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Villarroel v. Recology, Inc.

Court of Appeal, First District, Division 3, California - December 1, 2023 - Cal.Rptr.3d - 2023 WL 8291665

Customers brought putative class action against refuse collection company for violations of Unfair Competition Law (UCL) and Consumers Legal Remedies Act (CLRA), intentional and negligent misrepresentation, fraudulent concealment, breach of contract, and other claims, seeking restitution, injunctive relief, and compensatory and punitive damages based on allegations that company bribed city official to facilitate approval of its application for increased refuse collection rates.

Company demurred, and trial court sustained demurrer in part and overruled it in part. Customers filed amended complaint, and company again demurred. The Superior Court sustained demurrer without leave to amend, finding claims were precluded by filed rate doctrine. Customers appealed.

The Court of Appeal held that:

- Filed rate doctrine did not preclude claims for injunctive relief;
- Concerns of nondiscrimination did not warrant applying filed rate doctrine to preclude claims for restitution;
- Concerns of nonjusticiability did not warrant applying filed rate doctrine to preclude claims for restitution; and
- Doctrine of res judicata did not preclude customers' claims based on prior judgment in law enforcement action.

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