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EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT
COUNTY OF SANTA CLARA, CALIFORNIA
BY: _____ DEPUTY CLERK
D. Wendel

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

106CV-076081

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, **v.** **HEWLETT-PACKARD COMPANY,** a Delaware Corporation, Defendant.	**CASE NO.:** **COMPLAINT FOR INJUNCTION, CIVIL PENALTIES AND OTHER EQUITABLE RELIEF**

Plaintiff the People of the State of California ("People" or "Plaintiff"), by and through Bill Lockyer, Attorney General of the State of California, is informed and believes and thereupon alleges as follows:

INTRODUCTION

1. This action is brought against Hewlett-Packard Company, a Delaware corporation (hereinafter "Hewlett-Packard" or "HP"), who, in violation of California Business and Professions Code section 17200, engaged in an unlawful scheme to spy on its own employees and directors, third parties and family members of these individuals (collectively "Victims").

2. HP's tactics violate the right to privacy of the Victims, violate several Penal Code sections prohibiting the obtaining of confidential information from telecommunications utilities

under false pretenses, and constitute unfair business practices within the meaning of California Business and Professions Code section 17200. Unless enjoined and restrained by an order of the Court, HP will continue to engage in the unlawful acts and conduct set forth in this Complaint.

3. HP at all times mentioned herein has transacted business in the County of Santa Clara and elsewhere within the State of California. HP authorized and directed the unlawful investigations at issue from its offices in the State of California, and the violations of law described herein occurred in the County of Santa Clara and elsewhere in the State of California.

4. At all relevant times, defendant Hewlett-Packard Company was and is a Delaware corporation, doing business in California, with its principal place of business in Santa Clara County.

5. Whenever reference is made in this Complaint to any act or transaction of any corporation, partnership, business or other organization, that allegation shall be deemed to mean that the corporation, partnership, business or other organization did or authorized the acts alleged in this Complaint through its principals, officers, directors, employees, members, agents and representatives while they were acting within the actual or ostensible scope of their authority.

6. At all relevant times, HP committed the acts, caused or directed others to commit the acts, ratified the acts, or permitted others to commit the acts alleged in this Complaint.

DEFENDANT'S BUSINESS PRACTICES

7. In 2005, HP launched an investigation ostensibly to determine who among its HP board members had "leaked" information to the media. During the course of this investigation, HP authorized and permitted the use of "pretexting" or "social engineering," by which HP investigators obtained the personal, home and cellular telephone records of current and former HP directors and employees, several journalists, and their families (collectively "Victims"), by posing as the Victims.

8. In 2006, after the 2005 investigation failed to reveal the source of the leaks, HP launched a second investigation to determine the source of new leaks to the media that took place in January 2006. (The 2005 and 2006 investigations are hereafter collectively referred to as "the

Kona Investigation.")

9. During the Kona Investigation, HP utilized unlawful, unfair and deceptive investigative tactics to obtain confidential personal information about the Victims, including:

a. using pretexting to obtain the telephone or facsimile records of Hewlett-Packard employees, former or current Hewlett-Packard Board members or their families, and journalists and their family members.

b. authorizing the use of pretexting to obtain telephone or facsimile telephone call records by duping telecommunications carriers into providing confidential information and/or by creating an online account using confidential information supplied by Hewlett-Packard, including portions of the Victims' Social Security Numbers.

c. permitting and authorizing the use and disclosure of Social Security Numbers and confidential personal information to obtain, through pretexting, the telephone call information of employees, current or former Hewlett-Packard Board members and journalists.

FIRST CAUSE OF ACTION

VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17200

(UNFAIR COMPETITION)

10. Plaintiff realleges and incorporates by reference paragraphs 1-9 above, as though they are set forth in full herein.

11. Beginning at an exact date unknown to plaintiff, HP engaged in unfair competition as defined in California Business and Professions Code section 17200.

12. During the course of the Kona Investigation, HP's acts and practices of unfair competition include the following:

a. HP deceptively obtained telecommunications consumer account information by various means, sometimes termed "pretexting" and/or "social engineering," which includes misrepresenting themselves as the Victim, an agent of the Victim or someone

acting on the Victim's behalf in calls to the Victim's telecommunications carrier's customer service representatives or on the telecommunication carrier's websites. HP thus obtained the Victim's private and confidential information, without the consent or authorization of the Victim.

b. HP, by means of false pretenses, induced telecommunications companies to provide confidential information regarding the Victims to HP, in violation of California Penal Code section 538.5.

c. HP knowingly accessed and without permission used data, computers, computer systems or computer networks in order to devise or execute a scheme to defraud or deceive telecommunications companies to provide HP with confidential personal information about the Victims and/or to wrongfully obtain data regarding the Victims, in violation of California Penal Code section 502(c)(1).

d. HP knowingly accessed and without permission took, copied, or made use of data from a computer, computer system, or computer network and/or took or copied supporting documentation, in order to obtain confidential personal information about the Victims, in violation of California Penal Code section 502(c)(2).

e. Consumers have an expectation of privacy in their telephone records and other personal information. This expectation of privacy is guaranteed by Article I, Section I of the California Constitution, as well as by California Public Utility Code section 2891, which prohibits telecommunications companies from providing residential telephone call records of a consumer without the consumer's consent. HP violated the right to privacy of Victims by obtaining confidential telephone records and other personal information about them without their knowledge or consent.

f. HP purchased, offered to purchase or conspired to purchase telephone calling pattern records or lists of the Victims without their written consent and/or through fraud or deceit, attempted to procure or obtain the telephone calling pattern records or lists of the Victims.

g. HP used false pretenses to willfully obtain personal identifying information about

the Victims and used that information in violation of California Penal Code section 530.5.

h. HP's investigative tactics during the course of the Kona Investigation, as described in part in paragraphs 1-2 and 7-12 above, constitute unfair competition within the meaning of California Business and Professions Code section 17200.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment as follows:

1. Pursuant to California Business and Professions Code section 17203, that HP, its successors, agents, representatives, employees, and all persons who act in concert with HP be permanently enjoined from committing any acts of unfair competition, including the violations alleged in the First Cause of Action.

2. Pursuant to California Business and Professions Code section 17206, that HP be ordered to pay a civil penalty in the amount of Two Thousand Five Hundred Dollars ($2,500) for each violation of California Business and Professions Code section 17200 by HP, as proved at trial.

3. That Plaintiff recover its costs of suit herein, including costs of investigation.

4. For such other and further relief as the Court may deem just and proper.

Dated: December 6, 2006

Respectfully submitted,

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ALBERT NORMAN SHELDEN,
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CATHERINE Z. YSRAEL,
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By Catherine Ysrael
CATHERINE Z. YSRAEL
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