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2 County of San Mateo, State of California
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FILED
SAN MATEO COUNTY

MAY 4 - 2010

Clerk of the Superior Court
By  DEPUTY CLERK

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SAN MATEO

10 THE PEOPLE OF THE STATE OF CALIFORNIA

11 Plaintiff,

12 v. CASTING TALENT NETWORK, INC.,
13 dba Talent6,

14 Defendant.

No.

CIV 494748

COMPLAINT FOR CIVIL
PENALTIES, RESTITUTION, AND
OTHER RELIEF

15
16 The People of the State of California appearing by and through James P. Fox, District
17 Attorney of San Mateo County, by Chuck Finney, Deputy District Attorney, alleges upon
18 information and belief:

19 I.

20 **JURISDICTION AND VENUE**

21 1. The authority of the San Mateo County District Attorney to bring this action is derived from the
22 statutory law of the State of California, specifically Business and Professions (hereinafter B & P)
23 Code Sections 17200, 17203, 17204, 17206, 17500, 17535, and 17536.

24 2. This Court has jurisdiction of the subject matter of this action and of the parties. Venue as to all
25 matters between the parties relating to this action is proper in this Court.

1 3. The Plaintiff, by this action and pursuant to Business and Professions Code sections 17200,
2 17203, 17206, 17500, 17535, and 17536 seeks to enjoin the Defendant from engaging in business
3 practices alleged herein and seeks to obtain consumer restitution and civil penalties for the
4 Defendant's violations of the above mentioned statutes.

5 **II.**

6 **NATURE OF THE CASE**

7 4. At all times herein mentioned, Casting Talent Network, Inc. (hereafter Talent6) was and is a
8 California corporation doing business as Talent6 with its principal place of business located in San
9 Mateo County, California. Talent6 advertises and solicits on the Internet to consumers who are
10 interested in pursuing a career in the entertainment industry or working as an extra in motion pictures
11 or programs by joining Talent6's service which Talent6 represents will help consumers who are
12 seeking work as motion picture or television show extras, actors, models, will help consumers learn
13 how they can be contacted by casting directors and producers, and will provide a service so that
14 consumers can submit their photos and personal information to casting calls and open auditions
15 posted on Talent6's website. Talent6's solicitation activities include the use of toll-free telephone
16 numbers in order to promote its services. The Defendants transact business within and from the
17 County of San Mateo, throughout the State of California, and nationally. The violations of law
18 alleged herein have been carried out within and from the County of San Mateo. Talent6's Internet
19 and telephone solicitations have resulted and continue to result in consumers responding by calling
20 Talent6's 800 telephone number and entering into agreements with Talent6 for its services. The
21 Defendants made or caused to be made untrue or misleading statements and material fact omissions
22 and have engaged in unfair competition and unlawful business practices as herein alleged in the
23 County of San Mateo, California, State of California, and nationally.

24 5. During all times herein alleged and continuing, Talent6 has solicited and continues to solicit
25 consumers both in and outside of the state of California to purchase its services offered on its

1 website.

2 6. At all times herein mentioned and continuing, Defendant Talent6 engaged in, and caused,
3 permitted, and/or ratified the activities of its employees and agents who committed unfair
4 competition, and made, caused to be made, permitted, and/or ratified untrue or misleading statements
5 and material fact omissions to consumers in order to induce consumers to purchase Defendant
6 Talent6's services in violation of Business and Professions Code sections 17200 and 17500.

7 7. Whenever reference is made in this complaint to any act or omission, and/or the making of or
8 causing the making of untrue or misleading statements and/or omission of material facts by
9 Defendant, such reference shall be deemed to mean Defendant Talent6's officers, managers,
10 directors, employees, agents, or representatives did, authorized, or ratified such acts or omissions,
11 untrue or misleading statements and/or omission of material facts while actively engaged in the
12 management, direction or control of the affairs of said Defendants or while acting within the course
13 and scope of their duties.

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15 **III.**

16 **FIRST CAUSE OF ACTION**

17 **UNTRUE OR MISLEADING STATEMENTS**
18 **AND OMISSION OF MATERIAL FACTS**
BUSINESS & PROFESSIONS CODE SECTION 17500

19 8. Plaintiff alleges and incorporates by reference all allegations contained in paragraphs 1 through 7,
20 as though set forth herein in their entirety.

21 9. Within three (3) years prior to the filing of this complaint, the Defendants have engaged in a
22 practice to violate and violated Business and Professions Code section 17500.

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IV.

SECOND CAUSE OF ACTION

**UNFAIR COMPETITION BY DEFENDANTS IN VIOLATION OF
BUSINESS AND PROFESSIONS CODE SECTIONS 17200 AND 17203**

10. Plaintiff incorporates by reference paragraphs 1 through 8 as if set forth herein.

11. Within four (4) years prior to the filing of this complaint, the Defendants knowingly and willfully have engaged in unfair competition as defined in Business and Professions Code Section 17200 by engaging in the acts and practices which include, but are not necessarily limited to, the following:

(a) making or disseminating untrue or misleading statements, as more specifically set forth in the First Cause of Action, in violation of Business and Professions Code section 17500.

V.

PRAYER

WHEREFORE, Plaintiff prays for judgment as follows:

1. That the Defendant and its officers, managers, employees, agents, servants, partners, representatives, successors, assignees, and all persons, corporations, and other entities acting in concert or in participation with the Defendant, who have actual or constructive knowledge of the injunction, be permanently enjoined from making or causing to be made untrue or misleading statements and omissions of material facts as set forth in paragraphs 8 and 9, above, and from engaging in unfair competition as set forth in paragraphs 10 and 11, above, pursuant to Business and Professions Code Sections 17535, 17203 and 17204.

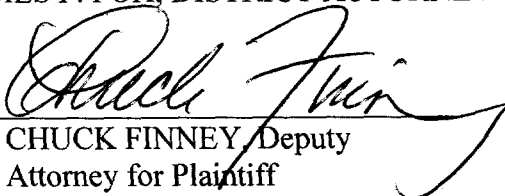
2. That the Defendant pay to Plaintiff a civil penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500) for each separate act in violation of Business and Professions Code Section 17200, pursuant to Business and Professions Code Section 17206, according to proof;

1 according to proof;

- 2 3. That the Defendant pay to Plaintiff a civil penalty in the amount of Two Thousand Five Hundred
3 Dollars (\$2,500) for each separate act in violation of Business and
4 Professions Code section 17500, pursuant to section 17536, according to proof;
- 5 4. That the Defendant be ordered to make restitution of all funds it has acquired by its violations of
6 Business and Professions Code sections 17200 and 17500;
- 7 5. That the Defendant be required to pay plaintiff's costs of suit; and
- 8 6. That Plaintiff be given such other and further relief as the nature of the case may require and the
9 court deems proper and just.

10 Dated: May 4, 2010

11
12 JAMES P. FOX, DISTRICT ATTORNEY

13 By 
14 CHUCK FINNEY, Deputy
15 Attorney for Plaintiff

16 NOTE that this action is by the People of the State of California and therefore the answer to this
17 complaint must be verified. Code of Civil Procedure Section 446.
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