

RECEIVED AND FILED
 CIRCUIT COURT
 MAY 29 2017
 4:25
 EDWARD F. JEWETT, CLERK
 BY 9KD D.C.

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

COMMONWEALTH OF VIRGINIA,)
 EX REL. MARK R. HERRING,)
 ATTORNEY GENERAL,)
)
 Plaintiff,)
)
 v.)
)
 TARGET CORPORATION,)
 a Minnesota corporation,)
)
 Defendant.)

CIVIL ACTION NO. CL17-2511-4

COMPLAINT

The Plaintiff, Commonwealth of Virginia (the “Commonwealth”), by, through, and at the relation of the Attorney General, Mark R. Herring, brings this action against the Defendant, Target Corporation doing business in Virginia as Target Stores, Inc. (“Target”), pursuant to the Virginia Consumer Protection Act (“VCPA”), Virginia Code §§ 59.1-196 through 59.1-207. The Commonwealth prays that this Court grant the relief requested in this Complaint and states the following in support thereof:

JURISDICTION AND VENUE

1. The Circuit Court of the City of Richmond has authority to entertain this action and to grant the relief requested herein pursuant to Virginia Code §§ 8.01-620, 17.1-513, 59.1-203, and 59.1-206.

2. Venue is preferred in this Court pursuant to Virginia Code § 8.01-261(15)(c) because some or all of the acts to be enjoined are, or were, being done in the City of Richmond. Venue is permissible in this Court pursuant to Virginia Code §§ 8.01-262(3) and (4) because

Defendant regularly conducts substantial business activity in the City of Richmond, and portions of the cause of action arose in the City of Richmond.

3. The Defendant transacted business in Virginia through dozens of stores in the Commonwealth, including in the City of Richmond. In addition, the Defendant marketed and advertised goods or services through print and electronic media disseminated throughout Virginia.

4. At all relevant times, the Defendant has purposefully availed itself of this forum.

5. The Defendant has agreed to execute an Assurance of Voluntary Compliance that is acceptable to the Plaintiff in accordance with § 59.1-202 of the VCPA.

PARTIES

6. The Plaintiff is the Commonwealth of Virginia, by, through, and at the relation of Mark R. Herring, Attorney General of Virginia.

7. The Defendant, Target Corporation, is a corporation organized under the laws of the State of Minnesota, with its principal place of business in Minneapolis, Minnesota. Target Corporation was issued a Certificate of Authority to Transact Business in Virginia under the name Target Stores, Inc. by the Virginia State Corporation Commission on January 19, 1995.

FACTS

8. The Plaintiff realleges and incorporates herein by reference the matters set forth in Paragraphs 1 through 7 above.

9. Target is a large discount-store retailer which advertises and sells food, clothing, appliances, furniture, electronics, and other household items throughout the United States and in Virginia.

10. On December 19, 2013 Target publicly announced a data breach of millions of its

customers' information, including payment-card data.

11. The intrusion affected over 40 million customer payment card accounts as well as up to 70 million customers whose contact information was obtained without authorization. The customer information included consumers' names, telephone numbers, email addresses, mailing addresses, payment card numbers and expiration dates, and card security codes and PINs.

12. Target obtained consumer information through transactions with consumers. The Commonwealth has reason to believe that this information was inadequately safeguarded by the company. Upon information and belief, the company failed to provide protections and an information security program which would be expected by a reasonable consumer, including by: failing to adequately monitor remote access to its network including outbound access and transfer of data; failing to have controls in place to stop mass deployment of changes and detect malware in its system; and failing to comply with the Payment Card Industry Data Security Standard.

CAUSE OF ACTION

13. The Plaintiff realleges and incorporates herein by reference the matters set forth in Paragraphs 1 through 12 above.

14. The Defendant is or was during all relevant times a "supplier" of "goods" and/or "services" in connection with "consumer transactions" as those terms are defined in § 59.1-198 of the VCPA.

15. Upon information and belief, Target failed to provide adequate protections for consumer information and knowingly did not disclose to consumers that its security safeguards and procedures for consumer information were inadequate.

16. The Plaintiff alleges that the aforesaid acts and practices of the Defendant


constitute a violation of § 59.1-200(A)(14) of the VCPA.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, Commonwealth of Virginia, respectfully requests this Court enter its Order Approving and Adopting the Assurance of Voluntary Compliance filed simultaneously herewith.

COMMONWEALTH OF VIRGINIA,
EX REL. MARK R. HERRING,
ATTORNEY GENERAL

By: _____


Stephen John Sovinsky

Mark R. Herring
Attorney General

Cynthia E. Hudson
Chief Deputy Attorney General

Samuel T. Towell
Deputy Attorney General
Civil Litigation Division

Richard S. Schweiker, Jr.
Senior Assistant Attorney General and Chief
Consumer Protection Section

Mark S. Kubiak
Assistant Attorney General and Manager
Charitable Solicitations and Deceptive Conduct Unit

Stephen J. Sovinsky (VSB No. 85637)
Assistant Attorney General
Consumer Protection Section
202 North 9th Street
Richmond, Virginia 23219
SSovinsky@oag.state.va.us
Phone: (804) 823-6341
Fax: (804) 786-0122

CERTIFICATE OF SERVICE

I, Stephen John Sovinsky, certify that on May 23, 2017, a true copy of the foregoing
Complaint was mailed via first class mail to:

Mr. Nathan D. Taylor, Esquire
Morrison & Foerster LLP
2000 Pennsylvania Avenue, NW
Washington, DC 20006



Stephen John Sovinsky