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**ENDORSED  
FILED  
ALAMEDA COUNTY**  
**FEB 15 2018**  
CLERK OF THE SUPERIOR COURT  
By TANIA PIERCE Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

**THE PEOPLE OF THE STATE OF CALIFORNIA,**  
  
Plaintiff,  
  
v.  
  
**THE HOME DEPOT U.S.A., Inc. a**  
Delaware Corporation,  
  
Defendant,

Case No. *Rg18893251*

**COMPLAINT FOR PERMANENT  
INJUNCTION, CIVIL PENALTIES AND  
OTHER EQUITABLE RELIEF**  
  
(Health & Saf. Code, Div. 20, Chapters 6.5,  
and 6.95; Health & Saf. Code, §117600 et  
seq.; Civil Code, §1798.80 et seq.; Bus. &  
Prof. Code, § 17200 et seq.)

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1 **PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA**, based on information and  
2 belief, alleges as follows:

3 **PLAINTIFF – PEOPLE OF THE STATE OF CALIFORNIA**

4 1. Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, brings this action (“the  
5 Complaint”) by and through Xavier Becerra, Attorney General of the State of California  
6 (“Attorney General”), with Nancy E. O’Malley, District Attorney for Alameda County (“Alameda  
7 DA”); Dean D. Flippo, District Attorney for Monterey County (“Monterey DA”); Michael A.  
8 Hestrin, District Attorney for Riverside County (“Riverside DA”); Summer Stephan, District  
9 Attorney for San Diego County (“San Diego DA”); Tori Verber Salazar, District Attorney for San  
10 Joaquin County (“San Joaquin DA”); Jeffrey F. Rosen, District Attorney for Santa Clara County  
11 (“Santa Clara DA”); Gregory D. Totten, District Attorney for Ventura County (“Ventura DA”);  
12 Jeff W. Reisig, District Attorney for Yolo County (“Yolo DA”)” (collectively referred to herein as  
13 “District Attorneys); and Michael N. Feuer, Los Angeles City Attorney (“Los Angeles CA”),  
14 (collectively referred to herein together with the District Attorneys as the “Local Prosecutors”).  
15 One or more of the violations alleged herein occurred within the jurisdictions of each of the Local  
16 Prosecutors. The People of the State of California are referred to herein as the “Plaintiff” or the  
17 “People”.

18 **DEFENDANT - THE HOME DEPOT U.S.A, INC.**

19 2. The Home Depot U.S.A., Inc. (“Home Depot”), is now, and at all times mentioned in  
20 this Complaint was, a Delaware corporation. Home Depot is a home improvement supplies retail  
21 company. At all times relevant hereto, Home Depot owned and/or operated, and continues to own  
22 and/or operate, over two hundred thirty-two (232) facilities in thirty-seven (37) counties  
23 throughout California (collectively the “Covered Facilities”). The term “Covered Facilities” as  
24 used herein shall mean those retail stores and distribution centers in California which are owned  
25 or operated by Home Depot, or were owned or operated by Home Depot for a portion of the  
26 period covered by this Complaint. Home Depot does and did business in its own capacity and/or  
27 through affiliates in the State of California at the Covered Facilities.



- 1 o. "Unfair Competition" as that term is used in Business and Professions Code section  
2 17200.
- 3 p. "Unified Program Agency" as that term is used in Health and Safety Code section  
4 25501, subdivision (e)(3).
- 5 q. "Uniform Hazardous Waste Manifest" means the shipping document that travels with  
6 hazardous waste from the point of generation, through transportation, to the final  
7 treatment, storage, and disposal facility.
- 8 r. "Universal Waste" as that term is defined in Health and Safety Code Section 25123.8.
- 9 s. "Universal Waste Handler" as that term is defined in Code of California Regulations,  
10 title 22, section 66273.9.
- 11 t. "Universal Waste Transporter" as that term is defined in Code of California  
12 Regulations, title 22, section 66273.9.
- 13 u. "Waste" as that term is defined in Health and Safety Code section 25124 and  
14 California Code of Regulations, title 22, section 66261.2.

15 **JURISDICTION AND VENUE**

16 5. Venue is proper in this county pursuant to Health and Safety Code section 25183,  
17 Health and Safety Code section 25515.6, and Code of Civil Procedure section 393, in that  
18 violations alleged in this Complaint occurred in the County of Alameda and throughout the State  
19 of California. This court has jurisdiction pursuant to Article 6, section 10, of the California  
20 Constitution and Code of Civil Procedure section 393.

21 6. Plaintiff and Home Depot have entered into a series of agreements to toll any  
22 applicable statutes of limitation. As a result of those agreements, the total of the days addressed  
23 by those agreements (the "Tolling Period") will not be included in computing the time limited by  
24 any statutes of limitation applicable to the causes of action brought against Home Depot based on  
25 claims covered by the tolling agreements. Those claims include the claims alleged in this action  
26 against Home Depot.

1       7. Plaintiff brings this action without prejudice to any other actions or claims which  
2 Plaintiff may have based upon separate, independent and unrelated violations arising out of  
3 matters or allegations that are not set forth in this Complaint.

4                   **STATUTORY AND REGULATORY BACKGROUND**

5       8. The State of California has enacted a comprehensive statutory and regulatory  
6 framework governing the generation, handling, treatment, storage, transportation, and disposal of  
7 Hazardous Waste. This framework mandates a "cradle to grave" system referred to as the  
8 Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the Health and Safety Code,  
9 codified at Health and Safety Code section 25100 et seq. ("HWCL"). The HWCL regulates the  
10 generation, registration, tracking, storage, treatment, and disposal of Hazardous Waste and  
11 provides for the protection of the public and the environment from the potential risks posed by  
12 Hazardous Waste. The HWCL's implementing regulations are set forth in California Code of  
13 Regulations, title 22, division 4.5, section 66260.1 et seq. ("Title 22"). Except where otherwise  
14 expressly defined in this Complaint, all terms pertaining to HWCL violations alleged herein shall  
15 be interpreted consistent with the HWCL and Title 22.

16       9. The State of California has enacted a statutory and regulatory framework governing  
17 the establishment of business and area plans related to the handling and release or threatened  
18 release of Hazardous Materials, referred to as "Hazardous Materials Release Response Plans and  
19 Inventory Law", Article 1 and Article 2 of Chapter 6.95 of Division 20 of the Health and Safety  
20 Code, codified at Health and Safety Code section 25500 et seq. ("HMRRPIL"). Basic  
21 information on the location, type, quantity and health risks of Hazardous Materials handled, used,  
22 stored or disposed of, which could be accidentally released into the environment, is required to be  
23 submitted pursuant to the provisions of the HMRRPIL. Such information is necessary to prevent  
24 or mitigate harm to the health and safety of persons and the environment from the release or  
25 threatened release of Hazardous Materials into the workplace and environment. Except as  
26 otherwise expressly defined in this Complaint, all terms pertaining to HMRRPIL violations  
27 alleged herein shall be interpreted consistently with the HMRRPIL and its implementing  
28 regulations.

1           10. The State of California has enacted a comprehensive statutory framework to govern  
2 the management of Medical Waste in order to protect the public and the environment. This  
3 framework is known as the Medical Waste Management Act ("MWMA") and it contains  
4 requirements related to the generation, handling, storage, treatment, transport, and disposal of  
5 Medical Waste in California. The MWMA is found at Health and Safety Code section 117600 et  
6 seq.

7           11. The State of California has enacted a comprehensive statutory framework for  
8 protecting customer privacy that includes requirements for the proper disposal of customer  
9 records containing personal information by a business, such that personal information in those  
10 records is rendered unreadable or undecipherable. For the purposes of this complaint, the  
11 framework is herein referred to as the "Customer Records Law", Civil Code, Title 1.81 of Part 4  
12 of Division 3, codified at Civil Code section 1798.80 et seq. ("CRL").

13           12. The State of California has enacted a statutory framework for protecting the public  
14 from, inter alia, unfair competition referred to as the "Unfair Competition Law", Chapter 5, Part 2  
15 of Division 7 of the Business and Professions Code, codified at Business and Professions Code  
16 section 17200 et seq. ("UCL").

17           13. Home Depot is, and at all times relevant to the claims in this Complaint was, legally  
18 responsible for compliance with the provisions of the HWCL, the HMRRPIL, the MWMA, the  
19 CRL, and the UCL, and any corresponding implementing regulations, in connection with Home  
20 Depot's ownership and/or operation of the Covered Facilities.

21                                   **ENFORCEMENT AUTHORITY UNDER THE HWCL**

22           14. Pursuant to Health and Safety Code section 25182, the Attorney General, together  
23 with the Local Prosecutors, may bring a civil action in the name of the People of the State of  
24 California to enjoin any violation of the HWCL and Title 22 and to seek civil penalties for such  
25 violations.

26           15. Home Depot is a Person.

27           16. Pursuant to Health and Safety Code section 25189, subdivision (c), a Person who  
28 intentionally disposes or causes the disposal of Hazardous Waste at a point not authorized



1 pursuant to the HWCL shall be subject to a civil penalty of not less than one thousand dollars  
2 (\$1,000) nor more than twenty-five thousand dollars (\$25,000), under Health and Safety Code  
3 section 25189, subdivision (c). Each day on which the deposit remains and the Person has  
4 knowledge thereof is a separate additional violation unless the person immediately files a report of  
5 the deposit with DTSC and is complying with any order concerning the deposit.

6 17. Pursuant to Health and Safety Code section 25189, subdivision (d), a Person who  
7 negligently disposes or causes the disposal of a hazardous waste at a point which is not authorized  
8 pursuant to the HWCL shall be subject to a civil penalty of not more than twenty-five thousand  
9 dollars (\$25,000) for each violation. Each day on which the deposit remains and the Person has  
10 knowledge of the deposit is a separate additional violation unless the person immediately files a  
11 report of the deposit with DTSC and is complying with any order concerning the deposit.

12 18. Pursuant to Health and Safety Code section 25189.2, subdivision (c), a Person who  
13 disposes or causes the disposal of Hazardous Waste at a point which is not authorized pursuant to  
14 the HWCL shall be subject to a civil penalty of not more than twenty-five thousand dollars  
15 (\$25,000) for each disposal. Each day on which the deposit remains is a separate additional  
16 violation unless the Person immediately files a report of the deposit with DTSC and is complying  
17 with any order concerning the deposit. Liability under this section is strict.

18 19. Pursuant to Health and Safety Code section 25189, subdivision (b), a Person who  
19 intentionally or negligently violates a provision of the HWCL, or of a permit, rule, regulation,  
20 standard, or requirement issued or promulgated pursuant to the HWCL, shall be liable for a civil  
21 penalty of not more than twenty-five thousand dollars (\$25,000) for each violation of a separate  
22 provision or, for continuing violations, for each day that the violation continues.

23 20. Pursuant to Health and Safety Code section 25189.2, subdivision (b), a Person who  
24 violates a provision of the HWCL, or a permit, rule, regulation, standard, or requirement issued  
25 or promulgated pursuant to the HWCL, is liable for a civil penalty of not more than twenty-five  
26 thousand dollars (\$25,000) for each violation of a separate provision or, for continuing violations,  
27 for each day that the violation continues.

28

1            21. Pursuant to Health and Safety Code section 25189, subdivision (f), each civil penalty  
2 imposed for a separate violation pursuant to this section shall be separate and in addition to any  
3 other civil penalty imposed pursuant to this section or any other provision of law. Pursuant to  
4 Health and Safety Code sections 25189, subdivision (g) and 25189.2, subdivision (f) ), a Person  
5 may not be held liable for a civil penalty under section both sections for the same act.

6            22. The HWCL, pursuant to Health and Safety Code sections 25181 and 25184,  
7 authorizes the Court to issue an order that enjoins any ongoing or potential violation of the HWCL,  
8 or of any applicable rule, regulation, permit, standard, requirement, or order issued or  
9 promulgated pursuant to the HWCL. Plaintiff applies for injunctive relief herein in furtherance of  
10 request(s) made pursuant to Health and Safety Code section 25181.

11           23. Health and Safety Code section 25184 provides that in civil actions brought pursuant  
12 to the HWCL in which a temporary restraining order, preliminary injunction or permanent  
13 injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that  
14 irreparable damage will occur should the temporary restraining order, preliminary injunction, or  
15 permanent injunction not be issued; or that the remedy at law is inadequate, and the temporary  
16 restraining order, preliminary injunction, or permanent injunction shall issue without such  
17 allegations and without such proof.

18           24. Health and Safety Code section 25193 provides that the remedies afforded by the  
19 HWCL are cumulative, and shall not be construed to limit any remedy provided by law, or  
20 preclude any party from obtaining additional relief based on the same facts.

21                            **ENFORCEMENT AUTHORITY UNDER THE HMRRPIL**

22           25. Pursuant to Health and Safety Code section 25515.7; every civil action brought under  
23 the HMRRPIL shall be brought by the Attorney General, district attorney, or the city attorney in  
24 the name of the People of the State of California. The Attorney General and the Local  
25 Prosecutors have the authority to bring a civil action to enjoin any violation of the HMRRPIL and  
26 to seek civil penalties therefor. Pursuant to Health and Safety Code section 25515, subdivision (a),  
27 a Business that violates Health and Safety Code sections 25504 to Section 25508.2, inclusive, or  
28

1 Section 25511, shall be civilly liable in an amount of not more than two thousand dollars (\$2,000)  
2 for each day in which the violation occurs.

3 26. Home Depot is a Business and a Handler.

4 27. Pursuant to Health and Safety Code section 25515, subdivision (b), a Business that  
5 knowingly violates Health and Safety Code sections 25504 to Section 25508.2, inclusive, or  
6 Section 25510.1, after reasonable notice of the violation shall be civilly liable in an amount not to  
7 exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

8 28. The HMRRPIL, pursuant to Health and Safety Code section 25515.6 authorizes the  
9 Court to issue an order that enjoins any practice that constitutes or will constitute a violation of  
10 the HMRRPIL.

11 29. Health and Safety Code section 25515.8 provides that in a civil action brought  
12 pursuant to the HMRRPIL in which a temporary restraining order, preliminary injunction, or  
13 permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the  
14 proceeding that irreparable damage will occur should the temporary restraining order, preliminary  
15 injunction, or permanent injunction not be issued, or that the remedy at law is inadequate; and the  
16 temporary restraining order, preliminary injunction, or permanent injunction shall issue without  
17 such allegations and without such proof.

18 **ENFORCEMENT AUTHORITY UNDER THE MWMA**

19 30. Health and Safety Code Section 118345(b) imposes civil penalty liability of not more  
20 than \$10,000 for any violation of the MWMA, for violation of any order issued pursuant to Health  
21 and Safety Code section 118330, or for any violation of a regulation promulgated pursuant to the  
22 MWMA. Plaintiff seeks an order that enjoins practices that constitute or will constitute a  
23 violation of the MWMA, and civil penalties for violations of the MWMA, pursuant to the UCL.

24 **ENFORCEMENT AUTHORITY UNDER THE CRL**

25 31. Plaintiff seeks an order that enjoins practices that constitute or will constitute a  
26 violation of the CRL, and civil penalties for violations of the CRL, pursuant to the UCL.

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28

1 **ENFORCEMENT AUTHORITY UNDER THE UCL**

2 32. Pursuant to Business and Professions Code section 17204, the Attorney General and  
3 the Local Prosecutors may bring a civil action in the name of the People of the State of California  
4 for relief as provided in the UCL.

5 33. Pursuant to Business and Professions Code sections 17203 and 17204, the UCL  
6 authorizes the Attorney General and the Local Prosecutors to bring a claim to enjoin any person  
7 who engages, has engaged, or proposes to engage, in Unfair Competition. Home Depot is a  
8 “person” under Business and Professions Code section 17201.

9 34. Pursuant to Business and Professions Code section 17206, the UCL allows the  
10 Attorney General and the Local Prosecutors to seek civil penalties for each act of unfair  
11 competition. A person who engages, has engaged, or proposes to engage in unfair competition  
12 shall be liable for a civil penalty of not more than two thousand five hundred dollars (\$2,500) for  
13 each violation.

14 35. The UCL provides, pursuant to Business and Professions Code section 17205, that the  
15 remedies or penalties provided by the UCL are cumulative to each other and to the remedies or  
16 penalties available under all other laws of this State.

17 **GENERAL ALLEGATIONS**

18  
19 36. The allegations in this Complaint relate solely to Home Depot’s failure to comply  
20 with the HWCL, the HMRRPIL, the MWMA, the CRL and the UCL, at, or in connection with,  
21 Home Depot’s Covered Facilities, and pertain only to the management of Hazardous Waste,  
22 handling of Hazardous Materials and disposal of Medical Waste and Customer Records as  
23 described below.

24 37. Home Depot stores and sells Hazardous Materials at the Covered Facilities, such as  
25 aerosol products, batteries, electronic items, cleaning products, paints, paint colorants, paint  
26 remover, fertilizers, pesticides, insecticides, adhesives, cements, caulking, and fuels.

27 38. Home Depot generates Hazardous Waste at the California Facilities from retail store  
28 operations including retail store maintenance and cleaning, spills and releases of Hazardous

1 Materials, breakage of containers of Hazardous Materials, key shavings, customer return of  
2 hazardous items, employee and customer disposal of hazardous items into store trash containers  
3 and disposal into trash containers or compactors at Covered Facilities of hazardous items rendered  
4 unusable for their intended purpose through usage, damage, expiration, or other causes.

5 ***HAZARDOUS WASTE CONTROL LAW VIOLATIONS***

6 39. Home Depot, at all times relevant caused and/or performed each of the acts and/or  
7 omissions in violation of the HWCL in the ownership and/or operation of the Covered Facilities,  
8 as alleged below:

9 ***Generator Requirements***

10 a) Failed to comply with the standards applicable to generators of  
11 Hazardous Waste in accordance with California Code of Regulations, title  
12 22, sections 66262.10 through 66262.89, including standards more  
13 specifically identified below;

14 ***Disposal Requirements***

15 b) Disposed, or caused the disposal of, Hazardous Waste at a site or  
16 facility not authorized according to the HWCL and Title 22 in violation of  
17 Health and Safety Code section 25203 by placing Hazardous Waste in  
18 compactors and other containers which were then transported to landfills not  
19 authorized to accept Hazardous Waste;

20 ***Waste-Determination Violations***

21 c) Failed to determine if a generated waste was a Hazardous Waste as  
22 required by California Code of Regulations, title 22, section 66262.11, and,  
23 where such Waste was Hazardous Waste, failed to handle the Hazardous  
24 Waste in accordance with the requirements of the HWCL and Title 22;

25 ***Storage and Accumulation Time-Limit Violations***

26 d) Stored Hazardous Waste onsite beyond the time permitted by law at a  
27 facility which did not have a Hazardous Waste storage permit from DTSC,  
28

1 in violation of Health and Safety Code section 25123.3, subdivision (h), and  
2 California Code of Regulations, title 22, section 66262.34;

3 e) Managed incompatible Hazardous Waste without complying with the  
4 requirements California Code of Regulations, title 22, section 66265.177;

5 f) Stored Hazardous Waste without complying with the requirements of  
6 California Code of Regulations, title 22, sections 66262.34 and 66265.174.

7 ***Labeling and Container Violations***

8 g) Failed to maintain in a closed condition, during storage, containers  
9 holding Hazardous Waste at the Covered Facilities, in violation of California  
10 Code of Regulations, title 22, section 66265.173;

11 ***Transportation and Manifest Violations***

12 h) Delivered, or otherwise transferred custody or possession of,  
13 Hazardous Waste to a person or entity that was not properly licensed and  
14 registered to transport Hazardous Waste, in violation of Health and Safety  
15 Code section 25163, subdivision (a)(1);

16 i) Transported Hazardous Waste without being properly licensed and  
17 registered to transport Hazardous Waste, in violation of Health and Safety  
18 Code section 25163, subdivision (a)(1);

19 j) Generated Hazardous Waste for off-site management at a designated  
20 facility but failed to contact the transporter thereof, and/or the owner or  
21 operator of the designated facility which was to receive the Hazardous  
22 Waste, and/or failed to determine the status of the Hazardous Waste after  
23 Home Depot did not receive a copy of the Hazardous Waste Manifest with  
24 the hand-written signature of the owner or operator of the designated facility,  
25 within thirty-five (35) days of the date the Waste was accepted by the initial  
26 transporter, in violation of California Code of Regulations, title 22, section  
27 66262.42;

28

1                   ***Training Violations***

2                   k)   Failed to comply with employee-training requirements for employees  
3                   who were assigned to Covered Facilities and who engaged in Hazardous  
4                   Waste Management, as required by California Code of Regulations, title 22,  
5                   section 66265.16, including but not limited to the requirements to maintain  
6                   training documentation as specified in these regulations for each employee  
7                   involved in Hazardous Waste Management;

8                   ***Generator Identification Violations***

9                   l)   Treated, stored, disposed of, transported, and offered for transportation,  
10                  Hazardous Waste without having received and used a proper identification  
11                  number from the U.S. Environmental Protection Agency or DTSC for the  
12                  originating facility, in violation of California Code of Regulations, title 22,  
13                  section 66262.12, subdivision (a);

14                  ***Universal Waste Violations***

15                  m)   Failed to properly manage, mark, and store Universal Waste, including  
16                  batteries, electronic waste (lighting devices, power adaptors, remote  
17                  controls, computer devices, cell phones, household appliances, security  
18                  devices, toys with computer chips) , and mercury-containing lamps, in  
19                  violation of California Code of Regulations, title 22, sections 66273.33 –  
20                  66273.36;

21                  n)   Failed to keep a record with the information required by California  
22                  Code of Regulations, title 22, section 66273.39, subdivisions (a)(1) through  
23                  (3), of each shipment of Universal Waste received at the Universal Waste  
24                  Handler’s facility, in violation of California Code of Regulations, title 22,  
25                  section 66273.39.

1 **HAZARDOUS MATERIAL BUSINESS PLAN LAW VIOLATIONS**

2 40. Under the HMRRPIL, a Handler of Hazardous Materials must submit a hazardous  
3 material business plan to the appropriate Unified Program Agency, and thereafter must annually  
4 submit an updated report of Hazardous Materials stored at each site, pursuant to Health and Safety  
5 Code sections 25506, 25507 and 25508.2. A hazardous material business plan is a disclosure  
6 document relied on by emergency responders, including but not limited to, firefighters, to provide  
7 information about stored hazardous materials at a business facility that pose a potential hazard to  
8 those responders, to the public, or to the environment.

9 41. Home Depot, at all times relevant hereto, caused and/or performed each of the acts  
10 and/or omissions in violation of the HMRRPIL in the ownership and/or operation of the Covered  
11 Facilities as alleged below:

12 a) Failed to implement, maintain and comply with, an employee-training  
13 program meeting the requirements of Health and Safety Code section 25505,  
14 subdivision (a)(4), and California Code of Regulations, title 19, section 2732,  
15 pertaining to Hazardous Materials, and business and area plans, including but  
16 not limited to HMBPs;

17 b) Failed to implement and maintain for each of the Covered Facilities a  
18 business emergency plan for emergency response to a release or threatened  
19 release of Hazardous Materials, in violation of Health and Safety Code section  
20 25507;

21 c) Failed to implement, maintain or to submit to the appropriate Unified  
22 Program Agency, a complete HMBP for each of the Covered Facilities, in  
23 violation of Health and Safety Code sections 25505 and 25508, and California  
24 Code of Regulations, title 19, section 2729;

25 d) Failed to electronically submit the business plan annually for each of the  
26 Covered Facilities to the statewide information management system and to  
27 certify that the business plan meets the requirements of Article 1, Chapter 6.95,  
28



1 Division 20 of the Health and Safety Code, in violation of Health and Safety  
2 Code section 25508.

3 ***MEDICAL WASTE MANAGEMENT ACT VIOLATIONS***

4 42. Home Depot disposed of Medical Waste into trash compactors destined for municipal  
5 landfills. Such disposal of Medical Waste included over the counter medication containing “drug  
6 facts” without treatment in violation of Health and Safety Code section 1118215.

7 ***CUSTOMER RECORDS LAW VIOLATIONS***

8 43. In selling goods and selling and providing services to the public, Home Depot obtains,  
9 generates and maintains paper records containing the personal information of its customers in  
10 California. Such records are subject to the specific disposal requirements contained in Civil Code  
11 section 1798.81.

12 44. Plaintiff alleges that Home Depot at all times relevant hereto failed to take reasonable  
13 steps to dispose, or arrange for the disposal of, customer records within its custody or control  
14 containing personal information when the records were no longer to be retained by Home Depot  
15 at the Covered Facilities, by shredding, erasing, or otherwise modifying the personal information  
16 to make it unreadable or undecipherable through any means, as required by Civil Code section  
17 1798.81.

18 ***UNFAIR COMPETITION LAW VIOLATIONS***

19 45. Based on the violations of the HWCL, the HMRRPIL, the MWMA, and the CRL,  
20 Home Depot has engaged in, at all times relevant hereto, acts or practices that constitute unfair  
21 competition within the meaning of Business and Professions Code sections 17200 through 17208.

22 **FIRST CAUSE OF ACTION**

23 **(Disposal of Hazardous Waste at a Point Not Authorized-i.e. Municipal Landfills)**  
24 **(Health & Saf. Code, § 25203)**

25 46. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 26, 38 - 39, inclusive.

26 47. Pursuant to Health and Safety Code section 25203, the disposal of Hazardous Waste  
27 at an unauthorized or unpermitted site or facility is unlawful.

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1 48. Home Depot has disposed or caused the disposal of Hazardous Waste originating  
2 from the Covered Facilities at unauthorized points, in violation of Health and Safety Code section  
3 25203. Unless enjoined by order of the Court, Home Depot may or will continue in the course of  
4 conduct as alleged herein.

5 49. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
6 sections 25181 and 25184, and civil penalties against Home Depot under Health and Safety Code  
7 section 25189, subdivision (c) or (d), or Health and Safety Code section 25189.2, subdivision (b),  
8 for each strict liability violation, as set forth in Plaintiff's prayer for relief.

9 **SECOND CAUSE OF ACTION**  
10 **(Violations of Hazardous Waste Determination Requirement)**  
11 **(Cal. Code Regs., Tit. 22, §§ 66262.11 and 66260.200(c))**

12 50. Plaintiff realleges, paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

13 51. California Code of Regulations, title 22, sections 66262.11 and 66260.200(c), require  
14 that a person who generates a waste determine if that waste is hazardous using the methods  
15 prescribed in the regulation.

16 52. Home Depot has failed to determine if the waste generated and Managed through its  
17 operations at Covered Facilities was a Hazardous Waste, in violation of the Hazardous Waste  
18 determination requirements of the HWCL, and its implementing regulations at Title 22, including  
19 California Code of Regulations, title 22, sections 66262.11 and 66260.200(c), and unless enjoined  
20 by order of the Court, Home Depot may or will continue in the course of conduct as alleged  
21 herein.

22 53. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
23 section 25181, and civil penalties against Home Depot under Health and Safety Code section  
24 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
25 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
26 violation, as set forth in Plaintiff's prayer for relief.

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**THIRD CAUSE OF ACTION**  
**(Violations of Generator Requirements)**  
**(Cal. Code Regs., Tit. 22, § 66262.10 through 66262.89)**

54. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

55. California Code of Regulations, title 22, sections 66262.10 through 66262.89 establish standards for generators of Hazardous Waste in California.

56. Home Depot has violated, and continues to violate standards applicable to generators of Hazardous Waste at the Covered Facilities, and unless enjoined by order of the Court, Home Depot may or will continue in the course of conduct as alleged herein.

57. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code section 25181, and civil penalties against Home Depot under Health and Safety Code section 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability violation, as set forth in Plaintiff's prayer for relief.

**FOURTH CAUSE OF ACTION**  
**(Violations of Hazardous Waste Transportation Requirements)**  
**(Health & Safety Code, §§ 25163;**  
**Cal. Code Regs., Tit. 22, § 66263.23)**

58. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

59. The HWCL prohibits the unauthorized transfer or transportation of Hazardous Waste. Health and Safety Code section 25163 prohibits the transfer of Hazardous Waste to a transporter who does not have a valid registration from DTSC. The California Code of Regulations, title 22, section 66263.23, subdivision (b), further prohibits the transportation of Hazardous Waste to a location not permitted or otherwise authorized by DTSC to receive the Hazardous Waste.

60. Home Depot transferred custody of Hazardous Waste from the Covered Facilities to transporters who did not have valid registrations from DTSC, for transportation to unauthorized locations, in violation of Health and Safety Code section 25163 and California Code of Regulations, title 22, section 66263.23, and unless enjoined by order of the Court, Home Depot may or will continue in the course of conduct as alleged herein.

1 61. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
2 section 25181, and civil penalties against Home Depot under Health and Safety Code section  
3 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
4 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
5 violation, as set forth in Plaintiff's prayer for relief.

6 **FIFTH CAUSE OF ACTION**  
7 **(Violations of Hazardous Waste Transporter Identification Requirements)**  
8 **(Health & Safety Code, §§ 25165;**  
9 **Cal. Code Regs., Tit. 22, § 66263.17)**

9 62. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

10 63. The HWCL prohibits a transporter from transporting Hazardous Waste without first  
11 receiving an identification number and a registration certificate from DTSC.

12 64. Home Depot transported Hazardous Waste from the Covered Facilities without an  
13 identification number and registration certificate, in violation of Health and Safety Code section  
14 25163 and California Code of Regulations, title 22, section 66263.17, and unless enjoined by  
15 order of the Court, Home Depot may or will continue in the course of conduct as alleged herein.

16 65. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
17 section 25181, and civil penalties against Home Depot under Health and Safety Code section  
18 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
19 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
20 violation, as set forth in Plaintiff's prayer for relief.

21 **SIXTH CAUSE OF ACTION**  
22 **(Violations of Hazardous Waste Accumulation Requirements)**  
23 **(Cal. Code Regs., Tit. 22, § 66262.34)**

23 66. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

24 67. The HWCL prohibits generator from accumulating Hazardous Waste at an on-site  
25 facility for more than 90 days without a permit or grant of interim status pursuant to California  
26 Code of Regulations, title 22, section 66262.34, unless the generator complies with the  
27 requirements in section 66262.34, subdivision (a)

1           68. Home Depot accumulated Hazardous Waste on-site at the Covered Facilities without  
2 complying with the requirements of California Code of Regulations, title 22, section 66262.34,  
3 and unless enjoined by order of the Court, Home Depot may or will continue in the course of  
4 conduct as alleged herein.

5           69. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
6 section 25181, and civil penalties against Home Depot under Health and Safety Code section  
7 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
8 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
9 violation, as set forth in Plaintiff's prayer for relief.

10                                   **SEVENTH CAUSE OF ACTION**  
11                           **(Violations of Hazardous Waste Exception Reporting Requirements)**  
12                                   **(Cal. Code Regs., Tit. 22, § 66262.42)**

13           70. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

14           71. The HWCL requires a generator of Hazardous Waste to contact the transporter and/or  
15 owner of a designated facility which was to receive any manifested Hazardous Waste, to  
16 determine the status of the Hazardous Waste, in the event the generator has not received a copy of  
17 the manifest within thirty-five days of the date the Hazardous Waste was accepted by the  
18 transporter, pursuant to California Code of Regulations, title 22, section 66262.42.

19           72. Home Depot arranged for the transportation of Hazardous Waste to an offsite location  
20 and failed to determine the status of the Hazardous Waste after not timely receiving a copy of the  
21 manifest after the transporter's acceptance, without complying with the requirements of California  
22 Code of Regulations, title 22, section 66262.42, and unless enjoined by order of the Court, Home  
23 Depot may or will continue in the course of conduct as alleged herein.

24           73. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
25 section 25181, and civil penalties against Home Depot under Health and Safety Code section  
26 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
27 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
28 violation, as set forth in Plaintiff's prayer for relief.

1 **EIGHTH CAUSE OF ACTION**  
2 **(Violations of Hazardous Waste Identification Number Requirements)**  
3 **(Cal. Code Regs., Tit. 22, § 66262.12)**

4 74. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

5 75. The HWCL prohibits a generator from treating, storing, disposing of, or transporting  
6 or offering for transportation, Hazardous Waste without having received an identification number  
7 pursuant to California Code of Regulations, title 22, section 66262.12.

8 76. Home Depot treated, stored, disposed of, or transported or offered for transportation  
9 Hazardous Waste without complying with the requirements of California Code of Regulations,  
10 title 22, section 66262.12, and unless enjoined by order of the Court, Home Depot may or will  
11 continue in the course of conduct as alleged herein.

12 77. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
13 section 25181, and civil penalties against Home Depot under Health and Safety Code section  
14 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
15 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
16 violation, as set forth in Plaintiff's prayer for relief.

17 **NINTH CAUSE OF ACTION**  
18 **(Violations of Hazardous Waste Container Management)**  
19 **(Cal. Code Regs., Tit. 22, § 66265.173)**

20 78. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

21 79. The HWCL requires that a container holding Hazardous Waste: a) shall always be  
22 closed during transfer and storage except when necessary to add or remove Waste, and b) shall  
23 not be opened, handled, transferred or stored in a manner which may rupture the container or  
24 cause it to leak, as provided by California Code of Regulations, title 22, section 66265.173.

25 80. Home Depot Failed to maintain in a closed condition, during storage, containers  
26 holding Hazardous Waste at the Covered Facilities, in violation of California Code of Regulations,  
27 title 22, section 66265.173, and unless enjoined by order of the Court, Home Depot may or will  
28 continue in the course of conduct as alleged herein.

1 81. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
2 section 25181, and civil penalties against Home Depot under Health and Safety Code section  
3 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
4 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
5 violation, as set forth in Plaintiff's prayer for relief.

6 **TENTH CAUSE OF ACTION**  
7 **(Violations of Hazardous Waste Control Law**  
8 **Special Requirements for Management of Incompatible Wastes)**  
9 **(Cal. Code Regs., Tit. 22, § 66265.177)**

10 82. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

11 83. The HWCL sets forth special requirements for the management of incompatible  
12 wastes pursuant to California Code of Regulations, title 22, section 66265.177.

13 84. Home Depot Managed incompatible wastes on-site at the Covered Facilities without  
14 complying with the requirements of California Code of Regulations, title 22, section 66266.177,  
15 and unless enjoined by order of the Court, Home Depot may or will continue in the course of  
16 conduct as alleged herein.

17 85. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
18 section 25181, and civil penalties against Home Depot under Health and Safety Code section  
19 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
20 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
21 violation, as set forth in Plaintiff's prayer for relief.

22 **ELEVENTH CAUSE OF ACTION**  
23 **(Violations of Hazardous Waste Management in Designated Storage Areas)**  
24 **(Cal. Code Regs., Tit. 22, § 66262.34 and 66265.174)**

25 86. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

26 87. The HWCL sets forth special requirements for maintenance of properly designated  
27 and designed Hazardous Waste storage areas pursuant to California Code of Regulations, title 22,  
28 sections 66262.34 and 66265.174.

1           88. Home Depot stored Hazardous Wastes at the Covered Facilities without complying  
2 with the requirements of California Code of Regulations, title 22, sections 66262.34 and  
3 66266.174, and unless enjoined by order of the Court, Home Depot may or will continue in the  
4 course of conduct as alleged herein.

5           89. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
6 section 25181, and civil penalties against Home Depot under Health and Safety Code section  
7 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
8 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
9 violation, as set forth in Plaintiff's prayer for relief.

10                                   **TWELFTH CAUSE OF ACTION**  
11                                   **(Violation of Hazardous Waste and**  
12                                   **Universal Waste Training Requirements)**  
13                                   **(Cal. Code Regs., Tit. 22, §§ 66265.16 and 66273.36)**

14           90. Plaintiff realleges paragraphs 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

15           91. California Code of Regulations, title 22, sections 66265.16 and 66273.36, require that  
16 the generator of Hazardous Waste, including Universal Waste, provide annual training pertaining  
17 to the management thereof, and maintain training documentation as specified in these regulations,  
18 for each employee involved in the management of those wastes.

19           92. Through its operations, Home Depot generated Hazardous Waste, including Universal  
20 Waste, at Covered Facilities and failed to train field technicians and other employees who  
21 Managed that waste, in violation of the training requirements of California Code of Regulations,  
22 title 22, sections 66265.16 and 66273.36, and unless enjoined by order of the Court, Home Depot  
23 may or will continue in the course of conduct as alleged herein.

24           93. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
25 section 25181, and civil penalties against Home Depot under Health and Safety Code section  
26 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
27 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
28 violation, as set forth in Plaintiff's prayer for relief.



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**THIRTEENTH CAUSE OF ACTION**  
**(Violation of Universal Waste Management Requirements)**  
**(Cal. Code Regs., Tit. 22, §§ 66273.33 through 66273.35)**

94. Plaintiff realleges 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

95. California Code of Regulations, title 22, sections 66273.33 through 66273.35, apply to handlers of Universal Waste.

96. Home Depot failed to manage, mark and store Universal Waste, including batteries, lamps, and mercury-containing equipment, in compliance with the requirements of California Code of Regulations, title 22, sections 66273.33 through 66273.36, and unless enjoined by order of the Court, Home Depot may or will continue in the course of conduct as alleged herein.

97. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code section 25181, and civil penalties against Home Depot under Health and Safety Code section 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability violation, as set forth in Plaintiff's prayer for relief.

**FOURTEENTH CAUSE OF ACTION**  
**(Violation of Universal Waste Shipment Record Requirements)**  
**(Cal. Code Regs., Tit. 22, §§ 66273.39)**

98. Plaintiff realleges 1 - 8, 13, 14 - 24, 36, 38 - 39, inclusive.

99. California Code of Regulations, title 22, section 66273.39, subdivision (c), requires that handlers of Universal Waste shall keep a record of each shipment of Universal Waste sent from the handler's facility to another facility.

100. Home Depot failed to manage Universal Waste in compliance with the requirements of California Code of Regulations, title 22, sections 66273.39, subdivision (c), and unless enjoined by order of the Court, Home Depot may or will continue in the course of conduct as alleged herein.

101. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code section 25181, and civil penalties against Home Depot under Health and Safety Code section

1 25189, subdivision (b), for each intentional or negligent violation, or civil penalties against Home  
2 Depot under Health and Safety Code section 25189.2, subdivision (b), for each strict liability  
3 violation, as set forth in Plaintiff's prayer for relief.

4 **FIFTEENTH CAUSE OF ACTION**  
5 **(Violations of the HMRRPIL)**  
6 **(Health & Saf. Code §§ 25506, 25507 and 25508.2)**

7 102. Plaintiff realleges paragraphs 1 - 7, 9, 13, 25 - 29, 36 - 37, 40 - 41, inclusive.

8 103. Home Depot has violated Health and Safety Code sections 25506, 25507, and 25508.2  
9 at the Covered Facilities, and unless enjoined by order of the Court, Home Depot may or will  
10 continue in the course of conduct alleged herein.

11 104. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
12 sections 25515.6 and 25515.8, and civil penalties against Home Depot under Health and Safety  
13 Code section 25515, subdivision (b), for each knowing violation, and civil penalties under Health  
14 and Safety Code section 25515, subdivision (a), for each violation of the applicable requirements  
15 of the HMRRPIL.

16 **SIXTEENTH CAUSE OF ACTION**  
17 **(Violations of the HMRRPIL)**  
18 **(Health & Saf. Code § 25508)**

19 105. Plaintiff realleges paragraphs 1 - 7, 9, 13, 25 - 29, 36 - 37, 40 - 41, inclusive.

20 106. Health and Safety Code section 25508 requires a Handler to electronically submit its  
21 business plan annually to the statewide information management system and to certify that the  
22 business plan meets the requirements of Article 1, Chapter 6.95, Division 20 of the Health and  
23 Safety Code.

24 107. Home Depot has violated Health and Safety Code section 25508 with respect to the  
25 Covered Facilities.

26 108. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
27 sections 25515.6 and 25515.8., and civil penalties against Home Depot under Health and Safety  
28 Code section 25515, subdivision (b) for each knowing violation, and civil penalties under Health

1 and Safety Code section 25515, subdivision (a) for each violation of Health and Safety Code  
2 section 25508, as set forth in Plaintiff's prayer for relief.

3 **SEVENTEENTH CAUSE OF ACTION**  
4 **(Violation of Hazardous Materials Training Requirements)**  
5 **(Health & Safety Code, §§ 25100 et seq., and 25189, subd. (b);**  
6 **Cal. Code Regs., Tit. 22, §§ 66265.16 and 66273.36)**

7 109. Plaintiff realleges paragraphs 1 - 7, 9, 13, 25 - 29, 36 - 37, 40 - 41, inclusive.

8 110. Health and Safety Code section 25505, subdivision (a)(4) and California Code of  
9 Regulations, title 19, section 2659, requires a Business to provide training for all new employees  
10 and annual training, including refresher courses, for all employees in safety procedures in the  
11 event of a release or threatened release of a Hazardous Material.

12 111. Home Depot failed to train employees who managed Hazardous Materials, in  
13 violation of the training requirements of Health and Safety Code section 25505, subdivision (a)(4),  
14 and unless enjoined by order of the Court, Home Depot may or will continue in the course of  
15 conduct as alleged herein.

16 112. Plaintiff requests injunctive relief against Home Depot under Health and Safety Code  
17 sections 25515.6 and 25515.8., and civil penalties against Home Depot under Health and Safety  
18 Code section 25515, subdivision (b) for each knowing violation, and civil penalties under Health  
19 and Safety Code section 25515, subdivision (a) for each violation of the applicable requirements  
20 of the HMRRPIL, as set forth in Plaintiff's prayer for relief.

21 **EIGHTEENTH CAUSE OF ACTION**  
22 **(Medical Waste Management Act Violations)**  
23 **(Health and Saf. Code § 118345)**

24 113. Plaintiff realleges paragraphs 1 - 7, 10, 13, 30, 36, inclusive.

25 114. Home Depot improperly disposed of Medical Waste including, but not limited to,  
26 over-the-counter medication containing "drug facts" at and from the Covered Facilities.

27 115. Home Depot failed to comply with the requirements of the MWMA and unless  
28 enjoined by order of the Court, Home Depot may or will continue the course of conduct as alleged  
herein.

1 116. Plaintiff requests injunctive relief against Home Depot under the Court's equitable  
2 powers to enjoin violations of the MWMA as set forth in Plaintiff's prayer for relief.

3 **NINETEENTH CAUSE OF ACTION**  
4 **(Customer Records and Privacy)**  
5 **(Violations of Civil Code § 1798.81)**

6 117. Plaintiff realleges paragraphs 1 - 7, 11, 13, 31, 36, inclusive.

7 118. Home Depot is a "business" as a defined in Civil Code section 1798.80, subdivision  
8 (a).

9 119. Home Depot engaged in acts or practices that violated Civil Code section 1798.81 by  
10 disposing of Customer Records without shredding, erasing, or otherwise modifying the personal  
11 information in those records to make it unreadable or undecipherable through any means, and  
12 unless enjoined by order of the Court, Home Depot may or will continue in the course of conduct  
13 as alleged herein.

14 120. Plaintiff requests injunctive relief against Home Depot under the Court's equitable  
15 powers to enjoin the violations of the CRL as set forth in Plaintiff's prayer for relief.

16 **TWENTIETH CAUSE OF ACTION**  
17 **(Violations of Unfair Competition Laws – HWCL**  
18 **as Predicate Acts or Practices)**  
19 **(Bus. & Prof. Code §§ 17200 - 17208)**

20 121. Plaintiff realleges paragraphs 1 - 8, 12, 13, 14 - 24, 32 - 36, 45, inclusive.

21 122. Home Depot is a "person" under Business and Professions Code section 17201.

22 123. Home Depot has engaged in, and continues to engage in, acts or practices that  
23 constitute unfair competition within the meaning of Business and Professions Code sections  
24 17200 through 17208.

25 124. Specifically, Home Depot engaged in the acts or practices alleged in the First through  
26 Fourteenth Causes of Action, above.

27 125. Plaintiff requests injunctive relief against Home Depot under Business and  
28 Professions Code section 17203, from engaging in acts or practices that, as alleged in this  
Complaint, constitute unfair competition within the meaning of Business and Professions Code

1 section 17200, and requests civil penalties under Business and Professions Code section 17206, as  
2 set forth in Plaintiff's prayer for relief.

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4 **TWENTY-FIRST CAUSE OF ACTION**  
5 **(Violations of Unfair Competition Laws – HMRRPIL**  
6 **as Predicate Acts or Practices)**  
7 **(Bus. & Prof. Code §§ 17200 - 17208)**

8 126. Plaintiff realleges paragraphs 1 - 7, 9, 12 - 13, 25 - 29, 32 - 37, 40 - 41, 45, inclusive.

9 127. Home Depot is a "person" under Business and Professions Code section 17201.

10 128. Home Depot has engaged in, and continues to engage in, acts or practices that  
11 constitute unfair competition within the meaning of Business and Professions Code sections  
12 17200 through 17208.

13 129. Specifically, Home Depot engaged in the acts or practices alleged in the Fifteenth  
14 through Seventeenth Causes of Action.

15 130. Plaintiff requests injunctive relief against Home Depot under Business and  
16 Professions Code section 17203, from engaging in acts or practices that, as alleged in this  
17 Complaint, constitute unfair competition within the meaning of Business and Professions Code  
18 section 17200, and requests civil penalties under Business and Professions Code section 17206, as  
19 set forth in Plaintiff's prayer for relief.

20 **TWENTY-SECOND CAUSE OF ACTION**  
21 **(Violations of Unfair Competition Laws – MWMA Violations**  
22 **As Predicate Acts or Practices)**  
23 **(Bus. & Prof. Code §§ 17200 - 17208)**

24 131. Plaintiff realleges paragraphs 1 - 7, 10, 12 - 13, 30, 32 - 35, 36, 42, 45, 112, inclusive.

25 132. Home Depot has engaged in, and continue to engage in, acts or practices that  
26 constitute unfair competition within the meaning of Business and Professions Code sections  
27 17200 through 17208.

28 133. Home Depot is a "person" under Business and Professions Code section 17201.

1 134. Specifically, Home Depot engaged in acts or practices that violated the MWMA by  
2 disposing of Medical Wastes containing "drug facts".

3 135. Plaintiff requests injunctive relief against Home Depot under Business and  
4 Professions Code section 17203, from engaging in acts or practices that, as alleged in this  
5 Complaint, constitute unfair competition within the meaning of Business and Professions Code  
6 section 17200, and civil penalties under Business and Professions Code section 17206 as set forth  
7 in Plaintiff's prayer for relief.

8 **TWENTY-THIRD CAUSE OF ACTION**  
9 **(Violations of Unfair Competition Laws – Civil Code**  
10 **Customer Records and Privacy as Predicate Acts or Practices)**  
11 **(Bus. & Prof. Code §§ 17200 - 17208)**

12 136. Plaintiff realleges paragraphs 1 - 7, 11, 12, 13, 31 - 34, 35, 43, 116 - 117, inclusive.

13 137. Home Depot has engaged in, and continue to engage in, acts or practices that  
14 constitute unfair competition within the meaning of Business and Professions Code sections  
15 17200 through 17208.

16 138. Home Depot is a "business" as defined in Civil Code section 1798.80.

17 139. Specifically, Home Depot engaged in acts or practices that violated Civil Code section  
18 1798.81 by disposing of customer records containing personal information without shredding,  
19 erasing, or otherwise modifying the personal information in those records to make it unreadable or  
20 undecipherable through any means.

21 140. Plaintiff requests injunctive relief against Home Depot under Business and  
22 Professions Code section 17203, from engaging in acts or practices that, as alleged in this  
23 Complaint, constitute unfair competition within the meaning of Business and Professions Code  
24 section 17200, and civil penalties under Business and Professions Code section 17206 as set forth  
25 in Plaintiff's prayer for relief.  
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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief as to Home Depot:

1. A preliminary and permanent injunction requiring Home Depot to comply with those provisions of the HWCL and CCR Title 22 that Home Depot is shown to have violated;

2. A preliminary and permanent injunction requiring Home Depot to comply with those provisions of the HMRRPL which Home Depot is shown to have violated;

3. A preliminary and permanent injunction requiring Home Depot to comply with the provisions of the MWMA that Home Depot is shown to have violated;

4. A preliminary and permanent injunction requiring Home Depot to comply with provisions of the CRL that Home Depot is shown to have violated;

5. A preliminary and permanent injunction prohibiting Home Depot from engaging in acts or practices that violate the provisions of the HWCL, the HMRRPL, the MWMA, and the CRL, which Home Depot is shown to have violated, which thereby constitute unfair competition within the meaning of Business and Professions Code section 17200;

6. Subject to the provisions of Health and Safety Code section 25189.2, subdivision (f), civil penalties against Home Depot pursuant to Health and Safety Code section 25189, subdivisions (b), (c) and (d), in an amount according to proof.

7. Subject to the provisions of Health and Safety Code section 25189.2, subdivision (f), civil penalties against Home Depot pursuant to Health and Safety Code section 25189.2, subdivision (b), in an amount according to proof;

8. Civil penalties against Home Depot, pursuant to Health and Safety Code section 25515, in an amount according to proof;

9. Civil penalties against Home Depot, pursuant to Business and Professions Code section 17206, for each violation of the unfair competition laws engaged in by Home Depot, in an amount according to proof;

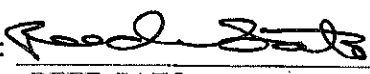
10. Such other and further relief as the Court deems just and proper.

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Respectfully submitted,

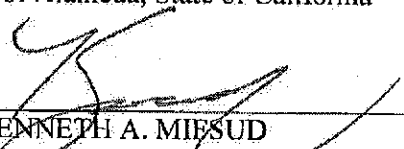
XAVIER BECERRA, Attorney General State of California  
MARGARITA PADILLA, Supervising Deputy Attorney General

DATED: 2/14/18

By:   
REED SATO  
Deputy Attorney General  
*Attorneys for Plaintiff, People of the State of California*


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DATED: 2-14-18

By:   
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DATED: 2/14/18


By:   
JAMES R. BURLISON  
Deputy District Attorney  
*Attorneys for Plaintiff, People of the State of California*



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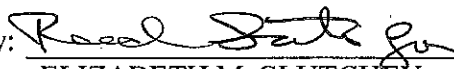
MICHAEL A. HESTRIN, District Attorney  
County of Riverside, State of California

DATED: 2/14/18

By:   
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Deputy District Attorney  
*Attorneys for Plaintiff, People of the State of California*

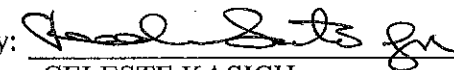
BONNIE DUMANIS, District Attorney  
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DATED: 2/14/18

By:   
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DENISE RAABE  
Deputy District Attorney  
*Attorneys for Plaintiff, People of the State of California*

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GREGORY D. TOTTEN, District Attorney  
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DATED: 2/14/18

By:   
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Assistant Chief Deputy District Attorney  
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MICHAEL N. FEUER, City Attorney  
City of Los Angeles, State of California

DATED: 2/14/18

By:   
JESSICA BROWN  
Deputy City Attorney  
*Attorneys for Plaintiff, People of the State of California*

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