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NC

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

FILED BY FAX

15 JENNIFER KIRK, an individual, on her  
16 own behalf and on behalf of all others  
17 similarly situated,

CASE NO.  
**CV 13 5885**

CLASS ACTION COMPLAINT FOR:

18 Plaintiffs,

19 vs.

20 TARGET CORPORATION, a Minnesota  
21 Corporation; and DOES 1-10,

22 Defendants.

- 23 1. Violation of the California Unfair  
24 Competition Law, Business &  
25 Professions Code §17200, *et seq.*
- 26 2. Invasion of Privacy - Intrusion,  
27 Public Disclosure of Private Facts,  
28 Misappropriation of Likeness and  
Identity, and California  
Constitutional Right to Privacy
3. Negligence
4. Bailment
5. Conversion
6. Violation of Cal. Civ. Code  
§ 1798.80 *et seq.*

DEMAND FOR JURY TRIAL

1 Plaintiff JENNIFER KIRK (“Plaintiff”) brings this class action against  
2 Defendants TARGET CORPORATION (“TARGET”), a Minnesota Corporation, and  
3 DOES 1-10 (collectively, “Defendants”) on behalf of herself and all others similarly  
4 situated to obtain damages, restitution and injunctive relief for the Class, as defined,  
5 below, from DEFENDANTS. Plaintiff makes the following allegations upon  
6 information and belief, except as to her own actions, the investigation of his counsel,  
7 and the facts that are a matter of public record:  
8  
9

10 **PARTIES**

- 11
- 12 1. Plaintiff is an individual who resides in this Judicial District.
  - 13 2. Defendant TARGET CORPORATION is a Minnesota Corporation  
14 headquartered in Minneapolis, Minnesota.  
15

16 **JURISDICTION AND VENUE**

17 3. This Court has original jurisdiction pursuant to 28 U.S.C. §1332(d)(2). In  
18 the aggregate, Plaintiff’s claims and the claims of the other members of the Class  
19 exceed \$5,000,000 exclusive of interest and costs, and there are numerous class  
20 members who are citizens of states other than TARGET’s state of citizenship, which is  
21 Minnesota.  
22

23

- 24 4. This Court has personal jurisdiction over TARGET because TARGET is  
25 authorized to do business in the State of California, and operates stores within this  
26 Judicial District.  
27

28 5. Venue is proper in this Court pursuant to 28 U.S.C. §1391 because many

1 of the acts and transactions giving rise to this action occurred in this District and  
2 because TARGET is subject to personal jurisdiction in this District.

3  
4 **GENERAL ALLEGATIONS**

5 6. TARGET is the second-largest discount retailer in the United States and,  
6 as of 2013, is ranked 36th on the Fortune 500 list of top US companies, by revenue.  
7  
8 Millions of Americans regularly shop at Target stores.

9 7. Plaintiff is a regular shopper at Target stores, and used her debit card at a  
10 Target Store in this Judicial District between November 27 and December 15, 2013,  
11 including to buy Christmas-related goods for her family during the holiday season.

12 8. The data breach affected approximately 40 million credit and debit cards  
13 swiped in U.S. TARGET stores between November 27 and December 15, 2013.  
14

15 9. News of the data breach was first published by a blogger (Brian Krebs of  
16 <<http://krebsonsecurity.com/>>) on or about December 18, 2013, before TARGET  
17 made any attempt whatsoever to notify affected customers.  
18

19 10. As widely reported by multiple news services on December 19, 2013:  
20 “Investigators believe the data was obtained via software installed on machines that  
21 customers use to swipe magnetic strips on their cards when paying for merchandise at  
22 Target stores.” <[http://www.cbsnews.com/news/target-confirms-massive-credit-debit-  
23 card-data-breach/](http://www.cbsnews.com/news/target-confirms-massive-credit-debit-card-data-breach/)> (last visited December 19, 2013).  
24  
25

26 11. “The type of data stolen — also known as ‘track data’ — allows crooks to  
27 create counterfeit cards by encoding the information onto any card with a magnetic  
28

1 stripe.” <<http://krebsonsecurity.com/>> (last visited December 19, 2013).

2 12. The thieves may also have accessed PIN numbers for affected customers’  
3 debit cards, allowing the thieves to withdraw money from those customers’ bank  
4 accounts. (*Id.*)

6 13. Thieves could not have accessed this information and installed the  
7 software on TARGET’s point-of-sale machines but for DEFENDANTS’ negligence.  
8

9 14. TARGET failed to implement and maintain reasonable security  
10 procedures and practices appropriate to the nature and scope of the information  
11 compromised in the data breach.  
12

13 15. As this news broke, TARGET finally released a statement concerning the  
14 data breach, but not one designed to notify affected customers directly. Rather,  
15 TARGET posted a statement on its corporate website (not on the shopping site  
16 regularly accessed by customers) on December 19, 2013, confirming “that the  
17 information involved in this incident included customer name, credit or debit card  
18 information involved in this incident included customer name, credit or debit card  
19 number, and the card’s expiration date and CVV (the three-digit security code).”  
20

21 <[https://corporate.target.com/discover/article/Important-Notice-Unauthorized-access-](https://corporate.target.com/discover/article/Important-Notice-Unauthorized-access-to-payment-ca)  
22 [to-payment-ca](https://corporate.target.com/discover/article/Important-Notice-Unauthorized-access-to-payment-ca)> (last visited December 19, 2013).  
23

24 16. In its December 19 statement concerning the data breach, Target also  
25 claimed to “have identified and resolved the issue,” conveying a false sense of security  
26 to affected customers. (*Id.*)  
27  
28

1           17. On information and belief, Plaintiff's identifying and financial  
2 information was disclosed in the data breach.  
3

4  
5                           **CONSEQUENCES OF DEFENDANTS' CONDUCT**

6           18. The ramifications of Defendants' failure to keep class members' data  
7 secure are severe.  
8

9           19. The information Defendants lost, including Plaintiffs' identifying  
10 information and other financial information, is "as good as gold" to identity thieves, in  
11 the words of the Federal Trade Commission ("FTC"). FTC, *About Identity Theft*,  
12 available at <[http://www.ftc.gov/bcp/edu/microsites/idtheft/consumers/about-identity-](http://www.ftc.gov/bcp/edu/microsites/idtheft/consumers/about-identity-theft.html)  
13 [theft.html](http://www.ftc.gov/bcp/edu/microsites/idtheft/consumers/about-identity-theft.html)> (visited March 23, 2011). Identity theft occurs when someone uses  
14 another's personal identifying information, such as that person's name, address, credit  
15 card number, credit card expiration dates, and other information, without permission,  
16 to commit fraud or other crimes. *Id.* The FTC estimates that as many as 9 million  
17 Americans have their identities stolen each year. *Id.*  
18  
19  
20

21           20. Identity thieves can use identifying data to open new financial accounts  
22 and incur charges in another person's name, take out loans in another person's name,  
23 incur charges on existing accounts, or clone ATM, debit, or credit cards. *Id.*  
24

25           21. Identity thieves can use personal information such as that pertaining to the  
26 Class, which Defendants failed to keep secure to perpetrate a variety of crimes that do  
27 not cause financial loss, but nonetheless harm the victims. For instance, identity  
28

1 thieves may commit various types of government fraud such as: immigration fraud;  
2 obtaining a driver's license or identification card in the victim's name but with  
3 another's picture; using the victim's information to obtain government benefits; or  
4 filing a fraudulent tax return using the victim's information to obtain a fraudulent  
5 refund.  
6

7  
8 22. In addition, identity thieves may get medical services using the Plaintiffs'  
9 lost information or commit any number of other frauds, such as obtaining a job,  
10 procuring housing, or even giving false information to police during an arrest.  
11

12 23. Annual monetary losses from identity theft are in the billions of dollars.  
13 According to a Presidential Report on identity theft produced in 2008:

14  
15 In addition to the losses that result when identity thieves  
16 fraudulently open accounts or misuse existing accounts, . . . individual  
17 victims often suffer indirect financial costs, including the costs incurred in  
18 both civil litigation initiated by creditors and in overcoming the many  
19 obstacles they face in obtaining or retaining credit. Victims of non-  
20 financial identity theft, for example, health-related or criminal record  
21 fraud, face other types of harm and frustration.

22 In addition to out-of-pocket expenses that can reach thousands of  
23 dollars for the victims of new account identity theft, and the emotional toll  
24 identity theft can take, some victims have to spend what can be a  
25 considerable amount of time to repair the damage caused by the identity  
26 thieves. Victims of new account identity theft, for example, must correct  
27 fraudulent information in their credit reports and monitor their reports for  
28 future inaccuracies, close existing bank accounts and open new ones, and  
dispute charges with individual creditors.

26 *The President's Identity Theft Task Force Report* at p.21 (Oct. 21, 2008),  
27 available at <<http://www.idtheft.gov/reports/StrategicPlan.pdf>>.

1  
2 24. According to the U.S. Government Accountability Office (“GAO”),  
3 which conducted a study regarding data breaches:

4 [L]aw enforcement officials told us that in some cases, stolen data may be  
5 held for up to a year or more before being used to commit identity theft.  
6 Further, once stolen data have been sold or posted on the Web, fraudulent  
7 use of that information may continue for years. As a result, studies that  
8 attempt to measure the harm resulting from data breaches cannot  
necessarily rule out all future harm.

9 GAO, *Report to Congressional Requesters*, at p.33 (June 2007), available at  
10 <<http://www.gao.gov/new.items/d07737.pdf>>.

11  
12 25. Plaintiff and the Class she seeks to represent now face years of constant  
13 surveillance of their financial and personal records, monitoring, and loss of rights.

14 **CLASS ACTION ALLEGATIONS**

15  
16 26. Plaintiff brings this action on her own behalf, and on behalf of all other  
17 persons similarly situated (“the Class”). The Class that Plaintiffs seek to represent is:

18  
19  
20 All persons who used credit or debit cards at Target Corporation  
21 stores in California and whose personal and/or financial information  
22 was breached during the period from on or about November 27 to on  
23 or about December 15, 2013. Excluded from the Class are  
24 Defendants; officers, directors, and employees of Defendants; any  
entity in which Defendants have a controlling interest; the affiliates,  
legal representatives, attorneys, heirs, and assigns of the Defendants.

25  
26 27. The members of the Class are so numerous that the joinder of all members  
27 is impractical. While the exact number of Class members is unknown to Plaintiff at  
28 this time, based on information and belief, it is in the millions.

1           28. There is a well-defined community of interest among the members of the  
2 Class because common questions of law and fact predominate, Plaintiff's claims are  
3 typical of the members of the Class, and Plaintiff can fairly and adequately represent  
4 the interests of the Class.

5  
6           29. This action satisfies the requirements of Federal Rule of Civil Procedure  
7 23(b)(3) because it involves questions of law and fact common to the member of the  
8 Class that predominate over any questions affecting only individual members,  
9 including, but not limited to:  
10

- 11
- 12           a. Whether Defendants unlawfully used, maintained, lost or disclosed  
13           Class members' personal and/or financial information;
  - 14           b. Whether TARGET unreasonably delayed in notifying affected  
15           customers of the data breach;
  - 16           c. Whether Defendants failed to implement and maintain reasonable  
17           security procedures and practices appropriate to the nature and  
18           scope of the information compromised in the data breach.
  - 19           d. Whether Defendants violated the requirements of California Civil  
20           Code Section 1798.80 *et seq.*
  - 21           e. Whether Defendants' conduct violated the California Business &  
22           Professions Code §17200, *et seq.*
  - 23           f. Whether Defendants' conduct was negligent;
  - 24           g. Whether Defendants acted willfully and/or with oppression, fraud,  
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or malice;

- h. Whether Defendants' conduct constituted Intrusion;
- i. Whether Defendants' conduct constituted Public Disclosure of Private Facts;
- j. Whether Defendants' conduct constituted Misappropriation of Likeness and Identity;
- k. Whether Defendants' conduct violated Class members' California Constitutional Right to Privacy;
- l. Whether Defendants' conduct constituted Bailment;
- m. Whether Defendants' conduct constituted Conversion;
- n. Whether Plaintiffs and the Class are entitled to damages, civil penalties, punitive damages, and/or injunctive relief.

30. Plaintiff's claims are typical of those of other Class members because Plaintiff's information, like that of every other class member, was misused and/or disclosed by Defendants.

31. Plaintiff will fairly and accurately represent the interests of the Class.

32. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members of the Class, which would establish incompatible standards of conduct for Defendants and would lead to repetitive adjudication of common questions of law and fact. Accordingly, class treatment is superior to any other method for adjudicating the

1 controversy. Plaintiff knows of no difficulty that will be encountered in the  
2 management of this litigation that would preclude its maintenance as a class action  
3 under Rule 23(b)(3).  
4

5 33. Damages for any individual class member are likely insufficient to justify  
6 the cost of individual litigation, so that in the absence of class treatment, Defendants'  
7 violations of law inflicting substantial damages in the aggregate would go un-remedied  
8 without certification of the Class.  
9

10 34. Defendants have acted or refused to act on grounds that apply generally to  
11 the class, as alleged above, and certification is proper under Rule 23(b)(2).  
12

13 **FIRST COUNT**

14 **Violation of the California Unfair Competition Law, Business & Professions Code**

15 **§17200, *et seq.***

16 **(Against all Defendants)**

17 35. Plaintiffs incorporate the substantive allegations contained in all previous  
18 paragraphs as if fully set forth herein.  
19

20 36. Defendants' conduct constitutes unfair and illegal and fraudulent business  
21 practices within the meaning of the California Business & Professions Code § 17200 *et*  
22 *seq.*  
23

24 37. Defendants' conduct violated certain laws as alleged herein. By engaging  
25 in the said conduct in the course of doing business, Defendants engaged in unlawful  
26 business practices in violation of the California Business & Professions Code § 17200  
27  
28

1 *et seq.*

2 38. By engaging in the above-described conduct in the course of doing  
3 business, Defendants engaged in unfair business practices in violation of the California  
4 Business & Professions Code section 17200 *et seq.* The harm to each Plaintiff  
5 outweighed any utility that Defendants' conduct may have produced.  
6

7  
8 39. Defendants' failure to disclose information concerning the data breach  
9 directly and promptly to affected customers, constitutes a fraudulent act or practice in  
10 violation of California Business & Professions Code section 17200 *et seq.*  
11

12 40. Plaintiff suffered injury in fact and lost property and money as a result of  
13 Defendants' conduct.

14 41. Plaintiff seeks restitution and injunctive relief on behalf of the Class.  
15

16 **SECOND COUNT**

17 **Invasion of Privacy - Intrusion, Public Disclosure of Private Facts,**  
18 **Misappropriation of Likeness and Identity, and California Constitutional Right**  
19 **to Privacy**  
20

21 **(Against All Defendants)**

22 42. Plaintiffs incorporate the substantive allegations contained in all previous  
23 paragraphs as if fully set forth herein.  
24

25 43. Plaintiff had a reasonable expectation of privacy in the Private  
26 Information Defendants mishandled.  
27

28 44. By failing to keep Plaintiff's Private Information safe, and by misusing

1 and/or disclosing said information to unauthorized parties for unauthorized use,  
2 Defendants invaded Plaintiff's privacy by:

- 3
- 4 a. intruding into Plaintiff's private affairs in a manner that would be  
5 highly offensive to a reasonable person;
  - 6 b. publicizing private facts about Plaintiff, which is highly offensive  
7 to a reasonable person;
  - 8 c. using and appropriating Plaintiff's identity without Plaintiffs'  
9 consent;
  - 10 d. violating Plaintiff's right to privacy under California Constitution,  
11 Article 1, Section 1, through the improper use of Plaintiff's Private  
12 Information properly obtained for a specific purpose for another  
13 purpose, or the disclosure of it to some third party.  
14  
15  
16

17 45. Defendants knew, or acted with reckless disregard of the fact that, a  
18 reasonable person in Plaintiff's position would consider Defendants' actions highly  
19 offensive.  
20

21 46. Defendants invaded Plaintiff's right to privacy and intruded into  
22 Plaintiff's private affairs by misusing and/or disclosing Plaintiff's Private Information  
23 without her informed, voluntary, affirmative and clear consent.  
24

25 47. As a proximate result of such misuse and disclosures, Plaintiff's  
26 reasonable expectations of privacy in her Private Information was unduly frustrated  
27 and thwarted. Defendants' conduct amounted to a serious invasion of Plaintiff's  
28

1 protected privacy interests.

2 48. In failing to protect Plaintiff's Private Information, and in misusing and/or  
3 disclosing Plaintiff's Private Information, Defendants have acted with malice and  
4 oppression and in conscious disregard of Plaintiff's and the Class members' rights to  
5 have such information kept confidential and private. Plaintiff, therefore, seeks an  
6 award of punitive damages on behalf of the Class.  
7  
8

9 **THIRD COUNT**

10 **Negligence**

11 **(Against All Defendants)**

12  
13 49. Plaintiff incorporates the substantive allegations contained in all previous  
14 paragraphs as if fully set forth herein.  
15

16 50. Defendants came into possession of Plaintiff's Private Information and  
17 had a duty to exercise reasonable care in safeguarding and protecting such information  
18 from being compromised, lost, stolen, misused, and/or disclosed to unauthorized  
19 parties.  
20

21 51. Defendants had a duty to timely disclose that Plaintiff's Private  
22 Information within its possession had been compromised.  
23

24 52. Defendants had a duty to have procedures in place to detect and prevent  
25 the loss or unauthorized dissemination of Plaintiff's Private Information.  
26

27 53. Defendants, through their actions and/or omissions, unlawfully breached  
28 their duty to Plaintiff by failing to exercise reasonable care in protecting and

1 safeguarding Plaintiff's Private Information within Defendants' possession.

2 54. Defendants, through their actions and/or omissions, unlawfully breached  
3 their duty to Plaintiff by failing to exercise reasonable care by failing to have  
4 appropriate procedures in place to detect and prevent dissemination of Plaintiff's  
5 Private Information.  
6

7 55. Defendants, through their actions and/or omissions, unlawfully breached  
8 their duty to timely disclose to the Plaintiff and the Class members the fact that their  
9 Private Information within their possession had been compromised.  
10

11 56. Defendants' negligent and wrongful breach of their duties owed to  
12 Plaintiff and the Class proximately caused Plaintiff's and Class members' Private  
13 Information to be compromised.  
14

15 57. Plaintiff seeks the award of actual damages on behalf of the Class.  
16

17 **FOURTH COUNT**

18 **Bailment**

19 **(Against All Defendants)**

20 58. Plaintiff incorporates the substantive allegations contained in all previous  
21 paragraphs as if fully set forth herein.  
22

23 59. Plaintiff and the Class members delivered and entrusted their Private  
24 Information to Defendants for the sole purpose of receiving services from Defendants.  
25

26 60. During the time of bailment, Defendants owed Plaintiff and the Class  
27 members a duty to safeguard this information properly and maintain reasonable  
28

1 security procedures and practices to protect such information. Defendants breached  
2 this duty.

3  
4 61. As a result of these breaches of duty, Plaintiff and the Class members  
5 have suffered harm.

6 62. Plaintiff seeks actual damages on behalf of the Class.

7  
8 **FIFTH COUNT**

9 **Conversion**

10 **(Against All Defendants)**

11  
12 63. Plaintiff incorporates the substantive allegations contained in all previous  
13 paragraphs as if fully set forth herein.

14 64. Plaintiff and Class members were the owners and possessors of their  
15 Private Information. As the result of Defendants' wrongful conduct, Defendants have  
16 interfered with the Plaintiff's and Class Members' rights to possess and control such  
17 property, to which they had a superior right of possession and control at the time of  
18 conversion.  
19  
20

21 65. As a direct and proximate result of Defendants' conduct, Plaintiff and the  
22 Class members suffered injury, damage, loss or harm and therefore seek compensatory  
23 damages.  
24

25 66. In converting Plaintiff's Private Information, Defendants have acted with  
26 malice, oppression and in conscious disregard of the Plaintiff' and Class members'  
27 rights. Plaintiff, therefore, seeks an award of punitive damages on behalf of the Class.  
28



1 they knew or reasonably believed such information had been compromised.

2 74. Upon information and belief, no law enforcement agency instructed  
3 TARGET that notification to California Class Members would impede investigation.  
4

5 75. As a result of Defendants' violation of Cal. Civ. Code § 1798.80 *et seq.*,  
6 Plaintiff and other Class Members incurred economic damages, including expenses  
7 associated with necessary credit monitoring.  
8

9 76. Plaintiff, individually and on behalf of the Class, seeks all remedies  
10 available under Cal. Civ. Code § 1798.84, including, but not limited to: (a) damages  
11 suffered by Class Members as alleged above; (b) statutory damages for Defendants'  
12 willful, intentional, and/or reckless violation of Cal. Civ. Code § 1798.83; and (c)  
13 equitable relief.  
14

15 77. Plaintiff, individually and on behalf of the Class, also seeks reasonable  
16 attorneys' fees and costs under Cal. Civ. Code §1798.84(g).  
17

18 **PRAYER FOR RELIEF**

19 WHEREFORE Plaintiff prays for judgment as follows:  
20

21 A. For an Order certifying this action as a class action and appointing  
22 Plaintiff and their Counsel to represent the Class;  
23

24 B. For equitable relief enjoining Defendants from engaging in the wrongful  
25 conduct complained of herein pertaining to the misuse and/or disclosure of Plaintiff's  
26 and Class members' Private Information, and from refusing to issue prompt, complete  
27 and accurate disclosures to the Plaintiff and Class members;  
28

1 C. For equitable relief requiring restitution and disgorgement of the revenues  
2 wrongfully retained as a result of Defendants' wrongful conduct;

3  
4 D. For an award of actual damages, compensatory damages, statutory  
5 damages, and statutory penalties, in an amount to be determined;

6 E. For an award of punitive damages;

7  
8 F. For an award of costs of suit and attorneys' fees, as allowable by law; and

9 G. Such other and further relief as this court may deem just and proper.  
10

11 **DEMAND FOR JURY TRIAL**

12 Plaintiff hereby demands a jury trial of their claims to the extent authorized by  
13 law.

14  
15 Dated: December 19, 2013

AHDOOT & WOLFSON, PC

16  
17 By: \_\_\_\_\_

Robert Ahdoot

18  
19 Attorneys for Plaintiff  
20 Jennifer Kirk  
21  
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JS 44 (Rev. 12/12) and rev (1/15/13)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

<p><b>I. (a) PLAINTIFFS</b> JENNIFER KIRK, an individual, on her own behalf and on behalf of all others similarly situated,</p> <p>(b) County of Residence of First Listed Plaintiff <u>San Francisco</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Robert Ahdoot (172098), Ahdoot &amp; Wolfson, PC 1016 Palm Avenue West Hollywood, CA 90069; (310) 474-9111</p>	<p><b>DEFENDANTS</b> TARGET CORPORATION, a Minnesota Corporation; and does 1-10,</p> <p>County of Residence of First Listed Defendant <u>Hennepin (Minnesota)</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) <b>NC</b></p>
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<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input checked="" type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<p><b>CONTRACT</b></p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p><b>TORTS</b></p> <p><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p><b>PERSONAL PROPERTY</b></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><b>FORFEITURE/PENALTY</b></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><b>LABOR</b></p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p><b>IMMIGRATION</b></p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p><b>BANKRUPTCY</b></p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><b>PROPERTY RIGHTS</b></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p><b>SOCIAL SECURITY</b></p> <p><input type="checkbox"/> 861 IIIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><b>FEDERAL TAX SUITS</b></p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS - Third Party 26 USC 7609</p>	<p><b>OTHER STATUTES</b></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
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**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Reinstated from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District (specify)     6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Cal. Bus. & Prof. Code Section 17200, et seq.

Brief description of cause:  
Unlawful disclosure of customers' financial information

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    **DEMAND \$** 5,000,000.00    CHECK YES only if demanded in complaint: **JURY DEMAND:**  Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions)    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE: 12/19/2013    SIGNATURE OF ATTORNEY OF RECORD:

**IX. DIVISIONAL ASSIGNMENT** (Civil L.R. 3-2)  
(Place an "X" in One Box Only)     SAN FRANCISCO/OAKLAND     SAN JOSE     EUREKA

FILED BY FAX 013-5885-NC

Court Name: U.S. District Court, NDCA  
Division: 3  
Receipt Number: 34611892300  
Cashier ID: almaceh  
Transaction Date: 12/19/2013  
Payer Name: CHRISTOPHER WHITACRE

CIVIL FILING FEE  
For: JENNIFER KIRK  
Case/Party: D-CAN-3-13-CV-005885-001  
Amount: \$400.00

PAPER CHECK CONVERSION  
Check/Money Order Num: 269  
Amt Tendered: \$400.00

Total Due: \$400.00  
Total Tendered: \$400.00  
Change Amt: \$0.00

MC

Checks and drafts are accepted  
subject to collections and full  
credit will only be given when the  
check or draft has been accepted by  
the financial institution on which  
it was drawn.