



## **DEFENDANT**

5. Defendant is an Ohio corporation with its principal office located at 4150 East 5<sup>th</sup> Avenue Columbus, Ohio, 43219.
6. In February 2005, Defendant changed its name from Shonac Corporation to DSW Inc.
7. Defendant is a “supplier” as that term is defined in R.C. 1345.01(C) as Defendant, at all times relevant herein, engaged in the business of effecting “consumer transactions” by soliciting and selling goods and services to “individuals” in Franklin County, and other counties in the State of Ohio, for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).

## **STATEMENTS OF FACT**

8. Defendant sells footwear to consumers at approximately 180 retail outlets in more than 30 states, including Ohio.
9. In the course of transacting its business, Defendant accepts various payment methods from consumers purchasing footwear, including cash, credit card, debit card, and personal checks.
10. After Defendant accepts payment from consumers via credit card, debit card, or personal check, Defendant retains certain personal information provided by the consumer for a period of time, including, but not limited to, the consumer’s name and credit card number, debit card number or checking account number, and in situations where the consumer pays by personal check, the consumer’s driver’s license number.
11. At a date not yet known to Plaintiff, the personal information retained by Defendant from consumer transactions occurring between mid-November 2004 and mid-February 2005 was removed from Defendant’s custody and control.
12. The loss of consumers’ personal information involved consumer transactions occurring at 108

of Defendant's stores, including stores in Ohio.

13. The loss of consumer's personal information included the credit or debit card number, the consumer's name, and transaction amount for approximately 1.4 million credit and debit card transactions.
14. The loss of consumer's personal information included the checking account number and driver's license number for approximately 96,000 personal check transactions.
15. Defendant first became aware of the loss of consumers' personal information on or around March 8, 2005.
16. Defendant sent letters to approximately one-half of those consumers who paid via credit or debit card notifying them that their personal information was stolen from Defendant's custody and control.
17. Defendant sent letters to approximately 84,500 consumers who paid via personal check notifying them that their personal information was stolen from Defendant's custody and control.
18. Defendant has not provided individual notice to approximately 700,000 consumers who had personal information stolen from Defendant's custody and control.

**PLAINTIFF'S CAUSE OF ACTION**

**COUNT I**

**DECLARATORY JUDGMENT**

19. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Eighteen (1-18) of this Complaint.

20. Defendant's failure to notify each and every consumer who had personal information stolen from Defendant's custody and control constitutes an unfair and deceptive act or practice in violation of the Consumer Sales Practices Act, R.C. 1345.02(A).

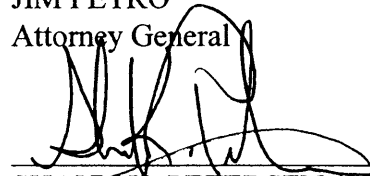
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests that this Court:

- 1) ISSUE an order declaring that the Defendant's failure to notify each and every consumer who had personal information stolen from Defendant's custody and control is an unfair or deceptive act or practice in violation of the Consumer Sales Practices Act, R.C. 1345.02(A);
- 2) ORDER Defendant to individually notify each and every consumer who had personal information stolen from Defendant's custody and control, in writing, that their personal information was stolen from Defendant's custody and control;
- 3) GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

JIM PETRO  
Attorney General



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