

PLAINTIFF/PETITIONER: The People of the State of California	CASE NUMBER: RG13693591
DEFENDANT/RESPONDENT: Citibank, N.A.	

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*):

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):

- a. deposited the sealed envelope with the United States Postal Service.
- b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on (*date*):
- b. from (*city and state*):

4. The envelope was addressed and mailed as follows:

a. Name of person served:

Street address:

City:

State and zip code:

c. Name of person served:

Street address:

City:

State and zip code:

b. Name of person served:

Street address:

City:

State and zip code:

d. Name of person served:

Street address:

City:

State and zip code:

Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

5. Number of pages attached _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

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ENDORSED
FILED
ALAMEDA COUNTY

AUG 29 2013

CLERK OF THE SUPERIOR COURT

By ~~D. WILLIAMS~~

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

CITIBANK, N.A.,

Defendant.

Case No.

~~[PROPOSED]~~ FINAL JUDGMENT
AND PERMANENT INJUNCTION

Plaintiff, the People of the State of California ("People") having filed its complaint and appearing through its attorney Kamala D. Harris, Attorney General of the State of California, by Supervising Deputy Attorney General Adam Miller (the "Attorney General"); and defendant Citibank, N.A. ("Citibank"), appearing through its attorneys Morrison & Foerster LLP, by William L. Stern, Esq., having stipulated and consented to this Final Judgment and Permanent Injunction Pursuant to Stipulation ("Final Judgment") prior to the taking of proof, without trial or adjudication of any issues of law or fact herein, and without this Final Judgment constituting evidence of or an admission of liability or wrongdoing by Citibank regarding any issue of law or fact alleged in the Complaint on file; and

This court having considered the pleadings and the Stipulation for Entry of Final Judgment, and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

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JURISDICTION

1. This court has jurisdiction over the subject matter hereof and the parties hereto.
2. Venue is proper in this Court.

DISCLAIMER OF ADMISSIONS

3. This Final Judgment is the result of a compromise agreement. Nothing in this Final Judgment or in any act performed by Citibank, or in any document executed pursuant to this Final Judgment, shall be construed as an admission by Citibank of any fact, liability, issue of law, conclusion of law or violation of any statutory or regulatory laws, nor shall compliance with this Final Judgment constitute or be construed as an admission by Citibank of any fact, liability, issue of law, conclusion of law or violation of any statutory or regulatory laws. Moreover, nothing in this Final Judgment or in any of the undertakings by Citibank herein shall imply that Citibank failed to comply with any law, including, but not limited to, any federal or state information security or breach notification law or requirement.

PERMANENT INJUNCTIVE RELIEF

4. Pursuant to Business and Professions Code section 17203, Citibank shall be and hereby is permanently enjoined as set forth in paragraphs 5, 7, and 9 of this Final Judgment.

5. Citibank shall notify California residents of any future security incident involving Account Online, and provide notification to the Attorney General, to the extent that Citibank is required by California Civil Code section 1798.82 to provide such notifications.

6. The terms of this Final Judgment, including the injunctive terms contained in paragraphs 5, 7, and 9, are applicable to Citibank, including its successors and assigns of all or substantially all of the assets of its business, only with respect to the "Account Online" system, at which Citibank provides its consumer credit card customers with access to information relating to their credit card accounts (referred to as "Account Online"), located at <https://www.accountonline.com> as it is currently named or as it may be renamed in the future. This Final Judgment shall not apply to any service, product, operation or Web site of Citibank other than Account Online, nor to any other affiliate or subsidiary of Citibank or to any service, product, operation or Web site of any affiliate or subsidiary of Citibank, except to the extent that

1 Citibank transfers the ownership and operation of Account Online to an affiliate or subsidiary.

2 7. For any future security incidents involving Account Online regarding which
3 Citibank is required by Civil Code section 1798.82 to provide a California resident with notice,
4 Citibank shall also provide the California resident with credit monitoring, at no cost to the
5 individual, for a period of two (2) years; provided that Citibank shall not be required to provide
6 credit monitoring to a California resident if: (A) Citibank reasonably and in good faith believes
7 that the individual is not at risk of identity theft as a result of the incident; or (B) the "personal
8 information," as defined in Civil Code section 1798.82(h), involved in the incident includes only
9 a California resident's name and Citibank account number.

10 8. For purposes of this Final Judgment: (A) "credit monitoring" shall mean a service
11 designed to monitor the credit files relating to a consumer that are maintained by the three
12 nationwide consumer reporting agencies; and (B) "identity theft" shall mean a fraud committed or
13 attempted using the identifying information of another person, without the person's authority, to
14 open a new financial account in the individual's name.

15 9. Within 180 days after entry of this Final Judgment, Citibank shall seek to obtain an
16 information security audit of Account Online. Such audit shall be conducted by an independent
17 third party selected by Citibank. Within 30 days after completion of the audit, Citibank shall
18 disclose to the Attorney General a detailed summary of the audit findings. If that audit were to
19 identify any deficiencies or recommendations for correction, the identification of those items
20 alone shall not constitute a violation of this Final Judgment or of the laws of California; rather,
21 the parties shall meet and confer in good faith as to a course and timetable for corrective action, if
22 any. The Attorney General reserves her rights to investigate, or enforce the terms of this Final
23 Judgment, following the meeting and conferring with Citibank.

24 MONETARY PROVISIONS

25 10. Pursuant to Business and Professions Code section 17206, Citibank shall pay
26 forthwith to the People the amount of \$270,000 as civil penalties and \$150,000 towards
27 reimbursement of the People's attorneys' fees and costs of investigation or prosecution. Payment
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1 shall be made by one check payable to the "California Attorney General's Office" and shall be
2 delivered to the California Attorney General's Office, 455 Golden Gate Avenue, Suite 11000, San
3 Francisco, California 94012, attention Supervising Deputy Attorney General Adam Miller, no
4 later than fifteen (15) days after the date this Final Judgment is entered.

5 11. Except as otherwise expressly provided herein, each party shall bear its own
6 attorney's fees and costs.

7 **GENERAL PROVISIONS**

8 12. Jurisdiction is retained for the purpose of enabling any party to the Final Judgment
9 to apply to the Court for such further orders and directions as may be necessary and appropriate
10 for the construction and carrying out of the Final Judgment, for the modification or dissolution of
11 any injunctive provisions hereof, for enforcement of compliance herewith, or for the punishment
12 of violations hereof.

13 13. Except as expressly provided in this Final Judgment, nothing in this Final
14 Judgment shall be construed as relieving Citibank of its obligations to comply with all state and
15 federal laws, regulations or rules, or as granting permission to engage in any acts or practices
16 prohibited by such law, regulation or rule.

17 14. Citibank shall use reasonable efforts to notify its officers, directors, employees,
18 agents, and contractors responsible for carrying out and effecting the terms of this Final Judgment
19 of the obligations, duties, and responsibilities imposed on Citibank by this Final Judgment.

20 15. This Final Judgment shall take effect immediately upon entry thereof.

21 16. The Clerk is directed to enter this stipulated Final Judgment forthwith.

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23 Dated: 8/29, 2013

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25 By: Wynne Carvill
26 JUDGE OF THE SUPERIOR COURT
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *The People of the State of California v. Citibank, N.A.*

Case No.: **RG13693591 in the Superior Court of California, County of Alameda**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1515 Clay Street, 20th Floor, Oakland, CA 94612-0550.

On August 29, 2013, I served the following document(s):

- **Notice of Entry of Judgment or Order**

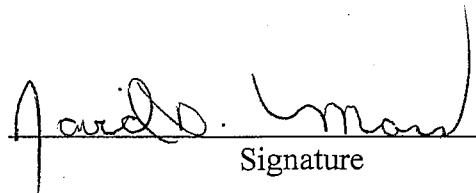
by placing true copy(ies) thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Oakland, California, addressed as follows:

- William L. Stern, Esq.
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105

Attorney for Defendant

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 29, 2013, at Oakland, California.

David B. Moss
Declarant



Signature

SF2012803857