

From: JANNLY & JANNEY COURT SERVICES 213 413 8024

08/15/2007 09:25

#792 P.029/062

SUMMONS (CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO): HEWLETT-PACKARD COMPANY, a Delaware Corporation, KEVIN T. HUNSAKER, an individual, PATRICIA DUNN, an individual, and DORS 1 through 100

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE): DAWN KAWAMOTO, an individual, and JON J. KAWAMOTO, an individual

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form...

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro.

The name and address of the court is:

(El nombre y dirección de la corte es): SUPERIOR COURT OF THE STATE OF CALIFORNIA 400 McAllister Street Same San Francisco, CA 94102 Civic Center Courthouse

CASE NUMBER: 07-66709 (Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): KEVIN R. BOYLE, Esq. (State Bar # 192718) 310/477-1700 310/477-1699 PANISH, SHEA & BOYLE, LLP 11111 Santa Monica Blvd., Suite 700 Los Angeles, CA 90025

DATE: AUG 15 2007 Clerk, by GORDON PARK CRISTINA E. SLOVIST, Deputy (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
other (specify):
4. by personal delivery on (date):

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BRIAN J. PANISH, STATE BAR NO. 20451D  
KEVIN R. BOYLE, STATE BAR NO. 20451D  
RAHUL RAVIPUDI, STATE BAR NO. 20451D

(SPACE BELOW FOR FILING STAMP ONLY)

CASE MANAGEMENT CONFERENCE SET

ENDORSED  
FILED

San Francisco County Superior Court

Attorneys for Plaintiffs

JAN 25 2008 - 9:00 AM

AUG 16 2007

GORDON PARK-LI, Clerk  
BY: CHRISTINE E. BOLDETTA  
Deputy Clerk

DEPARTMENT 212

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

DAWN KAWAMOTO, an individual, and  
JON I. KAWAMOTO, an individual,  
Plaintiff,

CASE NO.  
MC07-466209

vs.

COMPLAINT

HEWLETT-PACKARD COMPANY, a  
Delaware Corporation, KEVIN T.  
HUNSAKER, an individual, PATRICIA  
DUNN, an individual, and DOES 1 through  
100,  
Defendants.

1. Invasion of Privacy/Intrusion
2. Intentional Infliction of Emotional Distress
3. Violation of California Business & Professions Code §§ 17200 et seq.

DEMAND FOR JURY TRIAL

FILED BY FAX

COME NOW the Plaintiffs, DAWN KAWAMOTO and JON J. KAWAMOTO, who, on information and belief, complain and allege as follows:

GENERAL ALLEGATIONS

1. Defendants have admitted that, as a general practice, they engaged in "pretexting" by attempting to obtain personal information of others through fraud and false pretenses. In an interview held on September 8, 2006, when asked if she believed pretexting is illegal, Defendant Patricia Dunn replied, "I have no idea, but it's wrong."

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KEVIN R. BOYLE, STATE BAR NO. 192718  
RAHUL RAVIPUDI, STATE BAR NO. 204519

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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN FRANCISCO

DAWN KAWAMOTO, an individual, and  
JON J. KAWAMOTO, an individual,  
  
Plaintiff,  
  
vs.  
  
HEWLETT-PACKARD COMPANY, a  
Delaware Corporation, KEVIN T.  
HUNSAKER, an individual, PATRICIA  
DUNN, an individual, and DOES 1 through  
100,  
  
Defendants.

CASE NO.  
  
**COMPLAINT**  
  
1. **Invasion of Privacy/Intrusion**  
2. **Intentional Infliction of Emotional Distress**  
3. **Violation of California Business & Professions Code §§ 17200 et.seq.**  
  
**DEMAND FOR JURY TRIAL**

COME NOW the Plaintiffs, DAWN KAWAMOTO and JON J. KAWAMOTO, who, on information and belief, complain and allege as follows:

**GENERAL ALLEGATIONS**

1. Defendants have admitted that, as a general practice, they engaged in "pretexting" by attempting to obtain personal information of others through fraud and false pretenses. In an interview held on September 8, 2006, when asked if she believed pretexting is illegal, Defendant Patricia Dunn replied, "I have no idea, but it's wrong."

1           2.       On September 12, 2006, Defendant Patricia Dunn, who was at the time, Chairman of  
2 the Board for HP, admitted that pretexting “techniques were practiced on a number of individuals  
3 including certain directors, two employees and a number of individuals outside of the company  
4 including journalists.”

5           3.       To further highlight HP’s widespread use of pretexting, on September 28, 2006,  
6 Defendant Patricia Dunn testified before the United States Congress that “the fraudulent  
7 misrepresentations of identity . . . was part of a standard arsenal” of HP tactics.

8           4.       Subsequent to these disclosures and admissions, both State and Federal Governments  
9 initiated civil and criminal indictments on HP, and its officers and agents. As a result of the State  
10 Government investigations, on December 7, 2006, the Superior Court of the State of California  
11 entered a Final Judgment and Permanent Injunction, which, among other things, impose monetary  
12 penalties of \$14.5 million and required HP to undertake efforts to reform its corporate governance.

13           5.       In addition, certain Defendants involved in the pretexting scandal have been indicted  
14 by the United States Government. In fact, in January 2007, Bryan Wagner, a Colorado private  
15 investigator, pleaded guilty to two felony charges in the San Jose federal court. In pleading guilty to  
16 two felony counts, Bryan Wagner admitted that he was paid as part of a conspiracy with HP to make  
17 fraudulent use of Social Security numbers and other confidential information to obtain the personal  
18 phone records of reporters and HP officials as well as their family members.

19           6.       Moreover, the Federal Government was so alarmed by Defendants’ conduct that it too  
20 became involved by expediting the drafting and enactment of legislation. The United States Congress  
21 drafted and the President signed into action the Telephone Records Privacy Act of 2006 which  
22 expressly outlaws pretexting in an attempt to obtain another’s telephone records – the very acts  
23 committed by Defendants.

24           7.       Plaintiffs are informed and believe, and thereupon allege, that by using Plaintiffs’ social  
25 security numbers and other personal information, Defendants engaged in illegal and reprehensible  
26 conduct which includes, but is not limited to, contacting Plaintiffs’ home, work and cellular phone  
27 providers and falsely represented themselves as the Plaintiffs in order to obtain their private telephone  
28 records.



1 as hereinafter alleged, either through said defendants' own conduct or through the authorized and/or  
2 ratified conduct of its agents, servants or employees or in some other manner.

3 15. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned  
4 herein, defendants, and each of them, including DOES 1 through 100, inclusive, were the agents,  
5 servants, employees, joint venturers, successors-in-interest and/or alter ego of their codefendants, and  
6 were, as such, acting within the scope, course and authority of said agency, employment, joint venture,  
7 successorship-in-interest and/or alter ego and that each and every defendant, as aforesaid, when acting  
8 as a principal, was negligent in the selection and hiring of each and every other defendant as the agent,  
9 servant, employee and/or joint venturer, and that each and every defendant, when acting as a manager,  
10 director and/or officer of the defendant corporation, authorized, ratified or otherwise approved of the  
11 acts of its agents, employees and/or representatives as alleged herein.

12  
13 **FIRST CAUSE OF ACTION**

14 **(Invasion of Privacy/Intrusion as Against All Defendants)**

15 17. Plaintiffs replead and incorporate herein by reference all of the allegations contained  
16 in the preceding paragraphs.

17 18. Plaintiffs had a legally protected privacy interest in their confidential records.

18 19. Plaintiffs had a reasonable expectation of privacy under the circumstances that their  
19 confidential records and communications would not be intercepted, copied and/or reviewed.

20 20. Defendants' conduct in pretexting to obtain Plaintiffs' confidential records constitutes  
21 a serious invasion of privacy.

22 21. In addition, Defendants conspired to and intentionally intruded into the Plaintiffs'  
23 solitude and private affairs by surreptitiously pretexting and obtaining information about Plaintiffs'  
24 private affairs without their knowledge or consent. Defendants' intrusion was highly offensive to a  
25 reasonable person because, among other things, the intrusion resulted in the revelation of confidential  
26 and private communications.

27 ///





1 37. Defendants, through their acts of unfair and deceptive business practices, has obtained  
2 a value as a direct result of their scheme. Plaintiffs request that the Court impose relief by way of  
3 restitution by ordering that the Defendants return any direct or indirect gains to the Plaintiffs and to  
4 enjoin Defendants from continuing to violate the *Business & Professions Code* by pretexting in the  
5 future.

6 38. As a further result, the Court should also order Defendants to make restitution of all  
7 ill-gotten gains attributable to these acts and practices, plus interest and award any other relief the  
8 Court deems appropriate.

9 39. Plaintiffs also respectfully request an award of attorneys' fees, costs and expenses upon  
10 prevailing in the request for relief against Defendants.

11  
12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiffs pray judgment against Defendants HP, Kevin T. Hunsaker, Patricia  
14 Dunn, and DOES 1 through 100, and each of them, as follows:

- 15 1. General damages according to proof and beyond the jurisdictional minimum of this  
16 court;
- 17 2. Punitive damages in an amount to be determined by the trier of fact;
- 18 3. Damages for loss of earnings, past and future, according to proof;
- 19 4. Damages for lost earning capacity, according to proof;
- 20 5. Damages for Plaintiff's other economic losses, according to proof;
- 21 6. Cost of suit incurred herein;
- 22 7. Such other relief as the court deems just and proper.

23 WHEREFORE, Plaintiffs further pray judgment against Defendants HP and DOES 1 through  
24 50, and each of them, as follows:

- 25 8. Restitution as permitted under California *Business & Professions Code* §§ 17200  
26 et.seq.
- 27 9. Disgorgement of profits as permitted under California *Business & Professions Code*  
28 §§ 17200 et.seq.

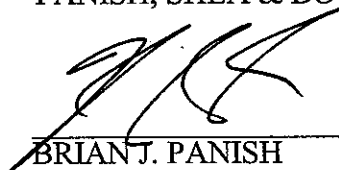
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10. Injunctive Relief as permitted under California *Business & Professions Code* §§ 17200 et.seq.
11. Reasonable attorneys' fees as permitted under California *Business & Professions Code* §§ 17200 et.seq.

DATED: August 14, 2007

PANISH, SHEA & BOYLE, LLP



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BRIAN J. PANISH  
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RAHUL RAVIPUDI  
Attorneys for Plaintiffs

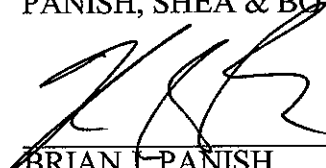
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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury for all causes of action in the instant matter.

DATED: August 14, 2007

PANISH, SHEA & BOYLE, LLP



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BRIAN J. PANISH  
KEVIN R. BOYLE  
RAHUL RAVIPUDI  
Attorneys for Plaintiff

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