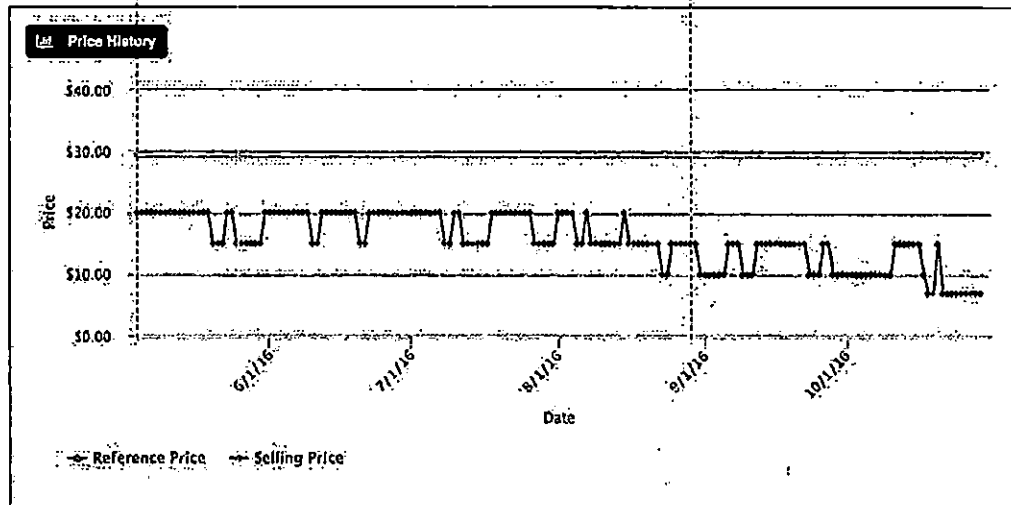


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8/29/2016



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31. On the first day Macy's offered this item for sale online, it was advertised with a "regular" price of \$29.50 and a "sale" price of \$19.99, which was purportedly a "Limited-Time Special" offer.

32. However, the purported "regular" or "original" price of \$29.50 was a false reference price. As reflected in the screenshot and price history chart above, Macy's did not offer the item for sale online for more than \$19.99. In addition, the \$19.99 "sale" price was not a "limited time" offer. In fact, as time went on, the price of the item actually decreased through additional false discounts. On August 29, 2016, for example, Macy's offered the item at a "sale" price of \$14.99, falsely advertising an even larger discount from the \$29.50 false reference price.

33. A third example is an "Alfani Men's Concord Plaid Long-Sleeve Shirt, Classic Fit," another Macy's exclusive in-house product, which Macy's first offered for sale online on May 6, 2016, as shown in the screenshot below:

12/27/2016

Alfani Men's Concord Plaid Long-Sleeve Shirt, Classic Fit
Web ID: 2788596

5/6/2016
First Day Offered

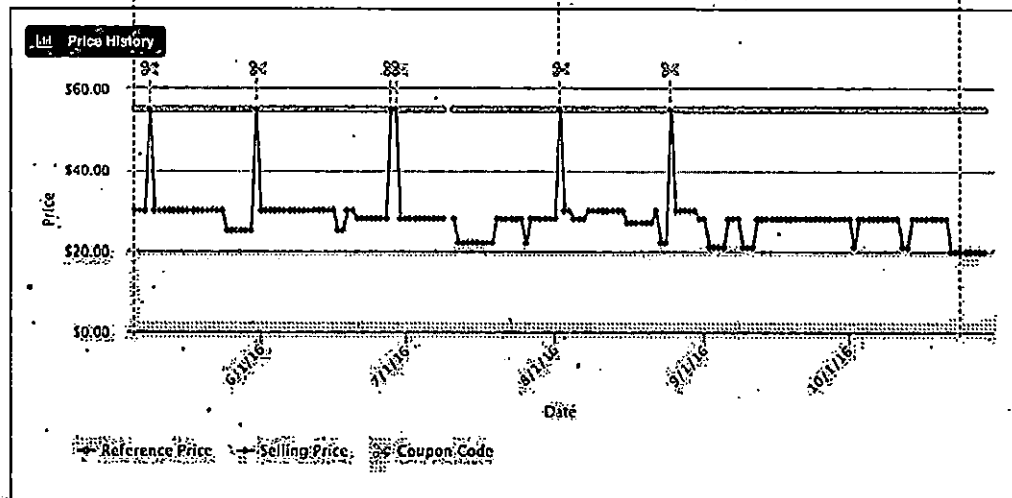
NEW! Alfani Men's Concord Plaid Long-Sleeve Shirt, Classic Fit
Reg. \$55.00
Sale \$29.99

8/2/2016
False Coupon Codes

Alfani Men's Concord Plaid Long-Sleeve Shirt, Classic Fit
\$55.00
EXTRA 20% OFF
EXTRA 50% OFF

10/24/2016

Alfani Men's Concord Plaid Long-Sleeve Shirt, Classic Fit
Orig. \$55.00
Now \$19.99



34. On the first day Macy's offered this item for sale online, it was advertised with a "regular" price of \$55 and a "sale" price of \$29.99.

35. However, the purported "regular" or "original" price of \$55 was a false reference price. As the screenshot and price history chart above shows, the only times that Macy's offered to sell the item at the purported "regular" price of \$55 was when Macy's also offered a coupon code that provided additional discounts. On August 2, 2016, for example, Macy's offered the item for a price of \$55, but at the same time Macy's offered coupon codes for an "Extra 50% Off" plus an "Extra 20% Off," such that customers buying the item that day would

12/11/2016

1 not pay the \$55 purported "regular" price.

2 **VIII. ENFORCEMENT AUTHORITY**

3 (Business & Professions Code §§ 17200, *et seq.* and 17500, *et seq.*)

4 36. Business and Professions Code section 17200 defines "unfair competition"
5 as "any unlawful, unfair or fraudulent business act or practice," and any act prohibited by Chapter
6 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions
7 Code.

8 37. Pursuant to Business and Professions Code sections 17206 and 17536, any
9 person who engages, has engaged, or proposes to engage in unfair competition or false
10 advertising shall be liable for a civil penalty not to exceed \$2,500 for each violation.

11 38. Pursuant to Business and Professions Code section 17206.1, in addition to
12 any liability for a civil penalty pursuant to section 17206, any person who engages, has engaged,
13 or proposes to engage in unfair competition against senior citizens or disabled persons may be
14 liable for a civil penalty not to exceed \$2,500 for each violation.

15 39. Pursuant to Business and Professions Code sections 17203 and 17535, any
16 person who engages, has engaged, or proposes to engage in unfair competition or false
17 advertising may be enjoined in any court of competent jurisdiction, and the court may make such
18 orders or judgments to prevent the use of any practice which constitutes unfair competition or
19 false advertising, or as may be necessary to restore to any person in interest any money or
20 property which may have been acquired by means of such unfair competition or false advertising.

21 40. Pursuant to Business and Professions Code sections 17205 and 17534.5,
22 the remedies or penalties provided for violation of the Unfair Competition Law and False
23 Advertising Law are cumulative to each other and to the remedies or penalties available under all
24 other laws of the state.

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12/16/2011

FIRST CAUSE OF ACTION

VIOLATION OF UNFAIR COMPETITION LAW ("UCL")

AGAINST ALL DEFENDANTS

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

41. The People incorporate by reference all preceding allegations as though fully set forth herein.

42. Defendants Macy's and Does 1 through 10, and each of them, have violated (and continue to violate) the UCL by engaging in the following unlawful business acts and practices:

a. Advertising merchandise (sold by Macy's) with a listed former price even though the purported former price was not the prevailing market price within the three-month period immediately preceding the publication of those advertisements, in violation of Business and Professions Code section 17501; and

b. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions as to the merchandise sold by Macy's, in violation of Civil Code section 1770(a)(13).

43. Defendants Macy's and Does 1 through 10, and each of them, have violated (and continue to violate) the UCL by engaging in the following unfair business acts and practices:

a. Engaging in false reference pricing in connection with the merchandise that Macy's sold (and continues to sell) such that California consumers (who could not have reasonably avoided such predatory schemes) are substantially injured, something that serves no benefit to consumers or competition; and

b. Engaging in false reference pricing in connection with the merchandise that Macy's sold (and continues to sell) such that Defendants gain an unfair advantage over lawfully-competing retailers.

44. Defendants Macy's and Does 1 through 10, and each of them, have violated (and continue to violate) the UCL by engaging in the following fraudulent business acts

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1 and practices: using misrepresentations, deception, and/or concealment of material information in
2 connection with the reference prices of merchandise that Macy's sold (and continues to sell), such
3 that California consumers and other members of the public in California are likely to be deceived.

4 **SECOND CAUSE OF ACTION**

5 **VIOLATION OF FALSE ADVERTISING LAW ("FAL")**

6 **AGAINST ALL DEFENDANTS**

7 (Business & Professions Code §§ 17500, *et seq.*)

8 45. The People incorporate by reference all preceding allegations as though
9 fully set forth herein.

10 46. The FAL prohibits unfair, deceptive, untrue, and misleading advertising in
11 connection with the disposal of personal property (among other things), including, but not limited
12 to, false statements as to worth, value, and former price.

13 47. Defendants Macy's and Does 1 through 10, and each of them, have
14 committed acts of untrue and misleading advertising by engaging in false price referencing as to
15 the merchandise that Macy's sold (and continues to sell). In addition, these Defendants made
16 such untrue or misleading advertisements with the intent to dispose of said merchandise.

17 48. The false reference pricing that is the subject of this Complaint was (and
18 continues to be) likely to deceive members of the public.

19 **PRAYER FOR RELIEF**

20 Wherefore, the People pray that:

21 1. Pursuant to Business and Professions Code sections 17203, 17204, and
22 17535, in addition to the equitable powers of this Court, Defendant Macy's and Does 1 through
23 10, inclusive, together with their officers, directors, employees, servants, agents, representatives,
24 contractors, partners, and associates, and all persons acting on behalf or in concert with them, be
25 enjoined from engaging in the unlawful, unfair, and fraudulent business acts and practices, and
26 false advertising, as described in this Complaint in violation of the UCL and the FAL;

27 2. Pursuant to Business and Professions Code sections 17206 and 17536, all
28 Defendants be assessed a civil penalty in the amount of \$2,500 for each violation of the UCL and

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the FAL.

3. Pursuant to Business and Professions Code section 17206.1, all Defendants be assessed an additional civil penalty in the amount of \$2,500 for each violation of the UCL against senior citizens or disabled persons;

4. The People recover the costs of this action; and

5. The People be granted such other and further relief as the Court may deem to be just and proper.

Respectfully submitted;

Dated: December 7, 2016

OFFICE OF THE LOS ANGELES CITY ATTORNEY

By: 

MICHAEL N. FEUER
Attorneys for Plaintiff
THE PEOPLE OF THE STATE OF CALIFORNIA

13295476

12/06/2016

ORIGINAL

By Fax

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael N. Feuer, City Attorney (SBN 111529) Office of the Los Angeles City Attorney 200 North Main Street, 500 City Hall East Los Angeles, California 90012 TELEPHONE NO.: (213) 978-8097 FAX NO.: (213) 978-8111 ATTORNEY FOR (Name): The People of The State of California		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles DEC 08 2016 Sherri R. Carter, Executive Officer/Clerk Deputy Judi Lara
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse		CASE NUMBER: BC 6 42 040 JUDGE: DEPT:
CASE NAME: The People of the State of California v. Macy's, Inc.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIPD/WD (23) Non-PIP/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input checked="" type="checkbox"/> Large number of witnesses |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 2
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: December 7, 2016
Michael J. Bostrom

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE:

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

ORIGINAL

By Fax

SHORT TITLE: The People of the State of California v. Macy's, Inc.	CASE NUMBER: BC 648040
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|---|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required of defendant resides. | 11. Mandatory filing location (Hub Cases -- Unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

Auto Tort
Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Auto (22)	<input type="checkbox"/> A7100: Motor Vehicle Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110: Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1, 4, 11
Asbestos (94)	<input type="checkbox"/> A6070: Asbestos Property Damage	1, 11
	<input type="checkbox"/> A7221: Asbestos Personal Injury/Wrongful Death	4, 11
Product Liability (24)	<input type="checkbox"/> A7260: Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210: Medical Malpractice - Physicians & Surgeons	1, 4, 11
	<input type="checkbox"/> A7240: Other Professional Health Care Malpractice	4, 4, 11
Other Personal Injury/Property Damage/Wrongful Death (23)	<input type="checkbox"/> A7250: Premises Liability (e.g., slip and fall)	1, 4, 11
	<input type="checkbox"/> A7230: Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11
	<input type="checkbox"/> A7270: Intentional Infliction of Emotional Distress	1, 4, 11
	<input type="checkbox"/> A7220: Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11

Short Title: The People of the State of California vs. Macy's, Inc. Case Number: []

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input checked="" type="checkbox"/> A6029: Other Commercial/Business Tort (not fraud/breach of contract)	1-2, 0
Civil Rights (08)	<input type="checkbox"/> A6005: Civil Rights Discrimination	1-2, 3
Defamation (13)	<input type="checkbox"/> A6010: Defamation (standards/libel)	1-2, 3
Fraud (16)	<input type="checkbox"/> A6013: Fraud (no contract)	1-2, 3
Professional Negligence (25)	<input type="checkbox"/> A6017: Legal Malpractice <input type="checkbox"/> A6050: Other Professional Malpractice (not medical or legal)	1-2, 3
Other (35)	<input type="checkbox"/> A6025: Other Non-Personal Injury/Property Damage Tort	1-2, 3
Wrongful Termination (36)	<input type="checkbox"/> A6037: Wrongful Termination	1-2, 3
Other Employment (15)	<input type="checkbox"/> A6109: Labor Commissioner Appeals <input type="checkbox"/> A6024: Other Employment Complaint Case	1-2, 3 10
Breach of Contract/Warranty (06)	<input type="checkbox"/> A6004: Breach of Rental Lease, Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008: Contract/Warranty Breach, Seller Fraud (no fraud/negligence) <input type="checkbox"/> A6019: Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028: Other Breach of Contract/Warranty (not fraud or negligence)	1-2, 5 1-2, 5 1-2, 5
Collections (09)	<input type="checkbox"/> A6002: Collections Case-Seller Plaintiff <input type="checkbox"/> A6012: Other Promissory Note/Collections Case <input type="checkbox"/> A6034: Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2016)	5-6, 11 5-6, 11 5-6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015: Insurance Coverage (not complex)	1-2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009: Contractual Fraud <input type="checkbox"/> A6031: Tortious Interference <input type="checkbox"/> A6027: Other Contract Dispute (not breach/insurance/fraud/negligence)	1-2, 3, 5 1-2, 3, 5 1-2, 3, 5, 9
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300: Eminent Domain/Condemnation Number of parcels	2-6
Wrongful Eviction (33)	<input type="checkbox"/> A6023: Wrongful Eviction Case	2-6
Other Real Property (26)	<input type="checkbox"/> A6018: Mortgage Foreclosure <input type="checkbox"/> A6032: Quiet Title <input type="checkbox"/> A6060: Other Real Property (not eminent domain, land/ordinance foreclosure)	2-6 2-6 2-6
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021: Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6-11
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020: Unlawful Detainer-Residential (not drugs or wrongful eviction)	6-11
Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F: Unlawful Detainer-Post-Foreclosure	2-6, 11
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022: Unlawful Detainer-Drugs	2-6, 11

0107/2017
 Unlawful Detainer
 Real Property
 Contract
 Employment
 Non-Personal Injury/Property Damage/Wrongful Death Tort

CIVIL CASE COVER SHEET ADDENDUM
 AND STATEMENT OF LOCATION

Local Rule 2.3
 Page 2 of 4

LCv 109 (Rev. 2/16)
 VSC Approved 03-04

SHORT TITLE: The People of the State of California v. Macy's, Inc.		CASE NUMBER:
A Civil Case Cover Sheet Category No.	B Type of Action: (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108: Asset Forfeiture Case	2,3,6
Petition for Arbitration (11)	<input type="checkbox"/> A6115: Petition to Compel/Confirm/Vacate Arbitration	2,5
Writ of Mandate (02)	<input type="checkbox"/> A6151: Writ - Administrative Mandamus <input type="checkbox"/> A6152: Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153: Writ - Other Limited Court Case Review	2,8 2 2
Other Judicial Review (39)	<input type="checkbox"/> A6150: Other Writ/Judicial Review	2,8
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003: Antitrust/Trade Regulation	1,2,8
Construction Defect (10)	<input type="checkbox"/> A6007: Construction Defect	1,2,3
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006: Claims Involving Mass Tort	1,2,8
Securities Litigation (28)	<input type="checkbox"/> A6035: Securities Litigation Case	1,2,8
Toxic Tort/Environmental (30)	<input type="checkbox"/> A6036: Toxic Tort/Environmental	1,2,3,8
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014: Insurance Coverage/Subrogation (complex case only)	1,2,5,8
Enforcement of Judgment (20)	<input type="checkbox"/> A6141: Sister State Judgment <input type="checkbox"/> A6160: Abstract of Judgment <input type="checkbox"/> A6107: Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140: Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114: Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112: Other Enforcement of Judgment Case	2,5,11 2,6 2,8 2,8 2,6 2,8,9
RICO (27)	<input type="checkbox"/> A6033: Racketeering (RICO) Case	1,2,8
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030: Declaratory Relief Only <input type="checkbox"/> A6040: Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011: Other Commercial Complaint Case (non-ori/non-complex) <input type="checkbox"/> A6000: Other Civil Complaint (non-ori/non-complex)	1,2,8 2,8 1,2,8 1,2,8
Partnership/Corporation Governance (21)	<input type="checkbox"/> A6113: Partnership and Corporate Governance Case	2,8
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121: Civil Harassment <input type="checkbox"/> A6123: Workplace Harassment <input type="checkbox"/> A6124: Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190: Election Contest <input type="checkbox"/> A6110: Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170: Petition for Relief from Late Claim Filing <input type="checkbox"/> A6100: Other Civil Petition	2,3,9 2,3,9 2,3,9 2 2,7 2,3,8 2,9

Judicial Review

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

SHORT TITLE: The People of the State of California v. Macy's, Inc.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.		ADDRESS: 200 North Main Street 500 City Hall East
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc. §392 et seq. and Local Rule 2.3(a)(1)(E)].

Dated: December 7, 2016


(SIGNATURE OF ATTORNEY FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV-109, LASC Approved 03/04 (Rev. 02/15).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be confirmed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

12/07/16