

Exhibit A

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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
04/18/2018 at 11:20:39 AM
Clerk of the Superior Court
By Valeria Contreras, Deputy Clerk

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19 *Attorneys for Plaintiff*

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

17 JOSEPH CARLOS VALESQUEZ, on behalf) Case No: 37-2018-00019280-CU-MC-CTL
18 of himself and all others similarly situated,)
19 Plaintiff,) **CLASS ACTION**
20 v.) **[E-FILE]**
21 WALMART, INC., a Delaware corporation,) **COMPLAINT FOR VIOLATIONS OF THE**
22 and DOES 1 through 20, inclusive,) **SONG-BEVERLY CREDIT CARD ACT**
23 Defendant.) **(Cal. Civ. Code §1747.08)**

24 Plaintiff Joseph Carlos Valesquez, (“Plaintiff”), on behalf of himself and all others similarly
25 situated, complains and alleges upon information and belief, among other things, upon the investigation
26 made by Plaintiff by and through his attorneys, as follows:
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1 NATURE OF THE CASE

2 1. Plaintiff brings this cause of action against Defendant Walmart, Inc. ("Defendant" or
3 "Walmart") for its failure to comply with the Song-Beverly Credit Card Act, Civil Code section
4 1747.08, *et seq.*, ("Song-Beverly"), in that it utilizes a video camera at its self-check-out kiosks that
5 records an up-close image of the customer's personal identification information, *to wit*, his personal
6 likeness including his eye color, hair color, and facial features, throughout the entire duration of the
7 customer's credit card transaction. By employing this video recording practice in conjunction with
8 credit card transactions, Defendant intentionally violates section 1747.08(a)(2) of Song-Beverly.

9 2. The California legislature enacted this statute in response to the recognized dangers
10 associated with permitting retailers to collect and maintain consumers' personal identification
11 information, finding that the practice put the physical safety of consumers at risk and jeopardized
12 consumers' financial security and credit rating, due to identity theft and fraud.

13 3. The California Court of Appeals has recognized that Song-Beverly was enacted as a
14 "response to two principle privacy concerns." (*Florez v. Linens 'N Things*, (2003) 108 Cal.App.4th 447,
15 452-53.) One concern was that "with the increased use of computer technology, very specific and
16 personal information about a consumer's spending habits was being made available to anyone willing to
17 pay for it." (*Ibid.*) The second concern motivating the Legislature was that "acts of harassment and
18 violence were being committed by store clerks who obtained customers' phone numbers and addresses."
19 (*Ibid.*)

20 4. Thus, Song-Beverly prohibits a retail from "[r]equest[ing], or requir[ing] as a condition
21 to accepting the credit card as payment in full or in part for goods or services, the cardholder to provide
22 personal identification information, which the person, firm, partnership, association, or corporation
23 accepting the credit card writes, causes to be written, or otherwise records upon the credit card
24 transaction form or otherwise. (Civ. Code § 1747.08(a)(2).)

25 5. "Personal Identification Information" is defined as "information concerning the
26 cardholder, other than information set forth on the credit card, and including, *but not limited to*, the
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1 cardholder's address or telephone number. (Civ. Code, §1747.08(b) (emphasis added).) Plaintiff's
2 personal likeness and facial features constitute "personal identification information" under the statute.

3 6. Defendant operates over 300 locations in the State of California, including the Walmart
4 store at which Plaintiff completed his credit card transaction, located at 1231 S. Sanderson Ave., Hemet,
5 California 92545.

6 7. Defendant routinely utilizes a video camera recording device at its self-check-out kiosks
7 that records an up-close image of the customer's personal identification information, *to wit*, his personal
8 likeness including his eye color, hair color, and facial features, throughout the entire duration of the
9 customer's credit card transaction. This camera is utilized to capture information about the cardholder;
10 separate and apart from traditional security cameras that are present throughout the store. Simply stated,
11 the cameras utilized at the self-check-out kiosks are not used exclusively for security purposes, but
12 instead provide Defendant with valuable biometric data concerning Plaintiff and members of the class
13 and/or retain the ability to do so.

14 8. Thus, Defendant systematically and uniformly violates Song-Beverly at each of its
15 California locations by utilizing this video camera recording device at its self-check-out kiosks to record
16 the customer's personal identification information in conjunction with a credit card transaction.

17 **JURISDICTION AND VENUE**

18 9. This Court has jurisdiction over Defendant and the claims set forth below pursuant to
19 Code of Civil Procedure §410.10 and the California Constitution, Article VI §10, because this case is a
20 cause not given by statute to other trial courts.

21 10. Venue is proper in the Superior Court for the County of San Diego, State of California,
22 because Defendant has accepted credit cards for the transaction of business throughout California,
23 including the County of San Diego, which has caused both obligations of liability of Defendant to arise
24 in the County of San Diego.

25 11. The amount in controversy exceeds the jurisdictional minimum of this Court.

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PARTIES

Plaintiff

12. Plaintiff Joseph Carlos Valesquez is a resident of Riverside County in the State of California. On or about March 21, 2018, Plaintiff made a purchase with a Capital One payment card at a self-check-out kiosk at a Walmart retail store located in Hemet, California. Throughout the entire duration of Plaintiff’s purchase transaction, Plaintiff was recorded by a video camera affixed to the cash register at the self-check-out kiosk. Defendant’s video recording captured a high-quality image of Plaintiff’s face and upper body, recording distinguishing features of his personal likeness, such as his eye color, hair color, and facial features to a granular, accurately-detailed degree. Defendant’s recording of Plaintiff at the point-of-sale impermissibly captures Plaintiff’s personal identification information in conjunction with a credit card transaction and is in direct violation of Civil Code section 1747.08(a)(2).

13. Plaintiff brings this class action against Defendant, pursuant to California Code of Civil Procedure Section 382, on behalf of himself and all others similarly situated California customers who engaged in a credit card transaction with Defendant Walmart, for which Defendant utilized a video camera at its self-check-out kiosks to record an up-close image of the customer’s personal identification information, *to wit*, facial features, from April 18, 2017 through the date of trial (the “Class”). Excluded from the Class is Defendant, its corporate parents, subsidiaries and affiliates, officers and directors, and any entity in which Defendant has a controlling interest, and the legal representatives, successors or assigns of any such excluded persons or entities. Also excluded from the Class is Plaintiff’s counsel, the assigned Judge, and the Judge’s family.

Defendant

14. Plaintiff is informed and believes and based thereon alleges that Defendant Walmart, Inc. is a Delaware Corporation, with its principal place of business located at 702 SW 8th Street, Bentonville, AR 72716. Defendant operates discount stores, retail supercenters, and grocery supermarkets throughout the world.

15. At all times hereinafter mentioned, Defendant owns, operates, and maintains over 5,300 locations nationwide, including over 300 locations within the State of California.

1 his image being recorded, as Walmart requires that each customer be recorded on this video when they
2 utilize the self-check-out kiosk.

3 **Walmart Subjects its Customers to the Very Danger**
4 **the Legislature Sought to Avoid in Enacting Song-Beverly**

5 22. Defendant's video recording at its self-check-out kiosks captures customers' personal
6 identification information, *to wit*, their eye color, hair color, and facial features, in conjunction with a
7 credit card transaction. In so doing, Defendant puts its customers at risk of the very dangers the
8 Legislature sought to avoid.

9 23. Defendant's video recording subjects consumers, including Plaintiff, to the potential
10 threat of onerous harassment, including but not limited to, identity theft, marketing campaigns, and
11 unwelcome, distasteful, or otherwise threatening communications.

12 **CLASS ALLEGATIONS**

13 24. This lawsuit is brought on behalf of Plaintiff and an ascertainable class to recover the
14 maximum statutory penalty permitted by Civil Code section 1747.08(e) for Defendant's repeated
15 violations of Song-Beverly as alleged herein. Plaintiff seeks certification of a Class pursuant to Code of
16 Civil Procedure section 382, which Class is defined as follows:

17 All California consumers who engaged in a credit card transaction with Defendant
18 Walmart, for which Defendant utilized a video camera at its self-check-out kiosks to
19 record an up-close image of the customer's personal identification information, *to wit*,
20 their facial features, from April 18, 2017 through the date of trial (the "Class").

21 25. Excluded from the Class is Defendant, its corporate parents, subsidiaries and affiliates,
22 officers and directors, and any entity in which Defendant has a controlling interest, and the legal
23 representatives, successors or assigns of any such excluded persons or entities. Also excluded from the
24 Class is Plaintiff's counsel, the assigned Judge, and the Judge's family.

25 26. The members of this Class are so numerous that joinder of all members is impractical.
26 While the exact number of Class members is unknown to Plaintiff at this time, such information can be
27 ascertained through appropriate discovery from records obtained from Defendant and its agents.

28 27. A class action is superior to other available methods for the fair and efficient adjudication
of this controversy because the likelihood of individual Class members prosecuting separate claims is

1 remote and individual Class members do not have a significant interest in individually controlling the
2 prosecution of separate actions.

3 28. The disposition of Plaintiff's and Class Members' claims through the class action device
4 will provide substantial judicial economy and benefits both the parties and the Court. Further, the
5 statutory damages for which the individual class members are entitled are relatively small and the
6 burden and expense of individual litigation makes it substantially difficult and unlikely that Class
7 Members will individually seek redress of Defendant's wrongs. Without the class action procedural
8 device, Defendant's unlawful conduct will continue unabated.

9 29. This action will promote an orderly and expeditious adjudication of the Class claims, and
10 will promote and foster the uniformity of decision.

11 30. The Class is ascertainable and there is a well-defined community of interest among the
12 members of the Class because common questions of law and fact predominate, Plaintiff's claims are
13 typical of the members of the Class, and Plaintiff can fairly and adequately represent the interests of the
14 Class.

15 31. The common questions of law and fact, which arise from Defendant's uniform pattern
16 and practice of prohibited conduct, predominate over any individual issues affecting the members of the
17 Class. Thus, among the questions of law and fact common to the Class are as follows:

- 18 a. Whether each Class member engaged in a credit card transaction with Defendant;
- 19 b. Whether Defendant had or has a corporate policy and/or procedure to utilize a video
20 camera at its self-check-out kiosks to record an up-close image of the customer's
21 personal identification information;
- 22 c. Whether Defendant's use of the video camera recording in conjunction with a credit
23 card transaction violates the Song-Beverly Credit Card Act, section 1747.08(a)(2);
24 and
- 25 d. Whether Plaintiff and the Class are entitled to an award of civil penalties and the
26 proper amount of civil penalties to be paid to the Class pursuant to Civil Code
27 section 1747.08(e);

1 32. Plaintiff's claims are typical of those of the other Class Members because Plaintiff, like
2 every other Class Member, was exposed to virtually identical conduct and is entitled to civil penalties in
3 amounts of up to one thousand dollars (\$1,000.00) per violation pursuant to Civil Code section
4 1747.08(e).

5 33. Plaintiff can fairly and adequately represent the interests of the Class, he has no conflict
6 of interest with other Class members, and has retained competent counsel experience in complex class
7 action litigation.

8 **CAUSE OF ACTION FOR VIOLATION OF**
9 **CALIFORNIA CIVIL CODE SECTION 1747.08(a)(2),**
10 **THE SONG-BEVERLY CREDIT CARD ACT**

11 34. Plaintiff re-alleges and incorporates by reference each and every paragraph above as
12 though fully set forth herein.

13 35. California Civil Code section 1747.08(a)(2) prohibits any corporation, which accepts
14 credit cards for the transaction of business, from "[r]equest[ing], or requir[ing] as a condition to
15 accepting the credit card as payment in full or in part for goods or services, the cardholder to provide
16 personal identification information, which the person, firm, partnership, association, or corporation
17 accepting the credit card writes, causes to be written, or otherwise records upon the credit card
18 transaction form or otherwise. (Civ. Code § 1747.08(a)(2).)

19 36. Section 1747.08(b) defines "personal identification information" as "information
20 concerning the cardholder, other than information set forth on the credit card, and including, *but not*
21 *limited to*, the cardholder's address and telephone number." (Civ. Code § 1747.08(b) (emphasis added).)

22 37. Plaintiff's personal likeness, namely, his eye color, hair color, and facial features
23 constitutes "personal identification information" because it is identifying information concerning the
24 cardholder that is otherwise not information set forth on the credit card. For instance, a person's eye
25 color and hair color are identifying features set forth on government issued identifications, such as
26 driver's licenses and passports.

27 38. Plaintiff and Class Members are "cardholders" who entered into credit card transactions
28 at Defendant's retail stores, as defined by Civil Code section 1747.02(d).

- 1 D. For an award of attorneys' fees as authorized by statute, including but not limited to, the
- 2 provisions of Code of Civil Procedure section 1021.5, and as authorized under the "common
- 3 fund" doctrine;
- 4 E. For costs of the suit;
- 5 F. For prejudgment interest at the legal rate;
- 6 G. And for such other relief as the Court may deem proper.

7 Dated: April 18, 2018

8 **CARLSON LYNCH SWEET**
9 **KILPELA & CARPENTER, LLP**

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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Carlson Lynch Sweet Kilpela & Carpenter LLP Todd D. Carpenter (CA 234464) 1350 Columbia St. Ste. 603 San Diego, CA 92101 TELEPHONE NO.: 619-762-1900 FAX NO.: 619-756-6991 ATTORNEY FOR (Name): Plaintiff Joseph Carlos Valesquez	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Diego 04/18/2018 at 11:20:39 AM Clerk of the Superior Court By Valeria Contreras, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	CASE NUMBER: 37-2018-00019280-CU-MC-CTL JUDGE: Judge Randa Trapp DEPT:
CASE NAME: Joseph Carlos Valesquez v. Walmart, 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 PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input 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-PI/PD/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 checked="" 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 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): 1, California Civil Code section 1747.08(a)(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: April 18, 2018
 Todd D. Carpenter
 (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

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
Auto (22)—Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i>	Breach of Rental/Lease Contract <i>(not unlawful detainer or wrongful eviction)</i>	Construction Defect (10)
	Contract/Warranty Breach—Seller Plaintiff <i>(not fraud or negligence)</i>	Claims Involving Mass Tort (40)
	Negligent Breach of Contract/Warranty	Securities Litigation (28)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41)
Asbestos Property Damage	Collection Case—Seller Plaintiff	Enforcement of Judgment
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Enforcement of Judgment (20)
Product Liability <i>(not asbestos or toxic/environmental)</i> (24)	Insurance Coverage <i>(not provisionally complex)</i> (18)	Abstract of Judgment (Out of County)
Medical Malpractice (45)	Auto Subrogation	Confession of Judgment <i>(non-domestic relations)</i>
Medical Malpractice—Physicians & Surgeons	Other Coverage	Sister State Judgment
Other Professional Health Care Malpractice	Other Contract (37)	Administrative Agency Award <i>(not unpaid taxes)</i>
Other PI/PD/WD (23)	Contractual Fraud	Petition/Certification of Entry of Judgment on Unpaid Taxes
Premises Liability (e.g., slip and fall)	Other Contract Dispute	Other Enforcement of Judgment Case
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Real Property	Miscellaneous Civil Complaint
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	RICO (27)
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Other Complaint <i>(not specified above)</i> (42)
Other PI/PD/WD	Other Real Property (e.g., quiet title) (26)	Declaratory Relief Only
Non-PI/PD/WD (Other) Tort	Writ of Possession of Real Property	Injunctive Relief Only <i>(non-harassment)</i>
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Mechanics Lien
Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08)	Quiet Title	Other Commercial Complaint Case <i>(non-tort/non-complex)</i>
Defamation (e.g., slander, libel) (13)	Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i>	Other Civil Complaint <i>(non-tort/non-complex)</i>
Fraud (16)	Unlawful Detainer	Miscellaneous Civil Petition
Intellectual Property (19)	Commercial (31)	Partnership and Corporate Governance (21)
Professional Negligence (25)	Residential (32)	Other Petition <i>(not specified above)</i> (43)
Legal Malpractice	Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i>	Civil Harassment
Other Professional Malpractice <i>(not medical or legal)</i>	Judicial Review	Workplace Violence
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Elder/Dependent Adult Abuse
Employment	Petition Re: Arbitration Award (11)	Election Contest
Wrongful Termination (36)	Writ of Mandate (02)	Petition for Name Change
Other Employment (15)	Writ—Administrative Mandamus	Petition for Relief From Late Claim
	Writ—Mandamus on Limited Court Case Matter	Other Civil Petition
	Writ—Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal—Labor Commissioner Appeals	

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

04/18/2018 at 11:20:39 AM
Clerk of the Superior Court
By Valeria Contreras, Deputy Clerk

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

WALMART, INC., a Delaware corporation, and DOES 1 through 20, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JOSEPH CARLOS VALESQUEZ, on behalf of himself and all others similarly situated,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Central
330 West Broadway
San Diego, CA 92101

CASE NUMBER:
(Número del Caso): 37-2018-00019280-CU-MC-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Todd D. Carpenter, 1350 Columbia Street, St. 603, San Diego, CA 92101, (619) 762-1900

DATE: 04/19/2018
(Fecha)

Clerk, by V. Contreras, Deputy
(Secretario) V. Contreras (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Lawsuit: Walmart Illegally Captures Biometric Data Through Self-Check-Out Kiosk Video Cameras](#)
