

1 BILL LOCKYER
Attorney General of the State of California
2 HERSHEL T. ELKINS
Senior Assistant Attorney General
3 ALBERT NORMAN SHELDEN
SUSAN HENRICHSEN
4 Supervising Deputy Attorneys General
JUDITH A. FIORENTINI
5 Deputy Attorney General
State Bar No. 201747
6 110 West "A" Street, Suite 1100
San Diego, CA 92101
7 P.O. Box 85266
San Diego, CA 92186-5266
8 Telephone: (619) 645-2207
Fax: (619) 645-2062
9 Attorneys for The People of the State of California

FILED

03 AUG 12 AM 10:16

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

12 **THE PEOPLE OF THE STATE OF**
13 **CALIFORNIA,**

14 Plaintiff,

15 v.

16 **FAX.COM, INC., a Delaware Corporation;**
17 **KEVIN KATZ, ERIC WILSON; CHARLES**
MARTIN; THOMAS ROTH; JEFFREY
18 **DUPREE and DOES 1-10,**

19 Defendants.

AMENDED COMPLAINT FOR
INJUNCTION, DAMAGES, CIVIL
PENALTIES AND OTHER
EQUITABLE RELIEF

Case No: '03 CV 1433 BTM JAH

20
21
22
23
24
25
26
27
28

1 BILL LOCKYER
Attorney General of the State of California
2 HERSCHEL T. ELKINS
Senior Assistant Attorney General
3 ALBERT NORMAN SHELDEN
SUSAN HENRICHSEN
4 Supervising Deputy Attorneys General
JUDITH A. FIORENTINI
5 Deputy Attorney General
State Bar No. 201747
6 110 West "A" Street, Suite 1100
San Diego, CA 92101
7 P.O. Box 85266
San Diego, CA 92186-5266
8 Telephone: (619) 645-2207
Fax: (619) 645-2062
9 Attorneys for The People of the State of California

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

12 **THE PEOPLE OF THE STATE OF**
13 **CALIFORNIA,**

14 Plaintiff,

15 v.

16 **FAX.COM, INC., a Delaware Corporation;**
17 **KEVIN KATZ; ERIC WILSON; CHARLES**
18 **MARTIN; THOMAS ROTH; JEFFREY**
19 **DUPREE and DOES 1-10,**

Defendants.

**AMENDED COMPLAINT FOR
INJUNCTION, DAMAGES, CIVIL
PENALTIES AND OTHER
EQUITABLE RELIEF**

20 1. Plaintiff, the People of the State of California, by its attorney Bill Lockyer, Attorney
21 General of the State of California, brings this action pursuant to the Telephone Consumer Protection
22 Act, 47 U.S.C. § 227 ("TCPA"), alleging that FAX.COM, INC., a Delaware corporation transacting
23 business in California as a foreign corporation, and the officers and owners of FAX.COM, INC.,
24 Defendants KEVIN KATZ, ERIC WILSON, CHARLES MARTIN, THOMAS ROTH, AND
25 JEFFREY DUPREE are each violating the TCPA. Plaintiff seeks a permanent injunction, damages,
26 civil penalties, and other relief, based upon Defendants' violations of the TCPA in connection with
27 the sending of unsolicited advertisements via telephone facsimile machines as well as the placing
28 of unsolicited prerecorded telephone calls.

1 2. Plaintiff, as part of the same case or controversy, also brings this action pursuant to the
2 California Business & Professions Code § 17200, and California Business & Professions Code
3 § 17500 alleging that Defendants, and each of them have violated such state laws.

4 JURISDICTION AND VENUE

5 3. This court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1337(a)
6 and 47 U.S.C. § 227(f)(1) and it also has supplemental jurisdiction over the state claims pursuant
7 to 28 U.S.C. § 1367.

8 4. Venue in this matter is proper in this judicial district pursuant to 28 U.S.C. § 1391(b),
9 in that a substantial part of the events or omissions giving rise to the claim occurred in this
10 judicial district. Venue is also proper in this judicial district pursuant to 47 U.S.C. § 227(f)(4), in
11 that Defendants transact business in this district and violations of the TCPA and the California
12 statues are occurring in this district.

13 PARTIES

14 5. Plaintiff, by and through its attorney, Bill Lockyer, Attorney General of the State of
15 California, is authorized by 47 U.S.C. § 227(f)(1) to file actions in federal district court to enjoin
16 violations and enforce compliance with the TCPA on behalf of residents of the State of
17 California and to obtain actual damages or damages of \$500 for each violation and up to treble
18 that amount for each violation committed willfully or knowingly.

19 6. Plaintiff, by and through Bill Lockyer, Attorney General of the State of California, is
20 authorized by California Business & Professions Code § 17204 and by California Business &
21 Professions Code § 17535 to obtain injunctive relief to halt violations of and enforce compliance
22 with California Business & Professions Code § 17200, and California Business & Professions
23 Code § 17500, respectively.

24 7. Defendant FAX.COM, INC. ("FAX.COM") is a Delaware corporation, whose physical
25 and mailing address is 120 Columbia, Suite 500, Aliso Viejo, California 92656. Defendant
26 FAX.COM is registered with the California Secretary of State as a foreign corporation to transact
27 business in the State of California. The registered agent for service of process of FAX.COM is
28 Charles Martin, 120 Columbia, Suite 500, Aliso Viejo, California 92656.

1 8. Defendants KEVIN KATZ, ERIC WILSON, CHARLES MARTIN, THOMAS ROTH,
2 and JEFFREY DUPREE are officers and owners of FAX.COM and have the same business
3 address as FAX.COM. KEVIN KATZ is the President of FAX.COM, and resides in Laguna
4 Beach, California. ERIC WILSON is the Chief Technical Officer of FAX.COM, and resides in
5 Sierra Madre, California. CHARLES MARTIN is Vice President of the Compliance Department
6 and resides in Foothill Ranch, California. Thomas Roth is the Vice President of Finance and
7 resides in Laguna Niguel, California. Jeffrey Dupree is the Vice President of the
8 Sales/Marketing Department and resides in Orange County, California. As officers and owners
9 of FAX.COM, Defendants KATZ, WILSON, MARTIN, ROTH and DUPREE have managed,
10 controlled and directed the activities of Defendant FAX.COM complained of herein.

11 9. Whenever reference is made in this complaint to any act or transaction of a Defendant
12 such allegation shall be deemed to mean that said Defendant and its owners, officers, directors,
13 agents, employees, or representatives did or authorized such acts while engaged in the
14 management, direction, or control of the affairs of the Defendant and while acting within the
15 scope and course of their duties.

16 10. Whenever in this complaint reference is made to any act of any Defendant, such
17 allegation shall be deemed to mean that said Defendant was acting (a) as a principal, (b) under
18 express or implied agency, and/or (c) with actual or ostensible authority to perform the acts so
19 alleged.

20 11. The true names and capacities, whether individual, corporate, or otherwise, of
21 Defendants sued herein under the fictitious names of DOES 1 through 10, inclusive, are
22 unknown to Plaintiff who therefore sues said Defendants by such fictitious names. Plaintiff will
23 amend this complaint to show the true names of each when the same has been ascertained.

24 12. As used herein, the term "Defendants" means and includes Defendant FAX.COM,
25 Defendant KEVIN KATZ, Defendant ERIC WILSON, Defendant CHARLES MARTIN,
26 Defendant THOMAS ROTH, Defendant JEFFREY DUPREE and DOES 1-10.

27 ///

28 ///

1 FAX.COM's proprietary database such that they can be sorted using various criteria such as:
2 radius from the advertiser, Zip Code, Metro Area, Area Code, County, State, and/or, in some
3 instances, Standard Industry Code ("SIC"). Those who faxblast with FAX.COM are able to
4 select the targets of their advertisements by choosing from among the aforementioned set of
5 criteria. The Fax Broadcaster transmits the target lists of facsimile numbers via the Internet,
6 and/or telephone line, and/or cable lines to the Fax Casters throughout the United States and
7 Canada. FAX.COM does not obtain prior express permission to send the faxes prior to their
8 transmission, and the recipients who receive the transmissions in most instances do not have an
9 established business relationship with either FAX.COM or the entities whose products, goods, or
10 services are being advertised in the faxes received. In most instances, FAX.COM is not able to
11 distinguish between a facsimile number located within a business establishment and a facsimile
12 number that is located within a residence.

13 18. Defendants do not identify FAX.COM as the entity responsible for the fax sent on any
14 part of the fax. Defendants' inclusion on the fax of a toll free removal number provides the
15 consumer with little or no information as to the identity of the entity sending the fax and who the
16 toll-free number belongs to is not reasonably ascertainable by most consumers. Further,
17 Defendants do not identify FAX.COM as the entity responsible for sending the fax at any time
18 during the opt-out telephone message a consumer hears when s/he calls the toll free removal
19 number to request removal.

20 19. Most recipients receive multiple unsolicited fax advertisements from Defendants.
21 Facsimile machines owned by the State of California are among those receiving unsolicited faxes
22 from Defendants. The sending of these unsolicited advertisements to facsimile machines causes
23 the recipients to pay for paper and toner, which otherwise would have been used to receive
24 requested messages. In addition, receiving these unsolicited advertisements prevents other
25 requested messages from being received and requires additional labor to handle the unrequested
26 message. In the case of Defendants sending faxes to State-owned machines, the cost of materials
27 and time is charged to the taxpayers of California. Moreover, Defendants' unsolicited faxes are
28 bothersome, intrusive, and a harassment to recipients.

1 20. In addition to Faxblasting services, Defendants' business also consists of selling Voice
2 Broadcasting services. Voice Broadcasting is designed to solicit response calls from consumers
3 by sending unsolicited calls to consumers via an autodialer, computer or other device, and leaving
4 a prerecorded message on an answering machine and/or with the individual answering the phone.
5 These recorded telemarketing messages contain advertisements for products and/or services
6 Defendants' clients wish to market to consumers. Recipients of these calls who are interested in
7 the goods or services offered are instructed to call the number provided in the recorded message.
8 When a consumer returns the call s/he is then filtered through Defendants' call center, automated
9 Interactive Voice Response System, or is connected directly to Defendants' client. Defendants
10 initiate or cause the initiation of the Voice Broadcasting sending unsolicited telephone calls to
11 consumers throughout California and the United States which contain prerecorded telephone
12 messages for products and/or services including, but not limited to, vacation packages and home
13 loans. The calls are initiated or caused to be initiated by Defendants to residential telephone lines
14 without the prior express consent of the called party. The prerecorded messages do not begin with
15 an unrecorded natural voice first informing the person answering the telephone of the name of the
16 caller or the organization being represented, and either the address or telephone number of the
17 caller, and are disseminated without obtaining the consent of the person receiving the call to listen
18 to the prerecorded message.

19 VIOLATIONS

20 COUNT I

21 21. Paragraphs 1 through 20 are incorporated by reference herein as though set forth in full.

22 22. Defendants have violated the TCPA, 47 U.S.C. § 227(b)(1)(C), and 47 C.F.R.
23 § 64.1200(a)(3), by engaging in a pattern or practice of sending unsolicited faxes, via facsimile
24 machine, computer, or other device to facsimile machines located in California and specifically
25 located in San Diego, California.

26 23. Defendants' violations are willful and knowing.

27 ///

28 ///

1 COUNT II

2 24. Paragraphs 1 through 20 are incorporated by reference herein as though set forth in full.

3 25. Defendants have violated the TCPA, 47 U.S.C. § 227(d), and 47 C.F.R. § 68.318(d), by
4 engaging in a pattern or practice of sending faxes without including in the margin an identification
5 of the business sending the fax and the number from which the fax was sent.

6 26. Defendants' violations are willful and knowing.

7 COUNT III

8 27. Paragraphs 1 through 20 are incorporated by reference herein as though set forth in full.

9 28. Defendants have violated the TCPA, 47 U.S.C. § 227(b)(1)(B), and 47 C.F.R.
10 § 64.1200(a)(2) by making or causing to be made, and continuing to make, telephone calls to
11 residential telephone lines in California using an artificial or prerecorded voice to deliver a
12 message without the prior express consent of the called party.

13 29. Defendants' violations are willful and knowing.

14 COUNT IV

15 30. Paragraphs 1 through 29 are incorporated by reference herein as though set forth in full.

16 31. Beginning at an exact date unknown to plaintiff and continuing to the present,
17 Defendants have made or caused to be made, and continue to make, in violation of California
18 Business & Professions Code § 17500, numerous untrue or misleading statements to the public in
19 the State of California in an attempt to sell their services to their clients and to sell the products,
20 goods or services of their clients to consumers in California. Such statements include, but are not
21 limited to, the following:

22 a. Defendants represent, directly or by implication, that there is an agreement
23 between Defendants and the recipients of the facsimiles sent by Defendants under which
24 Defendants have the legal right to send such facsimile advertisements to such recipients,
25 when in fact there is no such agreement.

26 b. Defendants represent, directly or by implication, that Defendants have obtained the
27 consent of the facsimile recipients since, although offered the opportunity, the recipients
28 have not chosen to opt-out of Defendants' proprietary database.

1 c. Defendants represent, directly or by implication, that they may legally send
2 facsimile advertisements to persons from whom Defendants have not obtained express
3 invitation or permission when in fact Defendants may not legally send such facsimile
4 advertisements.

5 d. Defendants represent, directly or by implication, that Defendants will remove the
6 recipient's facsimile number from their proprietary database when the recipient requests
7 removal, but in fact removal of the number does not occur; and/or if the number is removed,
8 it is only temporarily removed.

9 e. Defendants have failed to disclose and/or have misrepresented the identity of the
10 sender of the faxes in order to conceal FAX.COM's identity as the sender of the unsolicited
11 faxes from the recipient of such faxes in that:

12 1. FAX.COM does not identify itself as the entity responsible for sending the fax
13 on any part of the unsolicited fax;

14 2. FAX.COM does not identify itself in the opt-out telephone message
15 recordings a consumer hears when s/he calls the opt-out number to request removal;

16 3. Defendants fail to include the facsimile number of the sender or the number
17 the fax was sent from on the unsolicited facsimiles they send. Instead, Defendants often
18 use the opt-out toll free telephone number as the sender's "sent from" number, instead
19 of providing the actual "sent from" number. This number provides the consumer with
20 little or no information as to the identity of the entity responsible for sending the fax
21 since the subscriber information for the toll-free number is not readily available to the
22 consumer. In other instances, there is no sender, or "sent from" number listed at all;

23 4. Defendants have varied the toll-free opt-out telephone numbers that are
24 displayed on different unsolicited fax advertisements they send, which makes it more
25 difficult for the recipient to identify that: a) FAX.COM is the sender of the fax; b) the
26 recipient is receiving multiple faxes from Defendants; and/or c) the recipient's requests
27 for removal are not being honored;

28 5. Defendants have varied the location and font size used to disclose the toll-free

1 opt-out telephone numbers that are displayed on different unsolicited fax advertisements
2 they send, which makes it more difficult for the recipient to locate the opt-out number
3 and use it to identify Defendants as the senders of the faxes they receive;

4 6. In many instances, the advertiser's name is also not identified in the text or
5 body of the unsolicited fax advertisement Defendants send;

6 7. In some instances, Defendants have used an 800 number which does not
7 belong to them as their toll free opt-out number.

8 f. Defendants represent, directly or by implication, that by agreeing to the "Your
9 Permission Please" facsimile, a true and correct copy of which is attached hereto as Exhibit 1
10 and incorporated herein by this reference as though set forth in full, which agreement
11 Defendants claim they have if the recipient of the "Your Permission Please" facsimile does
12 not respond to it with an objection, recipients will receive no more than one unsolicited
13 facsimile per week from Defendants. This statement is untrue or misleading in that:

14 1. Defendants do not have the ability to keep track of the numbers of facsimile
15 transmissions they send to each recipient;

16 2. Defendants often send more than one facsimile per week to each recipient;

17 3. Defendants vary the toll-free opt-out telephone numbers that are displayed on
18 different unsolicited fax advertisements they send which makes it difficult, if not
19 impossible, for the recipient to determine whether or not Defendants have honored the
20 one fax per week promise.

21 g. Defendants represent, directly or by implication, in the "Your Permission Please"
22 facsimile, see Exhibit 1, that the recipient can delete himself/herself from the program at any
23 time by calling the toll-free number on the bottom of every fax FAX.COM sends out. This
24 statement is untrue or misleading in that:

25 1. Recipients are unable to ascertain whether they have been removed from the
26 program when they request to because Defendants do not identify FAX.COM by name
27 on the unsolicited fax advertisements they send;

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Recipients are unable to ascertain whether they have been removed from the program when they request to be because even when they call the toll free number opt out number and listen Defendants do not identify FAX.COM in the message;

3. Recipients who request removal are not removed from FAX.COM's proprietary database, or are only removed from the FAX.COM proprietary database temporarily.

h. Defendants represent, directly or by implication, that Defendants have obtained the consent of the facsimile recipients since they claim to send unsolicited fax advertisements only to those recipients who have not objected to the "Your Permission Please" facsimile, Exhibit 1.

32. Defendants knew or should have known at the time the statements alleged in paragraph 31 were made that they were untrue or misleading.

COUNT V

33. Paragraphs 1 through 32 of this complaint are incorporated herein as though set forth in full.

34. Beginning at an exact date unknown to plaintiff and continuing to the present, Defendants have engaged in unfair competition as defined in California Business & Professions Code § 17200. Such acts of unfair competition include, but are not limited to, the following acts or practices:

A. Defendants have violated the TCPA, 47 U.S.C. § 227(b)(1)(C) and 47 C.F.R. § 64.1200(a)(3) which prohibit the use of any telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine without the prior express consent of the called party by committing the practices, inter alia, set forth in paragraph 21 of this complaint, which paragraph is incorporated herein as though set forth in full.

B. Defendants have violated the TCPA, 47 U.S.C. § 227 (d) and 47 C.F.R. § 68.318(d) by engaging in a pattern or practice inter alia, as set forth in paragraph 24 of this complaint, which paragraph is incorporated herein as though set forth in full, of sending

1 faxes without including in the margin an identification of the business sending the fax and
2 the number from which the fax was sent.

3 C. Defendants have violated the TCPA, 47 U.S.C. § 227(b)(1)(B) and C.F.R. §
4 64.1200(a)(2) which prohibit the initiation of a telephone call to any residential telephone
5 line using an artificial or prerecorded voice to deliver a message without the prior express
6 consent of the called party by committing the practices, inter alia, set forth in paragraph 27 of
7 this complaint, which paragraph is incorporated herein as though set forth in full.

8 D. Defendants have violated California Business & Professions Code § 17500 as
9 alleged in paragraph 31 of this complaint, which paragraph is incorporated herein as though
10 set forth in full.

11 E. Defendants have violated California Public Utilities Code § 2872, inter alia, by
12 engaging in the practice of using an automatic dialing-announcing device in the state of
13 California to place a call that is received by a telephone in California during the hours
14 between 9 p.m. and 9 a.m. in violation of California Public Utilities Code § 2872, which
15 prohibits such practice.

16 F. Defendants have established numerous toll-free opt-out numbers which a recipient
17 of Defendants' unsolicited faxed documents may call to notify the sender not to fax the
18 recipient any further unsolicited documents. Upon such notification by a recipient of his or
19 her request not to receive any further unsolicited faxed documents, Defendants identify the
20 recipient's fax number as a valid fax number and continue to fax or cause to be faxed
21 unsolicited advertisements to that recipient at that fax number;

22 G. Defendants have varied the toll-free opt-out telephone numbers that are displayed
23 on each advertisement, and the telephone facsimile machine numbers from which the
24 advertisements are sent, which has the effect of making it more difficult for the recipient to
25 determine whether or not Defendants have honored the recipient's request not to receive any
26 more unsolicited faxed advertisements from Defendants.

27 H. Defendants, in violation of California Civil Code § 1770(a)(22), have made or
28 caused to be made, and continue to make, telephone calls which deliver an unsolicited

1 prerecorded message without an unrecorded, natural voice first informing the person
2 answering the telephone of the name of the caller or the organization being represented, and
3 either the address or telephone number of the caller, and without obtaining the consent of that
4 person to listen to the prerecorded message.

5 I. When clients of Defendants who use their fax-blasting services are sued in
6 California Small Claims Court for the dissemination of unsolicited facsimile advertisements
7 by the recipients of those faxes, although Defendants are not named as parties in the suit,
8 Defendants appear in court on behalf of their clients and falsely profess to be officers of
9 and/or employed by such clients, when in fact they are not listed as officers on any corporate
10 documents on file with the Secretary of State, and they do not receive any compensation as
11 employees and thus Defendants are not legally able to represent such clients in Small Claims
12 Court matters.

13 REMEDIES

14 35. The TCPA empowers this Court to grant to Plaintiff, in an action brought by the
15 Attorney General of the State California, injunctive and other relief, and to award \$500 for each
16 violation. Furthermore, if this Court finds that a defendant willfully or knowingly violated the
17 TCPA or regulations promulgated pursuant to the TCPA, the Court may, in its discretion, increase
18 the monetary award by up to three times the amount.

19 36. California Business & Professions Code §§ 17203, and 17535, provide that the Attorney
20 General may seek and the Court may make such orders or judgments permanently restraining and
21 enjoining Defendants, their successors, agents, representatives, employees, and all other persons
22 who act under, by, through, or on behalf of any of them, or any of them, from doing any of the
23 following acts:

24 (A) Making or disseminating any untrue or misleading statements in violation of
25 California Business & Professions Code § 17500, relating to the dissemination of
26 unsolicited fax advertisements, and/or the dissemination of prerecorded telephone
27 message advertisements;

28 ///

1 (B) Engaging in any acts of unfair competition in violation of California Business &
2 Professions Code § 17200, relating to dissemination of unsolicited fax advertisements,
3 and/or the dissemination of prerecorded telemarketing messages.

4 37. Pursuant to California Business & Professions Code § 17206, the Court may assess
5 against each Defendant a civil penalty of \$2,500.00 for each violation of California Business &
6 Professions Code § 17200.

7 38. Pursuant to California Business & Professions Code § 17536, the Court may assess
8 against each Defendant a civil penalty of \$2,500.00 for each violation of California Business &
9 Professions Code § 17500.

10 PRAYER FOR RELIEF

11 WHEREFORE, Plaintiff requests that this honorable Court:

12 A. Permanently enjoin Defendants from violating the TCPA;

13 B. Pursuant to California Business & Professions Code §§ 17203 and 17535, permanently
14 restrain and enjoin Defendants, their successors, agents, representatives, employees, and all other
15 persons who act under, by, through, or on behalf of any of them, or any of them, from doing any
16 of the following acts:

17 (1) Making or disseminating any of the untrue or misleading statements alleged in
18 paragraph 31 of this complaint and any other untrue or misleading statement in violation of
19 California Business & Professions Code § 17500, relating to the dissemination of unsolicited
20 fax advertisements, and/or the dissemination of prerecorded telephone message
21 advertisements;

22 (2) Engaging in any of the acts of unfair competition set forth in paragraph 34 of this
23 complaint and any other act of unfair competition in violation of California Business &
24 Professions Code § 17200, relating to dissemination of unsolicited fax advertisements,
25 and/or the dissemination of prerecorded telemarketing messages;

26 C. Award the People of the State of California, \$500 for each of Defendants' violations of
27 the TCPA, and find that Defendants' actions were committed willfully and knowingly so as to
28 justify an award equal to three times this amount, pursuant to 47 U.S.C. § 227;

1 D. Pursuant to California Business & Professions Code § 17206, assess each Defendant a
2 civil penalty of \$2,500.00 for each violation of California Business & Professions Code § 17200,
3 as proven at trial, but in an amount of not less than \$7,500,000.00;

4 E. Pursuant to California Business & Professions Code § 17536, assess each Defendant a
5 civil penalty of \$2,500.00 for each violation of California Business & Professions Code § 17500,
6 as proven at trial, but in an amount of not less than \$7,500,000.00;

7 F. Assess to Defendants all costs incurred by Plaintiff, as well as such other and additional
8 relief as the Court may determine to be just and proper.

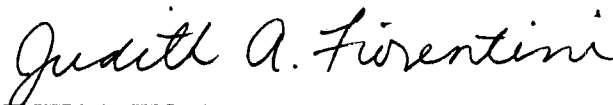
9 Dated: August 12, 2003

10 Respectfully submitted,

11 BILL LOCKYER
Attorney General of the State of California

12 HERSCHEL T. ELKINS
Senior Assistant Attorney General

13 ALBERT NORMAN SHELDEN
14 SUSAN HENRICHSEN
Supervising Deputy Attorneys General

15 

16 JUDITH A. FIORENTINI
17 Deputy Attorney General
18 Attorneys for The People of the State of California