

EXHIBIT A

CITATION
THE STATE OF TEXAS

CAUSE NO. D-1-GN-17-005025

BRUCE KALMICK, TAMMIE MARRS, AND PAUL MARRS,
INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, Plaintiff

vs.
EQUIFAX INC., Defendant

TO: EQUIFAX, INC
BY SERVING ITS REGISTERED AGENT, PRENTICE-HALL CORPORATION SYSTEM
211 E. 7TH STREET, STE. 620
AUSTIN, TEXAS 78701-3218

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Attached is a copy of the PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR DISCLOSURE of the PLAINTIFFS in the above styled and numbered cause, which was filed on SEPTEMBER 12, 2017 in the 345TH JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, September 13, 2017.

REQUESTED BY:
PAUL COLLEY, JR.
12912 HILL COUNTRY BLVD., STE. F-234
AUSTIN, TX 78738
BUSINESS PHONE: (512) 477-2001 FAX: (512) 477-3335



Velva L. Price
Velva L. Price
Travis County District Clerk
Travis County Courthouse
1000 Guadalupe, P.O. Box 679003 (78767)
Austin, TX 78701
PREPARED BY: CARRISA ESCALANTE

RETURN

Came to hand on the 13th day of Sept., 2017 at 9:30 o'clock A M., and executed at _____ within the County of _____ on the _____ day of _____, _____, at _____ o'clock _____ M., by delivering to the within named _____, each in person, a true copy of this citation together with the PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR DISCLOSURE accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ _____

Sheriff / Constable / Authorized Person

Sworn to and subscribed before me this the

By: _____

_____ day of _____, _____.

Printed Name of Server

Notary Public, THE STATE OF TEXAS

County, Texas

D-1-GN-17-005025

SERVICE FEE NOT PAID

P01 - 000056003

Original

Service Copy

DELIVERED:

ON: 9/13/17
BY: [Signature] SCH 235
@: _____ am pm

9/12/2017 2:46 PM

Velva L. Price
District Clerk
Travis County
D-1-GN-17-005025
Carrisa Escalante

CAUSE NO. **D-1-GN-17-005025**

BRUCE KALMICK,	§	IN THE DISTRICT COURT
TAMMIE MARRS, and PAUL	§	
MARRS, individually and on behalf of	§	
all others similarly situated,	§	
Plaintiffs,	§	TRAVIS COUNTY, TEXAS
	§	
V.	§	
	§	
EQUIFAX INC.,	§	
Defendant.	§	345TH JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE COURT:

NOW COMES, Plaintiffs, BRUCE KALMICK, TAMMIE MARRS, and PAUL MARRS, as individuals and on behalf of all others similarly situated Class Members, Plaintiffs herein, files this Original Petition and Request for Disclosure against EQUIFAX INC., Defendant herein, for cause of action to show the Court the following:

I. DISCOVERY CONTROL PLAN LEVEL

1. Plaintiffs intends to conduct discovery under Level 3 of TEX. R. CIV. P. 190.4.

II. AMOUNT OF CLAIM

2. Plaintiffs seek monetary relief under \$5,000,000 and affirmatively pleads that this case does not fall under the expedited-actions process of Texas Rule of Civil Procedure 169.

III. PARTIES AND SERVICE

3. Plaintiff BRUCE KALMICK resides in Travis County, Texas. Both TAMMIE MARRS and PAUL MARRS reside in Blanco County, Texas.

4. Defendant, EQUIFAX, INC ("EQUIFAX"), is a multi-billion dollar Georgia corporation

that provides credit information services to millions of businesses, governmental units, and consumers across the globe. Equifax operates through various subsidiaries. This includes, but is not limited to, Equifax Information Services, LLC and Equifax Consumer Services, LLC aka Equifax Personal Solutions aka PSOL. Each of these entities acted as agents of Equifax or, in the alternative, acted in concert with Equifax as alleged in this complaint. This Defendant can be served at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218 to its registered agent, Prentice-Hall Corporation System.

5. The Plaintiffs and putative class members are all citizens of Texas.

IV. JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. This court has jurisdiction over the parties given that the current estimated damages is under \$5,000,000.

8. Venue in Travis County is proper in this cause under Section 15.002(a)(1) and (2) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

V. FACTUAL ALLEGATIONS

9. Equifax is a company that collects and stores personal and credit information of people all across the United States. Specifically, Equifax collected personal information of the Plaintiffs by storing their social security numbers, birth dates, home addresses, driver's license information, and credit card numbers.

10. By storing extremely sensitive information, Equifax owed a legal duty to consumers like Plaintiffs to use reasonable care in protecting this information from unauthorized access by third parties. Equifax knew that failure to provide such protection will result in serious harm to

consumers. This harm is, but not limited to, credit harm, identity theft, credit monitoring, and replacement of credit/debit cards. In fact, Equifax has experienced breaches of personal information in 2013, 2016, and January 2017.

11. Yet, on September 7, 2017, Equifax announced its largest breach for the first time that occurred from May 2017 to July 2017. Its database storing Plaintiffs' and other consumers' sensitive credit and personal information had been hacked by unauthorized-third parties, subjecting all affected to credit harm and identity theft (last estimated to be over 100 million people). By Equifax's purposeful delay in providing notice to consumers, Equifax prevented consumers from taking swift action in potentially limiting the damage done to the consumers affected.

12. Despite failing to inform the millions of people affected until months after the discovery of the data breach, Equifax did not hesitate to protect its own interest. According to Bloomberg, at least three Equifax senior executives sold shares worth \$1.8 million in the days following the data breach.

13. In an attempt to increase profits, Equifax negligently failed to maintain adequate technological safeguards to protect Plaintiffs' information from unauthorized access by hackers. Equifax knew and should have known that failure to maintain adequate technological safeguards would eventually result in a massive data breach. Equifax could have and should have substantially increased the amount of money it spent to protect against cyber-attacks but chose not to. Consumers like Plaintiffs should not have to bear the expense and risks caused by Equifax's negligent failure to safeguard their credit and personal information from cyber-attackers. As a direct result of Equifax's negligence as alleged in this complaint, Plaintiffs have had to take precautions in an effort to limit any potential injury.

VI. CLASS ACTION ALLEGATIONS

14. Plaintiff brings this lawsuit on behalf of themselves and the proposed Class Members under Texas Rule of Civil Procedure 42. In addition to statutory and other damages for themselves and the Class Members, this action seeks recovery of damages as set forth below.

15. The proposed Class Question is whether Equifax violated Texas law by negligently allowing an unauthorized-third party to steal Plaintiff's sensitive and personal information.

16. The proposed Class definitions are as follows:

All residents of the State of Texas, who had personal or credit data collected and stored by Equifax and who were subject to risk of data loss and credit harm and identity theft or had to pay for third-party credit monitoring services as a result of Equifax's negligent data breach from May 2017 to July 2017.

17. The class is so numerous that joinder of all members is impracticable. The precise number of members of the classes and their addresses are presently unknown to Plaintiff. But, Equifax's data breach has affected over 100 million people across the country. Therefore, over 100 Texans are easily estimated to have been affected. The precise number of persons in the classes and their identities and addresses may be ascertained from Equifax's records and can be made available to the Court. If deemed necessary by the Court, members of the classes may be notified of the pendency of this action by mail, supplemented by published notice, or internet posting.

18. The litigation of the questions of fact and law involved in this action will resolve the rights of all members of the Classes and hence will have binding effect on all Class Members. These Class Members can be readily identified from Equifax's records and other means readily available to Equifax. Thus, the Plaintiff can be provided the identification of all Texans affected by Equifax through minimally intrusive discovery.

19. There is a well-defined community of interest in the questions of law and fact involved affecting the parties to be represented. These common questions include without limitation

Equifax's negligent safe keeping of Plaintiff's personal information to the detriment of Plaintiffs and the Class Members.

20. The common questions of law and fact raised by the above practice exists as to all members of the classes and predominate over the questions affecting only individual members of the classes. Excluded from the class are all attorneys for the class, officers and members of Equifax, including officers and members of any entity with an ownership interest in Equifax, and any judge who sits on the case.

21. Plaintiffs' claims are typical of the proposed Classes because Plaintiffs and all Class Members have all had their personal information compromised.

22. As a class representative, Plaintiffs will fairly and adequately represent and protect the interests of the proposed Classes. Thus, Plaintiffs do not have any interests that are antagonistic to those of the proposed Classes, which are similarly situated. They have retained counsel competent in the prosecution of this type of litigation.

23. The proposed Classes have a well-defined community of interest in the questions of fact and law to be litigated. The common questions of law and fact predominate with respect to the liability issues, relief issues, and anticipated affirmative defenses. Plaintiffs have claims typical of the class members. All of Plaintiffs' and the Class' injuries and/or right to statutory damages are in an ascertainable amount to be proven at the time of trial.

24. A class action is the superior method for fair and just adjudication of this controversy. The expense and burden of individual suits makes it impossible and impracticable for members of the proposed Classes to prosecute their claims individually. Class adjudication will conserve judicial resources and will avoid the possibility of inconsistent rulings. Individualized litigation increases the delay and expense to all parties and the court system presented by the legal and factual issues

of the case. By contrast, class adjudication presents far fewer management difficulties, and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court.

VII. COMMON QUESTIONS OF LAW AND FACT ARISING FROM COMMON PRACTICES APPLIED BY DEFENDANT

25. The common practices raise the following issues of law and fact common to all Class Members that predominate over individual issues affecting only individual class members:

- a. Did Equifax use the above described common practices in negligently allowing an unauthorized-third party to steal the valuable information of Texas consumers?
- b. Did Equifax violate Texas law in one or more of the ways claimed by Plaintiffs and the Class Members?
- c. What is the appropriate remedy for any violation of law found?

VIII. NEGLIGENCE

26. As alleged in this complaint, Equifax undertook care of credit and personal information belonging to Plaintiffs and the Texas Class, then breached its legal duty by failing to maintain adequate technological safeguards, falling below the standard of care in the technological industry, directly and proximately causing foreseeable risk of data loss and credit harm and identity theft and other economic losses, in amounts to be decided by the jury

IX. DAMAGES

27. As a direct and proximate result of the common practices engaged in by Equifax described above the Plaintiffs and the Class Members have been injured and suffered damages. Plaintiffs and the Class have suffered an ascertainable loss of money or property, real or personal but for Equifax's negligent conduct alleged above. In fact, a breach of this magnitude requires Plaintiffs and class members to scrupulously monitor their financial accounts and credit to protect

themselves against identity theft and other fraud. Plaintiffs bring this action on behalf of themselves and all others similarly situated. They seek to recover actual and statutory damages, equitable relief, restitution, reimbursement of out-of-pocket losses, other compensatory damages, credit monitoring services with accompanying identity theft insurance, injunctive relief including an order requiring Equifax to improve its data security, and other relief that the Court deems fit.

X. DOCUMENTS TO BE USED

28. Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiffs intend to use all documents exchanged and produced between the parties including, but not limited to, correspondence and discovery responses, during the trial of the above-entitled and numbered cause.

XI. DEMAND FOR TRIAL BY JURY

29. Plaintiffs and the Class Members hereby demand trial by jury on all claims for which the law provides a right to jury trial and the appropriate fee is hereby tendered. Plaintiffs also respectfully request leave to amend this Complaint to conform to the evidence, if such amendment is need for trial.

XII. REQUEST FOR DISCLOSURE

30. Pursuant to Texas Rules of Civil Procedure 194, Plaintiffs request that Equifax disclose within fifty (50) days of the service of this request, the information and material described in Rule 194.2, which in this case also includes the information required by Rule 47(b)(6).

XIII. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, PLAINTIFFS, on behalf of themselves and those similarly situated, respectfully prays:

1. That EQUIFAX be cited to appear and answer herein;

2. That the Court enter an order certifying this action as a Class Action;
3. For money damages in an amount to be determined by applicable law;
4. For pre and post judgment interest at the maximum legal rate;
5. For costs of suit incurred herein, including reasonable attorney's fees;
6. For such other and further relief, in law or in equity, to which Plaintiffs and Class Members may be justly entitled and this Court deems just and proper.

Respectfully submitted,

COLLEY FIRM, P.C.
12912 Hill Country Blvd., Suite F-234
Austin, Texas 78738
Tel. (512) 477-2001
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By: _____
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ATTORNEYS FOR PLAINTIFFS