

EXHIBIT A

STATE COURT DOCUMENTS



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CONSUMER PROTECTION LAW

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Member, National Association of Consumer Advocates
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June 26, 2018

VIA CERTIFIED MAIL

TrustedID, Inc.

c/o Corporation Service Company

1550 Prachtree Street, NW

Atlanta GA 30309

Re: Theresa Williams, on behalf of herself and all others similarly situated vs.
TrustedID, Inc.
Case No. 2018-CP-40-3346

Dear Sir or Madam:

Enclosed herewith and served upon you is a filed copy of the Summons & Class Action Complaint in the above matter.

Sincerely,

Janel Streater

Paralegal to Dave Maxfield

Enc.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Theresa Williams, on behalf of herself and all
others similarly situated,

Plaintiff,

vs.

TrustedID, Inc.,

Defendant.

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Case No. 2018-CP-40-3346

SUMMONS

TO: THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you and to serve a copy of your Answer to the said Complaint on the subscriber, David A. Maxfield, Esquire, at his office at P.O. Box 11865, Columbia, South Carolina 29211, within thirty (30) days after service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the court for the relief demanded in the Complaint. If you fail to appear and defend, judgment by default will be rendered against you for the relief demanded in the Complaint.

DAVE MAXFIELD, ATTORNEY, LLC

s/David A. Maxfield

Dave Maxfield, Esq., SC Bar No. 7163

P.O. Box 11865

Columbia, SC 29211

(803) 509-6800

(855) 299-1656 (fax)

dave@consumerlawsc.com

DATED: June 26, 2018

Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Theresa Williams, on behalf of herself
and all others similarly situated,

Plaintiffs,

v.

TrustedID, Inc.,

Defendant.

CLASS ACTION COMPLAINT
(JURY TRIAL DEMANDED)

Plaintiff Theresa Williams, through her undersigned counsel, complaining of the Defendant TrustedID, Inc., states the following allegations, and claims individually and on behalf of all others similarly situated.

INTRODUCTION

1. Defendant TrustedID, Inc. markets itself as a protector of identity theft. In responding to consumer's requests, Defendant has pursued a policy and practice of requiring consumers to input six (6) digits of the consumer's social security number into a TrustedID website. This practice violates S.C. Code §37-20-180(4), which prohibits requiring consumers to use six (6) or more digits of a Social Security number to access an internet website.

2. This action seeks injunctive relief, statutory damages and attorney's fees for violation of the above Act.

PARTIES AND JURISDICTION

3. Plaintiff Theresa Williams is a citizen and resident of the State of South Carolina.

4. Defendant TrustedID, Inc., is a corporation with its principal place of business and headquarters located in Palo Alto, California.

5. This Court, as a court of general jurisdiction in South Carolina, has subject matter jurisdiction over this lawsuit and personal jurisdiction over the parties.

6. Venue is proper in this Court. Defendant does business in Richland County and throughout the State of South Carolina and the violations of South Carolina law occurred in Richland County (and statewide).

FACTUAL ALLEGATIONS

7. In exchange for access to information possessed by Defendant, Plaintiff Williams (and all other similarly situated consumers) were required by Defendant to input their name and six (6) digits of their Social Security numbers.

8. Apart from entering the six digits of their Social Security numbers on the website maintained by TrustedID, there was no other way for a consumer to confirm whether their personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

9. South Carolina Code §37-20-180(4) makes it unlawful to “***require a consumer to use his social security number or a portion of it containing six digits or more to access an Internet web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet web site.***” (Emphasis supplied).

10. Defendant knew or should have known of South Carolina’s limitation on disclosure of Social Security numbers, as such statutory prohibitions are common throughout the United States.¹

¹ See, e.g., the laws of Alaska (A.S. 45.48.400); Arizona (Ariz. Rev. Stat. § 44-1373 (2004)); Arkansas (Ark. Code Ann. § 4-86-107 (2005); California (Civil Code Sections 1798.85-1798.86 (2002); Colorado (Colo. Rev. Stat.

11. In the present case, Defendant did not use any additional security precaution (such as password, unique personal identification number, or other authentication device) apart from the Social Security number to access Defendant's internet website, as required by statute.

CLASS ACTION ALLEGATIONS

12. Plaintiff incorporates each of the foregoing allegations as fully as if repeated herein verbatim.

13. Plaintiff brings this class action under Rule 23 of the South Carolina Rules of Civil Procedure, on behalf of herself and all other similarly situated persons as members of the Class defined as: All consumers who were required by Defendant to input six or more digits of their Social Security number into the Defendant's website.

14. The Class as defined above is so numerous that joinder of all members is impracticable. Class members can be identified by records maintained by Defendant.

15. There are questions of law or fact common to the Class. Common questions of law and fact include whether Defendant's requirement that a consumer enter 6 digits of a Social Security number into its website violated S.C. Code Ann. §37-20-180(4).

16. The claims or defenses of the Plaintiff are typical of the claims or defenses of the Classes. Plaintiff's claims are typical of the claims of members of the Classes because all suffered the same type of damages arising out of Defendants' wrongful conduct as described

§ 6-1-715(2006)); Connecticut (Conn. Gen. Stat. § 42-470 (2003)); Georgia (Ga. Code Ann. § 10-1-393.8 (2006)); Hawaii (Haw. Rev. Stat. § 487J-2 (2006)); Illinois (815 Ill. Comp. Stat. 505/2QQ (2004)); Kansas (Stat. § 75-3520); Maryland (Md. Code Ann., Com. Law § 14-3402 *et seq.* (2005)); Michigan (Mich. Comp. Laws § 445.81 *et seq.* (2004)); Minnesota (Minn. Stat. § 325E.59 (2005)); Missouri (Mo. Rev. Stat. § 407.1355 (2003)); New Jersey (NJ Stat. Ann. § 56:8-164 (West 2005)); New Mexico (NM Stat. Ann. § 57-12B-4 (2005)); New York (N.Y. Gen. Bus. Law § 399-ddd*2 (2014)); North Carolina (N.C. Gen. Stat. § 75-62 (2005)); Pennsylvania (74 Pa. Stat. Ann. § 201 (West 2006)); Rhode Island (R.I. Gen. Laws § 6-48-8 (2006)); Tennessee (Tenn. Code § 47-18- 2110); Texas (Tex. Bus. & Com. Code Ann. 35.58 (2003)); Vermont (Vt. Stat. tit. 9, § 2440); Virginia (Va. Code Ann. § 59.1-443.2 (2005)).

Many of the above statutes trace their origin to the Model State Clean Credit and Identity Theft Protection Act, first issued in 2004, drafted by Consumers Union of U.S., Inc and the state Public Interest Research Groups ("Model Act"). The Model Act defines "Social Security Number" as "any portion of three or more consecutive digits of a Social Security number."

herein. Specifically, the claims of Plaintiff and Class members arise from Defendants' failure to properly safeguard the personal information of Plaintiffs and class members.

17. Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff has retained counsel competent and experienced in class action lawsuits. Plaintiff has no interests antagonistic or in conflict with those of Class members and therefore is an adequate representative for Class members.

18. The amount of damages in controversy for each member of the Class exceeds \$100.00 per class member which includes, but is not limited to, statutory damages for each class member of no less than \$1,000.00.

FIRST CAUSE OF ACTION

(VIOLATION OF CONSUMER IDENTITY THEFT PROTECTION ACT)

19. Plaintiff incorporates each of the foregoing allegations as fully as if repeated herein verbatim.

20. Defendant is a "person" or "organization" as defined in the Consumer Protection Code. S.C. Code Ann. § 37-20-110(10) and § 37-1-301(18) and (20).

21. Defendant possessed "personal identifying information" pertaining to the Class members.

22. Defendant constructed, administered and maintained a website that required consumers to use a portion of their social security number containing six digits or more to access the site, with no password or unique personal identification number or other authentication device.

23. Because of Defendant's knowing and willful violations, Plaintiff and Class members each may recover three times actual damages or three thousand dollars for each

incident, whichever is greater, and reasonable attorney's fees and costs. S.C. Code Ann. § 37-20-170(D) and/or 37-20-200(A).

24. Because of Defendants' negligent violations, Plaintiff and Class members each may recover the greater of actual damages or one thousand dollars for each incident, and reasonable attorney's fees and costs. S.C. Code Ann. § 37-20-170(E) and/or 37-20-200(B).

25. Plaintiff and class members are further entitled to injunctive relief prohibiting Defendant from requiring consumers to enter a portion of their social security number containing six digits or more to access its site.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all causes of action to which she is entitled by law by a jury of her peers.

WHEREFORE, having fully set forth her Complaint, Plaintiff prays that the Court grant by verdict or judgment an award of all damages she may recover under the law under all causes of action in this Complaint, including actual damages, statutory damages, consequential damages, special damages, penalties and punitive damages in an amount to be determined by a jury, and declaratory and injunctive relief, including attorney's fees and costs as allowed by any statute or court rule, and such other and further relief as the Court may deem just and proper.

Respectfully submitted,

s/ David A. Maxfield

David A. Maxfield SC Bar #7163
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Attorneys for Plaintiff and the Class

June 26, 2018

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Theresa Williams, on behalf of herself
and all others similarly situated,

Plaintiff,

Vs.

TrustedID, Inc.,

Defendant.

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Case No.2018-CP-40-3346

CERTIFICATE OF SERVICE

I, the undersigned employee of Dave Maxfield, Attorney, LLC do hereby swear and affirm that on the 26th day of June, 2018, I served the foregoing **Summons & Class Action Complaint**, by sending a copy of same by U.S. Certified Mail, Restricted Delivery, Return Receipt Requested to the following:

TrustedID, Inc.
c/o Corporation Service Company
1550 Prachtree Street, NW
Atlanta GA 30309


Janel Streater

DATED: June 26, 2018
Columbia, South Carolina

D, ATTORNEY, LLC
TECTION LAW

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Corporation Service Company
1550 Prachtree Street NW
Atlanta GA 30309

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Date Received: 06/29/2018 01:55 PM

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