Nos. E082756 & E084385

IN THE CALIFORNIA COURT OF APPEAL
FOURTH APPELLATE DISTRICT -- DIVISION TWO

CARLOS FERNANDEZ and ROSALIA FERNANDEZ,
Plaintiffs-Respondents / Cross-Appellants,

v.

Walmart, Inc.,
Defendant-Appellant / Cross-Respondent.

From final judgment after jury trial in the
Superior Court of the State of California for the
County of Riverside,
Case No. RIC1904598, Honorable Harold W. Hopp

APPLICATION FOR LEAVE TO FILE AND BRIEF OF RETAIL LITIGATION CENTER, NATIONAL RETAIL FEDERATION AND CALIFORNIA RETAIL ASSOCIATION AS *AMICI CURIAE* IN SUPPORT OF WALMART, INC.

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APPLICATION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

Under California Rules of Court, Rule 8.200(c), the Retail Litigation Center, the National Retail Federation, and the California Retailers Association request leave to file the attached *amicus curiae* brief in support of Defendant-Appellant Walmart, Inc. *Amici* certify under Rule of Court 8.520(c)(3) that no party or counsel for any party authored this brief in whole or in part or made any monetary contributions intended to fund the preparation or submission of the proposed brief.

The Retail Litigation Center, Inc. (RLC) is a 501(c)(6) nonprofit organization dedicated to offering courts insights from the retail industry on critical legal matters affecting its members. It aims to underscore the potential industry-wide implications of significant pending cases, such as this one. The RLC's members include many of the country's largest and most innovative retailers, across a breadth of retail verticals. The RLC's members employ millions of workers throughout the United States, provide goods and services to hundreds of millions of consumers, and account for more than a trillion dollars in annual sales. Nearly all of the RLC's retail members have stores in California.

The RLC is the only trade association solely dedicated to representing the retail industry in the courts. Since its

founding in 2010, the RLC has participated as amicus in more than 250 judicial proceedings of importance to retailers. Precedential opinions, including from the U.S. Supreme Court, have drawn upon the RLC's amicus briefs. (See, *e.g.*, *South Dakota v. Wayfair, Inc.* (2018) 585 U.S. 162, 184; *Kirtsaeng v. John Wiley & Sons, Inc.* (2013) 568 U.S. 519, 542; *Chewy, Inc. v. U.S. Department of Labor* (11th Cir. 2023) 69 F.4th 773, 777–78.)

The National Retail Federation (NRF) is the world's largest retail trade association, representing discount and department stores, home goods and specialty stores, Main Street merchants, grocers, wholesalers, chain restaurants, and internet retailers from the United States and more than 45 countries. Retail is the largest private-sector employer in the United States, supporting more than one in four U.S. jobs—approximately 55 million American workers—and contributing $5.3 trillion to the annual GDP.

California Retail Association (CRA) is the statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, online markets, supermarkets and grocery stores, pharmacies and specialty retail such as auto, vision, jewelry, hardware and home stores.

Amici's members collectively operate tens of thousands of storefronts in California and employ hundreds of thousands

of Californians. They have a vital interest in clear, workable tort rules governing retailers' obligations to protect against third-party criminal acts—rules that preserve customer safety while maintaining feasible operations and consumer access. As leaders in, and representatives of, the retail industry in the United States, *Amici* have valuable insight into the impact that this case will have on its members and the communities they serve.

Dated: October 7, 2025

Respectfully Submitted,

By: */s/ Michelle S. Kallen*

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BRIEF OF *AMICI CURIAE* IN SUPPORT OF WALMART, INC.

INTRODUCTION AND SUMMARY

Imagine walking into your local retailer where every item with the slightest potential for harm is locked away. The toy aisle—once a place of color and joy—resembles a museum exhibit: jump ropes, plastic swords, and board games all locked behind plexiglass. In the music section, guitars, drumsticks, and flutes hang like contraband behind metal grates. To touch and feel these items, a customer must wait for a staff member to unlock them, and only then, under the watchful gaze of an employee, can the customer handle, inspect, or experience the item firsthand.

Trips to home improvement stores become guided tours. Since everything may be dangerous, attendants might be required to open locked displays of hammers or curtain rods. Nails might be dispensed one at a time from a locked bin. Even potted plants are caged—because, after all, potted plants become dangerous when thrown. The atmosphere is sterile, cautious, and slow. The spontaneity of a stroll through a local store is replaced by a system of buzzers, keys, and waiting. Retail becomes less about discovery and more about permission. And every lawsuit—threatened or filed, meritorious or frivolous—adds another layer of restriction.

One week screw drivers are locked away, the next aluminum tent poles, the next walking canes.

That is the world Plaintiffs' theory invites.

This case arises from a tragic event where an assailant suffering from mental illness seriously injured shoppers in a Walmart retail location when he beat them with a baseball bat. Walmart was held liable for the assailant's actions on negligence grounds: had Walmart locked up the bats, the argument goes, the assailant would not have carried out the attack. The superior court denied Walmart's motion for judgement notwithstanding the verdict, holding that "[a] reasonable inference could be drawn from the evidence that had [Walmart's] bats been locked up, requiring assistance of a Walmart employee to access, [the assailant] either would not have had access or would have only had access in the immediate presence of a Walmart employee, which could have deterred wrongful use of it." 5 AA 1795–1796 (Nov. 9, 2023 Ruling pp. 1–2). In essence, bats are sufficiently dangerous, and the Walmart location had a sufficient history of crime, such that the attack was foreseeable. See Pltfs. CROB 43–50. This standard imposes on retailers a burden to predict criminal behavior that goes far beyond anything reasonable or workable. Retailers are left to guess whether common items could be weaponized (whether by a sane assailant or, as in this case, a person suffering from mental illness).

Such sweeping transformation of retail operations has long been the purview of the legislature, where laws are adopted through a transparent, uniform, and democratically accountable process. The legislative process is designed to balance the interests of all involved and to consider the reality that retailers already take steps to protect their customers—regularly going well beyond what is required to ensure welcoming, safe, and secure community spaces for commerce. The decision below displaces the legislature's policy responsibility, handing it to the courts instead. Affirming such an industry-wide shift under the vague tort standard articulated below would bypass the legislative process entirely and place sweeping regulatory power in the hands of the judiciary—transforming retail as we know it.

The Court should reject Plaintiffs' unworkable standard. As a legal matter, it hollows out the foreseeability inquiry, stripping it of legal significance. As a practical matter, it chills commerce, burdens consumers, and invites endless litigation. If rare, scattered incidents suffice to create a duty to re-engineer store operations, then nearly every item capable of harm would need to be locked away. *Amici* appear here to show how Plaintiffs' imagined future would usurp legislative authority and upend established principles of premises liability.

ARGUMENT

A bedrock principle of California tort law is that policy judgments about mandating safety precautions—especially those that impose significant costs on businesses—are reserved for the legislature, not the courtroom. That balance hinges on foreseeability. The jury's decision below disrupts that balance, expanding foreseeability to encompass even the most innocuous items. Retailers are left to wonder: Must garden gnomes be locked away? Could a jury deem a water hose a dangerous instrument?

California tort law is designed to guard against precisely this kind of unpredictability. To preserve that framework, the decision should be reversed.

I. Plaintiffs' test is inconsistent with the longstanding limits of California tort law.

Plaintiffs' theory counterposes the practical approach taken by California courts on this question. It undermines the predictability of planning protective measures, essentially collapses the foreseeability inquiry, and imposes immense (and unjustified) burdens on retailers.

A. Plaintiffs' theory replaces California's practical limitations on tort duties with an ad hoc, ever-expanding list of near per se negligence liabilities.

California tort law does not impose open-ended operational mandates on businesses. It takes a practical

approach. Whether a proprietor must adopt additional safety measures, turns on "(1) the degree of foreseeability that the danger will arise on the business's premises and (2) the relative burden [of] a particular precautionary measure." (*Verdugo v. Target Corp*. (2014) 59 Cal.4th 312, 338 [declining to impose a common-law duty on retailers to acquire medical devices].) This balancing is especially important where the proposed precautions are "costly or burdensome rather than minimal," because "the common law does not impose a duty on a business to provide [] safety measures in the absence of a showing of a heightened or high degree of foreseeability." (*Id*. 339.) Otherwise, ordinary negligence would transform into an amorphous obligation to install and staff new systems across an industry after every verdict.

California law takes the same practical approach to liability for third-party criminal acts. Business proprietors owe patrons a duty to take reasonable steps to secure common areas against foreseeable criminal acts. (*Delgado v. Trax Bar & Grill* (2005) 36 Cal.4th 224, 240–41.) But that is no guarantee of safety against all risks. (Cf. *Verdugo, supra*, 59 Cal.4th at pp. 338–39.) And where plaintiffs seek measures that are obviously burdensome, California requires a "high degree of foreseeability" given the cost and indeterminate scope of such obligations. (*Sharon P. v. Arman, Ltd*. (1999) 21 Cal.4th 1181, 1189, 1196–97; *Ann M. v. Pacific*

Plaza Shopping Center (1993) 6 Cal.4th 666, 678–79.)

California's practical approach stems from a clear-eyed understanding of the reality of operating businesses open to the public: "in the case of criminal conduct by a third party . . . it is difficult if not impossible in today's society to predict when a criminal might strike." (*Melton v. Boustred* (2010) 183 Cal.App.4th 521, 532, citation omitted.) Our Supreme Court confirms the same: "if a criminal decides on a particular goal or victim, it is extremely difficult to remove his every means for achieving that goal." (*Wiener v. Southcoast Childcare Centers, Inc.* (2004) 32 Cal.4th 1138, 1149.)

The predictability of this practical approach is important to retailers, who, of course, want their employees, customers, and communities to be safe. They invest heavily in a range of reasonable safety measures, from staff training and incident response to targeted theft-deterrence and store-design choices—precisely the kind of tailored, practicable steps contemplated by *Delgado*, *Ann M.*, and *Verdugo*. They balance safety with offering a welcoming atmosphere where customers feel comfortable to browse, to handle, and to explore merchandise firsthand. Investments in store design and safety, though, must often be planned across multiple years—and even unlimited resources cannot reduce the risk of criminal activity to zero. California's test gives retailers the tools necessary to achieve safety at

reasonable cost.

Plaintiffs' standard converts those targeted efforts into an open-ended, ever-expanding, and ad hoc checklist. And they would impose burdensome requirements without the "high degree of foreseeability" that California requires before courts mandate such costly measures. (*Sharon P.*, *supra*, 21 Cal.4th at p. 1196–97; *Ann M.*, *supra,* 6 Cal.4th at p. 678–79; *Verdugo*, *supra,* 59 Cal.4th at p. 338.)

B. The decision below renders almost any attack "foreseeable."

The record below shows that incidents involving baseball bats were vanishingly rare. In the ten years leading to the attack, only 87 incidents of misconduct occurred with a baseball bat over 120,000,000,000 customer visits. See 9 RT 2550–52; 12 RT 3338–39; 15 RT 4325. The record also shows that total violent acts involving bats amounted to about 0.003 incidents per store per year. See 26 RT 7543. At that rate, each store would expect an attack every 333 *years*.

If that near-zero incidence suffices to establish "foreseeability," then seemingly mundane items become "foreseeably" weaponizable—pens, scissors, pool cues, dumbbells, boat oars, copper pipes, shovels, hammers, rakes, curtain rods, fishing line, fishing poles, potted plants, hockey sticks, tent poles, camping chairs, the list goes on. California law does not equate mere possibility with legal foreseeability,

particularly where the proposed remedy is to mandate costly, systemic restrictions. (*Wiener*, *supra*, 32 Cal.4th at pp. 1146–50 [no duty where violent vehicular attack was not sufficiently foreseeable]; *Ann M.*, *supra*, 6 Cal.4th at pp. 678–79 [heightened foreseeability required before imposing security-guard duty].)

Indeed, our Supreme Court has cautioned that even rigorous measures cannot eliminate the opportunistic, improvisational nature of criminal acts. (*Wiener*, *supra*, 32 Cal.4th at pp. 1149–50 [even extensive barriers cannot remove "every means" a determined criminal may use].) Plaintiffs' test turns that principle on its head and ask this Court to hold that a duty attaches to nearly every criminal act, no matter how improvisational or random, if it has occurred before. This is not the law. (See *Melton*, *supra*, 183 Cal.App.4th at p. 532 [courts hesitate to impose broad duties to prevent inherently unpredictable third-party assaults].) Plaintiffs' theory sets the bar so low that a retailer's sale of a range of common items—scissors, boat oars, drumsticks, shovels, etc.—risks tremendous liability so long as that item had been used as a weapon at least once before.[1]

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[1] One need not look far for examples. (See Kathleen Wilson, *Man who killed father with scissors in Moorpark sentenced to 12 years*, VC STAR (Mar. 20, 2024)

This approach cannot be squared with courts' repeated refusal to "force landlords to become the insurers of public safety." (*Ann M.*, *supra* 6 Cal.4th at p. 679.) That admonition applies with even greater force to retailers that sell thousands of commonplace items that could, in the wrong hands, be weaponized. Imposing a broad duty to lock, cord, or sequester wide categories of merchandise would approach precisely the outcome the Supreme Court sought to avoid in *Ann M.*

Concerningly, the Plaintiffs' rule might also hamper safety efforts. Walmart only knows that there are 0.003 incidents per store per year because it kept records of such attacks. A rule that finds such impossibly improbable events "foreseeable" creates a Catch 22 for retailers: if they track these incidents to understand and mitigate them, they are automatically liable; if they do not track these incidents, they risk decreased safety in their stores *and* allegations of willful blindness. Retailers should not be punished with liability for

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https://tinyurl.com/3wtypc57; Justin Reutter, *Pueblo man who accidentally shot and killed friend acquitted of all charges*, The Pueblo Chieftain (Sept. 18, 2024) [man "attempted to beat down the bedroom door with the boat oar"] https://tinyurl.com/4uyvxa6b; The Guardian, *Florida university bandleader convicted of manslaughter in hazing death of drum major*, (Oct 31, 2014) [victim pounded with drumsticks on bus] https://tinyurl.com/53u9z53d; Zachary Penque, *Buffalo man arraigned after shovel attack* WGRZ (Sept. 2, 2025) https://tinyurl.com/2w4ce8k8.)

keeping records of these (rare) incidents of violence.

C. The burden of heightened protective measures would be immense—both in terms of dollars and from degraded customer experience—while doing little to prevent violence.

Customer safety and trust are crucial commodities in retail. Retailers deploy a host of layered, targeted solutions—asset protection staff, cameras, RFID, data analytics, and selective lockups—to promote safety and trust.

Retailers may also lock up items to prevent theft. Locking up items prevents theft both by creating a physical barrier and by deterring increasingly prevalent organized shelf-clearing gang activity (which often follow patterns, are planned, and account for retailers' defenses). Locking up additional items is unlikely to prevent random criminal attacks, like the attack by a mentally unstable assailant here. Nor is it possible for retailers to anticipate every potential attack. Almost anything could be a weapon in the wrong hands. A disturbed individual is unlikely to plan an attack based upon what is, or is not, locked up at a particular store (as an organized gang might). Instead, an attacker will use whatever is at their disposal in the heat of the moment—whether that is a rolling pin, a hanger, a shopping cart, or a clock. The Court should not turn retailers' last-resort effort to prevent theft into a frontline expectation of safety.

Plaintiffs' proposed rule is not only ineffective, it is also

burdensome. Planning and installing lockups or hiring and training guards requires significant investment, and the additional associate hours required to assist shoppers post-lockup. No wonder, then, that courts have already held that security guards or increased monitoring impose substantial burdens. (See, *e.g.*, *Wiener, supra*, 32 Cal.4th at p. 1147 ["the burden of hiring security guards [is] extremely high"]; *Ann M.*, *supra*, 6 Cal.4th at 679 ["the hiring of security guards . . . will rarely, if ever, be found to be a minimal burden"]; *Sharon P., supra*, 21 Cal.4th at p. 1196 [rejecting "minimal obligation to arrange periodic walk throughs"].) Plaintiffs would require nearly every employee tasked with unlocking items to master security training. After all, those employees would be the front-line defense for bystanders if an attacker gets hold of an unlocked curtain rod.

Plaintiffs' proposals also cost companies sales. In a national survey, 27% of shoppers reported they would switch retailers or abandon a purchase when encountering locked-up merchandise. (Howard Ruben, *27% of shoppers will switch retailers, abandon purchase if they come across locked-up products: report*, Retail Drive (Nov. 6, 2024) https://tinyurl.com/3e95zym9.) The more items that must be caged, keyed, and clerk-retrieved, the more customers abandon purchases—outcomes inconsistent with the *Rowland*/*Verdugo* balance and the policy concerns animating the *Ann M.* and

Sharon P. cases. Long-term sales are also at risk, as lockups erode customer trust. (See, *e.g.*, Roger Dooley, *Locked Cases Aren't The Answer To Retail Theft And Shoplifting*, Forbes.com (Nov. 26, 2023) https://tinyurl.com/5n7vk83r.) Further restricting access to everyday items, as Plaintiffs propose, could spur a vicious spiral where reduced sales, increased restrictions, and lagging trust amplify each other until stores close entirely. Small, localized, or specialized retailers less able to spread the risk—including regional chains and kosher or halal grocery stores and bookstores—will find it disproportionately difficult to halt or reverse such a cycle.

Plaintiffs' proposed rule would also transform the in-person shopping experience. Retailers understand that customers often choose to shop in-person to physically test out products. This is an important differentiation between in-person and online purchasing. Whether trying on a pair of shoes, feeling the fabric of a shirt, or judging the quality of an electric razor, retail customers want to be *present* with products before making a purchase decision. Indeed, anyone who played little league (or who appreciates the superstitions of our national pastime) understands the importance of holding a bat before buying it: the chance to handle, to feel, or to swing a bat to get a glimpse of its soul. And even the most ardent online purchasers sometimes want to assess an

item in person.

California courts recognize that no security system can be perfect. Quite the opposite, most security efforts "could not reasonably be expected to deter a maniacal . . . assailant." (*Lopez v. McDonald's Corp.* (1987) 193 Cal.App.3d 495, 516–517; see *Wiener, supra*, 32 Cal.4th at pp. 1149–51.) Affirming the decision below imposes a tremendous burden on retailers while ensuring little protection—a result that will strain retailers and the communities they anchor alike.

In determining whether retailers have a duty to protect in these circumstances, the courts can and should consider "consequences to the community of imposing a duty." (*Rowland v. Christian* (1968) 69 Cal.2d 108, 113, abrogated by statute on other grounds). The consequence here is increased burden, decreased access to retailers, and uncertain (if any) gains in security.

II. A radical transformation of retail safety rules is a policy question for the legislature, not juries on a case-by-case basis.

If a change to retail regulation is necessary, then legislation, not a tort suit, is the appropriate corrective path.

A. *Verdugo* assigns these complex tradeoffs to the political branches.

California's Supreme Court has emphasized that when proposed safety mandates implicate complex tradeoffs, "the Legislature stands in the best position to identify and weigh

the competing consumer, business, and public safety considerations." (*Verdugo*, *supra,* 59 Cal.4th at p. 341.) In *Verdugo*, the Court explained that "numerous factors that logically bear on the question whether, as a matter of public policy, an obligation" to implement protective mechanisms "should be imposed upon a particular type of business provide further support for the conclusion that that determination should be made by the Legislature rather than by a jury on a case-by-case basis." (*Ibid.*) Leaving the question to juries after an incident would, "as a realistic matter," pressure businesses to adopt costly measures merely to obtain statutory immunity under Good Samaritan provisions. (*Ibid.*)

Major policy choices that broadly affect retailers in California are best resolved through legislation—a process that invites public input, requires committee analyses, and is captured in public records. Statutes provide clear, uniform rules and lead time for compliance. Judicially expanded negligence duties, by contrast, would require businesses to monitor scattered verdicts statewide and retrofit operations in response to unpredictable, jury-specific standards. One week, garden gnomes may be available for customers to select from the shelf; the next they may be locked up after a jury finds for a plaintiff; and within months they may be freed once again when the Court of Appeal reverses.

When a remedy would set de facto statewide policy—

transforming how everyday goods are displayed, staffed, and sold—California law entrusts that line-drawing to the legislature, not to juries applying hindsight after a crime. *Verdugo* confirms that juries are ill-suited to weigh these "numerous factors" on a one-off basis—especially when their practical effect mandates costly measures across industries. (59 Cal.4th at p. 341.) This principle applies in a variety of contexts, from controlling dispensing of drugs to regulating method and sale of firearms to tackling organized retail crime.

B. California has addressed comparable retail safety issues through legislation, not tort expansion.

When methamphetamine producers exploited over-the-counter pseudoephedrine, the State's solution did not come from ad hoc negligence rulings against pharmacies. Instead, the legislature adopted comprehensive statutes governing how such products must be stored and sold, including reporting, ID verification, and preemption of inconsistent local rules. (See *Health & Saf. Code*, § 11100; see also Senate Business, Professions & Economic Development Committee, 2005–2006 Bill Summary; L.A. Times, *New Law Limits Access to Drug Ingredient* (March 23, 2005) https://tinyurl.com/2s3j9nx6.)

Similarly, rules for safe handling, storage, and sale of firearms have been addressed through statute and regulation, not tort decrees. California recodified and elaborated its

firearms-dealer framework through the Deadly Weapons Recodification Act (now codified at Pen. Code, §§ 26700–26915), which comprehensively regulates licensing, inspections, and dealer operations.

In 2024, state leaders adopted a coordinated package of ten bills targeting organized retail crime—addressing aggregation of thefts across incidents and counties, enhancing penalties for repeat offenders, and strengthening CHP task forces. (See, *e.g.*, AB 2943, AB 3209, AB 1779, AB 1802, AB 1960, AB 1972, SB 905, SB 1385, SB 1242, SB 1320 (enacted Aug. 16, 2024).) These laws were touted as "essential tools to help law enforcement address organized retail crime in California."[2]

These changes came not by tort litigation, but through legislation. As the Governor's signing statement reiterated, the package reflected input from "the bipartisan group of lawmakers, our retail partners, and advocates."[3] These

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[2] "Attorney General Bonta Continues the Fight Against Organized Retail Crime with a New Law Enforcement Bulletin," *Office of the Attorney General*, October 17, 2024 https://oag.ca.gov/news/press-releases/attorney-general-bonta-continues-fight-against-organized-retail-crime-new-law Accessed Sept. 4, 2025

[3] "Governor Newsom signs landmark legislative package cracking down on retail crime and property theft," *Office of Governor Gavin Newsom*, Aug 16, 2024,

complicated, nuanced issues required tailored, industry-wide solutions that legislatures, not juries, are well-suited to craft.

* * *

Retailers take safety seriously—for customers, associates, suppliers, and the communities they serve. When new safety laws are considered, retailers and law enforcement provide data and expertise at hearings and through comment, helping legislators calibrate measures to real-world conditions. That is how California has regulated pseudoephedrine, firearms dealers, and organized retail crime. It is also how any sweeping transformation of retail operations should occur: through transparent, uniform, democratically accountable legislation, not through a vague negligence test applied after a crime has occurred. (*Verdugo*, *supra*, 59 Cal.4th at p. 341; *Ann M.*, *supra*, 6 Cal.4th at p. 679.)

The appropriate forum for balancing safety, access, and cost in consumer retail is the Capitol, not the courtroom.

CONCLUSION

If adopted, the Plaintiffs' test would radically transform retail safety regulation. To do so would be inconsistent not only with established California tort law, but also with the

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https://www.gov.ca.gov/2024/08/16/governor-newsom-signs-landmark-legislative-package-cracking-down-on-retail-crime-and-property-theft/ Accessed Sept. 4, 2025

balance of power struck by our state between the legislature and the courts. The impact on the retail industry would be enormous. For that reason, *Amici* respectfully request that the court reverse.

Dated: October 7, 2025 Respectfully Submitted,

By: */s/ Michelle S. Kallen*

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CERTIFICATE OF COMPLIANCE

Counsel of record hereby certifies that pursuant to rules 8.204(c)(l) of the California Rules of Court, the foregoing Brief of *Amici Curiae* contains 3590 words, 4065 when the Application for Leave is also counted, not including the tables of contents and authorities, the caption page, the verification page, signature blocks, or this certification page.

Dated: October 7, 2025

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PROOF OF SERVICE

I am a citizen of, or employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is: Steptoe LLP, 633 West Fifth Street, Suite 1900, Los Angeles, California 90071.

On **October 7, 2025**, I served the following listed documents, by method indicated below, on the parties in this action by the attached service list: **APPLICATION FOR LEAVE TO FILE AND BRIEF OF RETAIL LITIGATION CENTER, NATIONAL RETAIL FEDERATION AND CALIFORNIA RETAIL ASSOCIATION AS *AMICI CURIAE* IN SUPPORT OF WALMART, INC**

I caused the document to be served electronically via E-Service through the Court's approved E-Filing vendor TrueFiling. Parties may access documents through the Court's system.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 7, 2025, at Los Angeles, California.

By: */s/ Grace Calderon*

Grace Calderon

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