

**Kelly, Andrea**

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**From:** berga@gtlaw.com  
**Sent:** Wednesday, January 08, 2014 10:14 AM  
**To:** Madden, Gregory  
**Subject:** Re: LifeLock, Inc.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Yes, confirmed for 1:00 p.m. on Friday the 17th. We will be prepared to address your list of issues (in particular those identified in yesterday's email).

I will provide a list of attendees for LifeLock sometime next week; could you do likewise?

Thank you.

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**From:** Madden, Gregory [mailto:gmadden@ftc.gov]  
**Sent:** Wednesday, January 08, 2014 10:10 AM  
**To:** Berg, Andrew (Shld-DC-LT)  
**Subject:** RE: LifeLock, Inc.

1:00 works for our folks. Could you please confirm we are on for that time. Thank you.

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**From:** Madden, Gregory  
**Sent:** Tuesday, January 07, 2014 4:37 PM  
**To:** 'berga@gtlaw.com'  
**Subject:** RE: LifeLock, Inc.

I will check with my folks. I know that one asked for 10:30, but I do not think that is a necessity.

Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Rm M-8123 (MC 8102B)  
Washington, D.C. 20580  
Tel: 202 326-2426  
Fax: 202 326-2558  
[gmadden@ftc.gov](mailto:gmadden@ftc.gov)

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**From:** [berga@gtlaw.com](mailto:berga@gtlaw.com) [mailto:berga@gtlaw.com]  
**Sent:** Tuesday, January 07, 2014 4:34 PM  
**To:** Madden, Gregory  
**Subject:** Re: LifeLock, Inc.

Are we able to meet in the afternoon instead, perhaps starting at 1:00 p.m.? I am unsure of travel schedules for the morning, and that would ensure that my client can attend the entire meeting.

Thank you.

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**From:** Madden, Gregory [<mailto:gmadden@ftc.gov>]  
**Sent:** Tuesday, January 07, 2014 04:01 PM  
**To:** Berg, Andrew (Shld-DC-LT)  
**Subject:** RE: LifeLock, Inc.

Andrew –

I just left you a message confirming that we can meet on Friday, January 17<sup>th</sup>. I have our people available at 10:30 on that day and we can meet at my office at:

1800 M Street, NW, 8<sup>th</sup> Floor (please come to the North Building, 8<sup>th</sup> Floor lobby, a guard will call me to come get you).

As I said in my voicemail, besides the discussion of “alerts,” the FTC would also like to discuss LifeLock’s information security program to protect consumers’ personal information.

Specifically, we would like LifeLock to identify the employee(s) currently responsible for the company’s information security program, including job titles and qualifications, and the internal organizational structure in place for reviewing and reporting on the adequacy of the information security program. In addition, we are interested in learning about internal information security risk assessments conducted since November 2012, including assessment of safeguards in place to protect consumer information, and the results of any such assessments. Please include any reviews of service providers’ capabilities for protecting consumers’ financial information provided to them by LifeLock. Finally, please have LifeLock identify how it receives and responds to information from third parties regarding risks to consumers’ personal information.

If you have any questions, please feel free to contact me.

Sincerely,

Gregory Madden

Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Rm M-8123 (MC 8102B)  
Washington, D.C. 20580  
Tel: 202 326-2426  
Fax: 202 326-2558  
[gmadden@ftc.gov](mailto:gmadden@ftc.gov)

---

**From:** [berga@gtlaw.com](mailto:berga@gtlaw.com) [mailto:[berga@gtlaw.com](mailto:berga@gtlaw.com)]  
**Sent:** Monday, January 06, 2014 1:06 PM  
**To:** Madden, Gregory  
**Subject:** RE: LifeLock, Inc.

Okay. Given the importance and immediacy of the issue, I have already asked the client to plan for that meeting date, so hopefully the 17<sup>th</sup> will work for all of your colleagues as well.

I'd appreciate your confirming ASAP. Thank you.

**Andrew G. Berg**  
Shareholder  
Greenberg Traurig, LLP | 2101 L Street N.W. | Washington, D.C. 20037  
Tel 202-331-3181 | Cell 410-703-8678  
[berga@gtlaw.com](mailto:berga@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)



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**From:** Madden, Gregory [mailto:[gmadden@ftc.gov](mailto:gmadden@ftc.gov)]  
**Sent:** Monday, January 06, 2014 11:38 AM  
**To:** Berg, Andrew (Shld-DC-LT)  
**Subject:** RE: LifeLock, Inc.

Andrew –

Not yet. There are others who may be interested in attending and I am checking on their schedules.

Regards,

Gregory Madden

Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Rm M-8123 (MC 8102B)  
Washington, D.C. 20580  
Tel: 202 326-2426  
Fax: 202 326-2558  
[gmadden@ftc.gov](mailto:gmadden@ftc.gov)

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**From:** [berga@gtlaw.com](mailto:berga@gtlaw.com) [mailto:[berga@gtlaw.com](mailto:berga@gtlaw.com)]  
**Sent:** Monday, January 06, 2014 11:29 AM  
**To:** Madden, Gregory  
**Subject:** RE: LifeLock, Inc.

Greg: are we able to confirm our meeting for the 17<sup>th</sup> per my email below? Please advise; thank you.

**Andrew G. Berg**  
Shareholder  
Greenberg Traurig, LLP | 2101 L Street N.W. | Washington, D.C. 20037  
Tel 202-331-3181 | Cell 410-703-8678  
[berga@gtlaw.com](mailto:berga@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)



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**From:** Berg, Andrew (Shld-DC-LT)  
**Sent:** Friday, January 03, 2014 9:06 AM  
**To:** 'gmadden@ftc.gov'  
**Subject:** Re: LifeLock, Inc.

Greg: good talking with you yesterday.

I did confer with LifeLock yesterday afternoon following our telephone conversation. We would like an opportunity to meet with you to discuss the FTC's inquiry issues. We will use the Burke complaint for purposes of identifying the issues to discuss; if there are other issues, or more specific issues, that you want us to address please advise so we can be prepared to discuss them.

We are available the afternoon of Friday, January 17th if that is convenient for you. My client will be in town for other purposes so we'd prefer that specific date if possible.

Also, I can confirm that a litigation hold is in effect covering relevant documents and materials, and that LifeLock will be cooperating fully with the FTC with respect to this inquiry.

Please advise, and thank you.

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**From:** Madden, Gregory [<mailto:gmadden@ftc.gov>]  
**Sent:** Thursday, January 02, 2014 03:13 PM  
**To:** Berg, Andrew (Shld-DC-LT)  
**Subject:** LifeLock, Inc.

Mr. Berg –

I am following up on our telephone conversation of earlier today regarding your client, LifeLock. As we discussed, an area of interest for the FTC is the “alerts” that LifeLock provides as one of its services to its customers. Given the ongoing litigation in Arizona against LifeLock related to allegations that LifeLock was not providing promised alerts to customers, I understand that LifeLock has instituted a litigation hold preserving documents related to customer alerts. Please note that the FTC is also interested in LifeLock customer alerts and may seek documents related to alerts and, in particular,

limitations on alerts provided to LifeLock customers. Therefore, we urge LifeLock to ensure the preservation of any documents relevant to LifeLock alerts.

I understand that LifeLock is interested in cooperating fully with the FTC if the FTC has questions and concerns regarding any of LifeLock's business practices. You indicated you would be discussing this matter with your client and will contact me. I look forward to hearing from you.

Sincerely,

Gregory Madden

Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Rm M-8123 (MC 8102B)  
Washington, D.C. 20580  
Tel: 202 326-2426  
Fax: 202 326-2558  
[gmadden@ftc.gov](mailto:gmadden@ftc.gov)

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**Kelly, Andrea**

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**From:** berga@gtlaw.com  
**Sent:** Wednesday, January 22, 2014 9:47 AM  
**To:** Madden, Gregory  
**Subject:** (b)(3):21(f)  
**Attachments:** [Redacted]

Greg: as discussed, attached is (b)(3):21(f)  
(b)(3):21(f) (we provided the latter to you during our 1/17/14 meeting).

Please accord this confidential treatment under the Commission's Rules of Practice, 16 CFR 4.10 et seq.

Thank you.

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**From:** Daly, Helen (Secy-DC-Antitrust)  
**Sent:** Friday, January 17, 2014 04:26 PM  
**To:** Berg, Andrew (Shld-DC-LT)  
**Subject:** (b)(3):21(f)

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**Einhorn, Monique**

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**From:** berga@gtlaw.com  
**Sent:** Monday, December 09, 2013 3:57 PM  
**To:** Armstrong, Katherine  
**Cc:** Arias, Andrea; Einhorn, Monique  
**Subject:** Re: Meeting with DPIP

Thanks. We'll see you then.

----- Original Message -----

**From:** Armstrong, Katherine [<mailto:KARMSTRONG@ftc.gov>]  
**Sent:** Monday, December 09, 2013 03:43 PM  
**To:** Berg, Andrew (Shld-DC-LT)  
**Cc:** Arias, Andrea <[aarias@ftc.gov](mailto:aarias@ftc.gov)>; Einhorn, Monique <[MEINHORN@ftc.gov](mailto:MEINHORN@ftc.gov)>  
**Subject:** RE: Meeting with DPIP

12:45 is fine.

-----Original Message-----

**From:** [berga@gtlaw.com](mailto:berga@gtlaw.com) [<mailto:berga@gtlaw.com>]  
**Sent:** Monday, December 09, 2013 12:33 PM  
**To:** Armstrong, Katherine  
**Cc:** Arias, Andrea; Einhorn, Monique  
**Subject:** Re: Meeting with DPIP

Larry McIntosh, who is CEO of ID Analytics, will be attending with me.

Is it possible to start our meeting earlier in the afternoon (say 12:45 p.m.)? Larry has a flight from Dulles (back to San Diego) late afternoon and I wanted to make sure he had enough time for our meeting discussions.

Please advise; thank you.

----- Original Message -----

**From:** Armstrong, Katherine [<mailto:KARMSTRONG@ftc.gov>]  
**Sent:** Monday, December 02, 2013 09:00 AM  
**To:** Berg, Andrew (Shld-DC-LT)  
**Cc:** Arias, Andrea <[aarias@ftc.gov](mailto:aarias@ftc.gov)>; Einhorn, Monique <[MEINHORN@ftc.gov](mailto:MEINHORN@ftc.gov)>  
**Subject:** RE: Meeting with DPIP

Tuesday the 17th at 2 is fine. Please let me know who will be attending.

-----Original Message-----

**From:** [berga@gtlaw.com](mailto:berga@gtlaw.com) [<mailto:berga@gtlaw.com>]  
**Sent:** Monday, December 02, 2013 8:48 AM  
**To:** Armstrong, Katherine

Cc: Arias, Andrea; Einhorn, Monique  
Subject: Re: Meeting with DPIP

Can we do 2:00 p.m. on Tuesday the 17th (instead of the 16th)?

----- Original Message -----

From: Armstrong, Katherine [mailto:KARMSTRONG@ftc.gov]  
Sent: Monday, December 02, 2013 08:44 AM  
To: Berg, Andrew (Shld-DC-LT)  
Cc: Arias, Andrea <aarias@ftc.gov>; Einhorn, Monique <MEINHORN@ftc.gov>  
Subject: RE: Meeting with DPIP

Let's set something up the afternoon of the 16th -- 2 or 2:30.  
Please let me know if that works.

-----Original Message-----

From: [berga@gtlaw.com](mailto:berga@gtlaw.com) [mailto:berga@gtlaw.com]  
Sent: Friday, November 29, 2013 4:49 PM  
To: Armstrong, Katherine  
Cc: Arias, Andrea; Einhorn, Monique  
Subject: Re: Meeting with DPIP

Turns out the client is not available that week. Can we meet during the week of the 16th?

Andrew Geoffrey Berg  
[berga@gtlaw.com](mailto:berga@gtlaw.com)<mailto:berga@gtlaw.com>  
202 331-3181 (office)  
(b)(6) (mobile)

"Armstrong, Katherine" <KARMSTRONG@ftc.gov> wrote:

Hope you had a great Thanksgiving.  
Does Monday afternoon December 9th work?  
Katherine

From: [berga@gtlaw.com](mailto:berga@gtlaw.com) [mailto:berga@gtlaw.com]  
Sent: Wednesday, November 27, 2013 12:00 PM  
To: Armstrong, Katherine  
Cc: Arias, Andrea; Einhorn, Monique  
Subject: RE: Meeting with DPIP

If it is convenient, we would like to schedule a meeting for sometime during the week of December 9th. Please advise, and thank you.

Andrew G. Berg  
Shareholder

Greenberg Traurig, LLP | 2101 L Street N.W. | Washington, D.C. 20037 Tel 202-331-3181 | Cell (b)(6)  
[berga@gtlaw.com](mailto:berga@gtlaw.com)<<mailto:berga@gtlaw.com>> | [www.gtlaw.com](http://www.gtlaw.com)<<http://www.gtlaw.com/>>

[Greenberg Traurig]

From: Armstrong, Katherine [<mailto:KARMSTRONG@ftc.gov>]  
Sent: Tuesday, November 19, 2013 9:58 AM  
To: Berg, Andrew (Shld-DC-LT)  
Cc: Arias, Andrea; Einhorn, Monique  
Subject: RE: Meeting with DPIP

I do not like to speculate about timing, but we should get something on the DPIP managers' calendars sooner rather than later.

From: [berga@gtlaw.com](mailto:berga@gtlaw.com)<<mailto:berga@gtlaw.com>> [<mailto:berga@gtlaw.com>]  
Sent: Tuesday, November 19, 2013 9:30 AM  
To: Armstrong, Katherine  
Cc: Arias, Andrea; Einhorn, Monique  
Subject: RE: Meeting with DPIP

Katherine: thanks for the head's up.

With the upcoming holiday I'm checking with the client as to availability and travel constraints. Did you have a general timeframe in mind in light of the likely movement of the draft report to the front office and the Commissioners?

Please advise and many thanks.

Andrew G. Berg  
Shareholder

Greenberg Traurig, LLP | 2101 L Street N.W. | Washington, D.C. 20037 Tel 202-331-3181 | Cell (b)(6)  
[berga@gtlaw.com](mailto:berga@gtlaw.com)<<mailto:berga@gtlaw.com>> | [www.gtlaw.com](http://www.gtlaw.com)<<http://www.gtlaw.com/>>

[Greenberg Traurig]

From: Armstrong, Katherine [<mailto:KARMSTRONG@ftc.gov>]  
Sent: Monday, November 18, 2013 2:14 PM  
To: Berg, Andrew (Shld-DC-LT)  
Cc: Arias, Andrea; Einhorn, Monique  
Subject: Meeting with DPIP

Hi Andy,

In case you did not receive my voice mail on Friday, please give me a call to set up a meeting with the DPIP managers.

Katherine, Andi, and Monique

Katherine Armstrong  
Division of Privacy and Identity Protection Federal Trade Commission Washington DC 20580  
202 326 3250

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**Einhorn, Monique**

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**From:** berga@gtlaw.com  
**Sent:** Friday, September 27, 2013 11:20 AM  
**To:** Arias, Andrea  
**Cc:** Einhorn, Monique  
**Subject:** Fw: Data Broker Report

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Please see below.

----- Original Message -----

**From:** Berg, Andrew (Shld-DC-LT)  
**Sent:** Friday, September 27, 2013 11:17 AM  
**To:** 'tgeorge@ftc.gov' <tgeorge@ftc.gov>  
**Subject:** Data Broker Report

Tiffany: we would like an opportunity to meet with BCP management and/or the Commissioners to discuss issues of interest to ID Analytics. To that end, could you do the courtesy of advising us when your draft report is forwarded to the Bureau and the Commissioners for their consideration?

Many thanks.

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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at [postmaster@gtlaw.com](mailto:postmaster@gtlaw.com), and do not use or disseminate such information. Pursuant to IRS Circular 230, any tax advice in this email may not be used to avoid tax penalties or to promote, market or recommend any matter herein.

Hill, Jonathan

FOIA 2014-01257

From: Apache httpd <apache@hq1-webdmz-s1.ftc.gov>  
Sent: Monday, August 04, 2014 6:02 PM

name = Ian T Black  
staddr = One Station Place, 5th Floor  
city = Stamford  
state = CT  
zipcode = 06902  
telno = 2032046841  
faxno =  
email = [iblack@herringcreekcap.com](mailto:iblack@herringcreekcap.com)

FEDERAL TRADE COMMISSION  
RECEIVED

AUG 04 2014

FOIA BRANCH  
GENERAL COUNSEL

coinfo = I am conducting investment diligence on Lifelock. As such, I am looking for any and all information related to Lifelock, and Todd David or other management interactions with the FTC, especially as it relates to the 2010 order and post-settlement period compliance. Any and all detail helpful. Thanks.

EdSciName =  
describe = Private Corporation or Law Firm  
privatelawname = Herring Creek Capital  
medianame =  
money = Contact me if above \$100  
B13 = Submit



United States of America  
 FEDERAL TRADE COMMISSION  
 WASHINGTON, D.C. 20580

SEP 19 2014

Ian Black  
 Herring Creek Capital  
 One Station Place, 5th Floor,  
 Stamford, CT 06902

Re: FOIA-2014-01257  
 Lifelock

Dear Mr. Black:

This is in response to your request dated August 04, 2014, under the Freedom of Information Act seeking access to any and all documents regarding Lifelock and Todd David or other management interactions with the FTC, especially as it relates to the 2010 order and post-settlement period compliance. You amended this request on September 11, 2014 to documents received after the 2010 settlement order regarding FTC communications about Lifelock and Todd Davis. In accordance with the FOIA and agency policy, we have searched our records as of August 04, 2014, the date we received your request in our FOIA office.

We located 182 pages of responsive records. I am granting partial access to the accessible records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

I am denying access to approximately 171 pages or portions of the responsive records under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Sections 21(b) and (f) provide that the FTC may not disclose information it obtains in a law enforcement investigation pursuant to compulsory process or voluntarily in lieu thereof. 15 U.S.C. § 57b-2; *see A. Michael's Piano, Inc. v. FTC*, 18 F.3d 138 (2d Cir. 1994).

In addition, some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which, as noted above, exempts from disclosure any information that is protected from disclosure under another federal statute.

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended. There may be additional documents responsive to your request but your fee agreement was met.

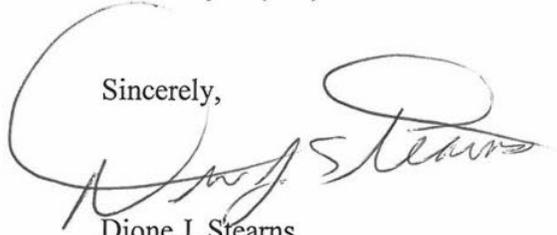
Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Anna Murray at (202) 326-2820.

Sincerely,

A handwritten signature in black ink, appearing to read "Dione J. Stearns", is written over a large, faint circular stamp or watermark.

Dione J. Stearns  
Assistant General Counsel

Enc: 1 CD  
Invoice

FOIA 2014-01268

COVINGTON & BURLING LLP

1201 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004-2401  
TEL 202.662.6000  
FAX 202.662.6281  
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LONDON  
NEW YORK  
SAN DIEGO  
SAN FRANCISCO  
SILICON VALLEY  
WASHINGTON

JOHN D. GRAUBERT  
TEL 202.662.5938  
FAX 202.778.5938  
JGRAUBERT@COV.COM

July 8, 2014

BY FACSIMILE

Dione Stearns  
Office of the General Counsel  
Federal Trade Commission  
600 Pennsylvania Ave. NW  
Washington, D.C. 20580

FEDERAL TRADE COMMISSION  
RECEIVED

AUG 06 2014

FOIA BRANCH  
GENERAL COUNSEL

Re: Freedom of Information Request

Dear Ms. Stearns:

Pursuant to the Freedom of Information Act, I request copies of all documents relating to the following meetings between FTC staff from the Bureau of Consumer Protection and representatives of LifeLock, Inc, including without limitation documents exchanged among the parties relating to these meetings, notes of the meetings, and identification of persons present:

1. On or about January 17, 2014, to discuss among other things whistleblower allegations. If there were related or follow-up meetings in 2014 on these subjects, this request covers such meetings as well;
2. On or about December 17, 2013, to discuss among other things ID Analytics and the FTC data broker study.

For your reference, BCP staff with relevant knowledge of these matters may include Maneesha Mithal and David Lincicum, as well as representatives of the Enforcement division.

I am willing to pay fees up to \$500. If you expect the fees will exceed this, please contact me before proceeding.

COVINGTON & BURLING LLP

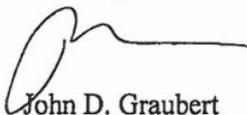
Dione Stearns

July 8, 2014

Page 2

If you need to discuss this request, I can be reached at 202-662-5938. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Graubert". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke extending to the right.

John D. Graubert



United States of America  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

John Graubert  
Covington & Burling LLP  
1201 Pennsylvania Ave, NW  
Washington, DC 20004

AUG 29 2014

Re: FOIA-2014-01268  
LifeLock

Dear Mr. Graubert:

This is in response to your request dated July 8, 2014, under the Freedom of Information Act seeking access to documents relating to meetings between the FTC and Lifelock, Inc. on December 17, 2013 and January 17, 2013. In accordance with the FOIA and agency policy, we have searched our records as of August 6, 2014, the date we received your request in our FOIA office.

We have located approximately 330 pages of responsive records. I am granting partial access to the accessible records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

In addition, some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which, as noted above, exempts from disclosure any information that is protected from disclosure under another federal statute.

Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5.5 U.S.C. § 552(b)(5). *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally, some records contain information prepared by an attorney in contemplation of litigation which is exempt under the attorney work-product privilege. *See Hickman v. Taylor*, 329 U.S. 495, 509-10 (1947).

Some records contain personally identifying information. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

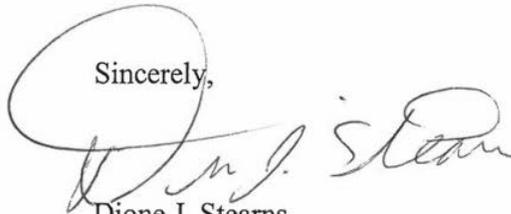
Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Andrea Kelly at (202) 326-2836.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dione J. Stearns". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Dione J. Stearns  
Assistant General Counsel



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

**Bureau of Consumer Protection**  
**Division of Enforcement**  
600 Pennsylvania Ave., NW  
Mailstop CC-9528  
Washington, DC 20580

**Gregory J. Madden**  
T: (202) 326-2426  
E: gmadden@ftc.gov  
F: (202) 326-2558

June 16, 2014

**Via Email**

Andrew Berg, Esq.  
Greenberg Traurig, LLP  
2101 L Street N.W.  
Washington, D.C. 20005  
berga@gtlaw.com

Re: FTC v. LifeLock, Inc. et al, 10-CV-530 (D. Ariz.)

Mr. Berg:

Pursuant to Section VI., Compliance Monitoring, of the Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief as to Defendants LifeLock and Davis (“Stipulated Judgment”) entered in the above referenced matter on March 15, 2010, the Federal Trade Commission (“FTC” or “Commission”) requested information and documents (hereinafter “FTC’s Specifications”) related to LifeLock, Inc.’s (“LifeLock”) activities.

On March 31, 2014 and April 7, 2014, you provided written responses to a number of those Specifications. I am following up on certain of those written responses, in particular those related to FTC Specification Nos. 1-2, 6-8. As LifeLock’s responses to these Specifications were generally organized around the information (b)(3):21(f)

(b)(3):21(f)

Please provide your response within 10 days of this request.

(b)(3):21(f)

LifeLock’s response to FTC Specification No. 8 (b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

- (b)(3):21(f)
- (b)(3):21(f)
- (b)(3):21(f)
- (b)(3):21(f)
- (b)(3):21(f)

(b)(3):21(f)

provide the

number of LifeLock customers signed up for such alerts at that time.

(b)(3):21(f)

LifeLock's response to FTC Specification No. 8 (b)(3):21(f)

(b)(3):21(f)

- What is a (b)(3):21(f)
- (b)(3):21(f)
- (b)(3):21(f)
- (b)(3):21(f)
- (b)(3):21(f)
- 

(b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

LifeLock's April 7, 2014 response to FTC Specification No. 7 explains that on

(b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

LifeLock's response to FTC Specification No. 8 (b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

LifeLock's response to FTC Specification No. 8 provides (b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

For each month from (b)(3):21(f) provide the number of LifeLock customers signed up to receive (b)(3):21(f)

In its response to FTC Specification Nos. 1-2, LifeLock identified (b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

Examples of (b)(3):21(f) Alerts

In response to FTC Specification No. 1, LifeLock identified (b)(3):21(f)

(b)(3):21(f)

(b)(3):21(f)

The FTC reserves the right to seek access to additional records and pursue such additional avenues of inquiry as are appropriate. As you know, LifeLock is continuing to work on completing its response to other FTC Specifications and the information sought by the letter does not affect LifeLock’s obligations for completing its response to other FTC Specifications. In addition, the FTC continues its review of the documents and information LifeLock has previously provided to the FTC and may seek additional information and documents as part of that review.

Because the Commission may, at a later time, request all documents relating to any of the requests for information in this letter, please suspend any procedures for document destruction and take other measures to prevent the destruction of documents that are relevant to this investigation while it is pending.

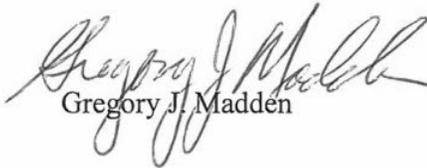
Please provide the requested information in accordance with the above schedule to:

David Hendrickson, Investigator  
Federal Trade Commission  
600 Pennsylvania Ave., NW, CC-9528  
Washington, DC 20580  
Telephone (202) 326-2107

We request that all materials be sent via overnight courier, such as FedEx, because U.S. Mail to the FTC is diverted and may be damaged in a security procedure.

If you have any questions or concerns regarding any of the above, please contact me at (202) 326-2426. Your prompt cooperation and assistance is appreciated.

Sincerely,



Gregory J. Madden

**From:** Madden, Gregory  
**Sent:** Wednesday, June 25, 2014 8:57 AM  
**To:** berga@gtlaw.com  
**Cc:** Hendrickson, David  
**Subject:** FTC v. LifeLock

Andy –

I am following up on two things. First, you called me last Friday about the June 16, 2014 FTC request with two issues. I left you a message on Friday regarding both and I have not heard back. As the deadline for LifeLock's response is quickly approaching, please let me know if you need further guidance.

Second, in the production there is a document that is (b)(3):21(f)  
(b) (b)(3):21(f) Our litigation support group told me that this is how it uploaded into Concordance. Can you please explain what this document is and provide an explanation for why it appears as it does.

Regards,

Greg Madden

Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Mailcode: CC-9528  
Washington, D.C. 20580  
Tel: 202 326-2426  
Fax: 202 326-3197  
[gmadden@ftc.gov](mailto:gmadden@ftc.gov)

**From:** Madden, Gregory  
**Sent:** Tuesday, May 27, 2014 8:13 AM  
**To:** Banks, Lerone  
**Cc:** Hendrickson, David  
**Subject:** FW: LifeLock, Inc. -- Spec 21 -- (b)(3):21(f)  
**Attachments:** (b)(3):21(f)

See email and attachments.

Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Rm M-8123 (MC 8102B)  
Washington, D.C. 20580  
Tel: 202 326-2426  
Fax: 202 326-2558  
[gmadden@ftc.gov](mailto:gmadden@ftc.gov)

---

**From:** [berga@gtlaw.com](mailto:berga@gtlaw.com) [mailto:[berga@gtlaw.com](mailto:berga@gtlaw.com)]  
**Sent:** Friday, May 23, 2014 5:05 PM  
**To:** Madden, Gregory  
**Subject:** LifeLock, Inc. -- Spec 21 -- (b)(3):21(f)

Greg: attached are the (b)(3):21(f) as referenced in our telephone call yesterday afternoon.

Please accord these materials confidential treatment under the Commission's Rules of Practice.

Thank you.

Andrew G. Berg  
Shareholder  
Greenberg Traurig, LLP | 2101 L Street N.W. | Washington, D.C. 20037  
Tel 202-331-3181 | Cell 410-703-8678  
[berga@gtlaw.com](mailto:berga@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)



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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at [postmaster@gtlaw.com](mailto:postmaster@gtlaw.com), and do not use or disseminate such information. Pursuant to IRS Circular 230, any tax advice in this email may not be used to avoid tax penalties or to promote, market or recommend any matter herein.

**From:** Madden, Gregory  
**Sent:** Wednesday, May 28, 2014 10:34 AM  
**To:** berga@gtlaw.com  
**Cc:** Banks, Lerone; Hendrickson, David  
**Subject:** FW: LifeLock, Inc. -- Spec 21 -- (b)(3):21(f)

Andy –

We are looking at the files you forwarded to us and are having difficulty with them. Please see Lerone Bank's email below. Can LifeLock provide the files as he suggests?

If there are technical issues that need to be addressed to make this happen, your technical people can contact Lerone directly to sort it out. I offer this because as of noon tomorrow I will be out until Tuesday due to our move and a vacation day.

Thank you,

Greg Madden

Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Rm M-8123 (MC 8102B)  
Washington, D.C. 20580  
Tel: 202 326-2426  
Fax: 202 326-2558  
[gmadden@ftc.gov](mailto:gmadden@ftc.gov)

---

**From:** Banks, Lerone  
**Sent:** Tuesday, May 27, 2014 5:42 PM  
**To:** Madden, Gregory  
**Cc:** Hendrickson, David  
**Subject:** RE: LifeLock, Inc. -- Spec 21 -- (b)(3):21(f)

(b)(3):21(f) They are legible but formatted in a way that makes them difficult to understand. Is it possible to get a copy of the original XML file that they sent?

---

**From:** Madden, Gregory  
**Sent:** Tuesday, May 27, 2014 8:13 AM  
**To:** Banks, Lerone  
**Cc:** Hendrickson, David  
**Subject:** FW: LifeLock, Inc. -- Spec 21 -- (b)(3):21(f)

See email and attachments.

Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Rm M-8123 (MC 8102B)  
Washington, D.C. 20580  
Tel: 202 326-2426  
Fax: 202 326-2558

[gmadden@ftc.gov](mailto:gmadden@ftc.gov)

---

**From:** [berga@gtlaw.com](mailto:berga@gtlaw.com) [mailto:[berga@gtlaw.com](mailto:berga@gtlaw.com)]

**Sent:** Friday, May 23, 2014 5:05 PM

**To:** Madden, Gregory

**Subject:** LifeLock, Inc. -- Spec 21 -- (b)(3):21(f)

Greg: attached are the (b)(3):21(f) as referenced in our telephone call yesterday afternoon.

Please accord these materials confidential treatment under the Commission's Rules of Practice.

Thank you.

**Andrew G. Berg**

Shareholder

Greenberg Traurig, LLP | 2101 L Street N.W. | Washington, D.C. 20037

Tel 202-331-3181 | Cell 410-703-8678

[berga@gtlaw.com](mailto:berga@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)



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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at [postmaster@gtlaw.com](mailto:postmaster@gtlaw.com), and do not use or disseminate such information. Pursuant to IRS Circular 230, any tax advice in this email may not be used to avoid tax penalties or to promote, market or recommend any matter herein.

Non Responsive

Non Responsive

**From:** [Clarissa Cerda](#)  
**To:** [berga@gtlaw.com](mailto:berga@gtlaw.com); [Madden, Gregory](#)  
**Subject:** Re: LifeLock -- Call Request  
**Date:** Wednesday, July 30, 2014 10:53:31 AM

---

Got it  
Clarissa Cerda  
Executive Vice President, Chief Legal Officer & Secretary |  
LifeLock® - Relentlessly Protecting Your Identity  
480.457.5376 Office | 480.414.8907 Cell | 480.907.2944 Fax |  
[clarissa.cerda@lifelock.com](mailto:clarissa.cerda@lifelock.com)  
60 E. Rio Salado Parkway, Suite 400, Tempe, AZ 85281

Not Responsive

**From:** [Elaine Ekstrom](#)  
**To:** [Madden, Gregory](#)  
**Cc:** [dalyh@gtlaw.com](mailto:dalyh@gtlaw.com); [Clarke, Penny](mailto:Clarke, Penny); [berga@gtlaw.com](mailto:berga@gtlaw.com)  
**Subject:** Re: LifeLock, Inc. Compliance Request  
**Date:** Tuesday, March 10, 2015 4:10:57 PM

---

Hello,

I have received the link and am attempting the upload now. It's at 5% complete but has not changed for at least 30 min. I haven't received the network error as I did yesterday, but since the status bar has not moved from 5%, I cannot tell if it's actually doing anything. Are you able to monitor from your end?

Sent from my iPhone

> On Mar 10, 2015, at 11:40 AM, "Madden, Gregory" <gmadden@ftc.gov> wrote:  
>  
> She should receive it today. . If not, please advise.  
>  
> Federal Trade Commission  
> 600 Pennsylvania Ave., N.W.  
> Mailcode: CC-9528  
> Washington, D.C. 20580  
> Tel: 202 326-2426  
> Fax: 202 326-3197  
> gmadden@ftc.gov  
>  
>

Not Responsive

Not Responsive

>  
>  
> I am still unable to complete an upload via their link. I have tried reducing the file size to one of the three days requested and still receiving a network socket error. Do they have an sFTP site where I can upload directly instead of using https? If not, I was speaking with Austin from InfoSec and he mentioned he has transmitted large files to them through Teris, but I don't know if that is an option in this case. Or I could try one file at a time (there are 11 files total over the 3 days requested).  
>  
> Please advise as to other alternatives we may have for transmission of the data.  
>  
> Thank you.  
>  
> Elaine Ekstrom  
> Director, Enterprise Data Management | LifeLock® - Relentlessly Protecting Your IdentityT  
480.457.5046<tel:480.457.5046> Office | 602.430.2289<tel:602.430.2289> Cell |  
elaine.ekstrom@lifelock.com<<mailto:elaine.ekstrom@lifelock.com>>  
>

Not Responsive

**From:** [Elaine Ekstrom](#)  
**To:** [Clarke, Penny; berga@gtlaw.com](#)  
**Cc:** [Madden, Gregory; dalyh@gtlaw.com](#)  
**Subject:** RE: LifeLock, Inc. Compliance Request  
**Date:** Wednesday, March 11, 2015 5:20:36 PM

---

Hello,

The file has been resent successfully. Please confirm if you are able to extract.

Thank you.

Elaine Ekstrom  
Director, Enterprise Data Management | LifeLock® - Relentlessly Protecting Your Identity™  
480.457.5046 Office | 602.430.2289 Cell |  
[elaine.ekstrom@lifelock.com](mailto:elaine.ekstrom@lifelock.com)

-----Original Message-----

From: Clarke, Penny [<mailto:pclarke@ftc.gov>]  
Sent: Wednesday, March 11, 2015 9:51 AM  
To: Elaine Ekstrom; [berga@gtlaw.com](mailto:berga@gtlaw.com)  
Cc: Madden, Gregory; [dalyh@gtlaw.com](mailto:dalyh@gtlaw.com)  
Subject: RE: LifeLock, Inc. Compliance Request

That's correct.

Please put all the files in one folder and upload the folder. The app will zip, encrypt and send it to us.

Thanks,

Penny (x3412)  
Penny K. Clarke, J.D.  
e-Discovery Project Manager  
202.326.3412

Please submit all new litigation support inquiries, project requests, or other time-sensitive matters using the Litigation Support Request System at [Submit\\_New\\_Request](#)

Litigation Support Intranet Page: [https://ftcintranet.ftc.gov/cfportal/bcp/display.cfm?category\\_id=288&pageType=3](https://ftcintranet.ftc.gov/cfportal/bcp/display.cfm?category_id=288&pageType=3)

If you have litigation support questions, please send an e-mail to [bcplitsupport@ftc.gov](mailto:bcplitsupport@ftc.gov). Please include the matter name, matter number and task ID (if applicable.) P Please consider the environment before printing this email.

-----Original Message-----

From: Elaine Ekstrom [<mailto:Elaine.Ekstrom@lifelock.com>]  
Sent: Wednesday, March 11, 2015 12:49 PM  
To: [berga@gtlaw.com](mailto:berga@gtlaw.com); Clarke, Penny  
Cc: Madden, Gregory; [dalyh@gtlaw.com](mailto:dalyh@gtlaw.com)  
Subject: RE: LifeLock, Inc. Compliance Request

Penny,

I will be uploading a new file to the site shortly. Can you please confirm that there is client-side encryption and that nothing is being transmitted in clear text?

Thank you.

Elaine Ekstrom  
Director, Enterprise Data Management | LifeLock® - Relentlessly Protecting Your Identity™  
480.457.5046 Office | 602.430.2289 Cell | elaine.ekstrom@lifelock.com

Non Responsive

> On Mar 11, 2015, at 9:13 AM, Clarke, Penny <pclarke@ftc.gov> wrote:  
>  
> I've sent Elaine a new link.  
>  
> Thanks,  
>  
> Penny (x3412)  
> Penny K. Clarke, J.D.  
> e-Discovery Project Manager  
> 202.326.3412  
>  
> Please submit all new litigation support inquiries, project requests,  
> or other time-sensitive matters using the Litigation Support Request  
> System at Submit\_New\_Request  
>  
> Litigation Support Intranet Page:  
> [https://ftcintranet.ftc.gov/cfportal/bcp/display.cfm?category\\_id=288&p](https://ftcintranet.ftc.gov/cfportal/bcp/display.cfm?category_id=288&p)  
> ageType=3 If you have litigation support questions, please send an  
> e-mail to bcplitsupport@ftc.gov. Please include the matter name,  
> matter number and task ID (if applicable.) P Please consider the environment before printing this  
email.  
>  
>  
>  
> -----Original Message-----  
> From: Madden, Gregory  
> Sent: Wednesday, March 11, 2015 9:09 AM  
> To: Clarke, Penny; 'Elaine Ekstrom'  
> Cc: berga@gtlaw.com  
> Subject: RE: LifeLock, Inc. Compliance Request  
>  
> That was my error. I identified the need for encryption.  
>  
> Federal Trade Commission  
> 600 Pennsylvania Ave., N.W.  
> Mailcode: CC-9528  
> Washington, D.C. 20580  
> Tel: 202 326-2426  
> Fax: 202.326-3197  
> gmadden@ftc.gov

>  
> -----Original Message-----  
> From: Clarke, Penny  
> Sent: Wednesday, March 11, 2015 9:08 AM  
> To: 'Elaine Ekstrom'; Madden, Gregory  
> Subject: RE: LifeLock, Inc. Compliance Request

>  
> Elaine,  
>  
> Unfortunately, we can't open the file because we are not allowed to download executables on our Agency's computers. (b)(3):6(f),(b)(4)

(b)(3):6(f),(b)(4)

> What type of files are you sending - load files or other?  
>  
> I can send you another SFTP link when you are ready to upload the data again.  
>  
> Sorry for any inconvenience and thanks.

>  
> Penny (x3412)  
> Penny K. Clarke, J.D.  
> e-Discovery Project Manager  
> 202.326.3412

>  
> Please submit all new litigation support inquiries, project requests,  
> or other time-sensitive matters using the Litigation Support Request  
> System at Submit\_New\_Request  
>  
> Litigation Support Intranet Page:  
> [https://ftcintranet.ftc.gov/cfportal/bcp/display.cfm?category\\_id=288&p\\_ageType=3](https://ftcintranet.ftc.gov/cfportal/bcp/display.cfm?category_id=288&p_ageType=3) If you have litigation support questions, please send an  
> e-mail to bcplitsupport@ftc.gov. Please include the matter name, matter number and task ID (if applicable.) P Please consider the environment before printing this email.

>  
>  
> -----Original Message-----  
> From: Elaine Ekstrom [<mailto:Elaine.Ekstrom@lifelock.com>]  
> Sent: Tuesday, March 10, 2015 6:31 PM  
> To: Madden, Gregory  
> Cc: Clarke, Penny  
> Subject: LifeLock, Inc. Compliance Request

>  
> Good Afternoon,  
>  
> I was able to successfully upload the file via your link, finally. The file is a (b)(3):6(f),(b)(4)  
which will ask for a passphrase.

>  
> (b)(3):6(f),(b)(4)

>  
>  
>  
>  
> Thank you for your patience as we worked through this.

>  
> Regards,  
>  
> Elaine Ekstrom  
> Director, Enterprise Data Management . | LifeLock® - Relentlessly  
> Protecting Your IdentityT  
> 480.457.5046 Office | 602.430.2289 Cell | elaine.ekstrom@lifelock.com





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

JUN 16 2008

Roman Shaul  
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C  
P.O. Box 4160,  
Montgomery, AL 36103

Re: FOIA-2008-00548  
LifeLock

Dear Mr. Shaul:

This is in partial response to your request dated April 30, 2008 under the Freedom of Information Act seeking access to all communications, investigations, correspondence or reports concerning LifeLock, located in Tempe, AZ. In accordance with the FOIA and agency policy and your \$200 fee limit, we have searched our records, as of April 30, 2008, the date we received your request in our FOIA office.

In accordance with the \$200 fee agreement, we have located 821 pages of responsive records. I am granting partial access to and am enclosing copies of, the accessible records. Seven-hundred seven pages, and portions of other pages, fall within the exemptions to the FOIA's mandatory disclosure requirements, as explained below.

Some records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5.5 U.S.C. § 552(b)(5); *see NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975).

We have located 34 pages of responsive complaints that consumers have sent to the Federal Trade Commission ("FTC"). You should know that the enclosed complaints have not necessarily been verified by the FTC. Therefore, you should make your own judgment about relying on the information provided. I am denying access to consumers' names and addresses, and any other identifying information found in the complaints. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact Lindsay Anchors at (202) 326-2588.

Sincerely,  
  
Joan E. Fina  
Attorney

Enclosed:  
Invoice, Records (34 pages)



United States of America  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

MAR 25 2015

William Chow  
Brown Brothers Harriman  
140 Broadway,  
New York, NY 10005

Re: FOIA-2015-00551  
Lifelock

Dear Mr. Chow:

This letter serves as our second and final response to your request dated February 5, 2015, under the Freedom of Information Act seeking access to (1) minutes of trials, transcripts, testimony, and court documents relating to the FTC's investigation of Lifelock; and (2) all records previously released under FOIA relating to this investigation. In accordance with the FOIA and agency policy, we have searched our records as of February 5, 2015, the date we received your request in our FOIA office.

The majority of the records are available on the Commission's public record. A formal Freedom of Information Act is not required to access these records. You may find a copy of these documents here: <https://www.ftc.gov/enforcement/cases-proceedings/072-3069/lifelock-inc-corporation>.

The remaining responsive records fall within the exemptions to the FOIA's disclosure requirements. Specifically, some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5.5 U.S.C. § 552(b)(5). *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally, some records contain information prepared by an attorney in contemplation of litigation which is exempt under the attorney work-product privilege. *See Hickman v. Taylor*, 329 U.S. 495, 509-10 (1947).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

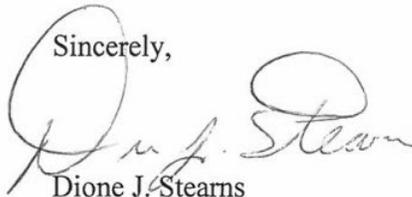
Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Andrea Kelly at (202) 326-2836.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dione J. Stearns". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Dione J. Stearns  
Assistant General Counsel



United States of America  
 FEDERAL TRADE COMMISSION  
 WASHINGTON, D.C. 20580

William Chow  
 Brown Brothers Harriman  
 140 Broadway,  
 New York, NY 10005

MAR 06 2015

Re: FOIA-2015-00551  
 Lifelock

Dear Mr. Chow:

This is in partial response to your request dated February 5, 2015, under the Freedom of Information Act seeking access to (1) minutes of trials, transcripts, testimony, and court documents relating to the FTC's current investigation of Lifelock; and (2) all records previously released under FOIA relating to this investigation. In accordance with the FOIA and agency policy, we have searched our records as of February 5, 2015, the date we received your request in our FOIA office.

We are continuing our search for records responsive to part one of your request, and hope to have an additional response to you shortly. Our final response will also contain an invoice for fees incurred by this request.

In response to part two of your request, we have located approximately 520 pages of responsive records. I am granting partial access to the accessible records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

In addition, some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which, as noted above, exempts from disclosure any information that is protected from disclosure under another federal statute.

Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption

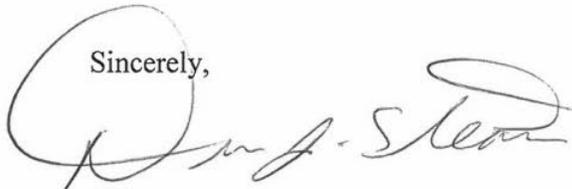
5.5 U.S.C. § 552(b)(5). *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally, some records contain information prepared by an attorney in contemplation of litigation which is exempt under the attorney work-product privilege. *See Hickman v. Taylor*, 329 U.S. 495, 509-10 (1947).

Some records also contain personally identifying information. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Andrea Kelly at (202) 326-2836.

Sincerely,

A handwritten signature in black ink, appearing to read "Dione J. Stearns", written over a large, light-colored circular stamp or watermark.

Dione J. Stearns  
Assistant General Counsel



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Joshua DiLena  
Kaufman Borgeest & Ryan LLP  
200 Summit Lake Drive  
Valhalla, NY 10595

**JUN 1 0 2011**

Re: FOIA-2011-00652  
Investigative records on LifeLock

Dear Mr. DiLena:

This letter is in response to your March 15, 2011, request for Federal Trade Commission ("FTC") records. We notified you by letter dated May 25, 2011, that we were placing your request on hold because we had reached your fee agreement. Because we have had no response from you, we have closed our file on the FOIA request. Closure of this file does not preclude you from submitting other requests in the future.

If you have any questions about the way we handled your request or about the FTC's FOIA regulations or procedures, please contact Rosemary Bajorek at (202) 326-3363.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan E. Fina".

Joan E. Fina  
Assistant General Counsel



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Joshua DiLena  
Kaufman Borgeest & Ryan LLP  
200 Summit Lake Drive  
Valhalla, NY 10595

MAY 11 2011

Re: FOIA-2011-00652  
Investigative records on LifeLock

Dear Mr. DiLena:

This is in partial response to your request dated March 15, 2011, under the Freedom of Information Act seeking access to investigative records regarding LifeLock, Inc. In accordance with the FOIA and agency policy, we have searched our records, as of March 16, 2011, the date we received your request in our FOIA office. In a series of telephone conversations with Rosemary Bajorek, you indicated that you wished us to first focus our review on the earliest records associated with this matter. In particular, you requested access to a letter from LifeLock, Inc. dated April 11, 2007.

We have located and reviewed a voluminous number of records concerning LifeLock, Inc. and have located one record in response to your request for a letter dated April 11, 2007. This record falls within the exemptions to the FOIA's disclosure requirements, as explained below.

The record is exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

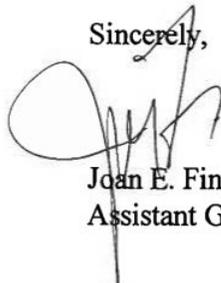
Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

We are continuing our review of the responsive records, and anticipate sending you a further response within the next several weeks. If you have any questions about the way we are handling your request, or about our FOIA regulations or procedures, please contact Rosemary Bajorek at (202) 326-3363.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joan E. Fina', is written over the typed name.

Joan E. Fina  
Assistant General Counsel



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Joshua DiLena  
Kaufman Borgeest & Ryan LLP  
200 Summit Lake Drive  
Valhalla, NY 10595

**MAY 25 2011**

Re: FOIA-2011-00652  
Investigative records on LifeLock

Dear Mr. DiLena:

This is in partial response to your request dated March 15, 2011, under the Freedom of Information Act seeking access to investigative records regarding LifeLock, Inc. In accordance with the FOIA and agency policy, we have searched our records, as of March 16, 2011, the date we received your request in our FOIA office. In a series of telephone conversations with Rosemary Bajorek, you indicated that you wished us to first focus our review on the earliest records associated with this matter.

We have located and reviewed a voluminous number of records concerning LifeLock, Inc. and have located approximately 450 pages of responsive records from the first year of the investigation. Some records, and portions of other records, fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

Some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which, as noted above, exempts from disclosure any information that is protected from disclosure under another federal statute.

In addition, some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5.5 U.S.C. § 552(b)(5); *see NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

There are additional documents responsive to this request, however we have reached your fee agreement. If you would like to proceed with this request, please contact Rosemary Bajorek at (202) 326-3363 by June 8, 2011, with a new fee agreement or we will close our file on this matter. If you have any questions about the way we are handling your request, or about our FOIA regulations or procedures, please contact Ms. Bajorek.

Sincerely,



Sarah M. Mathias  
Associate General Counsel

Enclosures  
LifeLock, Inc. Records



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Matthew Berliner  
Jones Day  
3 Park Plaza, Suite 1100  
Irvine, CA 92614

**SEP 17 2009**

Re: FOIA-2009-00661  
LifeLock, Inc.

Dear Mr. Berliner:

This letter is in response to your March 09, 2009, request for Federal Trade Commission ("FTC") records. We notified you by letter dated September 2, 2009 that you would need to pay the invoices for previous responses and contact us by September 15, 2009, or we would close our file on this request. Because we have had no response from you, we are considering your request fully satisfied and have closed our file on the FOIA request. Closure of this file does not preclude you from submitting other requests in the future.

If you have any questions about the way we handled your request or about the FTC's FOIA regulations or procedures, please contact Carolyn Lowry at 202-326-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "Arianne M. Perkins".

Arianne M. Perkins  
Lead Paralegal Specialist



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Matthew Berliner  
Jones Day  
3 Park Plaza, Suite 1100  
Irvine, CA 92614

APR 15 2009

Re: FOIA-2009-00661  
LifeLock, Inc.

Dear Mr. Berliner:

This is in partial response to your request dated March 09, 2009 under the Freedom of Information Act seeking access to records relating to LifeLock, Inc. In accordance with the FOIA and agency policy, we have searched our records, as of March 09, 2009, the date we received your request in our FOIA office. We are continuing our search and review of the remaining responsive documents and anticipate having a further response to you by April 30, 2009.

Enclosed are 41 pages of responsive complaints that consumers have sent to the Federal Trade Commission ("FTC"). You should know that the enclosed complaints have not necessarily been verified by the FTC. Therefore, you should make your own judgment about relying on the information provided. I am denying access to consumers' names and addresses, and any other identifying information found in the complaints. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way are we handling your request, or about our FOIA regulations or procedures, please contact Carolyn Lowry at 202-326-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan E. Fina". The signature is written in a cursive style with a large initial "J".

Joan E. Fina  
Assistant General Counsel

Enclosed:  
Complaints (41 pages)  
Invoice



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Matthew Berliner  
Jones Day  
3 Park Plaza, Suite 1100  
Irvine, CA 92614

**JUN 03 2009**

Re: FOIA-2009-00661  
LifeLock, Inc.

Dear Mr. Berliner:

This is the second partial response to your request dated March 09, 2009, under the Freedom of Information Act seeking access to records relating to LifeLock, Inc. In accordance with the FOIA and agency policy, we have searched our records, as of March 09, 2009, the date we received your request in our FOIA office.

We have reviewed approximately 4,830 pages of additional responsive records. I am granting partial access to and am enclosing copies of, the accessible records. Most pages, and portions of other pages, fall within the exemptions to the FOIA's disclosure requirements, as explained below.

First, some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

Second, some records being withheld contain confidential commercial or financial information, which the Commission is prohibited from publicly disclosing under both FOIA Exemption 3, by virtue of Section 6(f) of the FTC Act, 15 U.S.C. § 46f, and FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Third, some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5.5 U.S.C. § 552(b)(5); *see NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975).

Fourth, some records contain consumers' names and addresses, and other identifying information. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing

personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

Last, some records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact Carolyn Lowry at 202-326-3055.

Sincerely,



Joan E. Fina  
Assistant General Counsel

Enclosed:  
Records (Eight pages)  
Invoice



UNITED STATES OF AMERICA  
 FEDERAL TRADE COMMISSION  
 WASHINGTON, D.C. 20580

Matthew Berliner  
 Jones Day  
 3 Park Plaza, Suite 1100  
 California, CA 92614

SEP 02 2009

Re: FOIA-2009-00661  
 LifeLock, Inc.

Dear Mr. Berliner:

This is the third partial response to your request dated March 09, 2009, under the Freedom of Information Act seeking access to records relating to LifeLock, Inc. In accordance with the FOIA and agency policy, we have searched our records, as of March 09, 2009, the date we received your request in our FOIA office.

We have reviewed approximately 1,060 pages of additional responsive records. I am granting partial access to and am enclosing copies of, the accessible records. Approximately 850 pages, and portions of other pages, fall within the exemptions to the FOIA's disclosure requirements, as explained below.

First, some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

Second, some records being withheld contain confidential commercial or financial information, which the Commission is prohibited from publicly disclosing under both FOIA Exemption 3, by virtue of Section 6(f) of the FTC Act, 15 U.S.C. § 46f, and FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Third, some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5.5 U.S.C. § 552(b)(5); *see NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally, some of the materials are exempt from disclosure as attorney-client communications. *See Upjohn Co. v. United States*, 499 U.S. 383 (1981); and *Mead Data Central, Inc. v. Department of the Air Force*, 566 F.2d 242 (D.C. Cir. 1977).

Last, some records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with

the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

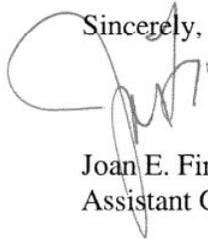
Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

We have not received full payment for the invoices for previous responses (Invoice 2121 and 2114). Your request will be placed on hold until payment is received. If we have not received payment or have not heard from you by September 15, 2009, we will consider your request fully satisfied and will close our file on this request. If you have any questions about the way we are handling your request, or about our FOIA regulations or procedures, please contact Carolyn Lowry at (202) 326-3055.

Sincerely,



Joan E. Fina  
Assistant General Counsel

Enclosed:  
CD  
Invoices



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Kevin Coy  
Oldaker, Belain & Wittie, LLP  
818 Connecticut Ave. NW, Suite 1100  
Washington, DC 20006

JUL 14 2009

Re: FOIA-2009-01009  
LifeLock

Dear Mr. Coy:

This is in partial response to your request dated May 29, 2009 under the Freedom of Information Act seeking access to all records relating to LifeLock. In accordance with the FOIA and agency policy, we have searched our records, as of May 29, 2009, the date we received your request in our FOIA office.

We have located and reviewed 4,871 pages of responsive records thus far, and are continuing our search for additional records. We anticipate completing our review of additional responsive records within the next ten days, at which point we will send you a further response. You are granted partial access to the records located thus far, which are enclosed. Most pages, and portions of other pages, fall within the exemptions to the FOIA's disclosure requirements, as explained below.

First, some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

Second, some records being withheld contain confidential commercial or financial information, which the Commission is prohibited from publicly disclosing under both FOIA Exemption 3, by virtue of Section 6(f) of the FTC Act, 15 U.S.C. § 46f, and FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Third, some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5.5 U.S.C. § 552(b)(5); *see NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975).

Fourth, some records contain consumers' names and addresses, and other identifying

information. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

Last, some records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact Carolyn Lowry at 202-326-3055.

Sincerely,  


Joan E. Fina  
Assistant General Counsel

Enclosed:  
Records (49 pages)



UNITED STATES OF AMERICA  
 FEDERAL TRADE COMMISSION  
 WASHINGTON, D.C. 20580

Kevin Coy  
 Oldaker, Belair & Wittie, LLP  
 818 Connecticut Ave. NW, Suite 1100  
 District of Columbia, DC 20006

SEP 15 2009

Re: FOIA-2009-01009  
 Lifelock

Dear Mr. Coy:

This is the second partial response to your request dated May 29, 2009, under the Freedom of Information Act seeking access to records relating to LifeLock, Inc. In accordance with the FOIA and agency policy, we have searched our records, as of May 29, 2009, the date we received your request in our FOIA office.

For this response, we have reviewed approximately 1,060 pages of additional responsive records. I am granting partial access to and am enclosing copies of the accessible records. Approximately 850 pages, and portions of other pages, fall within the exemptions to the FOIA's disclosure requirements, as explained below.

First, some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

Second, some records being withheld contain confidential commercial or financial information, which the Commission is prohibited from publicly disclosing under both FOIA Exemption 3, by virtue of Section 6(f) of the FTC Act, 15 U.S.C. § 46f, and FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Third, some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5.5 U.S.C. § 552(b)(5); *see NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally, some of the materials are exempt from disclosure as attorney-client communications. *See Upjohn Co. v. United States*, 499 U.S. 383 (1981); and *Mead Data Central, Inc. v. Department of the Air Force*, 566 F.2d 242 (D.C. Cir. 1977).

Last, some records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with

the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

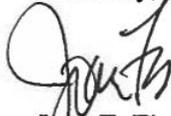
Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we are handling your request, or about our FOIA regulations or procedures, please contact Carolyn Lowry at (202) 326-3055.

Sincerely,



Joan E. Fina  
Assistant General Counsel

Enclosed:  
Records  
Invoice



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Kevin Coy  
Oldaker, Belair & Wittie, LLP  
818 Connecticut Ave. NW, Suite 1100  
Washington, DC 20006

JAN 15 2010

Re: FOIA-2009-01009  
Lifelock

Dear Mr. Coy:

This is the third partial response to your request dated May 29, 2009 under the Freedom of Information Act seeking access to records relating to Lifelock. In accordance with the FOIA and agency policy, we have searched our records, as of May 29, 2009, the date we received your request in our FOIA office.

For this response, we have reviewed 384 pages of responsive records, all of which are exempt from the FOIA's disclosure requirement as explained below.

First, some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

Second, some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5.5 U.S.C. § 552(b)(5). *see NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975).

Third, some records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, or by facsimile at (202) 326-2477 within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

We are continuing to process your request. If you have any questions about the way we are handling your request, or about our FOIA regulations or procedures, please contact Carolyn Lowry at 202-326-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan E. Fina". The signature is written in a cursive style with a large initial "J" and "F".

Joan E. Fina  
Assistant General Counsel



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Kevin Coy  
Oldaker, Belair & Wittie, LLP  
818 Connecticut Ave. NW, Suite 1100  
Washington, DC 20006

FEB 22 2010

Re: FOIA-2009-01009  
Lifelock

Dear Mr. Coy:

This letter confirms your February 22, 2010, voicemail for Carolyn Lowry, in which you withdrew your May 29, 2009, request for Federal Trade Commission ("FTC") records. The withdrawal of your request does not preclude you from filing other requests in the future.

If you have any questions about the way we handled your request or about the FTC's FOIA regulations or procedures, please contact Carolyn Lowry at 202-326-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "Arianne M. Perkins".

Arianne M. Perkins  
Lead Paralegal Specialist



United States of America  
 FEDERAL TRADE COMMISSION  
 WASHINGTON, D.C. 20580

SEP 19 2014

Ian Black  
 Herring Creek Capital  
 One Station Place, 5th Floor,  
 Stamford, CT 06902

Re: FOIA-2014-01257  
 Lifelock

Dear Mr. Black:

This is in response to your request dated August 04, 2014, under the Freedom of Information Act seeking access to any and all documents regarding Lifelock and Todd David or other management interactions with the FTC, especially as it relates to the 2010 order and post-settlement period compliance. You amended this request on September 11, 2014 to documents received after the 2010 settlement order regarding FTC communications about Lifelock and Todd Davis. In accordance with the FOIA and agency policy, we have searched our records as of August 04, 2014, the date we received your request in our FOIA office.

We located 182 pages of responsive records. I am granting partial access to the accessible records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

I am denying access to approximately 171 pages or portions of the responsive records under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Sections 21(b) and (f) provide that the FTC may not disclose information it obtains in a law enforcement investigation pursuant to compulsory process or voluntarily in lieu thereof. 15 U.S.C. § 57b-2; *see A. Michael's Piano, Inc. v. FTC*, 18 F.3d 138 (2d Cir. 1994).

In addition, some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which, as noted above, exempts from disclosure any information that is protected from disclosure under another federal statute.

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended. There may be additional documents responsive to your request but your fee agreement was met.

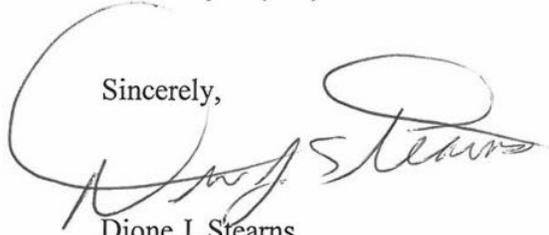
Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Anna Murray at (202) 326-2820.

Sincerely,

A handwritten signature in black ink, appearing to read "Dione J. Stearns", is written over a large, faint circular stamp or watermark.

Dione J. Stearns  
Assistant General Counsel

Enc: 1 CD  
Invoice



United States of America  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

John Graubert  
Covington & Burling LLP  
1201 Pennsylvania Ave, NW  
Washington, DC 20004

AUG 29 2014

Re: FOIA-2014-01268  
LifeLock

Dear Mr. Graubert:

This is in response to your request dated July 8, 2014, under the Freedom of Information Act seeking access to documents relating to meetings between the FTC and Lifelock, Inc. on December 17, 2013 and January 17, 2013. In accordance with the FOIA and agency policy, we have searched our records as of August 6, 2014, the date we received your request in our FOIA office.

We have located approximately 330 pages of responsive records. I am granting partial access to the accessible records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

In addition, some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which, as noted above, exempts from disclosure any information that is protected from disclosure under another federal statute.

Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5.5 U.S.C. § 552(b)(5). *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally, some records contain information prepared by an attorney in contemplation of litigation which is exempt under the attorney work-product privilege. *See Hickman v. Taylor*, 329 U.S. 495, 509-10 (1947).

Some records contain personally identifying information. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

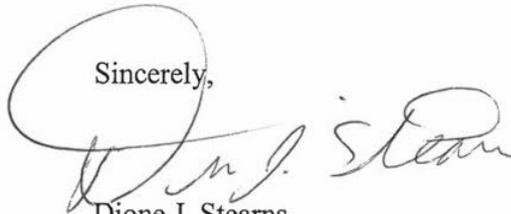
Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Andrea Kelly at (202) 326-2836.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dione J. Stearns". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Dione J. Stearns  
Assistant General Counsel



United States of America  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Emily Mathews  
901 S. bond St.,  
Baltimore, MD 21231

SEP 23 2015

Re: FOIA-2015-01383  
Lifelock

Dear Ms. Mathews:

This is in response to your request dated August 27, 2015, under the Freedom of Information Act seeking access to all correspondence between employees at Lifelock and the FTC between January 1, 2014 and August 27, 2015. In accordance with the FOIA and agency policy, we have searched our records as of August 27, 2015, the date we received your request in our FOIA office. We stopped processing your request when we reached your fee agreement.

Some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which, as noted above, exempts from disclosure any information that is protected from disclosure under another federal statute.

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

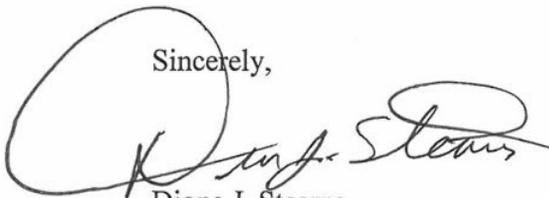
Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Anna Murray at (202) 326-2820.

Sincerely,

A handwritten signature in black ink, appearing to read "Dione J. Stearns". The signature is written in a cursive style with a large, prominent loop at the beginning.

Dione J. Stearns  
Assistant General Counsel

Enc: 1 CD  
Invoice

**Rothstein, Paul**

---

**From:** Rothstein, Paul  
**Sent:** Tuesday, February 24, 2009 1:30 PM  
**To:** Kappler, Burke  
**Subject:** Quick question

**Tracking:** **Recipient**      **Delivery**                      **Read**  
Kappler, Burke Delivered: 2/24/2009 1:30 PM Read: 2/24/2009 2:18 PM

Burke,

I need to send a sentence or two on the status of everything I have "touched" over the past 6 months or so. Can you let me know the status of (b)(7) and NR?

My matter-cup seem to runneth over.

Best,

--Paul

3/26/2009

**Rothstein, Paul**

---

**From:** Kappler, Burke  
**Sent:** Tuesday, February 24, 2009 4:52 PM  
**To:** Rothstein, Paul  
**Subject:** RE: Quick question

Paul –

(b)(7)(A)

NR

Please let me know if you need anything more. Thanks,

Burke

*Burke Kappler*  
Attorney, Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission  
601 New Jersey Ave., N.W.  
Washington, D.C. 20580  
Direct: 202-326-2043  
Fax: 202-326-3062  
Mobile: 703-819-3079

DP

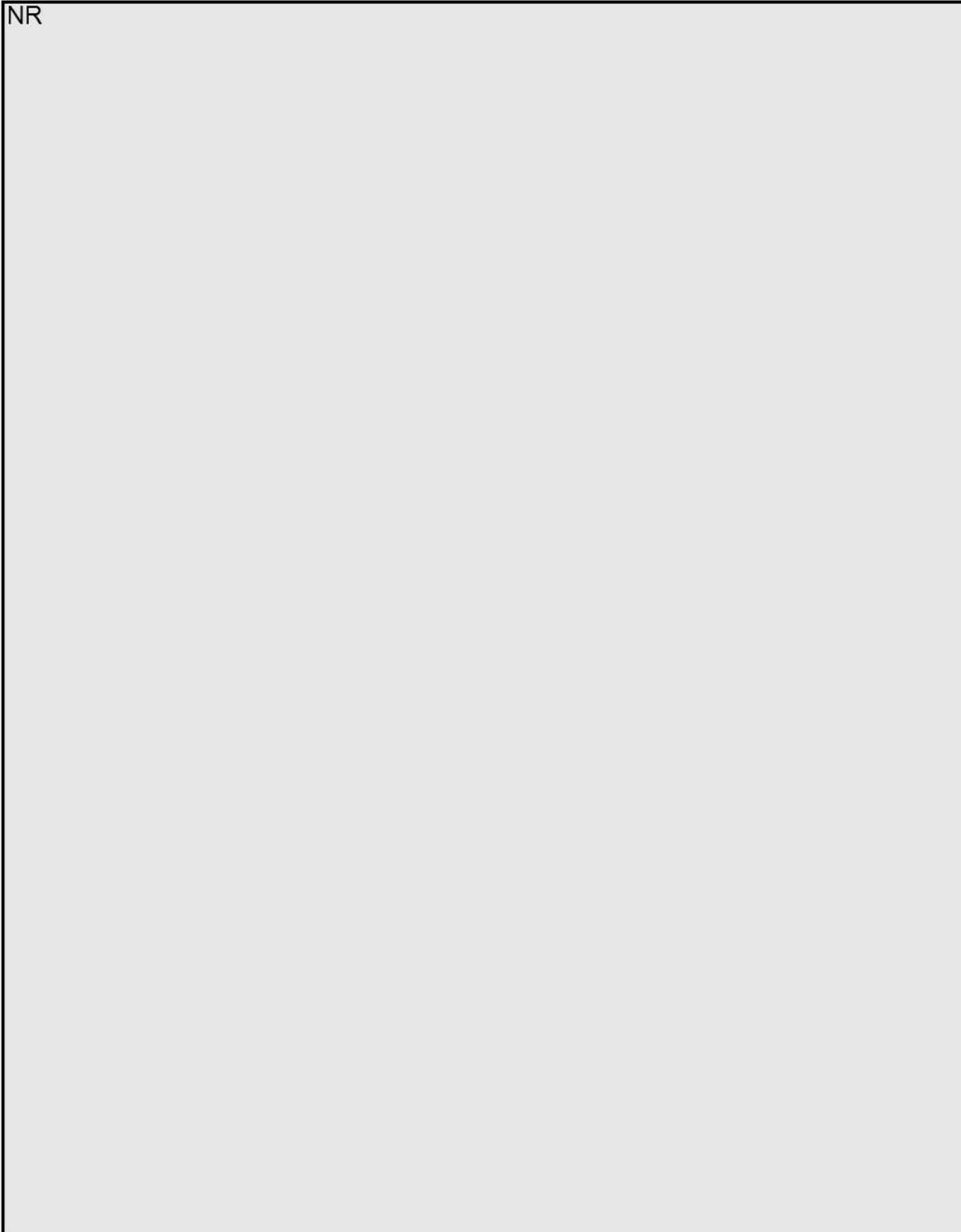
**Paul Rothstein**

**September 17, 2008**

RE: NR [redacted] and (b)(7)(A) [redacted]

NOTE: The attorneys on both cases are Burke Kappler and David Lincicum. I met with Lou Silversin about both these matters prior to meeting with the attorneys.

NR



NR

(b)(5),(b)(7)(A)

NR

(b)(7)(A)

03/25/2008

CTHOMAS



**Transaction**

Ref No.: 13128499 Contact Type:Complaint Source:Consumer TCS? N

Comments: (Product Name: Personal information, and signing over power of attorney) I was a victim of ID theft in 2006, the person that did the crime was tried in court and the case was dismissed,so we had to flagg our accounts, thought that we would try Life Lock. Before we had used online to flagg Equifax, Transunion and the other one. Since expired. We enrolled in life lock and then found out that they are a scam.WE want you to seize my personal information from LifeLocks data base and revoke the power of attorney that they got from us.

Created By: LSHARP Created Date: 03/05/08

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested: 99.00

Amt Paid: 99.00 Payment Method: Discover Credit Card

Agency Contact: Internet Complaint Date: 03/04/08

Initial Contact: TV/Radio Transaction Date:

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining Company/Org.:

Last name:

(b)(6)

First: (b)(6)

Address:

City: Lafayette

State: IN Zip: (b)(6)

Country: UNITED STATES

Work phone (b)(6) kt:

Fax Number:

Home Number:

Email:

Age Range: 40 - 49



03/25/2008

CTHOMAS

**Company**

Company: LIFE LOCK

Address: Suite 400

60 Rio Salado Pkwy

City: Tempe

State: AZ Zip: 85281

Country: UNITED STATES

Email: memberservices@lifelock.com

URL:www.lifelock.com

Phone: (800) 546-3562 Ext:

**Company Representative**

Rep Name: TV/ Online registration, online Title:

**Associated Company**



03/25/2008

CTHOMAS

**Transaction**

Ref No.: 13079550 Contact Type: Complaint Source: Consumer TCS? Y

Comments: (Product Name: Identity Theft Protection) I filled out a form online to join Life Lock to protect my identity since I have had it stolen twice. The online form allows you to select if you want to pay one annual fee or a monthly fee. When selection is submitted and error is returned stating the information is not filled in but they have erased it. When you fill in the missing information you will go through two or three more erasures of your info and then upon the final submission the selection for payment is changed. I selected the monthly option of 9.95/mo. and they billed me for the annual 110.00. I have contacted them and canceled twice yet they have not refunded my money. Conf.# 080204-025564 Its pretty sad that you select a company to protect your identity and that very company rips you off.

Created By: MPHILLIPS Created Date: 02/28/08  
 Updated By: Updated Date:  
 Org Name: PUBLIC USERS - CIS  
 Amt Requested: 9.95  
 Amt Paid: 110.00 Payment Method: MasterCard Credit Card  
 Agency Contact: Internet Complaint Date: 02/21/08  
 Initial Contact: Internet Web Site Transaction Date: 02/01/08

Initial Response:

Product/Service: Internet Information & Adult Services

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining

Company/Org.:

Last name:

(b)(6)

First:

(b)(6)

Address:

City:

Plano

State: TX Zip:

(b)(6)

Country:

UNITED STATES

Work phone

(b)(6)

Fax Number:

Home Number:

Email:

Age Range:

40 - 49



03/25/2008

CTHOMAS

**Company**

Company: LIFE LOCK

Address: 60 E Rio Salado Pkwy  
Ste 400

City: Tempe

State: AZ Zip: 85281

Country: UNITED STATES

Email: member.services@lifelock.com

URL:lifelock.com

Phone: (480) 6825100 Ext:

**Company Representative**

Rep Name: Valdez, Tammy

Title:

**Associated Company**

03/25/2008

CTHOMAS

**Transaction**

Ref No.: 10000284 Contact Type: Request for Information Source: Consumer TCS? N

## Comments:

Consumer wants to know if Life Lock, a credit reporting agency is legitimate.

Created By: NROBINSON Created Date: 02/12/07

Updated By: Updated Date:

Org Name: TOLL FREE NUMBER AND CONSUMER SENTINEL

Amt Requested: .00

Amt Paid: .00 Payment Method: Not Reported

Agency Contact: Phone Complaint Date:

## Initial Response:

Product/Service: Credit Bureaus

Statute/Rule:

Law Violation:

**Consumer**

Complaining  
Company/Org.:

Last name: (b)(6)

First: (b)(6)

Address:

City: Sierra Madre

State: CA Zip: (b)(6)

Country: UNITED STATES

Work phone: () Ext:

Fax Number: ()

Home Number: ()

Email:

Age Range:

**Company**

Company: LIFE LOCK

Address:

City:

State: NR Zip:

Country: LOCATION NOT REPORTED

Email:

URL:

Phone: () Ext:



03/25/2008

CTHOMAS

**Company Representative**  
**Associated Company**

03/25/2008

CTHOMAS

**Transaction**

Ref No.: 11172697 Contact Type:Complaint Source:Consumer TCS? N

Comments: Consumer saw an advertisement on tv for life lock. Consumer wants to know if they are legit. Consumer states that they offer id theft preventative protection for \$10 a month. Consumer was told to call the BBB for info on the company.

Created By: JKIGHT Created Date: 07/30/07

Updated By: JKIGHT Updated Date: 07/30/07

Org Name: TOLL FREE NUMBER AND CONSUMER SENTINEL

Amt Requested:

Amt Paid: Payment Method:

Agency Contact: Phone Complaint Date:

Initial Contact: TV/Radio Transaction Date: 07/30/07

Initial Response:Unknown

Product/Service: Other (Note in Comments)

Statute/Rule:

Law Violation:

**Consumer**

Complaining  
Company/Org.:

Last name:

(b)(6)

First: (b)(6)

Address:

City: Myerstown

State: PA Zip: 17067

Country: UNITED STATES

Work phone:

(b)(6)

Ext:

Fax Number:

Home Number:

Email:

Age Range: 65 - 69



03/25/2008

CTHOMAS

**Company**

Company: LIFE LOCK

Address:

City:

State: NR Zip:

Country: LOCATION NOT REPORTED

Email:

URL:

Phone: ()

Ext:

**Company Representative**

**Associated Company**



03/25/2008

CTHOMAS

**Transaction**

Ref No.: 12471623 Contact Type: Complaint Source: Consumer TCS? N

Comments: (Product Name: Online Services) Hello, I've been writing Life Lock customer service without an answer so far. I want to cancel my "Life Lock" membership, I do not want my credit card to be charged recurrent payments. There should be a link on the Life Lock website to cancel the membership at any time if the client decides to do so, as stated during enrollment. I'll be forwarding the e-mails and start action with the BBB, FTC and all the appropriate instances if the membership is not canceled within the next few days. My name is (b)(6)

(b)(6) Mcallen TX, (b)(6)  
 (b)(6) Thank you.

Created By: RBROWN1 Created Date: 12/11/07  
 Updated By: Updated Date:  
 Org Name: PUBLIC USERS - CIS  
 Amt Requested:  
 Amt Paid: Payment Method:  
 Agency Contact: Internet Complaint Date: 12/08/07  
 Initial Contact: Internet/E-mail Transaction Date:

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining  
 Company/Org.:

Last name: (b)(6)

First: (b)(6)

Address:

City: Mcallen

State: TX Zip: (b)(6)

Country: UNITED STATES

Work phone: (b)(6)

Fax Number:

Home Number:

Email:

Age Range:

03/25/2008

CTHOMAS



**Company**

Company: LIFE LOCK

Address: 60 E. Rio Salado Parkway  
Suite 400

City: Tempe

State: AZ Zip: 85281

Country: UNITED STATES

Email: client.services@lifelock.com

URL: <http://www.lifelock.com/>

Phone: (877) 543-3562 Ext:

**Company Representative**

**Associated Company**



## Record Details

## Do Not Call Complaints

Record # 2 of 20 / Do Not Call Complaints			
Reference Number:	13744911		
Complaint Date:	5/5/2008	Product Service Code:	National Do Not Call Registry
Complaint Source:	National Do Not Call Registry	Complaint Channel:	WEB
Transaction Date:	4/21/2008	Transaction Time:	4:00:00 PM
Comments:			
<b>Consumer</b>			
First Name:	(b)(6)	Last Name:	(b)(6)
Address 1:		Address 2:	
City:	black canyon city	State/Prov:	Arizona
ZIP:	(b)(6)	Phone Number:	(b)(6)
<b>Subject</b>			
Company Name:	Life Lock	State:	Florida
Country Code:	1	Phone Number:	(305) 5959680





## Record Details

## Identity Theft Complaints

Record # 44 of 45 / Identity Theft Complaints			
<b>Theft Subtype:</b>	Magazines	<b>Language:</b>	English
<b>Occurred Date:</b>		<b>Noticed Date:</b>	5/12/2008
<b># Accounts Affected:</b>	7	<b>Did subject use the Internet to open the account or purchase the goods or services?:</b>	Y
<b>Amount Lost by Victim:</b>		<b>Amount Obtained by Subject:</b>	\$500.00
<b>Comments:</b>	Consumer reports incident(s) involving magazines. Service Providers involved: Life Lock, Columbia House, Scholastic Book, Identity Truth. Consumer states that there is no suspect. The consumer indicates their were 2 additional misuses. The consumer has contacted one or more of the Credit Reporting Agencies. Consumer has not contacted law enforcement. The consumer reports no non-monetary harm. The consumer reports that the method of obtainment is unknown. The consumer reports that the Internet was used.		
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Middle Name:</b>		<b>Business Name:</b>	
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Falls Church	<b>State/Prov:</b>	Virginia
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Work Number:</b>		<b>Ext:</b>	
<b>Home Number:</b>		<b>Fax Number:</b>	
<b>Email:</b>		<b>Date of Birth:</b>	(b)(6)
<b>Harm Suffered:</b>			
<b>Reported By</b>			
<b>First Name:</b>		<b>Last Name:</b>	
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Country:</b>	
<b>Home Number:</b>		<b>Work Number:</b>	
<b>Ext:</b>		<b>Email:</b>	
<b>Date of Birth:</b>			
<b>Subject</b>			
<b>First Name(s):</b>		<b>Last Name(s):</b>	
<b>Company Name:</b>			
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>		<b>State:</b>	
<b>ZIP:</b>		<b>Country:</b>	

<b>Email:</b>		<b>URL:</b>	
<b>Country Code:</b>		<b>Area Code:</b>	
<b>Phone Number:</b>		<b>Ext:</b>	
<b>Relationship:</b>		<b>Additional Information:</b>	
<b>Method of Obtaining Information:</b>			

**Associated Institutions**

<b>Name:</b>	Columbia House	<b>Contact Name:</b>	
<b>Type:</b>	Service Provider	<b>Address 2:</b>	
<b>Address 1:</b>		<b>State:</b>	
<b>City:</b>		<b>Country:</b>	
<b>ZIP:</b>		<b>Phone Number:</b>	
<b>Phone Number:</b>		<b>Phone Extension:</b>	
<b>Institution Notified?:</b>	Y	<b>Institution Notified in Writing?:</b>	N
<b>Problem With Institution?:</b>	N		
<b>Name:</b>	Scholastic Book	<b>Contact Name:</b>	
<b>Type:</b>	Service Provider	<b>Address 2:</b>	
<b>Address 1:</b>		<b>State:</b>	
<b>City:</b>		<b>Country:</b>	
<b>ZIP:</b>		<b>Phone Number:</b>	
<b>Phone Number:</b>		<b>Phone Extension:</b>	
<b>Institution Notified?:</b>	N	<b>Institution Notified in Writing?:</b>	N
<b>Problem With Institution?:</b>	N		
<b>Name:</b>	Life Lock	<b>Contact Name:</b>	
<b>Type:</b>	Service Provider	<b>Address 2:</b>	
<b>Address 1:</b>		<b>State:</b>	
<b>City:</b>		<b>Country:</b>	
<b>ZIP:</b>		<b>Phone Number:</b>	
<b>Phone Number:</b>		<b>Phone Extension:</b>	
<b>Institution Notified?:</b>	Y	<b>Institution Notified in Writing?:</b>	N
<b>Problem With Institution?:</b>	N		
<b>Name:</b>	Identity Truth	<b>Contact Name:</b>	
<b>Type:</b>	Service Provider	<b>Address 2:</b>	
<b>Address 1:</b>		<b>State:</b>	
<b>City:</b>		<b>Country:</b>	
<b>ZIP:</b>		<b>Phone Number:</b>	
<b>Phone Number:</b>		<b>Phone Extension:</b>	
<b>Institution Notified?:</b>	Y	<b>Institution Notified in Writing?:</b>	N

Problem With N Institution?:		Writing?:	
<b>Government Entities</b>			
Department Name:		Field Office:	
Contact Person:		State:	
Phone Number:		Notified Local Law Enforcement?	N
Report Taken?	N	Report Number:	
<b>Credit Bureau</b>			
Name:	none	Notified:	
Fraud Alert on File :		Credit Report Ordered:	
Complaint:			
Name:	Experian	Notified:	Y
Fraud Alert on File :	Y	Credit Report Ordered:	Y
Complaint:			
Name:	Equifax	Notified:	Y
Fraud Alert on File :	Y	Credit Report Ordered:	Y
Complaint:			
Name:	Trans Union	Notified:	Y
Fraud Alert on File :	Y	Credit Report Ordered:	Y
Complaint:			
Name:	Other	Notified:	
Fraud Alert on File :		Credit Report Ordered:	
Complaint:			
<b>Reference Information</b>			
FTC Reference Number:	13799985	Originator Reference Number:	
Complaint Source:	FTC Call Center	Contact Type:	Complaint
Source:	Consumer	Agency Phone Contact:	
Internet Related:			
Created Date:	5/13/2008 10:07:47 AM	Created By:	VSCOTT
Updated Date:		Updated by:	

Dun & Bradstreet

### Business Information Report

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061008825L

ATTN: **knott**

Report Printed: FEB 08 2007  
**In Date**

#### BUSINESS SUMMARY

LIFELOCK, INC.  
6515 S Rural Rd Ste 104  
Tempe, AZ 85281



**D&B's Credit Limit Recommendation**  
D&B's industry and risk-based limit  
guidance



**Payment Trends Profile**  
Payment trends and industry benchmarks



#### Rating Change

This is a **single** location.

D-U-N-S Number: 36-070-9336

Telephone: 480 682-5100

D&B Rating: 1R3  
Formerly  
--

Chief executive: TODD DAVIS, CEO

Number of employees: 1R is 10 or more  
employees.

Composite credit appraisal: 3 is fair.

Year started: 2005

D&B PAYDEX®:

Employs: 47

12-Month D&B PAYDEX: 80  
When weighted by dollar amount, payments  
to suppliers average generally within terms.

Sales E: \$6,000,000



Based on trade collected over last 12 months.

History: CLEAR

SIC: 7382

Enhanced payment trends and industry benchmarks are available on this business

Line of business: Security systems services

**SUMMARY ANALYSIS**

D&B Rating: 1R3  
Number of employees: 1R indicates 10 or more employees.  
  
Composite credit appraisal: 3 is fair.

The Rating was changed on January 19, 2007 because of D&B's overall assessment of the company's financial, payment and history information. The 1R and 2R ratings categories reflect company size based on the total number of employees for the business. They are assigned to business files that do not contain a current financial statement. In 1R and 2R Ratings, the 2, 3, or 4 creditworthiness indicator is based on analysis by D&B of public filings, trade payments, business age and other important factors. 2 is the highest Composite Credit Appraisal a company not supplying D&B with current financial information can receive. For more information, see the D&B Rating Key.

Below is an overview of the company's rating history since 05/13/05:

D&B Rating	Date Applied
1R3	01/19/07
--	10/19/06
1R3	05/17/06
--	05/13/05

The Summary Analysis section reflects information in D&B's file as of February 5, 2007.

**CUSTOMER SERVICE**

If you have questions about this report, please call our Customer Resource Center at 1.800.234.3867 from anywhere within the U.S. If you are outside the U.S. contact your local D&B office.

\*\*\* Additional Decision Support Available \*\*\*

Additional D&B products, monitoring services and specialized investigations are available to help you evaluate this company or its industry. Call Dun & Bradstreet's Customer Resource Center at 1.800.234.3867 from anywhere within the U.S. or visit our website at [www.dnb.com](http://www.dnb.com).

**HISTORY**

The following information was reported 01/19/2007:

Officer(s): TODD DAVIS, CEO  
LUKE HELMS, CHB+

DIRECTOR(S): The officers identified by (+)

Business started 2005. 100% of capital stock is owned by officers.

FUNDING/INVESTMENT:

On November 14, 2006, LifeLock announced that it has raised \$6 million in a first round venture investment from Bessemer Venture Partners.

TODD DAVIS born 1966. 2005 to present active here. 1999-2004 employed as CEO in Marketing Champions located in Dallas, TX.

LUKE HELMS. 2005 to present active here. Helms was the former Vice Chairman of Bank of America.

Business address has changed from 7575 E Redfield Ste 235, Scottsdale, AZ, 85260 to 7404 W Detroit St Ste 100, Chandler, AZ, 85226.

Business address has changed from 7404 W Detroit St Ste 100, Chandler, AZ, 85226 to 6515 South Road Ste 104, Tempe, AZ, 85281.

**BUSINESS REGISTRATION**

**CORPORATE AND BUSINESS REGISTRATIONS PROVIDED BY MANAGEMENT OR OTHER SOURCE**

The Corporate Details provided below may have been submitted by the management of the subject business and may not have been verified with the government agency which records such data.

Registered Name: LIFELOCK, INC.

Business type: CORPORATION

Corporation type: PROFIT

Date incorporated: APR 12 2005

State of incorporation: DELAWARE

Filing date: APR 12 2005

Federal ID: 003954970

Status: ACTIVE

Where filed: SECRETARY OF STATE/CORPORATIONS DIVISION, DOVER, DE  
**OPERATIONS**

01/19/2007

Description: Provides security systems services, specializing in protective devices (100%).

Cash, Check and credit cards. Terms are credit cards. Sells to general public. Territory :  
United States.

Nonseasonal.

Employees: 47 which includes officer(s).

Facilities: Leases 4,800 sq. ft. on 1st floor of 2 story Metal.

Location: Suburban business section on well traveled street.

**SIC & NAICS**

**SIC:**

Based on information in our file, D&B has assigned this company an extended 8-digit SIC. D&B's use of 8-digit SICs enables us to be more specific to a company's operations than if we use the standard 4-digit code.

**NAICS:**

561621 Security Systems Services (except Locksmiths)

The 4-digit SIC numbers link to the description on the Occupational Safety & Health Administration (OSHA) Web site. Links open in a new browser window.

73829903 Protective devices, security

**D&B PAYDEX**



Enhanced payment trends and industry benchmarks are available on this business

The D&B PAYDEX is a unique, dollar weighted indicator of payment performance based on up to 10 payment experiences as reported to D&B by trade references.

3-Month D&B PAYDEX: 80

12-Month D&B PAYDEX: 80

When weighted by dollar amount, payments to suppliers average within terms. When weighted by dollar amount, payments to suppliers average generally within terms.



Based on trade collected over last 3 months. Based on trade collected over last 12 months.

When dollar amounts are not considered, then approximately 100% of the company's payments are within terms.

**PAYMENT SUMMARY**

The Payment Summary section reflects payment information in D&B's file as of the date of this report.

Below is an overview of the company's dollar-weighted payments, segmented by its suppliers' primary industries:

	Total Rcv'd (#)	Total Dollar Amts (\$)	Largest High Credit (\$)	Within Terms (%)	Days Slow			
					<31	31-60	61-90	90>

Top industries:

Nonclassified 4

The highest Now Owes on file is \$2,500

The highest Past Due on file is \$0

D&B receives over 600 million payment experiences each year. We enter these new and updated experiences into D&B Reports as this information is received.

**PAYMENT DETAILS**

Detailed Payment History

Date Reported (mm/yy)	Paying Record	High Credit (\$)	Now Owes (\$)	Past Due (\$)	Selling Terms	Last Sale Within (months)
-----------------------	---------------	------------------	---------------	---------------	---------------	---------------------------

Each experience shown is from a separate supplier. Updated trade experiences replace those previously reported.

**FINANCE**

01/19/2007

On JAN 19 2007 Michele Davis, Director, deferred financial statement.

Michele Davis, Dir submitted the following partial estimates dated JAN 19 2007:

Sales for 2006 were \$6,000,000.

**PUBLIC FILINGS**

A check of D&B's public records database indicates that no filings were found for LIFELOCK, INC. at 6515 S Rural Rd Ste 104, Tempe AZ.

D&B's extensive database of public record information is updated daily to ensure timely reporting of changes and additions. It includes business-related suits, liens, judgments, bankruptcies, UCC financing statements and business registrations from every state and the District of Columbia, as well as select filing types from Puerto Rico and the U.S. Virgin Islands.

D&B collects public records through a combination of court reporters, third parties and direct electronic links with federal and local authorities. Its database of U.S. business-related filings is now the largest of its kind.

**GOVERNMENT ACTIVITY**

Activity summary

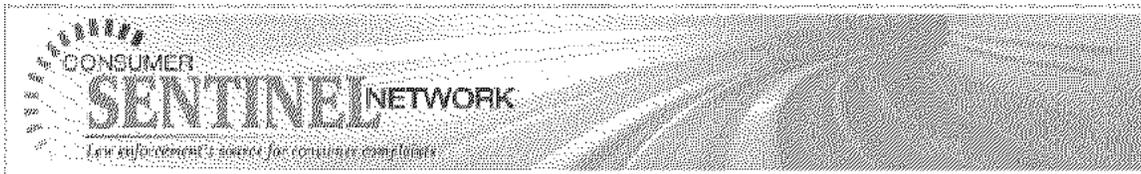
Borrower (Dir/Guar):	NO
Administrative debt:	NO
Contractor:	NO
Grantee:	NO
Party excluded from federal program(s):	NO

Possible candidate for socio-economic program consideration

Labor surplus area:	N/A
Small Business:	YES (2006)
8(A) firm:	N/A

The details provided in the Government Activity section are as reported to Dun & Bradstreet by the federal government and other sources.

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**Record Details**

 Identity Theft Complaints

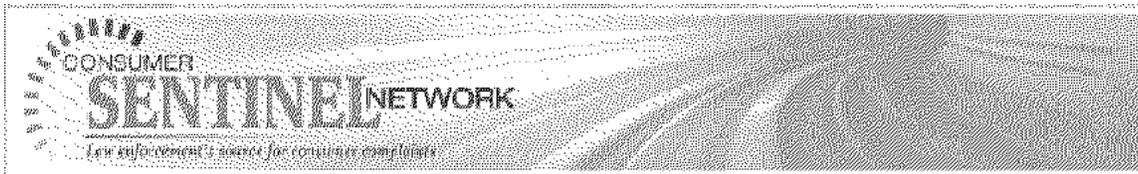
<b>Record # 1 of 33 / Identity Theft Complaints</b>			
<b>Verified IDT N Complaint?:</b>			
<b>Theft Subtype:</b>	Personal Information Disclosed	<b>Language:</b>	English
<b>Occurred Date:</b>		<b>Noticed Date:</b>	12/21/2008
<b># Accounts Affected:</b>	0	<b>Did subject use the Internet to open the account or purchase the goods or services?:</b>	Don't know
<b>Amount Lost by Victim:</b>		<b>Amount Obtained by Subject:</b>	
<b>Comments:</b>	Consumer signed up with Lifelock. Consumer reports they have not fixed her problem. Consumer indicates that personal information was disclosed. Consumer states that there is no suspect. The consumer has not contacted any of the Credit Reporting Agencies. Consumer has not contacted law enforcement. The consumer did not provide a Social Security Number.		
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Middle Name:</b>		<b>Business Name:</b>	
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Heath	<b>State/Prov:</b>	Ohio
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Work Number:</b>		<b>Ext:</b>	
<b>Home Number:</b>		<b>Fax Number:</b>	
<b>Email:</b>		<b>Date of Birth:</b>	(b)(6)
<b>Harm Suffered:</b>			
<b>Reported By</b>			
<b>First Name:</b>		<b>Last Name:</b>	
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Country:</b>	
<b>Home Number:</b>		<b>Work Number:</b>	
<b>Ext:</b>		<b>Email:</b>	
<b>Date of Birth:</b>			
<b>Subject</b>			
<b>First Name(s):</b>		<b>Last Name(s):</b>	
<b>Company Name:</b>	Lifelock		
<b>Address:</b>			
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>		<b>State:</b>	
<b>Zip:</b>		<b>Country:</b>	
<b>Email:</b>		<b>URL:</b>	
<b>Phone:</b>			
<b>Country Code:</b>		<b>Area Code:</b>	
<b>Phone Number:</b>		<b>Ext:</b>	
<b>Relationship:</b>		<b>Additional Information:</b>	
<b>Method of Obtaining</b>			

<b>Information:</b>			
<b>Associated Institutions</b>			
<b>Name:</b>			
<b>Type:</b>			
<b>Address 1:</b>	<b>Contact Name:</b>		<b>Address 2:</b>
<b>City:</b>	<b>State:</b>		
<b>ZIP:</b>	<b>Country:</b>		
<b>Phone Number:</b>	<b>Phone Extension:</b>		
<b>Institution Notified?:</b>	<b>Institution Notified in Writing?:</b>		
<b>Problem With Institution?:</b>	<b>Associated Institution Product Service Code:</b>		
<b>Associated Institution Statute Rule:</b>	<b>Associated Institution Violation:</b>		
<b>Government Entities</b>			
<b>Department Name:</b>	<b>Field Office:</b>		
<b>Contact Person:</b>	<b>State:</b>		
<b>Phone Number:</b>	<b>Notified Local Law Enforcement?:</b>		
<b>Report Taken?</b>	<b>Report Number:</b>		
<b>Credit Bureau</b>			
<b>Notified?:</b>	Equifax: N	Experian: N	Transunion: N Other: N
<b>Fraud Alert on Files?:</b>	Equifax: N	Experian: N	Transunion: N Other: N
<b>Credit Report Ordered?:</b>	Equifax: N	Experian: N	Transunion: N Other: N
<b>Complaint?:</b>	Equifax: N	Experian: N	Transunion: N Other: N
<b>Reference Information</b>			
<b>FTC Reference Number:</b>	21219051		<b>Originator Reference Number:</b>
<b>Complaint Source:</b>	TOLL FREE NUMBER AND CONSUMER SENTINEL		<b>Contact Type:</b> Request for Information
<b>Source:</b>	<b>Agency Phone Contact:</b>		
<b>Internet Related:</b>			
<b>Created Date:</b>	12/22/2008 3:38:39 PM		<b>Created By:</b> JSPINNATO
<b>Updated Date:</b>	<b>Updated by:</b>		

 Do Not Call Complaints

Record # 2 of 33 / Do Not Call Complaints			
<b>Reference Number:</b>	20882784		
<b>Complaint Date:</b>	11/13/2008	<b>Product Service Code:</b>	National Do Not Call Registry
<b>Complaint Source:</b>	National Do Not Call Registry	<b>Complaint Channel:</b>	Web
<b>Transaction Date:</b>	11/13/2008	<b>Transaction Time:</b>	12:00:00 PM
<b>Existing Business Relationship?:</b>	N	<b>Pre-recorded message?:</b>	N
<b>Requested entity to stop calling?:</b>	Y		
<b>Comments:</b>			
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>Address 2:</b>			
<b>City:</b>	North East	<b>State/Prov:</b>	Maryland
<b>ZIP:</b>	(b)(6)	<b>Phone Number:</b>	(b)(6)
<b>Subject</b>			
<b>Company Name:</b>	Lifelock	<b>State:</b>	
<b>Country Code:</b>		<b>Phone Number:</b>	

Provided by the Federal Trade Commission



## Record Details

 Consumer Sentinel Network Complaints

Record # 3 of 33 / Consumer Sentinel Network Complaints	
<b>Reference Number:</b>	20913919
<b>Originator Reference Number:</b>	10811081849098592
<b>Language:</b>	English
<b>Contact Type:</b>	Complaint
<b>Source:</b>	Organization
<b>DNC?</b>	N
<b>Comments:</b>	<p>CONTACT SENTINEL@FTC.GOV FOR MORE COMMENT INFORMATION. ALSO, TO PREVENT INTERFERENCE WITH PENDING ACTIONS, PRIOR TO ANY INVESTIGATIVE ACTION CONTACT THE IFCC AT SEARCH@FCCFBI.GOV. ICC Ref #10811081849098592 On 9/23/08, I enrolled and purchased an annual membership with Lifelock online. I did this as a result of a letter from my mortgage company received that day that my personal records had been compromised at their company. I wanted to use Lifelock to protect me from any identity theft as a result. On 11/8/08, I received a phone call on my cell phone from a woman named Megan, a person who worked in the Transaction Security Department at Money Gram International. She left me a voice message on my cell phone at first, and then I called her back at her direct phone number. She indicated that she believed that my identity had been compromised; she said that Money Gram had received an online request on 10/30/08 to transfer payment to somewhere outside of the United States using my credit card. She said that this person was able to give my name, home address, home phone number, social security number, date of birth, and my credit card number. Megan said she was "also able to retrieve" my cell phone number and had left a voice message on my home phone number just prior to calling my cell phone (which I later confirmed that she did) to let me know of this suspected identity theft. She said that based on my voice from my voice mail greeting, she was pretty sure that something was not right (which indicates to me that she must have heard that other person's version who was posing as me). Megan said that this person had also called in 3 to 4 times since initiating the money gram transfer to check on whether it would transfer or not. Megan said that, because of their security procedures at Money Gram, my card was not charged and no money was wired. Megan asked to see if I did have a credit card with the last four digits that she said to me, which was true. She also mentioned an email address that was used that I confirmed was not mine. Based on our discussion, she concluded that my identity seems to have been compromised and that I should contact my credit card company to cancel my account number and to contact the Social Security Administration to find out what to do now that someone was fraudulently using my social security number. After talking with Megan, I called my credit company's customer service line to find out what charges were made to my card recently. There indeed was an attempted charge on 10/30/08 from Money Gram, and then there was another one on 11/8/08 for Western Union. I closed my account and asked to go through the process of reporting the fraudulent charges with my credit card company. I noted that the credit card company did not have my correct current home phone number, so that led me to believe that the fraud was not originating from the credit card company, since my correct home phone number was used when the Money Gram transfer was initiated. The only time that I can remember that my I used this same credit card along with other personal information was when I signed up for my Lifelock account on 9/23/08. The information required includes first name, last name, home address, social security number, date of birth, primary phone number (such as a cell phone number), home phone number, an email address and password for my new Lifelock account. To purchase the membership, I used the same credit card that was used for the fraudulent Money Gram and Western Union charges. I wanted to also see if maybe Megan from Money Gram International was posing as someone else (though she did not ask for any personal information from me besides confirming that I did have a credit card that ended with certain four digits and that the email address she had was not mine). I looked on Money Gram International's website, www.emoneygram.com, to see what information had to be entered in order to initia</p>
<b>Entered By:</b>	IFCC-USER
<b>Entry Date:</b>	11/8/2008
<b>Updated By:</b>	
<b>Updated Date:</b>	
<b>Complaint Source:</b>	Internet Fraud Complaint Center
<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount:</b>	
<b>Amount Paid:</b>	\$80.00

<b>Requested:</b>			
<b>Payment Method:</b>	Not Reported	<b>Agency Contact:</b>	External Agency
<b>Complaint Date:</b>	11/8/2008	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	Other	<b>Initial Response:</b>	
<b>Statute/Rule:</b>		<b>Law Violation:</b>	
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>		<b>Dispute with Credit Bureau over 45 days?:</b>	
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	TUSTIN	<b>State/Prov:</b>	California
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>		<b>Work Number:</b>	
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	20 - 29
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>			
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Country:</b>	
<b>Email:</b>		<b>URL:</b>	www.lifelock.com
<b>Area Code:</b>		<b>Phone Number:</b>	
<b>Ext:</b>			
<b>Representative Name:</b>		<b>Title:</b>	

Record # 4 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	20227301	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	Radio announcement today from company claims that it (or its employees) "will do ALL the work for you [the consumer identity theft victim]". This information is not explicitly stated or found on the company's web site. Bottomline: The fact is that the consumer ID theft victim does MOST of the work with LifeLock assistance.. PS9000: Identity Theft Protection Service		
<b>Entered By:</b>	FTCCIS-FTCUSER	<b>Entry Date:</b>	9/11/2008
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$0.00	<b>Amount Paid:</b>	\$0.00
<b>Payment Method:</b>	Not Reported	<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	9/11/2008	<b>Transaction Date:</b>	9/11/2008
<b>Initial Contact:</b>	TV/Radio	<b>Initial Response:</b>	Other
<b>Statute/Rule:</b>		<b>Law Violation:</b>	
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	Colorado Springs	<b>State/Prov:</b>	Colorado
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Work Number:</b>			
<b>Ext:</b>			
<b>Age Range:</b>	40 - 49		
<b>Subject</b>			
<b>Subject:</b>	Lifelock, Inc.		
<b>Address:</b>	60 E Rio Salado Pkwy Suite 400		
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85281	<b>Country:</b>	United States
<b>Email:</b>	member.services@lifelock.com	<b>URL:</b>	http://www.lifelock.com/
<b>Area Code:</b>	480	<b>Phone Number:</b>	6825 100
<b>Ext:</b>			
<b>Representative Name:</b>			
<b>Title:</b>			

Record # 5 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	19828480	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>		<b>DNC?</b>	N
<b>Comments:</b>	I was promised a copy of all three credit reports and they never fulfilled their promise.. PS9000: Fraud Protection Company		
<b>Entered By:</b>	FTCCIS-FTCUSER	<b>Entry Date:</b>	8/7/2008
<b>Updated By:</b>	RCONDON	<b>Updated Date:</b>	8/13/2008
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Credit Report Users
<b>Amount Requested:</b>	\$10.00	<b>Amount Paid:</b>	\$20.00
<b>Payment Method:</b>		<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	8/13/2008	<b>Transaction Date:</b>	
<b>Initial Contact:</b>		<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Snellville	<b>State/Prov:</b>	
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	
<b>Home Number:</b>		<b>Work Number:</b>	(b)(6)
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	
<b>Subject</b>			
<b>Subject:</b>	Lifelock Inc		
<b>Address:</b>			
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85258	<b>Country:</b>	United States
<b>Email:</b>		<b>URL:</b>	www.lifelock.com
<b>Area Code:</b>	800	<b>Phone Number:</b>	5433562
<b>Ext:</b>			
<b>Representative Name:</b>		<b>Title:</b>	

Record # 9 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	19314762	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>		<b>DNC?</b>	N
<b>Comments:</b>	My complaint is about deceptive advertising. They are claiming that they are stopping indentity thieves from opening accounts but that is not how they operate. They only reduce the chance of any identity theft and don't have any active role in stopping anyone who has obtained identity information from applying or opening an account using the stolen information.		
<b>Entered By:</b>	FTCCIS-FTCUSER	<b>Entry Date:</b>	6/17/2008
<b>Updated By:</b>	JSPINNATO	<b>Updated Date:</b>	8/6/2008
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Shop-at-Home\Catalog Sales
<b>Amount Requested:</b>		<b>Amount Paid:</b>	
<b>Payment Method:</b>		<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	8/6/2008	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	TV/Radio	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	Y
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	New Britain	<b>State/Prov:</b>	Connecticut
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>		<b>Work Number:</b>	
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	40 - 49
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>	60 E Rio Salado Pkwy Ste 400		
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85281	<b>Country:</b>	United States
<b>Email:</b>	marketing@lifelock.com	<b>URL:</b>	lifelock.com
<b>Area Code:</b>	480	<b>Phone Number:</b>	6825100
<b>Ext:</b>			
<b>Representative Name:</b>		<b>Title:</b>	

Record # 10 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	19244806	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>		<b>DNC?</b>	N
<b>Comments:</b>	"I was a victim of identity theft so I called Lifelock and they said "Our 100% guarantee is simple. If you become a victim, we fix it. We will work tirelessly and will not stop until your identity is restored. Guaranteed." I cut and paste this from their own advertising. They also said "you'll find out how to lock down your identity, making it virtually impossible for identity thieves to wreak havoc on your good name." I spoke to not only a lifelock representative but to a manager as well, explaining someone was using my SSN in Reno, NV to work and could they help me. They said all the above and more, and said Yes they would restore my identity. All they did was put a fraud alert with the three credit bureaus, something I'd already done for free. They said they would order my credit reports for me, when I paid for membership on 3/9/08 and they failed to order them until 5/30/08. They imply they can do all these things for you and yet they can do almost nothing. I was relying on them to help me, and it was all a sham. Their ads are a lie and they don't even do what they promise. It's unAmerican.. PS9000: Identity Theft protection company		
<b>Entered By:</b>	FTCCIS-FTCUser	<b>Entry Date:</b>	6/9/2008
<b>Updated By:</b>	rloper	<b>Updated Date:</b>	7/31/2008
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$99.00	<b>Amount Paid:</b>	\$99.00
<b>Payment Method:</b>	MasterCard Credit Card	<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	7/31/2008	<b>Transaction Date:</b>	3/8/2008
<b>Initial Contact:</b>	Internet/E-mail	<b>Initial Response:</b>	Phone: 800/888 number
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	Otter Rock	<b>State/Prov:</b>	Oregon
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Work Number:</b>	(b)(6)	<b>Ext:</b>	
<b>Age Range:</b>	50 - 59		
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>	60 E Rio Salado Pkwy		
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85281	<b>Country:</b>	United States
<b>Email:</b>	member.services@lifelock.com	<b>URL:</b>	lifelock.com
<b>Area Code:</b>	800	<b>Phone Number:</b>	5433562
<b>Ext:</b>			
<b>Representative Name:</b>			
<b>Title:</b>			

Record # 11 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	19959991	<b>Originator Reference Number:</b>	10805230021012741
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Organization	<b>DNC?</b>	N
<b>Comments:</b>	CONTACT SENTINEL@FTC.GOV FOR MORE COMMENT INFORMATION. ALSO, TO PREVENT INTERFERENCE WITH PENDING ACTIONS, PRIOR TO ANY INVESTIGATIVE ACTION CONTACT THE IFCC AT SEARCH@IFCCFBI.GOV. ICC Ref #10805230021012741 received a phone call on monday may 19th from a life lock representative. Telling me that their new E Recon service has detected that my social security number and my name is being sold online with a credit card ending in 6555. To my knowledge I do not own a credit card that contain those ending digits. I then had to call visa because that was what type of card it was that i was told and they could not seem to help me . It was a bank of america card was all that i could seem to understand. I have the full card # xxxx-xxxx-xxxx-xxxx. I then talked to bank of america and they could not find a card that contains these numbers. I ordered a copy of my credit report and put a 90 day fraud alert on my credit. Life lock was only able to tell me that this was some sort of chatroom where people sell/exchange other peoples identity. I find it interesting that i applied via phone a few weeks ago for a bank of america card ... But when i called to check my account number they did not match to this fraudulent card. But the gentlemen that i spoke to over the phone when i applied had a very thick foreign accent. I don't know if maybe he possibly could have played a part in this? Life lock told me that if an official called them they may be able to release more information to choose option three and ask for a supervisor.		
<b>Entered By:</b>	IFCC-USER	<b>Entry Date:</b>	5/23/2008
<b>Updated By:</b>	NW3C FileUpload	<b>Updated Date:</b>	9/24/2008
<b>Complaint Source:</b>	Internet Fraud Complaint Center	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>		<b>Amount Paid:</b>	\$0.00
<b>Payment Method:</b>	Not Reported	<b>Agency Contact:</b>	External Agency
<b>Complaint Date:</b>	5/23/2008	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	Other	<b>Initial Response:</b>	
<b>Statute/Rule:</b>		<b>Law Violation:</b>	
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>		<b>Dispute with Credit Bureau over 45 days?:</b>	
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	PEORIA	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Work Number:</b>			
<b>Ext:</b>			
<b>Age Range:</b>	20 - 29		
<b>Subject</b>			
<b>Subject:</b>	Thru Life Lock 1-800-lifelock		
<b>Address:</b>	unknown		
<b>City:</b>	Unknown	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	unknown	<b>Country:</b>	United States
<b>Email:</b>	jd@email.com	<b>URL:</b>	
<b>Area Code:</b>	000	<b>Phone Number:</b>	0000000
<b>Ext:</b>			
<b>Representative Name:</b>	unknown unknown	<b>Title:</b>	

Record # 12 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	13479967	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: Identity Theft Protection Service for Children) Although admirable for the company to be proactive in providing a service to protect children from identity theft, examining the information on LifeLock's website leads me to believe the company is in violation of the FTC's Children's Online Privacy Protection Act since it implies collecting children's personal information in order to provide the identity theft service through the children's parents. For example, the company states it protects children past the age of 13 (IAW with the Act) but no higher than the age of 16. Other parts of the website state "15 and younger". Nowhere does it refer to compliance with the Act.		
<b>Entered By:</b>	RBROWN1	<b>Entry Date:</b>	4/8/2008
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>		<b>Amount Paid:</b>	
<b>Payment Method:</b>		<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	4/5/2008	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	TV/Radio	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>		<b>Dispute with Credit Bureau over 45 days?:</b>	
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	COLORADO SPRINGS	<b>State/Prov:</b>	Colorado
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>		<b>Work Number:</b>	
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	40 - 49
<b>Subject</b>			
<b>Subject:</b>	LifeLock, Inc.		
<b>Address:</b>	60 East Rio Salado Parkway Suite 400		
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85281	<b>Country:</b>	United States
<b>Email:</b>		<b>URL:</b>	
<b>Area Code:</b>	800	<b>Phone Number:</b>	543-3562
<b>Ext:</b>			
<b>Representative Name:</b>		<b>Title:</b>	

Record # 13 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	13199349	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: Credit Theft Protection) On February 6, 2008, Lifelock was featured on Montel Williams TV show. Using "montel" as a promo code, I was offered a 30 day free trial period and was assured my chargecard would not be charged. However, the card was charged \$176 that day. It took three days to remove this charge from my checkcard. I called Lifelock on 7 February to complain about this charge and to cancel my subscription; the subscription was cancelled that same day. On 6 March 2008, my checkcard was again charged \$176. I again contacted Lifelock and was told that though my subscription was cancelled my card was not deactivated. What this company is doing is fraud, plain and simple, and needs to be stopped.		
<b>Entered By:</b>	JHART	<b>Entry Date:</b>	3/10/2008
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Personal Protection Devices Other (Note in Comments)
<b>Amount Requested:</b>	\$0.00	<b>Amount Paid:</b>	\$176.00
<b>Payment Method:</b>	Visa Credit Card	<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	3/6/2008	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	TV/Radio	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Clarksville	<b>State/Prov:</b>	Tennessee
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>		<b>Work Number:</b>	
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	50 - 59
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>	60 E Rio Salado Pkwy Suite 400		
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85281	<b>Country:</b>	United States
<b>Email:</b>		<b>URL:</b>	
<b>Area Code:</b>	480	<b>Phone Number:</b>	682-5100
<b>Ext:</b>			
<b>Representative Name:</b>		<b>Title:</b>	

Record # 15 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	12572607	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Request for Information
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	Consumer calling to request information about the new company Lifelock. Consumer wants to know if they are a legitimate company.		
<b>Entered By:</b>	JXSMITH	<b>Entry Date:</b>	1/8/2008
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	TOLL FREE NUMBER AND CONSUMER SENTINEL	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$0.00	<b>Amount Paid:</b>	\$0.00
<b>Payment Method:</b>	Unknown	<b>Agency Contact:</b>	Phone
<b>Complaint Date:</b>		<b>Transaction Date:</b>	1/8/2008
<b>Initial Contact:</b>	Unknown	<b>Initial Response:</b>	Unknown
<b>Statute/Rule:</b>		<b>Law Violation:</b>	
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Loudon	<b>State/Prov:</b>	Tennessee
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>		<b>Work Number:</b>	(b)(6)
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>			
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Country:</b>	
<b>Email:</b>		<b>URL:</b>	
<b>Area Code:</b>		<b>Phone Number:</b>	
<b>Ext:</b>			
<b>Representative Name:</b>		<b>Title:</b>	

Record # 16 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	11954458	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Request for Information
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	please seize my personal information (credit card number, SSN #, ETC) from Lifelock's database and revoke the power of attorney Lifelock got from me		
<b>Entered By:</b>	GHORTON	<b>Entry Date:</b>	10/31/2007
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$10.00	<b>Amount Paid:</b>	\$30.00
<b>Payment Method:</b>	Visa Credit Card	<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	10/30/2007	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	TV/Radio	<b>Initial Response:</b>	
<b>Statute/Rule:</b>		<b>Law Violation:</b>	
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	spruce pine	<b>State/Prov:</b>	North Carolina
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Work Number:</b>			
<b>Ext:</b>			
<b>Age Range:</b>	40 - 49		
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>	60 E. Rio Salado Parkway Suite 900		
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85281	<b>Country:</b>	United States
<b>Email:</b>			
<b>Area Code:</b>	877	<b>URL:</b>	
<b>Ext:</b>			
<b>Phone Number:</b>	543-3562		
<b>Representative Name:</b>			
	<b>Title:</b>		

Record # 17 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	11914886	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: Protection against ID theft) I did not enroll in their program, I believe they are marketing this way to scare people into using their services, so other companies cannot do exactly what they are doing. It's like paying the mob to protect you from the mob. The following is a copy of one of the 3 emails they sent me: "Thank you for enrolling with LifeLock. You are the primary contact for the (b)(6) Family. You have elected the following payment option: LifeLock Annual, which includes a recurring payment of \$ 198.00. This amount will be automatically charged to your credit card each month or year, depending on your payment option. Your Invoice Number is: SA071022061624INREVP To contact us, please do not reply to this email. If you have any questions, please send a separate email to client.services@lifelock.com or give us a call at 1-877-543-3562 and select option 2. We are available 24/7. Thank you for your business. Most sincerely, Todd Davis Chief Executive Officer, LifeLock, Inc."		
<b>Entered By:</b>	DBRAHLEK	<b>Entry Date:</b>	10/24/2007
<b>Updated By:</b>	JOB: Upd_internet_related	<b>Updated Date:</b>	10/25/2007
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Internet Information & Adult Services
<b>Amount Requested:</b>	\$19,800.00	<b>Amount Paid:</b>	\$0.00
<b>Payment Method:</b>		<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	10/22/2007	<b>Transaction Date:</b>	10/22/2007
<b>Initial Contact:</b>	Internet/E-mail	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	Y
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	Hilo	<b>State/Prov:</b>	Hawaii
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Work Number:</b>			
<b>Ext:</b>			
<b>Age Range:</b>	50 - 59		
<b>Subject</b>			
<b>Subject:</b>	Lifelock Inc.		
<b>Address:</b>	60 E. Rio Salado Parkway Suite 900		
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85281	<b>Country:</b>	United States
<b>Email:</b>			
<b>Area Code:</b>	877	<b>Phone Number:</b>	543-3562
<b>Ext:</b>			
<b>Representative Name:</b>	Todd Davis	<b>Title:</b>	

Record # 18 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	11843991	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: Product Advertised) Service is bogus. Please tell correct FTC dept that I want my family personal information back from LifeLock databases and to revoke the power of attorney they have for my family; immediately, if not sooner, please. Thx.		
<b>Entered By:</b>	ASMITLEY	<b>Entry Date:</b>	10/12/2007
<b>Updated By:</b>	JOB: Upd_internet_related	<b>Updated Date:</b>	10/13/2007
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$990.00	<b>Amount Paid:</b>	\$990.00
<b>Payment Method:</b>	American Express Credit Card	<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	10/8/2007	<b>Transaction Date:</b>	9/24/2007
<b>Initial Contact:</b>	Internet Web Site	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Deerfield Beach	<b>State/Prov:</b>	Florida
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>		<b>Work Number:</b>	(b)(6)
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	50 - 59
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>	6515 S Rural Rd Suite 104		
<b>City:</b>	Tempe, Az 85283	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85283	<b>Country:</b>	United States
<b>Email:</b>		<b>URL:</b>	
<b>Area Code:</b>	480	<b>Phone Number:</b>	6825100
<b>Ext:</b>			
<b>Representative Name:</b>		<b>Title:</b>	

Record # 19 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	11451056	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: LifeLock) I signed up with LifeLock for their credit protection program, not knowing that Robert Maynard Jr, their founder and 10% beneficial owner was banned by the FTC from doing any business in a credit repair/maintenance business due to former unethical practices. I would like to ask the FTC to seize my confidential data from LifeLock's database and revoke the power of attorney which I mistakenly granted to them. Thank you.		
<b>Entered By:</b>	ASMITLEY	<b>Entry Date:</b>	8/30/2007
<b>Updated By:</b>	JOB: Upd_internet_related	<b>Updated Date:</b>	8/31/2007
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>		<b>Amount Paid:</b>	
<b>Payment Method:</b>		<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	8/28/2007	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	Internet (Other)	<b>Initial Response:</b>	
<b>Statute/Rule Topic:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Dispute with Credit Bureau?:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>		<b>Dispute with Credit Bureau over 45 days?:</b>	
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	Valencia	<b>State/Prov:</b>	California
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Work Number:</b>			
<b>Ext:</b>			
<b>Age Range:</b>	40 - 49		
<b>Subject</b>			
<b>Subject:</b>	LifeLock		
<b>Address:</b>			
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Country:</b>	
<b>Email:</b>		<b>URL:</b>	
<b>Area Code:</b>		<b>Phone Number:</b>	
<b>Ext:</b>			
<b>Representative Name:</b>		<b>Title:</b>	

Record # 20 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	11115044	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: Personal LifeLock) I signed up for their service and then started reading about how they are run by crooks. I called them back and they agreed to refund my money and remove my information from their database. I am worried, however, that they will not remove my information. Would you please seize my personal information from LifeLock and revoke the power of attorney that was part of the agreement? I apologize for wasting your time by making this stupid move without doing my research. Any help would be greatly appreciated. Best Regards, (b)(6)		
<b>Entered By:</b>	RLOPER	<b>Entry Date:</b>	7/27/2007
<b>Updated By:</b>	JOB: Upd_internet_related	<b>Updated Date:</b>	7/28/2007
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$245.00	<b>Amount Paid:</b>	\$0.00
<b>Payment Method:</b>	Visa Credit Card	<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	7/26/2007	<b>Transaction Date:</b>	7/26/2007
<b>Initial Contact:</b>	Internet Web Site	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	San Rafael	<b>State/Prov:</b>	California
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Work Number:</b>	(b)(6)	<b>Ext:</b>	
<b>Age Range:</b>	30 - 39		
<b>Subject</b>			
<b>Subject:</b>	LifeLock		
<b>Address:</b>	LifeLock 6515 S Rural Rd		
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85283	<b>Country:</b>	United States
<b>Email:</b>			
<b>Area Code:</b>	888	<b>URL:</b>	
<b>Ext:</b>			
<b>Phone Number:</b>	5433562		
<b>Representative Name:</b>			
<b>Title:</b>			

Record # 21 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	11030041	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: They put freezes on personal credit) Please seize my personal information from Lifelock's database and revoke the power of attorney		
<b>Entered By:</b>	MPHILLIPS	<b>Entry Date:</b>	7/13/2007
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$15.00	<b>Amount Paid:</b>	
<b>Payment Method:</b>		<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	7/12/2007	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	TV/Radio	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	Duluth	<b>State/Prov:</b>	Georgia
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>	4244F Pleasant Lake Village Lane		
<b>City:</b>	Duluth	<b>State/Prov:</b>	Georgia
<b>ZIP:</b>	30096	<b>Country:</b>	United States
<b>Email:</b>			
<b>Area Code:</b>	1877	<b>URL:</b>	
<b>Ext:</b>			
<b>Phone Number:</b>	lifelock		
<b>Representative Name:</b>			
	<b>Title:</b>		

Record # 22 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	10922930	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	Consumer has heard about a company called Lifelock that says companies are responsible for training their employees on FACTA, and they will be subject to a fine if they do not. The company advertised on the radio that for \$12 per employee they will come in and train the employees. Consulted public reference desk.		
<b>Entered By:</b>	RCONDON	<b>Entry Date:</b>	6/26/2007
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	TOLL FREE NUMBER AND CONSUMER SENTINEL	<b>Product Service Code:</b>	Insurance (Other than Medical)
<b>Amount Requested:</b>	\$12.00	<b>Amount Paid:</b>	\$0.00
<b>Payment Method:</b>	Unknown	<b>Agency Contact:</b>	Phone
<b>Complaint Date:</b>		<b>Transaction Date:</b>	4/30/2007
<b>Initial Contact:</b>	TV/Radio	<b>Initial Response:</b>	Unknown
<b>Statute/Rule:</b>		<b>Law Violation:</b>	
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>		<b>Dispute with Credit Bureau over 45 days?:</b>	
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>	(b)		
<b>First Name:</b>	(b)	<b>Last Name:</b>	(b)
<b>Address 1:</b>			
<b>Address 2:</b>			
<b>City:</b>		<b>State/Prov:</b>	South Carolina
<b>ZIP:</b>		<b>Country:</b>	UNITED STATES
<b>Home Number:</b>		<b>Work Number:</b>	(b)(6)
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>			
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Country:</b>	
<b>Email:</b>		<b>URL:</b>	
<b>Area Code:</b>	877	<b>Phone Number:</b>	LIFELOCK
<b>Ext:</b>			
<b>Representative Name:</b>		<b>Title:</b>	

Record # 23 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	10796707	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Request for Information
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: Identity Theft Protection) I signed myself, my wife (b)(6) (s), my son (b)(6) and my daughter (b)(6) for LifeLock's family plan. I find out today via an article in the Phoenix New Times that one of the co-founders, Robert Maynard Jr., has a permanent injunction issued by the federal government that bans Maynard from "advertising, promoting, offering for sale, selling, performing, or distributing any product or service relating to credit improvement services. He has defrauded numerous customers in the his past business dealings. I am extremely concerned because this man know has my personal information, my wife's and my two young children's information. I ask that you please seize my personal information from LifeLock's database and revoke the limited power of attorney from Robert Maynard.		
<b>Entered By:</b>	WFRIDAY	<b>Entry Date:</b>	6/6/2007
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$162.00	<b>Amount Paid:</b>	\$162.00
<b>Payment Method:</b>	Visa Credit Card	<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	6/4/2007	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	In Person	<b>Initial Response:</b>	
<b>Statute/Rule:</b>		<b>Law Violation:</b>	
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	Chandler	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Work Number:</b>	(b)(6)	<b>Ext:</b>	
<b>Age Range:</b>	30 - 39		
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>	6515 S Rural Rd Suite 104		
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85283	<b>Country:</b>	United States
<b>Email:</b>			
<b>Area Code:</b>	877	<b>URL:</b>	
<b>Ext:</b>			
<b>Phone Number:</b>	5433562		
<b>Representative Name:</b>	Todd Davis	<b>Title:</b>	

Record # 24 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	10748305	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: Lifelock identity theft service) This company ( Lifelock), sets up a service that requires creditors, underwriters, equifax etc. to call members via cellphone to alert of a credit check, new bank account application etc. to it's members. If the member does not feel the call reflects any bank or loan activity they are involved in the creditor or bank does not honor the transaction. This service is designed to protect people from identity theft. This service only facilitates a stronger means of identity theft. My complaint recognizes this service will only snowball identity theft because of it's very nature. This service can create an even more dangerous identity theft problem with even deeper complications. #1 The company has no more advanced check of it's new members than any other credit service. #2 The company taunts thieves to try to beat it's system in it's advertising. #3 The company has a database and it is no more secure from hackers than any other bank database. #4 Any good identity thief will recognize this service as the holy grail. When a thief has a good ID on a US Citizen he will happily use this Lifelock service to sign up the victim...make a quick transaction . Cell phones for a crooks are throw-away devices. The loopholes are numerous. #5 The victim, whom is now a member without consent....will not receive any cell-phone calls and is now basically a big Zero..... the thief has discarded the cell phone and any interest pursuing further transactions. My most important complaint...who gave this company the right to manipulate our credit fate with it's service? If you don't sign up before the crooks sign you up?		
<b>Entered By:</b>	ASMITLEY	<b>Entry Date:</b>	5/29/2007
<b>Updated By:</b>	JOB: Upd_internet_related	<b>Updated Date:</b>	5/30/2007
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Internet Information & Adult Services
<b>Amount Requested:</b>		<b>Amount Paid:</b>	
<b>Payment Method:</b>		<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	5/25/2007	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	TV/Radio	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	Y
<b>Dispute with Credit Bureau?:</b>		<b>Dispute with Credit Bureau over 45 days?:</b>	
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Centennial	<b>State/Prov:</b>	Colorado
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>		<b>Work Number:</b>	
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	50 - 59
<b>Subject</b>			
<b>Subject:</b>	Lifelock.com		
<b>Address:</b>			
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Country:</b>	
<b>Email:</b>		<b>URL:</b>	
<b>Area Code:</b>		<b>Phone Number:</b>	
<b>Ext:</b>			
<b>Representative</b>		<b>Title:</b>	

**Name:** | | | | |

Record # 25 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	10204590	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: ID theft protection plan) This company is running a lot of false advertising saying... "We give you a \$1,000,000 guarantee that your identity will never be lost or stolen." As you look at the details of their website, that is not true at all. All they guarantee is that if it is, they'll pay up to \$1,000,000 for all the expenses you incur fixing your identity. That's a big difference and it's false and misleading advertising.		
<b>Entered By:</b>	JXHEINY	<b>Entry Date:</b>	3/12/2007
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>		<b>Amount Paid:</b>	
<b>Payment Method:</b>		<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	3/9/2007	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	TV/Radio	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>		<b>Dispute with Credit Bureau over 45 days?:</b>	
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	Plano	<b>State/Prov:</b>	Texas
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Work Number:</b>	(b)(6)		
<b>Ext:</b>			
<b>Age Range:</b>	50 - 59		
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>			
<b>City:</b>			
<b>State/Prov:</b>			
<b>ZIP:</b>			
<b>Country:</b>			
<b>Email:</b>			
<b>URL:</b>			
<b>Area Code:</b>			
<b>Phone Number:</b>			
<b>Ext:</b>			
<b>Representative Name:</b>			
<b>Title:</b>			

Record # 26 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	10204584	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: Lifelock) This company is running totally false and misleading advertising claiming to give a \$1 million dollar guarantee if you are hit with identity theft and also claiming that they can totally stop identity theft from occurring, which is a lie. They do nothing about medical records, social security fraud, etc. What the fine print says is they will reimburse you up to 1 million dollars for expenses, which is outrageous because no one will occur those kind of expenses. These ads clearly violate the Truth in Advertising laws. Thank you.		
<b>Entered By:</b>	JXHEINY	<b>Entry Date:</b>	3/12/2007
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$100.00	<b>Amount Paid:</b>	\$0.00
<b>Payment Method:</b>	Unknown	<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	3/9/2007	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	TV/Radio	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>	N	<b>Dispute with Credit Bureau over 45 days?:</b>	N
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>City:</b>	Mt Juliet	<b>State/Prov:</b>	Tennessee
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>			
<b>Fax Number:</b>			
<b>Email:</b>			
<b>Work Number:</b>	(b)(6)	<b>Ext:</b>	
<b>Age Range:</b>	40 - 49		
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>	6515 S Rural Road Suite 104		
<b>City:</b>	Tempe	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85122	<b>Country:</b>	United States
<b>Email:</b>			
<b>Area Code:</b>	877	<b>URL:</b>	
<b>Ext:</b>			
<b>Phone Number:</b>	5433562		
<b>Representative Name:</b>			
<b>Title:</b>			

Record # 27 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	9877575	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	Consumer saw an ad in the LA Daily News for a company called Lifelock. The company is offering ID Theft protection, and guarantees it for \$1M. Consumer believes the information is false advertising.		
<b>Entered By:</b>	PBLUNT	<b>Entry Date:</b>	1/24/2007
<b>Updated By:</b>		<b>Updated Date:</b>	
<b>Complaint Source:</b>	TOLL FREE NUMBER AND CONSUMER SENTINEL	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$0.00	<b>Amount Paid:</b>	\$0.00
<b>Payment Method:</b>	Unknown	<b>Agency Contact:</b>	Phone
<b>Complaint Date:</b>		<b>Transaction Date:</b>	1/23/2007
<b>Initial Contact:</b>	Print	<b>Initial Response:</b>	Unknown
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>		<b>Dispute with Credit Bureau over 45 days?:</b>	
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	North Hollywood	<b>State/Prov:</b>	California
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>		<b>Work Number:</b>	
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	50 - 59
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>			
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Country:</b>	
<b>Email:</b>		<b>URL:</b>	
<b>Area Code:</b>	877	<b>Phone Number:</b>	LIFELOCK
<b>Ext:</b>			
<b>Representative Name:</b>		<b>Title:</b>	

Record # 28 of 33 / Consumer Sentinel Network Complaints			
<b>Reference Number:</b>	8515916	<b>Originator Reference Number:</b>	
<b>Language:</b>	English	<b>Contact Type:</b>	Complaint
<b>Source:</b>	Consumer	<b>DNC?</b>	N
<b>Comments:</b>	(Product Name: Identity Theft Protection Services) We signed up for identity theft services through Lifelock because of the claims they made on their site. They promised to place fraud alerts on our credit files (they did that on the three major credit bureaus). However, their other claims have proven false. They promised to have solitation mail stopped, but it hasn't. They promised to place a fraud alert and get us a copy of our files from Chex Systems. However, we were then told that Chex Systems has refused to work with them. Their website says they have a 24 hour crisis hotline. They did not list a phone number for that (we needed it) and when we inquired they said they didn't in fact have a crisis hotline. We are having serious identity theft problems and called Lifelock on June 23rd 2006 to get help. We were told a case worker would call us back immediately but no one has called. Lifelock still has the Chex Systems and crisis hotline listed as benefits on their website, which is false advertising. The reason we chose to go with Lifelock was because of the Chex Systems benefit. We feel scammed. We have requested a refund twice and have gotten no response.		
<b>Entered By:</b>	SWOODSON	<b>Entry Date:</b>	6/29/2006
<b>Updated By:</b>	JOB: Upd_internet_related	<b>Updated Date:</b>	6/30/2006
<b>Complaint Source:</b>	PUBLIC USERS - CIS	<b>Product Service Code:</b>	Other (Note in Comments)
<b>Amount Requested:</b>	\$220.00	<b>Amount Paid:</b>	\$220.00
<b>Payment Method:</b>	Visa Credit Card	<b>Agency Contact:</b>	Internet
<b>Complaint Date:</b>	6/27/2006	<b>Transaction Date:</b>	
<b>Initial Contact:</b>	Internet Web Site	<b>Initial Response:</b>	
<b>Statute/Rule:</b>	FTC Act Sec 5 (BCP)	<b>Law Violation:</b>	Deception/Misrepresentation
<b>Topic:</b>		<b>Fraud Complaint?:</b>	
<b>Dispute with Credit Bureau?:</b>		<b>Dispute with Credit Bureau over 45 days?:</b>	
<b>Consumer</b>			
<b>Complaining Company/Org.:</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	(b)(6)
<b>City:</b>	Vancouver	<b>State/Prov:</b>	Washington
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Home Number:</b>		<b>Work Number:</b>	(b)(6)
<b>Fax Number:</b>		<b>Ext:</b>	
<b>Email:</b>		<b>Age Range:</b>	40 - 49
<b>Subject</b>			
<b>Subject:</b>	Lifelock		
<b>Address:</b>	7404 W Detroit Street Suite 100		
<b>City:</b>	Chandler	<b>State/Prov:</b>	Arizona
<b>ZIP:</b>	85226	<b>Country:</b>	United States
<b>Email:</b>		<b>URL:</b>	
<b>Area Code:</b>	480	<b>Phone Number:</b>	6825100
<b>Ext:</b>		<b>Title:</b>	
<b>Representative Name:</b>			

 Identity Theft Complaints

<b>Record # 1 of 33 / Identity Theft Complaints</b>			
<b>Verified IDTN Complaint?:</b>			
<b>Theft Subtype:</b>	Personal Information Disclosed	<b>Language:</b>	English
<b>Occurred Date:</b>		<b>Noticed Date:</b>	12/21/2008
<b># Accounts Affected:</b>	0	<b>Did subject use the Internet to open the account or purchase the goods or services?:</b>	Don't know
<b>Amount Lost by Victim:</b>		<b>Amount Obtained by Subject:</b>	
<b>Comments:</b>	Consumer signed up with Lifelock. Consumer reports they have not fixed her problem. Consumer indicates that personal information was disclosed. Consumer states that there is no suspect. The consumer has not contacted any of the Credit Reporting Agencies. Consumer has not contacted law enforcement. The consumer did not provide a Social Security Number.		
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Middle Name:</b>		<b>Business Name:</b>	
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Heath	<b>State/Prov:</b>	Ohio
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Work Number:</b>		<b>Ext:</b>	
<b>Home Number:</b>		<b>Fax Number:</b>	
<b>Email:</b>		<b>Date of Birth:</b>	(b)(6)
<b>Harm Suffered:</b>			
<b>Reported By</b>			
<b>First Name:</b>		<b>Last Name:</b>	
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Country:</b>	
<b>Home Number:</b>		<b>Work Number:</b>	
<b>Ext:</b>		<b>Email:</b>	
<b>Date of Birth:</b>			
<b>Subject</b>			
<b>First Name(s):</b>		<b>Last Name(s):</b>	
<b>Company Name:</b>	Lifelock		
<b>Address:</b>			
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>		<b>State:</b>	
<b>Zip:</b>		<b>Country:</b>	
<b>Email:</b>		<b>URL:</b>	
<b>Phone:</b>			
<b>Country Code:</b>		<b>Area Code:</b>	
<b>Phone Number:</b>		<b>Ext:</b>	
<b>Relationship:</b>		<b>Additional Information:</b>	
<b>Method of Obtaining</b>			

<b>Information:</b>			
<b>Associated Institutions</b>			
<b>Name:</b>			
<b>Type:</b>			
<b>Address 1:</b>	<b>Contact Name:</b>		<b>Address 2:</b>
<b>City:</b>	<b>State:</b>		<b>State:</b>
<b>ZIP:</b>	<b>Country:</b>		
<b>Phone Number:</b>	<b>Phone Extension:</b>		
<b>Institution Notified?:</b>	<b>Institution Notified in Writing?:</b>		
<b>Problem With Institution?:</b>	<b>Associated Institution Product Service Code:</b>		
<b>Associated Institution Statute Rule:</b>	<b>Associated Institution Violation:</b>		
<b>Government Entities</b>			
<b>Department Name:</b>	<b>Field Office:</b>		
<b>Contact Person:</b>	<b>State:</b>		
<b>Phone Number:</b>	<b>Notified Local Law Enforcement?:</b>		
<b>Report Taken?</b>	<b>Report Number:</b>		
<b>Credit Bureau</b>			
<b>Notified?:</b>	Equifax: N	Experian: N	Transunion: N Other: N
<b>Fraud Alert on Files?:</b>	Equifax: N	Experian: N	Transunion: N Other: N
<b>Credit Report Ordered?:</b>	Equifax: N	Experian: N	Transunion: N Other: N
<b>Complaint?:</b>	Equifax: N	Experian: N	Transunion: N Other: N
<b>Reference Information</b>			
<b>FTC Reference Number:</b>	21219051		<b>Originator Reference Number:</b>
<b>Complaint Source:</b>	TOLL FREE NUMBER AND CONSUMER SENTINEL		<b>Contact Type:</b> Request for Information
<b>Source:</b>	<b>Agency Phone Contact:</b>		
<b>Internet Related:</b>			
<b>Created Date:</b>	12/22/2008 3:38:39 PM		<b>Created By:</b> JSPINNATO
<b>Updated Date:</b>	<b>Updated by:</b>		

Record # 14 of 33 / Identity Theft Complaints			
<b>Verified IDT Complaint?:</b>	N		
<b>Theft Subtype:</b>	Inquiry Personal Information Disclosed	<b>Language:</b>	English
<b>Occurred Date:</b>		<b>Noticed Date:</b>	
<b># Accounts Affected:</b>	0	<b>Did subject use the Internet to open the account or purchase the goods or services?:</b>	No
<b>Amount Lost by Victim:</b>		<b>Amount Obtained by Subject:</b>	\$82,008.00
<b>Comments:</b>	Consumer indicates that personal information was disclosed. Consumer states that he gave his SSN and CC# over the phone to Lifelock. Consumer had seen the commercial on TV and contacted them to sign up. Consumer states that there is a suspect and that the suspect relationship is unknown. The consumer has contacted one or more of the Credit Reporting Agencies. Consumer has not contacted law enforcement. The consumer reports no non-monetary harm. The consumer reports that the method of obtainment is unknown. The consumer reports that the Internet was not used. The consumer did not provide an email address.		
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Middle Name:</b>		<b>Business Name:</b>	
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Springfield	<b>State/Prov:</b>	Virginia
<b>ZIP:</b>	(b)(6)	<b>Country:</b>	UNITED STATES
<b>Work Number:</b>		<b>Ext:</b>	
<b>Home Number:</b>		<b>Fax Number:</b>	
<b>Email:</b>		<b>Date of Birth:</b>	08/05/1946
<b>Harm Suffered:</b>			
<b>Reported By</b>			
<b>First Name:</b>		<b>Last Name:</b>	
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Country:</b>	
<b>Home Number:</b>		<b>Work Number:</b>	
<b>Ext:</b>		<b>Email:</b>	
<b>Date of Birth:</b>			
<b>Subject</b>			
<b>First Name(s):</b>		<b>Last Name(s):</b>	
<b>Company Name:</b>	Lifelock		
<b>Address:</b>		<b>Address 2:</b>	
<b>Address 1:</b>		<b>State:</b>	
<b>City:</b>		<b>Country:</b>	
<b>Zip:</b>		<b>URL:</b>	
<b>Email:</b>			
<b>Phone:</b>			
<b>Country Code:</b>		<b>Area Code:</b>	877
<b>Phone Number:</b>	877-5433562	<b>Ext:</b>	
<b>Relationship:</b>		<b>Additional Information:</b>	
<b>Method of Obtaining Information:</b>			

Associated Institutions			
<b>Name:</b>		<b>Contact Name:</b>	
<b>Type:</b>		<b>Address 2:</b>	
<b>Address 1:</b>		<b>State:</b>	
<b>City:</b>		<b>Country:</b>	
<b>ZIP:</b>		<b>Phone Extension:</b>	
<b>Phone Number:</b>		<b>Institution Notified In Writing?:</b>	
<b>Institution Notified?:</b>		<b>Associated Institution Product Service Code:</b>	
<b>Problem With Institution?:</b>		<b>Associated Institution Violation:</b>	
<b>Associated Institution Statute Rule:</b>			
Government Entities			
<b>Department Name:</b>		<b>Field Office:</b>	
<b>Contact Person:</b>		<b>State:</b>	
<b>Phone Number:</b>		<b>Notified Local Law Enforcement?</b>	N
<b>Report Taken?</b>	N	<b>Report Number:</b>	
Credit Bureau			
<b>Notified?:</b>	Equifax: Y	Experian: Y	Transunion: Y Other:
<b>Fraud Alert on Files?:</b>	Equifax: Y	Experian: Y	Transunion: Y Other:
<b>Credit Report Ordered?:</b>	Equifax: Y	Experian: Y	Transunion: Y Other:
<b>Complaint?:</b>	Equifax:	Experian:	Transunion: Other:
Reference Information			
<b>FTC Reference Number:</b>	12893919	<b>Originator Reference Number:</b>	
<b>Complaint Source:</b>	TOLL FREE NUMBER AND CONSUMER SENTINEL	<b>Contact Type:</b>	Request for Information
<b>Source:</b>	Consumer	<b>Agency Contact:</b>	Phone
<b>Internet Related:</b>			
<b>Created Date:</b>	2/8/2008 9:31:16 AM	<b>Created By:</b>	PSNYDERII
<b>Updated Date:</b>		<b>Updated by:</b>	

 Do Not Call Complaints

Record # 2 of 33 / Do Not Call Complaints			
<b>Reference Number:</b>	20882784		
<b>Complaint Date:</b>	11/13/2008	<b>Product Service Code:</b>	National Do Not Call Registry
<b>Complaint Source:</b>	National Do Not Call Registry	<b>Complaint Channel:</b>	Web
<b>Transaction Date:</b>	11/13/2008	<b>Transaction Time:</b>	12:00:00 PM
<b>Existing Business Relationship?:</b>	N	<b>Pre-recorded message?:</b>	N
<b>Requested entity to stop calling?:</b>	Y		
<b>Comments:</b>			
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	(b)(6)
<b>City:</b>	North East	<b>State/Prov:</b>	Maryland
<b>ZIP:</b>	(b)(6)	<b>Phone Number:</b>	(b)(6)
<b>Subject</b>			
<b>Company Name:</b>	Lifelock	<b>State:</b>	
<b>Country Code:</b>		<b>Phone Number:</b>	

<b>Record # 6 of 33 / Do Not Call Complaints</b>			
<b>Reference Number:</b>	19778393		
<b>Complaint Date:</b>	8/1/2008	<b>Product Service Code:</b>	National Do Not Call Registry
<b>Complaint Source:</b>	National Do Not Call Registry	<b>Complaint Channel:</b>	Web
<b>Transaction Date:</b>	8/1/2008	<b>Transaction Time:</b>	2:00:00 PM
<b>Existing Business Relationship?:</b>		<b>Pre-recorded message?:</b>	
<b>Requested entity to stop calling?:</b>	Y		
<b>Comments:</b>			
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Alameda	<b>State/Prov:</b>	California
<b>ZIP:</b>	(b)(6)	<b>Phone Number:</b>	(b)(6)
<b>Subject</b>			
<b>Company Name:</b>	Lifelock	<b>State:</b>	
<b>Country Code:</b>		<b>Phone Number:</b>	

Record # 7 of 33 / Do Not Call Complaints			
<b>Reference Number:</b>	19707009		
<b>Complaint Date:</b>	7/29/2008	<b>Product Service Code:</b>	National Do Not Call Registry
<b>Complaint Source:</b>	National Do Not Call Registry	<b>Complaint Channel:</b>	Web
<b>Transaction Date:</b>	7/29/2008	<b>Transaction Time:</b>	12:00:00 PM
<b>Existing Business Relationship?:</b>		<b>Pre-recorded message?:</b>	
<b>Requested entity to stop calling?:</b>	Y		
<b>Comments:</b>	Lifelock is in Arizona-it's an anti-identity theft company we have never done business with. The sales person asked for David (my husband who never even heard of them). Our number is unpublished so I don't know how they got it. I repeatedly asked for his company's phone number and told him we were on the no call list-he refused to give me his company's phone number after I told him we were on the no call list.		
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	McKinleyville	<b>State/Prov:</b>	California
<b>ZIP:</b>	(b)(6)	<b>Phone Number:</b>	(b)(6)
<b>Subject</b>			
<b>Company Name:</b>	Lifelock	<b>State:</b>	
<b>Country Code:</b>		<b>Phone Number:</b>	

Record # 8 of 33 / Do Not Call Complaints			
<b>Reference Number:</b>	19511546		
<b>Complaint Date:</b>	7/7/2008	<b>Product Service Code:</b>	National Do Not Call Registry
<b>Complaint Source:</b>	National Do Not Call Registry	<b>Complaint Channel:</b>	IVR
<b>Transaction Date:</b>	7/6/2008	<b>Transaction Time:</b>	12:00:00 AM
<b>Existing Business Relationship?:</b>		<b>Pre-recorded message?:</b>	
<b>Requested entity to stop calling?:</b>			
<b>Comments:</b>	I accuse Nancy Logan for telemarketing fraud for the life lock identity insurance company calling my home and saying that she stole my identification plus her friends at (b)(6) Norcross Georgia and um....		
<b>Consumer</b>			
<b>First Name:</b>		<b>Last Name:</b>	
<b>Address 1:</b>			
<b>Address 2:</b>			
<b>City:</b>		<b>State/Prov:</b>	
<b>ZIP:</b>		<b>Phone Number:</b>	(b)(6)
<b>Subject</b>			
<b>Company Name:</b>	Lifelock Identity Insurance/idtheft Hotline/nancy Logan	<b>State:</b>	
<b>Country Code:</b>		<b>Phone Number:</b>	(877) 2638576

Record # 29 of 33 / Do Not Call Complaints			
<b>Reference Number:</b>	8097779		
<b>Complaint Date:</b>	4/24/2006	<b>Product Service Code:</b>	National Do Not Call Registry
<b>Complaint Source:</b>	National Do Not Call Registry	<b>Complaint Channel:</b>	WEB
<b>Transaction Date:</b>	4/24/2006	<b>Transaction Time:</b>	2:00:00 PM
<b>Existing Business Relationship?:</b>		<b>Pre-recorded message?:</b>	
<b>Requested entity to stop calling?:</b>			
<b>Comments:</b>			
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>			
<b>Address 2:</b>			
<b>City:</b>	Lutz	<b>State/Prov:</b>	Florida
<b>ZIP:</b>	(b)(6)	<b>Phone Number:</b>	(b)(6)
<b>Subject</b>			
<b>Company Name:</b>	Lifelock	<b>State:</b>	Toll Free
<b>Country Code:</b>		<b>Phone Number:</b>	(888) 7760907

Record # 30 of 33 / Do Not Call Complaints			
<b>Reference Number:</b>	8095584		
<b>Complaint Date:</b>	4/24/2006	<b>Product Service Code:</b>	National Do Not Call Registry
<b>Complaint Source:</b>	National Do Not Call Registry	<b>Complaint Channel:</b>	WEB
<b>Transaction Date:</b>	4/24/2006	<b>Transaction Time:</b>	6:00:00 PM
<b>Existing Business Relationship?:</b>		<b>Pre-recorded message?:</b>	
<b>Requested entity to stop calling?:</b>			
<b>Comments:</b>			
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	New Port Richey	<b>State/Prov:</b>	Florida
<b>ZIP:</b>	(b)(6)	<b>Phone Number:</b>	(b)(6)
<b>Subject</b>			
<b>Company Name:</b>	Lifelock	<b>State:</b>	Toll Free
<b>Country Code:</b>		<b>Phone Number:</b>	(877) 5433562

Record # 31 of 33 / Do Not Call Complaints			
<b>Reference Number:</b>	8052194		
<b>Complaint Date:</b>	4/18/2006	<b>Product Service Code:</b>	National Do Not Call Registry
<b>Complaint Source:</b>	National Do Not Call Registry	<b>Complaint Channel:</b>	WEB
<b>Transaction Date:</b>	4/17/2006	<b>Transaction Time:</b>	8:00:00 PM
<b>Existing Business Relationship?:</b>		<b>Pre-recorded message?:</b>	
<b>Requested entity to stop calling?:</b>			
<b>Comments:</b>			
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>		<b>Address 2:</b>	
<b>City:</b>	Pleasant Hill	<b>State/Prov:</b>	California
<b>ZIP:</b>	(b)(6)	<b>Phone Number:</b>	(b)(6)
<b>Subject</b>			
<b>Company Name:</b>	Lifelock, Inc	<b>State:</b>	Arizona
<b>Country Code:</b>		<b>Phone Number:</b>	(602) 2641721

<b>Record # 32 of 33 / Do Not Call Complaints</b>			
<b>Reference Number:</b>	7877810		
<b>Complaint Date:</b>	3/21/2006	<b>Product Service Code:</b>	National Do Not Call Registry
<b>Complaint Source:</b>	National Do Not Call Registry	<b>Complaint Channel:</b>	WEB
<b>Transaction Date:</b>	3/20/2006	<b>Transaction Time:</b>	5:00:00 PM
<b>Existing Business Relationship?:</b>		<b>Pre-recorded message?:</b>	
<b>Requested entity to stop calling?:</b>			
<b>Comments:</b>			
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>	(b)(6)	<b>Address 2:</b>	(b)(6)
<b>City:</b>	Kalamazoo	<b>State/Prov:</b>	Michigan
<b>ZIP:</b>	(b)(6)	<b>Phone Number:</b>	(b)(6)
<b>Subject</b>			
<b>Company Name:</b>	Lifelock	<b>State:</b>	Toll Free
<b>Country Code:</b>		<b>Phone Number:</b>	(877) 5433562

<b>Record # 33 of 33 / Do Not Call Complaints</b>			
<b>Reference Number:</b>	7865774		
<b>Complaint Date:</b>	3/18/2006	<b>Product Service Code:</b>	National Do Not Call Registry
<b>Complaint Source:</b>	National Do Not Call Registry	<b>Complaint Channel:</b>	WEB
<b>Transaction Date:</b>	3/18/2006	<b>Transaction Time:</b>	8:00:00 PM
<b>Existing Business Relationship?:</b>		<b>Pre-recorded message?:</b>	
<b>Requested entity to stop calling?:</b>			
<b>Comments:</b>			
<b>Consumer</b>			
<b>First Name:</b>	(b)(6)	<b>Last Name:</b>	(b)(6)
<b>Address 1:</b>	(b)(6)	<b>Address 2:</b>	(b)(6)
<b>City:</b>	Woodinville	<b>State/Prov:</b>	Washington
<b>ZIP:</b>	(b)(6)	<b>Phone Number:</b>	(b)(6)
<b>Subject</b>			
<b>Company Name:</b>	www.lifelock.com	<b>State:</b>	
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Provided by the Federal Trade Commission

# What Happened in Vegas...

Clients nationwide are entrusting private financial information to a Tempe anti-identity-theft firm that's based on a bluff

By Ray Stern

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In April 2005, local entrepreneur Robert J. Maynard Jr. was beyond broke.



Giulio Sciorio



Martha Strachan

LifeLock has taken off in the past two years as fear of identity theft grows.



Martha Strachan

Todd Davis, LifeLock's CEO, claims again and again that his business partner was jailed in error.

At 43, with an ex-wife and two kids, he told the government in his bankruptcy filing that he had \$20 in his pocket and \$15 in the bank. He was hundreds of thousands of dollars in debt.

Maynard, a Valley native and former Marine, had seen some success in the late 1990s as the founder of Internet America, an early Internet service provider. He had owned a nice home in Ahwatukee with expensive cars in the driveway. He had bragged he would retire at age 35. Those days were gone.

Still, Maynard was optimistic. He'd been through this before. He's the type who jumps back up after a fall — one of those edgy entrepreneurs who always seem to be on the verge of great success or great failure.

His first personal bankruptcy was in 1990, and he had filed again in 1994 for one of his failed companies.

But even as his finances sunk to new depths, his next big business venture was taking off. Drawing on his experience in credit repair and with the Internet, Maynard dreamed up a service that would protect people against the dreaded crime of identity theft.

Lifelock, as his new company would come to be called, began offering services to the public the same month in 2005 that Maynard filed still another bankruptcy.

LifeLock's primary service is nothing you can't do yourself. If you think someone has stolen your identity, you can call one of the three major credit bureaus, TransUnion, Experian or Equifax, and place an electronic red flag, called a fraud alert, on your account.

Clubhouse Music Venue



Bernie Zadrowski of the Clark County, Nevada, district attorney's office says identity theft did not occur in Maynard's case.



Identity theft isn't usually as bad as people believe, says Fred Cate, an authority on banking security.



Robert Maynard Jr., in his Maricopa County Jail booking photo in 2003.



**Martha Strachan**

LifeLock shares office suites at this building near Rural and Guadalupe roads.

Here's how it works: The credit bureaus make money by selling information about you that helps lenders determine whether you're going to cheat them out of money if they give you a loan. Now, imagine a scraggly meth head trying to open a line of credit in your name at Circuit City to buy an HDTV because he stole your boss' laptop, which had all your personal data in it. When Circuit City calls one of the credit bureaus to check you out, there's a fraud alert on your account. Circuit City is supposed to use the contact information on the credit bureau's account to notify the account holder of the impending purchase. If everything goes according to plan, the meth head goes home empty-handed.

The catch: Every 90 days the credit bureau erases fraud alerts on the account. That's because fraud alerts are a headache to lenders like Circuit City — commerce would move like molasses if every account was red-flagged.

Customers pay LifeLock \$10 a month to call a credit bureau every three months and put a fraud alert on an account. By law, if one bureau is notified, it must alert the other two. LifeLock also offers insurance. If a customer becomes a victim despite the service, LifeLock says it will pay losses (if the claim holds up to scrutiny) of up to \$1 million. The company says that has happened only three times, and the costs were far less than the million-dollar limit.

LifeLock was an immediate hit. The news media scrambled to meet Maynard and his business partner, Todd Davis, pimping them like crime-fighting superheroes.

Maynard claimed he got the idea for LifeLock after spending a week in jail in 2003. The pair have told his story ever since as a frightening example of what can happen to victims of identity theft. The details vary slightly in articles and television news reports, but the story goes something like this:

A few years ago, Maynard answered a knock on his door in Phoenix one morning to find five deputies holding a warrant for his arrest. They accused him of failing to pay back a \$16,000 casino loan to the Mirage in Las Vegas and, despite his protests, hauled him off to the Maricopa County Jail. Maynard had not even been in Vegas when the casino made its loan. One of the guys who stole Maynard's identity and the casino's money is now doing time for murder. Maynard was released after seven days, but he spent more than \$20,000 and countless hours on the telephone trying to clear his name. While sitting in his jail cell, he came up with the plan for LifeLock so other people could avoid being victimized by identity thieves.

It's a story that stokes the public's worst fears of identity theft, a crime that induces a state of near-paranoia in many of us. Though not a crime of violence, victims are left feeling violated,



Maynard, right, is interviewed during an infomercial aired in the mid-1990s that the U.S. government says was misleading.



**Martha Strachan**

Maynard ditched an interview with *New Times*, though his office appeared recently used.



Maynard presented his driver's license to obtain the \$16,000 casino marker.

even when financial losses are small. Nationwide, the problem is immense, costing at least \$50 billion a year and forcing consumers, businesses, and governments to become more savvy in trying to prevent it.

Horror stories like Maynard's are staples in almost any discussion about identity theft. Clearly, such stories may influence people to take counter-measures — signing up with LifeLock, for instance. No wonder that Maynard and Davis, LifeLock's chief operating officer, seem to relish repeating how Maynard became a victim.

Maynard's life was soon looking up again — big time.

Today, he's one of the heads of a multimillion-dollar company based in Tempe that employs dozens of people. The company claims to have more than 150,000 customers, which is a lot of people paying \$10 a month. Last month, a trio of investors, including the local Biltmore Ventures group, gave LifeLock an additional \$6 million in seed funding. LifeLock advertises heavily on the Internet and radio; its ads can be heard on the Howard Stern, Paul Harvey and Rush Limbaugh shows.

Against a backdrop of unrelenting hype over identity theft, credulous news reporters gulped Maynard's story down like cold beer. But a simple Google search reveals Maynard's credibility in the business community was long ago shot.

His credit-repair company was shut down by authorities in the early 1990s for false advertising and deceptive practices. Forced closure means that a federal court order has banned Maynard from working in the credit-repair industry — forever.

That he continues to work in the industry, despite the court order, should surprise no one who knows his history. It also shouldn't surprise anybody that Maynard's story about how he became a victim is only partially true.

Maynard did, in fact, spend a week in jail in 2003 because of an unpaid \$16,000 casino marker drawn from the Mirage.

It was Maynard's marker. The casino took a copy of his Arizona driver's license when he took out the loan.

There was no identity theft.

But an even more serious reflection on Maynard in his new role as Mr. Identity Theft can be found alongside the paper trail of lawsuits against him in Maricopa County Superior Court.

American Express sued Maynard's father in 2005 for \$154,000 in unpaid bills. But Dr. Robert J. Maynard Sr., a prominent local eye doctor, denied he ordered the card.

Records show that someone with Maynard Sr.'s personal information ordered the card. But that someone didn't have the bills sent to Maynard Sr.'s home. Instead, the bills went to a company called Netshield, at a Phoenix address used by one of Maynard Jr.'s former firms.

Though Maynard Sr. says he never asked for the card, he settled with the company. Coincidentally, Maynard Jr. has \$170,000 in debt to American Express listed on his 2005 bankruptcy paperwork — and his father is named as a co-debtor.

If Maynard Jr. ordered the card using his dad's data, without his dad's knowledge, that would make him — you got it — an identity thief.

Of course, his father could have lied to American Express. Perhaps, Dr. Maynard ordered the card for his son.

But that's not what Dr. Maynard tells *New Times*.

The elder Maynard says he's still in litigation on the matter and cannot fully comment. But asked whether Maynard Jr. used his dad's identity to obtain the card, Dr. Maynard, who says he hasn't spoken to his son in more than two years, replies, "I can't disagree with that."

Security at LifeLock, which shares suites in an office building at Rural and Guadalupe roads, rivals that of the FBI building in downtown Phoenix.

Visitors are asked to leave their driver's licenses at the front desk during their stay. Employees press an electronic fingerprint reader to gain access beyond the reception desk into a hallway with lockers. The personal effects of workers must be put into the lockers before they pass into the main offices, and workers mustn't take anything in or out of those offices.

Mike Prusinski, the company's bald and beefy spokesman, explains that LifeLock is proud to be the smallest company in the world with ISO 27001 certification, the highest security rating possible for a business involved in data exchange.

Such high-level security must be a reassurance for customers, who must release to LifeLock exactly the kind of personal data that would make them prone to identity theft. To deal with the credit bureaus on behalf of customers, LifeLock must become a legal representative of these customers.

Trust, then, is one of LifeLock's key selling points.

Past the lockers is a secure room with glass walls next to a larger, open office space. Inside the room, which requires a magnetic card swipe to enter, about 10 employees sit in front of computers talking into headsets. They're taking inbound calls from people signing up with LifeLock, people who are giving out Social Security numbers and driver's license numbers and bank-card numbers, so that the company can debit \$10 a month from their checking accounts or credit cards. On the wall hangs a large, flat-panel computer screen with a map of the United States that shows where the calls are coming from.

LifeLock's business and administrative folks work in the less-secure part of the suite. Smaller enclosed offices for the company's executives line the wall at one end.

Prusinski had set up a meeting for *New Times* with Robert Maynard and LifeLock CEO Todd Davis. But a few days before the interview, Prusinski had called to say Maynard was too busy to make it. Maynard was going on a business trip, meeting with shock jock Howard Stern to discuss radio advertising options. And after that he was, well, "really busy." Told that *New Times* had questions about Maynard's 2003 arrest, Prusinski says Maynard has been "touchy" lately about discussing the details.

When a reporter and photographer arrive at LifeLock midmorning on the appointed date, Maynard's long office, with a fiery abstract painting at one end, looks as if it was vacated only minutes earlier. A laptop, next to his desktop computer, is open; half-empty cups of coffee and water sit next to paperwork.

Davis, about 40 with blondish, short hair, invites the reporter and photographer into his office, which is adjacent to Maynard's but is smaller.

As he explains LifeLock's services, it becomes clear that if trust is one of the company's key concepts, another is fear.

Davis is a wealth of scary statistics: Americans are 25 times more likely to be victims of identity theft than vehicle theft. Data breeches at U.S. companies spurred 150 million warning letters to Americans since 2005.

And then there's Maynard's story.

"They don't know how his identification was stolen," Davis says. "But it was stolen, and he went to, uh, the thief went to Las Vegas and opened lines of credit."

The cops put Maynard in handcuffs in front of his family and took him to jail in Phoenix. Authorities in Clark County, Nevada, tried to have him extradited. Davis integrates selling points into the tale.

"If he'd had the fraud alerts in place, it would have stopped the transaction before it happened, so he wouldn't have had to go to jail," Davis says.

Davis acknowledges that casinos keep a copy of the ID of any person who takes out a loan as large as \$16,000. But he says Maynard would have had to spend weeks in jail before authorities allowed him to prove he was innocent with a simple comparison of photos.

Davis again switches to sales mode: "We would have gone to the casino and said, 'Let's see the tape. That's clearly not our client.' Our client would not have stayed in jail. He would have been exonerated quickly."

As it was, Maynard figured the best thing to do was just pay the casino its money, Davis says.

"That was the quickest way to get out from under the problem, 'cause he's in jail," Davis says. "He had to make a financial decision: 'Do I dig my heels in on moral grounds, or do I make this

go away?"

It's as if Davis is describing the actions of a man to whom money means nothing.

Yet in 2003, Maynard already was up to his eyeballs in debt. Questioned pointedly on this issue, Davis appears nervous. His foot starts bouncing under his desk. He insists that he believes Maynard's yarn is perfectly accurate.

Asked why Maynard would have to forfeit the \$16,000 if he could prove he didn't take out the loan, Davis says Maynard eventually did get his money back.

But that contradicts part of the story Davis has told many times — that the experience "cost" Maynard \$20,000, a figure he says included the \$16,000.

Davis flip-flops later in the conversation, saying he was "under the impression" that Maynard never recovered the money.

Before the interview, *New Times* had made a call to Bernie Zadrowski, chief deputy district attorney in Clark County, Nevada, and supervisor of the office's bad check division.

Maynard's case was actually very simple, Zadrowski says.

A casino marker is the same thing as a personal check under Nevada law. It's a way gamblers avoid the risk of carrying around big wads of cash. A high-roller submits a form for the marker with his or her checking account number and obtains a stack of chips. The casino then has the right to deposit the marker at any time but usually waits a few months. That way, Zadrowski says, if the gambler's losses are high, the casino gives the gambler time to pay the money back. And everyone is happy.

If the check bounces, the casino makes a number of collection attempts, and if that doesn't work, the case is referred to authorities.

Records show that on January 15, 2003, Zadrowski's office contacted the Arizona Department of Public Safety and put a warrant out for Maynard's arrest. Six months later, on June 20, officers from DPS and Phoenix police went to a Phoenix apartment, picked Maynard up and took him to a Maricopa County Jail unit.

It was Maynard's second time behind bars. DPS records show he was stopped for speeding on Arizona Highway 68 near Bullhead City in 1991 and taken to jail in Mohave County because of an unpaid speeding ticket.

Faced with untold numbers of gamblers who fail to pay their markers, the Clark County D.A.'s office long ago created a diversion program that gives deadbeats a second chance to pay up rather than face criminal charges. Once Maynard finally coughed up the 16 grand, Nevada dropped its criminal case against him.

Because Las Vegas is one of the identity-theft capitals of the world — right up there with the Phoenix metro area — Clark County provides a "forgery packet" to anyone claiming to be a victim. A claim like Maynard's would have been investigated thoroughly, Zadrowski maintains.

"Not once did anybody ever suggest, in this particular case, that this was a case of stolen identity," he says.

Maynard never filed a police report for identity theft, or it would be part of the D.A.'s office file, Zadrowski says.

"The only call we received while he was in jail was from his girlfriend. She wanted to know how to get him out of jail," he says.

Zadrowski pulled the Arizona driver's license submitted to the casino by the person who took out the loan and e-mailed a copy to *New Times*.

Although the resolution quality is poor, the man in the picture looks like Maynard. Zadrowski says the man pictured is Maynard.

Maynard's girlfriend at the time, Valley resident Betsey Griffin, is listed on Maynard's 2005 bankruptcy report as being owed \$10,000. Reached by phone, she says she had nothing to do with getting Maynard out of jail and did not pay the \$16,000 for him.

"Because he owed me money, I wasn't going to give him any money to get him out of jail," she says. "So it didn't come from me." (Maynard later paid back the \$10,000 with interest, she says.)

Confronted with Zadrowski's side of the story, Todd Davis registers no obvious surprise.

"Is that what you think you have?" he says. "Okay, I hear what you're telling me."

Davis then goes into defense mode, saying that although the story is, indeed, the inspiration for the company, "we don't use that story. That's nowhere on our Web site. That's not part of our messaging. We don't use it in any of our, quote, advertising."

He says that he, Maynard and Prusinski — who's also on record telling the tale — simply respond to reporters' questions about how the company got started.

As of May, LifeLock still had at least one link on its Web site that introduces Maynard's victim story — a WCPO-TV news broadcast from Cincinnati. (The station took the video down, but still has a transcript on one of its sites.)

Call it advertising or public relations, Maynard's tale certainly has made the rounds. Another TV station in Baltimore reported it as fact. Internet sites like [www.eweek.com](http://www.eweek.com) and [www.scambusters.com](http://www.scambusters.com) also fell for it.

Newspapers in the Valley were no different.

In a 2005 *Business Journal of Phoenix* article by Adam Kress, Maynard spiced up his story by adding that police officers assumed he was a murderer they had been seeking. An *East Valley Tribune* business article by Edward Gately says Maynard claimed to have been victimized in 1998, as does an *Arizona Business Gazette* article by Maggie Galehouse. A quick call to either the Maricopa County Sheriff's Office or Clark County D.A.'s office would have turned up

evidence of the actual arrest date.

The amount Maynard lost dropped from \$20,000 to \$3,000 in an *Arizona Republic* article last summer by Luci Scott. That discrepancy could have been caught by looking up previously published articles.

Other stories, which don't include the jail yarn, appeared in various editions of the *Republic* in August and December 2006, and in May 2007.

Newspapers all over the country have written about LifeLock, and the company has a decent Web presence. Punching the name in Google returns 202,000 results, partly because the company pays bloggers who help sell its services.

Maynard himself writes craftily about his jail stint in articles posted on [www.military.com](http://www.military.com), including one headlined "I was a Jailbird or 'Sitting Duck.'"

Say what you will about LifeLock, all this is evidence that its execs are masterful at getting publicity.

Robert J. Maynard Jr. is one of the smartest people his father has ever known.

Dr. Maynard, one of six members of the state's board of optometry, says his son possesses an extraordinary ability to predict the growth of future markets and to convince people that they should give him money.

Maynard Jr. was born in Phoenix in 1962 and went to Arizona State University for a time after graduating from Brophy College Preparatory. He joined the U.S. Marine Corps and was honorably discharged.

His father says Maynard Jr. eventually graduated from Northern Arizona University, burning with desire for the good life.

"It started when he was in college," Dr. Maynard says. "He didn't want the \$20 pair of shoes. He wanted the \$300 pair of shoes."

Three years after his first Chapter 7 bankruptcy in 1990, Maynard's dream of getting rich was coming true. His credit-repair company, the National Credit Foundation, was raking in millions. But a few months after it started, state and federal authorities crashed the party.

New laws had been passed to deal with unscrupulous credit-repair firms that, at the time, seemed to be cropping up everywhere. Retired Tucson attorney John Wall, who handled the National Credit Foundation case on behalf of then-state Attorney General Grant Woods, says Maynard's firm was one of several the state targeted.

Court records show the state sued the firm, accusing Maynard and his three partners of fraud and misrepresentation. For one thing, the company falsely claimed it was a "foundation," a label that implied nonprofit status. It stated in advertising it could "help anyone legally obtain

good credit," but it couldn't really do that. And it claimed, falsely, that it was operating legally.

State law required companies like Maynard's to pay the state a bond amount of \$5,000 to \$25,000, to notify customers of their right to cancel services, and to provide customers with written contracts and informational statements. National Credit Foundation failed to do those things, the state said.

At the time, Maynard denied any wrongdoing, saying his business had no customer complaints and was, indeed, legal. He accused Woods of trumping up the charges and trying to destroy all "credit restorative service" firms like his.

A judge soon forced the company to stop doing business and turn over customer records to investigators.

Wall says he remembers running into Maynard around that time in the checkout line at a Costco store. Maynard was friendly, despite the ongoing litigation, and introduced his wife and baby. But the veteran prosecutor views Maynard's niceness with cynicism.

"Oftentimes, people are selling even when under investigation," he says.

The FTC launched a parallel lawsuit, going after Maynard and his partners for producing and airing a misleading infomercial about the firm's services. That wasn't the worst of it.

Federal court records state that Maynard and the other defendants obtained their customers' banking information and, "in numerous instances . . . withdrew funds from consumers' checking accounts without authorization."

Gilbert resident Vincent Calabrese, listed as one of the firm's creditors because of owed back pay, says he worked for National Credit Foundation for about a year and was there at the end. He says he'll never forget how the "phone was just going nuts" in the last few weeks with customers reporting unauthorized debits on their bank accounts, usually for about \$300 a whack.

"I don't know what happened. People were getting hit; their accounts were getting hit," he says. "I thought the information got out on these people on these accounts, and somebody used it."

He didn't suspect the company itself, he says.

"I was on three-way conversations with the bank and the people," Calabrese says. "These people were crying, practically, on the phone."

He also recalls that, sometime in the company's last few days of existence, a news reporter from a television network came in to interview Maynard for a story about the problems.

In a 1998 magazine article, Maynard blamed the National Credit Foundation debacle on the company that produced the infomercial, saying it tried to take over his business. As revenge, Maynard "killed his business" so the other company could not usurp it. The article states Maynard "strapped on a pistol and told his 300 employees to get out. Then he closed the office, declared Chapter 7 and sold everything."

The story could not be verified, because Maynard has refused to be interviewed by *New Times*.

Again, Maynard denied wrongdoing. But the federal government was so ticked off, it issued a permanent injunction that bans Maynard from "advertising, promoting, offering for sale, selling, performing, or distributing any product or service relating to credit improvement services."

Yet such a service is offered by LifeLock, where founder Maynard works as the chief marketing officer. (He was formerly the chief operating officer).

LifeLock helps customers who fall victim to identity theft repair damaged credit histories. So, the question is: Does Maynard's position at LifeLock violate the court order?

When his partner, Davis, is asked about this, he says the company outsources its credit-repair service. Besides, he says, the company has a written opinion from its attorney that Maynard is legally allowed to work for LifeLock.

After National Credit Foundation's fall, Maynard moved to Dallas and started Internet America. By early 1996, that firm was backed by investors and had 25,000 customers, according to an article that year in the *Fort Worth Star-Telegram*.

The newspaper article describes Maynard as a financial whiz kid who adheres to the utmost standards of professionalism.

"That's how we go out and get a \$250,000 line of credit somewhere," Maynard was quoted as saying.

Two years later, a *Dallas Business Journal* article reported that Maynard resigned from Internet America after finally settling with the FTC in the credit-repair case.

Maynard came back to Phoenix in 1999 and invested hundreds of thousands of dollars in a new company he founded, Dotsafe, which offered Internet-filtering services for schools.

Around the same time, someone ordered an American Express card in Maynard Sr.'s name and had the bills sent to a company called Netshield at 8181 South 48th Street, Suite 120, in Phoenix. That was Dotsafe's address.

Court and bankruptcy records suggest that Maynard Jr. obtained the card without his father's consent.

Dr. Maynard, while not giving up all the details because of the open case with American Express, says the "premise" that his son fraudulently ordered the card is accurate.

He adds that he has advice for any new parent: Don't name your kid after yourself.

Even as Dotsafe imploded, Maynard Jr. borrowed heavily and "his living style never went down," his father says.

At one point, Maynard Jr. owed more than \$1 million in unpaid taxes to the Internal Revenue

Service. Court records reveal lawsuits from a slew of creditors related to Dotsafe. His 2005 personal Chapter 7 bankruptcy lists debts to friends, business partners, credit card companies, the Phoenix Library — even \$24,000 to his children's private school, Summit School of Ahwatukee.

Yet, these days, Maynard is back in black — or close, anyway.

LifeLock's expanding and even became a finalist for this year's national Stevie Awards for best new company and best new product or service. Davis is a finalist for best executive.

Dr. Maynard, who acknowledges that his relationship with his son isn't "normal," says he is pessimistic about his son's future — regardless of his current success.

"I don't think Robert will ever not have the ups and downs," Maynard Sr. says. "Mostly, veracity is a problem."

One thing Maynard Sr. finds "mind-boggling" is why his son has repeated the bogus victim story so often because it was bound to be exposed, and LifeLock might have been just fine without it.

"Nobody has any idea [why he did that]," Maynard Sr. says, adding that a real identity-theft victim could have been found to promote the company. "I think Robert has told the story enough that he thinks it's true."

Journalists and other members of the public probably shouldn't be judged too harshly for believing Maynard's tale. There is no doubt that identity theft has left some victims ravaged, and legitimate horror stories are presented often by credible sources.

Andrea Esquer of the Arizona Attorney General's Office recalls going to a meeting recently with Phoenix College staff who had been victimized by a dumpster-diving mail thief.

"There were at least four or five victims in the audience who are still trying to clear their name from the mess this guy made," Esquer says. "They were devastated. They were very angry."

On the other hand, identity theft shouldn't be cause for hysteria. Yes, the crime can be horrendous, and we all need to be aware of it. But for most victims, it's really not that bad.

Much of the hype stems from confusion over government definitions of identity theft. For instance, two-thirds of the \$50 billion in losses nationally comes from credit card misuse: Someone steals your credit card or credit card number and makes charges without your knowledge.

That crime used to be called fraud — now it's in the identity-theft category. Like shoplifting, the crime is bad for business and bad for the economy. But it's a breeze for consumers: The law forbids credit card companies from making clients pay more than \$50 in false charges. Even that \$50 often gets waived, typically, in the interest of good customer service.

More insidious forms of identity theft, like opening new credit accounts in a consumer's name — the type of theft LifeLock's periodic fraud alerts purport to prevent — are less common.

Statistics show that many victims don't act particularly concerned.

The Federal Trade Commission's 2006 data shows that of about 250,000 identity theft complaints to the FTC, more than half of victims never contacted a credit bureau to place a fraud alert. About 62 percent never contacted police.

A survey of 5,000 American homes in October by Javelin Research and Strategy showed new-account fraud seems to be declining: One percent of respondents to the survey reported being victims, down from 1.5 percent in 2005. Identity theft cost victims less money and took less time to resolve last year, too.

Overall, 3.7 percent of Americans were victimized in 2006, down from 4.7 percent in 2003, the survey concluded.

That still would mean millions of victims.

But Fred Cate, an Indiana University professor and authority on banking security issues, says a lot of these survey numbers are "crap."

"So, we call these people at home, have these murky definitions, then we multiply that out," Cate tells *New Times*. "I don't mean to sound too skeptical, but we know Visa has testified before Congress, and more than half the calls they get about false charges, they weren't false charges."

Cate, who has testified before Congress, says that although identity theft isn't such a big problem in the greater scheme of things, he doesn't want to "diminish the horror" victims may feel. He believes innocent people *have* gone to jail because of the crime — he says he's talked with some of them. But it's not exactly a widespread phenomenon.

Fearing the worst motivates people to buy identity-theft insurance and credit-monitoring services, which have become big business. Plenty of companies offer services similar to LifeLock's, including the three credit bureaus.

"The unique and troubling aspect of identity theft is that it's not like other crimes, where the crime happens and it's over," says Ron Griffin, public education manager for Experian, one of the credit bureaus. "The nature of ID theft is that it recurs."

Credit bureaus are usually the "messenger that somebody is at it again," Griffin says.

Once an identity thief screws up your credit, the process can be "cumbersome" to unwind, Griffin admits. Victims must present valid police or state identity theft reports, and provide identifying information, he says.

Arizonans are extra vulnerable. The FTC says the state was No. 1 for the crime last year, though Valley residents are less likely to become victims, on a per capita basis, than people in smaller towns like Flagstaff and Prescott.

Responding to worried constituents, Republican and Democratic lawmakers in Arizona worked on a bill this year that would allow people to freeze their credit reports, making it close to impossible for thieves to open new accounts.

State Representative Bob Robson, a Republican from Chandler, says the bill failed partly because the fee of \$45 to freeze the reports at all three credit bureaus was too high. Customers could unfreeze the reports in as little as 15 minutes to take advantage of a good credit offer, but they'd have to pay for a refreeze. The bill will be back next year with a better price tag, he predicts.

According to an article in the *Washington Post* last month, 33 states already have similar credit-freezing programs. Robson points out, though, that only about 50,000 people nationwide have taken advantage of that option.

"I heard it might be for people who don't use credit a lot," Robson says.

Amanda Aguirre, a Democratic state Senator from Yuma who helped sponsor Arizona's credit freeze bill, has her own tale of woe, though nothing so dramatic as Robert Maynard's. The Regional Center for Border Health Inc., a walk-in health clinic in San Luis, was struck last year by an identity thief.

"Somebody used the routing number of the nonprofit agency, went on the Internet and paid all kinds of bills," says Aguirre, the agency's president and CEO.

It's not a good example for her bill — a credit freeze wouldn't have prevented the crime. And like most identity-theft victims, the agency paid no out-of-pocket expenses. The bank reimbursed the agency the \$6,000 that was stolen, and her staff spent about five hours doing paperwork and making phone calls to fix the damage.

LifeLock CEO Todd Davis says no one ever questioned Maynard's victim tale until *New Times* called.

Any public revelation that Maynard's story wasn't true would be a "massive downside" for LifeLock, he says, and he wouldn't have repeated the story if he knew it was false.

"If I thought there was something, why would I go jeopardize everything else we're doing when I have very effective messaging that works without [Maynard's jail story]," he says. "It would give me grave concern if there was an issue with that story."

Despite that, Davis refuses to call Maynard at the time of the interview to ask him about the situation. He says he'll "look into it" and the company will issue an official response.

That was on May 10. *New Times* is still waiting.

On May 21, Maynard told a *Today* show producer his victim story. And on May 17, Davis repeated the story to members of the Enterprise Network business association during a speech about the company at the Lakeview Inn at Camelback Golf Club in Phoenix.

The Clark County D.A.'s representative, Zadrowski, says nobody from LifeLock has called him about Maynard.

So much for Davis' "grave concern." Clearly, the company considers the bogus victim story too precious to throw out.

Zadrowski grew indignant when he was e-mailed newspaper articles in which Maynard tells the tall tale. If it were based in Nevada, LifeLock would be subjecting itself to potential criminal liability for obtaining money or services under false pretenses, he says. But a prosecution would depend on the unique facts of the case.

Ken Abbe, a staff attorney for the FTC, says speaking to the media is usually covered by the First Amendment to the U.S. Constitution, but a case for false advertising could potentially be made.

"The question is: Is that the story that makes consumers act on their decision?" Abbe says, making it clear he cannot comment on whether LifeLock is breaking the law.

It cannot be predicted what will happen to LifeLock if customers lose trust in it.

The company offers a legitimate service, and no LifeLock subscribers have complained of being misled, Davis says.

"We're squeaky clean," he brags.

Then again, until now, LifeLock customers haven't had a reason to doubt the word of Davis and Maynard.

Calls to venture capitalists Kleiner Perkins Caufield & Byers, Bessemer Venture Partners and Biltmore Ventures — the groups that, in April, kicked \$6 million in funding to LifeLock — were not returned.

In another sign of the company's growth, LifeLock was set to transform its office at Rural and Guadalupe into the main call center and move its headquarters to two floors at the Hayden Ferry Lakeview building next to Town Lake in Tempe.

When *New Times* finally reached Maynard on his cell phone in mid-May, he hung up. *New Times* called him again and asked him point blank whether he had stolen his father's identity to take out the American Express card. He didn't deny it but said, "You better be real careful."

He was also asked to explain the facts behind the jail story. Before hanging up again, he blurted, "You're going to say what you're going to say. You're going to assassinate my character."

Nobody could do that better than Robert J. Maynard Jr. already has.

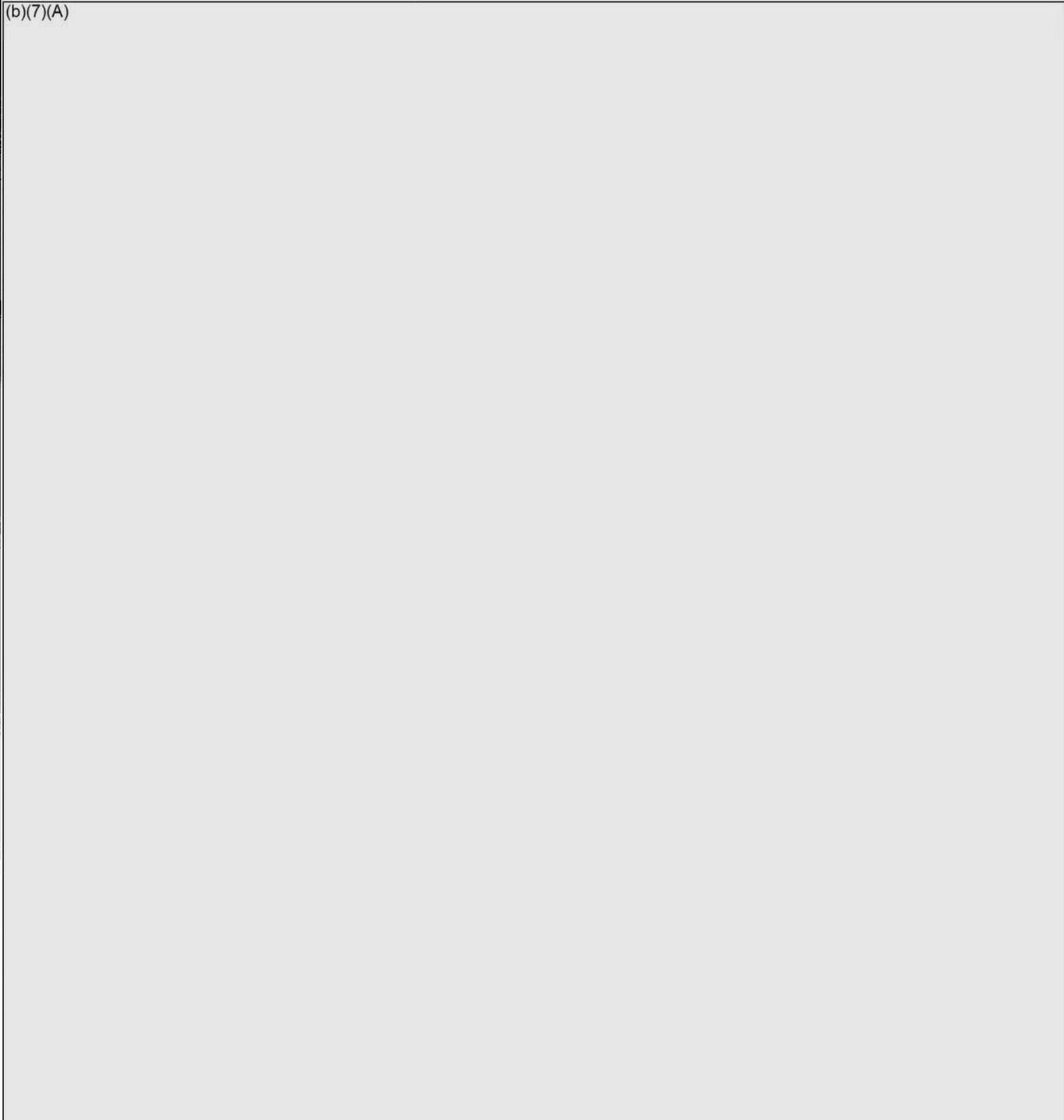
**Stack, Laura**

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**From:** Broder, Betsy  
**Sent:** Tuesday, May 20, 2008 8:42 AM  
**To:** Lincicum, David; Kappler, Burke; Stack, Laura  
**Subject:** FW: [DataLoss] LifeLock's CEO identity stolen at least once

It's a food fight out there.

(b)(7)(A)



*a*

**MARKS & KLEIN, LLP**  
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732-747-7100  
David S. Paris  
Justin M. Klein  
Attorney for Plaintiffs

WARREN PASTERNAK and SUSAN PASTERNAK, Individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

LIFELOCK, INC., a Delaware Corporation; RICHARD TODD DAVIS, a citizen of the State of Arizona, and JOHN DOES 1 through 10, Inclusive,

Defendants.

STATE OF NEW JERSEY  
SUPERIOR COURT  
LAW DIVISION  
MIDDLESEX COUNTY

*L-2398-08*

RECEIVED  
MIDDLESEX COUNTY  
SUPERIOR COURT  
LAW DIVISION  
MARCH 28 2008

**CLASS ACTION COMPLAINT  
AND JURY DEMAND**

The plaintiffs, individually and on behalf of all others similarly situated, allege by and through their attorneys Marks & Klein, LLP, as follows:

**I. NATURE OF CASE**

1. This is a class action brought by, and on behalf of, New Jersey subscribers of LifeLock, a company which holds itself out as "the industry leader in the rapidly growing field of Identity Theft Protection."

2. This matter arises from the deceptive business practices and fraudulent advertising campaign employed by LifeLock, Inc. ("LifeLock"), its agents, employees, servants and representatives, through which it has induced nearly one million individuals, including the

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FILING DATE 3-28-08  
CHECK # 11641  
CHECK AMOUNT 200.-

plaintiffs and the putative Class, into subscribing to the identity theft protection services the company purportedly provides.

3. Plaintiffs are a husband and wife who subscribed to LifeLock in 2007 following the theft of their son's identity.

4. In determining to subscribe to LifeLock, Plaintiffs relied on LifeLock's advertisements and representations, which created the impression that LifeLock made it virtually impossible for an identity thief to misappropriate their identities.

5. In LifeLock's ubiquitous marketing campaign, company CEO Todd Davis brazenly broadcasts his own social security number – 457-55-5462 – on television and radio stations across the country as testimony to his confidence in the services LifeLock claims to provide.

6. In actuality, however, the services offered by LifeLock do not provide the level of identity protection that is advertised in its deceptive marketing campaign.

7. Contrary to the all-encompassing impression created through LifeLock's advertisements, the protection it claims to provide only extends to limited instances of identity theft.

8. In fact, even in those limited instances, LifeLock does not necessarily protect its subscribers' identities as advertised. Indeed, the statements by LifeLock's CEO regarding the ability of LifeLock to protect his own identity are deceptive because his identity was stolen while he was a customer and is, upon information and belief, *presently being misappropriated by at least twenty (20) identity thieves*.

9. In addition to its relative ineffectiveness, LifeLock fails to disclose and intentionally omits from its advertisements the true extent of the potential harms that its services may have on consumers.

10. As described in further detail below, certain of the services that LifeLock provides can actually damage consumer credit profiles and may have an adverse impact on the consumer's ability to obtain credit or favorable interest rates.

11. LifeLock employs another deception in its advertising by failing to make clear the fact that the subscribers could perform each of the services the company provides, on their own, *free of charge*.

12. Instead, in the few advertisements in which LifeLock does allude to this fact, LifeLock preys on consumer fears and misleads potential subscribers into believing that the services it provides embody a complicated, time-consuming process that require LifeLock's "expertise" and assistance.

13. LifeLock also fails to adequately disclose and intentionally omits from its advertisements that the credit reports it orders on behalf of the subscribers is the free annual credit report to which subscribers are entitled when placing their own fraud alerts, pursuant to 15 U.S.C. §1681c-(a)(2)(B).

14. As a result, when LifeLock orders the free annual report, it renders the subscribers ineligible to order their free report for the next twelve months. This fact is not disclosed to subscribers.

15. LifeLock also fails to adequately disclose and intentionally omits from its advertisements the true nature and scope of its \$100,000,000 service guarantee, which is essentially futile given the numerous restrictions, limitations, and waivers that are present within its terms.

16. Finally, LifeLock fails to disclose that the methods it employs in providing its purported protection are improper and violate the Fair Credit Reporting Act, 15 U.S.C. §1681*et seq.*

17. Upon information and belief, as a result of its fraudulent campaign, LifeLock has generated approximately 900,000 subscribers, each of whom pays approximately \$110 per year for its "services."

18. Thus, by virtue of LifeLock's deceptive scheme, its subscribers have each suffered an ascertainable loss in the form of the subscription fees they pay for services that: (a) do not provide the level of identity protection advertised, and (b) may actually damage their personal credit profiles.

## II. VENUE

19. Venue is appropriate in this case as Plaintiffs Warren Pasternak and Susan Pasternak both reside in Middlesex County, New Jersey.

## III. PARTIES

20. Plaintiff Dr. Warren Pasternak ("Dr. Pasternak") is a citizen of the State of New Jersey, residing in East Brunswick, New Jersey. Dr. Pasternak enrolled as a LifeLock subscriber in 2007 after hearing the company's advertisement on the radio. Dr. Pasternak is a proper party plaintiff to this action because he has suffered losses as a result of LifeLock's unlawful conduct alleged herein.

21. Plaintiff Susan Pasternak ("Mrs. Pasternak") is a citizen of the State of New Jersey, residing in East Brunswick, New Jersey. Mrs. Pasternak enrolled as a LifeLock subscriber in 2007 after having heard the company's advertisement on the radio. Mrs. Pasternak is a proper party plaintiff to this action because she has suffered losses as a result of LifeLock's unlawful conduct alleged herein.

22. Defendant LifeLock is a Delaware corporation limited liability company with its principal place of business at 60 E. Rio Salado Parkway, Tempe, Arizona 85281. Defendant

LifeLock maintains its principal place of business in Arizona and transacts substantial business within New Jersey and is amenable to personal jurisdiction in New Jersey.

23. Defendant Richard Todd Davis ("Davis") is a resident of Chandler, Arizona. Davis is, upon information and belief, the Chief Executive Officer of LifeLock.

24. The true names and capacities, whether individual, corporate, associate or otherwise, of the defendants named as JOHN DOES 1 through 10, inclusive, are unknown to Plaintiff and the putative Class who, therefore, sue those defendants by such fictitious names. Plaintiff and the putative Class are informed and believe and thereon allege that each of the defendants sued herein as JOHN DOES 1 through 10 are and were the agents and/or employees of each and every other defendant and were at all relevant times acting within the course and scope of such agency and employment, and/or are legally responsible in some manner for the events and happenings herein referred to and caused injuries and damages proximately thereby to Plaintiff and the putative Class as alleged herein. Plaintiff will seek to amend this Complaint to allege the true names and capacities of such defendants when ascertained.

#### **IV. GENERAL ALLEGATIONS**

##### **THE HISTORY OF LIFELOCK**

25. LifeLock was founded in 2005 by Defendant Todd Davis and Robert J. Maynard, Jr.

26. According to the company's website, LifeLock is the "industry leader" in "proactive identity theft protection, specializing in prevention of identity theft rather than the reporting of it" (<http://www.lifelock.com/lifelock-for-people/who-we-are/who-is-lifelock>, as of March 28, 2008)

27. LifeLock further purports that its identity theft protection system was developed as a result of "more than three years" of "solid research" and building "relationships with the

right organizations.” (<http://www.lifelock.com/lifelock-for-people/who-we-are/who-is-lifelock>, as of March 28, 2008).

28. Since its inception, LifeLock’s purported goal has been “to lock down every individual’s private information so no one except that individual can approve its use.” (<http://www.lifelock.com/lifelock-for-people/who-we-are/who-is-lifelock>, as of March 28, 2008)

#### **LIFELOCK’S NEFARIOUS ORIGIN**

29. LifeLock does not, however, divulge less propitious information about its founding and, more specifically, about its founding member, Robert Maynard.

30. According to newspaper reports, Maynard developed the idea for LifeLock while sitting in a jail cell after having been arrested for failing to repay a \$16,000.00 casino marker taken out at the Mirage Hotel in Las Vegas.

31. Additionally, Maynard, who assumed the role of LifeLock’s Chief Marketing Officer, had been subject to an injunction, pursuant to which the FTC has banned him for life from “advertising, promoting, offering for sale, selling, performing, or distributing any product or service relating to credit improvement services.”

32. That lifetime ban resulted from Maynard’s production of misleading infomercials regarding the services provided by his credit improvement company, National Credit Foundation.

33. Upon information and belief, these harsh sanctions were also meant to penalize Maynard for engaging in a scheme through which he arranged unauthorized withdrawals from customer accounts at National Credit Foundation.

34. Finally, and perhaps most disturbing, is that upon information and belief, Maynard himself had engaged in the very type of identity theft his company had set out to eliminate, by stealing his own father’s identity.

35. Specifically, upon information and belief, Maynard misappropriated his father's identity to obtain an American Express card. Maynard then ran up over one hundred thousand dollars in debt on the card, for which American Express eventually sued his father.

**THE SERVICES LIFELOCK PROVIDES**

36. According to the company's official website, a general LifeLock subscription provides four services that ostensibly protect its subscribers' identities.

37. First, LifeLock "ask[s] the credit bureaus to set free fraud alerts on [the subscriber's] behalf.

38. Second, LifeLock renews those fraud alerts "every 90 days or so."

39. Third, LifeLock requests that subscribers' names be removed from pre-approved credit card and junk mail lists.

40. Fourth, every year, LifeLock orders free credit reports, on behalf of its subscribers, from the major credit bureaus.

**LIFELOCK MISREPRESENTS THE SCOPE OF ITS SERVICES**

41. LifeLock deceptively markets its services through its website located at [www.lifelock.com](http://www.lifelock.com), affiliated web pages, press releases, news publications, and television and radio commercials.

42. LifeLock knew or should have known and failed to disclose and currently knows and is failing to disclose that the services it provides do not offer the breadth of protection that is promoted through their massive advertising campaign.

43. The primary service that LifeLock provides to protect against identity theft is the placement and renewal of fraud alerts on subscribers' credit profiles.

44. The representations made in LifeLock's advertisements regarding the scope and effectiveness of fraud alerts are misleading and fail to disclose material facts regarding the limitations inherent in the service.

45. Rather, through its advertisements, LifeLock misrepresents and creates the cumulative impression that it can protect against all types of fraud including, without limitation, computer hacking and password theft. These representations are false.

46. In actuality, the fraud alerts LifeLock places are only effective against fraud that requires access to a credit report.

47. Furthermore, LifeLock fails to advise its subscribers that fraud alerts will not necessarily prevent an identity thief from opening accounts in their names.

48. There is no conspicuous mention or disclaimer in the plethora of information about the limitations of LifeLock's services on the company website or in LifeLock's advertisements.

49. Contrarily, LifeLock's advertisements create the illusion that LifeLock provides complete and comprehensive identity protection, by employing misrepresentations that include, but are not limited to, the following:

(a) "Here's a report I have on John Sheiper, a young hacker – sent out a virus, put more than 250,000 computers to work stealing passwords to bank accounts from people around the world." (LifeLock radio advertisement).

(b) "LifeLock's own CEO is so positive our service secures identities that he has broadcasted his social security number on our homepage, in our commercials, and in our media spots because he wants to prove that we can protect anyone's identity from scammers, thieves, and hackers."

(<http://lifelockprotection.wordpress.com/2007/11/10/lifelock-protect-your-good-name>, as of March 28, 2008).

(c) "This very second, someone could be using your identity to... clear out your bank accounts ...Stop it from happening now. Call LifeLock..." (LifeLock radio advertisement)

(d) "LifeLock, the industry leader in proactive identity theft protection, offers a proven solution that prevents your identity from being stolen before it happens." (<http://www.lifelock.com/default.aspx?promocode=Shareasale&SSAID=252168>, as of March 26, 2008)

(e) "Which would you rather have, a lock on your door keeping the thieves out, or an alarm telling you after the thief has ripped you off." ([www.lifelock.com/lifelock-for-people/how-we-do-it/how-is-lifelock-different-from-a-credit-monitoring-system](http://www.lifelock.com/lifelock-for-people/how-we-do-it/how-is-lifelock-different-from-a-credit-monitoring-system), dated March 26, 2008.)

**LIFELOCK MISREPRESENTS THE  
EFFECTIVENESS OF ITS SERVICES**

50. LifeLock, through its deceptive advertisements and marketing tools, misrepresents the effectiveness of the services it provides.

51. LifeLock knew or should have known and failed to disclose and currently knows and is failing to disclose that the services it provides do not offer the level of protection that is promoted through their massive advertising campaign.

52. Specifically, LifeLock misrepresents that its subscribers will receive a telephone call when his or her personal information is used to apply for new credit.

53. LifeLock fails to advise subscribers that creditors are not required by law to contact them, even if they have fraud alerts in place, since fraud alerts can legally be ignored by creditors.

54. Such misrepresentations made by LifeLock, include, but are not limited to the following:

(a) "Once fraud alerts have been placed, you will receive a phone call — most people register their cell phone numbers — anytime someone tries to open a credit line in your name." (Statement by Todd Davis, CEO of LifeLock, Inc., in article titled "Fraud alerts can protect ID," [www.azstarnet.com/business/202488](http://www.azstarnet.com/business/202488), March 26, 2008)

(b) "If it's you trying to open the account, then you'll get the call while you're standing there." (Statement by Todd Davis, CEO of LifeLock, Inc., in article titled "Fraud alerts can protect ID," [www.azstarnet.com/business/202488](http://www.azstarnet.com/business/202488), March 26, 2008)

(c) "If it's not you or if you don't answer, then the credit application is declined at the other end..." (Statement by Todd Davis, CEO of LifeLock, Inc., in article titled "Fraud alerts can protect ID," [www.azstarnet.com/business/202488](http://www.azstarnet.com/business/202488), March 26, 2008)

(d) "When someone seeks to open a new account, the creditor will call to confirm that it's really you through a series of identifying questions." (Statement by Todd Davis, CEO of LifeLock, Inc., in article titled "Protecting identity among the tell-all generation," [www.startribune.com/templates/Print\\_This\\_Story?sid=1191451](http://www.startribune.com/templates/Print_This_Story?sid=1191451), March 26, 2008.)

(e) "If someone is trying to use your personal information, you will be contacted by the creditor that is issuing the line of credit. If you receive a call and you are not the one applying for credit, the transaction should be stopped immediately."

(<http://www.lifelock.com/lifelock-for-people/what-to-expect/who-calls-me-to-let-me-know-that-someone-is-attempting-to-obtain-credit-in-my-name>, March 26, 2008.)

(f) "You will know whenever anyone tries to use your credit before damage is done" (<http://www.idtheftquiz.org>, March 26, 2008.)

**LIFELOCK CONCEALS AND OMITTS THE POTENTIAL  
HARMS THAT ITS SERVICES COULD HAVE ON  
SUBSCRIBERS' CREDIT PROFILES**

55. LifeLock, through its deceptive advertisements and marketing tools, conceals and omits the adverse effects that its services could have on its subscribers' credit profiles.

56. LifeLock knew or should have known and failed to disclose and currently knows and is failing to disclose that the services it provides can have an adverse impact on a subscriber's credit profile.

57. For instance, LifeLock's advertisements omit and conceal the fact that its placement and continuous renewal of fraud alerts could prohibit its subscribers from obtaining credit.

58. Additionally LifeLock's advertisements omit and conceal the fact that its placement and continuous renewal of fraud alerts could have an adverse impact on its subscribers' ability to obtain a home loan or refinance their existing loans.

**LIFELOCK OMITTS OR CONCEALS THE TRUE ORIGIN OF  
THE CREDIT REPORT IT ORDERS FOR ITS SUBSCRIBERS**

59. LifeLock represents to consumers that its service includes a credit report from each of the three credit bureaus every 12 months.

60. However, LifeLock, through its deceptive advertisements and marketing tools, omits and conceals that the credit reports it orders on behalf of its subscribers are the free annual credit report to which subscribers are entitled.

61. LifeLock also omits and conceals that by virtue of its ordering of the credit report, the subscribers are rendered ineligible to order the free report for the next 12 months.

62. LifeLock further omits and conceals that ordering the free credit report from www.annualcreditreport.com is duplicative of the free credit report consumers are entitled to when placing a fraud alert under the Fair Credit Reporting Act, 15 U.S.C. § 1681c-1(a)(2)(B).

**LIFELock'S TERMS AND CONDITIONS ARE SUBSTANTIVELY AND  
PROCEDURALLY UNCONSCIONABLE**

63. The services LifeLock provides to its subscribers are governed by LifeLock's "Terms and Conditions."

64. LifeLock's "Terms and Conditions" are presented on a take-it-or-leave-it basis, in a standardized printed form, and therefore is a contract of adhesion.

65. None of LifeLock's subscribers, including the plaintiffs and the putative class, had any bargaining power with which to negotiate the "Terms and Conditions."

66. Additionally, the LifeLock "Terms and Conditions" include an arbitration clause that purports to prohibit class-action arbitration.

67. This provision is meant to deter and eliminate any possibility for a consumer to seek redress for any grievances for the deceptive conduct perpetrated by LifeLock.

68. While LifeLock purports to pay all of the costs of a subscriber's arbitration, this representation is futile, as it fails to take into account the significant ancillary costs incurred as a result of the subscriber being required to arbitrate his or her individual claims in Arizona.

69. Such costs include, but are not limited to, the travel and lodging of the subscriber and his or her attorney.

70. Such costs exponentially exceed the amount of financial damage sustained by an individual LifeLock subscriber, as a result of LifeLock's deceptive conduct.

71. Accordingly, this provision does not allow LifeLock subscribers, including the plaintiffs and the putative class, to adequately vindicate their rights.

72. Such a provision is so one sided that it shocks the conscience, and is therefore unconscionable and unenforceable.

**LIFELock MISREPRESENTS THE SCOPE AND NATURE  
OF ITS \$100,000,000 SERVICE GUARANTEE**

73. LifeLock's deceptive advertising campaign is renowned for boasting of the seemingly infallible one-million dollar service guarantee that purportedly insulates subscribers in the event LifeLock's services are ineffective.

74. LifeLock's advertisements deceptively misrepresent the scope of its purported one-million dollar service guarantee, drastically overstating the actual value of its protections, which are essentially rendered useless by virtue of the restrictions, limitations and waivers contained within its terms.

75. Examples of the LifeLock's misrepresentations regarding its million dollar service guarantee include, but are not limited to, the following:

- (a) "With our million dollar guarantee, you have absolutely *nothing to lose* by signing up with us" (<http://lifelockprotection.wordpress.com/2007/10/22/the-lifelock-guarantee/>, as of March 28, 2008) (emphasis added).
- (b) "If your Identity [sic] is misused while you are a member of LifeLock, we'll spend up to \$1,000,000 to make it right." (<http://www.lifelock.com/lifelock-for-people.aspx>, as of March 28, 2008)
- (c) "LifeLock will pay you up to \$1 million for damages stemming from the security breach. LifeLock says they will "make sure that you get every dollar back, lost wages, costs, actual losses, every dollar up to \$1,000,000. Period." (<http://www.lifelocklife.com/million-dollar-guarantee.html>, as of March 28, 2008)

76. Contrary to the representations made in LifeLock's misleading advertisements, the terms and conditions of the actual guarantee reveal protections that are significantly limited in comparison to those advertised.

77. Specifically, the express terms of the Service Guarantee, at section "2" paragraph "G", disclaim as follows

WE WILL PAY UP TO \$1,000,000 TO CURE THE FAILURE OR DEFECT IN OUR SERVICE, PER CLIENT, PER LIFETIME FOR ALL INCIDENTS IN THE AGGREGATE, REGARDLESS OF CIRCUMSTANCE...WE WILL NOT MAKE PAYMENTS TO YOU FOR ANY LOSS YOU MAY INCUR. OTHER THAN OUR SERVICE GUARANTEE, AND EXCEPT AS OTHERWISE SET OUT HEREIN WE MAKE NO REPRESENTATION OR WARRANTY ABOUT OUR SERVICE OF ANY KIND, AND WE DISCLAIM ANY IMPLIED WARRANTIES OUTSIDE OF OUR SERVICE GUARANTEE, SUCH AS A WARRANTY OF MERCHANTABILITY OR FITNESS OF OUR SERVICE FOR ANY PARTICULAR PURPOSE.

78. In actuality, the narrow terms of LifeLock's service guarantee disclaim all consequential damages and all liability for anything beyond a defect in their service.

79. Accordingly, the service guarantee is only enforceable when LifeLock fails to properly place a fraud alert or properly request to remove the subscriber from a pre-approved credit card or junk mail list.

80. This language is intended to mislead and deter members from asking LifeLock to cover losses or pay for consequential damages such as hiring professionals to restore their losses, and to provide LifeLock with a basis for denying any such claims.

81. For example, assume LifeLock properly places a fraud alert on a subscriber's credit profile. Now assume that a lender issues a credit card to an identity thief because that lender never called the subscriber - LifeLock would avoid liability since it properly administered its services. This is deceptive.

82. Furthermore, contrary to the misrepresentations in its advertisements, in the event that the Service Guarantee is triggered, LifeLock is not required to "spend up to \$1,000,000.00 to

make it right," or "cover all losses and all expenses up to one million dollars."  
(<http://www.lifelock.com/lifelock-for-people.aspx>, as of March 28, 2008)

83. Rather, at most, LifeLock would be required to "reimburse direct expenses you incur and pay professionals to resolve the problem for you – up to \$1 million," without having to actually recoup the subscriber's financial losses, as the advertisements would lead one to believe.

#### V. CLASS ACTION ALLEGATIONS

84. This action is brought as a class action pursuant to New Jersey Court Rule 4:32 on behalf of the plaintiffs named above and all others similarly situated. The class is defined as:

All persons in the state of New Jersey who subscribed to LifeLock, between 2005 and the present, including former residents who resided in New Jersey at the time they subscribed to LifeLock's services.

85. Upon information and belief, the class has more than 1000 members (including present and past subscribers). All members of the class assert claims for violation of the law as more particularly set forth herein.

86. All Class members pray for money damages.

87. All Class members pray for temporary and permanent injunctive relief, declaratory relief because the parties opposing the Class have acted on grounds generally applicable to the Class, thereby making appropriate injunctive relief to the class as a whole.

88. The proposed Class meets the criteria set forth for the maintenance of a class action as described below.

89. **Numerosity**: Members of the Class are so numerous that their individual joinder is impractical. The precise identities, number and addresses of members of the Class are

unknown to plaintiffs, but may and should be known with proper and full discovery of defendants, third-parties, and their respective records.

90. **Existence of Common Questions of Fact:** The common nucleus of operative facts to be determined for the Class as a whole center upon the deceptive advertising and marketing campaign employed by LifeLock and its agents in New Jersey. The questions of fact common to Class members include, but are not limited to, the deceptive advertising and marketing campaign described herein.

91. **Existence of Common Questions of Law:** There is a well-defined commonality and community of interest in the questions of fact and law affecting the members of the Class. The common questions of fact and law include, among other things:

- (a) Whether and to what extent defendants' practices, conduct, and misrepresentations violate federal or state law;
- (b) Whether defendants employed any deception, deceptive acts or practices, fraud, false pretense, false promises, or misrepresentations in connection with the sale or advertising of the subject LifeLock services, within the meaning of the New Jersey Consumer Fraud Act ("NJCFA"), N.J. STAT. ANN. §§ 56:8-1, et seq.
- (c) Whether defendants' affirmative statements and material omissions constitute intentional fraud;
- (d) Whether LifeLock's radio, television, internet and print advertisements contained fraudulent representations and omissions;
- (e) Whether the class-action prohibition provision in the LifeLock "Terms & Conditions" is unconscionable and unenforceable;

(f) Whether plaintiffs and the Class are entitled to recover compensatory, exemplary, treble, statutory or punitive damages based on defendants' fraudulent and illegal conduct or practices; and

92. **Typicality:** Plaintiffs are members of the Class. Plaintiffs' claims have a common origin and share common bases. Their claims originate from the same illegal and fraudulent practices of the defendants, and the defendants act in the same way toward the plaintiffs and the Class members. If brought and prosecuted individually, the claims of each Class member would necessarily require proof of the same material and substantive facts, rely upon the same remedial theories, and seek the same relief.

93. **Adequacy:** Plaintiffs are adequate representatives of the Class because their interests do not conflict with the interests of the members of the Class they seek to represent. Plaintiffs have retained competent counsel, and intend to prosecute this action vigorously. Plaintiffs' counsel will fairly and adequately protect the interests of the members of the Class.

94. **Superiority:** A class action is superior to any other available method for the fair and efficient adjudication of this controversy, because: (i) common questions of law and fact overwhelmingly predominate over any individual questions that may arise, such that there will be efficiencies to the courts and the parties in litigating the common issues on a class basis rather than on an individual basis; (ii) the damages to some class members are larger than to others, but all claims are sufficiently small that individual prosecution of the claim would not be an economically viable alternative; (iii) class treatment is desired for optimal deterrence and compensation; (iv) the economies of scale inherent in litigating similar claims on a common basis will enable this case to be litigated on a cost-efficient basis as a class action, especially when compared to repetitive individual actions; (v) no unusual difficulties are likely to be encountered in the management of this class action as the proofs as to liability are common to all

class members; and (vi) this action would be effectively impossible to bring as individual actions leaving plaintiffs and others similarly situated with no viable remedy.

95. **Adequacy of Representation.** Plaintiffs can and will fairly and adequately represent and protect the interests of all members of the Class. They have no interests that conflict with or are antagonistic to the interests of the Class members. Plaintiffs have retained attorneys competent and experienced in class action and complex commercial litigation.

**FIRST CLAIM FOR RELIEF**  
**NEW JERSEY CONSUMER FRAUD ACT**  
**N.J. STAT. ANN. §§ 56:8-1**

96. Plaintiffs repeat and reallege each of the foregoing paragraphs of this Complaint as if set forth in full.

97. Plaintiffs and the putative class members are "persons" as contemplated by the New Jersey Consumer Fraud Act ("NJCFA").

98. LifeLock's deceptive marketing and advertising campaign are "advertisements" as contemplated by the NJCFA.

99. LifeLock's services are "merchandise" as contemplated by the NJCFA.

100. As alleged with specificity in this Complaint, defendants engaged in deceptive acts and practices in their relationship with plaintiffs and the Class.

101. As alleged with specificity in this Complaint, defendants, though their deceptive marketing and advertising campaign, made material misrepresentations regarding the services they provide to the plaintiffs and the class, to induce them into purchasing LifeLock's services.

102. As alleged with specificity in this Complaint, defendants engaged in the concealment, suppression and omission of material facts, with intent that plaintiffs and the class rely upon such concealment, suppression or omission, in connection with the sale and advertisement of its identity theft protection services.

103. LifeLock's advertisements have the capacity to mislead the average consumer.

104. LifeLock's advertisements create an overall impression that is misleading and deceptive to an ordinary reader.

105. Along with others known and unknown, defendant Davis caused LifeLock to engage in these deceptive acts and practices.

106. Upon information and belief, Davis participated in the deceptive practices alleged in this Complaint by overseeing, directing and otherwise ratifying the action of the corporation he controls, to obtain personal financial benefits.

86. As a result of LifeLock's deceptive advertising and marketing campaign, plaintiffs and the class were induced to subscribe to LifeLock's services.

87. The monthly or annual subscription fees paid by the plaintiff and the class constitute ascertainable losses.

**SECOND CLAIM FOR RELIEF**  
**FRAUD IN THE INDUCEMENT**

88. Plaintiffs repeat and reallege each of the foregoing paragraphs of this Complaint as if set forth in full.

89. As alleged with specificity in this Complaint, defendants, through their deceptive marketing and advertising campaign, knowingly made false statements of past and present fact to, and omitted or concealed true statements of fact from, the plaintiffs and the putative class.

90. Defendants' false statements created an untrue and misleading impression in the mind of plaintiffs.

91. With respect to each such true statement alleged to have been omitted or concealed by the defendants, the defendants owed each plaintiff a duty to disclose the truth of such omitted or concealed fact.

92. These facts were material in plaintiffs' decision to subscribe to LifeLock's services because a reasonable person under the circumstances would regard the facts misrepresented and otherwise omitted as important in deciding to subscribe to LifeLock's services.

93. Defendants knew that plaintiffs would find the misrepresented and omitted facts to be important in determining whether to subscribe.

94. Defendants concealed these facts with the intent of creating a false impression of the actual facts in plaintiffs' mind and knowing plaintiffs would not have taken the course of action they did had they been told all of the facts.

95. The statements and omissions of the defendants as alleged herein were untrue.

96. Defendants knew or should have known at the time they made the representations and omissions that their affirmative statements as alleged herein were false, and that their omissions or concealments were deceptive by virtue of being incomplete.

97. The defendants made the false statements, and engaged in the omissions and concealments, with the intent to defraud the plaintiffs and in order to induce the plaintiffs to rely on the statements, omissions and concealments.

98. Each plaintiff believed the false statements made to him or her, or believed that no facts existed inconsistent with defendants' omissions and concealments, and reasonably acted in reliance upon those beliefs to his or her detriment.

99. As a result of their detrimental reliance on defendants' fraudulent statements and omissions, plaintiffs and the Class have been damaged in the future in an amount to be proven at trial.

**THIRD CLAIM FOR RELIEF**  
**NEGLIGENT MISREPRESENTATION**

100. Plaintiffs repeat and reallege each and every allegation contained in the foregoing

paragraphs of this Complaint with the same force and effect as though fully set forth at length.

101. Defendants have negligently made false statements, misrepresentations and omissions of material fact to the Plaintiffs without regard for how those statements would affect the Plaintiffs.

102. Those negligent misrepresentations have been more particularly described herein.

103. Plaintiffs and the putative class have justifiably relied on the misrepresentations made by Defendants.

104. In relying on Defendants' misrepresentations, Plaintiffs and the putative class decided to subscribe to LifeLock and in doing so, were caused to suffer the losses referred to herein.

**FOURTH CLAIM FOR RELIEF**  
**BREACH OF THE IMPLIED COVENENT OF**  
**GOOD FAITH AND FAIR DEALING**

105. Plaintiffs repeat and reallege each of the foregoing paragraphs of this Complaint as if set forth in full.

106. The LifeLock "Terms and Conditions" include not only express written provisions, but also those terms and conditions, which although not formally expressed, are implied by law.

107. Such implied terms are as binding as the terms that are actually written into the agreement.

108. Inherent in all contracts and agreements is an implied covenant that the parties will act in good faith and deal fairly with each other in the performance of their respective covenants and obligations under the contract and will not take any action that will injure the other party or compromise his benefit of the contract.

109. The obligations of LifeLock to abide by the implied covenant of good faith and

fair dealing is heightened by the substantial imbalance of power between LifeLock and the consumer plaintiffs, which imbalance allows LifeLock to implement the business scheme described in detail in this Complaint and incorporated by reference.

110. Here, by subscribing to LifeLock's services, plaintiffs and the class have reasonable expectations to receive the benefits of the services as advertised by LifeLock.

111. Furthermore, by subscribing to LifeLock's services, plaintiffs and the class have reasonable expectations to be advised of the true extent of the adverse impact the company's services can have on their respective credit profiles.

112. Defendants have breached the implied covenant of good faith and fair dealing by virtue of the deceptive practices described herein and by acts independent of the deceptive practices.

113. Defendants have denied plaintiffs the ability to achieve their reasonable expectations in entering into the franchise relationship.

114. Defendants breach of the implied covenant of good faith and fair dealing was a substantive factor causing Plaintiffs and the Class damage.

**FIFTH CLAIM FOR RELIEF**  
**DECLARATORY JUDGMENT**

115. Plaintiffs repeat and reallege each of the foregoing paragraphs of this Complaint as if set forth in full.

116. An actual and justiciable controversy exists between defendants and plaintiffs concerning the parties' respective rights and obligations under the "Terms and Conditions" and whether the class action prohibition within the arbitration provision of those "Terms and Conditions" is unconscionable.

117. The inclusion of all of such an onerous provision in the adhesive form "Terms and

Conditions” is violative of New Jersey public policy and renders the “Terms and Conditions” void and unenforceable.

118. Plaintiffs are therefore entitled to a declaration from the Court that the “Terms and Conditions” entered into by plaintiffs, and others similarly situated, are void and unenforceable. Alternatively, plaintiffs ask the Court to strike those provisions that are unenforceable.

WHEREFORE, plaintiffs, individually and on behalf of all others similarly situated, seek the following relief:

- (a) An Order certifying the proposed Class herein and appointing plaintiffs and the undersigned counsel of record to represent the Class;
- (b) An Order rescinding the LifeLock subscription of each and every plaintiff and member of the Class based on defendants’ fraudulent inducement thereof or, alternatively, damages for said fraud;
- (c) An Order issuing a preliminary injunction enjoining defendants and all others, known and unknown, from continuing to take illegal action as set forth in this Complaint;
- (d) An Order issuing a permanent injunction enjoining defendants and all others, known and unknown, from continuing to take illegal action as set forth in this Complaint;
- (e) An Order declaring the “Terms and Conditions” entered into by each and every plaintiff and member of the Class unconscionable and, therefore, unenforceable; or in the alternative,
- (f) An Order severing the portions of the “Terms and Conditions” which the Court deems unconscionable and unenforceable, and enforcing the

remaining valid portions of the "Terms and Conditions".

- (g) A Judgment awarding plaintiffs and the Class compensatory, consequential, and statutory damages, including, without limitation, the loss of monies paid to LifeLock for its services, pre-judgment interest and post-judgment interest;
- (h) A Judgment awarding plaintiffs and the Class exemplary, punitive and treble damages;
- (i) A Judgment awarding plaintiffs and the Class attorneys fees and costs; and
- (j) Such other relief as the Court finds just and proper.

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Dated: March 28, 2008

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10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA

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 CENTRAL DISTRICT OF CALIFORNIA

13 EXPERIAN INFORMATION  
 SOLUTIONS, INC., a corporation,  
 14 Plaintiff,

15 v.

16 LIFELOCK, INC., a corporation; and  
 17 DOES 1 through 10, inclusive,  
 18 Defendant.

Case No. SACV08-00165 AG (MLG\*)

Assigned for all purposes to:

DEMAND FOR JURY TRIAL

COMPLAINT FOR:

1. Declaratory Relief;
2. Concealment/Suppression of Fact;
3. Intentional Misrepresentation;
4. Negligent Misrepresentation;
5. Violation of Lanham Act;
6. Violation of California Business & Professions Code § 17500;
7. Violation of California Business & Professions Code § 17200;
8. Unjust Enrichment/Restitution;
9. Quantum Meruit.

**JURISDICTION AND VENUE**

1  
2 1. This Court has original jurisdiction over this matter, under 28 U.S.C.  
3 § 1331, in that it is a civil action arising under a law of the United States,  
4 specifically 15 U.S.C. § 1125 and 15 U.S.C. § 1681 *et seq.*

5 2. This Court has original jurisdiction over this matter, under 28 U.S.C.  
6 § 1332, in that it is a civil action between citizens of different states in which the  
7 matter in controversy exceeds, exclusive of costs and interest, seventy-five  
8 thousand (\$75,000.00) dollars.

9 3. Venue is proper in the Central District of California, under 28 U.S.C.  
10 §1391(a), in that all of the defendants are subject to personal jurisdiction in this  
11 District at the time the action is commenced and a substantial part of the events or  
12 omissions on which the claims in this matter are based occurred in this District.

**INTRODUCTION**

13  
14 4. This action arises out of LifeLock, Inc.'s ("LifeLock") illegal  
15 placement of "fraud alerts" on the credit files maintained by Experian Information  
16 Solutions, Inc. ("Experian") and other consumer reporting agencies. In conjunction  
17 therewith, LifeLock is engaged in a pattern of false and misleading advertising and  
18 fraud, which has and continues to mislead and damage Experian and consumers.

19 5. Under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*  
20 ("FCRA"), any consumer who asserts a good faith suspicion that he or she has been  
21 or is about to become a victim of fraud or related crime, including identity theft,  
22 may request that a national consumer reporting agency (such as Experian) place an  
23 "initial fraud alert" in his or her credit file for at least 90 days. These initial alerts  
24 are a temporary measure to be requested only when the consumer actually suspects  
25 that identity theft has occurred or is about to occur. If the consumer thereafter  
26 confirms that fraud has occurred, the FCRA provides for an "extended" fraud alert  
27 when the consumer provides a police report or other "identity theft report".  
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1           6. Because the placement of initial fraud alerts is limited by statute to only  
2 those consumers who actually believe that fraud has occurred or is imminent, a  
3 prospective issuer of credit is required by law to take reasonable steps to confirm  
4 the identity of the person making the request before opening a new credit account  
5 or increasing a credit limit in the name of that consumer.

6           7. Under the FCRA, an initial fraud alert is available to any eligible  
7 consumer—for free — from a national consumer reporting agency. Consumers can  
8 place a free initial fraud alert simply and quickly through a toll-free telephone  
9 number, the internet or mail. However, the FCRA mandates that a request for an  
10 initial fraud alert *must be made directly by the consumer or by an individual acting*  
11 *on behalf of or as a personal representative of a consumer.* The FCRA does not  
12 permit the placement of an initial fraud alert by corporations such as LifeLock.  
13 Despite this prohibition, LifeLock has surreptitiously placed hundreds of thousands  
14 of fraud alerts on Experian's files by posing as the consumer.

15           8. Once an initial fraud alert is placed, it triggers costly statutory  
16 obligations for consumer reporting agencies such as Experian. First, Experian and  
17 the other credit reporting agencies are required to mail a notice to each consumer  
18 each time a fraud alert is filed explaining various rights that the consumer has,  
19 including the right to receive a free credit report by virtue of the placement of a  
20 fraud alert. Experian is then mandated to provide a free credit report to any such  
21 consumer who requests one. Although costly for the credit reporting agencies,  
22 these requirements make sense in the context of a statute that was designed to  
23 protect consumers who have an actual and legitimate concern that fraud has  
24 occurred or is imminent. However, as described more fully below, such obligations  
25 were never intended to be triggered by a private company seeking to profit by  
26 illegally placing fraud alerts on behalf of consumers who do not have a genuine  
27 suspicion of imminent fraud.

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1           9.    Befitting a company whose co-founder has spent time in jail after  
2 having been arrested for financial fraud and who has been barred by the FTC for  
3 life from engaging in certain credit reporting related activities, LifeLock's business  
4 model consists of a scheme to "game the system," which is imbued with illegal  
5 activity, fraud and deception at every level:

6           a.    As a corporation, LifeLock is not legally entitled to place fraud alerts  
7 on behalf of consumers, but continues to do so thousands of times per month;

8           b.    LifeLock deceives Experian (and other consumer reporting agencies)  
9 by actively concealing that its requests are being submitted by a corporation;

10           c.   LifeLock misleads consumers into believing that it is authorized to  
11 place fraud alerts with credit reporting agencies when it is not;

12           d.   Although initial fraud alerts are designed to be temporary, 90 day  
13 measures for people who actually discover or suspect fraud, LifeLock  
14 deceives consumer reporting agencies into implementing an indefinite or  
15 perpetual state of "initial" alert by submitting a "new" fraud alert request  
16 every 90 days;

17           e.   LifeLock misleads consumers into believing that the FCRA authorizes  
18 the repeated, sequential and perpetual placement of initial fraud alerts when it  
19 does not;

20           f.   LifeLock submits requests for alerts every 90 days where neither  
21 LifeLock nor the consumer has a good faith suspicion that fraud has occurred  
22 or is imminent.

23           10. LifeLock actively advertises that its customers "...will receive an email  
24 from us stating that your credit reports have been ordered on your behalf from the  
25 major credit bureaus." What LifeLock does not adequately disclose to the  
26 consumer is that it is charging the consumer to obtain his or her one free annual  
27 report to which they are entitled to under law. Rather than *pay* for a credit report at  
28 each of the major credit bureaus, LifeLock goes to the "centralized source" that the

1 major credit bureaus were required to jointly establish in order to provide  
2 consumers with the free annual credit report. LifeLock then requests the  
3 consumer's one free annual report from each of the major credit bureaus by posing  
4 as that consumer. Thereafter when a LifeLock customer goes to the centralized  
5 source to obtain a copy of his or her free annual credit report, that request is denied  
6 because LifeLock already used it.

7 11. LifeLock's scheme damages Experian (and other consumer reporting  
8 agencies), consumers, and the economy as a whole. LifeLock's scheme costs  
9 Experian millions of dollars every year in processing large numbers of improper  
10 initial fraud alerts, mailing mandatory notices to consumers, and providing free  
11 credit reports to consumers who are not eligible for such reports. The consuming  
12 public has been harmed too. LifeLock's scheme creates the impression that  
13 consumers must pay for the protections provided by initial fraud alerts, potentially  
14 deterring those who legitimately need fraud alerts but who cannot afford LifeLock's  
15 subscription fees. LifeLock's fraudulent scheme harms the economy as well.  
16 LifeLock's practices threaten to clog the credit system with stale and unnecessary  
17 fraud alerts, potentially devaluing the efficacy of necessary alerts as LifeLock  
18 "cries wolf" on behalf of thousands of unthreatened customers. Further, LifeLock's  
19 practices also unnecessarily slow the extension of credit, impose additional costs  
20 and burdens on businesses, and may lead to unnecessary denials of legitimate  
21 applications for credit thereby forcing consumers to make repeated applications for  
22 credit and harming their credit scores in the process. ✓

23 12. As a result of LifeLock's wrongful conduct, Experian seeks:  
24 (i) declaratory relief establishing the parties' rights under the FCRA; (ii) restitution  
25 of the costs to Experian for LifeLock's wrongful conduct; (iii) disgorgement of  
26 profits earned by LifeLock as a result of its illegal practices; (iv) compensatory and  
27 punitive damages; and (v) an injunction precluding LifeLock from continuing to  
28 engage in false and misleading advertising regarding (a) its services and (b) the

1 efficacy and availability of fraud alerts (for free) from Experian, Trans Union  
2 and Equifax.

3 **PARTIES**

4 13. Experian is an Ohio corporation having its principal place of business at  
5 475 Anton Boulevard, Costa Mesa, California 92626.

6 14. LifeLock is a Delaware corporation with its principal place of business  
7 located at 60 Salado Pkwy, Tempe, Arizona 85281.

8 15. The true names and capacities, whether individual, corporate, associate  
9 or otherwise, of the defendants named as DOES 1 through 10, inclusive, are  
10 unknown to Experian who, therefore, sues those defendants by such fictitious  
11 names. Experian is informed and believes and thereon alleges that each of the  
12 defendants sued herein as DOES 1 through 10 are and were the agents and/or  
13 employees of each and every other defendant and were at all relevant times acting  
14 within the course and scope of such agency and employment, and/or are legally  
15 responsible in some manner for the events and happenings herein referred to and  
16 caused injuries and damages proximately thereby to Experian as herein alleged.  
17 Experian will seek to amend its complaint to allege the true names and capacities of  
18 such defendants when ascertained.

19 16. Experian is informed and believes and thereon allege that, at all  
20 relevant times, each Defendant was acting as the agent, employee, principal,  
21 officer, partner, joint venturer, director or other representative of one or more of the  
22 other Defendants, and, in committing the acts and/or omissions mentioned herein,  
23 was acting within the course and scope of such employment, agency, partnership,  
24 joint venture, or other relationship, and with the knowledge and consent of the  
25 remaining Defendants.

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**BACKGROUND****THE FCRA AND THE FRAUD ALERT SYSTEM**

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17. The FCRA provides for three types of fraud alerts, which are available to consumers based upon the consumers' risk of becoming, or having been, an actual victim of fraud, including identity theft. *See* 15 U.S.C. §§ 1681c-1(a)(1), 1681c-1(b)(1), 1681c-1(c). These fraud alerts are not available as a matter of right to all consumers, but only upon a showing that the consumer falls within a particular risk category, entitling them to receive a fraud alert.

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18. Under 15 U.S.C. § 1681c-1(a), a consumer can request an "initial" 90-day fraud alert, which is designed as a temporary, stopgap measure for a consumer who suspects he or she has been or is in imminent danger of becoming a victim of fraud. Such alerts are available to consumers "[u]pon the direct request of a consumer, or an individual acting on behalf of or as a personal representative of a consumer, who asserts in good faith a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft..." and the provision of "appropriate proof of the identity of requestor." 15 U.S.C. § 1681c-1(a)(1).

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19. Once a consumer requests an initial alert and asserts his or her good faith suspicion, the credit reporting agency must: (i) include a fraud alert in that consumer's file for at least 90 days (15 U.S.C. § 1681c-1(a)(1)(A)); (ii) refer the fraud alert to each of the other credit reporting agencies (15 U.S.C. § 1681c-1(a)(1)(B)); (iii) disclose to the consumer that the consumer may receive a free copy of his credit report (15 U.S.C. § 1681c-1(a)(2)(A)); and (iv) provide the consumer with a credit report free of charge upon the request of the consumer (15 U.S.C. § 1681c-1(a)(2)(B)).

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20. Under 15 U.S.C. § 1681c-1(b), a consumer who is the actual victim of a documented case of identity theft can obtain an "extended" fraud alert. Extended alerts are available "[u]pon the direct request of a consumer, or an individual acting

1 from the consumer is made using the centralized source established for such  
2 purpose...” 15 U.S.C. § 1681j(a)(1)(B). The free credit reports are available online  
3 immediately, or are mailed to consumers at their address on file with the credit  
4 reporting agencies for consumers who request their credit reports by telephone, or  
5 in writing.

#### 6 EXPERIAN

7 30. Experian is a consumer credit reporting agency under the FCRA. As a  
8 consumer credit reporting agency, Experian acts as a conduit of credit information  
9 that is pertinent to prudent credit granting and related decisions. Experian gathers  
10 credit information originated by others, and makes that information available to  
11 parties engaged in credit-related transactions. Experian essentially acts as a  
12 storehouse of credit information by storing, retrieving, and furnishing data as  
13 allowed by the FCRA and similar state laws.

14 31. Under 15 U.S.C. § 1681c-1, Experian allows individuals to request  
15 “initial” fraud alerts — the exact same fraud alerts placed by LifeLock’s paid  
16 service — quickly and easily over its website located at [www.experian.com](http://www.experian.com) or  
17 through a toll-free number (which is posted on Experian’s website) and without  
18 cost. The request process can be completed in a matter of minutes; the process is  
19 completely free of charge; Experian automatically generates a notice to consumers  
20 that they can request a free credit report and provides credit reports for those who  
21 make that request; online consumers who request a report may immediately view  
22 their credit report over the Internet; telephone consumers who request a report will  
23 receive a credit report in the mail; those who request an extended alert may request  
24 two free reports in the twelve month period after they submit an identity theft  
25 report; and Experian automatically refers all fraud alerts to the other credit  
26 reporting agencies.

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**LIFELOCK**

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2 32. Todd Davis and Robert J. Maynard, Jr. founded LifeLock in 2005.  
3 Although LifeLock has touted its founders as “seasoned veterans of the banking  
4 credit and security industries,” who “did solid research for more than three years”  
5 to develop its system, LifeLock does not disclose less auspicious information about  
6 its founding and, specifically, about its founding-member, Maynard. According to  
7 newspaper reports, Maynard developed the idea for LifeLock while sitting in a jail  
8 cell after having been arrested for renegeing on a \$16,000.00 casino marker taken  
9 out at the Mirage Hotel in Las Vegas. Maynard, who initially held the title of Chief  
10 Operating Officer, and later Marketing Director, had been banned for life by the  
11 FTC from “advertising, promoting, offering for sale, selling, performing, or  
12 distributing any product or service relating to credit improvement services.” That  
13 lifetime ban resulted from Maynard’s previous scheme involving the operation of a  
14 credit repair clinic. The credit repair industry is notorious for a multitude of  
15 unsavory practices and characters. This fact is particularly relevant here given that  
16 the legislative history to the FCRA confirms that the statute was drafted to  
17 specifically exclude companies, like credit repair agencies, from placing fraud  
18 alerts on consumer credit files: The legislative history states that the statute “use[s]  
19 the word ‘individual’ instead of ‘person’ to ensure that the provision would only  
20 apply to specific individuals such as a consumer’s authorized family members or  
21 guardians (or attorneys acting as personal representatives), authorized  
22 representatives from bona fide military service organizations, **and not to**  
23 **companies and entities such as credit repair clinics.”** See H.R. Rep. No. 108-  
24 263 at 40 (Sept. 4, 2003) (emphasis added).

25 33. Despite all of this, under the scheme developed by Maynard and his  
26 partners, LifeLock charges consumers to request placement of initial fraud alerts,  
27 even though they are available for free from a consumer reporting agency upon  
28

1 direct request of the consumer. LifeLock currently charges \$10 per month or \$110  
2 per year.

3 34. Under the FCRA, LifeLock is not authorized to request placement of an  
4 initial fraud alert on a consumer's credit file; instead, only the consumer, or an  
5 individual acting on behalf of or as a representative of the consumer, may submit  
6 requests for the placement of initial fraud alerts. But LifeLock improperly places  
7 fraud alerts for consumers. Worse yet, LifeLock does so for consumers who are not  
8 even eligible for such alerts.

9 35. The FCRA requires that the consumer or personal representative "assert  
10 in good faith a suspicion that the consumer has been or is about to become a victim  
11 of fraud or related crime, including identity theft..." LifeLock submits requests  
12 where neither it nor its customers have such a belief. LifeLock's advertising and  
13 customer intake process attempts to dilute this standard by convincing consumers  
14 that fraud alerts may be set as a proactive, preventive measure to combat identity  
15 theft rather than in reaction to a good faith suspicion that they are or are about to  
16 become a victim of identity theft (as required by the FCRA). For example,  
17 LifeLock's website repeatedly touts LifeLock as "proactive identity theft  
18 protection," and even suggests that the desire to stop receiving junk mail "alone is  
19 worth the price." LifeLock's order form asks consumers to state "why do you think  
20 you or your family members will become a victim of identity theft?" Among the  
21 answers scripted by LifeLock (which allow consumers to enroll in LifeLock) are  
22 responses that are not assertions "in good faith that the consumer has been or is  
23 about to become a victim of fraud..." — to wit: (i) "I have heard media reports that  
24 give me a reason"; or (ii) "One of my friends or family members is a victim of  
25 identity theft." Worse, LifeLock allows customers who did not, or refuse to,  
26 disclose their reason to enroll (provided they pay LifeLock a fee).

27 36. LifeLock's scheme also includes automatically renewing the initial  
28 fraud alerts, and continuing to renew the alerts, so long as the consumer continues

1 to pay LifeLock a subscription fee. This conduct effectively converts "initial" fraud  
2 alerts into perpetual or indefinite "initial" alerts. The FCRA does not authorize  
3 indefinite fraud alerts under any of the three categories of alerts established by  
4 Congress.

5 37. LifeLock does not require that its customers affirmatively assert —  
6 prior to making each request for an initial fraud alert — that they believe that they  
7 are or about to become victims of fraud or related crime, including identity theft.  
8 Instead, after misleading consumers into believing that lesser fears or concerns  
9 constitute a good faith suspicion of identity theft, LifeLock seeks the consumer's  
10 agreement to notify LifeLock if that suspicion ever changes. The FCRA does not  
11 authorize the placement of an initial fraud alert where that request is based upon the  
12 consumer's failure to retract an assertion that the consumer was or was about to  
13 become a victim of fraud or related crime, including identity theft, which was made  
14 in connection with a prior request for an initial fraud alert.

15 38. In order to place fraud alerts on behalf of consumers with Experian,  
16 LifeLock has engaged in systematic fraud and concealment. Experian has  
17 established an automated system over a toll free number to allow consumers to  
18 quickly and easily place fraud alerts for free. Experian's automated phone system  
19 requires its users to input information following a series of prompts. Although the  
20 precise wording of the prompts has varied over time, the substance has not. These  
21 prompts require, among other things, the caller to respond affirmatively to  
22 statements such as: (i) "if you believe your credit information is being used  
23 fraudulently, press 3"; (ii) "to add an alert to your credit report through our  
24 automated system, press 2"; and (iii) "if you suspect you are a victim of fraud and  
25 want to add a temporary initial fraud security alert to your account, press 1." The  
26 prompts also ask the caller to enter personal information, such as "enter your social  
27 security number," "enter your 5 digit ZIP code now," and "enter the numeric  
28 portion of your address now."

1           39. After calling Experian's telephone system, LifeLock responds  
2 affirmatively to these prompts by pressing the corresponding number and by  
3 entering in the requested information. This is fraud: (i) *LifeLock* did not believe  
4 that its own credit information was being used fraudulently or that it was a victim  
5 of fraud; (ii) *LifeLock* was not seeking to add an alert to its credit reports;  
6 (iii) *LifeLock* was not seeking a temporary alert (but was seeking to craft an  
7 indefinite or perpetual alert for someone else); and (iv) *LifeLock* did not enter its  
8 own social security number, ZIP code or address.

9           40. Experian's automated system also includes a prompt for personal  
10 representatives requesting a fraud alert on the behalf of another to press the  
11 appropriate number, with corresponding instructions to submit a written request to  
12 Experian. LifeLock did not respond affirmatively to that prompt or make the  
13 written submission that Experian's instructions required.

14           41. Further, LifeLock did not have a good faith suspicion that the consumer  
15 had been or was about to become a victim of fraud or related crime, including  
16 identity theft. LifeLock knew that, in many cases, the consumers on whose behalf  
17 it was surreptitiously and illegally requesting the placement of initial fraud alerts  
18 were instead acting on desires to proactively prevent identity theft, generalized  
19 concern about identity theft, the suspected victimization of a person other than the  
20 consumer, on the basis of media reports about identity theft, or even a desire not to  
21 receive junk mail.

22           42. Additionally, many of LifeLock's customers were not affirmatively  
23 asserting, at the time that LifeLock made the request for the placement of a fraud  
24 alert, that they had been or were about to become a victim of fraud. Instead, the  
25 customers had simply failed to retract assertions made months or years previously  
26 in connection with a prior request for an initial fraud alert.

27           43. In addition to making express misrepresentations to Experian to induce  
28 Experian place fraud alerts on behalf of LifeLock, LifeLock engaged in an

1 elaborate scheme to disguise its activities, including laundering the fraud alerts  
2 through the other national credit reporting agencies.

3 44. LifeLock placed large numbers of fraud alerts, as many as thousands  
4 per day, through Experian's toll-free number using a single telephone number based  
5 in Canada. This caused Experian to incur significant costs in maintaining its toll-  
6 free number, which is toll-free to consumers, but which Experian must pay for on a  
7 per call basis.

8 45. After Experian discovered that the calls were placed by LifeLock, not  
9 consumers as LifeLock had represented, Experian attempted to block calls from this  
10 number. LifeLock then attempted to disguise its activities by placing calls through  
11 another phone bank, this time in Pennsylvania, which Experian again discovered  
12 and attempted to block. LifeLock then resorted to larger banks of telephone  
13 numbers in an attempt to further disguise its activities; Experian once again  
14 discovered LifeLock's activities and attempted to block the calls. Upon  
15 information and belief, Experian's efforts to completely block all of LifeLock's  
16 improper phone calls into Experian's system have been unsuccessful, and LifeLock  
17 continues to improperly use Experian's phone system to place fraud alerts on behalf  
18 of consumers.

19 46. LifeLock also continues to place fraud alerts with Experian by  
20 laundering these alerts through Trans Union and Equifax. LifeLock games the  
21 automatic referral system for fraud alerts established in 15 U.S.C. § 1681c-  
22 1(a)(1)(B) by fraudulently representing to Trans Union and Equifax that LifeLock  
23 is a "consumer" or "individual" placing a fraud alert on its own credit file, and  
24 concealing its identity as a corporation from Trans Union and Equifax. Trans  
25 Union and Equifax then automatically forward such alerts to Experian. When  
26 Experian receives those alerts, Experian: (i) is unable to determine whether the  
27 referred alerts were placed by LifeLock or whether they were placed by consumers;  
28 and (ii) must honor the fraud alerts as if placed by consumers directly with

1 Experian. If Experian could effectively determine which fraud alerts were placed  
2 by LifeLock, Experian would block such requests.

3 47. In order to maximize the number of consumers who request LifeLock  
4 to place fraud alerts with Experian, LifeLock has engaged in a campaign to mislead  
5 consumers into enrolling for LifeLock's service. LifeLock markets its product  
6 through its website located at [www.lifelock.com](http://www.lifelock.com), through press releases and news  
7 outlets, and through television and radio commercials. The representations made in  
8 LifeLock's marketing are false, misleading, and fail to disclose material facts  
9 regarding the service offered by LifeLock.

10 48. **LifeLock Misrepresents Its Authority And Ability To Place Alerts.**  
11 LifeLock misrepresents and creates the overall net impression that LifeLock can  
12 place fraud alerts on behalf of consumers even though the FCRA does not require  
13 credit reporting agencies to honor requests made by corporations. Specific  
14 misrepresentations include, *inter alia*:

15 (i) "[W]e will, upon enrollment...request that Equifax, Experian  
16 and TransUnion, or other credit bureau [sic] as may become  
17 appropriate, place fraud alerts on your consumer to the extent  
18 permitted by 15 U.S.C. § 1681c-1." (LifeLock Website at the  
19 webpage address: [www.lifelock.com/about-us/about-](http://www.lifelock.com/about-us/about-lifelock/terms-and-conditions)  
20 [lifelock/terms-and-conditions](http://www.lifelock.com/about-us/about-lifelock/terms-and-conditions), dated Jan. 26, 2008.)

21 (ii) "[W]e...use integrity and operate within the law." (LifeLock  
22 Website at the webpage address: [www.lifelock.com/lifelock-for-](http://www.lifelock.com/lifelock-for-people/who-we-are/who-uses-lifelock)  
23 [people/who-we-are/who-uses-lifelock](http://www.lifelock.com/lifelock-for-people/who-we-are/who-uses-lifelock), dated Jan. 26, 2008.)

24 49. **LifeLock Misrepresents What Constitutes A Sufficient Good Faith**  
25 **Belief Regarding Identity Theft.** LifeLock induces consumers to enroll in its  
26 service by misleading them as to what constitutes a "good faith...suspicion that the  
27 consumer has been or is about to become a victim of fraud or related crime,  
28 including identity theft." LifeLock creates the net impression that general concerns

1 about identity theft or the proactive desire to prevent identity theft is a sufficient  
2 basis to place a fraud alert. They are not. LifeLock's website repeatedly touts  
3 LifeLock as "proactive identity theft protection." (LifeLock Website at the webpage  
4 address: [www.lifelock.com](http://www.lifelock.com), dated Jan. 26, 2008.) LifeLock's website includes  
5 testimonials from customers who do not express any suspicion that they were or  
6 were about to become the victim of identity theft: "I had seen a new report about  
7 LifeLock. The CEO gave out his social security number on TV! The reporter tried  
8 to use it to open new accounts and couldn't. That's when I signed up." (LifeLock  
9 Website at the webpage address: [www.lifelock.com](http://www.lifelock.com), dated Jan. 26, 2008.)  
10 LifeLock's advertisements and website suggest that a desire to end junk mail is a  
11 sufficient reason to cause LifeLock to place fraud alerts: "[A]ll that mail is just so  
12 irritating. Many of our clients tell us that this alone is worth the price." (LifeLock  
13 Website at the webpage address: [www.lifelock.com/lifelock-for-people](http://www.lifelock.com/lifelock-for-people), dated  
14 Jan. 26, 2008.) LifeLock's website even includes testimonials from individuals  
15 who enrolled in LifeLock even though they were skeptical that they needed  
16 protection from identity theft: "When I first learned about a company called  
17 LifeLock that protects families from identity theft, my husband was skeptical. I  
18 signed us up anyway, and forgot about it." (LifeLock Website at the webpage  
19 address: [www.lifelock.com](http://www.lifelock.com), dated Jan. 26, 2008.) LifeLock's order form asks  
20 consumers to state "why do you think you or your family members will become a  
21 victim of identity theft?" Among the answers scripted by LifeLock are responses  
22 that are not assertions "in good faith that the consumer has been or is about to  
23 become a victim of fraud..." such as: (i) "I have heard media reports that give me a  
24 reason"; or (ii) "One of my friends or family members is a victim of identity theft."  
25 LifeLock also allows customers who did not, or refuse to, disclose their reason  
26 to enroll.

27 **50. LifeLock Misrepresents That Everyone Is Entitled To Fraud Alerts**  
28 **As A Preventative Measure.** LifeLock misrepresents, and creates the overall net

1 impression, that all individuals are entitled to receive a fraud alert. They are not.  
2 The FCRA only allows individuals who “assert[] in good faith a suspicion that the  
3 consumer has been or is about to become a victim of fraud or related crime” to  
4 place an initial fraud alert on their credit files. LifeLock also makes such specific  
5 misrepresentations, including, *inter alia*:

- 6 (i) “[P]roactive identity theft protection.” (LifeLock Website at the  
7 webpage address: [www.lifelock.com](http://www.lifelock.com), dated Jan. 26, 2008.)
- 8 (ii) “The key that everybody can do is go out and place a fraud alert  
9 with the major credit bureaus.” (Statement by Todd Davis, CEO  
10 of LifeLock, Inc., in article titled “Fraud alerts can protect ID,”  
11 [www.azstarnet.com/business/202488](http://www.azstarnet.com/business/202488), Sept. 22, 2008.)
- 12 (iii) “Any individual with an identity worth protecting can benefit  
13 from LifeLock proactive identity theft services.” (LifeLock  
14 Website at the webpage address: [www.lifelock.com/lifelock-for-people/who-we-are/who-uses-lifelock](http://www.lifelock.com/lifelock-for-people/who-we-are/who-uses-lifelock), dated Jan. 26, 2008.)
- 15 (iv) “LifeLock, the industry leader in proactive identity theft  
16 protection, offers a proven solution that prevents your identity  
17 from being stolen before it happens.” (LifeLock Website at the  
18 webpage address: [www.lifelock.com](http://www.lifelock.com), dated Jan. 26, 2008.)
- 19 (v) “This is the kind of preventative measures all companies should  
20 be taking for their employees and the people they serve.”  
21 (LifeLock press release dated January 8, 2008, located at  
22 [www.lifelock.com/about-us/2008-press-release-narfe-premier-  
23 federal-credit-union-selects-lifelock-to-provide-protection-to-  
24 employees-and-members.](http://www.lifelock.com/about-us/2008-press-release-narfe-premier-federal-credit-union-selects-lifelock-to-provide-protection-to-employees-and-members))

25  
26 **51. LifeLock Misrepresents That Consumers Are Entitled To**  
27 **Automatic Renewals.** LifeLock misrepresents and creates the overall net  
28 impression that consumers are entitled to receive automatic renewals of fraud alerts

1 without an assertion of a good faith suspicion that the consumer has been or is  
2 about to become a victim of fraud or related crime.

3 **52. LifeLock Misrepresents To Consumers The Scope Or Effectiveness**  
4 **Of Fraud Alerts.** LifeLock misrepresents and creates the overall net impression  
5 that LifeLock can protect against all types of fraud including computer hacking and  
6 accessing a bank account using stolen passwords when fraud alerts only are  
7 effective against fraud that requires accessing a credit report. LifeLock also makes  
8 such specific misrepresentations, including, *inter alia*:

- 9 (i) "Here's a report I have on John Sheiper, a young hacker – sent  
10 out a virus, put more than 250,000 computers to work stealing  
11 passwords to bank accounts from people around the world."  
12 (LifeLock radio advertisement.)
- 13 (ii) "This very second, someone could be using your identity  
14 to...clear out your bank accounts ...Stop it from happening now.  
15 Call LifeLock..." (LifeLock radio advertisement.)
- 16 (iii) "You'll find out how to lock down your identity making it  
17 virtually impossible for identity thieves to wreak havoc on your  
18 good name..." (LifeLock radio advertisement.)

19 **53. LifeLock Misrepresents That Fraud Alerts Prevents Access To**  
20 **Credit Reports.** LifeLock misrepresents and creates the overall net impression  
21 that LifeLock "locks" the credit file of a consumer, when in fact it only requests the  
22 placement of a fraud alert in the credit file, and does not restrict access to the credit  
23 file in any way. Such specific misrepresentations include, *inter alia*:

- 24 (i) The use of the name "LifeLock;"
- 25 (ii) "As our name states, we're the lock, and you hold the key;"  
26 (LifeLock Website at the webpage address:  
27 [www.lifelock.com/lifelock-for-people/who-we-are/how-we-do-](http://www.lifelock.com/lifelock-for-people/who-we-are/how-we-do-it/how-is-lifelock-different-from-a-credit-monitoring-system)  
28 [it/how-is-lifelock-different-from-a-credit-monitoring-system,](http://www.lifelock.com/lifelock-for-people/who-we-are/how-we-do-it/how-is-lifelock-different-from-a-credit-monitoring-system)

1 dated Jan. 26, 2008.)

2 (iii) "Our goal was to lock down every individual's private  
3 information so no one except that individual can approve of its  
4 use." (LifeLock Website at the webpage address:  
5 [www.lifelock.com/lifelock-for-people/who-we-are/who-is-](http://www.lifelock.com/lifelock-for-people/who-we-are/who-is-lifelock)  
6 [lifelock](http://www.lifelock.com/lifelock-for-people/who-we-are/who-is-lifelock), dated Jan. 26, 2008.)

7 (iv) "Which would you rather have, a lock on your door keeping the  
8 thieves out, or an alarm telling you after the thief has ripped you  
9 off." (LifeLock Website at the webpage address:  
10 [www.lifelock.com/lifelock-for-people/how-we-do-it/how-is-](http://www.lifelock.com/lifelock-for-people/how-we-do-it/how-is-lifelock-different-from-a-credit-monitoring-system)  
11 [lifelock-different-from-a-credit-monitoring-system](http://www.lifelock.com/lifelock-for-people/how-we-do-it/how-is-lifelock-different-from-a-credit-monitoring-system), dated  
12 Jan. 26, 2008.)

13 **54. LifeLock Creates The Impression That Obtaining Fraud Alerts**  
14 **Through Credit Bureaus Is More Difficult.** LifeLock misrepresents and creates  
15 the overall net impression that consumers cannot obtain fraud alerts effectively or  
16 easily from any other source, and that obtaining fraud alerts without subscribing to  
17 LifeLock is a time-consuming, difficult process, when in fact it is easier to obtain a  
18 fraud alert directly with the credit bureaus than it is with LifeLock. Such specific  
19 misrepresentations include, *inter alia*, "Think of it this way: all of us can change  
20 our own oil, but most of us have it done by specialists. We'd like to think that what  
21 we do is more complicated than changing oil, but you get the idea." (LifeLock  
22 Website at the webpage address: [www.lifelock.com/lifelock-for-people](http://www.lifelock.com/lifelock-for-people), dated  
23 Jan. 26, 2008.) In fact, consumers can place fraud alerts with all three national  
24 consumer reporting agencies with a simple and free telephone call to Experian.

25 **55. LifeLock Misrepresents That Only It Can Place Fraud Alerts.**  
26 LifeLock misrepresents, and creates the overall net impression, that only it can  
27 place fraud alerts, that fraud alerts must be purchased through LifeLock, and that  
28 the fraud alerts placed by LifeLock are different or more effective than fraud alerts

1 that consumers can place themselves directly through the credit bureaus. LifeLock  
2 claims, for example: "At LifeLock, We Guarantee Your Good Name. No one else  
3 does because no one else can." (LifeLock Website at the webpage address:  
4 [www.lifelock.com](http://www.lifelock.com), dated Jan. 26, 2008.)

5 **56. LifeLock Misrepresents That It May Place Fraud Alerts Directly**  
6 **With Experian.** LifeLock misrepresents, and creates the overall net impression,  
7 that it may place fraud alerts with Experian, does not disclose to consumers that  
8 Experian has attempted to block the placement of fraud alerts by LifeLock, or that  
9 LifeLock has placed fraud alerts with Experian by disguising its identity and  
10 fraudulently misrepresenting to Experian that it was the consumer. Such specific  
11 misrepresentations include, *inter alia*:

12 (i) "[W]e ask the credit bureaus to set fraud alerts on your behalf.  
13 Usually, this is done through our automated systems and the  
14 alerts are set within an hour." (LifeLock Website at the webpage  
15 address: [www.lifelock.com/lifelock-for-people](http://www.lifelock.com/lifelock-for-people), dated  
16 Jan. 26, 2008.)

17 (ii) "[W]e will, upon enrollment...request that Equifax, Experian  
18 and TransUnion, or other credit bureau [sic] as may become  
19 appropriate, place fraud alerts on your consumer to the extent  
20 permitted by 15 U.S.C. § 1681c-1." (LifeLock Website at the  
21 webpage address: [www.lifelock.com/about-us/about-](http://www.lifelock.com/about-us/about-lifelock/terms-and-conditions)  
22 [lifelock/terms-and-conditions](http://www.lifelock.com/about-us/about-lifelock/terms-and-conditions), dated Jan. 26, 2008.)

23 **57. LifeLock Misrepresents That Creditors Will Call Consumers To**  
24 **Verify The Identity Of The Consumer.** LifeLock misrepresents and creates the  
25 overall net impression, that consumers will receive a telephone call when the  
26 consumers' personal information is used to apply for new credit, even though there  
27 is no requirement under the FCRA that initial fraud alerts require creditors to place  
28 a telephone call to consumers. Such representations include, *inter alia*:

- 1 (i) "Once fraud alerts have been placed, you will receive a phone  
2 call – most people register their cell phone numbers – anytime  
3 someone tries to open a credit line in your name." (Statement by  
4 Todd Davis, CEO of LifeLock, Inc., in article titled "Fraud alerts  
5 can protect ID," [www.azstarnet.com/business/202488](http://www.azstarnet.com/business/202488),  
6 Sept. 22, 2008.)
- 7 (ii) "If its you trying to open the account, then you'll get the call  
8 while you're standing there." (Statement by Todd Davis, CEO of  
9 LifeLock, Inc., in article titled "Fraud alerts can protect ID,"  
10 [www.azstarnet.com/business/202488](http://www.azstarnet.com/business/202488), Sept. 22, 2008.)
- 11 (iii) "You should receive a phone call from the bank asking if you are  
12 actually the person applying for credit in your name." (LifeLock  
13 Website at the webpage address: [www.lifelock.com/lifelock-for-people/what-we-do/how-does-lifelock-protect-my-identity](http://www.lifelock.com/lifelock-for-people/what-we-do/how-does-lifelock-protect-my-identity), dated  
14 Jan. 26, 2008.)
- 15 (iv) "If it's not you or if you don't answer, then the credit application  
16 is declined at the other end..." (Statement by Todd Davis, CEO  
17 of LifeLock, Inc., in article titled "Fraud alerts can protect ID,"  
18 [www.azstarnet.com/business/202488](http://www.azstarnet.com/business/202488), Sept. 22, 2008.)
- 19 (v) "When someone seeks to open a new account, the creditor will  
20 call to confirm that it's really you through a series of identifying  
21 questions." (Statement by Todd Davis, CEO of LifeLock, Inc., in  
22 article titled "Protecting identity among the tell-all generation,"  
23 [www.startribune.com/templates/Print\\_This\\_Story?sid=1191451](http://www.startribune.com/templates/Print_This_Story?sid=1191451),  
24 Aug. 14, 2007.)

25  
26 **58. LifeLock Fails To Adequately Disclose To Consumers The Source**  
27 **Of The Credit Report Ordered By LifeLock.** LifeLock represents to consumers  
28 that its service includes a credit report from each of the three credit bureaus every

1 12 months. LifeLock fails to adequately disclose, however, that the credit report  
2 ordered by LifeLock on behalf of the consumer is the free annual credit report to  
3 which consumers are entitled; fails to adequately disclose that LifeLock's ordering  
4 of the credit report makes the consumer ineligible to order the report for the next 12  
5 months; fails to adequately disclose that ordering the free credit report from  
6 www.annualcreditreport.com is duplicative of the free credit report consumers are  
7 entitled to when placing a fraud alert under 15 U.S.C. § 1681c-1(a)(2)(B).

8 59. On February 11, 2008, Experian sent LifeLock a letter via express mail  
9 informing LifeLock that Experian only was required to honor requests for fraud  
10 alerts made by "consumers" or "individuals," not corporate entities such as  
11 LifeLock; informing LifeLock that its practice of automatically renewing such  
12 fraud alerts violated the FCRA's statutory scheme; and demanding that LifeLock  
13 cease and desist placing fraud alerts on behalf of consumers with any of the three  
14 credit bureaus and renewing such fraud alerts. Experian further informed LifeLock  
15 that if it continued in the activities described above, Experian would seek all  
16 available remedies against LifeLock. Undeterred, LifeLock continues to engage in  
17 its illegal and fraudulent activities.

#### 18 **FIRST CAUSE OF ACTION**

#### 19 **(Declaratory Judgment Act against LifeLock and** 20 **DOES 1 through 10)**

21 60. Experian repeats and reasserts the averments contained in Paragraphs 1  
22 through 59 above as though fully set forth herein.

23 61. An actual controversy has arisen and now exists between Experian and  
24 LifeLock relating to the parties' rights and obligations under 15 U.S.C. § 1681c-1  
25 for which Experian desires a declaration of rights.

26 62. A declaratory judgment, under 28 U.S.C. § 2201, is necessary in that  
27 Experian contends, and LifeLock denies, the following:

28 (i) LifeLock neither is a "consumer" nor "an individual" "acting on

1                   behalf of or as a personal representative of a consumer” within  
2                   the meaning of 15 U.S.C. § 1681c-1(a)(1), and is not authorized  
3                   to submit requests for initial fraud alerts to a consumer reporting  
4                   agency under 15 U.S.C. § 1681c-1.

5                   (ii) A request for an initial fraud alert submitted by LifeLock is not a  
6                   “direct request of a consumer, or an individual acting on behalf  
7                   of or as a personal representative of a consumer,” within the  
8                   meaning of 15 U.S.C. § 1681c-1(a)(1), and Experian, as a  
9                   consumer reporting agency, is not required by 15 U.S.C.  
10                  § 1681c-1(a)(1) to follow the procedures set forth in 15 U.S.C.  
11                  § 1681c-1(a)(1)(A) and 15 U.S.C. § 1681c-1(a)(1)(B) in  
12                  connection with a request for an initial fraud alert submitted  
13                  by LifeLock.

14                  (iii) Experian, as a consumer reporting agency, is not required to  
15                  follow the procedures set forth in 15 U.S.C. § 1681c-1(e) in  
16                  connection with a referral of a fraud alert from another consumer  
17                  reporting agency where the request for the initial fraud alert was  
18                  submitted to the referring consumer reporting agency by  
19                  LifeLock.

20                  (iv) Under 15 U.S.C. § 1681c-1(a)(1)(B), a consumer reporting  
21                  agency is not required to refer information to Experian in  
22                  connection with an initial fraud alert where the request for that  
23                  initial fraud alert was submitted to the consumer reporting  
24                  agency by LifeLock.

25                  (v) LifeLock is not authorized to submit a request for an initial fraud  
26                  alert to Experian or other consumer reporting agency prior to the  
27                  expiration of any initial fraud alert in the file of the consumer.

28                  (vi) Experian, as a consumer reporting agency, is not required to

1 follow the procedures set forth by 15 U.S.C. § 1681c-1(a)(1) and  
2 15 U.S.C. § 1681c-1(a)(1)(B), when a request for an initial fraud  
3 alert is requested to be placed in the file of a consumer prior to  
4 the expiration of any initial fraud alert in the file of that  
5 consumer.

6 (vii) Experian, as a consumer reporting agency, is not required to  
7 follow the procedures set forth by 15 U.S.C. § 1681c-1(a)(1) and  
8 15 U.S.C. § 1681c-1(a)(1)(B), when a request for an initial fraud  
9 alert is referred from another credit reporting agency prior to the  
10 expiration of any initial fraud alert in the file of that consumer.

11 (viii) Under 15 U.S.C. § 1681c-1(a)(1)(B), a consumer reporting  
12 agency is not required to refer information to Experian in  
13 connection with an initial fraud alert where the request for that  
14 initial fraud alert was requested to be placed in the file of a  
15 consumer prior to the expiration of any initial fraud alert in the  
16 file of that consumer.

17 (ix) Under 15 U.S.C. § 1681c-1(a)(1), a consumer or individual  
18 requesting the placement of an initial fraud alert must  
19 affirmatively assert a good faith suspicion that the consumer has  
20 been or is about to become a victim of fraud or related crime,  
21 including identity theft, at the time the request for placement of  
22 that initial fraud alert is made.

23 (x) LifeLock is not authorized to submit a request for an initial fraud  
24 alert to Experian or other consumer reporting agency, where the  
25 consumer has not affirmatively asserted in good faith that the  
26 consumer has been or is about to become a victim of fraud or  
27 related crime, including identity theft, at the time that the request  
28 for the placement of that initial fraud alert is made.

- 1 (xi) Experian, as a consumer reporting agency, is not required by  
2 15 U.S.C. § 1681c-1(a)(1) to follow the procedures set forth in  
3 15 U.S.C. § 1681c-1(a)(1)(A) and 15 U.S.C. § 1681c-1(a)(1)(B),  
4 in connection with a request for an initial fraud alert where the  
5 consumer has not affirmatively asserted in good faith that the  
6 consumer has been or is about to become a victim of fraud or  
7 related crime, including identity theft, at the time that the request  
8 for the placement of that initial fraud alert is made.
- 9 (xii) Under 15 U.S.C. § 1681c-1(a)(1)(B), a consumer reporting  
10 agency is not required to refer information to Experian in  
11 connection with an initial fraud alert where the consumer has not  
12 affirmatively asserted in good faith that the consumer has been  
13 or is about to become a victim of fraud or related crime,  
14 including identity theft, at the time that the request for the  
15 placement of that initial fraud alert is made.
- 16 (xiii) LifeLock is not authorized to submit a request for an initial fraud  
17 alert to Experian or other consumer reporting agency alert where  
18 the request for that initial fraud alert is based on the consumer's  
19 failure to retract an assertion that the consumer was or was about  
20 to become a victim of fraud or related crime, including identity  
21 theft, which was made in connection with a prior request for an  
22 initial fraud alert.
- 23 (xiv) Experian, as a consumer reporting agency, is not required by  
24 15 U.S.C. § 1681c-1(a)(1) to follow the procedures set forth in  
25 15 U.S.C. § 1681c-1(a)(1)(A) and 15 U.S.C. § 1681c-1(a)(1)(B),  
26 in connection with a request for an initial fraud alert which is  
27 based on the consumer's failure to retract an assertion that the  
28 consumer was or was about to become a victim of fraud or

1 related crime, including identity theft, which was made in  
2 connection with a prior request for an initial fraud alert.  
3 (xv) Under 15 U.S.C. § 1681c-1(a)(1)(B), a consumer reporting  
4 agency is not required to refer information to Experian in  
5 connection with an initial fraud alert, which is based upon the  
6 consumer's failure to retract an assertion that the consumer was  
7 or was about to become a victim of fraud or related crime,  
8 including identity theft, and which was made in connection with  
9 a prior request for an initial fraud alert.

10 63. By reason of acts by LifeLock and DOES 1-10 alleged herein, Experian  
11 has suffered, and will continue to suffer, irreparable harm, for which Experian has  
12 no adequate remedy at law, unless and until the conduct by LifeLock and DOES 1-  
13 10 is enjoined.

#### 14 SECOND CAUSE OF ACTION

#### 15 (Concealment/Suppression of Fact against LifeLock and 16 DOES 1 through 10)

17 64. Plaintiff repeats, re-alleges and incorporates herein by reference the  
18 allegations of paragraphs 1 through 63, inclusive, above.

19 65. From on or about, June 2005, LifeLock and DOES 1-10 have  
20 surreptitiously submitted requests for initial fraud alerts to Experian and other  
21 consumer reporting agencies.

22 66. In submitting requests for initial fraud alerts to Experian, and other  
23 consumer reporting agencies, LifeLock and DOES 1-10 actively have concealed  
24 and suppressed, and continue to conceal and suppress:

- 25 (i) their corporate status and identity as the party submitting the  
26 requests;  
27 (ii) that the party submitting the request for the initial fraud alert was  
28 neither the consumer nor an individual acting on behalf of or as a

- 1 personal representative of a consumer;
- 2 (iii) that they did not, at the time they surreptitiously requested the
- 3 placement of initial fraud alerts, have a good faith a suspicion
- 4 that the consumer on whose behalf they requested the alert had
- 5 been or was about to become a victim of fraud or related crime,
- 6 including identity theft;”
- 7 (iv) that the consumers on whose behalf they had surreptitiously
- 8 requested the placement of initial fraud alerts were not, at the
- 9 time of the request, “assert[ing] in good faith a suspicion that the
- 10 consumer has been or is about to become a victim of fraud or
- 11 related crime, including identity theft;”
- 12 (v) that they were placing fraud alerts on behalf of consumers based
- 13 on assertions regarding the consumers’ belief about identity theft
- 14 which did not constitute a “good faith...suspicion that the
- 15 consumer has been or is about to become a victim of fraud or
- 16 related crime,” including a desire to proactively prevent identity
- 17 theft, a generalized concern about identity theft, because an
- 18 individual they knew had been a victim of identity theft, on the
- 19 basis of media reports about identity theft, or a desire not to
- 20 receive junk mail;
- 21 (vi) that the additional requests for initial fraud alerts they
- 22 surreptitiously submitted were not based on a concurrent,
- 23 affirmative assertion by the consumer that he or she had been or
- 24 was about to become a victim of fraud, and that such requests are
- 25 instead based on the consumer not retracting an assertion made
- 26 in connection with a prior request for an initial fraud alert;
- 27 (vii) that their intent was to sequentially place initial fraud alert
- 28 requests to create an indefinite or perpetual fraud alert.

1           67. LifeLock and DOES 1-10 concealed and suppressed, and continue to  
2 conceal and suppress, these facts by, *inter alia*:

- 3           (i) not providing proof of its identity as the requesting party in  
4 connection with the requests for initial fraud alerts it placed;
- 5           (ii) using a phone number other than those registered to LifeLock to  
6 place calls to Experian's toll-free number;
- 7           (iii) employing third parties and foreign phone banks to place  
8 requests for initial fraud alerts;
- 9           (iv) changing phones and/or numbers used to place requests for  
10 initial fraud alerts after prior phones and phone numbers had  
11 been detected and attempted to be blocked by Experian;
- 12           (v) by responding affirmatively, inputting information in response  
13 to, and continuing to use the automated system, after automated  
14 prompts that ask: (i) "if you believe your credit information is  
15 being used fraudulently, press 3"; (ii) "to add an alert to your  
16 credit report through our automated system, press 2"; (iii) "if you  
17 suspect you are a victim of fraud and want to add a temporary  
18 initial fraud security alert to your account, press 1"; and (iv) the  
19 caller to enter personal information, such as "enter your social  
20 security number," "enter your 5 digit ZIP code now," and "enter  
21 the numeric portion of your address now;"
- 22           (vi) completing the request for placement of initial fraud alerts over  
23 the phone, rather than submitting documents establishing that  
24 the requesting party was a bona fide personal representative of  
25 the consumer as prompted by the automated system;
- 26           (vii) submitting requests for initial fraud alerts to other credit  
27 reporting agencies, thereby requiring the other agencies to refer  
28 the alerts to Experian and laundering the identity of the party

1 making the initial request.

2 68. LifeLock and DOES 1-10 made the non-disclosures, concealments and  
3 suppressions of fact alleged herein with the intent to induce Experian (and the other  
4 consumer reporting agencies) to act in reliance thereon, including placing fraud  
5 alerts in the files of the customers of LifeLock and DOES 1-10, providing free  
6 credit reports to customers of LifeLock and DOES 1-10, and to refer the requests to  
7 the other consumer reporting agencies, and with the intention of depriving Experian  
8 of property or otherwise causing injury.

9 69. At the time that LifeLock and DOES 1-10 made the failures to disclose  
10 and suppression of fact herein alleged, Experian was unaware of these facts, and  
11 would not have acted as it did if it had known the undisclosed, concealed or  
12 suppressed facts.

13 70. As a proximate result of LifeLock's and DOES 1-10 failure to disclose,  
14 concealment and suppression of fact, Experian has incurred, and continues to incur,  
15 costs and has suffered, and continues to suffer, damages.

16 71. In doing the things aforementioned, LifeLock and DOES 1-10 have  
17 been guilty of malice, oppression, and fraud, and Experian is, therefore, entitled to  
18 recover punitive damages.

19 72. By reason of acts by LifeLock and DOES 1-10 alleged herein, Experian  
20 has suffered, and will continue to suffer, irreparable harm, for which Experian has  
21 no adequate remedy at law, unless and until the conduct by LifeLock and DOES 1-  
22 10 is enjoined.

23 **THIRD CAUSE OF ACTION**

24 **(Intentional Misrepresentation against LifeLock and**  
25 **DOES 1 through 10)**

26 73. Plaintiff repeats, re-alleges and incorporates herein by reference the  
27 allegations of paragraphs 1 through 72, inclusive, above.

28

1           74. From on or about, June 2005, during the course of requesting the  
2 placement of thousands of initial fraud alerts on consumers' files through the toll-  
3 free number maintained by Experian, LifeLock and DOES 1-10 misrepresented:  
4 (i) the identity of the parties requesting the placement of the fraud alerts; (ii) that  
5 they were individuals seeking placement of a fraud alert in their own files; (iii) that  
6 they were individuals with a good faith belief that they had been the victim of  
7 fraud; and (iv) that they had a good faith suspicion that the consumer had been or  
8 was about to become a victim of fraud or related crime, including identity theft.  
9 Experian did not discover LifeLock's wrongful conduct until 2007.

10           75. LifeLock and DOES 1-10 made these misrepresentations by way of  
11 responding affirmatively to, or entering information in response to, the prompts by  
12 Experian's automated telephone system for the placement of fraud alerts by  
13 individuals. Although the precise wording of the prompts has varied over time, the  
14 substance has not. These prompts require, among other things, the caller to respond  
15 affirmatively to statements such as: (i) "if you believe your credit information is  
16 being used fraudulently, press 3"; (ii) "to add an alert to your credit report through  
17 our automated system, press 2"; and (iii) "if you suspect you are a victim of fraud  
18 and want to add a temporary initial fraud security alert to your account, press 1."  
19 The prompts also ask the caller to enter personal information, such as "enter your  
20 social security number," "enter your 5 digit ZIP code now," and "enter the numeric  
21 portion of your address now."

22           76. The representations of LifeLock and DOES 1-10 in response to these  
23 prompts were false. In fact, LifeLock and DOES 1-10: (i) did not believe that their  
24 credit information was being used fraudulently or that they were a victim of fraud;  
25 (ii) were not seeking to add an alert to their credit reports; (iii) were not seeking a  
26 temporary alert, but were seeking to craft an indefinite or perpetual alert; and  
27 (iv) entered social security numbers, ZIP codes or addresses, which were not  
28 their own.

1           77. Further, LifeLock and DOES 1-10 did not have a good faith suspicion  
2 that the consumer on whose behalf they were surreptitiously requesting a fraud alert  
3 had been or was about to become a victim of fraud or related crime, including  
4 identity theft. LifeLock and DOES 1-10 knew that, in many cases, the consumers  
5 on whose behalf they were surreptitiously requesting the placement of initial fraud  
6 alerts, were instead acting on desires to proactively prevent identity theft,  
7 generalized concerns about identity theft, the suspected victimization of a person  
8 other than the consumer, on the basis of media reports about identity theft, or even  
9 the desire not to receive junk mail.

10           78. Further, many of the customers of LifeLock and DOES 1-10 were not  
11 affirmatively asserting that, at the time that LifeLock and DOES 1-10 made the  
12 request for the placement of a fraud alert, they had been or were about to become a  
13 victim of fraud. Instead, the customers simply had failed to retract assertions made  
14 months or years previously in connection with a prior request for an initial  
15 fraud alert.

16           79. Upon information and belief, LifeLock and DOES 1-10 have made  
17 similar misrepresentations in the course of placing alerts through the automated  
18 systems maintained by other consumer reporting agencies, including Equifax and  
19 TransUnion.

20           80. At the time they made these misrepresentations, LifeLock and DOES 1-  
21 10 knew that these representations were false.

22           81. LifeLock and DOES 1-10 made, and continue to make, the  
23 representations herein alleged with the intention of inducing Experian, Trans Union  
24 and Equifax to place fraud alerts in the credit files of the customers of LifeLock and  
25 DOES 1-10, send notice to consumers that they are entitled to a free credit report,  
26 send a free credit report to customers who request one and "refer the information  
27 regarding the fraud alert to each of the credit reporting agencies," and, once  
28

1 referred, treat the referral "as though the agency received the request from the  
2 consumer directly."

3 82. Experian was unaware of the falsity of the misrepresentations made by  
4 LifeLock and DOES 1-10, and acted in justifiable reliance upon those  
5 misrepresentations, in that Experian, *inter alia*, placed initial fraud alerts in the files  
6 of customers of LifeLock and DOES 1-10, sent notice to consumers that they are  
7 entitled to a free credit report, and generated and mailed free credit reports to those  
8 customers who requested such reports.

9 83. Experian was unaware of the falsity of the misrepresentations made by  
10 LifeLock and DOES 1-10 to Equifax and TransUnion, and acted in justifiable  
11 reliance upon those representations, in that Experian was required to place fraud  
12 alerts on consumers' files which were referred to Experian from Trans Union  
13 and Equifax.

14 84. LifeLock and DOES 1-10 made the intentional misrepresentations  
15 herein alleged with the intention of depriving Experian of property or otherwise  
16 causing injury.

17 85. As a proximate result of the intentional misrepresentations of LifeLock  
18 and DOES 1-10, Experian has incurred, and continues to incur, costs and has  
19 suffered, and continues to suffer, damages.

20 86. In doing the things aforementioned, LifeLock and DOES 1-10 were  
21 guilty of malice, oppression, and fraud, and Experian is, therefore, entitled to  
22 recover punitive damages.

23 87. By reason of acts by LifeLock and DOES 1-10 alleged herein, Experian  
24 has suffered, and will continue to suffer, irreparable harm, for which Experian has  
25 no adequate remedy at law, unless and until the conduct by LifeLock and DOES 1-  
26 10 is enjoined.

27  
28



1 the above-described conduct, Experian sustained compensatory, incidental and  
2 consequential damages in an amount to be proven at trial.

3 94. By reason of the acts by LifeLock and DOES 1-10 alleged herein,  
4 Experian has suffered, and will continue to suffer, irreparable harm, for which  
5 Experian has no adequate remedy at law, unless and until the conduct by LifeLock  
6 and DOES 1-10 is enjoined.

7 **FIFTH CAUSE OF ACTION**

8 **(Lanham Act against LifeLock and**

9 **DOES 1 through 10)**

10 95. Experian repeats, realleges, and incorporates by reference the  
11 allegations contained in Paragraph 1 through 94, inclusive.

12 96. Since in or about June 2005, the website, television commercials and  
13 radio advertisements of LifeLock and DOES 1-10 are commercial  
14 advertisements/promotional materials that have been placed into interstate  
15 commerce by LifeLock and DOES 1-10 in connection with the sale and/or  
16 marketing of its fraud alert placement service.

17 97. Many of the material descriptions and/or representations of fact  
18 contained in its advertisements are false and/or misleading, and therefore  
19 misrepresent the nature or qualities of goods/commercial activities of LifeLock and  
20 DOES 1-10. Such representations are false and/or misleading in that they:

- 21 (i) misrepresent, and create the overall net impression, that  
22 LifeLock can place fraud alerts on behalf of consumers, when  
23 the FCRA does not require credit reporting agencies to honor  
24 requests made by corporations;
- 25 (ii) misrepresent, and create the overall net impression that everyone  
26 is entitled to receive a fraud alert, when the FCRA only allows  
27 individuals who "assert[] in good faith a suspicion that the  
28

- 1 consumer has been or is about to become a victim of fraud or  
2 related crime” to place an initial fraud alert on their credit files;
- 3 (iii) misrepresent, and create the overall net impression, that  
4 consumers are entitled to receive automatic renewals of fraud  
5 alerts without an assertion of a good faith suspicion that the  
6 consumer has been or is about to become a victim of fraud or  
7 related crime;
- 8 (iv) misrepresent, and create the overall net impression, that  
9 consumers are entitled to receive automatic renewals of fraud  
10 alerts without disclosing that the FCRA requires consumers to  
11 provide an identity theft report in order to receive  
12 extended alerts;
- 13 (v) misrepresent, and create the overall net impression, that  
14 LifeLock can protect against all types of fraud including  
15 computer hacking, and accessing a bank account using stolen  
16 passwords when fraud alerts are only effective against fraud that  
17 requires accessing a credit report;
- 18 (vi) misrepresent, and create the overall net impression, that  
19 LifeLock “locks” a credit file of a consumer, when, in fact, it  
20 only requests the placement of a fraud alert in the credit file, and  
21 does not restrict access to the credit file in any way;
- 22 (vii) misrepresent, and create the overall net impression that fraud  
23 alerts must be purchased through LifeLock, and that the fraud  
24 alerts placed by LifeLock are different or more effective than  
25 fraud alerts that consumers can place themselves directly through  
26 the credit bureaus;
- 27 (viii) misrepresent, and create the overall net impression, that  
28 consumers cannot obtain fraud alerts effectively or easily from

1 any other source, and that obtaining fraud alerts without  
2 subscribing to LifeLock is a time-consuming, difficult process,  
3 when in fact it is easier to obtain a fraud alert directly with the  
4 credit bureaus than it is with LifeLock;

5 (ix) misrepresent, and create the overall net impression, that  
6 LifeLock is allowed to place fraud alerts directly with Experian,  
7 when in fact Experian has attempted to block the placement of  
8 fraud alerts by LifeLock, and LifeLock disguises its identity and  
9 fraudulently misrepresents to Experian that LifeLock is  
10 the consumer;

11 (x) misrepresent, and create the overall net impression, that  
12 consumers will receive a telephone call when the consumers'  
13 personal information is used to apply for new credit, when there  
14 is no requirement under the FCRA that initial fraud alerts require  
15 creditors to place a telephone call to consumers.

16 98. The above-described acts of LifeLock and DOES 1-10 constitute false  
17 advertising in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

18 99. The above-described acts of LifeLock and DOES 1-10 actually  
19 deceived or have the tendency to deceive a substantial segment of consumers who  
20 see or hear such representations.

21 100. The above-described acts of LifeLock and DOES 1-10 are material, in  
22 that they are likely to influence a consumer's purchasing decision.

23 101. As a result of the acts of LifeLock and DOES 1-10, Experian, as a  
24 competitor of LifeLock and DOES 1-10, has suffered, and will continue to suffer,  
25 damage to its business reputation and goodwill and the loss of sales and profits.

26 Such damages include:

27 (i) Damage to Experian's reputation regarding its process for  
28 allowing consumers to place fraud alerts in consumers' Experian

- 1 credit file;
- 2 (ii) Losses from reduced orders for credit reports by consumers to
- 3 whom Experian is required to provide a free credit report upon
- 4 receipt of a request for a fraud alert;
- 5 (iii) Losses from reduced orders by consumers for credit freezes
- 6 placed by Experian on consumers' credit files.

7 102. Additionally, Experian has incurred, and will continue to incur,

8 liability for costs and attorney's fees.

9 103. Upon information and belief, the above-described acts by LifeLock

10 and DOES 1-10 were willful and have been engaged in knowing them to be

11 deceptive such as to warrant the trebling of damages in order to provide just

12 compensation.

13 104. Upon information and belief, LifeLock and DOES 1-10 have unfairly

14 profited from the actions alleged herein, and will continue to be unjustly enriched

15 unless and until such conduct is enjoined.

16 105. By reason of acts by LifeLock and DOES 1-10 alleged herein,

17 Experian has suffered, and will continue to suffer, irreparable harm, for which

18 Experian has no adequate remedy at law, unless and until the conduct by LifeLock

19 and DOES 1-10 is enjoined.

20 **SIXTH CAUSE OF ACTION**

21 **(California Business and Professions Code § 17500 against LifeLock and**

22 **DOES 1 through 10)**

23 106. Experian repeats, realleges, and incorporates by reference, the

24 allegations contained in Paragraph 1 through 105, inclusive.

25 107. From on or about, June 2005, LifeLock and DOES 1-10 have engaged

26 in website, television, radio, and print advertising to the public offering identity

27 theft protection. Such advertisements are false and/or misleading representations in

28 that they:

- 1 (i) misrepresent, and create the overall net impression, that  
2 LifeLock can place fraud alerts on behalf of consumers, when  
3 the FCRA does not require credit reporting agencies to honor  
4 requests made by corporations;
- 5 (ii) misrepresent, and create the overall net impression that everyone  
6 is entitled to receive a fraud alert, when the FCRA only allows  
7 individuals who "assert[] in good faith a suspicion that the  
8 consumer has been or is about to become a victim of fraud or  
9 related crime" to place an initial fraud alert on their credit files;
- 10 (iii) misrepresent, and create the overall net impression, that  
11 consumers are entitled to receive automatic renewals of fraud  
12 alerts without an assertion of a good faith suspicion that the  
13 consumer has been or is about to become a victim of fraud or  
14 related crime;
- 15 (iv) misrepresent, and create the overall net impression, that  
16 consumers are entitled to receive automatic renewals of fraud  
17 alerts without disclosing that the FCRA requires consumers to  
18 provide an identity theft report in order to receive  
19 extended alerts;
- 20 (v) misrepresent, and create the overall net impression, that  
21 LifeLock can protect against all types of fraud including  
22 computer hacking, and accessing a bank account using stolen  
23 passwords when fraud alerts are only effective against fraud that  
24 requires accessing a credit report;
- 25 (vi) misrepresent, and create the overall net impression, that  
26 LifeLock "locks" a credit file of a consumer, when, in fact, it  
27 only requests the placement of a fraud alert in the credit file, and  
28 does not restrict access to the credit file in any way;

1 (vii) misrepresent, and create the overall net impression that fraud  
2 alerts must be purchased through LifeLock, and that the fraud  
3 alerts placed by LifeLock are different or more effective than  
4 fraud alerts that consumers can place themselves directly through  
5 the credit bureaus;

6 (viii) misrepresent, and create the overall net impression, that  
7 consumers cannot obtain fraud alerts effectively or easily from  
8 any other source, and that obtaining fraud alerts without  
9 subscribing to LifeLock is a time-consuming, difficult process,  
10 when in fact it is easier to obtain a fraud alert directly with the  
11 credit bureaus than it is with LifeLock;

12 (ix) misrepresent, and create the overall net impression, that  
13 LifeLock is allowed to place fraud alerts directly with Experian,  
14 when in fact Experian has attempted to block the placement of  
15 fraud alerts by LifeLock, and LifeLock disguises its identity and  
16 fraudulently misrepresents to Experian that LifeLock is  
17 the consumer;

18 (x) misrepresent, and create the overall net impression, that  
19 consumers will receive a telephone call when the consumers'  
20 personal information is used to apply for new credit, when there  
21 is no requirement under the FCRA that initial fraud alerts require  
22 creditors to place a telephone call to consumers.

23 108. LifeLock and DOES 1-10 engaged in the advertising herein alleged  
24 with the intent to induce members of the public to believe that they had the  
25 authority to place fraud alert requests on their behalf and/or to induce Experian and  
26 members of the public to believe that it had the authority to place fraud alert  
27 requests on behalf of its subscribers.  
28

1 109. Experian has suffered injury in fact and has lost money and property  
2 as a result of the false advertising by LifeLock and DOES 1-10.

3 110. In making or disseminating the statements herein alleged, LifeLock  
4 and DOES 1-10 knew or with the exercise of reasonable care should have known  
5 that the statements were untrue/false and/or misleading and so acted in violation of  
6 Sections 17500 *et seq.* of the Business and Professions Code.

7 111. In making or disseminating the statements herein alleged, LifeLock  
8 and DOES 1-10 did not intend to sell the products as advertised.

9 112. Unless restrained by this Court, LifeLock and DOES 1-10 will  
10 continue to engage in untrue/false and misleading advertising, as alleged above, in  
11 violation of Section 17500 *et seq.* of the Business and Professions Code, thus  
12 tending to render judgment in the instant action ineffectual. Experian has no  
13 adequate remedy at law in that LifeLock and DOES 1-10 will continue to engage in  
14 untrue and misleading advertising, as alleged above, in violation of Section 17500  
15 *et seq.* of the Business and Professions Code, thus engendering a multiplicity of  
16 judicial proceedings.

17 **SEVENTH CAUSE OF ACTION**

18 **(California Business and Professions Code § 17200 against LifeLock and**  
19 **DOES 1 through 10)**

20 113. Experian repeats, realleges, and incorporates by reference, the  
21 allegations contained in Paragraph 1 through 112, inclusive.

22 114. From on or about, June 2005, LifeLock and DOES 1-10 engaged in  
23 that acts and practices herein alleged while doing business, in that such acts and  
24 practices were done in the course of selling its LifeLock product to consumers in  
25 California, and throughout the United States.

26 115. LifeLock and DOES 1-10 have violated California Business and  
27 Professions Code § 17200 *et seq.* by engaging in unlawful, unfair and fraudulent  
28 conduct including, but not limited, to:

- 1 (i) misrepresenting, and creating the overall net impression, that  
2 LifeLock can place fraud alerts on behalf of consumers, when  
3 the FCRA does not require credit reporting agencies to honor  
4 requests made by corporations;
- 5 (ii) misrepresenting, and creating the overall net impression that  
6 everyone is entitled to receive a fraud alert, when the FCRA only  
7 allows individuals who “assert[] in good faith a suspicion that  
8 the consumer has been or is about to become a victim of fraud or  
9 related crime” to place an initial fraud alert on their credit files;
- 10 (iii) misrepresenting, and creating the overall net impression, that  
11 consumers are entitled to receive automatic renewals of fraud  
12 alerts without an assertion of a good faith suspicion that the  
13 consumer has been or is about to become a victim of fraud or  
14 related crime;
- 15 (iv) misrepresenting, and creating the overall net impression, that  
16 consumers are entitled to receive automatic renewals of fraud  
17 alerts without disclosing that the FCRA requires consumers to  
18 provide an identity theft report in order to receive  
19 extended alerts;
- 20 (v) misrepresenting, and creating the overall net impression, that  
21 LifeLock can protect against all types of fraud including  
22 computer hacking, and accessing a bank account using stolen  
23 passwords when fraud alerts are only effective against fraud that  
24 requires accessing a credit report;
- 25 (vi) misrepresenting, and creating the overall net impression, that  
26 LifeLock “locks” a credit file of a consumer, when, in fact, it  
27 only requests the placement of a fraud alert in the credit file, and  
28 does not restrict access to the credit file in any way;

1 (vii) misrepresenting, and creating the overall net impression that  
2 fraud alerts must be purchased through LifeLock, and that the  
3 fraud alerts placed by LifeLock are different or more effective  
4 than fraud alerts that consumers can place themselves directly  
5 through the credit bureaus;

6 (viii) misrepresenting, and creating the overall net impression, that  
7 consumers cannot obtain fraud alerts effectively or easily from  
8 any other source, and that obtaining fraud alerts without  
9 subscribing to LifeLock is a time-consuming, difficult process,  
10 when in fact it is easier to obtain a fraud alert directly with the  
11 credit bureaus than it is with LifeLock;

12 (ix) misrepresenting, and creating the overall net impression, that  
13 LifeLock is allowed to place fraud alerts directly with Experian,  
14 when in fact Experian has attempted to block the placement of  
15 fraud alerts by LifeLock, and LifeLock disguises its identity and  
16 fraudulently misrepresents to Experian that LifeLock is  
17 the consumer;

18 (x) misrepresenting, and creating the overall net impression, that  
19 consumers will receive a telephone call when the consumers'  
20 personal information is used to apply for new credit, when there  
21 is no requirement under the FCRA that initial fraud alerts require  
22 creditors to place a telephone call to consumers.

23 116. In doing so, LifeLock and DOES 1-10 have:

- 24 (i) violated California Civil Code § 1770(a)(5) by representing that  
25 goods or services have sponsorship, approval, characteristics,  
26 ingredients, uses, benefits, or quantities which they do not have;  
27 (ii) violated California Civil Code § 1770(a)(7) by representing that  
28 goods or services are of a particular standard, quality, or grade,

- 1 or that goods are of a particular style or model, if they are  
2 of another;
- 3 (iii) violated California Civil Code § 1770(a)(8) by disparaging the  
4 goods, services, or business of another by false or misleading  
5 representations of fact;
- 6 (iv) violated California Civil Code § 1770(a)(9) by advertising goods  
7 or services with intent not to sell them as advertised;
- 8 (v) violated California Civil Code § 1770(a)(14) by representing that  
9 a transaction confers or involves rights, remedies, or obligations  
10 which it does not have or involve, or which are prohibited  
11 by law;
- 12 (vi) violated 18 U.S.C. § 1343 by transmission of the  
13 misrepresentations identified in Paragraphs 38 through 42 by  
14 means of telephone or other interstate wire in furtherance of a  
15 scheme to defraud Experian and the other credit reporting  
16 agencies;
- 17 (vii) violated California's False Advertising Law, California Business  
18 and Professions Code § 17500;
- 19 (viii) violated the Lanham Act, 15 U.S.C. § 1125(a).
- 20 117. LifeLock and DOES 1-10 have violated California Business and  
21 Professions Code § 17200 *et seq.* by engaging in unlawful, unfair and fraudulent  
22 conduct including, but not limited to, making the misrepresentations to Experian  
23 and other consumer reporting agencies identified in paragraphs 38 through 42  
24 above.
- 25 118. In doing so, LifeLock and DOES 1-10 have:
- 26 (i) violated California Civil Code § 1770(a)(2) by misrepresenting  
27 the source, sponsorship, approval or certification of goods  
28 or services;

1 (ii) violated California Civil Code § 1770(a)(3) by misrepresenting  
2 the affiliation, connection, or association with, or certification  
3 by, another;

4 (iii) violated of 18 U.S.C. § 1343 by transmission of the  
5 misrepresentations identified in Paragraphs 48 through 58 by  
6 means of telephone or other interstate wire in furtherance of a  
7 scheme to defraud Experian and the other credit reporting  
8 agencies;

9 (iv) violated the Lanham Act, 15 U.S.C. § 1125(a).

10 119. The acts and practices alleged herein constitute unlawful, unfair and/or  
11 deceptive business practices as set forth in Business and Professions Code § 17200  
12 *et seq.*

13 120. LifeLock and DOES 1-10 continue to engage in such unlawful, unfair  
14 and/or deceptive business practices as identified herein to the present day, including  
15 in its dealings with Experian, and there is a substantial risk that the wrongful acts  
16 will continue in the future, thus warranting (and necessitating) injunctive relief.

17 121. Experian has suffered injury in fact and has lost money and property  
18 as a result of the unfair competition by LifeLock and DOES 1-10.

19 122. Pursuant to California Business and Professions Code Section 17203,  
20 Experian is entitled to equitable relief, including restitution of all profits LifeLock  
21 and DOES 1-10 have retained as a consequence of the unlawful business practices,  
22 in which Experian has an interest and to which Experian is entitled as a result of the  
23 unlawful and unfair business practices.

24 123. Experian is also entitled to injunctive relief preliminary and  
25 permanently restraining LifeLock from continuing the unlawful and unfair business  
26 practices described herein.

27  
28

**EIGHTH CAUSE OF ACTION****(Unjust Enrichment/Restitution against LifeLock and  
DOES 1 through 10)**

1  
2  
3  
4 124. Experian repeats, realleges, and incorporates by reference, the  
5 allegations contained in Paragraph 1 through 123, inclusive.

6 125. LifeLock and DOES 1-10 have been unjustly enriched at Experian's  
7 expense by gaming the FCRA, defrauding Experian and consumers, and laundering  
8 fraud alerts through the other credit reporting agencies to Experian's harm and  
9 detriment and to LifeLock's benefit.

10 126. LifeLock and DOES 1-10 neither are "consumers" nor "individual[s]  
11 acting on behalf of or as a personal representative of a consumer," and are not  
12 authorized and/or permitted by the FCRA to submit fraud alerts to Experian directly  
13 or to cause fraud alerts to be referred to Experian by submitting requests for fraud  
14 alerts to other consumer reporting agencies. LifeLock and DOES 1-10 have done  
15 so, and continue to do so, without statutory authorization or permission, while  
16 concealing, misrepresenting and laundering both their identities as the party  
17 requesting the placement of the fraud alert and their corporate status from Experian  
18 and other consumer reporting agencies.

19 127. LifeLock and DOES 1-10 have submitted, and continue to submit,  
20 requests for initial fraud alerts without possessing a good faith suspicion that the  
21 consumer has been or is about to become a victim of fraud or related crime,  
22 including identity theft. In fact, LifeLock and DOES 1-10 have mislead their  
23 customers into believing that they are eligible for fraud alerts on the basis of a  
24 desire to proactively prevent identity theft, if a friend or family member has been a  
25 victim of identity theft, or on the basis of media reports about identity theft.

26 128. LifeLock and DOES 1-10 sequentially submit requests that additional  
27 "initial" fraud alerts be placed in a consumer's file in order to indefinitely extend  
28 the lifespan of the fraud alert. The FCRA does not authorize and/or permit

1 LifeLock and DOES 1-10 to request the repeated, sequential placement of initial  
2 alerts based on the same set of circumstances. The FCRA requires that extended  
3 alerts be requested on the basis of an identity theft report, rather than the suspicion  
4 that the consumer has been or is about to become a victim of fraud or related crime,  
5 including identity theft. The FCRA does not authorize perpetual or indefinite  
6 fraud alerts.

7 129. LifeLock and DOES 1-10 do not obtain their customers' affirmative  
8 assertions that, concurrent with the request for additional initial fraud alerts, the  
9 consumer has a good faith suspicion that the consumer has been or is about to  
10 become a victim of fraud or related crime, including identity theft. Instead,  
11 LifeLock and DOES 1-10 request additional fraud alerts whenever their customers  
12 do not notify LifeLock that they no longer hold such a suspicion.

13 130. LifeLock and DOES 1-10 have solicited consumers with misleading  
14 and false advertising regarding LifeLock's authority to place initial fraud alerts on  
15 consumers' files, consumers' eligibility for initial fraud alerts, the nature and effect  
16 of initial fraud alerts, and the ease in which a customer may request an initial fraud  
17 alert directly from the consumer reporting agencies for free.

18 131. LifeLock and DOES 1-10 have been unjustly enriched by, and  
19 improperly benefited from, its conduct in that: (i) the FCRA contemplates that  
20 fraud alerts will be placed without charge to the requesting consumer, but LifeLock  
21 and DOES 1-10 have charged, received and retained monies paid by consumers for  
22 the placement of fraud alerts; (ii) LifeLock and DOES 1-10 are profiting at the  
23 expense of Experian, who bears all of the costs and burdens of placing and  
24 maintaining the fraud alert in the consumer's file, referring fraud alerts to other  
25 consumer reporting agencies, and providing the consumer with notices and the free  
26 credit report to consumers who request such a report; (iii) LifeLock and DOES 1-10  
27 are profiting from services and work it has wrongly induced Experian to perform,  
28 and (iv) LifeLock and DOES 1-10 are profiting from the placement of fraud alerts

1 for consumers who are not eligible for such alerts, and the provision of free credit  
2 reports to consumers who are not eligible for such reports.

3 132. It would be unjust and unconscionable to permit LifeLock and DOES  
4 1-10 to be enriched at the expense of Experian and to retain the benefits that were  
5 wrongfully obtained through Experian.

6 133. LifeLock and DOES 1-10 have improperly benefited from fraudulent  
7 activities, and thus Experian seeks restitution from LifeLock and DOES 1-10 in the  
8 amount LifeLock and DOES 1-10 have been unjustly enriched and an order  
9 disgorging all profits, benefits and other compensation obtained by LifeLock and  
10 DOES 1-10.

11 **NINTH CAUSE OF ACTION**

12 **(Quantum Meruit against LifeLock and**  
13 **DOES 1 through 10)**

14 134. Experian repeats, realleges, and incorporates by reference, the  
15 allegations contained in Paragraph 1 through 133, inclusive.

16 135. Experian provides services at the request of LifeLock and DOES 1-10  
17 for which LifeLock charges its customers a monthly fee, including implementation  
18 of fraud alerts and the provision of free credit reports. Experian has received no  
19 compensation from LifeLock and DOES 1-10 for providing these services, and  
20 LifeLock and DOES 1-10 have offered none.

21 136. LifeLock and DOES 1-10 have benefited from the services they have  
22 wrongfully obtained from Experian.

23 137. Experian is entitled to compensation in an amount equal to the value  
24 of the services obtained from it by LifeLock and DOES 1-10.

25 **PRAYER**

26 WHEREFORE, Plaintiff prays judgment against Defendants, and each of  
27 them, as follows:

28



- 1 alert to Experian or other consumer reporting agency prior to the  
2 expiration of any initial fraud alert in the file of the consumer.
- 3 (vi) Experian, as a consumer reporting agency, is not required to  
4 follow the procedures set forth by 15 U.S.C. § 1681c-1(a)(1) and  
5 15 U.S.C. § 1681c-1(a)(1)(B), when a request for an initial fraud  
6 alert is requested to be placed in the file of a consumer prior to  
7 the expiration of any initial fraud alert in the file of that  
8 consumer.
- 9 (vii) Experian, as a consumer reporting agency, is not required to  
10 follow the procedures set forth by 15 U.S.C. § 1681c-1(a)(1) and  
11 15 U.S.C. § 1681c-1(a)(1)(B), when a request for an initial fraud  
12 alert is referred from another credit reporting agency prior to the  
13 expiration of any initial fraud alert in the file of that consumer.
- 14 (viii) Under 15 U.S.C. § 1681c-1(a)(1)(B), a consumer reporting  
15 agency is not required to refer information to Experian in  
16 connection with an initial fraud alert where the request for that  
17 initial fraud alert was requested to be placed in the file of a  
18 consumer prior to the expiration of any initial fraud alert in the  
19 file of that consumer.
- 20 (ix) Under 15 U.S.C. § 1681c-1(a)(1), a consumer or individual  
21 requesting the placement of an initial fraud alert must  
22 affirmatively assert a good faith suspicion that the consumer has  
23 been or is about to become a victim of fraud or related crime,  
24 including identity theft, at the time the request for placement of  
25 that initial fraud alert is made.
- 26 (x) LifeLock is not authorized to submit a request for an initial fraud  
27 alert to Experian or other consumer reporting agency, where the  
28 consumer has not affirmatively asserted in good faith that the

- 1 consumer has been or is about to become a victim of fraud or  
2 related crime, including identity theft, at the time that the request  
3 for the placement of that initial fraud alert is made.
- 4 (xi) Experian, as a consumer reporting agency, is not required by  
5 15 U.S.C. § 1681c-1(a)(1) to follow the procedures set forth in  
6 15 U.S.C. § 1681c-1(a)(1)(A) and 15 U.S.C. § 1681c-1(a)(1)(B),  
7 in connection with a request for an initial fraud alert where the  
8 consumer has not affirmatively asserted in good faith that the  
9 consumer has been or is about to become a victim of fraud or  
10 related crime, including identity theft, at the time that the request  
11 for the placement of that initial fraud alert is made.
- 12 (xii) Under 15 U.S.C. § 1681c-1(a)(1)(B), a consumer reporting  
13 agency is not required to refer information to Experian in  
14 connection with an initial fraud alert where the consumer has not  
15 affirmatively asserted in good faith that the consumer has been  
16 or is about to become a victim of fraud or related crime,  
17 including identity theft, at the time that the request for the  
18 placement of that initial fraud alert is made.
- 19 (xiii) LifeLock is not authorized to submit a request for an initial fraud  
20 alert to Experian or other consumer reporting agency alert where  
21 the request for that initial fraud alert is based on the consumer's  
22 failure to retract an assertion that the consumer was or was about  
23 to become a victim of fraud or related crime, including identity  
24 theft, which was made in connection with a prior request for an  
25 initial fraud alert.
- 26 (xiv) Experian, as a consumer reporting agency, is not required by  
27 15 U.S.C. § 1681c-1(a)(1) to follow the procedures set forth in  
28 15 U.S.C. § 1681c-1(a)(1)(A) and 15 U.S.C. § 1681c-1(a)(1)(B),

1 in connection with a request for an initial fraud alert which is  
 2 based on the consumer's failure to retract an assertion that the  
 3 consumer was or was about to become a victim of fraud or  
 4 related crime, including identity theft, which was made in  
 5 connection with a prior request for an initial fraud alert.

6 (xv) Under 15 U.S.C. § 1681c-1(a)(1)(B), a consumer reporting  
 7 agency is not required to refer information to Experian in  
 8 connection with an initial fraud alert, which is based upon the  
 9 consumer's failure to retract an assertion that the consumer was  
 10 or was about to become a victim of fraud or related crime,  
 11 including identity theft, and which was made in connection with  
 12 a prior request for an initial fraud alert.

- 13 2. For injunctive relief, enjoining Defendants from submitting requests
- 14 for fraud alerts to Experian, Trans Union and Equifax;
- 15 3. For costs of suit herein incurred; and
- 16 4. For such other and further relief as the Court may deem proper.

#### 17 SECOND CAUSE OF ACTION

- 18 1. For actual damages in an amount to be proven at trial;
- 19 2. For restitution to the extent permitted by law;
- 20 3. For injunctive relief, enjoining Defendants from submitting requests
- 21 for fraud alerts to Experian, Trans Union and Equifax;
- 22 4. For costs of suit herein incurred; and
- 23 5. For such other and further relief as the Court may deem proper.

#### 24 THIRD CAUSE OF ACTION

- 25 1. For actual damages in an amount to be proven at trial;
- 26 2. For restitution to the extent permitted by law;
- 27 3. For injunctive relief, enjoining Defendants from submitting requests
- 28 for fraud alerts to Experian, Trans Union and Equifax;

- 1 4. For punitive damage;
- 2 5. For costs of suit herein incurred; and
- 3 6. For such other and further relief as the Court may deem proper.

FOURTH CAUSE OF ACTION

- 4
- 5 1. For actual damages in an amount to be proven at trial;
- 6 2. For restitution to the extent permitted by law;
- 7 3. For injunctive relief, enjoining Defendants from submitting requests
- 8 for fraud alerts to Experian, Trans Union and Equifax;
- 9 4. For costs of suit herein incurred; and
- 10 5. For such other and further relief as the Court may deem proper.

FIFTH CAUSE OF ACTION

- 11
- 12 1. For actual damages in an amount to be proven at trial;
- 13 2. For restitution to the extent permitted by law;
- 14 3. For injunctive relief, enjoining Defendants from placing and/or
- 15 making, or authorizing the placing or making of, any advertisements
- 16 and/or representations which contain false and misleading statements
- 17 regarding Defendants' ability and authority to place fraud alerts, the
- 18 need for a good faith belief in placing fraud alerts, the availability of
- 19 fraud alerts as a proactive, preventative measure, that consumers are
- 20 entitled to automatic renewals of fraud alerts, the efficacy of fraud
- 21 alerts against all types of fraud, that fraud alerts prevent access to credit
- 22 reports, the difficulty of obtaining fraud alerts through credit bureaus,
- 23 that LifeLock places fraud alerts directly with Experian, that
- 24 consumers can only receive the protection afforded by fraud alerts by
- 25 purchasing LifeLock's service, that creditors will call consumers who
- 26 have a fraud alert on their file, the source of the credit report provided
- 27 by LifeLock, and, any other advertising false or misleading advertising
- 28 regarding fraud alerts, and enjoining the use of the LifeLock name.

- 1 4. For punitive damages;
- 2 5. For costs of suit herein incurred; and
- 3 6. For such other and further relief as the Court may deem proper.

4 SIXTH CAUSE OF ACTION

- 5 1. For restitution to the extent permitted by law;
- 6 2. For disgorgement of profits;
- 7 3. For injunctive relief, enjoining Defendants from placing and/or
- 8 making, or authorizing the placing or making of, any advertisements
- 9 and/or representations which contain false and misleading statements
- 10 regarding Defendants' ability and authority to place fraud alerts, the
- 11 need for a good faith belief in placing fraud alerts, the availability of
- 12 fraud alerts as a proactive, preventative measure, that consumers are
- 13 entitled to automatic renewals of fraud alerts, the efficacy of fraud
- 14 alerts against all types of fraud, that fraud alerts prevent access to credit
- 15 reports, the difficulty of obtaining fraud alerts through credit bureaus,
- 16 that LifeLock places fraud alerts directly with Experian, that
- 17 consumers can only receive the protection afforded by fraud alerts by
- 18 purchasing LifeLock's service, that creditors will call consumers who
- 19 have a fraud alert on their file, the source of the credit report provided
- 20 by LifeLock, and, any other advertising false or misleading advertising
- 21 regarding fraud alerts, and enjoining the use of the LifeLock name.
- 22 4. For costs of suit herein incurred; and
- 23 5. For such other and further relief as the Court may deem proper.

24 SEVENTH CAUSE OF ACTION

- 25 1. For restitution to the extent permitted by law;
- 26 2. For disgorgement of profits;
- 27 3. For injunctive relief, enjoining Defendants from submitting fraud alerts
- 28 on behalf of consumers to Experian, Trans Union and Equifax; and

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enjoining Defendants from placing and/or making, or authorizing the placing or making of, any advertisements and/or representations which contain false and misleading statements regarding Defendants' ability and authority to place fraud alerts, the need for a good faith belief in placing fraud alerts, the availability of fraud alerts as a proactive, preventative measure, that consumers are entitled to automatic renewals of fraud alerts, the efficacy of fraud alerts against all types of fraud, that fraud alerts prevent access to credit reports, the difficulty of obtaining fraud alerts through credit bureaus, that LifeLock places fraud alerts directly with Experian, that consumers can only receive the protection afforded by fraud alerts by purchasing LifeLock's service, that creditors will call consumers who have a fraud alert on their file, the source of the credit report provided by LifeLock, and, any other advertising false or misleading advertising regarding fraud alerts, and enjoining the use of the LifeLock name.

- 4. For costs of suit herein incurred; and
- 5. For such other and further relief as the Court may deem proper.

EIGHTH CAUSE OF ACTION

- 1. For restitution to the extent permitted by law;
- 2. For disgorgement of profits;
- 3. For costs of suit herein incurred; and
- 4. For such other and further relief as the Court may deem proper.

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NINTH CAUSE OF ACTION

1. For restitution to the extent permitted by law;
2. For costs of suit herein incurred; and
3. For such other and further relief as the Court may deem proper.

Dated: February 13, 2008

JONES DAY

By:



Richard J. Grabowski

Attorneys for Plaintiff  
EXPERIAN INFORMATION  
SOLUTIONS, INC.

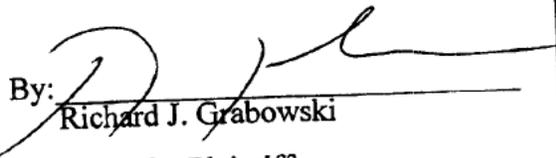
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**DEMAND FOR JURY TRIAL**

Plaintiff Experian Information Solutions, Inc. hereby demands trial by jury.

Dated: February 13, 2008

JONES DAY

By: 

Richard J. Grabowski

Attorneys for Plaintiff  
EXPERIAN INFORMATION  
SOLUTIONS, INC.

# WIRED



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**SEND US A TIP**

## Lifelock Founder a Shady Identity Thief?

By Kim Zetter  June 05, 2007 | 1:32:35 PM Categories: Crime, Identification

The Phoenix New Times has published an investigative piece showing that Robert J. Maynard, Jr., one of the founders of Lifelock, a company offering a service to protect people from identity theft, is himself a suspected identity thief who may have stolen his own father's identity, has a troubled financial past (including at least two bankruptcies), and was jailed in 2003 for defaulting on a \$16,000 Las Vegas casino loan -- an incident that the New Times says Maynard has lied about repeatedly to customers and reporters.

I wrote about Lifelock last year after learning about it at the RSA Security Conference. The company's CEO, Todd Davis, is famous for giving out his Social Security number on TV because he feels so confident that Lifelock can protect him from becoming a victim of identity theft. It's an effective campaign. The company claims 150,000 have bought the line and its service. For \$100 a year the company says it helps customers monitor their accounts with the three credit-reporting bureaus and offers a \$1 million guarantee to cover losses if any of its customers become a victim of credit or identity theft.

To sign up for the service, however, customers have to hand over their Social Security number, birthdate and other sensitive




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details to Lifelock. It turns out that customers who previously handed over such sensitive data to another business Maynard owned became victims of theft. That business, a credit-repair company called the National Credit Foundation, was investigated by state and federal authorities and was suspected of stealing money from its customers.

Federal court records state that Maynard and the other defendants obtained their customers' banking information and, "in numerous instances . . . withdrew funds from consumers' checking accounts without authorization."

Gilbert resident Vincent Calabrese, listed as one of the firm's creditors because of owed back pay, says he worked for National Credit Foundation for about a year and was there at the end. He says he'll never forget how the "phone was just going nuts" in the last few weeks with customers reporting unauthorized debits on their bank accounts, usually for about \$300 a whack.

Maynard denied wrongdoing but the federal government issued a permanent injunction banning him from "advertising, promoting, offering for sale, selling, performing, or distributing any product or service relating to credit improvement services."

Part of Lifelock's advertising campaign is centered around Maynard's arrest for the defaulted casino loan. He has claimed in numerous media interviews that a thief stole his identity and took out the loan in his name. But the facts that New Times uncovered don't support that. And there's also the incident with his father's identity.

American Express sued Maynard's father in 2005 for \$154,000 in unpaid bills. But Dr. Robert J. Maynard Sr., a prominent local eye doctor, denied he ordered the card.

Records show that someone with Maynard Sr.'s personal information ordered the card. But that someone didn't have the bills sent to Maynard Sr.'s home. Instead, the bills went to a company called Netshield, at a Phoenix address used by one of Maynard Jr.'s former firms.

Though Maynard Sr. says he never asked for the card, he settled with the company. Coincidentally, Maynard Jr. has \$170,000 in debt to American Express listed on his 2005 bankruptcy paperwork -- and his father is named as a co-debtor. If Maynard Jr. ordered the card using his dad's data, without his dad's knowledge, that would make him -- you got it -- an identity thief.

Of course, his father could have lied to American Express. Perhaps, Dr. Maynard ordered the card for his son.

**Luke O'Brien** | [e-mail](#)  
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**Judge Orders FBI to Turn Over Thousands of Act Abuse Documents**

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### Threat Level -- Wired Blogs

But that's not what Dr. Maynard tells New Times.

The elder Maynard says he's still in litigation on the matter and cannot fully comment. But asked whether Maynard Jr. used his dad's identity to obtain the card, Dr. Maynard, who says he hasn't spoken to his son in more than two years, replies, "I can't disagree with that."

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Somewhat ironically, on the day that Kay Stern's article appeared in the Phoenix New Times, Jax Federal Credit Union in Florida announced that it had suffered a breach due to a contractor's insecure site permitting 7500 CU members' names and SSN to be indexed by Google. The thrust of its news release was how it then promptly arranged with LifeLock to provide protection services to those affected by the breach.

Not for nothing, but among LifeLock's TOS, the customer has to not only provide them with PII and financial info, but the customer also has to provide them with limited power of attorney.

Posted by: **Dissent** | Jun 5, 2007 11:50:04 AM

Isn't Senator Fred Thompson promoting LifeLock in a radio ad?

Posted by: **Gopher** | Jun 5, 2007 2:19:21 PM

**FBI May Have Broken the Law 1,000 Times**  
**Surveilling Americans**

**Announcements (5)**

**Breaches (8)**

**Censorship (20)**

**Copyrights and Patents (10)**

**Cover-Ups (13)**

**Crime (36)**

**Crypto (2)**

**Cybermageddon! (3)**

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**Election '08 (20)**

**Gists (1)**

**Glitches and Bugs (3)**

**Hacks and Cracks (23)**

**Hot Planet (23)**

**ISP Privacy Survey (10)**

**Identification (23)**

**Intellectual Property (2)**

**Kickbacks (6)**

**Online Political Campaigns (12)**

**Politics (33)**

**Porn (3)**

**Privacy (40)**

**RFID (1)**

### Threat Level -- Wired Blogs

- [Spam and Phishing \(3\)](#)
- [Spooks Gone Wild \(15\)](#)
- [Sunshine and Secrecy \(17\)](#)
- [Surveillance \(40\)](#)
- [The Courts \(16\)](#)
- [Threats \(20\)](#)
- [Virginia Tech shooings \(31\)](#)
- [Watchlists \(12\)](#)

It burned my behind from the start when Todd Davis from lifelock added his ss# to his ads. I am a curms, the same verification Mr. Davis boasts. His action is extremely irresponsible with regards to the public we are educating and protecting.

**Posted by: Tim | Jun 5, 2007 2:33:03 PM**

Never trust ANYONE. That is the society in which we now live. It will only get worse and probably never get better. Guys like this are the reason guys like me hardly ever get a fair shake. He makes everyone else stand up and say, "once a criminal always a criminal."

He guys like this who force everyone into a corner when it comes to giving back, demanding that they don't get any more chances.

Someone will eventually find him and do to him what he did to others, it is fate that will drive him to suicide.

You can see it now. His company will probably get its web site hacked, he will blame every theft or breach on hackers, then he will fold up and take everyone's money and split. Of course no one will prosecute him like they may prosecute Doug Jackson of F-Gold. Nope, you won't find any willing prosecutors to go after him while he borks everyone out of their identities or hard earned reputations.

Selling all their info's on some board like Cardersmarket.com he will make a huge amount of money, both from victimizing people and from saving he will protect them.

They will let him get away with it forever and day trading everyone's info and selling them down the river until they are broke-busted or dead

Tell ya what Kim, shoot me his social and I will bet he can't withstand what I would throw at him, that piece of shit.

God, I hate people like that. I truly hate them.

Bobsyouruncle

P.S. Good story... Still Love ya...lol

**Posted by: Bobsyouruncle | Jun 5, 2007 2:58:56 PM**

This is precisely why everyone should use Truston at <http://www.mytruston.com/>. They offer brilliant identity theft recovery while never collecting any personal information, so it can never be used against you!

**Posted by: Tycho | Jun 5, 2007 4:32:47 PM**

This is precisely why everyone should use Truston at <http://www.mytruston.com/>. They offer brilliant identity theft recovery while never collecting any personal information, so it can never be used against you!

Posted by: **Tycho** | Jun 5, 2007 4:37:59 PM

To many plugs for worthless products. Trust this, when you get robbed, no company in the world can or will protect you. Remember this, once it happens, it will happen again and again. Carders resell your information over and over and over.

You will certainly wish you never paid good money to some stupid insurance company foisting protection products that are useless in today's world. They are pure scams working off the fear people have about getting raped. It useless victimizing by corporate sleaze dogs who profit off your fear.

Trust this, if you get took, you will never ever forget it. No company will protect you. Don't believe me? Wait awhile, you will see.

It's:our:mole.

P.S.

Kim should get a Pulitzer for writing. This woman writes like a goddess.

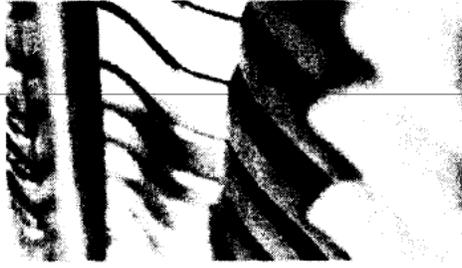
P.s. note her, she deserves the best she can get.

Posted by: **Bobs Your Uncle** | Jun 5, 2007 10:28:08 PM

There is one company out there that does a great job in the Identity Theft arena. That is Kroil Background America, a 30+ year old company. They are the ones that the US Government called in to restructure the whole ENRON mess. The Kuwaiti Government called them in to find Sadam's assets and freeze them. They are the leading risk management company in the world with offices in 22 countries. People like the FBI and other government agencies, and Fortune 100 companies use them all the time. They monitor your identity on a daily basis. They will notify you if someone changes your address to get your mail by working with Experian, the largest credit bureau who downloads the post office change of address forms on a daily basis. You will then get an email letting you know so you can fix it. They will email you if you get a credit card taken out in your name. They will also act on your behalf to RESTORE your identity if someone does steal it. Checking Police records, medical records, drivers DMV records, etc etc. This IS the BEST solution out there. Nothing is perfect but this is the closest you will get. They have investigated and then teamed up with Pre-Paid Legal services (also a 30+ year old NYSE company trading at \$65.25 currently under the ticker of PHD) so that if you do have an incident you then have the Legal protection to fight it as well. Here is a great website that will be of much value to you and then you can make up your mind yourself. [www.jaypandlegal.com/hub/j Silberhorn](http://www.jaypandlegal.com/hub/j Silberhorn) check it out, you won't be sorry you did!

Posted by: **Jon Silberhorn** | Jun 7, 2007 10:23:42 AM

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6- Jon Silberhorn:

people might tend to trust your sales pitch for prepaid legal if you at least admitted that it was a sales pitch. <https://www.secure-prepaidlegal.com/assoc/app/Initialization?siteOwner=jsilberhorn>

Bobby's article is my hero today.

**Posted by: Mr. B | Jun 8, 2007 5:26:47 PM**

I did a post on this on my blog: Fraud, Phishing and Financial Misdeeds.

Have been criticized for plugging Truston, but did so because they are a good example of how businesses need to get away from storing people's information.

**Posted by: ed dickson | Jun 8, 2007 6:04:11 PM**

I did a post on this on my blog: Fraud, Phishing and Financial Misdeeds.

Have been criticized for plugging Truston, but did so because they are a good example of how businesses need to get away from storing people's information.

**Posted by: ed dickson | Jun 8, 2007 6:04:20 PM**

Hi Mr. B,

I do sell Pre-paid Legal and I believe very much in the product. The site you posted is if someone would like to work for the company. The one in my post is my website where you can look at the product and make an educated decision. You may or may not be interested but at least you can get the facts. I'm just trying to inform people that there is a way to help protect yourself in this world with all the ID theft going on around us. Their ID Theft shield is second to none. Imagine if someone changes your address to get your mail or takes out a credit card in your name and you get notified the next day! It's easier to get it fixed if you find it early. Did you watch the ID Theft video? It's very informative.

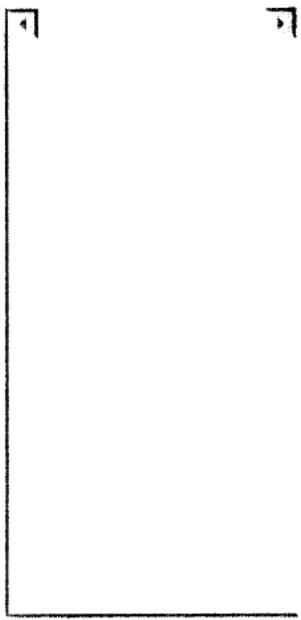
**Posted by: Jon Silberhorn | Jun 11, 2007 8:04:53 AM**

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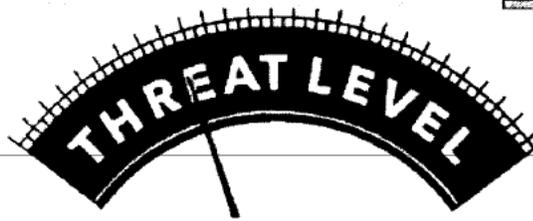
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PRIVACY, SECURITY AND CRIME ONLINE

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## LifeLock Founder Resigns Amid Controversy

By Kim Zetter  June 11, 2007 | 1:24:28 PM Categories: Identification

LifeLock co-founder Robert Maynard, Jr. has resigned from his position with the identity theft protection company following a story published in the *Phoenix New Times* about his past, which I wrote about last week. CEO Todd Davis left me a voicemail message this morning saying, "Even though we found no merit to any of the claims made by the *New Times* article . . . Robert Maynard has chosen to step down from the company so we don't allow any distractions or anyone have the ability to question the integrity of LifeLock and our service offering. . . . He is now no longer an executive or officer of the company as of this time."

The *New Times* article disclosed information about Maynard's past bankruptcies and a federal investigation into a previous company he owned, based on public records, and also revealed an incident involving Maynard's father, which suggested that Maynard, Jr., may have stolen the identity of his father to obtain an American Express card. Davis, in a follow-up call, did not dispute the information about the bankruptcies or the FTC investigation into Maynard's previous company (which he says he knew about before the *New Times* story came out) but said that LifeLock's lawyers found no merit to the claim that Maynard stole his father's identity. He wouldn't elaborate, however, on what his investigators found to reach that conclusion.

"I'm not going to get into it," Davis said. "That's now an issue for Robert (to handle). It's not a company issue. He's going to spend the time to clear his name."

Davis acknowledged that Maynard, Jr., still owns 10 percent equity in LifeLock and that he is launching a marketing company. When asked if Maynard will work as a contractor for LifeLock doing the same marketing work he was until now doing as a staff member, Davis said yes.

On a separate note, CEO Davis has himself been a victim of identity theft recently. According to spokesman Mike Prusinski, someone used the CEO's Social Security number -- which is prominently displayed in advertisements for LifeLock's identity theft protection commercials and on its web site -- at a Ft. Worth check cashing operation to obtain a \$500 loan.

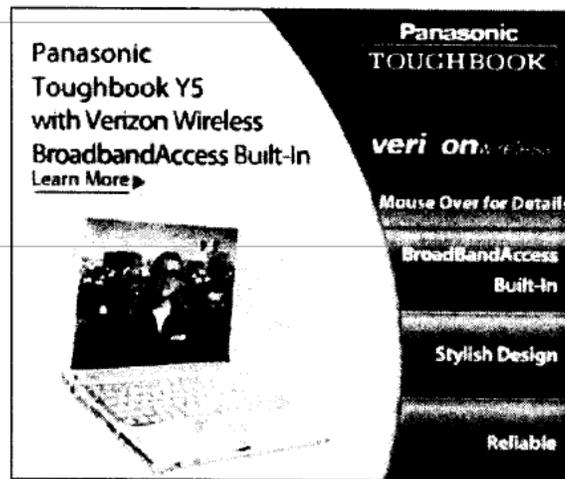
"They had Todd's Social Security number, name, and his wife's cell phone number," Prusinski said last week.



Davis discovered the identity theft crime only after the check-cashing company called his wife about the unpaid loan. Davis couldn't offer any details about the crime this morning (including the name of the check-cashing company) but Prusinski said last week that the thief was able to obtain the loan because the check-cashing operation didn't run a credit-report check on the Social Security number before giving out the loan (which would have revealed a fraud alert on the reports) and that, as a result there was no way that LifeLock could have prevented the theft. LifeLock helps customers place fraud alerts with the three credit reporting agencies to prevent thieves from opening new accounts in its customers' names. It also helps customers fix credit problems if they do become victims of identity theft. But Prusinski says there's no way to prevent all identity theft -- especially cases in which a business (such as the check-cashing operation) doesn't run a credit report before providing someone with a loan or new credit card.

"It's a loophole," Prusinski said. "We tell people that you can't stop every form of identity theft."

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quote from Lifelock's homepage...

My name is Todd Davis  
This is my social security number 457-55-5462

"I'm Todd Davis, CEO of LifeLock. Yes, that really is my social security number. No I'm not crazy. I'm just sure our system works. Just like we have with mine, LifeLock will make your personal information useless to a criminal. And it's GUARANTEED."

Here at LifeLock, We Guarantee Your Good Name.  
No one else does because no one else can.

Posted by: **anonymous** | Jun 11, 2007 1:24:09 PM

What a crock!

Let me get this straight. He's supposedly no longer involved, so this is a non-issue, right?

Except he still owns 10% of the company (the same amount), has the same job, and is in the same office every day, with the same people reporting to him essentially. So what has changed? That he isn't an "officer" any more? That's it?!

Posted by: **Joe** | Jun 11, 2007 2:19:59 PM

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Monday, Jun 18, 2007

Posted on Sat, Jun. 16, 2007

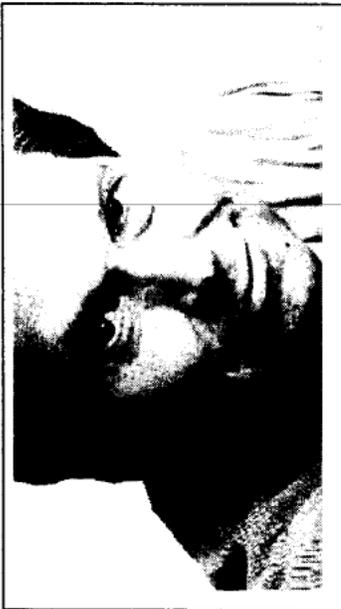
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## Business

### PAUL WENSKE IN YOUR CORNER IN YOUR CORNER

## Case warns 'help' must be trusty

Recently I wrote an article that examined the cost and value of commercial identity theft prevention programs.



Consumer experts concluded the programs offer moderate benefits, but most consumers could do the same basic things themselves for free. Now come new reasons that consumers should scrutinize these programs and the entrepreneurs who peddle them.

One company I profiled was Tempe, Ariz.-based LifeLock, a fast-rising new business catering to consumer fears about identity theft. LifeLock announced last week that co-founder Robert J. Maynard Jr. had resigned following news accounts suggesting past legal and financial problems may make him a poor choice to trust with your personal

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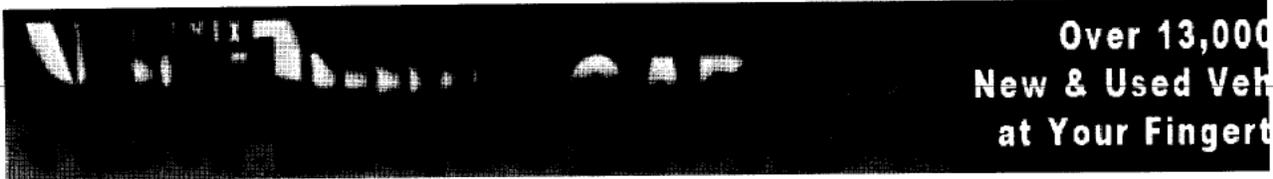
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## Money for Nothing

Don't fall victim to the identity-theft protection scam

By Ray Stern

Published: July 19, 2007

The phone call from the collection agency back in May should've been expected.

The caller was looking for Todd Davis, the CEO of one of the nation's fastest-growing anti-identity-theft companies, Tempe-based LifeLock. When Davis picked up the phone, the collection agency told him he had failed to pay back a \$500 loan he took out in Texas.

Davis, who lives in Chandler, probably knew at once he was a victim of identity theft.

But how could he be a victim? His company boasts it can protect people from identity theft, and Davis was, naturally, one of its first customers.

Yet there's no doubt it was identity theft, says Lieutenant Dean Sullivan of the Fort Worth Police Department. The suspect took out a loan under Davis' name using a check as collateral.

"How they came about his information, I don't know," Sullivan says.

There's an easy answer for that.

Davis gives out his Social Security number — 457-55-5462 — in the company's ads.

Davis states on LifeLock's Web site, "Just like we have with mine, LifeLock will make your personal information useless to a criminal."

But LifeLock couldn't really make it useless. Like other aspects of LifeLock's marketing campaign, Davis' statement just isn't true.

Despite LifeLock's service, the thief found Davis' information plenty useful. The check that the thief used to take out the loan was from his or her own bank, and police found the suspect's home address. So far, no arrest has been made.

The story won't make a good testimonial for LifeLock. It's a perfect example of how the firm's primary service — placing fraud alerts on customers' credit reports — failed to stop identity theft from occurring.

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Other companies offer that service, as well, even though it's free and extremely simple for people to do themselves. Dozens of firms offering anti-identity-theft services have built a multimillion-dollar industry in the past few years.

Consumer advocates say they're a rip-off.

Companies like LifeLock can try to prevent only one kind of identity theft, new-account fraud, and Davis' case proves they can't always do that, either.

Initial details of the case were first published June 11 by blogger Kim Zetter of [Wired.com](#). Zetter said she received a tip from a reader about the crime after another blog post about LifeLock.

Zetter and other bloggers were writing a lot about LifeLock that week because of a [May 31 \*New Times\* story](#), which detailed how the company's founder, Robert J. Maynard Jr., lied repeatedly to the public that he was a victim of identity theft, according to information provided by Nevada authorities.

Maynard claims — and he's sticking to the story, despite overwhelming evidence to the contrary — that he was falsely arrested by Valley authorities in 2003 and held for a week in jail because of a Las Vegas gambling debt that he didn't owe. The experience gave him the idea to start LifeLock, he has told newspapers and TV news stations. He and Davis use the story as a horrific example of why people need their company's services.

But Clark County, Nevada, prosecutor Bernard Zadrowski told *New Times* the roughly \$16,000 debt to the Mirage casino had, in fact, been Maynard's. Nevada treats unpaid casino markers like bad checks, and felony charges against Maynard Jr. were dropped after he paid the debt, Zadrowski said.

The *New Times* story also detailed how Maynard Jr. was one of the heads of a credit-repair company shut down by the government in the mid-1990s, leaving him permanently banned from the credit-repair business, and how his own father accuses him of identity theft. Dr. Robert Maynard Sr., a Valley optometrist, said his personal data was used by his son to order an American Express card in Maynard Sr.'s name and make about \$150,000 in charges — all without Maynard Sr.'s consent.

Less than two weeks after the story ran, LifeLock announced that Robert J. Maynard Jr. had resigned from the company.

The *Los Angeles Times* wrote about his resignation in a June 12 article and mentioned the scam against Davis prominently, saying that even as the company was acting to distance itself from problems exposed about its founder, "new questions arose about its marketing claims." The *Times* also said the incident could affect Davis' credit rating.

Davis said he's still "upset" over the May 31 story, and he wouldn't agree to an interview for this article. But *New Times* sent him several questions, which he answered by e-mail with the help of the company's new public relations consultant, spin artist Jason Rose, known for taking on clients with image problems, including Maricopa County Sheriff Joe Arpaio and Pink Taco restaurant.

In one e-mail, Rose and Davis say the fact that Davis was victimized was not an embarrassment to the company; rather, it showed how well the company works. The e-mail explains that when the system fails, as it did in this case, LifeLock will spend time and, if necessary, up to \$1 million to help its customers.

The company did help its CEO — by hiring another company to aid in solving Davis' problem.

But the same thing wouldn't happen to you, because LifeLock's terms of agreement state that you can't be a customer if you publish your Social Security number.

If anyone in this state knows what to do about identity theft, it's Bob Hartle.

Hartle lives with his wife, JoAnn, in the residence where he grew up in south Phoenix. The place is filled with the hides and heads of animals he and JoAnn hunted when they lived in Alaska. In 1994, the Hartles were living in Iowa when they found out that a thief had destroyed Bob Hartle's good name ("Bob Hartle's Identity Crisis," April 24, 1997).

The incident spurred Hartle to become an expert on the subject, and he became personally responsible for the state's first anti-identity-theft law, signed by Governor Fife Symington in 1996. Before then, no specific felony statute made it a crime to take someone's data and use it wrongfully.

Hartle's a retired Honeywell employee who now works as a security officer for a tech firm. He and JoAnn educate the public and help identity-theft victims in their spare time. Their Web site address is [www.idfraud.org](http://www.idfraud.org).

At seminars, Hartle says not to spend money on anti-identity-theft services. He says they are a waste of time. That's also the message of *Consumer Reports* and other watchdogs that have analyzed the services.

The fact is, you can do most everything the services do for no cost.

If you become a victim — a possibility even if you buy the services — odds are the crime will cost you no money and take relatively little time to resolve.

To understand the criticism by Hartle and others, you first have to know what the identity-theft companies are selling: credit-report monitoring, fraud alerts, insurance, and help for victims.

Most of the companies offer several of the services at once.

All three major credit bureaus — Equifax, Experian and TransUnion — offer credit-report monitoring in a way that could almost be called a protection racket.

The credit bureaus make money by collecting financial data on people and then selling it. They are the keepers of your credit report and credit score. When you apply for a loan, they're the ones who tell credit card companies, mortgage firms, and car dealerships who you are and whether you're likely to make timely payments.

The credit bureaus charge the lenders for that information. Then they charge you as much as \$14.95 a month to monitor your credit report, simply shooting you an e-mail if someone opens a credit account in your name.

In other words, you pay the bureaus to let you know when they help someone commit fraud in your name.

You can choose not to buy the bureaus' services, but you can't choose to ignore the bureaus if their info on you is misused — not if you ever want to buy something on credit again.

Even if you pony up the monthly fee, there's no protection from identity theft.

And if you get victimized, you still have work to do. The bureaus can't interpret your credit report. Only you know which of your credit accounts are legitimate and which aren't. If you think a thief has opened a line of credit in your name, you still have to contact the credit bureau — just as you would do if you learned about the crime because a collection agency called you.

Then there are companies like TrustedID, Debix and LifeLock, which take advantage of a three-year-old federal law that allows people to put fraud alerts on their credit reports. If a fraud alert is on your report, lenders are supposed to call you before issuing credit in your name.

Most of the companies offer some kind of insurance for customers, but the majority of identity theft victims would never need it. Financial losses are typically covered by the bank, merchant, or credit card company that gave credit to the wrong person.

So-called resolution services, which offer to help victims cut through the red tape after a theft occurs, seem like a good idea in complicated cases. But those services are outrageously expensive. One company, Kroll Fraud Solutions, charges between \$1,000 and \$2,000 to deal with a fairly simple new-account fraud case.

When any of these services are offered by your bank or credit union for free, they're worth it. Bank of America, for example, offers a free service for its customers if they become a victim of identity theft involving Bank of America accounts.

There's no question that most, if not all, of the companies exploit Americans' fear of identity theft to sell their service. They compare identity theft to a calamity such as a house fire. They play up crime figures reported by the Federal Trade Commission and other sources, which state that millions of Americans will become victims every year. And the news media help drive the mania with reports of the most extreme examples.

People give each other paper shredders for Christmas. They scan their bank account and credit card statements for false charges. If the anti-identity-theft companies are to be believed, tens of thousands of people have signed up for services that claim to protect people.

The reality is that the crime isn't nearly as terrible as the identity-protection firms try to scare you into believing.

More than half the cases involve fraudulent credit card charges that are quickly reversed by credit card companies. Even in cases in which thieves open credit accounts in other people's

names, the victims usually pay no out-of-pocket costs.

Ironically, the people most likely to buy the services are those least likely to need them. According to LifeLock's literature, most of their customers are 35 to 50, well off, and "not the most susceptible to identity theft."

Police say the hardest hit are young people in their 20s or people of modest means. One California victim described how, after a thief withdrew the \$2,000 in her checking account, she was forced to ask her employer for a loan because a bank took two weeks to put the money back.

Believe it or not, even shredding — that staple of identity protection — isn't necessary for many of us, especially if you live in a house with individual garbage collection rather than share a trash bin with neighbors.

Al Shiya, a spokesman for Phoenix's public works department, says that once a garbage truck picks up a trash barrel, there is "zero risk" of identity theft from pilfered garbage. Green-barrel garbage is compressed, put in a pit and covered by dirt in the city's Buckeye landfill the same day it's picked up or the next day. Nobody scavenges at the landfill, which sits on thousands of acres and is surrounded by a high, chain-link fence. Blue-barrel recycling garbage is sorted at a secure facility.

"There have been no incidents in anyone's memory here where anyone's identity was compromised within this process," he says.

Expert Bob Hartle believes none of the ID-protection services — except the ones you can get for free — has any real value. He doesn't trust them, either.

Anyone considering such a service should read the fine print, he says. Many companies require you to give them power of attorney, which Hartle says could be misused. He points out that while some companies say they do criminal background checks on their employees, you won't know if they really do.

The monitoring and relief services help you only after theft has occurred, so you're paying month after month for something you don't normally need. If you do get zapped, it's no big deal to get the problem fixed, he says.

True, the services might sound appealing if you're lazy and have money to burn, but Hartle insists you won't get anything you can't do yourself in very little time.

Most people don't really need a fraud alert on their credit reports. Unless you've published your Social Security number — like LifeLock CEO Todd Davis did — or somebody hacks into your employer's human-resources computer, placing a fraud alert isn't worth the bother.

A fraud alert probably won't prevent crime, as the Davis example shows. A lender may not call a major credit bureau, which means an alert won't be found, or a lender may see an alert but choose not to call its customer.

An alert also may stop you from taking advantage of a good credit offer. If your contact number for a fraud alert is your mobile phone, you'd better have the phone in your purse or pocket before you try to open a new credit account or you'll be stuck.

But some experts recommend fraud alerts as a simple precaution. Most times, an alert should prevent the type of identity theft in which criminals open accounts under your name.

The right to place a fraud alert on your credit report is relatively new, provided courtesy of Congress via the Fair and Accurate Credit Transactions Act of 2003, also known as the FACT Act. The main problem for consumers is that the law allows the credit bureaus to lift the fraud alert after 90 days, making it easier for their customers — lenders — to do business. If you want permanent protection, you need to renew the alerts every three months.

Companies that place the alerts for you, like LifeLock and Debix, say that going without their service is like mowing your own lawn or changing your vehicle's oil yourself.

The analogy is flawed, because mowing your lawn or changing your own oil is actually hard work. Sweat will probably be involved, and the chores will take a chunk of time, unlike performing for yourself the service that LifeLock offers.

Placing a fraud alert yourself is a cakewalk. All you have to do is dial the toll-free phone number of one of the major credit bureaus. The process will take less than five minutes, maybe as little as two or three minutes. You have to notify only one of the major credit bureaus of a fraud alert because that bureau will then notify the other two. If you let six months go by without placing an alert, no biggie — remember, you probably don't need it in the first place.

If you've already become a victim, and you've got an official identity-theft report, it would be downright dumb to pay someone to place the fraud alert. That's because victims have the right to place a seven-year fraud alert, eliminating the need for frequent renewals.

Pulling your credit report is another service these companies offer that you can do for free. Simply log on to the secure Web site [www.annualcreditreport.com](http://www.annualcreditreport.com), or call 1-877-322-8228 and punch in some personal data.

You can pull the reports of all three bureaus once a year, or stagger your reports by pulling one from each bureau every four months. Most of the time, though not always, the records at the three bureaus are the same.

"Getting your credit report three times a year should be enough to find out, generally, what's going on," says Gail Hillebrand, a senior attorney for Consumers Union, the nonprofit publisher of *Consumer Reports*.

It costs about \$9 to see your credit score, but the credit bureaus will give you the score and other data during a free, month-long trial period. Hillebrand says that's not a bad way to go, as long as you're careful to cancel the membership before the free trial ends.

The two measures — pulling your credit report and placing fraud alerts — are so easy that you would spend just as much time and effort signing up with a service company. And ask yourself, when the company starts sending you regular e-mails, credit reports, and other information,

will you really take the time to study all of that? Probably not, if you don't even have time to pull your own credit report.

If you never look at your credit report and you haven't placed a fraud alert, it's easier for someone to take credit out in your name. Being a victim will make you feel violated and ticked off. It will definitely cost you some time.

The service companies want you to believe you'll be devastated.

The truth is, police and prosecutors say, severe cases of identity theft are rare. With some legwork, financial damage is almost always reversed, says Annielaurie Van Wie, a prosecutor with the Maricopa County Attorney's office.

"I haven't seen people having a lot of problems with that," she says.

That means you're likely to pay one of the service companies more over time than you ever will ever be out in an identity-theft scam.

Sure, you'd rather not have it happen at all, but if it does, your involvement could help convict a thief. That's what happened after an ex-con pretended to be Cameron Dana of Mesa.

Last year, a man using Dana's name took out a \$20,000 commercial loan at a store by filling out a form. Once the credit was approved, the first thing he bought was a utility trailer. As store employees looked on, thinking they were seeing the birth of a construction company, the man packed the trailer with new power tools and other supplies until the funds were exhausted. Then he hitched the trailer to his new Ford F-350 diesel pickup and drove off.

The man was really Richard Hainsworth, a 36-year-old meth user. Armed with Dana's identification, Hainsworth acted like a lottery winner for about two weeks, racking up about \$75,000 in charges.

Only after Hainsworth visited another Home Depot, this time in Mesa, did anyone get suspicious. When he applied for \$1,000 in personal credit and promptly bought about \$1,000 in goods, someone at the store notified Citigroup, the company Home Depot uses for its credit services.

Hainsworth left with the merchandise, but a Citigroup agent called the real Cameron Dana to double-check the purchase.

Dana, 32, is a sixth-generation Arizonan descended from Mormon pioneers and raised in Mesa. He's a tall, burly guy with close-cropped hair and big hands who makes a living buying and refurbishing homes, then selling them at a profit. After hanging up the phone with Citigroup, Dana asked a buddy what to do and was soon looking at his credit reports on the Internet.

They showed a total of 16 new credit accounts opened in his name, each one laden with charges:

A \$30,000 truck, the \$20,000 in goods from Home Depot, a Harley-Davidson from a Prescott motorcycle dealer, cell phones, a \$5,000 visit to OfficeMax.

Dana called police, then began conducting his own investigation.

"To every one of the merchants, I said, 'Get your security tapes,'" he recalled. "My most motivating factor: I wanted to see what this guy's face looked like."

He turned over everything he found to the cops.

"I would have liked to strangle the guy," he says.

Hainsworth was arrested in June 2006 by Gilbert police and later convicted on a 2005 charge of stealing a boat. He's serving 6 1/2 years in prison, but faces another sentencing soon in Yavapai County for stealing the Harley.

Mesa police say they are using the evidence they collected in Dana's case to aid in the Yavapai prosecution.

Dana, on the other hand, wound up fine — despite his complete lack of identity-theft protection.

It cost him a few postage stamps to make the five-figure debt disappear, though he was forced to commit a few solid hours to the mess. He obtained a police report and filled out a Citigroup identity-theft form, then gave copies of the documents to the credit bureaus. He made 16 copies of the Citigroup form and mailed them to each of the merchants who gave out the credit. He put a seven-year fraud alert on his credit report. Then he was done.

Just in case some other thief gets hold of Dana's personal data, he will have to check his credit report more often in the future.

"I can do it myself," he says.

On the second floor of the nondescript Lincoln Towne Center in Scottsdale is the headquarters of Identity Theft 911, which moved to the Valley in late 2004 from San Francisco. One of the company's stated goals is education, and it puts out a lot of information on its Web site about how to beat identity thieves. It's a for-profit firm that partners with major financial institutions, which give its victim-help service to customers.

Mark Fullbright is one of several advocates who work the phones at Identity Theft 911.

"People are shaken, angry," says Fullbright, who says he has worked at local banks for the past 15 years and has become something of a fraud expert. "We give them a lot of assurance. You could have a phone call last an hour, or just a few minutes."

The company's clients include AFL-CIO member unions' employees, banks, credit unions, and insurance companies. Outside of its victim-help service, Identity Theft 911 offers credit

monitoring to customers for a fee, but it doesn't push the feature.

"We don't know why anybody would pay for [anti-identity-theft] service," says Eduard Goodman, the company's general counsel.

Goodman and Fullbright also eschew the prevailing wisdom about fraud alerts, saying, although their company can place the alerts, people don't really need them unless they believe it's very likely they'll be victimized.

Goodman also points out a potential drawback to more people placing fraud alerts on their accounts: "The more fraud alerts out there, it's like crying wolf."

The attitude is different at other companies, like Debix, an Austin-based competitor of LifeLock that markets to individual consumers by playing up the fear angle.

"The risks for you as a consumer, you know, just like car accidents, are real," says Debix CEO Bo Holland in a telephone interview. "House fires are real."

Debix is very similar to LifeLock, and its services cost about the same: \$99 a year. The company places a fraud alert with the credit bureaus but adds a twist. When someone tries to open a line of credit in the name of a Debix customer, the company calls the customer and asks for a PIN to complete the transaction.

Despite the bells and whistles, it's still the same old thing. You pay a lot for someone to do a few minutes worth of easy work. Same with TruSton, TrustedID, the services offered by the credit bureaus, and many others.

A company called PrePaid Legal Services Inc. employs armies of independent contractors to help sell its anti-identity-theft services, which are actually provided by Kroll Fraud Solutions. Because of that apparent lack of control, Hartle, the identity theft expert, singles out PrePaid Legal as a company to be particularly wary of.

To the contrary, says Robert Garcia, a retired 25-year veteran of the Tucson Police Department who represents the company. He says Kroll performs background checks on its freelance workers, unlike other companies in the field. He says no PrePaid Legal employee has ever misused a customer's personal information.

Even if it's safe to use PrePaid Legal, potential customers might tremble at the price. Garcia says he recently contracted with the city of Tucson to offer city employees a plan that costs \$25 a month, more than twice as much as typical protection services. Sure, the price includes help with legal matters, like wills, but people usually don't rewrite wills every month.

Van Wie, the county prosecutor, attends community meetings around the Valley regularly, and people often ask what she thinks of anti-identity-theft services. She says she doesn't recommend them.

If anything, she believes the plans offered by the credit bureaus make the most sense because they hold the credit reports.

"I don't steer people toward anything, but I'll say, 'Look at what you're getting for your money,'" Van Wie says. "I explain how to do it themselves."

Van Wie's bureau filed more than 2,600 cases of identity theft-related crimes last year, including 15 cases of trafficking in stolen identities. Her office couldn't immediately break down how many of the cases were serious and how many were resolved with little hassle and no expense to the victims.

Van Wie does not use an identify theft service personally.

The credit history of LifeLock's CEO was hardly blemish-free before the Texas thief stole his identity. Like the company's founder, Robert Maynard Jr., Todd Davis also has a bankruptcy on his record. He filed in 2000 to escape about \$82,000 in unpaid bills, federal records show.

His credit score might be higher now, if you believe the two-year-old company's claim that it has gained tens of thousands of customers just in the past month. It just moved into a second location at Hayden Ferry Lakeside Office Tower II, on the banks of Tempe's Town Lake.

It's true that LifeLock has become one of the most recognized names in identity-theft protection because of its robust radio advertising on the Howard Stern, Rush Limbaugh, and Paul Harvey shows.

But if you listen to its competitors, LifeLock is also one of the biggest jokes in the industry — which is really something, considering the industry as a whole isn't much better.

LifeLock's marketing style and its ability to find both customers and investor funding makes the bosses at other companies fume with indignation and, perhaps, jealousy.

Then came *New Times*' May 31 story, which focused on Maynard, and much of that fuming turned to glee.

"I can't lie to you," says Goodman, general counsel for Identity Theft 911. "I was very pleased with [that] story."

Maynard had been telling a tale for two years that he was falsely arrested by Valley authorities in 2003 and held for a week in jail because of a Mirage Casino debt he didn't owe. The experience gave him the idea to start LifeLock, he said. The story was retold to newspapers and TV news stations by Maynard and Davis as a horrific example of why people need the company's services.

After *New Times* revealed Maynard's story was full of holes, California-based Truston began offering discounts to LifeLock customers who switched services. Debix later did the same thing. Company spokesmen rushed to the comment sections of industry blog sites to pile on LifeLock — and plug their own companies as a better alternative.

But some loyalty to LifeLock was evident in an avalanche of Internet tongue-wagging that followed the article. On one blog site, TechCrunch, editor Michael Arrington posited that a "hit

job" on LifeLock might have been part of a conspiracy by the credit bureaus, which ostensibly don't want LifeLock to steal business from them.

The *New Times* story became even more widely read when, the day after it was published, presidential candidate Fred Thompson announced he had done a radio ad for LifeLock that would air over the next two months.

The timing of the story and other articles about Thompson's involvement became an embarrassment to Thompson as his critics used the LifeLock ad to bludgeon him. The *Los Angeles Times* covered the development in a June 9 story titled "An Awkward Ad by Fred Thompson," which also mentioned Maynard's bogus claims of identity theft but uncovered no new information.

A couple of days later, LifeLock announced that Maynard had resigned.

In early July, LifeLock hired public-relations heavyweight Jason Rose to help with its tarnished image. *New Times* e-mailed LifeLock new questions for this article, and LifeLock's CEO e-mailed a response, starting by thanking *New Times* "for pointing out to us a number of issues regarding LifeLock co-founder Robert Maynard Jr."

The company claims to be distancing itself from Maynard, who still owns about 10 percent of the business, and Davis says the company's founder no longer has access to an office or any LifeLock systems, and that he has no more ability to conduct business for LifeLock.

However, Davis says the company will continue to employ Maynard as a consultant who works from home. Asked to explain why the founder was being retained by LifeLock in any way, Davis did not comment.

Davis, who claims he never knew Maynard's jail story was false, had previously said he would investigate the tale but now says he considers the matter closed. He denies, however, that he repeated Maynard's story at a Phoenix golf club in June before members of the local business group, the Enterprise Network. Michelle LaFlam, the network's administrator, initially told *New Times* she recalled Davis telling the story but, when reached again in July, says he may not have repeated it, after all.

In any case, Rose says LifeLock employees won't continue to recite Maynard's story. And, he says, LifeLock plans to remove all references and links to articles about the tale from its Web site.

Maynard, who refused to answer questions from *New Times* before the May 31 article, commented to [www.Scambusters.org](http://www.Scambusters.org) and Zetter from [Wired.com](http://Wired.com) after it appeared. He told Scambusters that he had "no knowledge" of the casino debt, but that he chose to pay the \$16,000 because it wasn't much money to him. In fact, Maynard was hundreds of thousands of dollars in debt in 2003.

"I understand the issue in Nevada looks bad, but I did not do it," he wrote.

He also was quoted as saying he and his father co-signed for the American Express card, though he offered no proof.

David Cowan, who in April was among the investors who gave LifeLock \$6 million in new funding, wrote in his blog space in June that Maynard has health issues that affected his past. Cowan wrote that Maynard has bipolar disorder, which can lead to "dire financial and legal consequences," but that LifeLock's founder received proper treatment and "built his third company responsibly."

In an e-mail exchange with *New Times* this month, Maynard refused to comment on his medical history. But he did ask his Phoenix lawyer, Martin Galbut, to respond for the first time to *New Times'* questions about the jail story and about the American Express deal.

In a curious July 5 letter to *New Times* asking for unneeded corrections, Galbut wrote that the May 31 story "misrepresents facts" concerning the 2003 Mirage casino incident. As for the evidence, Galbut says Maynard can prove a fake California driver's license was issued in his name and revoked in 2000.

Galbut was asked how the fake California license he says was issued in 2000 relates to two apparently genuine driver's licenses of Maynard's on file at the Mirage in 2003 — but he hadn't explained that by press time.

The accusation that Maynard Jr. stole his father's identity to obtain a credit card is false, Galbut writes, because Maynard Sr. "has never alleged that the initial American Express card was obtained fraudulently."

Yet that's exactly what Maynard Sr. alleged in *New Times'* May 31 article.

In a follow-up phone call to Galbut's firm, attorney Bryan Gottfredson says he can't explain the discrepancy.

Reached again in July, Maynard Sr. says he's been advised by his lawyer not to talk further about the American Express case, because a lawsuit against him by the company for the unpaid bill hasn't been settled. But he added that *New Times'* May 31 story is accurate.

Though LifeLock contends it's ending its lying ways, Robert Maynard Jr.'s brainchild company just can't seem to break the habit.

One of the most jarring examples of a type of service nobody should ever buy is the "audit" LifeLock claims it performs on whether a child's Social Security number has been stolen by criminals.

Experts say it may be a good idea for parents to occasionally inquire whether a child's personal information is being exploited. A child wouldn't be held responsible for fraudulent charges, but identity theft could affect his or her future credit rating.

In a 2005 press release regarding its service for children, LifeLock says it will "track any unusual 'work activity' with the Social Security Administration." More recently, in one of his e-mails to *New Times*, LifeLock CEO Davis wrote, "For \$25 a year, LifeLock performs an auditing service to make sure your child's Social Security number isn't being fraudulently used

by someone else."

Mark Hinkle of the Social Security Administration says such claims simply aren't true. He stresses that the agency doesn't partner with or do audits on behalf of any private company.

Asked again about the matter, LifeLock revealed how its "audit" works. Customers who order the service merely receive a Social Security Administration statement-request form from LifeLock and instructions on how to mail it to the government. Called an SSA-7004, the form is available online at [www.socialsecurity.gov](http://www.socialsecurity.gov).

"Due to the Administration's rules, we are unable to sign this form on your behalf," LifeLock's instructions state.

Speaking for the company, Jason Rose denies LifeLock misleads anyone about how it portrays its service for children.

But to use the oil-change analogy, the "audit" LifeLock claims to perform is like paying Jiffy Lube to hand you a wrench.

LifeLock also makes sure your child has no credit bureau account. Once you give the company your child's personal information, LifeLock attempts to pull a free annual credit report (which any semi-intelligent parent could do in five minutes). If no credit report comes up, as it shouldn't, then everything is okay.

LifeLock doesn't tell customers the employment "audit" won't be accurate. Or that it's not all that necessary. The Social Security Administration has a system in which it mails out letters to parents if computers show that someone under the age of 7 is earning wages.

Even if an illegal immigrant is using your child's Social Security number for employment, that alone won't cause any negative effect. And Hinkle says that unless the immigrant uses the child's name as well as Social Security number, the agency won't print the immigrant's work history on the child's Social Security statement:

"In most cases, if you're talking about fraudulent work, it doesn't even get credited to the earnings report because it doesn't match."

Just days after he attended a seminar on identity theft by Bob and JoAnn Hartle, retired postal worker Mike Wysocki noticed a bunch of strange packages in his mail.

"I had five or six little packets that contained CDs," says Wysocki, 55. "One was eBay Monster, another was how to obtain government grants — odd things."

Wysocki went online and checked his credit card account at Arizona Federal Credit Union. He found 19 charges, all for small amounts and totaling \$289, that weren't his. He canceled his card. The next day, he received a bunch of books in the mail.

He asked a police officer why someone would do that — what would they gain by sending him

stuff? The cop was stumped, but a credit union fraud specialist told Wysocki it was common. Thieves often test a credit card number with small purchases, and if all goes well, they move to the big stuff.

The credit union told him it would take about four months to investigate, and it would fully reimburse him if he wasn't at fault.

Wysocki says he placed a fraud alert on his credit report with a quick phone call.

But the fraud alert wouldn't stop a similar crime from occurring on another credit card. Credit-monitoring services wouldn't have caught the transaction, because they don't monitor bank and credit union accounts.

The service companies can do nothing to prevent credit card fraud, the most common form of identity theft. Nor can they help with most other forms.

Phoenix police Sergeant Jason Davis, who works with the department's document crimes detail, described a few of the schemes for *New Times*. Identity thieves, he says, can be pretty inventive.

In a frustrating turnabout, thieves will get someone's personal data and use it to obtain a free credit report. Once thieves find out somebody has a Sears charge card, for example, they can go to Sears and probably make purchases on the account.

The services can't stop that, either.

Another huge problem the services don't prevent is medical identity theft. There's no central reporting agency for medical bills. Davis' boss, Lieutenant Giles Tipsword, says organized theft rings have been getting their hands on Medicare profiles, then selling them to other fraudsters who ran up charges for tens of thousands of dollars of health care.

Just having a criminal use your personal information at all can be a big problem, even if the crook doesn't use the data to steal anything. If police have an arrest warrant with your name on it, you could be arrested the next time you are pulled over for speeding.

Sergeant Davis says he talked to a woman who found out the thief using her identity had caused police to issue multiple warrants for her arrest. Phoenix police had her come down for fingerprinting, then gave her a letter saying she wasn't the wanted criminal who was using her name, date of birth, and Social Security number.

If you are arrested falsely in a case like that — even if you've joined a service company like LifeLock — you'll still have a negative experience to remember.

At a news conference in June, Phoenix police brought out printers, other document-making equipment, and hundreds of checks that came from a single bust of identity theft suspects. The suspects were using personal information from new victims to alter the checks, stolen from a bank vehicle in 2004, in an attempt to cash them.

"There's no foolproof way to stop this," Tipsword says.

So the best advice is: Don't fall prey to identify-protection scams.

Chances are you'll never be targeted by identity thieves. And if you are, there's next to nothing an identity-protection firm could've done to prevent it. Or much it could do to help you solve the problem that you couldn't easily do yourself — at little to no expense.

#### DIY: FRAUD ALERTS

Placing a fraud alert tells someone loaning money in your name to call you first. Drawback: Might delay an impulsive credit purchase.

Here's how to do it:  
Call 1-888-397-3742

This is the number for Experian, one of the major credit reporting bureaus. They'll report the fraud alert to other bureaus.

Calling this number gives you automated options. Here's what to do:

Press 2 (you don't want the "free" offer),

Press 3 (you want the fraud stuff, not more sales offers),

Press 2 (to place an alert),

Press 1 (for initial 90-day fraud alert).

Getting to this stage takes approximately 1 minute; then you punch in your personal identification numbers.

#### **TO GET YOUR CREDIT REPORT**

Super-easy and free process: [www.annualcreditreport.com](http://www.annualcreditreport.com)  
or call 1-877-322-8228



# WORRIED ABOUT IDENTITY THEFT?

**I have a million reasons you should choose LifeLock.**

I'm Todd Davis, CEO of LifeLock, and 457-55-5462 is my real Social Security number.

Identity theft is one of the fastest growing crimes in America with another identity stolen every three seconds, but I still give out my real Social Security number because of my confidence in LifeLock's identity theft protection service. LifeLock\* counts 36 different types of identity theft and fraud, and though no one can stop all identity theft, what LifeLock doesn't stop, we'll fix at our expense, up to \$1,000,000. That's our \$1 Million Total Service Guarantee.

An identity can be stolen anywhere, anyplace, anytime, and can be used again and again for years. That's why LifeLock, the industry leader in identity theft protection, takes proactive steps to help reduce the risk of identity thieves destroying your credit and ruining your good name - even if they get your information. And remember, what we don't stop, we'll fix at our expense, up to \$1,000,000.

LifeLock works proactively to help keep you from becoming a victim. Call 800-486-7114 and get our industry leading protection absolutely free for 30 days.

**30 DAYS FREE**

**CALL 1-800-486-7114**

**OR GO TO LIFELOCK.COM**

 **LifeLock.**  
#1 In Identity Theft Protection

*If your business has suffered an information breach, or you're looking to protect your employees, call: 1-888-244-9804*

\*Not all your social security number numbers only. Pictures, cash and other records are excluded. See web site for Terms and Conditions of Guarantee (Warranty).  
Guarantee is available for 30 days. After 30 days your credit card will automatically be billed. You can cancel at any time without penalty.

**IN THE CIRCUIT COURT OF JACKSON COUNTY, WEST VIRGINIA**

**KEVIN GERHOLD, on behalf of himself  
and all others similarly situated,**

**Plaintiff,**

**v.**

**Civil Action No. \_\_\_\_\_**

**LIFELOCK, INC., a Delaware Corporation;  
RICHARD TODD DAVIS, a citizen of the State of  
Arizona, and JOHN DOES 1 through 10, Inclusive,**

**Defendants.**

**COMPLAINT**

COMES NOW the Plaintiff, Kevin Gerhold, individually, and on behalf of all others similarly situated, by and through his counsel, Marks & Klein, LLP, and The Grubb Law Group, and hereby brings this action against Defendants, LifeLock, Inc., Richard Todd Davis, and John Does 1 through 10 (collectively, "Defendants").

In support thereof, Plaintiff alleges as follows:

**I. NATURE OF THE CASE**

1. This is a class action lawsuit brought by, and on behalf of, West Virginia subscribers of LifeLock, Inc., a company that holds itself out as "the industry leader in the rapidly growing field of Identity Theft Protection."

2. This matter arises from the deceptive business practices and fraudulent advertising campaign implemented by LifeLock, Inc. ("LifeLock"), its agents, employees, servants, and representatives, through which it has induced nearly one million individuals, including Plaintiff and the Putative Class in the state of West Virginia, into subscribing to the

identity theft protection services the company purportedly provides.

3. To induce consumers across the country to subscribe to its services, LifeLock claims in its advertisements that it will prevent any possibility of identity theft, in any form.

4. In LifeLock's ubiquitous marketing campaign, the company's Chief Operating Officer ("CEO"), Richard Todd Davis ("Davis"), cavalierly broadcasts his own social security number – 457-55-5462 – on television and radio stations across the country, proclaiming his unwavering confidence in LifeLock's purported protections.

5. In reality, however, LifeLock simply does not provide the level of identity protection that it advertises in its deceptive marketing campaign.

6. Contrary to the all-encompassing identity protection LifeLock advertises, its protection only extends to limited, credit-related instances of identity theft.

7. Even in those limited credit-related instances, LifeLock does not necessarily protect its subscribers' identities as advertised.

8. Indeed, the representations made by LifeLock's CEO are false and misleading because his own identity was stolen while he was a LifeLock customer.

9. While LifeLock has only publicly acknowledged that Davis's identity was compromised on one (1) occasion, there are more than twenty (20) driver's licenses that have been fraudulently obtained through the misappropriation of Davis's personal information.

10. Furthermore, a simple background check performed using Davis's social security number reveals that his entire personal profile has been compromised to the extent that the birth date associated with his social security number is November 2, 1940, which would make Davis 67 years old. This is clearly fraudulent information.

11. In addition to its inability to provide the level of protection it advertises, LifeLock fails to disclose and intentionally omits from its advertisements the potential **harms** that its services may have on consumers.

12. As described in further detail below, LifeLock's services can actually have an **adverse** impact on the consumer's ability to obtain credit or favorable interest rates.

13. Furthermore, in its advertisements, LifeLock fails to advise or make clear to consumers that they could perform each of LifeLock's services on their own, free of charge.

14. Instead, in the few advertisements in which LifeLock does allude to this fact, LifeLock preys on consumer fears and misleads potential subscribers into believing that the services it provides embody a complicated, time-consuming process that require LifeLock's "expertise" and assistance.

15. LifeLock also fails to adequately disclose and intentionally omits from its advertisements that the information that the credit reports it orders on behalf of the subscribers is the **free** annual credit report, which subscribers are entitled to receive when placing their own fraud alerts, pursuant to 15 U.S.C. §1681c-(a)(2)(B).

16. As a result, when LifeLock orders the free annual report, it renders the subscribers ineligible to order their free report for the next twelve months. This fact is not disclosed to subscribers.

17. LifeLock also fails to adequately disclose and intentionally omits from its advertisements the true nature and limited scope of its One Million Dollar (\$1,000,000) service guarantee.

18. Pursuant to its own terms, the service "guarantee" is severely limited due to the numerous restrictions, limitations, and waivers that are present within its terms.

19. Finally, LifeLock fails to disclose that the methods it employs in providing its purported protection are improper and violate the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.*

### **Kevin Gerhold**

20. In or about February 2008, Plaintiff Kevin Gerhold (“Gerhold”) decided to subscribe to LifeLock after listening to its advertisements on XM satellite radio.

21. Based on those advertisements, Gerhold was lead to believe that LifeLock would provide comprehensive protection against all forms of identity theft.

22. Gerhold’s decision to subscribe to LifeLock was also heavily based on the company’s purported One Million Dollar (\$1,000,000) service guarantee, which, he was led to believe, would reimburse him for any financial damage sustained by a subscriber as a result of identity theft.

23. Upon information and belief, as a result of its fraudulent campaign, LifeLock has generated nearly one million subscribers, each of whom pay approximately One Hundred and Ten Dollars (\$110.00) per year for its “services.”

24. Thus, by virtue of LifeLock’s deceptive scheme, its subscribers have each suffered an ascertainable loss in the form of the subscription fees they pay for services that: (a) do not provide the level of identity protection advertised; (b) may actually impair their ability to obtain credit or financing; and (c) provide a service guarantee that is, at best, illusory.

## **II. VENUE**

25. Venue is appropriate in this case as Defendants transact business within the state of West Virginia, and more specifically in Jackson County.

### III. PARTIES

26. Plaintiff Gerhold is a citizen of the State of West Virginia, residing at 251 Morningside Drive, Falling Waters, West Virginia 25419.

27. Plaintiff Gerhold enrolled as a LifeLock subscriber in 2008.

28. Plaintiff Gerhold is a proper party plaintiff to this action because he has suffered losses as a result of LifeLock's unlawful conduct alleged herein.

29. Defendant LifeLock is a Delaware corporation with its principal place of business at 60 E. Rio Salado Parkway, Tempe, Arizona 85281.

30. Defendant LifeLock maintains its principal place of business in Arizona and transacts substantial business within West Virginia and is amenable to personal jurisdiction in Virginia.

31. Defendant Davis is a resident of Chandler, Arizona. Defendant Davis is the Chief Executive Officer of LifeLock.

32. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendants named as JOHN DOES 1 through 10, inclusive, are unknown to Plaintiff and the putative class who, therefore, sue those Defendants by such fictitious names.

33. Plaintiff and the putative Class are informed and believe and thereon allege that each Defendants sued herein as JOHN DOES 1 through 10 are and were the agents and/or employees of each and every other Defendant and were at all relevant times acting within the course and scope of such agency and employment, and/or are legally responsible in some manner for the events and happenings herein referred to, and caused injuries and damages proximately thereby to Plaintiff and the putative Class as alleged herein.

34. Plaintiff will seek to amend this Complaint to allege the true names and capacities of such Defendants when ascertained.

#### **IV. GENERAL ALLEGATIONS**

##### **THE HISTORY OF LIFELOCK**

35. In or about 2005, Defendant Davis and his colleague Robert J. Maynard, Jr. (“Maynard”) founded LifeLock.

36. According to the company’s website, LifeLock is the “industry leader” in “proactive identity theft protection, specializing in prevention of identity theft rather than the reporting of it” (<http://www.lifelock.com/lifelock-for-people/who-we-are/who-is-lifelock>, as of May 5, 2008).

37. LifeLock further claims that its identity theft protection system was purportedly developed as a result of “more than three years” of “solid research” and building “relationships with the right organizations” (<http://www.lifelock.com/lifelock-for-people/who-we-are/who-is-lifelock>, as of May 5, 2008).

38. Since its inception, LifeLock’s purported “goal” has been “to lock down every individual’s private information so no one except that individual can approve its use” (<http://www.lifelock.com/lifelock-for-people/who-we-are/who-is-lifelock>, as of May 5, 2008).

##### **LIFELOCK’S NEFARIOUS ORIGIN**

39. Throughout its countless hours of advertising, LifeLock never discloses any of the less propitious information about its founding or its founding member, Robert Maynard.

40. Upon information and belief, Maynard developed the idea for LifeLock while sitting in a jail cell after having been arrested for failure to repay a \$16,000.00 casino marker taken out at the Mirage Hotel in Las Vegas.

41. Additionally, Maynard, who previously acted as LifeLock's Chief Marketing Officer, is subject to an injunction, obtained by the FTC.

42. The FTC has banned him for life from "advertising, promoting, offering for sale, selling, performing, or distributing any product or service relating to credit improvement services."

43. The injunction issued against Maynard resulted from his production of misleading infomercials regarding the services provided by his credit improvement company, National Credit Foundation.

44. Upon information and belief, these harsh sanctions were also meant to penalize Maynard for engaging in a scheme through which he arranged unauthorized withdrawals from customer accounts at National Credit Foundation.

45. Finally, and perhaps most disturbing, is that, upon information and belief, Maynard himself has engaged in the very type of identity theft that his company purportedly sets out to eliminate, by stealing his own father's identity.

46. Specifically, upon information and belief, Maynard misappropriated his father's identity to obtain an American Express card.

47. Maynard then ran up over One Hundred Thousand Dollars (\$100,000.00) in debt on the charge card.

48. Eventually, American Express sued Maynard's father in an effort to recover the balance.

#### **THE SERVICES LIFELOCK PROVIDES**

49. According to the company's official website, a general LifeLock subscription provides four (4) services that are designed to protect its subscribers from identity theft.

50. First, LifeLock “ask[s] the credit bureaus to set free fraud alerts on [the subscriber’s] behalf.”

51. Second, LifeLock renews those fraud alerts “every 90 days or so.”

52. Third, LifeLock requests that subscribers’ names be removed from pre-approved credit card and junk mail lists.

53. Fourth, every year, LifeLock orders free credit reports, on behalf of its subscribers, from the major credit bureaus.

#### **LIFELock MISREPRESENTS THE SCOPE OF ITS SERVICES**

54. LifeLock deceptively markets its services through: (a) its website located at www.lifelock.com; (b) affiliated web pages; (c) press releases; (d) news publications; (e) television commercials; and (f) radio advertisements.

55. LifeLock knows, yet fails to disclose, that the services it provides do not offer the breadth of protection that it promotes through its massive advertising campaign.

56. The primary service that LifeLock provides to protect against identity theft is the placement and renewal of fraud alerts on subscribers’ credit profiles.

57. The representations made in LifeLock’s advertisements regarding the scope and effectiveness of fraud alerts are misleading and fail to disclose material facts regarding the limitations inherent in the service.

58. Through its advertisements, LifeLock misrepresents and assures consumers that it can protect against all types of fraud including, without limitation, computer hacking, password theft, and other non-credit related theft. These representations are false.

59. In actuality, the fraud alerts LifeLock places only work to combat credit-related identity theft, which is merely one form of theft amongst many others, which include: (a) bank

related identity theft; (b) employment related identity theft; (c) medical related identity theft; and (d) government documents or benefits identity theft.

60. There is no conspicuous mention of this fact, nor any disclaimer in the plethora of information about the limitations of LifeLock's services on the company website or in LifeLock's advertisements.

61. In contrast, LifeLock's advertisements create the illusion that LifeLock provides complete and comprehensive identity protection, by employing misrepresentations that include, but are not limited to, the following:

- (a) "Here's a report I have on John Sheiper, a young hacker – sent out a virus, put more than 250,000 computers to work stealing passwords to bank accounts from people around the world;"<sup>1</sup>
- (b) "LifeLock's own CEO is so positive our service secures identities that he has broadcast his social security number on our homepage, in our commercials, and in our media spots because he wants to prove that we can protect anyone's identity from scammers, thieves, and hackers;"<sup>2</sup>
- (c) "This very second, someone could be using your identity to...clear out your bank accounts...Stop it from happening now. Call LifeLock...;"<sup>3</sup> and
- (d) "LifeLock, the industry leader in proactive identity theft protection, offers a proven solution that prevents your identity from being stolen before it happens."<sup>4</sup>

#### **LIFELock MISREPRESENTS THE EFFECTIVENESS OF ITS SERVICES**

62. Through its deceptive advertisements and marketing tools, LifeLock misrepresents the effectiveness of the services it provides.

<sup>1</sup> LifeLock radio advertisement.

<sup>2</sup> See <http://lifelockprotection.wordpress.com/2007/11/10/lifelock-protect-your-good-name>, as of May 5, 2008.

<sup>3</sup> LifeLock radio advertisement.

<sup>4</sup> See <http://www.lifelock.com/default.aspx?promocode=Shareasale&SSAID=252168>, as of May 5, 2008.

63. LifeLock knows, yet fails to disclose, that the services it provides do not offer the comprehensive level of protection that is advertised to consumers through its massive advertising campaign.

64. Specifically, LifeLock misrepresents that its subscribers will receive a telephone call each time his or her personal information is used to apply for new credit.

65. LifeLock fails to advise subscribers that companies and institutions that issue credit **are not required by law** to contact them, even if they have fraud alerts in place.

66. LifeLock's misrepresentations regarding the effectiveness of its services include, but are not limited to, the following:

- (a) "Once fraud alerts have been placed, you will receive a phone call — most people register their cell phone numbers — anytime someone tries to open a credit line in your name;"<sup>5</sup>
- (b) "If it's you trying to open the account, then you'll get the call *while you're standing there*;"<sup>6</sup>
- (c) "The alert *ensures* you will receive a phone call *whenever* someone —even you-tries to establish using your identifying information...;"<sup>7</sup>
- (d) "When someone seeks to open a new account, the creditor *will call* to confirm that it's really you through a series of identifying questions;"<sup>8</sup>
- (e) "If someone is trying to use your personal information, you will be contacted by the creditor that is issuing the line of credit;"<sup>9</sup>
- (f) "You will know whenever anyone tries to use your credit before damage is

<sup>5</sup> Statement by Defendant Davis, CEO of LifeLock, Inc., in article entitled "Fraud alerts can protect ID," [www.azstarnet.com/business/202488](http://www.azstarnet.com/business/202488), as of May 5, 2008.

<sup>6</sup> Statement by Defendant Davis, CEO of LifeLock, Inc., in article entitled "Fraud alerts can protect ID," [www.azstarnet.com/business/202488](http://www.azstarnet.com/business/202488), as of May 5, 2008. (Emphasis added.)

<sup>7</sup> See [www.mylifelock.org](http://www.mylifelock.org), as of May 5, 2008. (Emphasis added.)

<sup>8</sup> Statement by Defendant Davis, CEO of LifeLock, Inc., in article entitled "Protecting identity among the tell-all generation," [www.startribune.com/templates/Print This Story?sid=1191451](http://www.startribune.com/templates/Print%20This%20Story?sid=1191451), as of May 5, 2008. (Emphasis added.)

<sup>9</sup> See <http://www.lifelock.com/lifelock-for-people/what-to-expect/who-calls-me-to-let-me-know-that-someone-is-attempting-to-obtain-credit-in-my-name>, as of May 5, 2008.

done;”<sup>10</sup>

- (g) “The most important difference between LifeLock and other fraud protection services is our proactive approach to identity theft. LifeLock is not a credit monitoring service that alerts you when we find a problem, we actually stop crime *before it happens by having the credit bureaus alert you* when someone tries to make changes in your status or inquire about your credit;”<sup>11</sup> and
- (h) “We start by putting fraud alerts on your information with all three of the major credit card bureaus and ChexSystems, allowing only you to be able to apply for credit lines or make changes to your accounts. This is the most important step in our service because it prevents thieves from being able to use your identity, since the fraud alert *requires creditors to contact you* by the phone number listed on LifeLock’s report before verifying any changes, such as extending limits or changing billing addresses.”<sup>12</sup>

**LIFELock CONCEALS AND OMITTS  
THE POTENTIAL HARMS THAT ITS SERVICES  
COULD HAVE ON SUBSCRIBERS’ CREDIT PROFILES**

67. Through its deceptive advertisements and marketing tools, LifeLock conceals and omits the adverse effects that its services could have on its subscribers’ credit profiles.

68. LifeLock knows yet fails to disclose that the services it provides can have an adverse impact on a subscriber’s credit profile.

69. For instance, LifeLock’s advertisements omit and conceal the fact that its placement and continuous renewal of fraud alerts could actually prohibit its subscribers from obtaining credit.

70. Additionally, LifeLock’s advertisements omit and conceal the fact that its placement and continuous renewal of fraud alerts could have an adverse impact on its subscribers’ ability to obtain a home loan or refinance their existing loans.

<sup>10</sup> See <http://www.idtheftquiz.org>, as of May 5, 2008.

<sup>11</sup> See <http://lifelockprotection.wordpress.com/2007/11/10/lifelock-protect-your-good-name/>, as of May 5, 2008). (Emphasis added.)

<sup>12</sup> See <http://lifelockprotection.wordpress.com/2007/11/01/comparing-lifelock/>, as of May 5, 2008.

71. LifeLock's advertisements also omit and conceal the fact that each time a fraud alert intercepts an attempt to obtain credit, an inquiry is created on the subscriber's credit profile, which can adversely affect the subscriber's credit score.

**LIFELOCK OMITTS OR CONCEALS THE TRUE ORIGIN  
OF THE CREDIT REPORT IT ORDERS FOR ITS SUBSCRIBERS**

72. LifeLock represents to consumers that its services include a credit report from each of the three credit bureaus every twelve (12) months.

73. However, through its deceptive advertisements and marketing tools, LifeLock omits and conceals that the credit reports it orders on behalf of its subscribers are the free annual credit report to which subscribers are already entitled to receive without being a LifeLock subscriber.

74. LifeLock also omits and conceals that by its ordering of the credit report, the subscribers are now rendered ineligible to order the free report on their own for the next 12 months.

75. LifeLock further omits and conceals that ordering the free credit report from [www.annualcreditreport.com](http://www.annualcreditreport.com) is duplicative of the free credit report consumers are entitled to when placing a fraud alert under the Fair Credit Reporting Act, 15 U.S.C. § 1681c-1(a)(2)(B).

**LIFELOCK'S TERMS AND CONDITIONS ARE  
SUBSTANTIVELY AND PROCEDURALLY UNCONSCIONABLE**

76. The services LifeLock provides to its subscribers are governed by LifeLock's "Terms and Conditions."

77. LifeLock's "Terms and Conditions" are presented to consumers on a take-it-or-leave-it basis, in a standardized printed form, and therefore is a contract of adhesion.

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(Emphasis added.)

78. None of LifeLock's subscribers, including Plaintiff and the putative class, had any bargaining power with which to negotiate the "Terms and Conditions."

79. Additionally, the LifeLock "Terms and Conditions" include an arbitration clause that purports to prohibit class actions.

80. This provision is meant to deter and eliminate any possibility for a consumer to seek redress for any grievances for the deceptive conduct perpetrated by LifeLock.

81. While LifeLock purports to pay all of the costs of a subscriber's arbitration, this representation is false and misleading, as it fails to take into account the significant ancillary costs incurred as a result of the subscriber being required to arbitrate his or her individual claims in the State of Arizona.

82. Such costs include, but are not limited to, travel to and lodging in Arizona for both the subscriber and his or her attorney.

83. Moreover, the LifeLock "Terms and Conditions" attempt to require subscribers to pay their attorney's fees and costs, regardless of whether they prevail in any arbitration.

84. Such attorney's fees and costs exponentially exceed the cost of LifeLock's subscription fee, which renders the individual pursuit of one's claims against LifeLock not feasible.

85. Accordingly, the arbitration provision does not allow LifeLock subscribers, including Plaintiff and the putative class, to adequately vindicate their rights.

86. Such a provision is so one-sided that it shocks the conscience, and is therefore unconscionable and unenforceable.

**LIFELock MISREPRESENTS THE SCOPE  
AND NATURE OF ITS \$1,000,000 SERVICE GUARANTEE**

87. LifeLock deceives consumers further by touting its “one-million dollar service guarantee.”

88. This service falsely and deceptively purports to insulate subscribers in the event LifeLock’s services are ineffective.

89. LifeLock’s advertisements deceptively misrepresent the scope of its purported one-million dollar service guarantee, drastically overstating the actual value of its protections, which are essentially rendered useless by virtue of the restrictions, limitations and waivers contained within its terms.

90. Examples of LifeLock’s misrepresentations regarding its million dollar service guarantee include, without limitation, the following:

- (a) “With our million dollar guarantee, you have absolutely *nothing to lose* by signing up with us;”<sup>13</sup>
- (b) “If your Identity [sic] is misused while you are a member of LifeLock, we’ll spend up to \$1,000,000 to make it right;”<sup>14</sup> and
- (c) “LifeLock will pay you up to \$1 million for damages stemming from the security breach. LifeLock says they will “make sure that you get every dollar back, lost wages, costs, actual losses, every dollar up to \$1,000,000. Period.”<sup>15</sup>

91. Contrary to the representations made in LifeLock’s misleading advertisements, the terms and conditions of the actual guarantee reveal protections that are significantly limited in comparison to those advertised.

<sup>13</sup> See <http://lifelockprotection.wordpress.com/2007/10/22/the-lifelock-guarantee/>, as of May 5, 2008. (Emphasis added.)

<sup>14</sup> See <http://www.lifelock.com/lifelock-for-people.aspx>, as of May 5, 2008.

<sup>15</sup> See <http://www.lifelocklife.com/million-dollar-guarantee.html>, as of May 5, 2008.

92. Specifically, the express terms of the Service Guarantee, at section “2,” paragraph “G,” disclaim as follows

WE WILL PAY UP TO \$1,000,000 TO CURE THE FAILURE OR DEFECT IN OUR SERVICE, PER CLIENT, PER LIFETIME FOR ALL INCIDENTS IN THE AGGREGATE, REGARDLESS OF CIRCUMSTANCE...WE WILL NOT MAKE PAYMENTS TO YOU FOR ANY LOSS YOU MAY INCUR. OTHER THAN OUR SERVICE GUARANTEE, AND EXCEPT AS OTHERWISE SET OUT HEREIN WE MAKE NO REPRESENTATION OR WARRANTY ABOUT OUR SERVICE OF ANY KIND, AND WE DISCLAIM ANY IMPLIED WARRANTIES OUTSIDE OF OUR SERVICE GUARANTEE, SUCH AS A WARRANTY OF MERCHANTABILITY OR FITNESS OF OUR SERVICE FOR ANY PARTICULAR PURPOSE.

93. In actuality, the narrow terms of LifeLock’s service guarantee disclaim all consequential damages and all liability for anything beyond a defect in their service.

94. Accordingly, the service guarantee is only enforceable when LifeLock fails to properly place a fraud alert or properly request to remove the subscriber from a pre-approved credit card or junk mail list.

95. This language is intended to mislead and deter members from asking LifeLock to cover losses or pay for consequential damages such as hiring professionals to restore their losses, and to provide LifeLock with a basis for denying any such claims.

96. For example, assume LifeLock properly places a fraud alert on a subscriber’s credit profile. Now assume that a lender issues a credit card to an identity thief because that lender never called the subscriber. In that case, LifeLock would avoid having to make good on its service guarantee since it properly administered its services. This is deceptive.

97. In further contrast with the misrepresentations in its advertisements, in the event that the Service Guarantee is triggered, LifeLock is not required to “spend up to \$1,000,000.00 to

make it right” or “cover all losses and all expenses up to one million dollars” under the Terms & Conditions.”<sup>16</sup>

98. Rather, LifeLock would only be required to: (a) reimburse direct expenses the subscriber incurred up to One Million Dollars (\$1,000,000.00); and (b) assist and advise damaged subscribers by paying third-party professionals up to One Million Dollars (\$1,000,000.00) to resolve the subscribers’ damages, including, without limitation, damages to their credit profiles and credit ratings.

99. LifeLock will not use the advertised One Million Dollars (\$1,000,000.00) to actually recoup any of the subscribers’ financial losses, as the advertisements lead consumers to believe.

#### V. CLASS ACTION ALLEGATIONS

100. This action is brought as a class action pursuant to Rule 23 of the West Virginia Rules of Civil Procedure, on behalf of the named Plaintiff and all others similarly situated.

101. The class is tentatively defined as:

All persons in the state of West Virginia who subscribed to LifeLock, between 2005 and the present, including former residents who resided in West Virginia at the time they subscribed to LifeLock’s services.

102. Upon information and belief, the class has more than 1,000 members (including present and past subscribers).

103. All members of the class assert claims for violation of the law as more particularly set forth herein.

104. All class members pray for money damages.

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<sup>16</sup> See <http://www.lifelock.com/lifelock-for-people.aspx>, as of May 5, 2008.

105. All class members pray for temporary and permanent injunctive relief, as well as declaratory relief, because the parties opposing the class have acted on grounds generally applicable to the class, thereby making appropriate injunctive relief to the class as a whole.

106. The proposed class meets the criteria set forth for the maintenance of a class action as described below.

107. **Numerosity:** Members of the class are so numerous that their individual joinder is impractical. The precise identities, number and addresses of members of the class are unknown to Plaintiff, but may and should be known with proper and full discovery of Defendants, third-parties, and their respective records.

108. **Existence of Common Questions of Fact:** The common nucleus of operative facts to be determined for the class as a whole center upon the deceptive advertising and marketing campaign employed by LifeLock and its agents in West Virginia. The questions of fact common to class members include, but are not limited to, the deceptive advertising and marketing campaign described herein.

109. **Existence of Common Questions of Law:** There is a well-defined commonality and community of interest in the questions of fact and law affecting the members of the class. The common questions of fact and law include, among other things:

- (a) Whether and to what extent Defendants' practices, conduct, and misrepresentations violate West Virginia state law;
- (b) Whether Defendants engaged in any deception, unfair methods of competition or unfair or deceptive acts or practices in the conduct of any trade or commerce, within the meaning of the West Virginia Consumer Credit and Protection Act ("WVCCPA"), *W. Va. Code*

§46A-1-101, *et seq.*;

- (c) Whether Plaintiff and the putative class are “buyers” pursuant to the WVCCPA, *W. Va. Code* §46A-6C-1;
- (d) Whether LifeLock is a Credit Services Organization (“CSO”) pursuant to the WVCCPA, *W. Va. Code* §46A-6C-2;
- (e) Whether LifeLock, as a CSO, charged or received money from Plaintiff and the putative class before completing performance of all services it had agreed to perform, in violation of WVCCPA, *W. Va. Code* §46A-6C-3(2);
- (f) Whether LifeLock, as a CSO, made or used any false or misleading representations in the offer or sale of its services in violation of the WVCCPA, *W. Va. Code* §46A-6C-3(3);
- (g) Whether LifeLock, as a CSO, engaged, directly or indirectly, in any unfair or deceptive acts, practices, or courses of business in connection with the offer or sale of its services, in violation of the WVCCPA, *W. Va. Code* §46A-6C-3(4);
- (h) Whether LifeLock, as a CSO, advertised or cause to be advertised, in any manner whatsoever, its services without filing a registration statement with the West Virginia Secretary of State, in violation of the WVCCPA, *W. Va. Code* §46A-6C-3(6);
- (i) Whether LifeLock, as a CSO, filed the requisite registration statement with the West Virginia Secretary of State, pursuant to the WVCCPA, *W. Va. Code* §46A-6C-5;
- (j) Whether LifeLock, as a CSO, before executing a contract or agreement

with, or receiving money from Plaintiff or the putative class, made the appropriate written disclosure statement pursuant to the WVCCPA, *W. Va. Code* §46A-6C-6;

- (k) Whether LifeLock, as a CSO, entered into the required form written contract or agreement with Plaintiff or the putative class, pursuant to the WVCCPA, *W. Va. Code* §46A-6C-7 and whether such contract included each of the terms prescribed by WVCCPA, *W. Va. Code* §46A-6C-7;
- (l) Whether Defendants' affirmative statements and material omissions constitute an unfair or deceptive act or practice;
- (m) Whether LifeLock's radio, television, internet and print advertisements contained fraudulent representations and omissions;
- (n) Whether the arbitration provision in the LifeLock "Terms & Conditions" is unconscionable and unenforceable;
- (o) Whether the class action prohibition provision in the LifeLock "Terms & Conditions" is unconscionable and unenforceable;
- (p) Whether the exculpatory provision dealing with attorney's fees and costs contained in the LifeLock "Terms & Conditions" is unconscionable and unenforceable; and
- (q) Whether Plaintiff and the putative class are entitled to recover compensatory, exemplary, statutory, minimum, and/or punitive damages, based on Defendants' fraudulent and illegal conduct or practices.

110. **Typicality:** Plaintiff is a member of the class. Plaintiff's claims have a common origin and share common bases. His claims originate from the same illegal and fraudulent practices of Defendants, and Defendants act in the same way toward Plaintiffs and the class members. If brought and prosecuted individually, the claims of each putative class member would necessarily require proof of the same material and substantive facts, rely upon the same remedial theories, and seek the same relief.

111. **Adequacy of Representation:** Plaintiff can and will fairly and adequately represent and protect the interests of all members of the class. He has no interests that conflict with or are antagonistic to the interests of the class members, and intends to prosecute this action vigorously. Plaintiff has retained counsel competent and experienced in class action and complex commercial litigation. As such, Plaintiff's counsel will fairly and adequately protect the interests of the class.

112. Plaintiff's counsel will fairly and adequately protect the interests of the class.

113. **Superiority:** A class action is superior to any other available method for the fair and efficient adjudication of this controversy, because: (a) common questions of law and fact overwhelmingly predominate over any individual questions that may arise, such that there will be efficiencies to the courts and the parties in litigating the common issues on a class basis rather than on an individual basis; (b) the damages to some class members are larger than to others, but all claims are sufficiently small that individual prosecution of the claim would not be an economically viable alternative; (c) class treatment is desired for optimal deterrence and compensation; (d) the economies of scale inherent in litigating similar claims on a common basis will enable this case to be litigated on a cost-efficient basis as a class action, especially when compared to repetitive individual actions; (e) no unusual difficulties

are likely to be encountered in the management of this class action as the proofs as to liability are common to all class members; and (f) this action would be effectively impossible to bring as individual actions leaving plaintiffs and others similarly situated with no viable remedy.

**FIRST COUNT**

**[Violation of the WVCCPA – Unfair or Deceptive Acts or Practices]**

114. Plaintiff realleges and incorporates herein the allegations contained in the preceding paragraphs.

115. Plaintiff and the putative class members are “consumers” as contemplated by the WVCCPA.

116. LifeLock’s deceptive marketing and advertising campaign are “advertisements” as contemplated by the WVCCPA.

117. As alleged with specificity in this Complaint, Defendants committed *per se* unfair and deceptive acts or practices in the course of trade or commerce – including, but not limited to, the following:

- (a) representing that the goods or services they advertise and sell have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have in violation of *W. Va. Code* §§46A-6-104 and 46A-6-102(5);
- (b) advertising goods with intent not to sell them as advertised in violation of *W. Va. Code* §§46A-6-104 and 46A-6-102(9);
- (c) engaging in conduct which creates a likelihood of confusion or misunderstanding in violation of *W. Va. Code* §§46A-6-104 and 46A-6-102(12);

(d) acting, using or employing deception, fraud, misrepresentation, or the concealment, suppression, or omission of any material fact in violation of *W. Va. Code* §§46A-6-104 and 46A-6-102(13); and

(e) including exculpatory provisions in its “Terms and Conditions.”

118. Defendants’ conduct also constitutes general unfair or deceptive acts or practices in violation of *W. Va. Code* §46A-6-104.

119. Along with others known and unknown, Defendant Davis caused LifeLock to engage in these *per se* and general unfair or deceptive acts or practices.

120. Defendant Davis participated in the deceptive practices alleged in this Complaint by overseeing, directing and otherwise ratifying the action of the corporation he controls, to obtain personal financial benefits.

121. As a result of LifeLock’s unfair or deceptive acts or practices, Plaintiff and the putative class were induced to subscribe to LifeLock’s services.

122. The monthly or annual subscription fees paid by Plaintiff and the putative class constitute ascertainable losses.

## **SECOND COUNT**

### **[Violation of the WVCCPA – Credit Services Organization]**

123. Plaintiff realleges and incorporates herein the allegations contained in the preceding paragraphs.

124. Plaintiff and the putative class are “buyers” pursuant to the WVCCPA.

125. LifeLock is a “Credit Services Organization” (“CSO”) pursuant to the WVCCPA as it represents that it can or will provide advice or assistance to subscribers in improving their credit record, history, or rating.

126. LifeLock charged Plaintiff and the putative class money before completing performance of all services the credit services organization agreed to perform on their behalf.

127. LifeLock made and used false and misleading representations in the offer or sale of its services as a CSO.

128. LifeLock engaged, directly or indirectly, in unfair or deceptive acts, practices, and courses of business in connection with the offer or sale of its services as a CSO.

129. Defendants advertised LifeLock's services as a CSO without filing a registration statement with the West Virginia Secretary of State.

130. LifeLock, as a CSO, failed to file the requisite registration statement with the West Virginia Secretary of State.

131. LifeLock, as a CSO, failed to make the appropriate written disclosure statements to plaintiff and the putative class before executing contracts or agreements with, or receiving money from Plaintiff or the putative class.

132. LifeLock, as a CSO, failed to enter into the required form written contracts or agreements with Plaintiff or the putative class.

### **THIRD COUNT**

#### **[Unconscionability]**

133. Plaintiff realleges and incorporates herein the allegations contained in the preceding paragraphs.

134. Defendants' conduct in the advertising, marketing and sale of its services and/or goods is unconscionable as a matter of law.

135. In addition, the exculpatory provisions contained in Defendants' "Terms and Conditions" are unconscionable as a matter of law.

**FOURTH COUNT****[Injunctive Relief]**

136. Plaintiff realleges and incorporates herein the allegations contained in the preceding paragraphs.

137. As a result of the foregoing, and because money damages are inadequate to fully compensate Plaintiff and others similarly situated, or to prevent further instances of the future violations, preliminary and permanent injunctive relief is warranted as follows:

- (a) LifeLock shall cease advertising its services in West Virginia, unless and until all advertisements are revised to include language that is neither deceptive or misleading; and
- (b) LifeLock shall be permanently enjoined from implementing the marketing scheme described herein or incorporated by reference.

**FIFTH COUNT****[Declaratory Judgment]**

138. Plaintiff realleges and incorporates herein the allegations contained in the preceding paragraphs.

139. In addition to the extremely one-sided terms included in its form adhesive "Terms and Conditions," LifeLock has included procedural obstacles, which intend to discourage claims against it and/or attempt to shield it from any liability.

140. These provisions are unenforceable.

141. The provisions include, *inter alia*:

- (a) Paragraph "11" requiring that all claims or disputes against LifeLock be governed by the laws of the State of Arizona; and

- (b) Paragraph "12" requiring that: (i) any disputes or controversies arising from the "Terms & Conditions," against LifeLock, be settled by confidential arbitration; (ii) the subscriber agree not to participate in any dispute against LifeLock as a class representative or as a member of a putative class; and (iii) the subscriber pay his or her attorney's fees and costs.

142. The onerous provisions in the form adhesive franchise agreement are violative of West Virginia public policy and shall be declared void and unenforceable.

143. Plaintiff is therefore entitled to a declaration from the Court that the LifeLock "Terms and Conditions," are void and unenforceable, or in the alternative, the Court shall strike those provisions that are unenforceable.

#### **PRAYER**

**WHEREFORE**, Plaintiff, individually and on behalf of all others similarly situated, respectively prays for the following relief:

1. That the Court enter an Order certifying the proposed class herein and appointing Plaintiff and the undersigned counsel of record to represent the class;
2. That the Court enter an Order rescinding the LifeLock subscription of Plaintiff and each and every member of the putative class based on Defendants' fraudulent inducement thereof or, alternatively, damages for said fraudulent conduct;
3. That the Court issue a preliminary injunction enjoining Defendants and all others, known and unknown, from continuing to engage in unlawful conduct as set forth in this Complaint;
4. That the Court issue a permanent injunction enjoining Defendants and all others, known and unknown, from continuing to engage in unlawful conduct as set forth in

this Complaint;

5. That the Court enter a declaratory judgment, pursuant to *W. Va. Code* §55-13-1, *et seq.*, declaring the “Terms & Conditions” entered into by Plaintiff and each and every member of the putative class unconscionable and, therefore, unenforceable; or in the alternative, sever the portions of the “Terms and Conditions” that the Court deems unconscionable and unenforceable, and enforcing the remaining valid portions of the “Terms and Conditions;”

6. That the Court enter a declaratory judgment, pursuant to *W. Va. Code* §55-13-1, *et seq.*, declaring the acts of Defendants to be in violation of the WVCCPA;

7. That Plaintiff, and each member of the putative class, be awarded actual damages for each violation of the WVCCPA;

8. That Plaintiff, and each member of the putative class, in addition to any actual damages, be awarded a statutory penalty pursuant to *W. Va. Code* §46A-5-101, as adjusted for inflation, for each violation of the WVCCPA;

9. That Plaintiff, and each member of the putative class, be awarded actual damages or two hundred dollars, whichever is greater, for each violation of the WVCCPA pursuant to *W. Va. Code* §46A-6-106;

10. That Plaintiff, and each member of the putative class, be awarded additional damages against Defendants, in an amount to be determined at trial, that would fairly and reasonably compensate them for any and all moneys lost as a result of Defendants’ acts;

11. That Plaintiff, and each member of the putative class, be awarded additional damages against Defendants, in an amount to be determined at trial, that would fairly and reasonably compensate them for, *inter alia*, the aggravation, annoyance and inconvenience

suffered by them as a result of Defendants' acts;

12. That Plaintiff, and each member of the putative class, be awarded punitive damages against Defendants, in an amount to be determined at trial, for the willful, wanton and/or reckless disregard for their legal rights;

13. That Plaintiff, and each member of the putative class, be awarded costs and a reasonable attorney's fee, pursuant to the WVCCPA and/or the general authority of this Court;

14. That Plaintiff, and each member of the putative class, be awarded any and all additional compensatory, incidental and consequential damages, in an amount to be determined at trial;

15. That Plaintiff, and each member of the putative class, be awarded prejudgment and post-judgment interest on any and all of the foregoing damages, and such further and general relief – both legal and equitable – as this Court may deem appropriate.

**PLAINTIFF DEMANDS A JURY TRIAL OF ALL ISSUES SO TRIABLE.**

**KEVIN GERHOLD, on behalf of himself  
and all others similarly situated,  
Plaintiff  
By Counsel**

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## ID-protection ads come back to bite pitchman



By JORDAN ROBERTSON, AP Technology Writer

Thu May 22, 7:09 AM ET

Todd Davis has dared criminals for two years to try stealing his identity: Ads for his fraud-prevention company, LifeLock, offer his Social Security number next to his smiling mug.

Now, LifeLock customers in Maryland, New Jersey and West Virginia are suing Davis, claiming his service didn't work as promised and he knew it wouldn't, because the service had failed even him.

Attorney David Paris said he found records of other people applying for or receiving driver's licenses at least 20 times using Davis' Social Security number, though some of the applications may have been rejected because data in them didn't match what the Social Security Administration had on file.

Davis acknowledged in an interview with The Associated Press that his stunt has led to at least 87 instances in which he has tried to steal his identity, and one succeeded: a guy in Texas who duped an online payday loan operation last year by giving him \$500 using Davis' Social Security number.

Paris said the fact Davis' records were compromised at all supports the claim that Tempe, Ariz.-based LifeLock doesn't provide the comprehensive protection its advertisements say it does.

"It's further evidence of the ineffectiveness of the services that LifeLock advertises," said Paris, who is lead attorney in three new lawsuits, the latest of which was filed this month.

Davis learned about the fraud in Texas when the payday-loan outfit called to collect on the loan, he said. He didn't know it beforehand because the company didn't go through one of the three major credit bureaus before approving the loan.

Davis said it's possible driver's licenses have been issued to other people in his name because of the widespread use of his personal information — and because of what he described as the flimsy mechanisms in place to report that kind of fraud.

Paris noted that LifeLock charges \$10 a month to set fraud alerts with credit bureaus, even though consumers can set them themselves for free.

But Davis stands by his company and his advertising gimmick, which has appeared in newspapers and on billboards, including MTV. He even broadcasts it by bullhorn on walking tours through crowded downtowns.

"There's nothing on my actual credit report about uncollected funds, no outstanding tickets or warrants or anything like that," Davis said. "There's nothing to indicate my identity has been successfully compromised other than the one instance. I know I'm a slightly higher risk. But I'll take my risk for the tremendous benefit we're bringing to society and to consumers."

The lawsuits, for which Paris is seeking class-action status, highlight the fundamental limits on how much security companies can provide.

Companies like LifeLock can help guard against only certain types of financial fraud by helping consumers set up alerts with credit bureaus, which inform them when someone tries to open a new line of credit or boost their credit limit to finance a car purchase, for example.

The services don't guard against many types of identity theft such as use of a stolen Social Security number on a credit card application or for medical services, or even the instance of an arrestee giving police a stolen Social Security number.

his own identity.

LifeLock is also being sued in Arizona over its \$1 million service guarantee, which the plaintiffs claim is misleading only covers a defect in LifeLock's service, and in California by the Experian credit bureau. Experian accuses LifeLock of deceiving consumers about the breadth of its protection and abusing the system for attaching fraud alerts to credit

Security experts say complaints about the company reinforce the time-honored wisdom of keeping your Social Security number secret.

"There's been a lot of marketing, a lot of hype about LifeLock," said Paul Stephens, director of policy and advocacy at the Privacy Rights Clearinghouse, a nonprofit consumer advocacy organization. "The question is, 'How much protection does LifeLock really buy you?'"

"There is no company that can guarantee they can protect you (completely) against identity theft," Stephens said. "Nobody can do that."

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### My name is Bobby Jo Harris

#### and this is my story.

I'm a former chief of police of a major city. I knew identity theft was a \$50 billion a year business, and a prime focus of organized crime. But they got me anyway. Even though I was a senior law enforcement official, it took weeks to clear my name. I decided: never again.

A reporter recommended LifeLock to me and I tried them out. I've never had a problem since. I highly recommend them to you.

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[LifeLock CEO addresses questions.](#) [Click Here](#)

#### Your Good Name

Identity theft can happen anywhere to anyone. In store, online at home or when you're buying your If your identity is stolen, you can spend hundreds cleaning up your credit and struggling to get back name. That's because stolen identities are used up with most victims only discovering the theft after turned down for a loan or contacted by a collection agency. You may already be a victim, many times over, and not even know it. But not with LifeLock.

LifeLock, the industry leader in proactive identity theft protection, offers a proven solution that prevents your identity from being stolen before it happens. We'll protect your identity and personal information for only \$10 a month - and we guarantee up to \$1,000,000. We also offer the only identity theft protection program available in the market, so guarantee your good name today and enroll now.



#### Here is what LifeLock Offers You

- ✓ Proactive Identity Theft Protection
- ✓ Reduce Junk Mail
- ✓ Reduce Credit Card Offers
- ✓ \$1 Million Service Guarantee
- ✓ Only \$10 per Month

[Enroll Now](#)

#### New service!

eRecon™ and TrueAddress™ help you shut down potential identity threats fast.

WalletLock™ takes the hassle out of a lost or stolen wallet. [Click to find out how.](#)

[Click Here](#) to view LifeLock's new privacy policy.

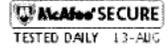
**LifeLock for Business**  
Comprehensive Programs to Protect your Employees and Customers

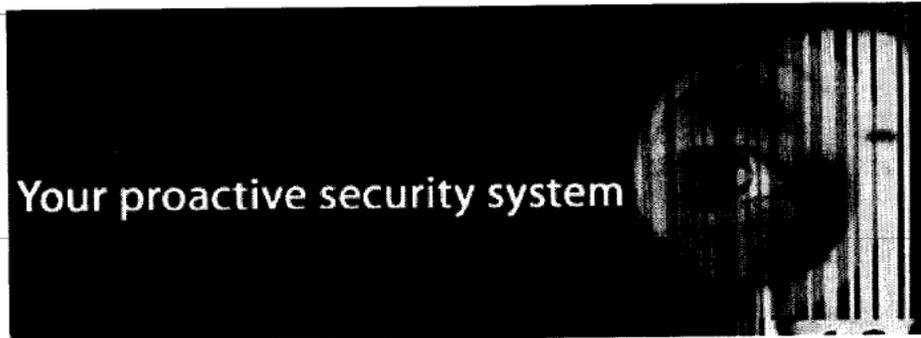
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## Million Dollar Guarantee

LifeLock offers a form of insurance in which they **Guarantee** that your identity will not be stolen-- in fact, they're so sure stolen while you use their services that if it is, LifeLock will pay you up to \$1 million for damages stemming from the LifeLock says they will "make sure that you get every dollar back, lost wages, costs, actual losses, every dollar up to \$1,000

CEO Todd Davis says that the \$1 million LifeLock promotion covers more than just monetary damages. He says that it covers arising from Identity Theft that costs you money, including attorney fees or other costs. However, he says that no one take advantage of the **\$1 Million Guarantee** because LifeLock has completely stopped any cases of Identity Theft occurred.

### What do others have to say about it?

The owners of the "ScamBusters" nonprofit web site have said that they personally use LifeLock to protect their identities and favorably about LifeLock. The company also has many partnerships with credit unions, banks, and institutions such as universities. LifeLock coupons and LifeLock discounts to their customers, students, and alumnae.

TopConsumerReviews.com has given LifeLock the only five-star rating it has awarded to Identity Theft companies. Independent reviews of consumer products, said that LifeLock ranked so highly because of its security protections, its \$1 million guarantee, and its customer service.

### Is it convenient?

LifeLock is extremely convenient-- LifeLock will contact your credit bureaus for you, renew your fraud alert protection, and alert your children's identity for them. By doing these things for you automatically, there is no risk that a slip of the mind or calendar could leave you accidentally unprotected.

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**What We Do**

[Home](#) > [LifeLock for People](#) > What is a Fraud Alert?

- How does LifeLock protect my identity?
- How much does LifeLock cost?
- How does the \$1 Million guarantee work?

## What is a Fraud Alert?

Fraud alerts allow you to take control of who issues you credit and when. The alerts tell any company that uses your credit report, such as a bank or insurance company, they must contact you before they can:

**How We Do It**

- Issue credit
- Arrange loans
- Open accounts
- Increase credit lines
- Open new credit cards
- Otherwise influence your assets

- What is a Fraud Alert?
- How does LifeLock secure my personal information?
- How can LifeLock protect my kids and family?
- How is LifeLock different from a credit monitoring system?
- Can I cancel at any time?

If they don't contact you directly at a number you designate (preferably at your most accessible phone number), or if you do not approve the transaction, it stops.

Read Kim's story for an example.

**Who We Are**

- Who is LifeLock?
- Who uses LifeLock?
- What are others saying about LifeLock?

*"I saw in the news about a company called LifeLock that protects families from identity theft. My husband was skeptical, but I signed us up, and forgot about it. A couple of months later, on a family vacation, my husband received a phone call asking if he was applying for a new credit card. Someone was trying to steal his identity. LifeLock had stopped the thief cold. We continued on with our vacation knowing we were safe."*

*Kim Barnes*

Usually within an hour of your enrollment as a LifeLock client, we set alerts on all of your credit reports at Equifax, Experian, TransUnion and ChexSystems. Within approximately seven days after enrolling, these major credit bureaus will send you credit reports showing your alerts are in place.

You'll also stop receiving pre-approved credit offers in the mail and dramatically reduce your junk mail load. This is one result most of our clients feel is, alone, worth our fee.

Our \$1 million guarantee is even more valuable to our clients. It is effective in full force from the moment you become our client.

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# LifeLock

Take control.



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WHO WE ARE
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ENROLL NOW!

**1-877-LIFELOCK**

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- ENDORSEMENTS
- KIDS NEED LIFELOCK, TOO
- OUR PRIVACY POLICY
- ABOUT OUR COMPANY
- PRESS ROOM
- IDENTITY THEFT RESOURCES
- CONTACT US
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- PRICING INFO

It's About Credit

## WHAT WE DO

Locking your Identity takes time, attention to detail and deep knowledge of the ways thieves penetrate the lives of consumers, how banks issue credit as well as the laws, procedures and regulations which govern how your personal information is released, sold, shared and compromised.

Some of what we can do you can do for yourself. Or, you could leave it to the experts here at LifeLock and get on with your life knowing that you've got the world's only solution that will actually prevent your Identity from being used and a company that stands behind you to the tune of \$1,000,000 should anything ever happen.

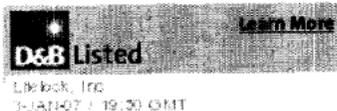


LifeLock is a proud sponsor of the NCPC

### ENROLL NOW!

Protect your I.D. with the most advanced Identity Theft Protection System available!

[GO](#)



#### A BREAKDOWN OF WHAT WE DO

- ▶ We Guarantee what we do.
- ▶ We block your credit so that only you can use it.
- ▶ We stop pre-approved credit offers.
- ▶ We drastically reduce the amount of junk mail you get.
- ▶ We ensure things go smoothly when you apply for credit.

#### 1. We guarantee that it works.

If anyone steals your identity while you are our client, we fix it. Period. There's no fine print here. We do what it takes, for as long as it takes. If we need lawyers or investigators, we hire them. We pay the bills.

The government reports that victims spend an average of 160 hours over three years trying to repair the damage. That's a month of full-time work.

In the unlikely event your lock is picked and you find yourself fighting to regain your good name, we're going to do the fighting for you. We're going to pay for the fight. And we're going to make sure that you get every dollar back, lost wages, costs, actual losses, every dollar. Period.

No fine print. If your Identity is stolen while you are our client, we're going to do whatever it takes, for however long it takes, however much it costs to fix it and you won't lose a nickel. Your only obligation is to tell us within thirty days of first discovering the theft.

There is no guarantee like this anywhere in the industry and we think you'll be hard-pressed to find one like it. [back to top](#)

#### 2. We block your credit so that only you can use it.

We put alerts on your credit reports with all FOUR major credit bureaus. Most people think there are three, but there are four that deeply affect your life. These alerts ensure that if anyone tries to do anything with your credit report, such as get new credit, change your address, expand credit lines, open a checking account, get insurance, utilities, or anything else, they will have to call you directly for your approval before anything happens.

You can do this part yourself for free. You can also change the oil in your car yourself. It's relatively simple to do that, but most people pay to have it done. Alerts fall off of credit reports or are mishandled frequently. If you choose to

do it yourself, you'll need to manage the process to make sure that the alerts are accurate and remain on your reports forever. [back to top](#)

### 3. We stop pre-approved credit offers.

Our process alerts every company that sends out pre-approved credit offers to stop sending them to you. This is important because it's one of the biggest holes that ID thieves use to steal identities.

You can also do this yourself, for free. Many of our clients find that this benefit alone is worth the price we charge. [back to top](#)

### 4. We drastically reduce the amount of junk mail you get .

We alert the companies that sell your name to junk mailers that you don't want their ads stuffing your mailbox. This is important because all a thief really needs is your name and address to steal your identity and the fewer times it's printed, the better.

You can also do this yourself, for free. However, it's included in our service along with everything else. [back to top](#)

### 5. We ensure that everything goes smoothly when you want credit.

Every lock you have, your car, your home, your office, requires some inconvenience to use. Because the credit-granting process stops until you are contacted by a human from the company that's using your credit report, it is sometimes difficult to find the right person to talk to. This is especially true when you are applying for instant credit, and you may be declined or put into a pending status. When you are a LifeLock client, we'll get you to the right person right away to make sure that everything happens quickly, efficiently, and with the least amount of delay.

If you put alerts on your credit reports yourself, you will have the same issues getting credit, you just won't have an expert making it as painless as possible.

It's important for you to understand that being a LifeLock client has no effect on your credit worthiness. If you qualify without us, you will qualify with us and vice versa. We do not try to influence the creditor's decision.

No other company offers these services. Nobody even comes close. [back to top](#)

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Click Here

**1-877-LIFELOCK**

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It's About Credit

## OUR GUARANTEE TO YOU

Some of the important terms are: If someone has already compromised your identity, we can stop it from happening again, but our Guarantee does not apply and we do not resolve any issues that arise because of the prior theft for free. We can resolve them, but we can't really tell you how much it will cost and it can be very expensive. In order for our Guarantee to apply, you must be, and have continuously been, a client of LifeLock when your identity is stolen and when you report it to us.

Our Guarantee is simple:  
 In the unlikely event your lock is picked and you find yourself fighting to regain your good name, we're going to do the fighting for you. We're going to pay for the fight. And we're going to make sure that you get every dollar back, lost wages, costs, actual losses, every dollar up to \$1,000,000. Period. You need to tell us within 30 days of discovering that your Identity has been stolen. That's it. There's no fine print. If you would like to read the entire Terms of Service, [click here](#).  
[Click here to get started.](#)



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**ENROLL NOW!**  
 Protect your I.D. with the most advanced Identity Theft Protection System available!  
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**D&B Listed** [Learn More](#)  
 LifeLock, Inc.  
 03/21/07 7:39:53 GMT





**Interested in selling LifeLock?  
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## How can LifeLock protect my kids and family? LifeLock now offers protection for kids

LifeLock now offers protection for kids under the age of 16 for only \$25 per year, as long as at least one adult in the home is our client paying annually. We are the only company in the country that makes sure that kids are protected from Identity thieves. The Identities of children are now being stolen by thousands. They are easy targets because no one ever monitors them. These kids aren't finding out until they graduate from high school and apply for their first job or a student loan. By then, thieves have often been using their Identities for years and the kid's good name is ruined before he or she even has a chance to start.

This service comes with our \$1 million guarantee. Our process is tailored to be most effective for the special requirements needed to protect your child's Identity.

Among the things we do:

- We check credit reports every ninety days to ensure that there is no activity.
- We place fraud alerts on credit reports, stating that this is a minor child and that no activity should occur.
- We check for open checking accounts.
- We obtain a work history from the Social Security Administration to ensure that no income is being reported on your child's SSN.
- We repeat this process regularly to ensure that all is well. Starting out is hard enough. Starting out with a stolen Identity makes it ten times harder. We think that's worth \$25 a year. Do you?

[Protect yourself and your family today.](#)



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## Can I cancel at any time?

There is no long-term commitment with LifeLock. You can cancel at anytime. But isn't the proactive security of your identity worth 30 cents a day?

Just remember, we're helping you proactively prevent the theft of your identity by providing:

- Free credit reports from the major credit bureaus every year.
- Full control and oversight of any credit accounts issued in your name.
- Removal from all pre-approved credit card lists.
- Removal from most junk mail lists.
- Assistance in applying for new credit, if needed.
- Full-service resolution and repair by the world's leading experts, should you ever need it.
- **Our industry-exclusive \$1 million guarantee** against any losses resulting from the theft of your Identity that you may incur while our client.

If you're sure you want to cancel, just contact us at 1-877-LIFELOCK (543-3562). You must call to cancel. Please review our [Terms of Service](#).

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# Lifelock

Guarantee Your Good Name

Lifelock for People

Lifelock for Business

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About Us

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## Lifelock for People

You can be absolutely positive our identity theft product and service solutions will

1. Enrollment
2. Credit bureaus contacted: Your fraud alerts are set, usually in less than one hour.
3. Notification
4. Junk mail restricted
5. Proactive monitoring: credit offers like you
6. Your locks are set
7. Account monitored
8. Support



What We Do

- \* How does Lifelock protect my identity?
- \* How much does Lifelock cost?
- \* How does the \$1 Million guarantee work?

How We Do It

- \* What is a Fraud Alert?
- \* How does Lifelock secure my personal information?
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# Lifelock for People



You can be absolutely positive our Identity theft product and service solutions will



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  - > What are others saying about Lifelock?

**Enroll Now**

You can be absolutely positive our identity theft product and service solutions will

- 1. Enrollment**
- 2. Manufacture**
- 3. Manufacture**
- 4. Junk mail restricted**
- 5. 100% approved credit offers**
- 6. 24/7**
- 7. 24/7**
- 8. Support:**  
If you ever have a question or need help, our highly trained specialists are available 12 hours a day, five days a week.

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## Survey Says LifeLock Cuts Risk of Identity Theft in Half

**Author:** LifeLock

**Published date:** 01-26-2007 18:55 PM

**PR agency:** GroupWeb EmailWire.Com

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Service Found to Be More Effective than Credit Monitoring for ID Theft Prevention

(EMAILWIRE.COM, January 25, 2007 ) Tempe, AZ " Consumers who subscribe to the LifeLock identity theft prevention service reduce their risk of having their identities stolen by more than half, according to a study by Javelin Strategy & Research. The report also showed that LifeLock's focus on stopping identity theft at the source provides extra protection over credit monitoring services that are designed only to detect the problem after the fact.

The study's key finding was that only one in 500 active LifeLock subscribers was a victim of identity theft associated with new account openings in the six-month period examined, compared to one in every 200 in a demographically similar sample from earlier Javelin research. Those results reflect LifeLock's industry-exclusive prevention program, including a fraud alert system that requires banks and other financial institutions to contact the LifeLock subscriber before opening new accounts or credit cards, issuing credit, arranging loans, increasing credit lines, and so on.

In addition, Javelin's analysis of 11 credit monitoring services provided by banks, credit bureaus and other financial institutions revealed that these services typically offer strong fraud detection capabilities " largely through email alerts that flag unusual activity on existing accounts " but generally fail to prevent new account fraud that costs an estimated \$24.6 billion annually in the U.S.

'Credit monitoring services are helpful for fraud monitoring and resolution, but do not effectively provide protection through prevention. In terms of new account fraud prevention, LifeLock is superior to credit monitoring by addressing that void within our Prevention, Detection and Resolution model,' said James Van Dyke, President & Founder of Javelin Strategy & Research. 'This study shows that services like LifeLock that are designed to prevent rather than detect unauthorized activity can make a clear difference in stopping fraudulent new account transactions before the problem occurs.'

In other findings, 75% of respondents reported that LifeLock's mailing list removal service yielded a significant reduction in pre-approved credit card offers that are a major source of identity theft, 60% reported a significant reduction in other junk mail, and 93% had either increased their usage of online banking and shopping or continued their previous usage patterns since joining LifeLock.

The study also found that LifeLock's \$1 million reimbursement guarantee and credit report fraud alerts ranked as the service's top features with 87% and 85% of respondents, respectively. In



This press release was published on openPR.com.

addition, 93% of respondents were satisfied with the service, with the vast majority expecting to renew their subscriptions.

'This study validates our core philosophy about identity theft protection: that you may not be able to stop a thief from stealing private data, but you can render the issue moot by stopping him from using it,' said Todd Davis, CEO of LifeLock. 'Other services concentrate on fixing the problem once it happens; we focus on preventing it altogether. This survey shows that our strategy is highly successful at meeting that objective.'

The study was based on a December 2006 survey of a random sample of active LifeLock subscribers as well as previous Javelin research (including the firm's annual Identity Fraud Survey Report) and structured analysis on methods to address new-account identity fraud. Javelin independently selected participants at random, ensuring a representative sample of LifeLock subscribers.

#### About LifeLock

LifeLock is the first identity theft protection service in the U.S. that prevents misuse of personal information by making it useless to anyone except the rightful owner. The company maintains active fraud alerts with the three major credit bureaus as well as ChexSystems, thwarting fraudulent use of personal information by requiring subscriber approval of any new credit account openings and bank account and address change requests. The service also removes subscribers' names from solicitation lists and junk mail in order to eliminate pre-approved credit offers that are a primary target of identity thieves, and is backed by a \$1 million guarantee against identity abuse. For more information, visit [www.lifelock.com](http://www.lifelock.com).

#### About the Javelin Strategy & Research Methodology

As the leading provider of independent, industry-specific, quantitative research and strategic direction for payments and financial services initiatives, Javelin's Prevention, Detection and Resolution model uses factual research data to identify the most effective methods for mitigating identity fraud. Based on rigorous analysis, prevention measures are weighted heaviest, then detection and finally resolution, placing the greatest emphasis on features that stop identity theft closest to the source. This creates the greatest cost savings and builds a stronger relationship between providers and individuals. More information can be found at [www.javelinstrategy.com](http://www.javelinstrategy.com).

#### CONTACT:

Mike Prusinski  
LifeLock, VP Communications  
480-544-2222



This press release was published on openPR.com.

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mike@lifelock.com

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**To this press release is added a picture. You can find it online.**

You can find this press release online under:  
Survey Says LifeLock Cuts Risk of Identity Theft in Half

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Attorneys for Plaintiff Byrl Lane

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

BYRL LANE, on behalf of himself and all )  
others similarly situated, )  
Plaintiff, )

No. CV-08-594

v. )

**CLASS ACTION COMPLAINT**  
(Consumer Fraud, Rescission, and False  
Advertising)

LIFELOCK, INC., a Delaware Corporation, )  
Defendants. )

**DEMAND FOR JURY TRIAL**

Plaintiff, by and through his attorneys, Hagens Berman Sobol Shapiro LLP and Grant Woods, P.C., allege upon personal knowledge as to his own acts, and upon information and belief based on investigation of counsel as to all other matters, as follows:

**I. NATURE OF THE ACTION**

1. This action arises out of LifeLock, Inc.'s ("LifeLock") false, misleading and fraudulent misstatements, and material omissions regarding its ability to protect consumers from identity theft. Defendant's actions have injured thousands of individuals across the

1 country by unlawfully inducing them to enter into contracts that violate federal law and do  
2 not provide the promised protections.

3 2. LifeLock advertises itself as providing a proactive identity theft prevention  
4 service by stating that it provides a “proven solution” that can prevent identity theft before  
5 it happens, and promises to guarantee its services up to \$1,000,000.00.

6 3. LifeLock, however, misleads consumers as to the nature of its alleged  
7 “guarantee” and fails to inform consumers that its (1) \$1,000,000.00 “guarantee” is  
8 virtually worthless because it is riddled with restrictions, waivers, and limitations, (2)  
9 LifeLock does not require entities extending credit to contact consumers to verify their  
10 identity prior to extending new credit, (3) LifeLock cannot, by law, perform the services it  
11 promises to perform, (4) LifeLock’s \$1,000,000.00 guarantee is an insurance product that  
12 must comply with the Arizona Insurance Code, but LifeLock fails to even attempt to  
13 comply with the Insurance Code’s rules and regulations, and (5) statements by LifeLock’s  
14 CEO regarding the ability of LifeLock to protect his own identity are, at best, misleading  
15 because his identity was stolen while he was a customer.

16 4. With approximately one million customers, each paying ten dollars per month  
17 for their LifeLock “protection,” LifeLock is earning around \$120 million dollars a year in  
18 revenue (and this number was growing rapidly even prior to the company’s recent,  
19 extensive advertising campaign) on the premise of misleading and deceptive claims and  
20 omissions about the effect of fraud alerts, the coverage LifeLock will provide in the event  
21 of an identity theft, and the legality of LifeLock’s business practices. As it is,  
22 approximately one million consumers pay over \$100 per year thinking and believing that  
23 they have certain protections from theft and certain benefits in the event of a theft, when in  
24 fact they have neither.

25 5. LifeLock’s conduct violates the Arizona’s Consumer Fraud Act, the Arizona  
26 Insurance Code, and constitutes negligent misrepresentation and breach of contract.  
27 Plaintiff and class members have sustained damages as a result of LifeLock’s false and  
28

1 misleading statements and material omissions, and are entitled to, among other things,  
2 rescission and punitive damages.

## 3 **II. THE PARTIES**

4 6. Plaintiff is a resident of Maricopa County, Arizona.

5 7. Defendant LifeLock is a Delaware corporation with its principal place of  
6 business at 60 East Rio Salado Parkway, Tempe, Arizona, 85281.

## 7 **III. JURISDICTION AND VENUE**

8 8. This Court has subject-matter jurisdiction over this action under the Class  
9 Action Fairness Act of 2005, which, *inter alia*, amends 28 U.S.C. § 1332 to add a new  
10 subsection (d) conferring federal jurisdiction over class actions where, as here, “any  
11 member of a class is a citizen of a State different from any other Defendant,” and the  
12 aggregated amount in controversy exceeds five million dollars (\$5,000,000). *See* 28 U.S.C.  
13 § 1332(d)(2), (6).

14 9. This Court has personal jurisdiction over the parties because Plaintiff submits  
15 to the jurisdiction of the Court that Defendant has its principle place of business in Tempe,  
16 Arizona and, upon information and belief, Defendant’s conduct that gives rise to this  
17 complaint, as further described below, was created, ratified, and implemented from its  
18 corporate offices located in Tempe, Arizona.

19 10. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because  
20 Defendant, as a corporation, is “deemed to reside in any judicial district in which [it is]  
21 subject to personal jurisdiction” and because the misrepresentations and material omissions  
22 “giving rise to the claims[s] occurred” in this District.

## 23 **IV. STATEMENT OF FACTS**

24 11. LifeLock, founded in 2005, claims on its website that it is “the industry leader  
25 in proactive identity theft protection,” that it “offers a proven solution that prevents your  
26 identity from being stolen before it happens,” and that it will “protect your identity and  
27  
28

1 personal information for only \$10 a month - and we guarantee our service up to  
2 \$1,000,000.”

3 12. LifeLock’s advertisements feature Todd Davis, a founder of LifeLock, giving  
4 out his real social security number. In its video advertisements, Todd Davis – who the  
5 advertisement indicates is the CEO of LifeLock – drives around announcing his social  
6 security number over a loud speaker in a van that has the number painted on the side, and  
7 hands out sheets of paper with the number on them. He states, “I’m Todd Davis, and I’m  
8 here to prove just how safe your identity can be with LifeLock. That’s my real social  
9 security number.” A voice-over announcer then states that “LifeLock helps keep your  
10 personal information safe, even in the wrong hands.” LifeLock’s print advertisements  
11 similarly feature Todd Davis and his social security number. In one, the text reads, “I’d be  
12 worried too – if I didn’t have LifeLock.” Another, run in the New York Times, states, “The  
13 fact is another identity is stolen every three seconds, but I still put my personal information  
14 out there for the world to see because of my complete confidence in LifeLock’s ability to  
15 protect my identity.”

16 13. Proving the fallacy of LifeLock’s claims, Davis’ identity was stolen in 2006  
17 while he was a LifeLock customer. A Texas man secured a \$500.00 payday loan using  
18 Davis’ social security number. Nevertheless, LifeLock continues to run advertisements  
19 claiming that Davis knows his identity is safe with LifeLock, without disclosing that his  
20 identity has in fact been stolen as a result of the disclosure.

21 14. Nor does LifeLock disclose that the previous credit-related company of one  
22 of its founders, Robert J. Maynard, Jr., was investigated and prosecuted for fraud and  
23 misrepresentation by both the State of Arizona and the Federal Trade Commission. As a  
24 result, the company was required by a judge to stop conducting business in Arizona, and  
25 the FTC banned Maynard for life from “advertising, promoting, offering for sale, selling,  
26 performing, or distributing any product or service relating to credit improvement services.”  
27 Although Maynard resigned as CEO of LifeLock following news reports detailing his past  
28 financial problems, including allegations that he stole his father’s identity, he continued to

1 work with the company as a consultant. LifeLock does not disclose to its customers its  
2 former CEO's conduct or his continued relationship to LifeLock.

3 15. LifeLock's purported "proven solution" consists of illegally placing and  
4 renewing fraud alerts under consumers' names with credit bureaus. LifeLock, however,  
5 fails to inform consumers of the illegality of its actions and the scope and effectiveness of  
6 fraud alerts.

7 16. Under the federal Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681c-  
8 1(a), a credit reporting agency must place an initial 90-day fraud alert on the file of a  
9 consumer, "[u]pon the direct request of a consumer, or an individual acting on behalf of or  
10 as a personal representative of a consumer," where the consumer has a good faith suspicion  
11 that he or she is, or is about to be, the victim of a fraud or related crime, including identity  
12 theft. The FCRA defines a consumer as an individual. 15 U.S.C. § 1681a(c).

13 17. Under the statutory language, only an individual is allowed to place a fraud  
14 alert, either for themselves, or acting on behalf of or as a personal representative of another  
15 individual. The statutory language intentionally excludes corporations such as LifeLock  
16 from placing fraud alerts. As the legislative history states, the statute "use[s] the word  
17 'individual' instead of 'person' to ensure that the provision would only apply to specific  
18 individuals such as a consumer's authorized family members or guardians (or attorneys  
19 acting as personal representatives), authorized representatives from bona fide military  
20 services organizations, *and not to companies and entities such as credit repair clinics.*"  
21 See H.R. Rep. No. 108-263 at 40 (Sept. 4, 2003) (emphasis added). Therefore, a company  
22 such as LifeLock cannot be a personal representative or act on behalf of a consumer for the  
23 purposes of placing a fraud alert under the FCRA.

24 18. Fraud alerts provide limited protection against only certain types of identity  
25 theft and fraud. When a fraud alert is in place, it alerts creditors accessing the consumer's  
26 credit report that the consumer does not authorize the establishment of any new credit  
27 accounts, the issuance of an additional card on an existing credit account, or any increase in  
28 the credit limit on an existing credit account. 15 U.S.C. § 1681c-1(h)(1)(A). A creditor

1 using the credit report may only approve such transactions if the user “utilizes reasonable  
2 policies and procedures to form a reasonable belief that the user knows the identity of the  
3 person making the request.” If the consumer has provided a telephone number for  
4 verification purposes, the user of the report must either contact the consumer at that number  
5 *or* “take reasonable steps to verify the consumer’s identity and confirm that the application  
6 for a new credit plan is not the result of identity theft.” 15 U.S.C. § 1681c-1(h)(1)(B).  
7 Fraud alerts do not protect consumers against identity theft involving the use of existing  
8 accounts, or the opening of accounts that do not require accessing a credit report – as in the  
9 theft of Davis’ identity.

10 19. However, in selling its purported protection scheme, LifeLock misrepresents  
11 the availability, purpose and scope of fraud alerts in several material ways, including:

12 a. failing to inform consumers that under the FCRA, a corporation such as  
13 *LifeLock cannot lawfully place fraud alerts* on the consumers’ behalf;

14 b. failing to inform consumers that under the FCRA, an initial fraud alert  
15 may be placed by a consumer or an individual acting on their behalf *only* when the  
16 consumer has a good faith suspicion that the consumer is or is about to be the victim of a  
17 fraud or related crime, including identity theft;

18 c. implying that any of the reasons given on its website – such as the  
19 viewing of news reports or the desire to receive less junk mail – are valid reasons for  
20 requesting a fraud alert;

21 d. indicating that consumers are entitled to perpetually renew the 90-day  
22 fraud alert, in contradiction of the FCRA; and

23 e. stating that creditors will be required to call the consumer before opening  
24 a new line of credit, even though not all creditors will even know there is a fraud alert on  
25 file and even those who are aware of the alert may take other reasonable steps to verify the  
26 consumer’s identity.

27 20. LifeLock also assures consumers that, “Fraud alerts do not affect your  
28 creditworthiness or your credit rating, either in actuality or perception, and as long as you

1 are reasonably available at the phone number listed in the alert, you should not lose the  
2 ability to apply for credit.” But perpetual renewal of fraud alerts can affect a consumer’s  
3 creditworthiness and, upon information and belief, can actually reduce a consumer’s credit  
4 score or cause lenders to consider the consumer a credit risk. LifeLock fails to disclose  
5 these material facts to consumers.

6 21. Likewise, consumers could lose their ability to apply for credit when they are  
7 unable to be reached at the phone number they provided or when vendors choose to turn  
8 down the application rather than complying with the requirements of a fraud alert.  
9 LifeLock fails to disclose these material facts to consumers.

10 22. LifeLock’s advertisements and promotions, individually and in the aggregate,  
11 misrepresent, among other things, that (1) LifeLock has the authority to lawfully place  
12 fraud alerts on behalf of consumers, (2) LifeLock possesses a special expertise or ability to  
13 place such alerts that consumers do not possess, (3) all consumers are entitled to such fraud  
14 alerts even if they do not have a good faith suspicion that they are about to be the victim of  
15 a fraud or related crime, (4) all consumers are entitled to perpetual renewal of such fraud  
16 alerts regardless of circumstances, (5) LifeLock’s services in placing fraud alerts will  
17 effectively “lock” an individual’s identity and protect them from identity theft, and (6) the  
18 perpetual renewal of fraud alerts will have no effect on the consumer’s creditworthiness,  
19 credit rating or ability to secure credit.

20 23. LifeLock further misleads customers by stating that part of its service consists  
21 of ordering credit reports for its members, without adequately disclosing to the consumer  
22 that (1) they have a right to obtain free credit reports once a year, (2) LifeLock is charging  
23 the consumer to order the consumer’s free credit reports, and (3) the consumer will not be  
24 able to access free credit reports once LifeLock has done so.

25 24. LifeLock also misrepresents the scope of its alleged \$1,000,000.00 guarantee,  
26 dramatically overstating the actual value of its services and its alleged guarantee. In its  
27 commercials, Todd Davis is featured announcing to a crowd of individuals, “If anything  
28 happens for any reason while you’re a client of LifeLock, *we will cover all losses and all*

1 *expenses up to one million dollars.*” (emphasis added.) In response to Davis’ statement, a  
2 man is featured asking, “You’re going to protect me for one million dollars?”

3 25. Similarly, LifeLock states on its website that: “If your Identity [sic] is  
4 misused while you are a member of LifeLock, we’ll spend up to \$1,000,000 to make it  
5 right.” It further states:

6 If your Identity [sic] is stolen while you are a member of LifeLock, we’re  
7 going to do whatever it takes to recover your good name. If you need  
8 lawyers, we’re going to hire the best we can find. If you need investigators,  
9 accountants, case managers, whatever, they’re yours. *If you lose money as*  
10 *a result of the theft, we’re going to give it back to you.* We will do  
whatever it takes to help you recover your good name and we will spend up  
to \$1,000,000 to do it.

11 (emphasis added).

12 26. LifeLock has caused similar misrepresentations to be repeated elsewhere.  
13 For example, the website [www.lifelockreviews.com](http://www.lifelockreviews.com), which repeatedly links to LifeLock’s  
14 own website and offers discounts on LifeLock membership, states that LifeLock allows  
15 users to “be assured of up to \$1 million guarantee against any losses from the loss of  
16 identify while being their client.”

17 27. However, the terms and conditions of the actual guarantee reveal that it  
18 provides much narrower protection than LifeLock advertises. The Terms and Conditions  
19 state that LifeLock “will not be liable for any special, incidental, indirect or consequential  
20 damages of any kind, nor any damages whatsoever other than as set forth in our Service  
21 Guarantee.”

22 28. The Service Guarantee, as contained in the Terms and Conditions, similarly  
23 disclaims such liability and has inconsistent terms concerning the scope of its coverage,  
24 stating:

25 If you are our client when someone accesses your personal identifying  
26 information and subsequently uses it without your authorization to commit  
27 a fraud, due to a failure or defect in our Service, and you have complied  
28 with this Agreement, subject to the terms herein, we will pay professionals  
to assist in restoring any such loss or recover such expenses, as required,

1 provided however that the maximum limit of our Service Guarantee is \$1  
2 (one) million per lifetime for all incidents in the aggregate.

3 WE WILL PAY UP TO \$1,000,000 TO CURE THE FAILURE OR  
4 DEFECT IN OUR SERVICE, PER CLIENT, PER LIFETIME FOR ALL  
5 INCIDENTS IN THE AGGREGATE, REGARDLESS OF  
6 CIRCUMSTANCE. WE WILL NOT MAKE PAYMENTS TO YOU FOR  
7 ANY LOSS YOU MAY INCUR. OTHER THAN OUR SERVICE  
8 GUARANTEE, AND EXCEPT AS OTHERWISE SET OUT HEREIN WE  
9 MAKE NO REPRESENTATION OR WARRANTY ABOUT OUR  
10 SERVICE OF ANY KIND, AND WE DISCLAIM ANY IMPLIED  
11 WARRANTIES OUTSIDE OF OUR SERVICE GUARANTEE, SUCH AS  
12 A WARRANTY OF MERCHANTABILITY OR FITNESS OF OUR  
13 SERVICE FOR ANY PARTICULAR PURPOSE.

14 29. The Terms and Conditions and Service Guarantee contain inconsistent and  
15 confusing terms that are intended to mislead consumers and allow LifeLock to avoid  
16 fulfilling its promises. By disclaiming all consequential damages, and stating that it will  
17 only pay money “to cure the failure or defect in our service,” LifeLock intentionally  
18 informs consumers that LifeLock is not liable for anything beyond curing a defect in their  
19 service – which could only mean correcting a failure to properly place a fraud alert or  
20 remove the consumer from a junk mail list. This language is intended to mislead and deter  
21 members from asking LifeLock to cover losses or pay for consequential damages such as  
22 hiring professionals to restore their losses, and to provide LifeLock with a basis for denying  
23 any such claims.

24 30. Notwithstanding LifeLock’s efforts to mislead consumers, deter claims and  
25 avoid liability through such provisions, the Service Guarantee, properly construed under  
26 Arizona law, requires LifeLock to pay professionals to attempt to restore losses from an  
27 identity theft resulting from a failure or defect in LifeLock’s services. Under Arizona law,  
28 the Service Guarantee, therefore, provides coverage beyond the actual value of LifeLock’s  
service and constitutes insurance against identity theft.

31. Under the Arizona Insurance Code, an entity selling insurance is required,  
among other things, to submit its rates to the Department of Insurance for approval, sell its

1 product using licensed insurance agents, and maintain adequate reserves to pay claims.  
2 Upon information and belief, LifeLock has not complied with these provisions, or even  
3 attempted to comply with any aspect of the Arizona Insurance Code. In fact, LifeLock  
4 attempts to disclaim its responsibilities by stating that it is not an insurer in its Terms and  
5 Conditions, when in fact it is offering a form of insurance.

6 32. Even properly construed to require LifeLock to pay professionals to attempt  
7 to restore losses from an identity theft, the Service Guarantee still provides far less  
8 coverage than LifeLock advertises. The only conceivable time when the Guarantee would  
9 come into effect is when LifeLock failed to place the alerts or remove the consumer from  
10 lists, and the consumer can prove that the identity theft and the specific loss occurred as a  
11 result of that failure – a narrow set of circumstances that will not cover many potential  
12 identity thefts that could occur to a member of LifeLock. For example, LifeLock’s  
13 guarantee would not be triggered if a person’s identity was stolen while a fraud alert was in  
14 effect, even though there are multiple situations in which that could happen – as the theft of  
15 Davis’ identity aptly demonstrates. This can happen because the creditor failed to fulfill its  
16 obligation to confirm the consumer’s identity, the theft involved accounts already in  
17 existence, or the theft involved establishing new accounts that do not require accessing a  
18 credit report.

19 33. In addition, even when the Guarantee is triggered, LifeLock will not “do  
20 whatever it takes,” “spend up to \$1,000,000.00 to make it right,” or “cover all losses and all  
21 expenses up to one million dollars,” as promised in the advertising. The Terms and  
22 Conditions expressly disclaim any “special, incidental, indirect or consequential damages,”  
23 and the company will not directly repay losses and thefts that a victim of identity theft  
24 experiences. Rather, at most, LifeLock would be required to hire professionals to attempt  
25 to recover or restore losses without actually covering the losses as promised on the website  
26 and in its advertisements.

27 34. In addition, although LifeLock promises to hire “the best” lawyers, the Terms  
28 and Conditions gives LifeLock sole discretion in choosing all professionals under the

1 Service Guarantee. Upon information and belief, LifeLock does not hire the best attorneys  
2 to represent members who have been victims of identity theft and are attempting to recover  
3 their losses.

4 35. The false, misleading and fraudulent misstatements and omissions made by  
5 LifeLock were material to the contract and were an inducing cause for Plaintiffs entering  
6 into the contract.

7 36. Plaintiff, an attorney, subscribed to LifeLock in October 2007. Since then,  
8 Plaintiff has paid LifeLock ten dollars per month for each month of service. After his  
9 vehicle, which contained personal identification such as a driver's license, was stolen,  
10 Plaintiff subscribed with LifeLock. During his sign-up call with LifeLock, Plaintiff was  
11 informed that he would be protected against any attempts to steal his identity or procure  
12 credit under his name using the information stolen from his truck.

13 37. Based on LifeLock's advertisements and representations, Plaintiff's  
14 impression was that LifeLock would, among other things, cover any type of loss related to  
15 the theft of his identity.

16 38. Plaintiff also understood, based on LifeLock's advertisements and  
17 representations, that LifeLock would require entities extending credit to contact him to  
18 verify his identity prior to extending new credit to those purporting to be him. In  
19 accordance with this understanding, Plaintiff submitted his personal information to  
20 LifeLock, including numbers at which he was to be reached in the event of an attempted  
21 identity theft.

22 39. Plaintiff was not aware that LifeLock was not permitted to submit fraud alerts  
23 on his behalf and LifeLock did not advise Plaintiff of this fact.

24 40. This case is not subject to arbitration because the arbitration clause in the  
25 Terms and Conditions between LifeLock and putative class members is substantively and  
26 procedurally unconscionable, violates public policy and exceeds the reasonable  
27 expectations of the parties. Furthermore, Defendant knew or should have known that the  
28 arbitration clause would have exceeded Plaintiff's reasonable expectations.

## V. COMMON COURSE OF CONDUCT EMANATING FROM ARIZONA

41. Plaintiff's agreement with LifeLock, as described below, is substantively analogous to all other agreements entered into by LifeLock and putative class members.

42. Upon information and belief, LifeLock created, adopted, ratified, implemented, and/or administered a common course of conduct whereby it created an advertising scheme to unlawfully induce consumers into purchasing LifeLock through the use of false and misleading statements, and material omissions.

43. LifeLock's unlawful scheme to mislead consumers across the country was created, adopted, ratified, and implemented, upon information and belief, at its corporate headquarters in Tempe, Arizona. Accordingly, all actions that give rise to this complaint emanate from Tempe, Arizona, to include LifeLock's pattern and practice of deceptive behavior.

44. A resolution of LifeLock's liability to Plaintiff will resolve the issue for all other putative class members.

## VI. CLASS ACTION ALLEGATIONS

45. Plaintiff brings this action against LifeLock as a class action pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2) and 23(b)(3). This action may properly be maintained as a class action because it satisfies the numerosity, typicality, adequacy, predominance and superiority requirements of Rule 23.

46. "The Class" proposed consists of all individuals who subscribed to LifeLock's services.

47. The requirements of subparts 23(a), (b)(2) and (b)(3) are met as follows:

### A. Numerosity

48. Although the exact size of the class is unknown, Plaintiff believes the class numbers in the hundreds of thousands. According to news reports and other public documents, LifeLock has added new members at rates as high as several thousand a day,

1 and has a total membership of approximately 900,000. Given these numbers, numerosity is  
2 clearly satisfied.

3 **B. Commonality**

4 49. There are numerous questions of law and fact common to the class, including,  
5 but not limited to:

6 a. Whether LifeLock made false or misleading statements or omissions  
7 concerning its ability to place fraud alerts on behalf of members;

8 b. Whether LifeLock made false or misleading statements or omissions  
9 about the right of consumers to have fraud alerts placed on their credit reports and to  
10 perpetually renew those fraud alerts;

11 c. Whether LifeLock made false or misleading statements or omissions  
12 about the value of fraud alerts and their ability to protect consumers from identity theft;

13 d. Whether LifeLock made false or misleading statements or omissions  
14 about the value and scope of its \$1,000,000.00 Service Guarantee;

15 e. Whether LifeLock's statements or omissions violated the Arizona  
16 Consumer Fraud Act;

17 f. Whether LifeLock's activities breached the contract it formed with its  
18 members; and

19 g. Whether Arizona law governs all claims against LifeLock.

20 **C. Typicality**

21 50. Plaintiff's claims are typical of the claims of the class as a whole. Plaintiff  
22 has the same interests in this matter as all other members of the class, and his claims are  
23 typical of all members of the class. Plaintiff and all class members have sustained damages  
24 arising out of LifeLock's common course of conduct as outlined above, and the damages of  
25 each class member were caused by the same misconduct.  
26  
27  
28



1           57. LifeLock's advertising and website made use of deception, false promises,  
2 misrepresentations and material omissions in connection with the sale and advertisement of  
3 its services, in violation of the Arizona Consumer Fraud Act, Ariz. Rev. Stat. § 44-1522(A).

4           58. LifeLock used false, deceptive and misleading statements, and omitted  
5 material facts, concerning the scope of its alleged \$1 million guarantee. LifeLock, through  
6 its advertising, informed and led consumers to believe that the guarantee would cover all  
7 losses resulting from any identity theft experienced by a member of LifeLock, when in  
8 reality the guarantee will not cover any losses experienced by a member. Instead, it will  
9 only provide coverage when the consumer can prove that the theft occurred as a result of  
10 LifeLock's failure to provide the promised service, and consists, at most, of hiring  
11 professionals to attempt to restore losses rather than covering the losses themselves, and  
12 even then only if those expenses are related to a defect in the service itself.

13           59. LifeLock's guarantee purposely used inconsistent and confusing terms within  
14 its Terms and Conditions and Service Guarantee so as to confuse consumers, provide  
15 LifeLock with a basis to deny claims from members who experience identity theft, and  
16 deter members from bringing legitimate claims.

17           60. LifeLock also used false, deceptive and misleading statements, and omitted  
18 material facts, concerning the availability, purpose and scope of fraud alerts; LifeLock's  
19 ability to place such alerts under the FCRA; and the ramifications of such alerts on the  
20 consumer's credit score, creditworthiness, credit report, credit file, and ability to secure  
21 credit. For example, LifeLock omits from its advertising the fact that corporations such as  
22 LifeLock are not authorized to place fraud alerts on behalf of consumers under the FCRA.  
23 LifeLock also fails to disclose in its advertising that consumers are only entitled to place  
24 and renew fraud alerts when they have a good faith belief that they are or are about to be  
25 the victim of fraudulent activity, burying a statement that each member has such a belief in  
26 the Terms and Conditions of the agreement. In addition, LifeLock tells consumers that  
27 fraud alerts will not affect their credit worthiness or ability to secure credit, when in fact  
28 they may.



1 to \$1 million. However, the actual coverage provided under the terms of the policy is  
2 dramatically less than what LifeLock represents in its advertisements.

3 67. Although LifeLock intentionally used inconsistent and misleading terms in its  
4 agreements and stated that it disclaimed all consequential damages and would pay only to  
5 cure a defect in its service, the language of the Service Guarantee as properly construed  
6 under the laws of Arizona requires LifeLock to provide coverage beyond curing a defect in  
7 its service, and constitutes insurance. By promising to pay professionals to restore losses  
8 associated with an identity theft resulting from a failure or defect in its service, LifeLock  
9 assumes the risk of such losses, distributes such losses among all its members, and finances  
10 this scheme out of the fees paid by members.

11 68. In advertising its services and its Service Guarantee, LifeLock made, issued,  
12 circulated and caused to be repeated statements that misrepresented the terms of the policy  
13 of insurance. LifeLock stated in its advertising that its Service Guarantee would cover all  
14 losses and all expenses up to \$1 million any time a member's identity was stolen.  
15 However, in reality, LifeLock will not pay for any losses or damages experienced by a  
16 member who is a victim of identity theft under any circumstances. The only protection  
17 actually provided under the policy is that LifeLock will pay other professionals to attempt  
18 to restore such losses, but even then, only when the consumer can prove that the theft and  
19 the loss resulted from a failure or defect in LifeLock's service, not anytime their identity is  
20 stolen, as LifeLock advertises.

21 69. In addition, LifeLock fails to disclose that its insurance policy is not sold by  
22 licensed agents or regulated by the Department of Insurance as required by law.

23 70. LifeLock's misleading and false statements violate Ariz. Rev. Stat. § 20-  
24 443(1), which forbids making, issuing, circulating, or causing to be made, issued or  
25 circulated any statements "misrepresenting the terms of any policy issued."

26 71. As a result of the aforementioned conduct, LifeLock's members were injured  
27 by LifeLock's false promises and misrepresentations concerning the terms of its insurance,  
28

1 and sustained damages to be more fully proven at trial, including but not limited to all fees  
2 paid to LifeLock for its alleged services.

3 **THIRD CAUSE OF ACTION**  
4 **(Rescission)**

5 72. Plaintiff realleges the preceding paragraphs as if fully set forth herein.

6 73. Through its website, advertising, and the terms and conditions of its  
7 agreement with members, LifeLock offered to protect the identity of its members by,  
8 among other things, placing and renewing 90-day fraud alerts on members' credit reports,  
9 and providing a \$1 million Service Guarantee.

10 74. Plaintiff and class members accepted that offer and provided consideration  
11 through enrollment and payment of the fee.

12 75. LifeLock, therefore, formed contracts with Plaintiff and all class members.

13 76. However, LifeLock could not fulfill its promise under the contract without  
14 violating the FCRA, as it is not authorized to place fraud alerts, and did not adequately  
15 ascertain whether its members have the necessary good faith belief that is required to  
16 qualify for a fraud alert (i.e., that members are or are about to be victims of fraud or identity  
17 theft).

18 77. Because LifeLock's promises required it to violate federal law, the object of  
19 the contract was illegal, and Plaintiff and all class members are entitled to have the contract  
20 rescinded and to have all fees refunded.

21 78. LifeLock's promises also violated public policy, and therefore the contract is  
22 null and void and must be rescinded and all fees paid must be refunded to Plaintiff and  
23 class members.

24 79. In addition, LifeLock made material misrepresentations about the agreement  
25 and its services. LifeLock misrepresented to consumers that (1) it could place fraud alerts  
26 on their behalf, even though it could not under the terms of the FCRA, (2) all consumers  
27 are entitled to place and renew such fraud alerts, without informing consumers that they  
28 must have a good faith belief that they are about to be the victim of fraudulent activity (3)

1 the fraud alerts would protect them from identity theft and that all creditors would be  
2 required to call the consumer before providing credit, even though that is not accurate, (4)  
3 the perpetual renewal of such fraud alerts would have no effect on their creditworthiness,  
4 credit score, or ability to secure credit, even though that is not the case, and (5) LifeLock  
5 would guarantee consumers for up to \$1 million against any losses or any expenses  
6 resulting from an identity theft, when in fact LifeLock will not pay for any losses.

7 80. LifeLock's statements were standardized material misrepresentations about  
8 the nature and terms of the contract, which induced Plaintiff and class members to enter  
9 into the contract and become members of LifeLock.

10 81. Plaintiff and class members are therefore entitled to rescission of the  
11 contracts based on those material misrepresentations.

12 82. Plaintiff and all class members sustained damages as a result of LifeLock's  
13 illegal contract and conduct, including but not limited to, all fees paid to LifeLock.

#### 14 **VIII. PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff on behalf of himself and the class prays for judgment  
16 against Defendant and that, as part of that judgment, the Court:

17 A. Certify this case as a class action pursuant to Federal Rules of Civil  
18 Procedure 23(a) and 23(b)(2) and (b)(3),

19 B. Award Plaintiff and each class member appropriate damages;

20 C. Declare that all contracts are rescinded and order that all monies paid to  
21 Defendant be returned to the class because Defendant procured the contracts in violation of  
22 state and federal law;

23 D. Award pre- and post-judgment interest to Plaintiff and class members;

24 E. Award Plaintiff the costs of bringing this action and reasonable attorneys'  
25 fees;

26 F. Award Plaintiff and class members exemplary damages as are appropriate to  
27 deter and punish such acts;

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G. Order that Defendant be enjoined from collecting insurance premiums in violation of Arizona law and engaging in unfair and/or deceptive acts or practices as set forth in this complaint; and

H. Such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of March, 2008.

HAGENS BERMAN SOBOL SHAPIRO LLP

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06/03/2008

LANCHORS



**Transaction**

Ref No.: 13479967 Contact Type:Complaint Source:Consumer TCS? N

Comments: (Product Name: Identity Theft Protection Service for Children) Although admirable for the company to be proactive in providing a service to protect children from identity theft, examining the information on LifeLock's website leads me to believe the company is in violation of the FTC's Children's Online Privacy Protection Act since it implies collecting children's personal information in order to provide the identity theft service through the children's parents. For example, the company states it protects children past the age of 13 (IAW with the Act) but no higher than the age of 16. Other parts of the website state "15 and younger". Nowhere does it refer to compliance with the Act.

Created By: RBROWN1 Created Date: 04/08/08

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested:

Amt Paid: Payment Method:

Agency Contact: Internet Complaint Date: 04/05/08

Initial Contact: TV/Radio Transaction Date:

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining Company/Org.:

Last name: (b)(6)  
Address: (b)(6)

First: (b)(6)

City: COLORADO SPRINGS State: CO Zip: (b)(6)

Country: UNITED STATES

Work phone: () Ext:

Fax Number: ()

Home Number: (b)(6)  
Email:

Age Range: 40 - 49

06/03/2008

LANCHORS



**Company**

Company: LifeLock, Inc.

Address: 60 East Rio Salado Parkway  
Suite 400

City: Tempe

State: AZ Zip: 85281

Country: UNITED STATES

Email: client.services@lifelock.com

URL:<http://www.lifelock.com/>

Phone: (800) 543-3562 Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS

**Transaction**

Ref No.: 13199349 Contact Type:Complaint Source:Consumer TCS? N

Comments: (Product Name: Credit Theft Protection) On February 6, 2008, Lifelock was featured on Montel Williams TV show. Using "montel" as a promo code, I was offered a 30 day free trial period and was assured my chargecard would not be charged. However, the card was charged \$176 that day. It took three days to remove this charge from my checkcard. I called Lifelock on 7 February to complain about this charge and to cancel my subscription; the subscription was cancelled that same day. On 6 March 2008, my checkcard was again charged \$176. I again contacted Lifelock and was told that though my subscription was cancelled my card was not deactivated.

What this company is doing is fraud, plain and simple, and needs to be stopped.

Created By: JHART Created Date: 03/10/08

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested: .00

Amt Paid: 176.00 Payment Method: Visa Credit Card

Agency Contact: Internet Complaint Date: 03/06/08

Initial Contact: TV/Radio Transaction Date:

Initial Response:

Product/Service: Personal Protection Devices

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining

Company/Org.:

Last name:

(b)(6)

First:

(b)(6)

Address:

City: Clarksville

State: TN Zip:

(b)(6)

Country: UNITED STATES

Work phone: ()

Ext:

Fax Number: ()

Home Number:

(b)(6)

Email:

Age Range: 50 - 59

06/03/2008

LANCHORS



**Company**

Company: Lifelock

Address: 60 E Rio Salado Pkwy

Suite 400

City: Tempe

State: AZ Zip: 85281

Country: UNITED STATES

Email: mike@lifelock.com

URL:www.lifelock.com

Phone: (480) 682-5100 Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS



**Transaction**

Ref No.: 12572607 Contact Type: Request for Information Source: Consumer TCS? N

Comments: Consumer calling to request information about the new company Lifelock. Consumer wants to know if they are a legitimate company.

Created By: JXSMITH Created Date: 01/08/08

Updated By: Updated Date:

Org Name: TOLL FREE NUMBER AND CONSUMER SENTINEL

Amt Requested: .00

Amt Paid: .00 Payment Method: Unknown

Agency Contact: Phone Complaint Date:

Initial Contact: Unknown Transaction Date: 01/08/08

Initial Response: Unknown

Product/Service: Other (Note in Comments)

Statute/Rule:

Law Violation:

**Consumer**

Complaining Company/Org.:

Last name: (b)(6)

First (b)(6)

Address: (b)(6)

City: Loudon State: TN Zip: (b)(6)

Country: UNITED STATES

Work phone (b)(6) Ext:

Fax Number: (b)(6)

Home Number: (b)(6)

Email: (b)(6)

Age Range:

06/03/2008

LANCHORS



**Company**

Company: Lifelock

Address:

City:

State: NR Zip:

Country: LOCATION NOT REPORTED

Email:

URL:

Phone: ()

Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS



**Transaction**

Ref No.: 11954458 Contact Type: Request for Information Source: Consumer TCS? N

Comments: please seize my personal information (credit card number, SSN #, ETC) from LifeLock's database and revoke the power of attorney Lifelock got from me

Created By: GHORTON Created Date: 10/31/07

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested: 10.00

Amt Paid: 30.00 Payment Method: Visa Credit Card

Agency Contact: Internet Complaint Date: 10/30/07

Initial Contact: TV/Radio Transaction Date:

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule:

Law Violation:

**Consumer**

Complaining Company/Org.:

Last name: (b)(6)  
Address:

First: (b)(6)

City: spruce pine

State: NC Zip: (b)(6)

Country: UNITED STATES

Work phone: () Ext:

Fax Number: ()

Home Number: (b)(6)

Email:

Age Range: 40 - 49

06/03/2008

LANCHORS



**Company**

Company: Lifelock

Address: 60 E. Rio Salado Parkway

Suite 900

City: Tempe

State: AZ Zip: 85281

Country: UNITED STATES

Email: [client.services@lifelock.com](mailto:client.services@lifelock.com)

URL:<http://www.lifelock.com/>

Phone: (877) 543-3562 Ext:

**Company Representative**

**Associated Company**



06/03/2008

LANCHORS

**Transaction**

Ref No.: 11914886 Contact Type:Complaint Source:Consumer TCS? Y

Comments: (Product Name: Protection against ID theft) I did not enroll in their program, I believe they are marketing this way to scare people into using their services, so other companies cannot do exactly what they are doing. It's like paying the mob to protect you from the mob.

The following is a copy of one of the 3 emails they sent me:

"Thank you for enrolling with LifeLock. You are the primary contact for the (b)(6) Family. You have elected the following payment option: LifeLock Annual, which includes a recurring payment of \$ 198.00. This amount will be automatically charged to your credit card each month or year, depending on your payment option.

Your Invoice Number is: (b)(6)

To contact us, please do not reply to this email. If you have any questions, please send a separate email to client.services@lifelock.com or give us a call at 1-877-543-3562 and select option 2. We are available 24/7.

Thank you for your business.

Most sincerely,

(b)(6)

Chief Executive Officer, LifeLock, Inc."

Created By: DBRAHLEK Created Date: 10/24/07  
 Updated By: Updated Date:  
 Org Name: PUBLIC USERS - CIS  
 Amt Requested: 19,800.00  
 Amt Paid: .00 Payment Method:  
 Agency Contact: Internet Complaint Date: 10/22/07  
 Initial Contact: Internet/E-mail Transaction Date: 10/22/07

Initial Response:

Product/Service: Internet Information & Adult Services

Statute/Rule: FTC Act Sec 5 (BCP)

06/03/2008

LANCHORS



Law Violation: Deception/Misrepresentation

**Consumer**

Complaining  
Company/Org.:

Last name: (b)(6)  
Address: (b)(6)

First: (b)(6)

City: Hilo

State: HI Zip: (b)(6)

Country: UNITED STATES

Work phone: () Ext:

Fax Number: ()

Home Number: (b)(6)

Email:

Age Range: 50 - 59

**Company**

Company: Lifelock Inc.

Address: 60 E. Rio Salado Parkway  
Suite 900

City: Tempe State: AZ Zip: 85281

Country: UNITED STATES

Email: client.services@lifelock.com URL:www.lifelock.com

Phone: (877) 543-3562 Ext:

**Company Representative**

Rep Name: Davis, Todd

Title:

**Associated Company**

06/03/2008

LANCHORS



**Transaction**

Ref No.: 11843991 Contact Type:Complaint Source:Consumer TCS? N

Comments: (Product Name: Product Advertised) Service is bogus. Please tell correct FTC dept that I want my family personal information back from LifeLock databases and to revoke the power of attorney they have for my family; immediately, if not sooner, please. Thx.

Created By: ASMITLEY Created Date: 10/12/07

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested: 990.00

Amt Paid: 990.00 Payment Method: American Express Credit Card

Agency Contact: Internet Complaint Date: 10/08/07

Initial Contact: Internet Web Site Transaction Date: 09/24/07

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining

Company/Org.:

Last name:

(b)(6)

First:

(b)(6)

Address:

City: Deerfield Beach

State: FL Zip:

(b)(6)

Country: UNITED STATES

Work phone:

(b)(6)

Ext:

Fax Number:

Home Number:

Email:

Age Range: 50 - 59

06/03/2008

LANCHORS



**Company**

Company: Lifelock

Address: 6515 S Rural Rd

Suite 104

City: Tempe, AZ 85283

State: AZ Zip: 85283

Country: UNITED STATES

Email: client.services@lifelock.com

URL: (1-877-543-3562)

Phone: (480) 6825100

Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS



**Transaction**

Ref No.: 11451056 Contact Type:Complaint Source:Consumer TCS? N

Comments: (Product Name: LifeLock) I signed up with LifeLock for their credit protection program, not knowing that Robert Maynard Jr, their founder and 10% beneficial owner was banned by the FTC from doing any business in a credit repair/maintenance business due to former unethical practices.

I would like to ask the FTC to seize my confidential data from LifeLock's database and revoke the power of attorney which I mistakenly granted to them. Thank you.

Created By: ASMITLEY Created Date: 08/30/07

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested:

Amt Paid: Payment Method:

Agency Contact: Internet Complaint Date: 08/28/07

Initial Contact: Internet (Other) Transaction Date:

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining

Company/Org.:

Last name:

(b)(6)

First:

(b)(6)

Address:

City: Valencia

State: CA Zip: (b)(6)

Country: UNITED STATES

Work phone: () Ext:

Fax Number: ()

Home Number:

(b)(6)

Email:

Age Range: 40 - 49

06/03/2008

LANCHORS



**Company**

Company: Lifelock

Address:

City:

State: NR Zip:

Country: LOCATION NOT REPORTED

Email:

URL:www.lifelock.com

Phone: ()

Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS



**Transaction**

Ref No.: 11430194 Contact Type:Complaint Source:Consumer TCS? N

Comments: Consumer is a police officer and called about Lifeline, an ad he saw on television, which is to protect people from identity theft. Consumer did not provide any personal information, such as bank account and SSN. Consumer called the company back because he did not receive the item, but the call went to a different number than he had called previously. Consumer feels this is a scam. UPDATE: 9/10/07 The consumer is calling back with additional information and the company is also called LifeLock. The consumer has another ph# for the company and the company has been in business since 4/07.

Created By: IREEVES Created Date: 08/29/07

Updated By: BEBADTABRIZI Updated Date: 09/10/07

Org Name: TOLL FREE NUMBER AND CONSUMER SENTINEL

Amt Requested: .00

Amt Paid: .00 Payment Method: Unknown

Agency Contact: Phone Complaint Date:

Initial Contact: Unknown Transaction Date: 08/29/07

Initial Response: Unknown

Product/Service: Other (Note in Comments)

Statute/Rule:

Law Violation:

**Consumer**

Complaining

Company/Org.:

Last name:

(b)(6)

First:

(b)(6)

Address:

City: Yonkers

State: NY Zip:

(b)(6)

Country: UNITED STATES

Work phone

(b)(6)

Ext:

Fax Number:

Home Number:

Email:

Age Range:

06/03/2008

LANCHORS



**Company**

Company: Lifeline

Address:

City: State: NR Zip:

Country: LOCATION NOT REPORTED

Email: URL:

Phone: (212) 2450009 Ext:

Company: Lifelock

Address:

City: tempe State: AZ Zip:

Country: UNITED STATES

Email: URL:

Phone: (800) 9394384 Ext:

**Company Representative**

**Associated Company**

Company: Lifelock

Address:

City: tempe State: AZ Zip:

Country: UNITED STATES

Phone: (800) 9394384 Ext:

Reason: Other

06/03/2008

LANCHORS

**Transaction**

Ref No.: 11115044 Contact Type:Complaint Source:Consumer TCS? N

Comments: (Product Name: Personal LifeLock)  
 I signed up for their service and then started reading about how they are run by crooks. I called them back and they agreed to refund my money and remove my information from their database. I am worried, however, that they will not remove my information. Would you please seize my personal information from LifeLock and revoke the power of attorney that was part of the agreement?

I apologize for wasting your time by making this stupid move without doing my research. Any help would be greatly appreciated.

Best Regards

(b)(6)

Created By: RLOPER Created Date: 07/27/07  
 Updated By: Updated Date:  
 Org Name: PUBLIC USERS - CIS  
 Amt Requested: 245.00  
 Amt Paid: .00 Payment Method: Visa Credit Card  
 Agency Contact: Internet Complaint Date: 07/26/07  
 Initial Contact: Internet Web Site Transaction Date: 07/26/07

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

06/03/2008

LANCHORS



Law Violation: Deception/Misrepresentation

**Consumer**

Complaining  
Company/Org.:

Last name: (b)(6)  
Address:

First: (b)(6)

City: San Rafael

State: CA Zip: (b)(6)

Country: UNITED STATES

Work phone: (b)(6) Ext:

Fax Number:

Home Number:

Email:

Age Range: 30 - 39

**Company**

Company: Lifelock

Address: LifeLock

6515 S Rural Rd

City: Tempe

State: AZ Zip: 85283

Country: UNITED STATES

Email: client.services@lifelock.com

URL:www.lifelock.com

Phone: (888) 5433562 Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS



**Transaction**

Ref No.: 11030041 Contact Type:Complaint Source:Consumer TCS? N

Comments: (Product Name: They put freezes on personal credit) Please seize my personal information from LifeLock's database and revoke the power of attorney

Created By: MPHILLIPS Created Date: 07/13/07

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested: 15.00

Amt Paid: Payment Method:

Agency Contact: Internet Complaint Date: 07/12/07

Initial Contact: TV/Radio Transaction Date:

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining Company/Org.:

Last name: (b)(6) First: (b)(6)

Address: (b)(6) (b)(6)

City: Duluth State: CA Zip: (b)(6)

Country: UNITED STATES

Work phone () Ext:

Fax Number: ()

Home Number: (b)(6)

Email:

Age Range: 40 - 49

06/03/2008

LANCHORS



**Company**

Company: Lifelock

Address: 4244F Pleasant Lake Village Lane

City: Duluth

State: CA Zip: 30096

Country: UNITED STATES

Email: chris\_martins@email.com

URL:<http://www.lifelock.com/default.asp>  
x

Phone: (1877) lifelock Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS

**Transaction**

Ref No.: 10922930 Contact Type:Complaint Source:Consumer TCS? N

Comments: Consumer has heard about a company called LifeLock that says companies are responsible for training their employees on FACTA, and they will be subject to a fine if they do not. The company advertised on the radio that for \$12 per employee they will come in and train the employees. Consulted public reference desk.

Created By: RCONDON Created Date: 06/26/07

Updated By: Updated Date:

Org Name: TOLL FREE NUMBER AND CONSUMER SENTINEL

Amt Requested: 12.00

Amt Paid: .00 Payment Method: Unknown

Agency Contact: Phone Complaint Date:

Initial Contact: TV/Radio Transaction Date: 04/30/07

Initial Response:Unknown

Product/Service: Insurance (Other than Medical)

Statute/Rule:

Law Violation:

**Consumer**

Complaining

Company/Org.:

Last name: (b)(6)

First: (b)(6)

Address:

City: State: SC Zip:

Country: UNITED STATES

Work phone: (b)(6) Ext:

Fax Number: ()

Home Number: ()

Email:

Age Range:

06/03/2008

LANCHORS



**Company**

Company: Lifelock

Address:

City:

State: NR Zip:

Country: LOCATION NOT REPORTED

Email:

URL:

Phone: (877) LIFELOCK Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS

**Transaction**

Ref No.: 10796707 Contact Type: Request for Information Source: Consumer TCS? N

## Comments:

(Product Name: Identity Theft Protection) I signed myself, my wife (b)(6), my son (b)(6) and my daughter (b)(6) for LifeLock's family plan. I find out today via an article in the Phoenix New Times that one of the co-founders, Robert Maynard Jr., has a permanent injunction issued by the federal government that bans Maynard from "advertising, promoting, offering for sale, selling, performing, or distributing any product or service relating to credit improvement services. He has defrauded numerous customers in the his past business dealings. I am extremely concerned because this man know has my personal information, my wife's and my two young children's information. I ask that you please seize my personal information from LifeLock's database and revoke the limited power of attorney from Robert Maynard.

Created By: WFRIDAY Created Date: 06/06/07

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested: 162.00

Amt Paid: 162.00 Payment Method: Visa Credit Card

Agency Contact: Internet Complaint Date: 06/04/07

Initial Contact: In Person Transaction Date:

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule:

06/03/2008

LANCHORS



Law Violation:

**Consumer**

Complaining Company/Org.: (b)(6)  
 Last name: (b)(6)  
 Address: (b)(6)  
 City: Chandler  
 Country: UNITED STATES  
 Work phone: (b)(6) Ext:  
 Fax Number: (b)(6)  
 Home Number: (b)(6)  
 Email: (b)(6)  
 Age Range: 30 - 39

First: (b)(6)  
 State: AZ Zip: (b)(6)

**Company**

Company: Lifelock  
 Address: 6515 S Rural Rd  
 Suite 104  
 City: Tempe State: AZ Zip: 85283  
 Country: UNITED STATES  
 Email: www.lifelock.com URL:  
 Phone: (877) 5433562 Ext:

**Company Representative**

Rep Name: Davis, Todd Title:

**Associated Company**

06/03/2008

LANCHORS

**Transaction**

Ref No.: 10748305 Contact Type:Complaint Source:Consumer TCS? Y

Comments: (Product Name: Lifelock identity theft service) This company ( Lifelock), sets up a service that requires creditors, underwriters, equifax etc. to call members via cellphone to alert of a credit check, new bank account application etc. to it's members.

If the member does not feel the call reflects any bank or loan activity they are involved in the creditor or bank does not honor the transaction.

This service is designed to protect people from identity theft.

This service only facilitates a stronger means of identity theft.

My complaint recognizes this service will only snowball identity theft because of it's very nature. This service can create an even more dangerous identity theft problem with even deeper complications.

#1

The company has no more advanced check of it's new members than any other credit service.

#2

The company taunts thieves to try to beat it's system in it's advertising.

#3

The company has a database and it is no more secure from hackers than any other bank database.

#4

Any good identity thief will recognize this service as the holy grail.

When a thief has a good ID on a US Citizen he will happily use this Lifelock service to sign up the victim..make a quick transaction . Cell phones for a crooks are throw-away devices. The loopholes are numerous.

#5

The victim, whom is now a member without consent...will not receive any cell-phone calls and is now basically a big Zero..... the thief has discarded the cell phone and any interest pursuing further transactions.

My most important complaint...who gave this company the right to manipulate our credit fate with it's service?  
If you don't sign up before the crooks sign you up?

Created By: ASMITLEY

Created Date: 05/29/07

Updated By:

Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested:

06/03/2008

LANCHORS



Amt Paid: Payment Method:  
 Agency Contact: Internet Complaint Date: 05/25/07  
 Initial Contact: TV/Radio Transaction Date:

Initial Response:

Product/Service: Internet Information & Adult Services

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining  
Company/Org.:

Last name: (b)(6)

First: (b)(6)

Address: (b)(6)

City: Centennial

State: CO Zip: (b)(6)

Country: UNITED STATES

Work phone: () Ext:

Fax Number: ()

Home Number: (b)(6)

Email:

Age Range: 50 - 59

**Company**

Company: lifelock.com

Address:

City: State: NR Zip:

Country: LOCATION NOT REPORTED

Email: URL:lifelock.com

Phone: () Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS

**Transaction**

Ref No.: 10204590 Contact Type:Complaint Source:Consumer TCS? N

Comments: (Product Name: ID theft protection plan) This company is running a lot of false advertising saying...

"We give you a \$1,000,000 guarantee that your identity will never be lost or stolen."

As you look at the details of their website, that is not true at all. All they guarantee is that if it is, they'll pay up to \$1,000,000 for all the expenses you incur fixing your identity.

That's a big difference and it's false and misleading advertising.

Created By: JXHEINY Created Date: 03/12/07

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested:

Amt Paid: Payment Method:

Agency Contact: Internet Complaint Date: 03/09/07

Initial Contact: TV/Radio Transaction Date:

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

06/03/2008

LANCHORS



Law Violation: Deception/Misrepresentation

**Consumer**

Complaining  
Company/Org.:

Last name: (b)(6)  
Address: (b)(6)

First: (b)(6)

City: Plano

State: TX Zip: (b)(6)

Country: UNITED STATES

Work phone: (b)(6) Ext:

Fax Number:

Home Number: (b)(6)

Email: (b)(6)

Age Range: 50 - 59

**Company**

Company: Lifelock

Address:

City: State: NR Zip:

Country: LOCATION NOT REPORTED

Email: URL:www.lifelock.com

Phone: () Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS



**Transaction**

Ref No.: 10204584 Contact Type:Complaint Source:Consumer TCS? N

Comments: (Product Name: Lifelock) This company is running totally false and misleading advertising claiming to give a \$1 million dollar gaurantee if you are hit with identity theft and also claiming that they can totally stop identity theft from occuring, which is a lie. They do nothing about medical records, social security fraud, etc. What the fine print says is they will reimburse you up to 1 million dollars for expenses, which is outrageous because no one will occur those kind of expenses. These ads clearly violate the Truth in Advertising laws. Thank you.

Created By: JXHEINY Created Date: 03/12/07

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested: 100.00

Amt Paid: .00 Payment Method: Unknown

Agency Contact: Internet Complaint Date: 03/09/07

Initial Contact: TV/Radio Transaction Date:

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining Company/Org.:

Last name: (b)(6)  
Address: (b)(6)

First: (b)(6)

City: Mt Juliet

State: TN Zip: (b)(6)

Country: UNITED STATES

Work phone: (b)(6) Ext:

Fax Number:

Home Number: (b)(6)

Email:

Age Range: 40 - 49

06/03/2008

LANCHORS



**Company**

Company: Lifelock

Address: 6515 S Rural Road

Suite 104

City: Tempe

State: AZ Zip: 37122

Country: UNITED STATES

Email: [client.services@lifelock.com](mailto:client.services@lifelock.com)

URL:[www.lifelock.com](http://www.lifelock.com)

Phone: (877) 5433562 Ext:

**Company Representative**

**Associated Company**



06/03/2008

LANCHORS

**Transaction**

Ref No.: 9877575 Contact Type:Complaint Source:Consumer TCS? N

Comments: Consumer saw an ad in the LA Daily News for a company called LifeLock. The company is offering ID Theft protection, and guarantees it for \$1M. Consumer believes the information is false advertising.

Created By: FBLUNT Created Date: 01/24/07

Updated By: Updated Date:

Org Name: TOLL FREE NUMBER AND CONSUMER SENTINEL

Amt Requested: .00

Amt Paid: .00 Payment Method: Unknown

Agency Contact: Phone Complaint Date:

Initial Contact: Print Transaction Date: 01/23/07

Initial Response:Unknown

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

Law Violation: Deception/Misrepresentation

**Consumer**

Complaining

Company/Org.:

Last name:

(b)(6)

First:

(b)(6)

Address:

City: North Hollywood

State: CA Zip:

(b)(6)

Country: UNITED STATES

Work phone: ()

Ext:

Fax Number: ()

Home Number:

(b)(6)

Email:

Age Range: 50 - 59

06/03/2008

LANCHORS



**Company**

Company: Lifelock

Address:

City:

State: NR Zip:

Country: LOCATION NOT REPORTED

Email:

URL:lifelock.com

Phone: (877) LIFELOCK Ext:

**Company Representative**

**Associated Company**

06/03/2008

LANCHORS

**Transaction**

Ref No.: 8515916 Contact Type:Complaint Source:Consumer TCS? N

Comments: (Product Name: Identity Theft Protection Services) We signed up for identity theft services through lifelock because of the claims they made on their site. They promised to place fraud alerts on our credit files (they did that on the three major credit bureaus). However, their other claims have proven false.

They promised to have solitation mail stopped, but it hasn't. They promised to place a fraud alert and get us a copy of our files from Chex Systems. However, we were then told that Chex Systems has refused to work with them.

Their website says they have a 24 hour crisis hotline. They did not list a phone number for that (we needed it) and when we inquired they said they didn't in fact have a crisis hotline.

We are having serious identity theft problems and called Lifelock on June 23rd 2006 to get help. We were told a case worker would call us back immediately but no one has called.

Lifelock still has the Chex Systems and crisis hotline listed as benefits on their website, which is false advertising. The reason we chose to go with Lifelock was because of the Chex Systems benefit. We feel scammed. We have requested a refund twice and have gotten no response.

Created By: SWOODSON Created Date: 06/29/06

Updated By: Updated Date:

Org Name: PUBLIC USERS - CIS

Amt Requested: 220.00

Amt Paid: 220.00 Payment Method: Visa Credit Card

Agency Contact: Internet Complaint Date: 06/27/06

Initial Contact: Internet Web Site Transaction Date:

Initial Response:

Product/Service: Other (Note in Comments)

Statute/Rule: FTC Act Sec 5 (BCP)

06/03/2008

LANCHORS



Law Violation: Deception/Misrepresentation

**Consumer**

Complaining  
Company/Org.:

Last name: (b)(6)  
Address: (b)(6)

First: (b)(6)

City: Vancouver

State: WA Zip: (b)(6)

Country: UNITED STATES

Work phone: (b)(6) Ext:

Fax Number:

Home Number: (b)(6)

Email: (b)(6)

Age Range: 40 - 49

**Company**

Company: Lifelock

Address: 7404 W Detroit Street  
Suite 100

City: Chandler State: AZ Zip: 85226

Country: UNITED STATES

Email: URL:www.lifelock.com

Phone: (480) 6825100 Ext:

**Company Representative**

**Associated Company**

**Kappler, Burke**

---

**From:** Crawford, Molly  
**Sent:** Wednesday, April 11, 2007 1:10 PM  
**To:** 'Azcuena, Mary L.'; Kappler, Burke  
**Cc:** 'Fedele, John'  
**Subject:** RE: Call today

Mary,

A 2:30 call to my office will be fine; Burke and I will expect to hear from you then.

Best,  
Molly

Molly Crawford, Attorney  
Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission  
601 New Jersey Avenue NW  
Washington, DC 20580  
(202) 326-3076 (phone)  
(202) 326-3768 (fax)

-----Original Message-----

From: Azcuena, Mary L. [mailto:Mary.Azcuena@hellerehrman.com]  
Sent: Wednesday, April 11, 2007 1:06 PM  
To: Crawford, Molly; Kappler, Burke  
Cc: Fedele, John  
Subject: Call today

Dear Molly and Burke,

I am sorry I could not get back to you this morning. I arrived at the office late and had a long call on another matter. Your call is timely because yesterday, I had signed off on (b)(3)-21(f) which was put in final and sent to you today. You should receive a hard copy of those materials soon, if you have not already received it.

Would it be convenient for us to call you at your number, Molly, at 2:30 p.m. today?

Thanks very much.

Mary

Mary L. Azcuena | Attorney | HellerEhrmanLLP | 1717 Rhode Island Avenue, NW | Washington, DC 20036  
tel: +1.202.912.2525 | fax: +1.202.912.2020 | email: mary.azcuena@hellerehrman.com | web: www.hellerehrman.com  
<http://www.hellerehrman.com>

=====

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=====

**Kappler, Burke**

**From:** Azcuenaga, Mary L. [Mary.Azcuenaga@hellerehrman.com]  
**Sent:** Monday, June 04, 2007 11:38 AM  
**To:** Crawford, Molly; Kappler, Burke  
**Cc:** Fedele, John  
**Subject:** RE: Response from LifeLock, Inc.

Molly,

Thank you for confirming that you have received the documents. I apologize but we inadvertently failed to include (b) Those will be hand delivered to you shortly.

Best regards,

Mary

-----Original Message-----

**From:** Crawford, Molly [mailto:MCRAWFORD@ftc.gov]  
**Sent:** Monday, June 04, 2007 10:44 AM  
**To:** Azcuenaga, Mary L.; Kappler, Burke  
**Cc:** Fedele, John  
**Subject:** RE: Response from LifeLock, Inc.

Mary,

Thank you for your submission -- we have received the documents. We will review the materials and be in touch; should you need anything in the interim, feel free to contact myself or Burke.

Best,

Molly

Molly Crawford, Attorney  
Division of Privacy and Identity Protection Bureau of Consumer Protection Federal Trade Commission 601 New Jersey Avenue NW Washington, DC 20580  
(202) 326-3076 (phone)  
(202) 326-3768 (fax)

-----Original Message-----

**From:** Azcuenaga, Mary L. [mailto:Mary.Azcuenaga@hellerehrman.com]  
**Sent:** Friday, June 01, 2007 6:46 PM  
**To:** Crawford, Molly; Kappler, Burke  
**Cc:** Fedele, John  
**Subject:** Response from LifeLock, Inc.

Please see the attached. The enclosures have been hand delivered by messenger and accepted by Joan Heim in the Bureau of Competition. Joan's number is 326-2014.

(b)(3):21(f)

Mary L. Azcuenaga | Attorney | HellerEhrmanLLP | 1717 Rhode Island Avenue, NW | Washington, DC 20036  
tel: +1.202.912.2525 | fax: +1.202.912.2020 | email: mary.azcuenaga@hellerehrman.com | web: www.hellerehrman.com  
<http://www.hellerehrman.com>

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*Like love: Lan/Susan*

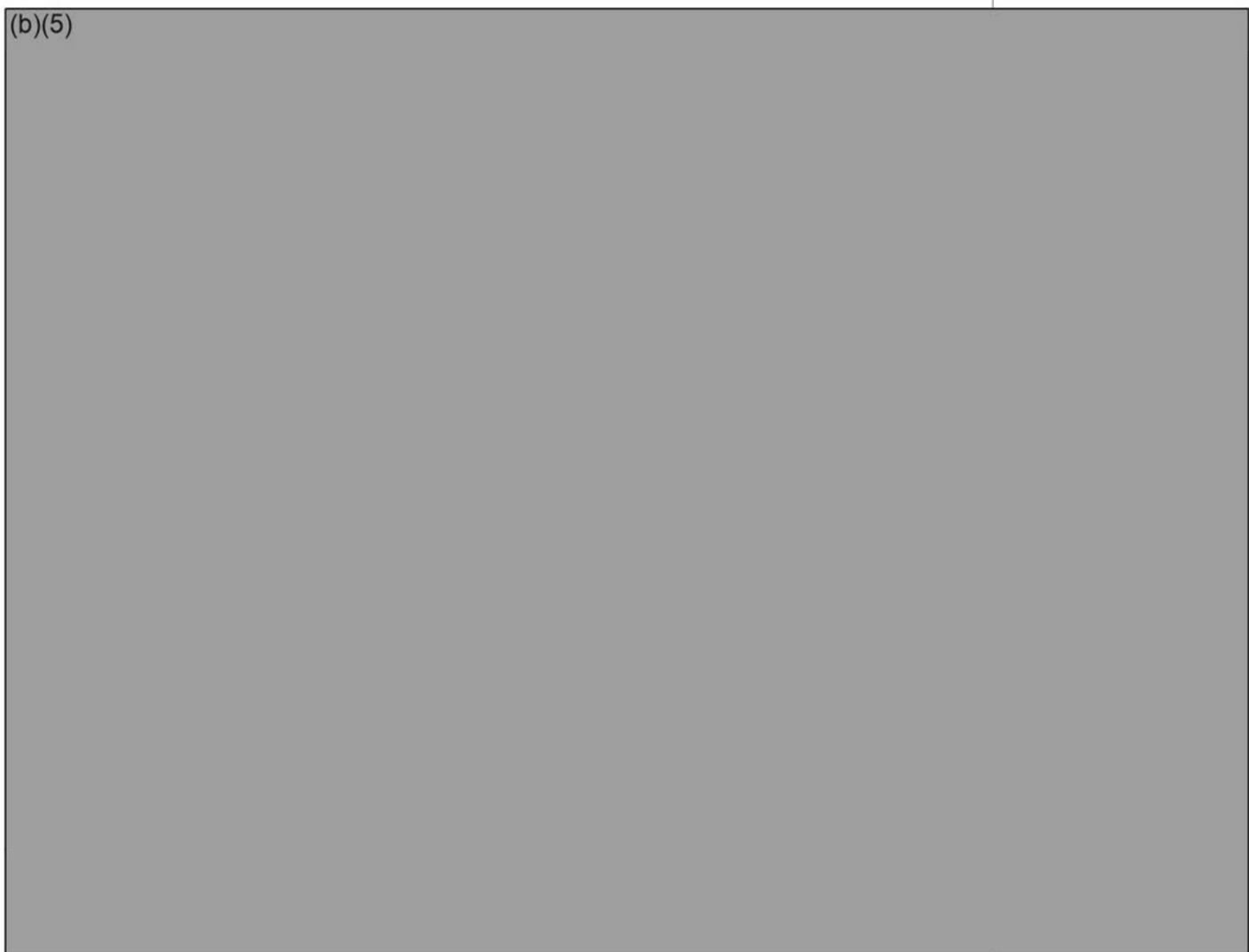
**Kapler, Burke**

---

**From:** Stack, Laura  
**Sent:** Wednesday, October 10, 2007 4:42 PM  
**To:** Kapler, Burke; Lincicum, David  
**Subject:** Draft memo (b)(5)

Hi there -

(b)(5)



Laura B. Stack  
Attorney  
Federal Trade Commission  
Bureau of Consumer Protection  
Division of Privacy and Identity Protection  
601 New Jersey Ave., NW  
Washington, D.C. 20580  
Direct: 202-326-2209  
Fax: 202-326-3629



**Kappler, Burke**

---

**From:** Stack, Laura  
**Sent:** Wednesday, October 10, 2007 5:20 PM  
**To:** Kappler, Burke  
**Subject:** LL survey - law review article I mentioned

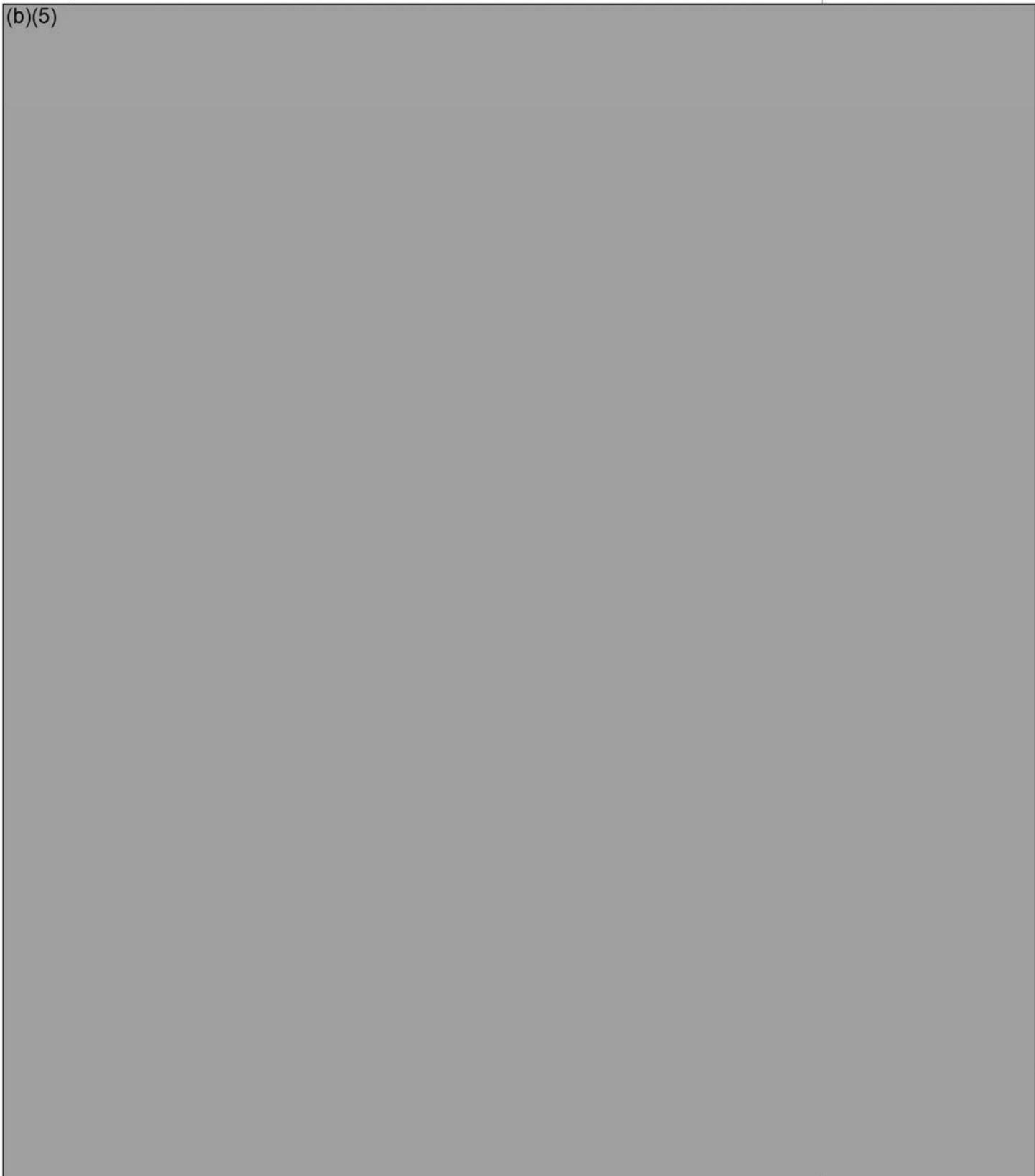
Here is the relevant part of the law review article I mentioned - citation below.

(b)(5)

(b)(5)

(b)(5)

(b)(5)



Laura B. Stack  
Attorney  
Federal Trade Commission

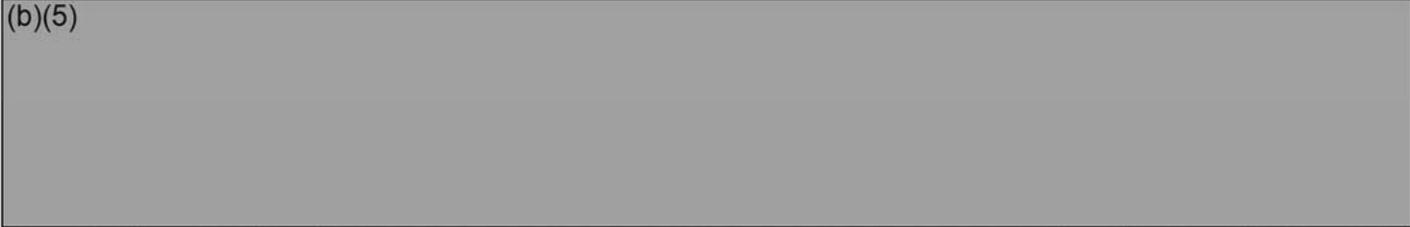
Bureau of Consumer Protection  
Division of Privacy and Identity Protection  
601 New Jersey Ave., NW  
Washington, D.C. 20580  
Direct: 202-326-2209  
Fax: 202-326-3629

**Kappler, Burke**

---

**From:** Broder, Betsy  
**Sent:** Wednesday, February 14, 2007 10:45 AM  
**To:** Kappler, Burke  
**Subject:** A new case

(b)(5)



Betsy

## Kappler, Burke

---

**From:** Crawford, Molly  
**Sent:** Monday, February 26, 2007 11:15 AM  
**To:** Kappler, Burke; Broder, Betsy; Claffie, Kathleen  
**Subject:** RE: Prepaid Legal Services/ Identity Theft Business Solutions



draftaccessletter.2.  
22.07.wpd ...

And in a similar vein, attached please find a rough draft of the LifeLock access letter; as with Burke's document, this is a very rough draft that lays out basic concepts.

Molly  
-----Original Message-----  
**From:** Kappler, Burke  
**Sent:** Monday, February 26, 2007 10:32 AM  
**To:** Broder, Betsy; Crawford, Molly; Claffie, Kathleen  
**Subject:** FW: Prepaid Legal Services/ Identity Theft Business Solutions

Betsy, Molly, and Kate --

(b)(5)



Burke

-----Original Message-----  
**From:** Hogue, Cynthia A.  
**Sent:** Monday, February 26, 2007 6:50 AM  
**To:** Kappler, Burke  
**Cc:** Winston, Joel; Greisman, Lois C.; Harrington, Eileen  
**Subject:** Prepaid Legal Services/ Identity Theft Business Solutions

(b)(5)



Cynthia A. Hogue  
Chief Investigator & Counsel to the Inspector General

Office of Inspector General  
Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Washington, D.C. 20580  
Tel. (202) 326-2618  
Fax (202) 326-2034

**Kappler, Burke**

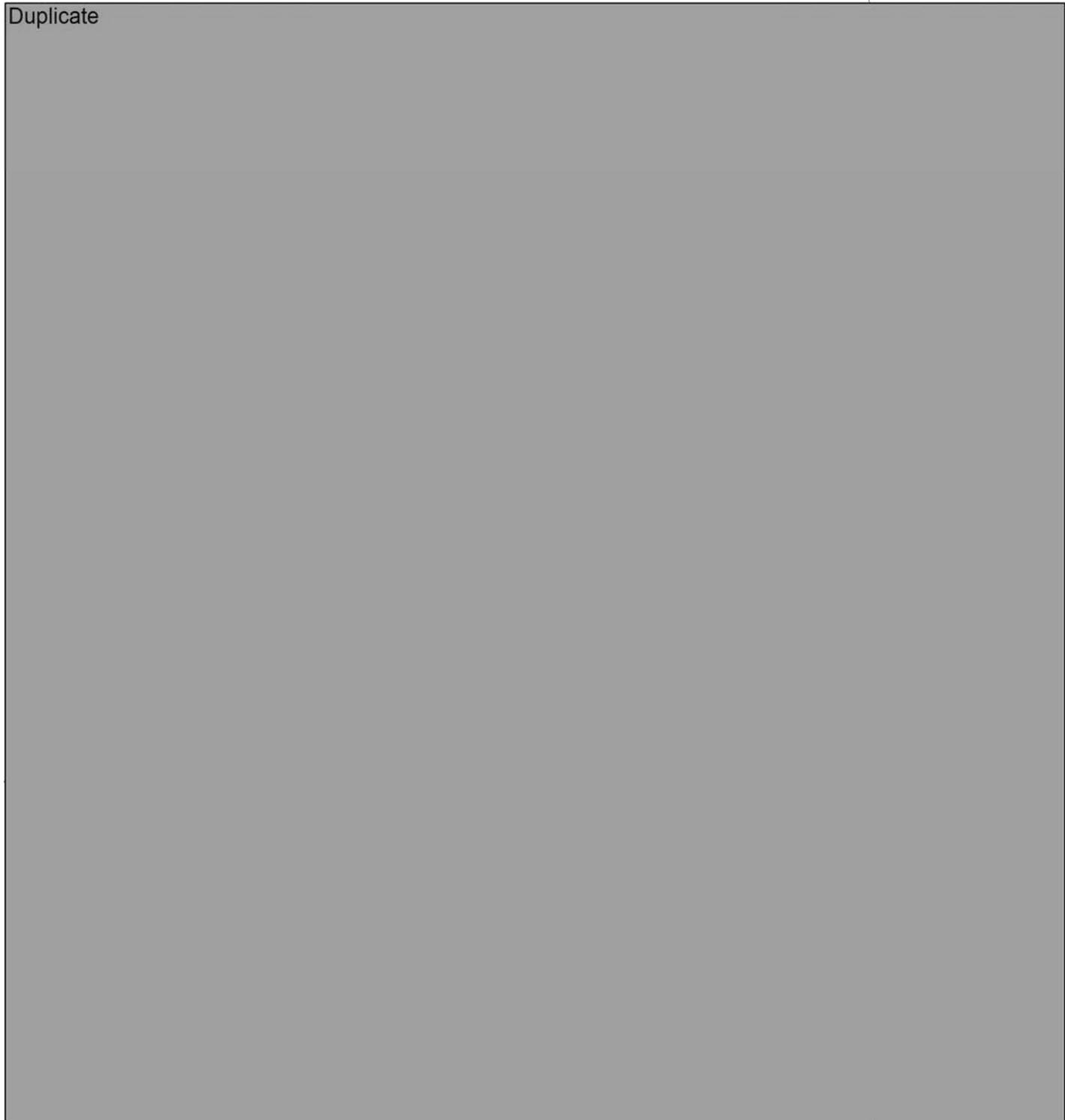
---

**From:** Broder, Betsy  
**Sent:** Monday, February 26, 2007 12:27 PM  
**To:** Crawford, Molly; Kappler, Burke; Claffie, Kathleen  
**Subject:** RE: Prepaid Legal Services/ Identity Theft Business Solutions

Thanks to both of you. It may be a day or so before I can read through these CIDs, but I appreciate your quick efforts.

bb

Duplicate



Duplicate



**Kappler, Burke**

---

**From:** Crawford, Molly  
**Sent:** Monday, February 26, 2007 5:25 PM  
**To:** Broder, Betsy  
**Cc:** Claffie, Kathleen; Kappler, Burke  
**Subject:** FW: (b)(5)

All,

(b)(5)

Betsy, we're happy to wait to see what we can hear, or if you'd prefer something more proactive, just let us know. Thanks!

Molly

-----Original Message-----

**From:** France, Lauren  
**Sent:** Monday, February 26, 2007 4:46 PM  
**To:** Crawford, Molly  
**Subject:** (b)(5)

(b)(5)

Thanks in advance.

Best regards -- Lauren France

**Kappler, Burke**

---

**From:** Kappler, Burke  
**Sent:** Friday, March 09, 2007 12:07 PM  
**To:** Broder, Betsy  
**Cc:** Crawford, Molly  
**Subject:** Can you meet on Monday

Betsy --

If you are free on Monday, Molly and I wanted to stop by your office and catch up on the Pre-paid Legal and Lifelock matters. There are a couple of issues we wanted to discuss with you:

(b)(5)



I have a call at 1 that will likely go for an hour or less, but am otherwise free. Do you have some time for us to come by?

Burke

Burke Kappler  
Attorney  
Federal Trade Commission  
Bureau of Consumer Protection  
Division of Privacy and Identity Protection  
601 New Jersey Ave., NW  
Washington, D.C. 20580  
Direct: 202-326-2043  
Fax: 202-326-3768

**Kappler, Burke**

---

**From:** Claffie, Kathleen  
**Sent:** Friday, April 20, 2007 9:17 AM  
**To:** Kappler, Burke  
**Subject:** RE: Calls from PPLS or Lifelock

Thanks :)

-----Original Message-----

**From:** Kappler, Burke  
**Sent:** Friday, April 20, 2007 9:10 AM  
**To:** Broder, Betsy  
**Cc:** Claffie, Kathleen; Crawford, Molly; Lincicum, David  
**Subject:** RE: Calls from PPLS or Lifelock

I'll send around the message here, and pass it to Joel to go to the regions. All the credit goes to Kate -- it was entirely her idea.

-----Original Message-----

**From:** Broder, Betsy  
**Sent:** Thursday, April 19, 2007 5:05 PM  
**To:** Kappler, Burke  
**Cc:** Claffie, Kathleen; Crawford, Molly; Lincicum, David  
**Subject:** RE: Calls from PPLS or Lifelock

I think that this is a good idea. (b)(5) I think we also should send this out to the regions. The best way is via Joel to the regional directors. Nicely done.

Betsy

-----Original Message-----

**From:** Kappler, Burke  
**Sent:** Thursday, April 19, 2007 2:48 PM  
**To:** Broder, Betsy  
**Cc:** Claffie, Kathleen; Crawford, Molly; Lincicum, David  
**Subject:** Calls from PPLS or Lifelock

Betsy --

(b)(5)

(b)(5)



Burke

Burke Kappler  
Attorney  
Federal Trade Commission  
Bureau of Consumer Protection  
Division of Privacy and Identity Protection  
601 New Jersey Ave., NW  
Washington, D.C. 20580  
Direct: 202-326-2043  
Fax: 202-326-3768

**Kappler, Burke**

---

**From:** Broder, Betsy  
**Sent:** Friday, April 20, 2007 9:59 AM  
**To:** Claffie, Kathleen; Kappler, Burke  
**Cc:** Crawford, Molly; Lincicum, David  
**Subject:** RE: Calls from PPLS or Lifelock

What a team!

-----Original Message-----

**From:** Claffie, Kathleen  
**Sent:** Friday, April 20, 2007 9:44 AM  
**To:** Broder, Betsy; Kappler, Burke  
**Cc:** Crawford, Molly; Lincicum, David  
**Subject:** RE: Calls from PPLS or Lifelock

It's all a group effort.

-----Original Message-----

**From:** Broder, Betsy  
**Sent:** Friday, April 20, 2007 9:43 AM  
**To:** Kappler, Burke  
**Cc:** Claffie, Kathleen; Crawford, Molly; Lincicum, David  
**Subject:** Re: Calls from PPLS or Lifelock

Thanks to Kate for the idea!

-----Original Message-----

**From:** Kappler, Burke  
**To:** Broder, Betsy  
**CC:** Claffie, Kathleen; Crawford, Molly; Lincicum, David  
**Sent:** Fri Apr 20 09:09:49 2007  
**Subject:** RE: Calls from PPLS or Lifelock

Duplicate



Duplicate



**Kappler, Burke**

---

**From:** Lincicum, David  
**Sent:** Monday, May 07, 2007 10:08 AM  
**To:** Kappler, Burke; Crawford, Molly  
**Subject:** (b)(5)

Molly and Burke,

Attached is a draft of (b)(5) Thoughts?

David

P.S. I will be on leave on Tuesday and Wednesday this week. (Moving day(s)!)  
(b)(5)

David Lincicum  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580  
(202) 326-2773

**Kappler, Burke**

---

**From:** Crawford, Molly  
**Sent:** Tuesday, February 20, 2007 5:34 PM  
**To:** Winston, Joel  
**Cc:** Kappler, Burke  
**Subject:** RE: Ad practices question

Perfect - thanks so much!

-----Original Message-----

**From:** Winston, Joel  
**Sent:** Tuesday, February 20, 2007 5:33 PM  
**To:** Crawford, Molly  
**Cc:** Kappler, Burke  
**Subject:** RE: Ad practices question

I'd suggest emailing Heather Hipsley and Rich Cleland and ask for a sample letter for (b)(5)

Joel Winston  
Associate Director  
Division of Privacy and Identity Protection  
Federal Trade Commission  
600 Pennsylvania Ave. NW, NJ-3119  
Washington, DC 20580  
202 326 3153  
jwinston@ftc.gov

-----Original Message-----

**From:** Crawford, Molly  
**Sent:** Tuesday, February 20, 2007 5:26 PM  
**To:** Winston, Joel  
**Cc:** Kappler, Burke  
**Subject:** Ad practices question

Joel,

(b)(5)

Thanks in advance for any guidance that you can provide.

Molly

Molly Crawford, Attorney  
Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission  
601 New Jersey Avenue NW  
Washington, DC 20580  
(202) 326-3076 (phone)

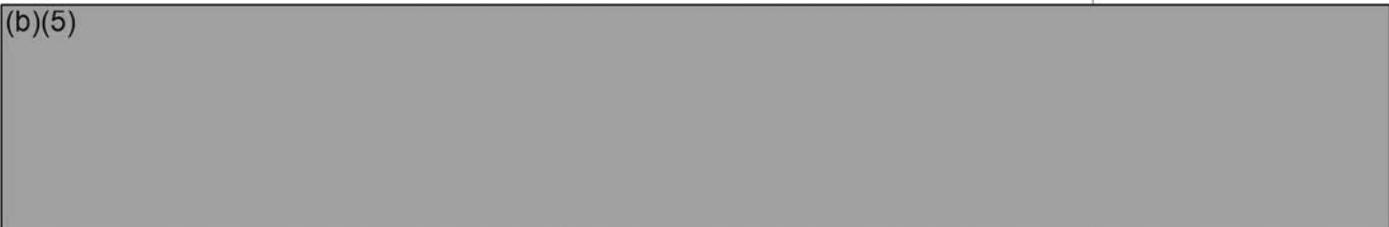
**Kappler, Burke**

---

**From:** Crawford, Molly  
**Sent:** Tuesday, February 20, 2007 5:36 PM  
**To:** Hipsley, Heather; Cleland, Richard L.  
**Cc:** Kappler, Burke  
**Subject:** Question

All,

(b)(5)



Molly

Molly Crawford, Attorney  
Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission  
601 New Jersey Avenue NW  
Washington, DC 20580  
(202) 326-3076 (phone)  
(202) 326-3768 (fax)

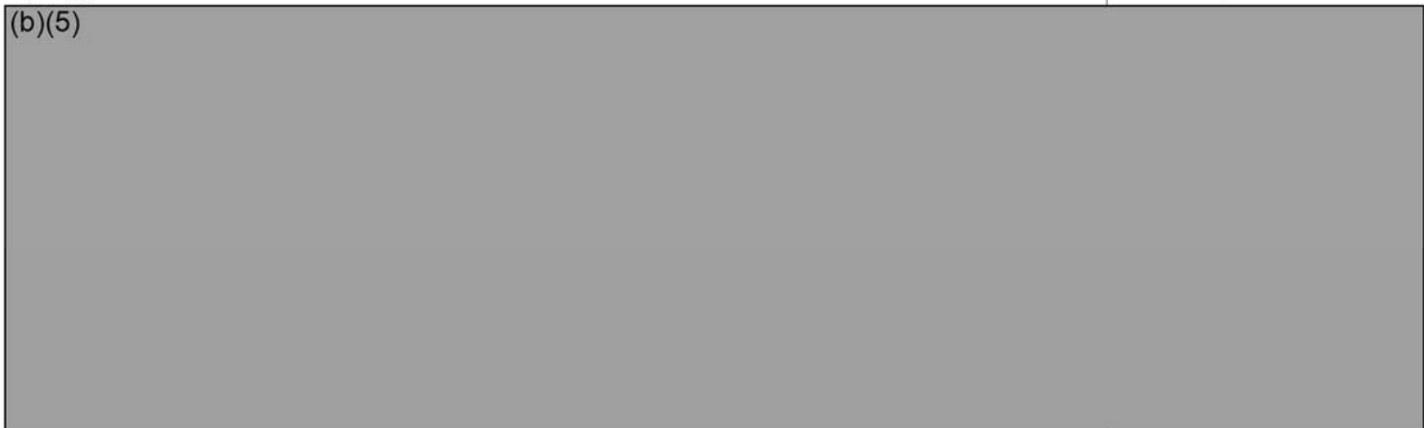
**Kappler, Burke**

---

**From:** Crawford, Molly  
**Sent:** Tuesday, March 13, 2007 11:00 AM  
**To:** Broder, Betsy  
**Cc:** Kappler, Burke  
**Subject:** LifeLock update

Betsy,

(b)(5)



**Kappler, Burke**

---

**From:** Crawford, Molly  
**Sent:** Monday, March 12, 2007 10:15 AM  
**To:** Kappler, Burke  
**Subject:** RE: Javelin Contact

Let's hold off until we hear from Mary -- she said she'd get back to us today, so I don't think it should be a problem to wait until tomorrow.

-----Original Message-----

**From:** Kappler, Burke  
**Sent:** Monday, March 12, 2007 10:08 AM  
**To:** Crawford, Molly  
**Subject:** FW: Javelin Contact

(b)(5)

Burke

-----Original Message-----

**From:** Paul Rutledge [mailto:prutledge@javelinstrategy.com]  
**Sent:** Friday, March 09, 2007 11:17 AM  
**To:** Kappler, Burke  
**Subject:** Javelin Contact

Burk,

Here is my contact information. Please reply with a brief description of the issue, your request for information and analyst access and I will get the ball rolling on this end.

Happy to help,

Paul

Paul K. Rutledge

prutledge@javelinstrategy.com <mailto:prutledge@javelinstrategy.com>

Direct: 760-931-1609

Mobile: 760-688-6787

Fax: 925-225-9101

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**Kappler, Burke**

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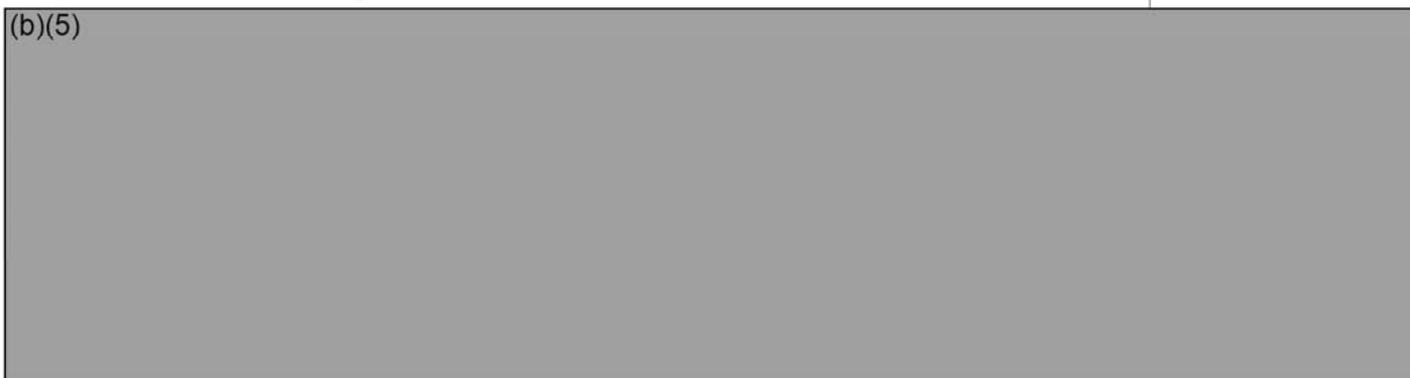
**From:** Crawford, Molly  
**Sent:** Thursday, March 15, 2007 10:14 AM  
**To:** Broder, Betsy  
**Cc:** Kappler, Burke  
**Subject:** RE: LifeLock update

Thanks Betsy -- we'll definitely touch base before then.

-----Original Message-----

**From:** Broder, Betsy  
**Sent:** Thursday, March 15, 2007 9:26 AM  
**To:** Crawford, Molly  
**Cc:** Kappler, Burke  
**Subject:** RE: LifeLock update

(b)(5)



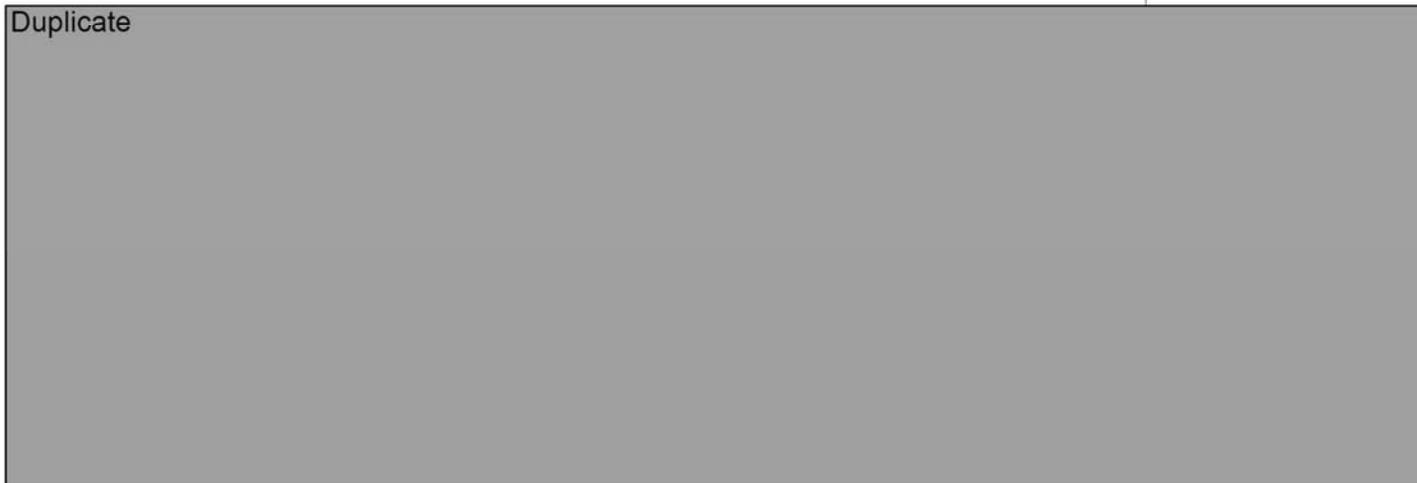
Thanks

bb

-----Original Message-----

**From:** Crawford, Molly  
**Sent:** Tuesday, March 13, 2007 11:00 AM  
**To:** Broder, Betsy  
**Cc:** Kappler, Burke  
**Subject:** LifeLock update

Duplicate



**Kappler, Burke**

---

**From:** Broder, Betsy  
**Sent:** Thursday, March 15, 2007 12:04 PM  
**To:** Kappler, Burke; Crawford, Molly  
**Cc:** Kuehn, Rebecca  
**Subject:** RE: LifeLock update

I have a 12:30 meeting at HQ (it really is a meeting, not a lunch date) and will call when I get back.

Betsy

-----Original Message-----

**From:** Kappler, Burke  
**Sent:** Thursday, March 15, 2007 11:17 AM  
**To:** Broder, Betsy; Crawford, Molly  
**Cc:** Kuehn, Rebecca  
**Subject:** RE: LifeLock update

Betsy --

Molly and I are both now caffeinated and can focus on this issue. :) Do you have some time to chat briefly today before you take off? We expect that Mary Azcuenaga will be calling us soon, and it would be good for us to agree on what we want to get from her and her clients. Thanks, and if we can't do it, have a great vacation and think not about LL or PPLS!

Burke

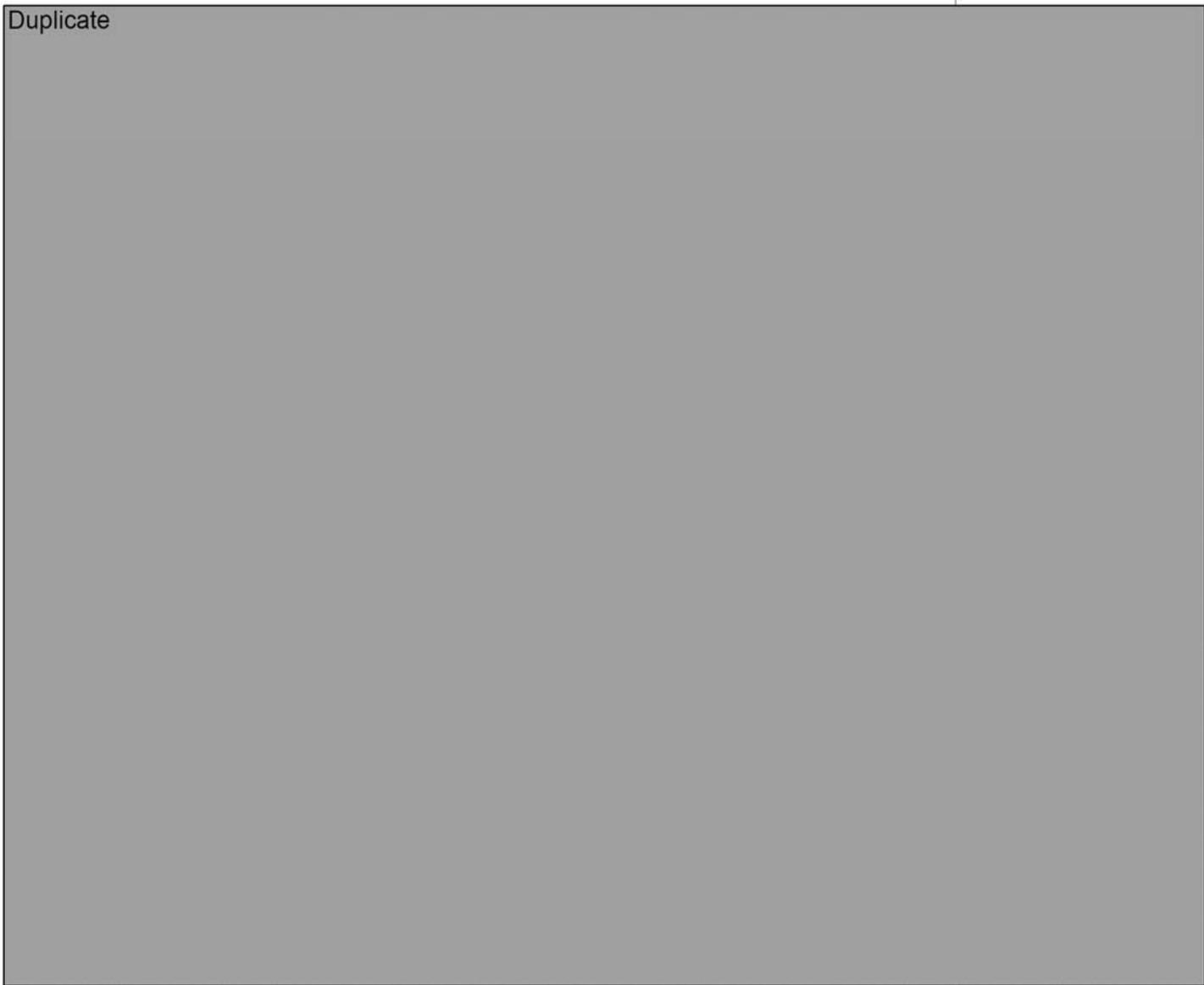
-----Original Message-----

**From:** Broder, Betsy  
**Sent:** Thursday, March 15, 2007 10:25 AM  
**To:** Crawford, Molly  
**Cc:** Kappler, Burke; Kuehn, Rebecca  
**Subject:** RE: LifeLock update

Also, Becki has graciously agreed to stand in for me on this investigation during my vacation, so please don't hesitate to confer with her on any of these issues. I am sure that there will be some back and forth, now that LL has counsel. Ka ching ka ching.

Duplicate

Duplicate



**Kappler, Burke**

---

**From:** Rodriguez, Anthony  
**Sent:** Monday, March 19, 2007 8:50 AM  
**To:** Kappler, Burke  
**Subject:** RE: Lifelock and CROA

Bueke,

If I'm not mistaken, Steve Baker in the Chicago regional office is the FTC's resident expert on CROA. You may want to ask him about your theory and Lifelock. You may also want to check with Becki before calling him. Relations with regional offices can be a bit tricky. Good luck.

Anthony Rodriguez  
Division of Privacy and Identity Protection  
Federal Trade Commission  
Tel.: (202) 326-2757  
Fax: (202) 326-3768  
arodriguez@ftc.gov

-----Original Message-----

From: Kappler, Burke  
Sent: Friday, March 16, 2007 1:57 PM  
To: Crawford, Molly; Broder, Betsy; Kuehn, Rebecca  
Cc: Rodriguez, Anthony  
Subject: Lifelock and CROA

\*\*\*ATTORNEY WORK PRODUCT\*\*\*

(b)(5)



(b)(5)



Burke

Burke Kappler  
Attorney  
Federal Trade Commission  
Bureau of Consumer Protection  
Division of Privacy and Identity Protection  
601 New Jersey Ave., NW  
Washington, D.C. 20580  
Direct: 202-326-2043  
Fax: 202-326-3768

**Kappler, Burke**

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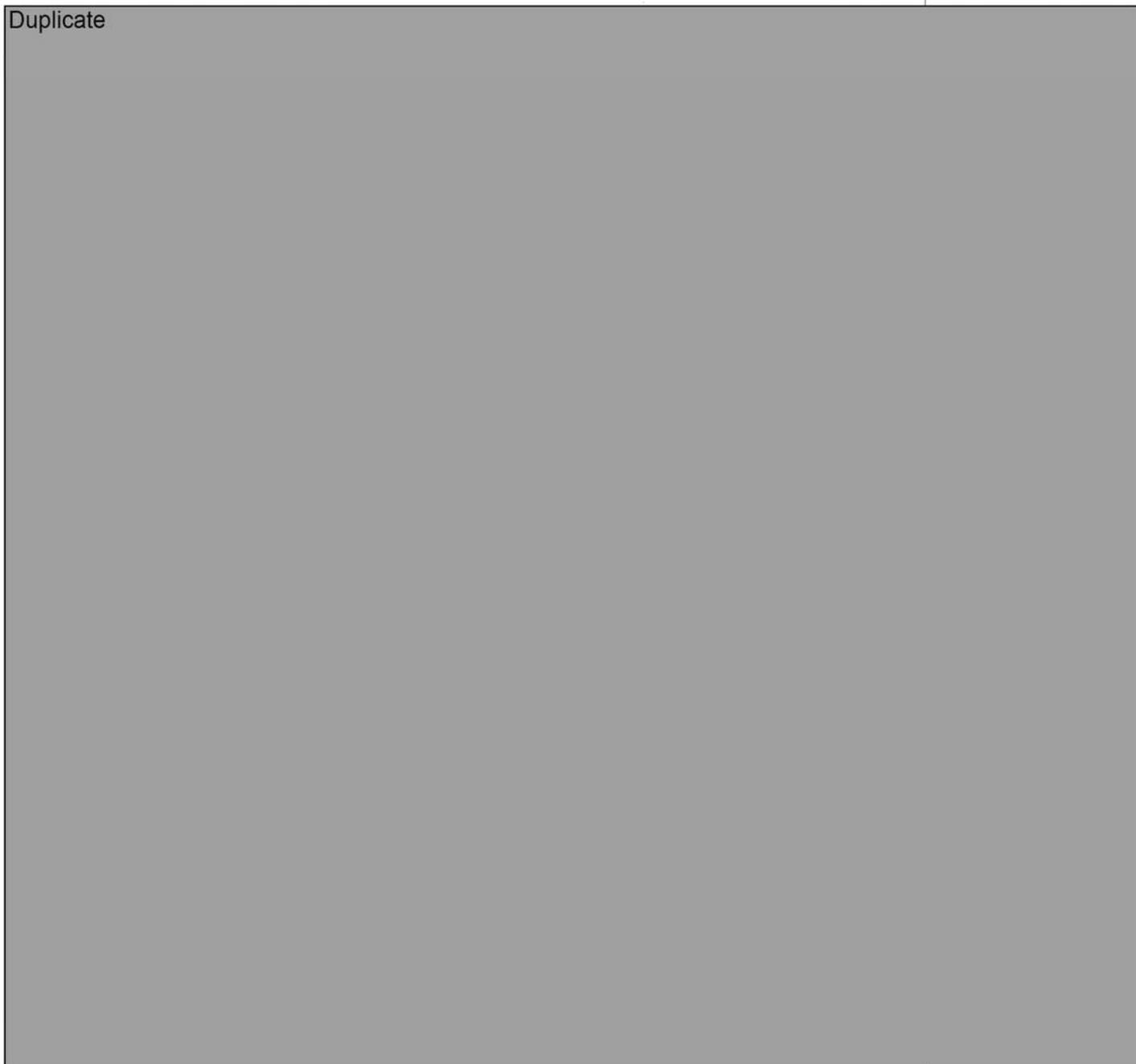
**From:** Broder, Betsy  
**Sent:** Friday, March 16, 2007 6:15 PM  
**To:** Kappler, Burke; Crawford, Molly; Kuehn, Rebecca  
**Cc:** Rodriguez, Anthony  
**Subject:** Re: Lifelock and CROA

(b)(5)

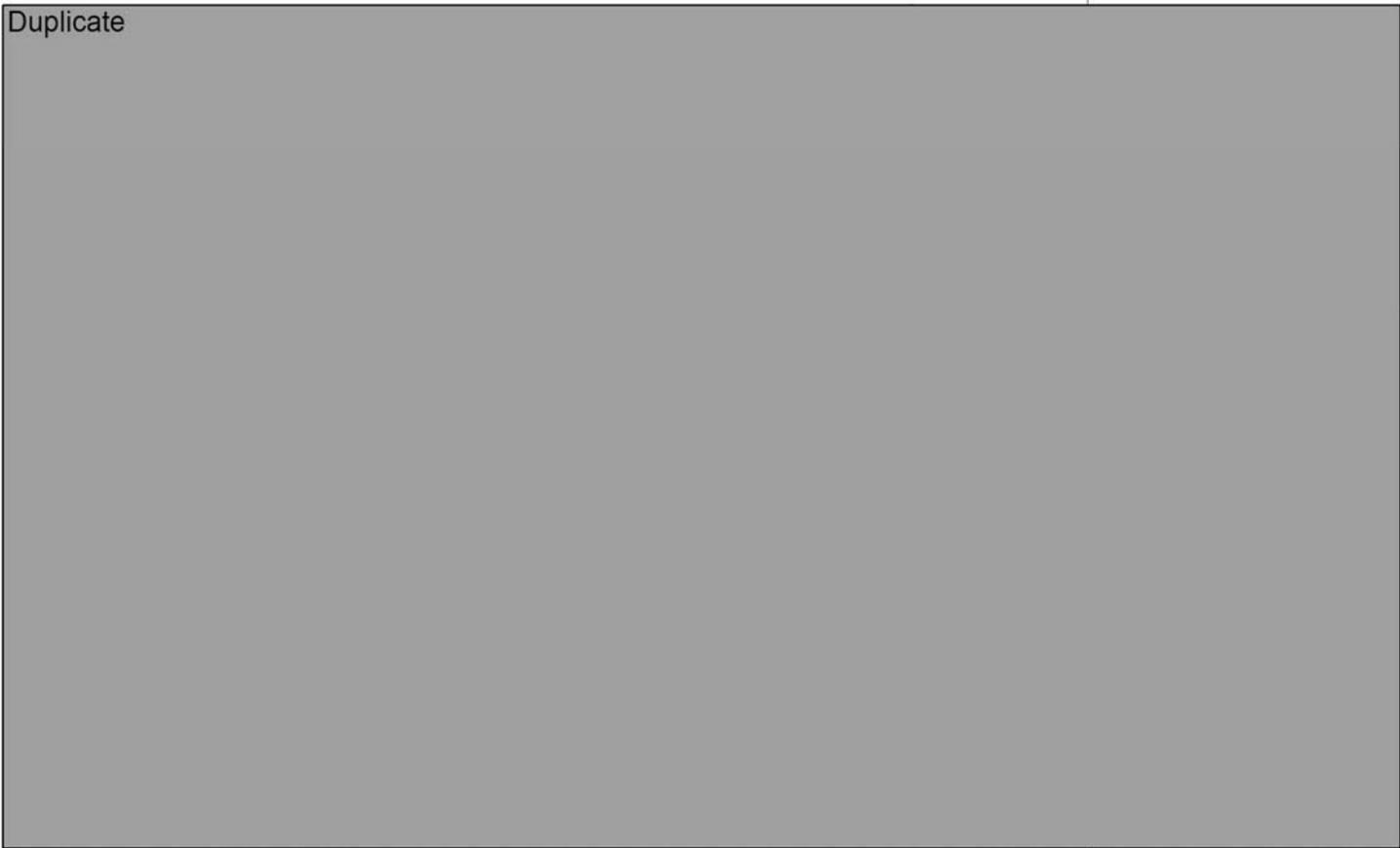
A rectangular grey box redacting the content of the email body.

Betsy

Duplicate

A large rectangular grey box redacting the entire main body of the email.

Duplicate

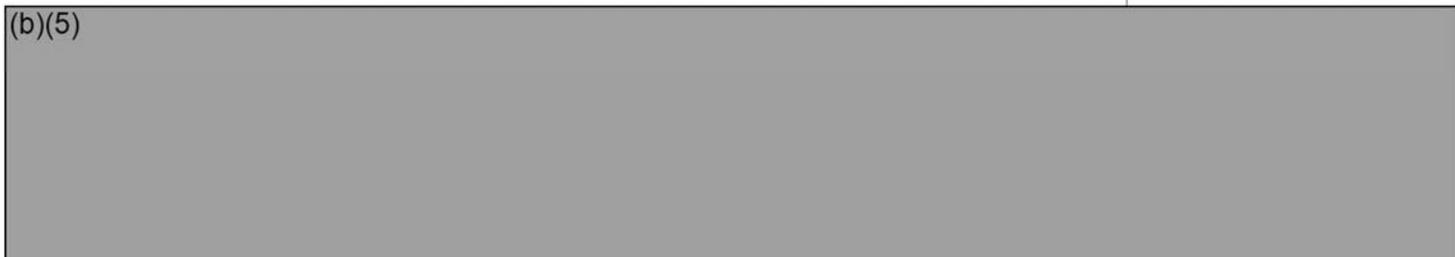


**Kappler, Burke**

---

**From:** Kuehn, Rebecca  
**Sent:** Monday, March 19, 2007 11:15 AM  
**To:** Broder, Betsy; Kappler, Burke; Crawford, Molly  
**Cc:** Rodriguez, Anthony  
**Subject:** RE: Lifelock and CROA

(b)(5)



Duplicate



Duplicate



**Kapler, Burke**

---

**From:** Broder, Betsy  
**Sent:** Monday, March 19, 2007 3:20 PM  
**To:** Kapler, Burke; Kuehn, Rebecca; Crawford, Molly  
**Cc:** Rodriguez, Anthony  
**Subject:** Re: Lifelock and CROA

(b)(5)

Betsy

-----Original Message-----

**From:** Kapler, Burke  
**To:** Kuehn, Rebecca; Broder, Betsy; Crawford, Molly  
**CC:** Rodriguez, Anthony  
**Sent:** Mon Mar 19 11:42:42 2007  
**Subject:** RE: Lifelock and CROA

(b)(5)

Burke

Duplicate

**Kappler, Burke**

---

**From:** Broder, Betsy  
**Sent:** Wednesday, March 21, 2007 3:11 PM  
**To:** Kappler, Burke; Crawford, Molly  
**Subject:** Fw: new PFF age verification paper & event

Life becomes more complex.

-----Original Message-----  
**From:** Rich, Jessica L.  
**To:** Broder, Betsy  
**Sent:** Wed Mar 21 15:03:43 2007  
**Subject:** RE: new PFF age verification paper & event

Senator Kyl.

-----Original Message-----  
**From:** Broder, Betsy  
**Sent:** Wednesday, March 21, 2007 3:03 PM  
**To:** Rich, Jessica L.  
**Subject:** Re: new PFF age verification paper & event

Who did? I just got an email from one of my step brothers, asking if he shd subscribe. Oy.

-----Original Message-----  
**From:** Rich, Jessica L.  
**To:** Broder, Betsy  
**Sent:** Wed Mar 21 14:48:13 2007  
**Subject:** RE: new PFF age verification paper & event

(b)(5)

-----Original Message-----  
**From:** Broder, Betsy  
**Sent:** Wednesday, March 21, 2007 2:48 PM  
**To:** Rich, Jessica L.; Marcus, Phyllis; Lefkovitz, Naomi; Brandenburg, Stacey  
**Cc:** Kresses, Mamie; Engle, Mary Koelbel; Winston, Joel  
**Subject:** Re: new PFF age verification paper & event

It's siesta time, after a wonderful afternoon at the Prado. Chill out, sleep, and check my emails. What cd be better?

-----Original Message-----  
**From:** Rich, Jessica L.  
**To:** Broder, Betsy; Marcus, Phyllis; Lefkovitz, Naomi; Brandenburg, Stacey  
**CC:** Kresses, Mamie; Engle, Mary Koelbel; Winston, Joel  
**Sent:** Wed Mar 21 14:36:36 2007  
**Subject:** RE: new PFF age verification paper & event

Betsy is emailing from Spain, mind you!

-----Original Message-----  
**From:** Broder, Betsy  
**Sent:** Wednesday, March 21, 2007 2:36 PM  
**To:** Rich, Jessica L.; Marcus, Phyllis; Lefkovitz, Naomi; Brandenburg, Stacey  
**Cc:** Kresses, Mamie; Engle, Mary Koelbel; Winston, Joel  
**Subject:** Re: new PFF age verification paper & event

(b)(5)

Betsy

-----Original Message-----

From: Rich, Jessica L.  
To: Marcus, Phyllis; Lefkovitz, Naomi; Brandenburg, Stacey  
CC: Kresses, Mamie; Engle, Mary Koelbel; Winston, Joel; Broder, Betsy  
Sent: Wed Mar 21 12:27:01 2007  
Subject: RE: new PFF age verification paper & event

I am not supervising, but the team should be able to answer. I am also forwarding your message to Joel and Betsy.

-----Original Message-----

From: Marcus, Phyllis  
Sent: Wednesday, March 21, 2007 10:50 AM  
To: Rich, Jessica L.; Lefkovitz, Naomi; Brandenburg, Stacey  
Cc: Kresses, Mamie; Engle, Mary Koelbel  
Subject: FW: new PFF age verification paper & event

(b)(5)

-----Original Message-----

From: Adam Thierer [mailto:AThierer@pff.org]  
Sent: Monday, March 19, 2007 2:57 PM  
To: Adam Thierer  
Subject: new PFF age verification paper & event

Friends.. As you know, the issue of age verification for social networking sites is heating up. PFF is fully engaged in this debate. We have just released a new study, "Social Networking & Age Verification: Many Hard Questions; No Easy Solutions," which identifies the many unique policy issues age verification mandates would raise. The PDF of this report is attached above and the study can be found online at: <http://www.pff.org/issues-pubs/pops/pop14.5ageverification.pdf>

Also, this Friday, we will be hosting a major event on Capitol Hill: "Age Verification for Social Networking Sites: Is It Possible? And Desirable?" This debate, which will take place in Rayburn 2322 at Noon on Friday, will feature several experts on the subject. [see press release below for details.] Seats are filling up fast, but you can still RSVP for the event here: <http://www.pff.org/events/upcomingevents/032307ageverification.asp>

Cheers -- Adam Thierer

\_\_\_\_\_  
Adam Thierer

Senior Fellow and Director,

Center for Digital Media Freedom <<http://www.pff.org/cdmf/>>

Progress & Freedom Foundation <<http://www.pff.org/>>

1444 Eye St., NW Suite 500

Washington, DC 20005

202-969-2953 (direct)  
athierer@pff.org

<http://www.pff.org>

Press Release

FOR IMMEDIATE RELEASE  
March 19, 2007

CONTACT: Amy Smorodin  
202-289-8928

Age Verification for Social Networking Sites to be Debated Panel Features Experts on Policy and Enforcement at March 23rd Event

WASHINGTON D.C. - Prompted by child safety concerns, some legislators and state attorneys general are demanding that social networking sites impose age restrictions on those looking to join their sites. Will age verification make children safer online? These proposals and other methods of ensuring safe online environments will be discussed Friday, March 23rd by panelists at "Age Verification for Social Networking Sites: Is It Possible? And Desirable?" [http://ga1.org/ct/Rp\\_F5ZE1Aag5/](http://ga1.org/ct/Rp_F5ZE1Aag5/) , a Congressional seminar hosted by The Progress & Freedom Foundation.

The discussion panel will be moderated by PFF Senior Fellow Adam Thierér, Director of PFF's Center for Digital Media Freedom. Thierér has written extensively on the issues of child safety, parental controls and Internet regulatory policy. Panelists will debate both the technical and policy aspects of the debate over age verification for social networking websites. Jay Chaudhuri, special counsel to North Carolina Attorney General Roy Cooper, will speak. Attorney General Cooper is one of several AGs who have proposed age verification for social networking sites. Also speaking will be John Cardillo President & CEO of Sentinel Tech Holding, a leading online identification and background verification firm. Sentinel Tech Holding recently announced a partnership with MySpace.com in which they will be developing technology to identify and block registered sex offenders from the networking site. Jeff Schmidt, CEO of Authis, an expert in information security and infrastructure protection, will also be on hand. He is also the director of the private sector component of the FBI's InfraGard Program. Raye Croghan, who is Vice President of IDology, Inc., another leading identity and age verification provider, will also be speaking. Finally, Tim Lordan who serves as Executive Director of the Internet Education Foundation, a non-profit group that works to educate policymakers on Internet related issues, will be on hand.

The event, "Age Verification for Social Networking Sites: Is It Possible? And Desirable?" [http://ga1.org/ct/Rp\\_F5ZE1Aag5/](http://ga1.org/ct/Rp_F5ZE1Aag5/) " will be held from noon to 2 pm on Friday, March 23rd in Room 2322 of the Rayburn House Office Building. Lunch will be served. Those wishing to attend can register online [http://ga1.org/ct/Rp\\_F5ZE1Aag5/](http://ga1.org/ct/Rp_F5ZE1Aag5/) . General questions can be addressed to Jane Creel at 202-289-8928 or [mail@pff.org](mailto:mail@pff.org). Media enquiries can be addressed to Amy Smorodin at 202-289-8928 or [asmorodin@pff.org](mailto:asmorodin@pff.org).

Prior to the event, Thierér is releasing a new report, "Social Networking & Age Verification: Many Hard Questions; No Easy Solutions" [http://ga1.org/ct/Y1\\_F5ZE1Aagt/](http://ga1.org/ct/Y1_F5ZE1Aagt/) , which addresses the many unique policy issues age verification mandates would raise.

The Progress & Freedom Foundation is a market-oriented think tank that studies the digital revolution and its implications for public policy. It is a 501(c)(3) research & educational organization.

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<[http://ga1.org/pff/join.html?r=u7\\_F5ZE1hY\\_PE](http://ga1.org/pff/join.html?r=u7_F5ZE1hY_PE)> .

If you would like to unsubscribe from Progress & Freedom Foundation's newsletters and other email communications, or update your account settings, please click here <<http://ga1.org/pff/smp.tcl?nkey=we8sd7b4vt73kd7&>> or respond to this email with "REMOVE" as the subject line.

<<http://ga1.org/nlor/we8sd7b4vt73kd7>>

**Kappler, Burke**

---

**From:** Kappler, Burke  
**Sent:** Friday, March 23, 2007 11:20 AM  
**To:** Kuehn, Rebecca; Broder, Betsy  
**Cc:** Crawford, Molly; Claffie, Kathleen  
**Subject:** Lifelock memorandum

Betsy and Becki --

Please find attached a memo that Molly and I prepared discussing potential legal theories, factual issues, and policy questions related to the Lifelock case. This is intended to be a "thought-piece" that captures a number of recent discussions she and I have had about the case. It is also meant to serve as a basis for conversations among ourselves about how we want to proceed and what we want to accomplish with this case. Please take a look and let us know if you have any questions or comments, or if you would like to discuss it further. Thanks very much.

Burke



Lifelock issues  
memo-FINAL-200...

Burke Kappler  
Attorney

Federal Trade Commission  
Bureau of Consumer Protection  
Division of Privacy and Identity Protection  
601 New Jersey Ave., NW  
Washington, D.C. 20580  
Direct: 202-326-2043  
Fax: 202-326-3768

**Kappler, Burke**

---

**From:** Broder, Betsy  
**Sent:** Friday, March 23, 2007 12:44 PM  
**To:** Kappler, Burke; Kuehn, Rebecca  
**Cc:** Crawford, Molly; Claffie, Kathleen  
**Subject:** Re: Lifelock memorandum

Reading your memo on my bberry (and during the siesta) is a bit my vacation addled mind. I look forward to reading, and discussing, your memo upon my return. Many thanks ,

Betsy

Duplicate



**Kappler, Burke**

---

**From:** Crawford, Molly  
**Sent:** Tuesday, April 03, 2007 11:25 AM  
**To:** Kappler, Burke  
**Subject:** RE: Lifelock access letter



Access



compare.wpd (59

r-2007-04-03-BK-M

KB)

And back to you! I made a couple of changes, mainly in the defs section -- let me know what you think. I was trying to make it a little less cumbersome.

-----Original Message-----

**From:** Kappler, Burke  
**Sent:** Tuesday, April 03, 2007 11:04 AM  
**To:** Crawford, Molly  
**Subject:** RE: Lifelock access letter

Try this -- I made a couple of minor tweaks to the form, but the actual specs look fine to me. They are exactly what we proposed in our memo.

One thought, though, is that this is no longer a "light touch," though it is tailored for an access letter.

Burke

-----Original Message-----

**From:** Crawford, Molly  
**Sent:** Monday, April 02, 2007 11:31 AM  
**To:** Kappler, Burke  
**Subject:** Lifelock access letter

Okay, here's my first stab - take a look and see what you think, and make sure I have been super-nice and tailored in my requests! :)

Molly Crawford, Attorney  
 Division of Privacy and Identity Protection  
 Bureau of Consumer Protection  
 Federal Trade Commission  
 601 New Jersey Avenue NW  
 Washington, DC 20580  
 (202) 326-3076 (phone)  
 (202) 326-3768 (fax)

**Kappler, Burke**

---

**From:** Kappler, Burke  
**Sent:** Wednesday, April 11, 2007 3:55 PM  
**To:** Crawford, Molly  
**Cc:** Lincicum, David  
**Subject:** FW: Response re: (b)(5)

(b)(3):21(f)

Molly --

(b)(5)

Mary L. Azcuenaga | Attorney | HellerEhrmanLLP | 1717 Rhode Island Avenue, NW | Washington, DC 20036  
tel: +1.202.912.2525 | fax: +1.202.912.2020 | email: mary.azcuenaga@hellerehrman.com | web: www.hellerehrman.com  
<<http://www.hellerehrman.com>>

=====

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**Kappler, Burke**

---

**From:** Crawford, Molly  
**Sent:** Tuesday, April 03, 2007 12:20 PM  
**To:** Broder, Betsy  
**Cc:** Kappler, Burke  
**Subject:** DRAFT Lifelock access letter

Betsy,

Attached please find our draft of the Lifelock access letter - let us know if you have questions, comments or edits. Thanks!



Access  
er-2007-04-03-BK-M

Molly Crawford, Attorney  
Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission  
601 New Jersey Avenue NW  
Washington, DC 20580  
(202) 326-3076 (phone)  
(202) 326-3768 (fax)

**Kapler, Burke**

---

**From:** IDTSEARCH  
**Sent:** Wednesday, May 09, 2007 3:17 PM  
**To:** Crawford, Molly  
**Cc:** Kapler, Burke  
**Subject:** FW: LifeLock (from LEO)

Hi Molly. This came into one of the email addresses I monitor. I'm not sure if this LEO is just looking for information about the company or what. Did you want to call back?

Kate

-----Original Message-----

**From:** ANTHONY RITTER [mailto:LPP3998@gw.njsp.org]  
**Sent:** Wednesday, May 09, 2007 11:28 AM  
**To:** IDTSEARCH  
**Subject:** LifeLock

Is there someone at the FTC that can give me a report on LifeLock?

<http://www.lifelock.com/about-us/about-lifelock/contact-us>

Lt. Anthony Ritter  
Asst. Bureau Chief  
Computer Crimes &  
High Technology Surveillance Bureau  
New Jersey State Police  
609-882-2000 ext. 2205  
609-203-3313 (cell)  
lpp3998@gw.njsp.org

**Kappler, Burke**

---

**From:** Crawford, Molly  
**Sent:** Tuesday, March 13, 2007 10:55 AM  
**To:** 'mary.azcuenaga@hellerehrman.com'  
**Cc:** Kappler, Burke  
**Subject:** (b)(5)

Mary,

(b)(5)

Should you have questions or need additional information, please feel free to contact myself or Burke Kappler (202-326-3076).

Sincerely,  
Molly

Molly Crawford, Attorney  
Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission  
601 New Jersey Avenue NW  
Washington, DC 20580  
(202) 326-3076 (phone)  
(202) 326-3768 (fax)

**Kappler, Burke**

---

**From:** Azcuenaga, Mary L. [Mary.Azcuenaga@hellerehrman.com]  
**Sent:** Tuesday, March 13, 2007 11:15 AM  
**To:** Crawford, Molly  
**Cc:** Kappler, Burke  
**Subject:** RE: (b)(5)

Molly,

I appreciate your sending the link. I will look into this and get back to you. Thanks very much.

Best regards,

Mary

Duplicate



**Kappler, Burke**

---

**From:** Azcuenaga, Mary L. [Mary.Azcuenaga@hellerehrman.com]  
**Sent:** Monday, April 30, 2007 12:27 PM  
**To:** Crawford, Molly  
**Cc:** Kappler, Burke  
**Subject:** RE: LifeLock Document Production

Molly,

(b)(3):21(f)

Best regards,

Mary

-----Original Message-----

**From:** Crawford, Molly [mailto:MCRAWFORD@ftc.gov]  
**Sent:** Monday, April 30, 2007 10:13 AM  
**To:** Azcuenaga, Mary L.  
**Cc:** Kappler, Burke  
**Subject:** LifeLock Document Production

Mary,

(b)(3):21(f)

Sincerely,

Molly

Molly Crawford, Attorney  
Division of Privacy and Identity Protection Bureau of Consumer Protection Federal Trade Commission 601 New Jersey  
Avenue NW Washington, DC 20580  
(202) 326-3076 (phone)  
(202) 326-3768 (fax)

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**Kappler, Burke**

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**From:** Eaton, Malaika M. [Malaika.Eaton@hellerehrman.com]  
**Sent:** Thursday, August 23, 2007 4:46 PM  
**To:** Kappler, Burke  
**Cc:** Azcuenaga, Mary L.  
**Subject:** (b)(3):21(f)

Dear Mr. Kappler:

Attached please find the letter from Mary Azcuenaga to your office regarding the above referenced matter. As I mentioned on the phone, (b)(3):21(f) are being delivered by messenger to your office, and if you have not received them already, they should arrive momentarily.

Best regards,

Malaika Eaton

(b)(3):21(f)

**Malaika Eaton** | Attorney | **HellerEhrman**LLP | 701 Fifth Avenue, Suite 6100 | Seattle, WA 98104  
tel: +1.206.389.4315 | fax: +1.206.515.8899 | email: malaika.eaton@hellerehrman.com | web: [www.hellerehrman.com](http://www.hellerehrman.com)

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**Kappler, Burke**

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**From:** Azcuenaga, Mary L. [Mary.Azcuenaga@hellerehrman.com]  
**Sent:** Tuesday, September 11, 2007 5:50 PM  
**To:** Kappler, Burke; Crawford, Molly  
**Cc:** Eaton, Malaika M.  
**Subject:** (b)(3):21(f)

**Sensitivity:** Confidential

(b)(3):6(f),(b)(3):21(f),(b)(4)

**Mary L. Azcuenaga** | Attorney | **HellerEhrmanLLP** | 1717 Rhode Island Avenue, NW | Washington, DC 20036  
tel: +1.202.912.2525 | fax: +1.202.912.2020 | email: mary.azcuenaga@hellerehrman.com | web:  
[www.hellerehrman.com](http://www.hellerehrman.com)

=====

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Federal Trade Commission  
Matter Management System**MATTER INITIATION NOTICE**

Use this form to open new matters (*Initial, Full Phase or "X" numbers*). See the FTC Information Handbook for instructions and information on codes.  
Please use the following forms if you need more space: FTC Form 84 for respondents, FTC Form 83 for anything else. Please print.

1. Name of Staff who completed the records check for initial or full phase investigation, date completed, and e-mail address.

Kevin Havens

Date 02/16/2007

Email khavens@ftc.gov

2. Matter Number

3. Matter Name (*Use important descriptive words, up to 120 letters and spaces in length.*)

Lifelock

4. Date opened M M D D Y Y

5. Original Matter Number (*If the new matter was split from another matter*)**IDENTIFICATION CODES/TITLES**

6. Manager MIS Number

249600

7. Organization Code

1154

8. Program Code

M03

9. Matter Source Code

08

**MATTER DESCRIPTION**10. Provide a brief description of the matter to be initiated. (*Use this space to describe the matter when it is opened. This description can be changed, as the matter progresses. If initial or full phase investigation, include legal theory or alleged violation.*)

This matter involves a company that provides consumers with identity theft protection packages. Based on information we have received from their website, consumer complaints and other sources, this company may be using deceptive or misrepresentative claims to sell their services to consumers in violation of the FTC Act.

**MATTER INITIATION EVENT**

11. Type of matter to be opened (Put an 'X' in the appropriate box. The code for the event follows the event description.)

 Initial Phase Investigation (0010) Discovery Enforcement Action (5010) Petition to Review Commission TRR (5050) Full Phase Investigation (0510) § 13 Preliminary Injunction Action (5020) FOIA Action Against Commission (5060) Rule/Guide (7001) Commission Court Action (5030) Court Action Against Commission (5070) Project (8010) Petition to Review Commission Order (5040) Advocacy Matter (8950) Compliance Investigation (4910)

12. Organization code and name of organization that decided to open the matter

1154

Division of Privacy and Identity Protection

13. Event Source Code

8

14. LANDOC Number

15. MIS number and name of person who decided to open the matter

246900

Molly Crawford

16. Event Comment (*Explain the reason for initiating the matter. If initial or full phase investigation, include the legal theory if different than item ID above.*)

Opening investigation

**PLANNED EVENT**

17. Planned Completion Date

M M D D Y Y

18. Organization code and name of organization responsible for the event

19. Event Source

20. Event Code

21. MIS number and of person responsible for the event

22. Title for 9999 Event

23. Event Security Level (*B, O, R, F, X*)24. Event comment (*Describe with more specificity the scope of this event.*)

**MATTER STATUS**

25. Briefly describe the current status of the entire matter

As of 02/14/07  
Date

This matter is in the initial phase of its investigation. DPIP is in the process of compiling information about the company's business practices and will be sending out Access letters.

**RESPONDENTS/DEFENDANTS/PARTICIPANTS (EXTERNAL)**

(Records check must be completed for each respondent/defendant, d/b/a or a.k.a.)

**NOTICE: The submitter of this form must enter this information into the External Participant portion of MMS2**

26 Respondent Name (60 letters and spaces or less)	Phone Number	CHECK IF NON-RESPONDENT
A. Lifelock	480-682-5100	<input type="checkbox"/>
Company/Proposed Respondent/Defendant's Address (Street, City, State, Zip Code)	Company's d/b/a or a.k.a.	
6515 South Rural Road, Suite 104, Tempe, AZ 85281		
Respondent Name (60 letters and spaces or less)	Phone Number	
B. _____	_____	<input type="checkbox"/>
Company/Proposed Respondent/Defendant's Address (Street, City, State, Zip Code)	Company's d/b/a or a.k.a.	
Respondent Name (60 letters and spaces or less)	Phone Number	
C. _____	_____	<input type="checkbox"/>
Company/Proposed Respondent/Defendant's Address (Street, City, State, Zip Code)	Company's d/b/a or a.k.a.	
Respondent Name (60 letters and spaces or less)	Phone Number	
D. _____	_____	<input type="checkbox"/>
Company/Proposed Respondent/Defendant's Address (Street, City, State, Zip Code)	Company's d/b/a or a.k.a.	

(Continue on FTC Form 84 if necessary)

**FTC STAFF**

27. MIS Number	28. Participant Name, Telephone Number, and E-mail Address	29. Type
249600	Molly Crawford 202-326-3076 mrcrawford@ftc.gov	LA
257721	Burke Kappler 202-326-2043 bkappler@ftc.gov	AE
220594	Kathleen Claffie 202-326-3888 kclaffie@ftc.gov	CA

30. Primary BCP Product Code 0317	31. Other BCP Product Codes
32. Primary 6-Digit NAICS Code	33. Other NAICS Codes
34. Primary Statute Code P	35. Other Statute Codes
36. Primary Violation Code DDM	37. Other Violation Codes
38. Companion Matter Number(s) (Companion matters are similar to this matter in that they involve the same product, practice, violation, or are part of a sweep, etc.)	

**APPROVALS - BC ONLY**

39. Assistant Director (Regional Office Matters)	40. DOJ Clearance	41. Assistant Director for Evaluation
--	-------------------	---------------------------------------

**APPROVAL - ALL MATTERS**

**APPROVAL - ALL FULL PHASE INVESTIGATIONS**

42. Associate, Assistant or Regional Director 	Date 2/16/07	43. Bureau Director	Date
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Send the completed and signed original form to your data entry staff. They will send the signers and the manager a copy and forward the original form and 2 copies to the Records Processing Section for filing.



This press release was published on openPR.com.

## Survey Says LifeLock Cuts Risk of Identity Theft in Half

**Author:** LifeLock

**Published date:** 01-26-2007 18:55 PM

**PR agency:** GroupWeb EmailWire.Com

Service Found to Be More Effective than Credit Monitoring for ID Theft Prevention

(EMAILWIRE.COM, January 25, 2007 ) Tempe, AZ " Consumers who subscribe to the LifeLock identity theft prevention service reduce their risk of having their identities stolen by more than half, according to a study by Javelin Strategy & Research. The report also showed that LifeLock's focus on stopping identity theft at the source provides extra protection over credit monitoring services that are designed only to detect the problem after the fact.

The study's key finding was that only one in 500 active LifeLock subscribers was a victim of identity theft associated with new account openings in the six-month period examined, compared to one in every 200 in a demographically similar sample from earlier Javelin research. Those results reflect LifeLock's industry-exclusive prevention program, including a fraud alert system that requires banks and other financial institutions to contact the LifeLock subscriber before opening new accounts or credit cards, issuing credit, arranging loans, increasing credit lines, and so on.

In addition, Javelin's analysis of 11 credit monitoring services provided by banks, credit bureaus and other financial institutions revealed that these services typically offer strong fraud detection capabilities " largely through email alerts that flag unusual activity on existing accounts " but generally fail to prevent new account fraud that costs an estimated \$24.6 billion annually in the U.S.

'Credit monitoring services are helpful for fraud monitoring and resolution, but do not effectively provide protection through prevention. In terms of new account fraud prevention, LifeLock is superior to credit monitoring by addressing that void within our Prevention, Detection and Resolution model,' said James Van Dyke, President & Founder of Javelin Strategy & Research. 'This study shows that services like LifeLock that are designed to prevent rather than detect unauthorized activity can make a clear difference in stopping fraudulent new account transactions before the problem occurs.'

In other findings, 75% of respondents reported that LifeLock's mailing list removal service yielded a significant reduction in pre-approved credit card offers that are a major source of identity theft, 60% reported a significant reduction in other junk mail, and 93% had either increased their usage of online banking and shopping or continued their previous usage patterns since joining LifeLock.

The study also found that LifeLock's \$1 million reimbursement guarantee and credit report fraud alerts ranked as the service's top features with 87% and 85% of respondents, respectively. In



This press release was published on openPR.com.

addition, 93% of respondents were satisfied with the service, with the vast majority expecting to renew their subscriptions.

'This study validates our core philosophy about identity theft protection: that you may not be able to stop a thief from stealing private data, but you can render the issue moot by stopping him from using it,' said Todd Davis, CEO of LifeLock. 'Other services concentrate on fixing the problem once it happens; we focus on preventing it altogether. This survey shows that our strategy is highly successful at meeting that objective.'

The study was based on a December 2006 survey of a random sample of active LifeLock subscribers as well as previous Javelin research (including the firm's annual Identity Fraud Survey Report) and structured analysis on methods to address new-account identity fraud. Javelin independently selected participants at random, ensuring a representative sample of LifeLock subscribers.

#### About LifeLock

LifeLock is the first identity theft protection service in the U.S. that prevents misuse of personal information by making it useless to anyone except the rightful owner. The company maintains active fraud alerts with the three major credit bureaus as well as ChexSystems, thwarting fraudulent use of personal information by requiring subscriber approval of any new credit account openings and bank account and address change requests. The service also removes subscribers' names from solicitation lists and junk mail in order to eliminate pre-approved credit offers that are a primary target of identity thieves, and is backed by a \$1 million guarantee against identity abuse. For more information, visit [www.lifelock.com](http://www.lifelock.com).

#### About the Javelin Strategy & Research Methodology

As the leading provider of independent, industry-specific, quantitative research and strategic direction for payments and financial services initiatives, Javelin's Prevention, Detection and Resolution model uses factual research data to identify the most effective methods for mitigating identity fraud. Based on rigorous analysis, prevention measures are weighted heaviest, then detection and finally resolution, placing the greatest emphasis on features that stop identity theft closest to the source. This creates the greatest cost savings and builds a stronger relationship between providers and individuals. More information can be found at [www.javelinstrategy.com](http://www.javelinstrategy.com).

#### CONTACT:

Mike Prusinski  
LifeLock, VP Communications  
480-544-2222



This press release was published on openPR.com.

mike@lifelock.com

This press release was issued through GroupWeb EmailWire.Com. For more information on press release distribution, go to [www.emailwire.com](http://www.emailwire.com).

**To this press release is added a picture. You can find it online.**

You can find this press release online under:  
Survey Says LifeLock Cuts Risk of Identity Theft in Half

More international press releases look at: [openPR.de](http://openPR.de)  
German press releases at: [openPR.com](http://openPR.com)

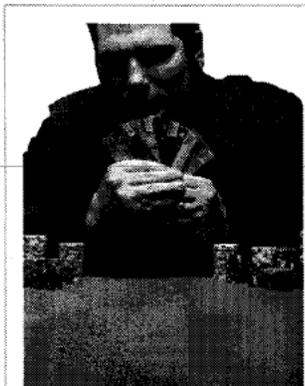
# What Happened in Vegas...

Clients nationwide are entrusting private financial information to a Tempe anti-identity-theft firm that's based on a bluff

**By Ray Stern**

Published: May 31, 2007

In April 2005, local entrepreneur Robert J. Maynard Jr. was beyond broke.



**Giulio Sciorio**



**Martha Strachan**

LifeLock has taken off in the past two years as fear of identity theft grows.



**Martha Strachan**

Todd Davis, LifeLock's CEO, claims again and again that his business partner was jailed in error.

At 43, with an ex-wife and two kids, he told the government in his bankruptcy filing that he had \$20 in his pocket and \$15 in the bank. He was hundreds of thousands of dollars in debt.

Maynard, a Valley native and former Marine, had seen some success in the late 1990s as the founder of Internet America, an early Internet service provider. He had owned a nice home in Ahwatukee with expensive cars in the driveway. He had bragged he would retire at age 35. Those days were gone.

Still, Maynard was optimistic. He'd been through this before. He's the type who jumps back up after a fall — one of those edgy entrepreneurs who always seem to be on the verge of great success or great failure.

His first personal bankruptcy was in 1990, and he had filed again in 1994 for one of his failed companies.

But even as his finances sunk to new depths, his next big business venture was taking off. Drawing on his experience in credit repair and with the Internet, Maynard dreamed up a service that would protect people against the dreaded crime of identity theft.

Lifelock, as his new company would come to be called, began offering services to the public the same month in 2005 that Maynard filed still another bankruptcy.

LifeLock's primary service is nothing you can't do yourself. If you think someone has stolen your identity, you can call one of the three major credit bureaus, TransUnion, Experian or Equifax, and place an electronic red flag, called a fraud alert, on your account.

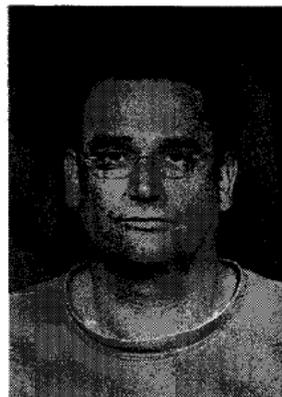
Clubhouse Music Venue



Bernie Zadrowski of the Clark County, Nevada, district attorney's office says identity theft did not occur in Maynard's case.



Identity theft isn't usually as bad as people believe, says Fred Cate, an authority on banking security.



Robert Maynard Jr., in his Maricopa County Jail booking photo in 2003.



Martha Strachan

LifeLock shares office suites at this building near Rural and Guadalupe roads.

Here's how it works: The credit bureaus make money by selling information about you that helps lenders determine whether you're going to cheat them out of money if they give you a loan. Now, imagine a scraggly meth head trying to open a line of credit in your name at Circuit City to buy an HDTV because he stole your boss' laptop, which had all your personal data in it. When Circuit City calls one of the credit bureaus to check you out, there's a fraud alert on your account. Circuit City is supposed to use the contact information on the credit bureau's account to notify the account holder of the impending purchase. If everything goes according to plan, the meth head goes home empty-handed.

The catch: Every 90 days the credit bureau erases fraud alerts on the account. That's because fraud alerts are a headache to lenders like Circuit City — commerce would move like molasses if every account was red-flagged.

Customers pay LifeLock \$10 a month to call a credit bureau every three months and put a fraud alert on an account. By law, if one bureau is notified, it must alert the other two. LifeLock also offers insurance. If a customer becomes a victim despite the service, LifeLock says it will pay losses (if the claim holds up to scrutiny) of up to \$1 million. The company says that has happened only three times, and the costs were far less than the million-dollar limit.

LifeLock was an immediate hit. The news media scrambled to meet Maynard and his business partner, Todd Davis, pimping them like crime-fighting superheroes.

Maynard claimed he got the idea for LifeLock after spending a week in jail in 2003. The pair have told his story ever since as a frightening example of what can happen to victims of identity theft. The details vary slightly in articles and television news reports, but the story goes something like this:

A few years ago, Maynard answered a knock on his door in Phoenix one morning to find five deputies holding a warrant for his arrest. They accused him of failing to pay back a \$16,000 casino loan to the Mirage in Las Vegas and, despite his protests, hauled him off to the Maricopa County Jail. Maynard had not even been in Vegas when the casino made its loan. One of the guys who stole Maynard's identity and the casino's money is now doing time for murder. Maynard was released after seven days, but he spent more than \$20,000 and countless hours on the telephone trying to clear his name. While sitting in his jail cell, he came up with the plan for LifeLock so other people could avoid being victimized by identity thieves.

It's a story that stokes the public's worst fears of identity theft, a crime that induces a state of near-paranoia in many of us. Though not a crime of violence, victims are left feeling violated,



Maynard, right, is interviewed during an infomercial aired in the mid-1990s that the U.S. government says was misleading.



**Martha Strachan**

Maynard ditched an interview with *New Times*, though his office appeared recently used.



Maynard presented his driver's license to obtain the \$16,000 casino marker.

even when financial losses are small. Nationwide, the problem is immense, costing at least \$50 billion a year and forcing consumers, businesses, and governments to become more savvy in trying to prevent it.

Horror stories like Maynard's are staples in almost any discussion about identity theft. Clearly, such stories may influence people to take counter-measures — signing up with LifeLock, for instance. No wonder that Maynard and Davis, LifeLock's chief operating officer, seem to relish repeating how Maynard became a victim.

Maynard's life was soon looking up again — big time.

Today, he's one of the heads of a multimillion-dollar company based in Tempe that employs dozens of people. The company claims to have more than 150,000 customers, which is a lot of people paying \$10 a month. Last month, a trio of investors, including the local Biltmore Ventures group, gave LifeLock an additional \$6 million in seed funding. LifeLock advertises heavily on the Internet and radio; its ads can be heard on the Howard Stern, Paul Harvey and Rush Limbaugh shows.

Against a backdrop of unrelenting hype over identity theft, credulous news reporters gulped Maynard's story down like cold beer. But a simple Google search reveals Maynard's credibility in the business community was long ago shot.

His credit-repair company was shut down by authorities in the early 1990s for false advertising and deceptive practices. Forced closure means that a federal court order has banned Maynard from working in the credit-repair industry — forever.

That he continues to work in the industry, despite the court order, should surprise no one who knows his history. It also shouldn't surprise anybody that Maynard's story about how he became a victim is only partially true.

Maynard did, in fact, spend a week in jail in 2003 because of an unpaid \$16,000 casino marker drawn from the Mirage.

It was Maynard's marker. The casino took a copy of his Arizona driver's license when he took out the loan.

There was no identity theft.

But an even more serious reflection on Maynard in his new role as Mr. Identity Theft can be found alongside the paper trail of lawsuits against him in Maricopa County Superior Court.

American Express sued Maynard's father in 2005 for \$154,000 in unpaid bills. But Dr. Robert J. Maynard Sr., a prominent local eye doctor, denied he ordered the card.

Records show that someone with Maynard Sr.'s personal information ordered the card. But that someone didn't have the bills sent to Maynard Sr.'s home. Instead, the bills went to a company called Netshield, at a Phoenix address used by one of Maynard Jr.'s former firms.

Though Maynard Sr. says he never asked for the card, he settled with the company. Coincidentally, Maynard Jr. has \$170,000 in debt to American Express listed on his 2005 bankruptcy paperwork — and his father is named as a co-debtor.

If Maynard Jr. ordered the card using his dad's data, without his dad's knowledge, that would make him — you got it — an identity thief.

Of course, his father could have lied to American Express. Perhaps, Dr. Maynard ordered the card for his son.

But that's not what Dr. Maynard tells *New Times*.

The elder Maynard says he's still in litigation on the matter and cannot fully comment. But asked whether Maynard Jr. used his dad's identity to obtain the card, Dr. Maynard, who says he hasn't spoken to his son in more than two years, replies, "I can't disagree with that."

Security at LifeLock, which shares suites in an office building at Rural and Guadalupe roads, rivals that of the FBI building in downtown Phoenix.

Visitors are asked to leave their driver's licenses at the front desk during their stay. Employees press an electronic fingerprint reader to gain access beyond the reception desk into a hallway with lockers. The personal effects of workers must be put into the lockers before they pass into the main offices, and workers mustn't take anything in or out of those offices.

Mike Prusinski, the company's bald and beefy spokesman, explains that LifeLock is proud to be the smallest company in the world with ISO 27001 certification, the highest security rating possible for a business involved in data exchange.

Such high-level security must be a reassurance for customers, who must release to LifeLock exactly the kind of personal data that would make them prone to identity theft. To deal with the credit bureaus on behalf of customers, LifeLock must become a legal representative of these customers.

Trust, then, is one of LifeLock's key selling points.

Past the lockers is a secure room with glass walls next to a larger, open office space. Inside the room, which requires a magnetic card swipe to enter, about 10 employees sit in front of computers talking into headsets. They're taking inbound calls from people signing up with LifeLock, people who are giving out Social Security numbers and driver's license numbers and bank-card numbers, so that the company can debit \$10 a month from their checking accounts or credit cards. On the wall hangs a large, flat-panel computer screen with a map of the United States that shows where the calls are coming from.

LifeLock's business and administrative folks work in the less-secure part of the suite. Smaller enclosed offices for the company's executives line the wall at one end.

Prusinski had set up a meeting for *New Times* with Robert Maynard and LifeLock CEO Todd Davis. But a few days before the interview, Prusinski had called to say Maynard was too busy to make it. Maynard was going on a business trip, meeting with shock jock Howard Stern to discuss radio advertising options. And after that he was, well, "really busy." Told that *New Times* had questions about Maynard's 2003 arrest, Prusinski says Maynard has been "touchy" lately about discussing the details.

When a reporter and photographer arrive at LifeLock midmorning on the appointed date, Maynard's long office, with a fiery abstract painting at one end, looks as if it was vacated only minutes earlier. A laptop, next to his desktop computer, is open; half-empty cups of coffee and water sit next to paperwork.

Davis, about 40 with blondish, short hair, invites the reporter and photographer into his office, which is adjacent to Maynard's but is smaller.

As he explains LifeLock's services, it becomes clear that if trust is one of the company's key concepts, another is fear.

Davis is a wealth of scary statistics: Americans are 25 times more likely to be victims of identity theft than vehicle theft. Data breeches at U.S. companies spurred 150 million warning letters to Americans since 2005.

And then there's Maynard's story.

"They don't know how his identification was stolen," Davis says. "But it was stolen, and he went to, uh, the thief went to Las Vegas and opened lines of credit."

The cops put Maynard in handcuffs in front of his family and took him to jail in Phoenix. Authorities in Clark County, Nevada, tried to have him extradited. Davis integrates selling points into the tale.

"If he'd had the fraud alerts in place, it would have stopped the transaction before it happened, so he wouldn't have had to go to jail," Davis says.

Davis acknowledges that casinos keep a copy of the ID of any person who takes out a loan as large as \$16,000. But he says Maynard would have had to spend weeks in jail before authorities allowed him to prove he was innocent with a simple comparison of photos.

Davis again switches to sales mode: "We would have gone to the casino and said, 'Let's see the tape. That's clearly not our client.' Our client would not have stayed in jail. He would have been exonerated quickly."

As it was, Maynard figured the best thing to do was just pay the casino its money, Davis says.

"That was the quickest way to get out from under the problem, 'cause he's in jail," Davis says. "He had to make a financial decision: 'Do I dig my heels in on moral grounds, or do I make this

go away?"

It's as if Davis is describing the actions of a man to whom money means nothing.

Yet in 2003, Maynard already was up to his eyeballs in debt. Questioned pointedly on this issue, Davis appears nervous. His foot starts bouncing under his desk. He insists that he believes Maynard's yarn is perfectly accurate.

Asked why Maynard would have to forfeit the \$16,000 if he could prove he didn't take out the loan, Davis says Maynard eventually did get his money back.

But that contradicts part of the story Davis has told many times — that the experience "cost" Maynard \$20,000, a figure he says included the \$16,000.

Davis flip-flops later in the conversation, saying he was "under the impression" that Maynard never recovered the money.

Before the interview, *New Times* had made a call to Bernie Zadrowski, chief deputy district attorney in Clark County, Nevada, and supervisor of the office's bad check division.

Maynard's case was actually very simple, Zadrowski says.

A casino marker is the same thing as a personal check under Nevada law. It's a way gamblers avoid the risk of carrying around big wads of cash. A high-roller submits a form for the marker with his or her checking account number and obtains a stack of chips. The casino then has the right to deposit the marker at any time but usually waits a few months. That way, Zadrowski says, if the gambler's losses are high, the casino gives the gambler time to pay the money back. And everyone is happy.

If the check bounces, the casino makes a number of collection attempts, and if that doesn't work, the case is referred to authorities.

Records show that on January 15, 2003, Zadrowski's office contacted the Arizona Department of Public Safety and put a warrant out for Maynard's arrest. Six months later, on June 20, officers from DPS and Phoenix police went to a Phoenix apartment, picked Maynard up and took him to a Maricopa County Jail unit.

It was Maynard's second time behind bars. DPS records show he was stopped for speeding on Arizona Highway 68 near Bullhead City in 1991 and taken to jail in Mohave County because of an unpaid speeding ticket.

Faced with untold numbers of gamblers who fail to pay their markers, the Clark County D.A.'s office long ago created a diversion program that gives deadbeats a second chance to pay up rather than face criminal charges. Once Maynard finally coughed up the 16 grand, Nevada dropped its criminal case against him.

Because Las Vegas is one of the identity-theft capitals of the world — right up there with the Phoenix metro area — Clark County provides a "forgery packet" to anyone claiming to be a victim. A claim like Maynard's would have been investigated thoroughly, Zadrowski maintains.

"Not once did anybody ever suggest, in this particular case, that this was a case of stolen identity," he says.

Maynard never filed a police report for identity theft, or it would be part of the D.A.'s office file, Zadrowski says.

"The only call we received while he was in jail was from his girlfriend. She wanted to know how to get him out of jail," he says.

Zadrowski pulled the Arizona driver's license submitted to the casino by the person who took out the loan and e-mailed a copy to *New Times*.

Although the resolution quality is poor, the man in the picture looks like Maynard. Zadrowski says the man pictured is Maynard.

Maynard's girlfriend at the time, Valley resident Betsey Griffin, is listed on Maynard's 2005 bankruptcy report as being owed \$10,000. Reached by phone, she says she had nothing to do with getting Maynard out of jail and did not pay the \$16,000 for him.

"Because he owed me money, I wasn't going to give him any money to get him out of jail," she says. "So it didn't come from me." (Maynard later paid back the \$10,000 with interest, she says.)

Confronted with Zadrowski's side of the story, Todd Davis registers no obvious surprise.

"Is that what you think you have?" he says. "Okay, I hear what you're telling me."

Davis then goes into defense mode, saying that although the story is, indeed, the inspiration for the company, "we don't use that story. That's nowhere on our Web site. That's not part of our messaging. We don't use it in any of our, quote, advertising."

He says that he, Maynard and Prusinski — who's also on record telling the tale — simply respond to reporters' questions about how the company got started.

As of May, LifeLock still had at least one link on its Web site that introduces Maynard's victim story — a WCPO-TV news broadcast from Cincinnati. (The station took the video down, but still has a transcript on one of its sites.)

Call it advertising or public relations, Maynard's tale certainly has made the rounds. Another TV station in Baltimore reported it as fact. Internet sites like [www.eweek.com](http://www.eweek.com) and [www.scambusters.com](http://www.scambusters.com) also fell for it.

Newspapers in the Valley were no different.

In a 2005 *Business Journal of Phoenix* article by Adam Kress, Maynard spiced up his story by adding that police officers assumed he was a murderer they had been seeking. An *East Valley Tribune* business article by Edward Gately says Maynard claimed to have been victimized in 1998, as does an *Arizona Business Gazette* article by Maggie Galehouse. A quick call to either the Maricopa County Sheriff's Office or Clark County D.A.'s office would have turned up

evidence of the actual arrest date.

The amount Maynard lost dropped from \$20,000 to \$3,000 in an *Arizona Republic* article last summer by Luci Scott. That discrepancy could have been caught by looking up previously published articles.

Other stories, which don't include the jail yarn, appeared in various editions of the *Republic* in August and December 2006, and in May 2007.

Newspapers all over the country have written about LifeLock, and the company has a decent Web presence. Punching the name in Google returns 202,000 results, partly because the company pays bloggers who help sell its services.

Maynard himself writes craftily about his jail stint in articles posted on [www.military.com](http://www.military.com), including one headlined "I was a Jailbird or 'Sitting Duck.'"

Say what you will about LifeLock, all this is evidence that its execs are masterful at getting publicity.

Robert J. Maynard Jr. is one of the smartest people his father has ever known.

Dr. Maynard, one of six members of the state's board of optometry, says his son possesses an extraordinary ability to predict the growth of future markets and to convince people that they should give him money.

Maynard Jr. was born in Phoenix in 1962 and went to Arizona State University for a time after graduating from Brophy College Preparatory. He joined the U.S. Marine Corps and was honorably discharged.

His father says Maynard Jr. eventually graduated from Northern Arizona University, burning with desire for the good life.

"It started when he was in college," Dr. Maynard says. "He didn't want the \$20 pair of shoes. He wanted the \$300 pair of shoes."

Three years after his first Chapter 7 bankruptcy in 1990, Maynard's dream of getting rich was coming true. His credit-repair company, the National Credit Foundation, was raking in millions. But a few months after it started, state and federal authorities crashed the party.

New laws had been passed to deal with unscrupulous credit-repair firms that, at the time, seemed to be cropping up everywhere. Retired Tucson attorney John Wall, who handled the National Credit Foundation case on behalf of then-state Attorney General Grant Woods, says Maynard's firm was one of several the state targeted.

Court records show the state sued the firm, accusing Maynard and his three partners of fraud and misrepresentation. For one thing, the company falsely claimed it was a "foundation," a label that implied nonprofit status. It stated in advertising it could "help anyone legally obtain

good credit," but it couldn't really do that. And it claimed, falsely, that it was operating legally.

State law required companies like Maynard's to pay the state a bond amount of \$5,000 to \$25,000, to notify customers of their right to cancel services, and to provide customers with written contracts and informational statements. National Credit Foundation failed to do those things, the state said.

At the time, Maynard denied any wrongdoing, saying his business had no customer complaints and was, indeed, legal. He accused Woods of trumping up the charges and trying to destroy all "credit restorative service" firms like his.

A judge soon forced the company to stop doing business and turn over customer records to investigators.

Wall says he remembers running into Maynard around that time in the checkout line at a Costco store. Maynard was friendly, despite the ongoing litigation, and introduced his wife and baby. But the veteran prosecutor views Maynard's niceness with cynicism.

"Oftentimes, people are selling even when under investigation," he says.

The FTC launched a parallel lawsuit, going after Maynard and his partners for producing and airing a misleading infomercial about the firm's services. That wasn't the worst of it.

Federal court records state that Maynard and the other defendants obtained their customers' banking information and, "in numerous instances . . . withdrew funds from consumers' checking accounts without authorization."

Gilbert resident Vincent Calabrese, listed as one of the firm's creditors because of owed back pay, says he worked for National Credit Foundation for about a year and was there at the end. He says he'll never forget how the "phone was just going nuts" in the last few weeks with customers reporting unauthorized debits on their bank accounts, usually for about \$300 a whack.

"I don't know what happened. People were getting hit; their accounts were getting hit," he says. "I thought the information got out on these people on these accounts, and somebody used it."

He didn't suspect the company itself, he says.

"I was on three-way conversations with the bank and the people," Calabrese says. "These people were crying, practically, on the phone."

He also recalls that, sometime in the company's last few days of existence, a news reporter from a television network came in to interview Maynard for a story about the problems.

In a 1998 magazine article, Maynard blamed the National Credit Foundation debacle on the company that produced the infomercial, saying it tried to take over his business. As revenge, Maynard "killed his business" so the other company could not usurp it. The article states Maynard "strapped on a pistol and told his 300 employees to get out. Then he closed the office, declared Chapter 7 and sold everything."

The story could not be verified, because Maynard has refused to be interviewed by *New Times*.

Again, Maynard denied wrongdoing. But the federal government was so ticked off, it issued a permanent injunction that bans Maynard from "advertising, promoting, offering for sale, selling, performing, or distributing any product or service relating to credit improvement services."

Yet such a service is offered by LifeLock, where founder Maynard works as the chief marketing officer. (He was formerly the chief operating officer).

LifeLock helps customers who fall victim to identity theft repair damaged credit histories. So, the question is: Does Maynard's position at LifeLock violate the court order?

When his partner, Davis, is asked about this, he says the company outsources its credit-repair service. Besides, he says, the company has a written opinion from its attorney that Maynard is legally allowed to work for LifeLock.

After National Credit Foundation's fall, Maynard moved to Dallas and started Internet America. By early 1996, that firm was backed by investors and had 25,000 customers, according to an article that year in the *Fort Worth Star-Telegram*.

The newspaper article describes Maynard as a financial whiz kid who adheres to the utmost standards of professionalism.

"That's how we go out and get a \$250,000 line of credit somewhere," Maynard was quoted as saying.

Two years later, a *Dallas Business Journal* article reported that Maynard resigned from Internet America after finally settling with the FTC in the credit-repair case.

Maynard came back to Phoenix in 1999 and invested hundreds of thousands of dollars in a new company he founded, Dotsafe, which offered Internet-filtering services for schools.

Around the same time, someone ordered an American Express card in Maynard Sr.'s name and had the bills sent to a company called Netshield at 8181 South 48th Street, Suite 120, in Phoenix. That was Dotsafe's address.

Court and bankruptcy records suggest that Maynard Jr. obtained the card without his father's consent.

Dr. Maynard, while not giving up all the details because of the open case with American Express, says the "premise" that his son fraudulently ordered the card is accurate.

He adds that he has advice for any new parent: Don't name your kid after yourself.

Even as Dotsafe imploded, Maynard Jr. borrowed heavily and "his living style never went down," his father says.

At one point, Maynard Jr. owed more than \$1 million in unpaid taxes to the Internal Revenue

Service. Court records reveal lawsuits from a slew of creditors related to Dotsafe. His 2005 personal Chapter 7 bankruptcy lists debts to friends, business partners, credit card companies, the Phoenix Library — even \$24,000 to his children's private school, Summit School of Ahwatukee.

Yet, these days, Maynard is back in black — or close, anyway.

LifeLock's expanding and even became a finalist for this year's national Stevie Awards for best new company and best new product or service. Davis is a finalist for best executive.

Dr. Maynard, who acknowledges that his relationship with his son isn't "normal," says he is pessimistic about his son's future — regardless of his current success.

"I don't think Robert will ever not have the ups and downs," Maynard Sr. says. "Mostly, veracity is a problem."

One thing Maynard Sr. finds "mind-boggling" is why his son has repeated the bogus victim story so often because it was bound to be exposed, and LifeLock might have been just fine without it.

"Nobody has any idea [why he did that]," Maynard Sr. says, adding that a real identity-theft victim could have been found to promote the company. "I think Robert has told the story enough that he thinks it's true."

Journalists and other members of the public probably shouldn't be judged too harshly for believing Maynard's tale. There is no doubt that identity theft has left some victims ravaged, and legitimate horror stories are presented often by credible sources.

Andrea Esquer of the Arizona Attorney General's Office recalls going to a meeting recently with Phoenix College staff who had been victimized by a dumpster-diving mail thief.

"There were at least four or five victims in the audience who are still trying to clear their name from the mess this guy made," Esquer says. "They were devastated. They were very angry."

On the other hand, identity theft shouldn't be cause for hysteria. Yes, the crime can be horrendous, and we all need to be aware of it. But for most victims, it's really not that bad.

Much of the hype stems from confusion over government definitions of identity theft. For instance, two-thirds of the \$50 billion in losses nationally comes from credit card misuse: Someone steals your credit card or credit card number and makes charges without your knowledge.

That crime used to be called fraud — now it's in the identity-theft category. Like shoplifting, the crime is bad for business and bad for the economy. But it's a breeze for consumers: The law forbids credit card companies from making clients pay more than \$50 in false charges. Even that \$50 often gets waived, typically, in the interest of good customer service.

More insidious forms of identity theft, like opening new credit accounts in a consumer's name — the type of theft LifeLock's periodic fraud alerts purport to prevent — are less common.

Statistics show that many victims don't act particularly concerned.

The Federal Trade Commission's 2006 data shows that of about 250,000 identity theft complaints to the FTC, more than half of victims never contacted a credit bureau to place a fraud alert. About 62 percent never contacted police.

A survey of 5,000 American homes in October by Javelin Research and Strategy showed new-account fraud seems to be declining: One percent of respondents to the survey reported being victims, down from 1.5 percent in 2005. Identity theft cost victims less money and took less time to resolve last year, too.

Overall, 3.7 percent of Americans were victimized in 2006, down from 4.7 percent in 2003, the survey concluded.

That still would mean millions of victims.

But Fred Cate, an Indiana University professor and authority on banking security issues, says a lot of these survey numbers are "crap."

"So, we call these people at home, have these murky definitions, then we multiply that out," Cate tells *New Times*. "I don't mean to sound too skeptical, but we know Visa has testified before Congress, and more than half the calls they get about false charges, they weren't false charges."

Cate, who has testified before Congress, says that although identity theft isn't such a big problem in the greater scheme of things, he doesn't want to "diminish the horror" victims may feel. He believes innocent people *have* gone to jail because of the crime — he says he's talked with some of them. But it's not exactly a widespread phenomenon.

Fearing the worst motivates people to buy identity-theft insurance and credit-monitoring services, which have become big business. Plenty of companies offer services similar to LifeLock's, including the three credit bureaus.

"The unique and troubling aspect of identity theft is that it's not like other crimes, where the crime happens and it's over," says Ron Griffin, public education manager for Experian, one of the credit bureaus. "The nature of ID theft is that it recurs."

Credit bureaus are usually the "messenger that somebody is at it again," Griffin says.

Once an identity thief screws up your credit, the process can be "cumbersome" to unwind, Griffin admits. Victims must present valid police or state identity theft reports, and provide identifying information, he says.

Arizonans are extra vulnerable. The FTC says the state was No. 1 for the crime last year, though Valley residents are less likely to become victims, on a per capita basis, than people in smaller towns like Flagstaff and Prescott.

Responding to worried constituents, Republican and Democratic lawmakers in Arizona worked on a bill this year that would allow people to freeze their credit reports, making it close to impossible for thieves to open new accounts.

State Representative Bob Robson, a Republican from Chandler, says the bill failed partly because the fee of \$45 to freeze the reports at all three credit bureaus was too high. Customers could unfreeze the reports in as little as 15 minutes to take advantage of a good credit offer, but they'd have to pay for a refreeze. The bill will be back next year with a better price tag, he predicts.

According to an article in the *Washington Post* last month, 33 states already have similar credit-freezing programs. Robson points out, though, that only about 50,000 people nationwide have taken advantage of that option.

"I heard it might be for people who don't use credit a lot," Robson says.

Amanda Aguirre, a Democratic state Senator from Yuma who helped sponsor Arizona's credit freeze bill, has her own tale of woe, though nothing so dramatic as Robert Maynard's. The Regional Center for Border Health Inc., a walk-in health clinic in San Luis, was struck last year by an identity thief.

"Somebody used the routing number of the nonprofit agency, went on the Internet and paid all kinds of bills," says Aguirre, the agency's president and CEO.

It's not a good example for her bill — a credit freeze wouldn't have prevented the crime. And like most identity-theft victims, the agency paid no out-of-pocket expenses. The bank reimbursed the agency the \$6,000 that was stolen, and her staff spent about five hours doing paperwork and making phone calls to fix the damage.

LifeLock CEO Todd Davis says no one ever questioned Maynard's victim tale until *New Times* called.

Any public revelation that Maynard's story wasn't true would be a "massive downside" for LifeLock, he says, and he wouldn't have repeated the story if he knew it was false.

"If I thought there was something, why would I go jeopardize everything else we're doing when I have very effective messaging that works without [Maynard's jail story]," he says. "It would give me grave concern if there was an issue with that story."

Despite that, Davis refuses to call Maynard at the time of the interview to ask him about the situation. He says he'll "look into it" and the company will issue an official response.

That was on May 10. *New Times* is still waiting.

On May 21, Maynard told a *Today* show producer his victim story. And on May 17, Davis repeated the story to members of the Enterprise Network business association during a speech about the company at the Lakeview Inn at Camelback Golf Club in Phoenix.

The Clark County D.A.'s representative, Zadrowski, says nobody from LifeLock has called him about Maynard.

So much for Davis' "grave concern." Clearly, the company considers the bogus victim story too precious to throw out.

Zadrowski grew indignant when he was e-mailed newspaper articles in which Maynard tells the tall tale. If it were based in Nevada, LifeLock would be subjecting itself to potential criminal liability for obtaining money or services under false pretenses, he says. But a prosecution would depend on the unique facts of the case.

Ken Abbe, a staff attorney for the FTC, says speaking to the media is usually covered by the First Amendment to the U.S. Constitution, but a case for false advertising could potentially be made.

"The question is: Is that the story that makes consumers act on their decision?" Abbe says, making it clear he cannot comment on whether LifeLock is breaking the law.

It cannot be predicted what will happen to LifeLock if customers lose trust in it.

The company offers a legitimate service, and no LifeLock subscribers have complained of being misled, Davis says.

"We're squeaky clean," he brags.

Then again, until now, LifeLock customers haven't had a reason to doubt the word of Davis and Maynard.

Calls to venture capitalists Kleiner Perkins Caufield & Byers, Bessemer Venture Partners and Biltmore Ventures — the groups that, in April, kicked \$6 million in funding to LifeLock — were not returned.

In another sign of the company's growth, LifeLock was set to transform its office at Rural and Guadalupe into the main call center and move its headquarters to two floors at the Hayden Ferry Lakeview building next to Town Lake in Tempe.

When *New Times* finally reached Maynard on his cell phone in mid-May, he hung up. *New Times* called him again and asked him point blank whether he had stolen his father's identity to take out the American Express card. He didn't deny it but said, "You better be real careful."

He was also asked to explain the facts behind the jail story. Before hanging up again, he blurted, "You're going to say what you're going to say. You're going to assassinate my character."

Nobody could do that better than Robert J. Maynard Jr. already has.



## Money for Nothing

Don't fall victim to the identity-theft protection scam

By Ray Stern

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The phone call from the collection agency back in May should've been expected.

The caller was looking for Todd Davis, the CEO of one of the nation's fastest-growing anti-identity-theft companies, Tempe-based LifeLock. When Davis picked up the phone, the collection agency told him he had failed to pay back a \$500 loan he took out in Texas.

Davis, who lives in Chandler, probably knew at once he was a victim of identity theft.

But how could he be a victim? His company boasts it can protect people from identity theft, and Davis was, naturally, one of its first customers.

Yet there's no doubt it was identity theft, says Lieutenant Dean Sullivan of the Fort Worth Police Department. The suspect took out a loan under Davis' name using a check as collateral.

"How they came about his information, I don't know," Sullivan says.

There's an easy answer for that.

Davis gives out his Social Security number — 457-55-5462 — in the company's ads.

Davis states on LifeLock's Web site, "Just like we have with mine, LifeLock will make your personal information useless to a criminal."

But LifeLock couldn't really make it useless. Like other aspects of LifeLock's marketing campaign, Davis' statement just isn't true.

Despite LifeLock's service, the thief found Davis' information plenty useful. The check that the thief used to take out the loan was from his or her own bank, and police found the suspect's home address. So far, no arrest has been made.

The story won't make a good testimonial for LifeLock. It's a perfect example of how the firm's primary service — placing fraud alerts on customers' credit reports — failed to stop identity theft from occurring.

### Free 3 in 1 Credit Report

View your credit report & scores From all 3 bureaus in 60 seconds.

FreeCreditReportASAP.com

### Identity Theft

VeriSign Identity Protection Authentication & Fraud

Detection

www.VeriSign.com

### Get a Free Credit Report

Available online in seconds! Or a 3 Bureau Credit Report and Score.

www.CreditReporting.com

### Free Online Credit Score

Free 3-in-1 credit report with Unlimited access to credit score.

Privacymatters.com/FreeTrial

Other companies offer that service, as well, even though it's free and extremely simple for people to do themselves. Dozens of firms offering anti-identity-theft services have built a multimillion-dollar industry in the past few years.

Consumer advocates say they're a rip-off.

Companies like LifeLock can try to prevent only one kind of identity theft, new-account fraud, and Davis' case proves they can't always do that, either.

Initial details of the case were first published June 11 by blogger Kim Zetter of [Wired.com](#). Zetter said she received a tip from a reader about the crime after another blog post about LifeLock.

Zetter and other bloggers were writing a lot about LifeLock that week because of a [May 31 \*New Times\* story](#), which detailed how the company's founder, Robert J. Maynard Jr., lied repeatedly to the public that he was a victim of identity theft, according to information provided by Nevada authorities.

Maynard claims — and he's sticking to the story, despite overwhelming evidence to the contrary — that he was falsely arrested by Valley authorities in 2003 and held for a week in jail because of a Las Vegas gambling debt that he didn't owe. The experience gave him the idea to start LifeLock, he has told newspapers and TV news stations. He and Davis use the story as a horrific example of why people need their company's services.

But Clark County, Nevada, prosecutor Bernard Zadrowski told *New Times* the roughly \$16,000 debt to the Mirage casino had, in fact, been Maynard's. Nevada treats unpaid casino markers like bad checks, and felony charges against Maynard Jr. were dropped after he paid the debt, Zadrowski said.

The *New Times* story also detailed how Maynard Jr. was one of the heads of a credit-repair company shut down by the government in the mid-1990s, leaving him permanently banned from the credit-repair business, and how his own father accuses him of identity theft. Dr. Robert Maynard Sr., a Valley optometrist, said his personal data was used by his son to order an American Express card in Maynard Sr.'s name and make about \$150,000 in charges — all without Maynard Sr.'s consent.

Less than two weeks after the story ran, LifeLock announced that Robert J. Maynard Jr. had resigned from the company.

The *Los Angeles Times* wrote about his resignation in a June 12 article and mentioned the scam against Davis prominently, saying that even as the company was acting to distance itself from problems exposed about its founder, "new questions arose about its marketing claims." The *Times* also said the incident could affect Davis' credit rating.

Davis said he's still "upset" over the May 31 story, and he wouldn't agree to an interview for this article. But *New Times* sent him several questions, which he answered by e-mail with the help of the company's new public relations consultant, spin artist Jason Rose, known for taking on clients with image problems, including Maricopa County Sheriff Joe Arpaio and Pink Taco restaurant.

In one e-mail, Rose and Davis say the fact that Davis was victimized was not an embarrassment to the company; rather, it showed how well the company works. The e-mail explains that when the system fails, as it did in this case, LifeLock will spend time and, if necessary, up to \$1 million to help its customers.

The company did help its CEO — by hiring another company to aid in solving Davis' problem.

But the same thing wouldn't happen to you, because LifeLock's terms of agreement state that you can't be a customer if you publish your Social Security number.

If anyone in this state knows what to do about identity theft, it's Bob Hartle.

Hartle lives with his wife, JoAnn, in the residence where he grew up in south Phoenix. The place is filled with the hides and heads of animals he and JoAnn hunted when they lived in Alaska. In 1994, the Hartles were living in Iowa when they found out that a thief had destroyed Bob Hartle's good name ("Bob Hartle's Identity Crisis," April 24, 1997).

The incident spurred Hartle to become an expert on the subject, and he became personally responsible for the state's first anti-identity-theft law, signed by Governor Fife Symington in 1996. Before then, no specific felony statute made it a crime to take someone's data and use it wrongfully.

Hartle's a retired Honeywell employee who now works as a security officer for a tech firm. He and JoAnn educate the public and help identity-theft victims in their spare time. Their Web site address is [www.idfraud.org](http://www.idfraud.org).

At seminars, Hartle says not to spend money on anti-identity-theft services. He says they are a waste of time. That's also the message of *Consumer Reports* and other watchdogs that have analyzed the services.

The fact is, you can do most everything the services do for no cost.

If you become a victim — a possibility even if you buy the services — odds are the crime will cost you no money and take relatively little time to resolve.

To understand the criticism by Hartle and others, you first have to know what the identity-theft companies are selling: credit-report monitoring, fraud alerts, insurance, and help for victims.

Most of the companies offer several of the services at once.

All three major credit bureaus — Equifax, Experian and TransUnion — offer credit-report monitoring in a way that could almost be called a protection racket.

The credit bureaus make money by collecting financial data on people and then selling it. They are the keepers of your credit report and credit score. When you apply for a loan, they're the ones who tell credit card companies, mortgage firms, and car dealerships who you are and whether you're likely to make timely payments.

The credit bureaus charge the lenders for that information. Then they charge you as much as \$14.95 a month to monitor your credit report, simply shooting you an e-mail if someone opens a credit account in your name.

In other words, you pay the bureaus to let you know when they help someone commit fraud in your name.

You can choose not to buy the bureaus' services, but you can't choose to ignore the bureaus if their info on you is misused — not if you ever want to buy something on credit again.

Even if you pony up the monthly fee, there's no protection from identity theft.

And if you get victimized, you still have work to do. The bureaus can't interpret your credit report. Only you know which of your credit accounts are legitimate and which aren't. If you think a thief has opened a line of credit in your name, you still have to contact the credit bureau — just as you would do if you learned about the crime because a collection agency called you.

Then there are companies like TrustedID, Debix and LifeLock, which take advantage of a three-year-old federal law that allows people to put fraud alerts on their credit reports. If a fraud alert is on your report, lenders are supposed to call you before issuing credit in your name.

Most of the companies offer some kind of insurance for customers, but the majority of identity theft victims would never need it. Financial losses are typically covered by the bank, merchant, or credit card company that gave credit to the wrong person.

So-called resolution services, which offer to help victims cut through the red tape after a theft occurs, seem like a good idea in complicated cases. But those services are outrageously expensive. One company, Kroll Fraud Solutions, charges between \$1,000 and \$2,000 to deal with a fairly simple new-account fraud case.

When any of these services are offered by your bank or credit union for free, they're worth it. Bank of America, for example, offers a free service for its customers if they become a victim of identity theft involving Bank of America accounts.

There's no question that most, if not all, of the companies exploit Americans' fear of identity theft to sell their service. They compare identity theft to a calamity such as a house fire. They play up crime figures reported by the Federal Trade Commission and other sources, which state that millions of Americans will become victims every year. And the news media help drive the mania with reports of the most extreme examples.

People give each other paper shredders for Christmas. They scan their bank account and credit card statements for false charges. If the anti-identity-theft companies are to be believed, tens of thousands of people have signed up for services that claim to protect people.

The reality is that the crime isn't nearly as terrible as the identity-protection firms try to scare you into believing.

More than half the cases involve fraudulent credit card charges that are quickly reversed by credit card companies. Even in cases in which thieves open credit accounts in other people's

names, the victims usually pay no out-of-pocket costs.

Ironically, the people most likely to buy the services are those least likely to need them. According to LifeLock's literature, most of their customers are 35 to 50, well off, and "not the most susceptible to identity theft."

Police say the hardest hit are young people in their 20s or people of modest means. One California victim described how, after a thief withdrew the \$2,000 in her checking account, she was forced to ask her employer for a loan because a bank took two weeks to put the money back.

Believe it or not, even shredding — that staple of identity protection — isn't necessary for many of us, especially if you live in a house with individual garbage collection rather than share a trash bin with neighbors.

Al Shiya, a spokesman for Phoenix's public works department, says that once a garbage truck picks up a trash barrel, there is "zero risk" of identity theft from pilfered garbage. Green-barrel garbage is compressed, put in a pit and covered by dirt in the city's Buckeye landfill the same day it's picked up or the next day. Nobody scavenges at the landfill, which sits on thousands of acres and is surrounded by a high, chain-link fence. Blue-barrel recycling garbage is sorted at a secure facility.

"There have been no incidents in anyone's memory here where anyone's identity was compromised within this process," he says.

Expert Bob Hartle believes none of the ID-protection services — except the ones you can get for free — has any real value. He doesn't trust them, either.

Anyone considering such a service should read the fine print, he says. Many companies require you to give them power of attorney, which Hartle says could be misused. He points out that while some companies say they do criminal background checks on their employees, you won't know if they really do.

The monitoring and relief services help you only after theft has occurred, so you're paying month after month for something you don't normally need. If you do get zapped, it's no big deal to get the problem fixed, he says.

True, the services might sound appealing if you're lazy and have money to burn, but Hartle insists you won't get anything you can't do yourself in very little time.

Most people don't really need a fraud alert on their credit reports. Unless you've published your Social Security number — like LifeLock CEO Todd Davis did — or somebody hacks into your employer's human-resources computer, placing a fraud alert isn't worth the bother.

A fraud alert probably won't prevent crime, as the Davis example shows. A lender may not call a major credit bureau, which means an alert won't be found, or a lender may see an alert but choose not to call its customer.

An alert also may stop you from taking advantage of a good credit offer. If your contact number for a fraud alert is your mobile phone, you'd better have the phone in your purse or pocket before you try to open a new credit account or you'll be stuck.

But some experts recommend fraud alerts as a simple precaution. Most times, an alert should prevent the type of identity theft in which criminals open accounts under your name.

The right to place a fraud alert on your credit report is relatively new, provided courtesy of Congress via the Fair and Accurate Credit Transactions Act of 2003, also known as the FACT Act. The main problem for consumers is that the law allows the credit bureaus to lift the fraud alert after 90 days, making it easier for their customers — lenders — to do business. If you want permanent protection, you need to renew the alerts every three months.

Companies that place the alerts for you, like LifeLock and Debix, say that going without their service is like mowing your own lawn or changing your vehicle's oil yourself.

The analogy is flawed, because mowing your lawn or changing your own oil is actually hard work. Sweat will probably be involved, and the chores will take a chunk of time, unlike performing for yourself the service that LifeLock offers.

Placing a fraud alert yourself is a cakewalk. All you have to do is dial the toll-free phone number of one of the major credit bureaus. The process will take less than five minutes, maybe as little as two or three minutes. You have to notify only one of the major credit bureaus of a fraud alert because that bureau will then notify the other two. If you let six months go by without placing an alert, no biggie — remember, you probably don't need it in the first place.

If you've already become a victim, and you've got an official identity-theft report, it would be downright dumb to pay someone to place the fraud alert. That's because victims have the right to place a seven-year fraud alert, eliminating the need for frequent renewals.

Pulling your credit report is another service these companies offer that you can do for free. Simply log on to the secure Web site [www.annualcreditreport.com](http://www.annualcreditreport.com), or call 1-877-322-8228 and punch in some personal data.

You can pull the reports of all three bureaus once a year, or stagger your reports by pulling one from each bureau every four months. Most of the time, though not always, the records at the three bureaus are the same.

"Getting your credit report three times a year should be enough to find out, generally, what's going on," says Gail Hillebrand, a senior attorney for Consumers Union, the nonprofit publisher of *Consumer Reports*.

It costs about \$9 to see your credit score, but the credit bureaus will give you the score and other data during a free, month-long trial period. Hillebrand says that's not a bad way to go, as long as you're careful to cancel the membership before the free trial ends.

The two measures — pulling your credit report and placing fraud alerts — are so easy that you would spend just as much time and effort signing up with a service company. And ask yourself, when the company starts sending you regular e-mails, credit reports, and other information,

will you really take the time to study all of that? Probably not, if you don't even have time to pull your own credit report.

If you never look at your credit report and you haven't placed a fraud alert, it's easier for someone to take credit out in your name. Being a victim will make you feel violated and ticked off. It will definitely cost you some time.

The service companies want you to believe you'll be devastated.

The truth is, police and prosecutors say, severe cases of identity theft are rare. With some legwork, financial damage is almost always reversed, says Annielaurie Van Wie, a prosecutor with the Maricopa County Attorney's office.

"I haven't seen people having a lot of problems with that," she says.

That means you're likely to pay one of the service companies more over time than you ever will ever be out in an identity-theft scam.

Sure, you'd rather not have it happen at all, but if it does, your involvement could help convict a thief. That's what happened after an ex-con pretended to be Cameron Dana of Mesa.

Last year, a man using Dana's name took out a \$20,000 commercial loan at a store by filling out a form. Once the credit was approved, the first thing he bought was a utility trailer. As store employees looked on, thinking they were seeing the birth of a construction company, the man packed the trailer with new power tools and other supplies until the funds were exhausted. Then he hitched the trailer to his new Ford F-350 diesel pickup and drove off.

The man was really Richard Hainsworth, a 36-year-old meth user. Armed with Dana's identification, Hainsworth acted like a lottery winner for about two weeks, racking up about \$75,000 in charges.

Only after Hainsworth visited another Home Depot, this time in Mesa, did anyone get suspicious. When he applied for \$1,000 in personal credit and promptly bought about \$1,000 in goods, someone at the store notified Citigroup, the company Home Depot uses for its credit services.

Hainsworth left with the merchandise, but a Citigroup agent called the real Cameron Dana to double-check the purchase.

Dana, 32, is a sixth-generation Arizonan descended from Mormon pioneers and raised in Mesa. He's a tall, burly guy with close-cropped hair and big hands who makes a living buying and refurbishing homes, then selling them at a profit. After hanging up the phone with Citigroup, Dana asked a buddy what to do and was soon looking at his credit reports on the Internet.

They showed a total of 16 new credit accounts opened in his name, each one laden with charges:

A \$30,000 truck, the \$20,000 in goods from Home Depot, a Harley-Davidson from a Prescott motorcycle dealer, cell phones, a \$5,000 visit to OfficeMax.

Dana called police, then began conducting his own investigation.

"To every one of the merchants, I said, 'Get your security tapes,'" he recalled. "My most motivating factor: I wanted to see what this guy's face looked like."

He turned over everything he found to the cops.

"I would have liked to strangle the guy," he says.

Hainsworth was arrested in June 2006 by Gilbert police and later convicted on a 2005 charge of stealing a boat. He's serving 6 1/2 years in prison, but faces another sentencing soon in Yavapai County for stealing the Harley.

Mesa police say they are using the evidence they collected in Dana's case to aid in the Yavapai prosecution.

Dana, on the other hand, wound up fine — despite his complete lack of identity-theft protection.

It cost him a few postage stamps to make the five-figure debt disappear, though he was forced to commit a few solid hours to the mess. He obtained a police report and filled out a Citigroup identity-theft form, then gave copies of the documents to the credit bureaus. He made 16 copies of the Citigroup form and mailed them to each of the merchants who gave out the credit. He put a seven-year fraud alert on his credit report. Then he was done.

Just in case some other thief gets hold of Dana's personal data, he will have to check his credit report more often in the future.

"I can do it myself," he says.

On the second floor of the nondescript Lincoln Towne Center in Scottsdale is the headquarters of Identity Theft 911, which moved to the Valley in late 2004 from San Francisco. One of the company's stated goals is education, and it puts out a lot of information on its Web site about how to beat identity thieves. It's a for-profit firm that partners with major financial institutions, which give its victim-help service to customers.

Mark Fullbright is one of several advocates who work the phones at Identity Theft 911.

"People are shaken, angry," says Fullbright, who says he has worked at local banks for the past 15 years and has become something of a fraud expert. "We give them a lot of assurance. You could have a phone call last an hour, or just a few minutes."

The company's clients include AFL-CIO member unions' employees, banks, credit unions, and insurance companies. Outside of its victim-help service, Identity Theft 911 offers credit

monitoring to customers for a fee, but it doesn't push the feature.

"We don't know why anybody would pay for [anti-identity-theft] service," says Eduard Goodman, the company's general counsel.

Goodman and Fullbright also eschew the prevailing wisdom about fraud alerts, saying, although their company can place the alerts, people don't really need them unless they believe it's very likely they'll be victimized.

Goodman also points out a potential drawback to more people placing fraud alerts on their accounts: "The more fraud alerts out there, it's like crying wolf."

The attitude is different at other companies, like Debix, an Austin-based competitor of LifeLock that markets to individual consumers by playing up the fear angle.

"The risks for you as a consumer, you know, just like car accidents, are real," says Debix CEO Bo Holland in a telephone interview. "House fires are real."

Debix is very similar to LifeLock, and its services cost about the same: \$99 a year. The company places a fraud alert with the credit bureaus but adds a twist. When someone tries to open a line of credit in the name of a Debix customer, the company calls the customer and asks for a PIN to complete the transaction.

Despite the bells and whistles, it's still the same old thing. You pay a lot for someone to do a few minutes worth of easy work. Same with TruSton, TrustedID, the services offered by the credit bureaus, and many others.

A company called PrePaid Legal Services Inc. employs armies of independent contractors to help sell its anti-identity-theft services, which are actually provided by Kroll Fraud Solutions. Because of that apparent lack of control, Hartle, the identity theft expert, singles out PrePaid Legal as a company to be particularly wary of.

To the contrary, says Robert Garcia, a retired 25-year veteran of the Tucson Police Department who represents the company. He says Kroll performs background checks on its freelance workers, unlike other companies in the field. He says no PrePaid Legal employee has ever misused a customer's personal information.

Even if it's safe to use PrePaid Legal, potential customers might tremble at the price. Garcia says he recently contracted with the city of Tucson to offer city employees a plan that costs \$25 a month, more than twice as much as typical protection services. Sure, the price includes help with legal matters, like wills, but people usually don't rewrite wills every month.

Van Wie, the county prosecutor, attends community meetings around the Valley regularly, and people often ask what she thinks of anti-identity-theft services. She says she doesn't recommend them.

If anything, she believes the plans offered by the credit bureaus make the most sense because they hold the credit reports.

"I don't steer people toward anything, but I'll say, 'Look at what you're getting for your money,'" Van Wie says. "I explain how to do it themselves."

Van Wie's bureau filed more than 2,600 cases of identity theft-related crimes last year, including 15 cases of trafficking in stolen identities. Her office couldn't immediately break down how many of the cases were serious and how many were resolved with little hassle and no expense to the victims.

Van Wie does not use an identify theft service personally.

The credit history of LifeLock's CEO was hardly blemish-free before the Texas thief stole his identity. Like the company's founder, Robert Maynard Jr., Todd Davis also has a bankruptcy on his record. He filed in 2000 to escape about \$82,000 in unpaid bills, federal records show.

His credit score might be higher now, if you believe the two-year-old company's claim that it has gained tens of thousands of customers just in the past month. It just moved into a second location at Hayden Ferry Lakeside Office Tower II, on the banks of Tempe's Town Lake.

It's true that LifeLock has become one of the most recognized names in identity-theft protection because of its robust radio advertising on the Howard Stern, Rush Limbaugh, and Paul Harvey shows.

But if you listen to its competitors, LifeLock is also one of the biggest jokes in the industry — which is really something, considering the industry as a whole isn't much better.

LifeLock's marketing style and its ability to find both customers and investor funding makes the bosses at other companies fume with indignation and, perhaps, jealousy.

Then came *New Times'* May 31 story, which focused on Maynard, and much of that fuming turned to glee.

"I can't lie to you," says Goodman, general counsel for Identity Theft 911. "I was very pleased with [that] story."

Maynard had been telling a tale for two years that he was falsely arrested by Valley authorities in 2003 and held for a week in jail because of a Mirage Casino debt he didn't owe. The experience gave him the idea to start LifeLock, he said. The story was retold to newspapers and TV news stations by Maynard and Davis as a horrific example of why people need the company's services.

After *New Times* revealed Maynard's story was full of holes, California-based Truston began offering discounts to LifeLock customers who switched services. Debix later did the same thing. Company spokesmen rushed to the comment sections of industry blog sites to pile on LifeLock — and plug their own companies as a better alternative.

But some loyalty to LifeLock was evident in an avalanche of Internet tongue-wagging that followed the article. On one blog site, TechCrunch, editor Michael Arrington posited that a "hit

job" on LifeLock might have been part of a conspiracy by the credit bureaus, which ostensibly don't want LifeLock to steal business from them.

The *New Times* story became even more widely read when, the day after it was published, presidential candidate Fred Thompson announced he had done a radio ad for LifeLock that would air over the next two months.

The timing of the story and other articles about Thompson's involvement became an embarrassment to Thompson as his critics used the LifeLock ad to bludgeon him. The *Los Angeles Times* covered the development in a June 9 story titled "An Awkward Ad by Fred Thompson," which also mentioned Maynard's bogus claims of identity theft but uncovered no new information.

A couple of days later, LifeLock announced that Maynard had resigned.

In early July, LifeLock hired public-relations heavyweight Jason Rose to help with its tarnished image. *New Times* e-mailed LifeLock new questions for this article, and LifeLock's CEO e-mailed a response, starting by thanking *New Times* "for pointing out to us a number of issues regarding LifeLock co-founder Robert Maynard Jr."

The company claims to be distancing itself from Maynard, who still owns about 10 percent of the business, and Davis says the company's founder no longer has access to an office or any LifeLock systems, and that he has no more ability to conduct business for LifeLock.

However, Davis says the company will continue to employ Maynard as a consultant who works from home. Asked to explain why the founder was being retained by LifeLock in any way, Davis did not comment.

Davis, who claims he never knew Maynard's jail story was false, had previously said he would investigate the tale but now says he considers the matter closed. He denies, however, that he repeated Maynard's story at a Phoenix golf club in June before members of the local business group, the Enterprise Network. Michelle LaFlam, the network's administrator, initially told *New Times* she recalled Davis telling the story but, when reached again in July, says he may not have repeated it, after all.

In any case, Rose says LifeLock employees won't continue to recite Maynard's story. And, he says, LifeLock plans to remove all references and links to articles about the tale from its Web site.

Maynard, who refused to answer questions from *New Times* before the May 31 article, commented to [www.Scambusters.org](http://www.Scambusters.org) and Zetter from [Wired.com](http://Wired.com) after it appeared. He told Scambusters that he had "no knowledge" of the casino debt, but that he chose to pay the \$16,000 because it wasn't much money to him. In fact, Maynard was hundreds of thousands of dollars in debt in 2003.

"I understand the issue in Nevada looks bad, but I did not do it," he wrote.

He also was quoted as saying he and his father co-signed for the American Express card, though he offered no proof.

David Cowan, who in April was among the investors who gave LifeLock \$6 million in new funding, wrote in his blog space in June that Maynard has health issues that affected his past. Cowan wrote that Maynard has bipolar disorder, which can lead to "dire financial and legal consequences," but that LifeLock's founder received proper treatment and "built his third company responsibly."

In an e-mail exchange with *New Times* this month, Maynard refused to comment on his medical history. But he did ask his Phoenix lawyer, Martin Galbut, to respond for the first time to *New Times'* questions about the jail story and about the American Express deal.

In a curious July 5 letter to *New Times* asking for unneeded corrections, Galbut wrote that the May 31 story "misrepresents facts" concerning the 2003 Mirage casino incident. As for the evidence, Galbut says Maynard can prove a fake California driver's license was issued in his name and revoked in 2000.

Galbut was asked how the fake California license he says was issued in 2000 relates to two apparently genuine driver's licenses of Maynard's on file at the Mirage in 2003 — but he hadn't explained that by press time.

The accusation that Maynard Jr. stole his father's identity to obtain a credit card is false, Galbut writes, because Maynard Sr. "has never alleged that the initial American Express card was obtained fraudulently."

Yet that's exactly what Maynard Sr. alleged in *New Times'* May 31 article.

In a follow-up phone call to Galbut's firm, attorney Bryan Gottfredson says he can't explain the discrepancy.

Reached again in July, Maynard Sr. says he's been advised by his lawyer not to talk further about the American Express case, because a lawsuit against him by the company for the unpaid bill hasn't been settled. But he added that *New Times'* May 31 story is accurate.

Though LifeLock contends it's ending its lying ways, Robert Maynard Jr.'s brainchild company just can't seem to break the habit.

One of the most jarring examples of a type of service nobody should ever buy is the "audit" LifeLock claims it performs on whether a child's Social Security number has been stolen by criminals.

Experts say it may be a good idea for parents to occasionally inquire whether a child's personal information is being exploited. A child wouldn't be held responsible for fraudulent charges, but identity theft could affect his or her future credit rating.

In a 2005 press release regarding its service for children, LifeLock says it will "track any unusual 'work activity' with the Social Security Administration." More recently, in one of his e-mails to *New Times*, LifeLock CEO Davis wrote, "For \$25 a year, LifeLock performs an auditing service to make sure your child's Social Security number isn't being fraudulently used

by someone else."

Mark Hinkle of the Social Security Administration says such claims simply aren't true. He stresses that the agency doesn't partner with or do audits on behalf of any private company.

Asked again about the matter, LifeLock revealed how its "audit" works. Customers who order the service merely receive a Social Security Administration statement-request form from LifeLock and instructions on how to mail it to the government. Called an SSA-7004, the form is available online at [www.socialsecurity.gov](http://www.socialsecurity.gov).

"Due to the Administration's rules, we are unable to sign this form on your behalf," LifeLock's instructions state.

Speaking for the company, Jason Rose denies LifeLock misleads anyone about how it portrays its service for children.

But to use the oil-change analogy, the "audit" LifeLock claims to perform is like paying Jiffy Lube to hand you a wrench.

LifeLock also makes sure your child has no credit bureau account. Once you give the company your child's personal information, LifeLock attempts to pull a free annual credit report (which any semi-intelligent parent could do in five minutes). If no credit report comes up, as it shouldn't, then everything is okay.

LifeLock doesn't tell customers the employment "audit" won't be accurate. Or that it's not all that necessary. The Social Security Administration has a system in which it mails out letters to parents if computers show that someone under the age of 7 is earning wages.

Even if an illegal immigrant is using your child's Social Security number for employment, that alone won't cause any negative effect. And Hinkle says that unless the immigrant uses the child's name as well as Social Security number, the agency won't print the immigrant's work history on the child's Social Security statement:

"In most cases, if you're talking about fraudulent work, it doesn't even get credited to the earnings report because it doesn't match."

Just days after he attended a seminar on identity theft by Bob and JoAnn Hartle, retired postal worker Mike Wysocki noticed a bunch of strange packages in his mail.

"I had five or six little packets that contained CDs," says Wysocki, 55. "One was eBay Monster, another was how to obtain government grants — odd things."

Wysocki went online and checked his credit card account at Arizona Federal Credit Union. He found 19 charges, all for small amounts and totaling \$289, that weren't his. He canceled his card. The next day, he received a bunch of books in the mail.

He asked a police officer why someone would do that — what would they gain by sending him

stuff? The cop was stumped, but a credit union fraud specialist told Wysocki it was common. Thieves often test a credit card number with small purchases, and if all goes well, they move to the big stuff.

The credit union told him it would take about four months to investigate, and it would fully reimburse him if he wasn't at fault.

Wysocki says he placed a fraud alert on his credit report with a quick phone call.

But the fraud alert wouldn't stop a similar crime from occurring on another credit card. Credit-monitoring services wouldn't have caught the transaction, because they don't monitor bank and credit union accounts.

The service companies can do nothing to prevent credit card fraud, the most common form of identity theft. Nor can they help with most other forms.

Phoenix police Sergeant Jason Davis, who works with the department's document crimes detail, described a few of the schemes for *New Times*. Identity thieves, he says, can be pretty inventive.

In a frustrating turnabout, thieves will get someone's personal data and use it to obtain a free credit report. Once thieves find out somebody has a Sears charge card, for example, they can go to Sears and probably make purchases on the account.

The services can't stop that, either.

Another huge problem the services don't prevent is medical identity theft. There's no central reporting agency for medical bills. Davis' boss, Lieutenant Giles Tipsword, says organized theft rings have been getting their hands on Medicare profiles, then selling them to other fraudsters who ran up charges for tens of thousands of dollars of health care.

Just having a criminal use your personal information at all can be a big problem, even if the crook doesn't use the data to steal anything. If police have an arrest warrant with your name on it, you could be arrested the next time you are pulled over for speeding.

Sergeant Davis says he talked to a woman who found out the thief using her identity had caused police to issue multiple warrants for her arrest. Phoenix police had her come down for fingerprinting, then gave her a letter saying she wasn't the wanted criminal who was using her name, date of birth, and Social Security number.

If you are arrested falsely in a case like that — even if you've joined a service company like LifeLock — you'll still have a negative experience to remember.

At a news conference in June, Phoenix police brought out printers, other document-making equipment, and hundreds of checks that came from a single bust of identity theft suspects. The suspects were using personal information from new victims to alter the checks, stolen from a bank vehicle in 2004, in an attempt to cash them.

"There's no foolproof way to stop this," Tipsword says.

So the best advice is: Don't fall prey to identify-protection scams.

Chances are you'll never be targeted by identity thieves. And if you are, there's next to nothing an identity-protection firm could've done to prevent it. Or much it could do to help you solve the problem that you couldn't easily do yourself — at little to no expense.

#### DIY: FRAUD ALERTS

Placing a fraud alert tells someone loaning money in your name to call you first. Drawback: Might delay an impulsive credit purchase.

Here's how to do it:  
Call 1-888-397-3742

This is the number for Experian, one of the major credit reporting bureaus. They'll report the fraud alert to other bureaus.

Calling this number gives you automated options. Here's what to do:

Press 2 (you don't want the "free" offer),

Press 3 (you want the fraud stuff, not more sales offers),

Press 2 (to place an alert),

Press 1 (for initial 90-day fraud alert).

Getting to this stage takes approximately 1 minute; then you punch in your personal identification numbers.

#### TO GET YOUR CREDIT REPORT

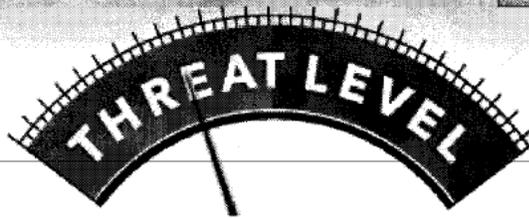
Super-easy and free process: [www.annualcreditreport.com](http://www.annualcreditreport.com)  
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## LifeLock Founder Resigns Amid Controversy

By Kim Zetter  June 11, 2007 | 1:24:28 PM Categories: Identification

LifeLock co-founder Robert Maynard, Jr. has resigned from his position with the identity theft protection company following a story published in the *Phoenix New Times* about his past, which I wrote about last week. CEO Todd Davis left me a voicemail message this morning saying, "Even though we found no merit to any of the claims made by the *New Times* article . . . Robert Maynard has chosen to step down from the company so we don't allow any distractions or anyone have the ability to question the integrity of LifeLock and our service offering. . . . He is now no longer an executive or officer of the company as of this time."

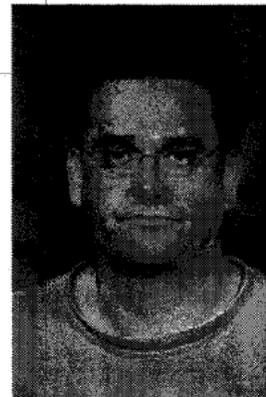
The *New Times* article disclosed information about Maynard's past bankruptcies and a federal investigation into a previous company he owned, based on public records, and also revealed an incident involving Maynard's father, which suggested that Maynard, Jr., may have stolen the identity of his father to obtain an American Express card. Davis, in a follow-up call, did not dispute the information about the bankruptcies or the FTC investigation into Maynard's previous company (which he says he knew about before the *New Times* story came out) but said that LifeLock's lawyers found no merit to the claim that Maynard stole his father's identity. He wouldn't elaborate, however, on what his investigators found to reach that conclusion.

"I'm not going to get into it," Davis said. "That's now an issue for Robert (to handle). It's not a company issue. He's going to spend the time to clear his name."

Davis acknowledged that Maynard, Jr., still owns 10 percent equity in LifeLock and that he is launching a marketing company. When asked if Maynard will work as a contractor for LifeLock doing the same marketing work he was until now doing as a staff member, Davis said yes.

On a separate note, CEO Davis has himself been a victim of identity theft recently. According to spokesman Mike Prusinski, someone used the CEO's Social Security number -- which is prominently displayed in advertisements for LifeLock's identity theft protection commercials and on its web site-- at a Ft. Worth check cashing operation to obtain a \$500 loan.

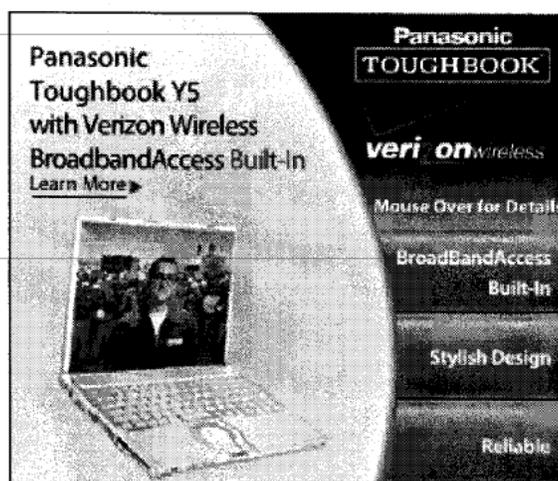
"They had Todd's Social Security number, name, and his wife's cell phone number," Prusinski said last week.



Davis discovered the identity theft crime only after the check-cashing company called his wife about the unpaid loan. Davis couldn't offer any details about the crime this morning (including the name of the check-cashing company) but Prusinski said last week that the thief was able to obtain the loan because the check-cashing operation didn't run a credit-report check on the Social Security number before giving out the loan (which would have revealed a fraud alert on the reports) and that, as a result there was no way that LifeLock could have prevented the theft. LifeLock helps customers place fraud alerts with the three credit reporting agencies to prevent thieves from opening new accounts in its customers' names. It also helps customers fix credit problems if they do become victims of identity theft. But Prusinski says there's no way to prevent all identity theft -- especially cases in which a business (such as the check-cashing operation) doesn't run a credit report before providing someone with a loan or new credit card.

"It's a loophole," Prusinski said. "We tell people that you can't stop every form of identity theft."

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quote from Lifelock's homepage...

My name is Todd Davis  
This is my social security number 457-55-5462

"I'm Todd Davis, CEO of LifeLock. Yes, that really is my social security number. No I'm not crazy. I'm just sure our system works. Just like we have with mine, LifeLock will make your personal information useless to a criminal. And it's GUARANTEED."

Here at LifeLock, We Guarantee Your Good Name.  
No one else does because no one else can.

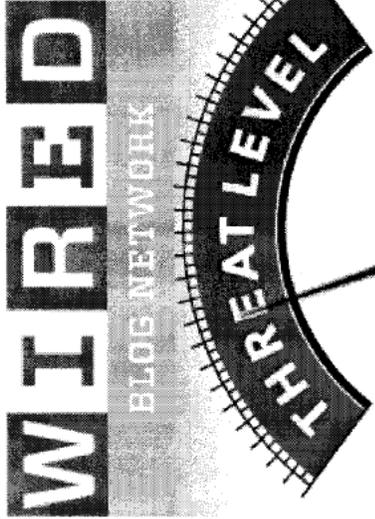
**Posted by: anonymous** | Jun 11, 2007 1:24:09 PM

What a crock!

Let me get this straight. He's supposedly no longer involved, so this is a non-issue, right?

Except he still owns 10% of the company (the same amount), has the same job, and is in the same office every day, with the same people reporting to him essentially. So what has changed? That he isn't an "officer" any more? That's it?!

**Posted by: Joe** | Jun 11, 2007 2:19:59 PM



PRIVACY, SECURITY AND CRIME ONLINE

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## Lifelock Founder a Shady Identity Thief?

By Kim Zetter June 05, 2007 | 1:32:35 PM Categories: Crime, Identification

The Phoenix New Times has published an investigative piece showing that Robert J. Maynard, Jr., one of the founders of Lifelock, a company offering a service to protect people from identity theft, is himself a suspected identity thief who may have stolen his own father's identity, has a troubled financial past (including at least two bankruptcies), and was jailed in 2003 for defaulting on a \$16,000 Las Vegas casino loan -- an incident that the New Times says Maynard has lied about repeatedly to customers and reporters.

I wrote about Lifelock last year after learning about it at the RSA Security Conference. The company's CEO, Todd Davis, is famous for giving out his Social Security number on TV because he feels so confident that Lifelock can protect him from becoming a victim of identity theft. It's an effective campaign. The company claims 150,000 have bought the line and its service. For \$100 a year the company says it helps customers monitor their accounts with the three credit-reporting bureaus and offers a \$1 million guarantee to cover losses if any of its customers become a victim of credit or identity theft.

To sign up for the service, however, customers have to hand over their Social Security number, birthdate and other sensitive



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details to Lifelock. It turns out that customers who previously handed over such sensitive data to another business Maynard owned became victims of theft. That business, a credit-repair company called the National Credit Foundation, was investigated by state and federal authorities and was suspected of stealing money from its customers.

Federal court records state that Maynard and the other defendants obtained their customers' banking information and, "in numerous instances . . . withdrew funds from consumers' checking accounts without authorization."

Gilbert resident Vincent Calabrese, listed as one of the firm's creditors because of owed back pay, says he worked for National Credit Foundation for about a year and was there at the end. He says he'll never forget how the "phone was just going nuts" in the last few weeks with customers reporting unauthorized debits on their bank accounts, usually for about \$300 a whack.

Maynard denied wrongdoing but the federal government issued a permanent injunction banning him from "advertising, promoting, offering for sale, selling, performing, or distributing any product or service relating to credit improvement services." Part of Lifelock's advertising campaign is centered around Maynard's arrest for the defaulted casino loan. He has claimed in numerous media interviews that a thief stole his identity and took out the loan in his name. But the facts that New Times uncovered don't support that. And there's also the incident with his father's identity.

American Express sued Maynard's father in 2005 for \$154,000 in unpaid bills. But Dr. Robert J. Maynard Sr., a prominent local eye doctor, denied he ordered the card.

Records show that someone with Maynard Sr.'s personal information ordered the card. But that someone didn't have the bills sent to Maynard Sr.'s home. Instead, the bills went to a company called Netshield, at a Phoenix address used by one of Maynard Jr.'s former firms.

Though Maynard Sr. says he never asked for the card, he settled with the company. Coincidentally, Maynard Jr. has \$170,000 in debt to American Express listed on his 2005 bankruptcy paperwork — and his father is named as a co-debtor. If Maynard Jr. ordered the card using his dad's data, without his dad's knowledge, that would make him — you got it — an identity thief.

Of course, his father could have lied to American Express. Perhaps, Dr. Maynard ordered the card for his son.

**Luke O'Brien** | e-mail  
**Kevin Poulsen** | e-mail | IM  
**Sarah Lai Stirland** | e-n  
**Kim Zetter** | e-mail

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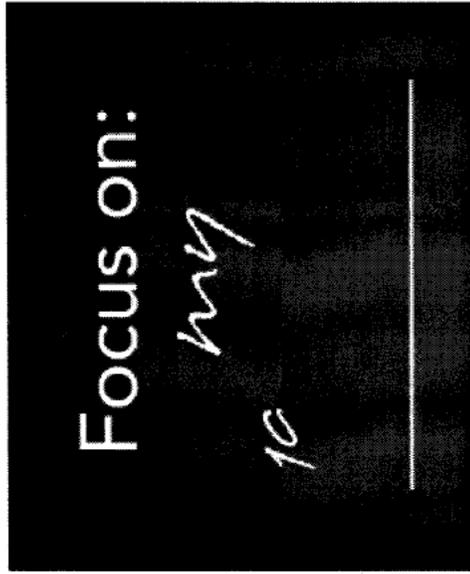
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But that's not what Dr. Maynard tells New Times.

The elder Maynard says he's still in litigation on the matter and cannot fully comment. But asked whether Maynard Jr. used his dad's identity to obtain the card, Dr. Maynard, who says he hasn't spoken to his son in more than two years, replies, "I can't disagree with that."

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Somewhat ironically, on the day that Ray Stern's article appeared in the Phoenix New Times, Jax Federal Credit Union in Florida announced that it had suffered a breach due to a contractor's insecure site permitting 7500 CU members' names and SSN to be indexed by Google. The thrust of its news release was how it then promptly arranged with LifeLock to provide protection services to those affected by the breach.

Not for nothing, but among LifeLock's TOS, the customer has to not only provide them with PII and financial info, but the customer also has to provide them with limited power-of-attorney.

Posted by: **Dissent** | Jun 5, 2007 11:50:04 AM

Isn't Senator Fred Thompson promoting LifeLock in a radio ad?

Posted by: **Gopher** | Jun 5, 2007 2:19:21 PM

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## Threat Level -- Wired Blogs

It burned my behind from the start when Todd Davis from lifelock added his ss# to his ads. I am a citrus, the same certification Mr. Davis boasts. His action is extremely irresponsible with regards to the public we are educating and protecting.

**Posted by: Tim | Jun 5, 2007 2:33:03 PM**

Never trust ANYONE. That is the society in which we now live. It will only get worse and probably never get better. Guys like this are the reason guys like me hardly ever get a fair shake. He makes everyone else stand up and say, "once a criminal always a criminal."

Its guys like this who force everyone into a corner when it comes to giving back, demanding that they don't get any more chances.

Someone will eventually find him and do to him what he did to others, it is fate that will drive him to suicide.

You can see it now, his company will probably get its web site hacked, he will blame every theft or breach on hackers, then he will fold up and take everyone's money and split. Of course no one will prosecute him like they now prosecute Doug Jackson of E-Gold. Nope, you want find any willing prosecutors to go after him while he bilks everyone out of their identities or hard earned reputations.

Selling all their info's on some board like Cardersmarket.com he will make a huge amount of money, both from victimizing people and from saying he will protect them.

They will let him get away with it forever and day trading everyone's info and selling them down the river until they are broke busted or dead.

Tell ya what Kim, shoot me his social and I will bet he cant withstand what I would throw at him, that piece of shit.

God, I hate people like that. I truly hate them.

Bobsyouruncle

P.S. Good story...Still Love ya....lol

**Posted by: Bobsyouruncle | Jun 5, 2007 2:58:56 PM**

This is precisely why everyone should use Truston at <http://www.mytruston.com/>. They offer brilliant identity theft recovery while never collecting any personal information, so it can never be used against you!

**Posted by: Iycho | Jun 5, 2007 4:32:47 PM**

**Spam and Phishing (3)**

**Spooks Gone Wild (15)**

**Sunshine and Secrecy (17)**

**Surveillance (40)**

**The Courts (16)**

**Threats (20)**

**Virginia Tech shootings (31)**

**Watchlists (12)**

This is precisely why everyone should use Truston at <http://www.mytruston.com/>. They offer brilliant identity theft recovery while never collecting any personal information, so it can never be used against you!

**Posted by: Iycho | Jun 5, 2007 4:37:59 PM**

To many plugs for worthless products. Trust this, when you get robbed, no company in the world can or will protect you. Remember this, once it happens, it will happen again and again. Carders resell your information over and over.

You will certainly wish you never paid good money to some stupid insurance company touting protection products that are useless in today's world. They are pure seams working off the fear people have about getting raped. It useless victimizing by corporate sleeze dogs who profit off your fear.

Trust this, if you get took, you will never ever forget it. No company will protect you. Don't believe me? Wait awhile, you will see.

Bobsyouruncle.

P.S.

Kim should get a Pulitzer for writing. This woman writes like a goddess.

Promote her, she deserves the best she can get.

**Posted by: Bobs Your Uncle | Jun 5, 2007 10:28:08 PM**

There is one company out there that does a great job in the Identity Theft arena. That is Kroll Background America, a 30+ year old company. They are the ones that the US Government called in to restructure the whole ENRON mess. The Kuwaiti Government called them in to find Saddam's assets and freeze them. They are the leading risk management company in the world with offices in 22 countries. People like the FBI and other government agencies, and Fortune 100 companies use them all the time. They monitor your identity on a daily basis. They will notify you if someone changes your address to get your mail by working with Experian, the largest credit bureau, who downloads the post office change of address forms on a daily basis. You will then get an email letting you know so you can fix it. They will email you if you get a credit card taken out in your name. They will also act on your behalf to RESTORE your identity if someone does steal it. Checking Police records, medical records, drivers DMV records, etc etc. This IS the BEST solution out there. Nothing is perfect but this is the closest you will get. They have investigated and then teamed up with Pre-Paid Legal services (also a 30+ year old NYSE company trading at \$65.25 currently under the ticker of PPD) so that if you do have an incident you then have the Legal protection to fight it as well. Here is a great website that will be of much value to you and then you can make up your mind yourself. [www.prepaidlegal.com/hub/jsilberhornii](http://www.prepaidlegal.com/hub/jsilberhornii) check it out, you won't be sorry you did!

**Posted by: Jon Silberhorn | Jun 7, 2007 10:23:42 AM**

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### Threat Level -- Wired Blogs

@ Jon Silberhorn:

people might tend to trust your sales pitch for prepaid legal if you at least admitted that it was a sales pitch.  
<https://wsecure.prepaidlegal.com/assocapp/initialization?siteOwner=jsilberhornui>

Bobsyourunde is my hero today.

**Posted by: Mr. B | Jun 8, 2007 5:26:47 PM**

I did a post on this on my blog, Fraud, Phishing and Financial Misdeeds.

Have been criticized for plugging Truston, but did so because they are a good example of how businesses need to get away from storing people's information.

**Posted by: ed dickson | Jun 8, 2007 6:04:11 PM**

I did a post on this on my blog, Fraud, Phishing and Financial Misdeeds.

Have been criticized for plugging Truston, but did so because they are a good example of how businesses need to get away from storing people's information.

**Posted by: ed dickson | Jun 8, 2007 6:04:20 PM**

Hi Mr. B,

I do sell Pre-paid Legal and I believe very much in the product. The site you posted is if someone would like to work for the company. The one in my post is my website where you can look at the product and make an educated decision. You may or may not be interested but at least you can get the facts. I'm just trying to inform people that there is a way to help protect yourself in this world with all the ID theft going on around us. Their Id Theft shield is second to none. Imagine if someone changes your address to get your mail or takes out a credit card in your name and you get notified the next day! It's easier to get it fixed if you find it early. Did you watch the ID Theft video? It's very informative.

**Posted by: Jon Silberhorn | Jun 11, 2007 8:04:53 AM**

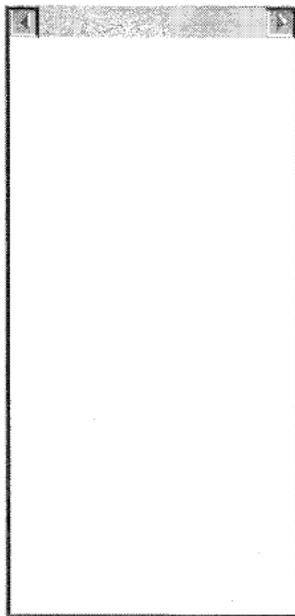
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### Threat Level -- Wired Blogs



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Posted on Sat, Jun. 16, 2007

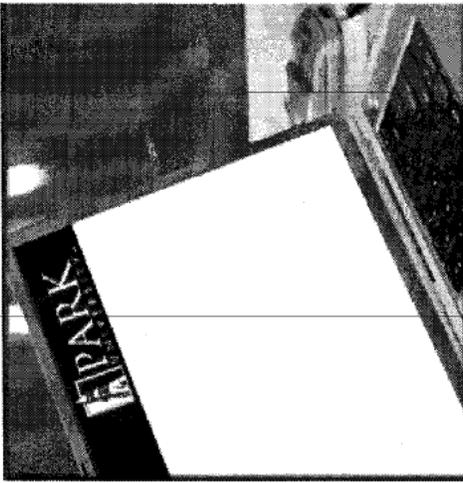
### PAUL WENSKE IN YOUR CORNER IN YOUR CORNER

## Case warns 'help' must be trusty

Recently I wrote an article that examined the cost and value of commercial identity theft prevention programs.

Consumer experts concluded the programs offer moderate benefits, but most consumers could do the same basic things themselves for free. Now come new reasons that consumers should scrutinize these programs and the entrepreneurs who peddle them.

One company I profiled was Tempe, Ariz.-based LifeLock, a fast-rising new business catering to consumer fears about identity theft. LifeLock announced last week that co-founder Robert J. Maynard Jr. had resigned following news accounts suggesting past legal and financial problems may make him a poor choice to trust with your personal



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  - About The Star
  - Code of Ethics
  - Star Speakers Bureau
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  - The Kansas City Store

information.

Among other things, Maynard and three other credit repair entrepreneurs were accused by the **Federal Trade Commission** in 1997 of taking money out of consumer bank accounts without permission.

LifeLock says it has 200,000 customers who pay a monthly fee of \$10 to prevent identity theft through credit monitoring and fraud alert programs backed by a \$1 million insurance guaranty.

The company, funded with more than \$6 million from **Bessemer Venture Partners**, is plugged by radio personalities Paul Harvey and Rush Limbaugh, and more recently possible presidential candidate Fred Thompson, who this month began pitching LifeLock's virtues in one-minute commercials.

LifeLock CEO and co-founder Todd Davis said in an interview that Maynard stepped down to avoid being a distraction.

"Robert didn't want anyone to question the integrity of LifeLock," Davis said. "We want everyone to look at the company on its own merits."

He said the company has not suffered.

But an article in the *Phoenix New Times* noted, among other things, that Maynard went through bankruptcy and allegedly spent \$154,000 on a credit card he ordered in his father's name without his father's knowledge.

The article also said Maynard misled reporters with overblown stories that he was inspired to start LifeLock after his own identity was stolen in 2003. Maynard said a 2003 ID theft led to a wrongful arrest in Las Vegas for \$16,080 in unpaid casino debts. But Vegas officials told reporters he never mentioned identity theft when arrested. The charges were later dropped after money was wired to pay the casino debts.

But more troubling, the FTC in 1997 accused Maynard and three other officers of a defunct Phoenix credit repair business, called National Credit Foundation Inc., of deceiving consumers. The FTC said National Credit persuaded consumers to reveal checking account information with misrepresentations it could "unconditionally improve" their credit reports. But instead of helping consumers, National Credit "debited the consumers' accounts without authorization," the FTC said.

Maynard and the three other officers did not admit wrongdoing, but they signed a consent order prohibiting them "from offering, promoting or performing any service related to credit improvement."

So should Maynard's resignation raise red flags about a company that collects personal banking data from customers who trust it to protect them from identity theft?

Davis insists not at all. He played down Maynard's resignation. He said LifeLock's clients "can rest assured that LifeLock has the most secure systems."

An FTC spokesperson declined to comment on whether Maynard's involvement with LifeLock violated the FTC prohibition against promoting a credit improvement service. LifeLock promotes an ability to help consumers repair their credit if it is damaged because of identity theft.

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To reach Paul Wenske, send e-mail to [pwenske@kcstar.com](mailto:pwenske@kcstar.com).

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Although much of what LifeLock does can be done by consumers themselves for free, the company has attracted wide media attention, including from CNN and MSNBC, in part because of Maynard's knack for promotion.

Maynard has told reporters that he was inspired to start LifeLock after being wrongly jailed in 2003 for an unpaid secured casino debt known as a marker, which, under Nevada law, is treated as a bad check, a criminal offense.

Maynard said his identity had been stolen and the fraud cost him thousands of dollars.

But as first reported May 31 in Phoenix New Times, that media-friendly story may be misleading.

After his arrest, Maynard never told authorities he wasn't responsible for the \$16,080 debt racked up at the Mirage in Las Vegas.

The funds were wired on his behalf to cover the debt, Maynard was released and the charges were dropped.

Maynard said Friday that he didn't tell Vegas authorities about his identity theft because a day after his arrest, his wife filed for sole custody of their children and the only way he could appear in court was to get out of jail quickly by paying the debt.

Clark County, Nev., Chief Deputy Dist. Atty. Bernie Zadrowski, however, said in an interview this week that "we could show beyond a shadow of a doubt that he was the one who committed the crime."

That's because the Mirage had on file two different drivers' licenses that had been supplied by the gambler at different times, suggesting that an identity thief would have had to steal each separately.

Both matched the photo from Maynard's arrest in Arizona, Zadrowski said.

Maynard said one license had been issued in California to someone posing as him. But Zadrowski said neither license was from California. Davis said LifeLock was conducting its own investigation into the Las Vegas story. "I could certainly see how someone would want to know those details," he said.

[joseph.menn@latimes.com](mailto:joseph.menn@latimes.com)



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Monday, Jun 18, 2007

Posted on Sat, Jun. 16, 2007

## Case warns 'help' must be trusty

Recently I wrote an article that examined the cost and value of commercial identity theft prevention programs.

Consumer experts concluded the programs offer moderate benefits, but most consumers could do the same basic things themselves for free. Now come new reasons that consumers should scrutinize these programs and the entrepreneurs who peddle them.

One company I profiled was Tempe, Ariz.-based **LifeLock**, a fast-rising new business catering to consumer fears about identity theft. LifeLock announced last week that co-founder Robert J. Maynard Jr. had resigned following news accounts suggesting past legal and financial problems may make him a poor choice to trust with your personal information.

Among other things, Maynard and three other credit repair entrepreneurs were accused by the **Federal Trade Commission** in 1997 of taking money out of consumer bank accounts without permission.

LifeLock says it has 200,000 customers who pay a monthly fee of \$10 to prevent identity theft through credit monitoring and fraud alert programs backed by a \$1 million insurance guaranty.

The company, funded with more than \$6 million from **Bessemer Venture Partners**, is plugged by radio personalities Paul Harvey and Rush Limbaugh, and more recently possible presidential candidate Fred Thompson, who this month began pitching LifeLock's virtues in one-minute commercials.

LifeLock CEO and co-founder Todd Davis said in an interview that Maynard stepped down to avoid being a distraction.

"Robert didn't want anyone to question the integrity of LifeLock," Davis said. "We want everyone to look at the company on its own merits."

He said the company has not suffered.

But an article in the *Phoenix New Times* noted, among other things, that Maynard went through bankruptcy and allegedly spent \$154,000 on a credit card he ordered in his father's name without his father's knowledge.

The article also said Maynard misled reporters with overblown stories that he was inspired to start LifeLock after his own identity was stolen in 2003. Maynard said a 2003 ID theft led to a wrongful arrest in Las Vegas for \$16,080 in unpaid casino debts. But Vegas officials told reporters he never mentioned identity theft when arrested. The charges were later dropped after money was wired to pay the casino debts.

But more troubling, the FTC in 1997 accused Maynard and three other officers of a defunct Phoenix credit repair business, called National Credit Foundation Inc., of deceiving consumers. The FTC said National Credit persuaded consumers to reveal checking account information with misrepresentations it could "unconditionally improve" their credit reports. But instead of helping consumers, National Credit "debited the consumers' accounts without authorization," the FTC said.

Maynard and the three other officers did not admit wrongdoing, but they signed a consent order prohibiting them "from offering, promoting or performing any service related to credit improvement."

So should Maynard's resignation raise red flags about a company that collects personal banking data from customers who trust it to protect them from identity theft?

Davis insists not at all. He played down Maynard's resignation. He said LifeLock's clients "can rest assured that LifeLock has the most secure systems."

An FTC spokesperson declined to comment on whether Maynard's involvement with LifeLock violated the FTC prohibition against promoting a credit improvement service. LifeLock promotes an ability to help consumers repair their credit if it is damaged because of identity theft.

Davis said LifeLock did not get personally involved in credit repair, but instead farmed that service out to "an appropriate third party."

He said Maynard would now be a marketing consultant for the company.

Paul Stephens, policy analyst for the **Privacy Rights Clearinghouse**, also declined to comment on whether Maynard's resignation reflected on the company he co-founded. But he cautioned that when consumers give out sensitive information, "you want to be careful you are giving it to someone who is reputable — so you want to know a little about the business."

**P.S.**

In last week's column, I wrote about getting a free credit report using the government-backed [annualcreditreport.com](http://annualcreditreport.com). Some people are still getting diverted to for-pay sites or getting nowhere. I'd like to know about problems consumers are having, by e-mail preferably, for a future column.

**On the Web**

Go to [www.ftc.gov/opa/1997/04/ncf-4.shtm](http://www.ftc.gov/opa/1997/04/ncf-4.shtm) to read the FTC's 1997 consent order pertaining to LifeLock co-founder Robert J. Maynard Jr.

To reach Paul Wenske, send e-mail to [pwenske@kcstar.com](mailto:pwenske@kcstar.com).

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June 8, 2007 Friday

SECTION: A; Pg. 1

LENGTH: 1711 words

HEADLINE: Paying to avoid theft of identities;

As credit fraud grows, companies emerge as guardians of your good name - for a profit.

BYLINE: PAUL WENSKE, The Kansas City Star

BODY:

If you're like lots of Americans, you're increasingly wary of identity theft.

But should you pay LifeLock or a similar company a few bucks to more than \$100 a year to protect your identity?

A host of new companies has sprung up recently offering products including credit monitoring, fraud alerts and identity theft insurance. Some will even unleash robotic software to scour the Internet and ferret out whether crooks are selling your credit card number in chat rooms.

Are they worth it? Or are they hyping consumer fears to turn a quick profit?

"It's a very profitable business, because for the most part the services that are being provided cost them virtually nothing - and generally they are things you can do for yourself at little or no cost," said Paul Stephens of the nonprofit Privacy Rights Clearinghouse.

Identity theft prevention services agree that motivated consumers can do many things to protect themselves. But they say consumers pay for the convenience and expertise of having someone else do it for them - like having your accountant prepare your taxes.

"We all live with the fact cars are stolen every day; that's why we have car alarms and insurance," said Todd Davis, CEO and founder of Tempe, Ariz.-based LifeLock, one of the fastest-growing identity theft prevention services.

And a surge in stolen data, he contends, has "created a valid need for these services."

More than 50 million people have been told in the last three years that their personal information has been improperly disclosed. The Identity Theft Resource Center lists 136 data breaches so far just this year, compromising more than 56 million records.

A survey released last week suggests 84 percent of Americans believe identity theft can happen at any time, up from 81 percent a year ago. The survey by the Identity Theft Resource Center and Fellowes Inc., a shredder manufacturer, reported 59 percent of people felt vulnerable - up from 50 percent a year ago.

"Consumers have very good reason to be afraid," said Jay Foley, executive director of the Identity Theft Resource Center. "We've seen recently that no one is exempt."

Foley warns consumers that no prevention program is foolproof, so consumers need to be aware of what they are getting for their money compared with what they can do for themselves.

No one directly regulates the industry. But the **Federal Trade Commission** monitors its marketing practices.

"The key here is there should be no misrepresentation that this is the only way you can get this service," said Joel Winston, **FTC** associate director of privacy and identity protection. "In theory, it could provide a benefit in some cases. Is it worth it? That's up to the consumer."

#### Credit monitoring

A main offering of the ID protection companies is credit monitoring, which entails watching your credit report for unauthorized access, such as someone taking out a new credit card account or buying a stereo in your name.

The three major credit bureaus were the first to offer this service for a fee.

Steve Ely, president of Equifax's personal solutions, said credit monitoring is a tool that "provides peace of mind." If there is unauthorized access of your report, "that's the big red flag that you have to immediately take action and notify the creditor that opened up the account in your name," he said.

Equifax offers three monitoring programs. The least costly is a monthly report. But for \$12.95 a month, you can get daily reports from all three credit bureaus, including Experian and TransUnion.

Consumer groups point out the government now allows consumers one free credit report from each of the three credit bureaus. By spacing out their requests, consumers can access their credit reports for free once every four months.

In addition, consumers who suspect their information has been compromised can place a fraud alert on their credit report without having to pay a company to do it for them. The alert raises a red flag any time a creditor enters into a transaction with someone using the person's identity. It can be renewed every 90 days.

In about 25 states, consumers can also place a "freeze" on their credit report, which means no one, including creditors, can access it without permission. Some states, including Kansas, limit credit report freezes to consumers who can prove with a police report they have been the victim of identity theft.

Missouri does not have a law allowing consumers to freeze their credit report.

Still, Ely said, many consumers don't want the hassle of monitoring their own reports. "Most people don't want to do all that, so we do it for them."

#### Insurance

LifeLock promotes its monitoring package with individual \$1 million insurance policies. If criminals "clean out your bank account, we would give you your money back," said CEO and founder Todd Davis, who markets the value of LifeLock's protection by posting his own Social Security number on his company's Web site.

Consumer groups, however, say most identity theft losses amount to less than \$600.

Most of the hassle with identity theft is cleaning up your credit and restoring your good name.

Still, the **FTC's** Winston said insurance can be a benefit if, for example, substantial losses result from someone opening a new account in your name.

But he compares insurance to extended warranties on appliances. They can be useful but are often oversold.

LifeLock and other companies also will assist consumers whose credit has been compromised, providing the necessary forms to alert creditors.

Also, Davis said, if an impostor does something wrong in a consumer's name, "we'll bail you out of jail and get you a lawyer ."

Davis boasts that LifeLock is growing at the rate of two accounts every minute.

#### Scouring the Internet

New entries in the identity theft prevention business tout their high-tech ability to scour public records and the Internet to ferret out data breaches before they occur.

The services say they can create a personal profile that can be matched against data that show up somewhere else. If your credit card is being used in a way that doesn't match your profile, you are alerted.

IDWatch, a service owned by Bellevue, Wash.-based Intelius, advertises software that thwarts "black market" thieves who try to sell your credit card in an Internet chat room.

"What we've done at Intelius is not only monitor credit report information but also monitor public record information," said Ed Petersen, head of sales and marketing.

Intelius has a leg up in its technical ability to forage the Internet. It already is the largest provider of public information on the Internet. And most of its money comes from conducting background checks for big businesses.

Petersen said IDWatch can find out whether someone obtained a phone number in your name, used your Social Security number or if someone was arrested in your name.

"You could check these things on your own, checking public records and your credit record. But trying to make sense of it - you can't really do yourself," Petersen said. IDWatch offers packages beginning at \$9.95 a month for three months, \$7.95 a month for a year and \$4.95 a month for three years.

LifeLock recently announced its own public records search program in partnership with MyPublicInfo Inc.

Consumer groups point out, however, that most identity theft remains low-tech - more dependent on Dumpster diving than Internet breaches. Consumers can protect themselves by being careful with personal information, shredding documents and watching what they carry in their wallets.

The **FTC's** Winston raises a paradoxical concern: These companies also collect personal consumer data to do their jobs.

That means consumers now have to carefully check out the companies they are trusting to keep a watchful eye on their credit. So far, it appears, they will have to do that themselves.

How to protect yourself and save time and money Deter thieves Shred financial

documents and personal paperwork before discarding it. Protect your Social Security number. Give it out only if absolutely necessary. Don't give out personal information over the phone, through the mail or over the Internet unless you know who you are dealing with. Never click on links sent in unsolicited e-mails. Use firewalls, anti-spyware and anti-virus software. Don't use an obvious password like your birth date, mother's maiden name or last four digits of your Social Security number. Keep personal information in a secure place at home, especially if you have roommates, employ outside help or are having work done in your home. Detect thieves. Be wary about: Bills that do not arrive as expected. Unexpected credit cards, charges or account statements. Denials of credit for no apparent reason. Calls or letters about purchases you didn't make. Inspect your financial records Check your credit report: The law entitles you to a free copy of your credit report every year from each of the three credit bureaus. Go to [www.annualcreditreport.com](http://www.annualcreditreport.com) or call 1-877-322-8228. You can also write to the Annual Credit Report Request Service, P.O. Box 105281, Atlanta, Ga. 30348-5281. Review accounts and billing statements regularly, looking for charges you didn't make. Defend yourself Place a fraud alert on your credit reports and review them carefully if you suspect ID theft. You need to call only one credit bureau to alert all three. Placing a fraud alert entitles you to free copies of your reports, and you can renew the alert every 90 days. Close any accounts you suspect were tampered with or established fraudulently. Keep copies of documents and records of your conversations about the theft. File a police report to help you with creditors who may want proof. Report any theft to the **Federal Trade Commission**: Online, [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft); by phone, 1-877-438-4338; by mail, Identity Theft Clearinghouse, **Federal Trade Commission**, Washington, D.C. 20580. Source: **Federal Trade Commission** To call the three credit bureaus Equifax: 1-800-525-6285 Experian: 1-888-397-3742 TransUnion: 1-800-680-7289 Major private prevention companies: LifeLock.com IDWatch.com TrustedID.com Anti-ID theft consumer groups Privacy Rights Clearinghouse: [www.privacyrights.org](http://www.privacyrights.org) Identity Theft Resource Center: [www.idtheftcenter.org](http://www.idtheftcenter.org)

To reach Paul Wenske, call 816-234-4454 or send e-mail to [pwenske@kcstar.com](mailto:pwenske@kcstar.com)

LOAD-DATE: June 8, 2007



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

David Lincicum  
Attorney  
Division of Privacy & Identity Protection

Direct Dial: 202.326.2773  
Fax : 202.326.3629  
E-mail: dlincicum@ftc.gov

January 2, 2008

BY E-MAIL & FEDERAL EXPRESS

Mary L. Azcuenaga, Esq.  
Heller Ehrman LLP  
1717 Rhode Island Avenue, NW  
Washington, D.C. 20036  
E-mail: mary.azcuenaga@hellerehrman.com

Re: (b)(3):21(f)

Dear Ms. Azcuenaga:

(b)(3):21(f)

If either or both of these meetings can be arranged, either together or separately, please contact me to so that we can arrange a meeting time.

Thank you for your continued cooperation with this inquiry. If you have any questions or concerns, please feel free to contact me at (202) 326-2773 or Burke Kappler at (202) 326-2043.

Sincerely,

A handwritten signature in black ink, appearing to read "David Lincicum", followed by a long horizontal line extending to the right.

David Lincicum

Attorney

Division of Privacy and Identity Protection

Bureau of Consumer Protection

Federal Trade Commission



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Molly Crawford  
Attorney  
Division of Privacy & Identity Protection

Direct Dial: 202.326.3076  
Fax : 202.326.3768  
E-mail: mcrawford@ftc.gov

April 13, 2007

**BY FAX (202) 912-2020 & FEDERAL EXPRESS**

Mary L. Azcuenaga, Esq.  
Heller Ehrman LLP  
1717 Rhode Island Avenue, NW  
Washington, D.C. 20036

Re: Request for Information

Dear Ms. Azcuenaga:

This letter is to follow up on our telephone conversation on Wednesday, April 11, regarding our request for information and documents from LifeLock, Inc. ("LifeLock"). We have received your letter dated April 11, 2007, and its attachments, and we appreciate your continued cooperation. As we discussed, based on our conversations and the information provided to date, we are requesting additional information and documents.

As we have discussed previously, the staff of the Federal Trade Commission ("FTC") is conducting a non-public inquiry into certain claims made by LifeLock, Inc. ("LifeLock") regarding its products and services. The purpose of this inquiry is to determine whether, in making certain claims regarding LifeLock's products and services, the company has engaged in unfair or deceptive practices in violation of Section 5 of the Federal Trade Commission Act.<sup>1</sup>

We ask that you provide us with the information and documents listed below on or before **May 11, 2007**. After we receive the information and documents, we will invite you to meet with Commission staff in our Washington, D.C., office or by telephone to discuss this matter. In preparing your response:

- Please provide all responsive documents within the possession, custody and control of LifeLock and its parents, subsidiaries, divisions, affiliates, and agents.

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<sup>1</sup> 15 U.S.C. § 45 *et seq.*

- Please submit *complete* copies of all documents and materials requested.
- If any documents are undated, please indicate the date on which they were prepared or received by LifeLock.
- For the purpose of this request, the term “consumer reporting agency” has the meaning stated in Section 603(f) of the Fair Credit Reporting Act (15 U.S.C. § 1681a(f)).
- Please Bates stamp your response and itemize your submissions according to the numbered paragraphs in this letter.
- If you do not have documents that respond to a particular request, please submit a written statement in response. If a document provides only a partial response, please submit a written statement which, together with the document, provides a complete response.
- If you decide to withhold responsive material for any reason, including an applicable privilege or judicial order, please notify us before the date set for response to this request and submit a list of the items withheld and the reasons for withholding each.
- Please note that we do not wish to receive files containing any individual consumer’s date of birth, Social Security number, or financial account information. If you have responsive documents that include such information, please redact that information before providing us with the documents.
- Please note that the scope of the inquiry is from **January 1, 2006**, to the present.

We request the following information and documents:<sup>2</sup>

1. Identify the complete legal name of LifeLock and all other names under which it has done or does business; its corporate mailing address; the date and state of incorporation; the names, titles, and addresses of all corporate officers; and the

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<sup>2</sup> For purposes of this letter the word “any” shall be construed to include the word “all,” and the word “all” shall be construed to include the word “any.” The word “or” shall be construed to include the word “and” and the word “and” shall be construed to include the word “or.” The word “each” shall be construed to include the word “every,” and the word “every” shall be construed to include the word “each.” The term “document” means any preexisting written or pictorial material of any kind, regardless of the medium in which such material was created, and regardless of the method by which it is stored (e.g., computer file, computer disk or tape, or microfiche).

names and addresses of all divisions and parent, subsidiary, and affiliate companies.

2. Provide documents sufficient to show the total number of LifeLock employees and LifeLock's annual total revenues.
3. Describe in detail and provide documents sufficient to identify all of the products and services that LifeLock provides to individual consumers, including but not limited to, the types of products and services available to consumers, the costs of the product or service to consumers, the total number of customers or subscribers to the product or service, and the total revenue received by LifeLock from the product or service by year.
4. For each product and service identified in response to Request 3, provide documents sufficient to identify all claims and statements LifeLock has made regarding how each product or service affords consumers protection from identity theft, including the steps or actions LifeLock takes to provide consumers with the product or service and the effectiveness of the product or service, and indicate for each claim and statement the date on which the claim or statement was adopted or made, to whom the claim or statement was distributed, and all means by which the claim or statement was distributed. Responsive documents should include, but not be limited to: solicitations, information letters, brochures, sales materials, and other communications; scripts of telephone solicitations; and webpages.
5. Describe in detail and provide documents sufficient to identify the processes and procedures used by LifeLock to place, monitor, renew, or cancel fraud alerts for consumers, including but not limited to:
  - (a) communications, statements, representations, or certifications made to prospective or current subscribers about the fraud alert process;
  - (b) communications, statements, representations, or certifications LifeLock obtains from prospective or current subscribers prior to obtaining or renewing fraud alerts;
  - (c) communications, statements, representations, or certifications made to consumer reporting agencies when placing, monitoring, renewing, or cancelling fraud alerts on behalf of consumers;
  - (d) what happens to the fraud alerts placed or maintained by LifeLock on behalf of a customer when that customer cancels or otherwise terminates his or her LifeLock subscription; and
  - (e) complaints from consumers, consumer reporting agencies, or creditors

about LifeLock's fraud alert process.

6. State whether LifeLock ever has been unable to place a fraud alert it requested on behalf of a consumer and, if so, describe in detail and provide documents sufficient to identify each such circumstance, including but not limited to any communications, statements, or representations made to that consumer or received from any consumer reporting agency; and any complaints filed with or against LifeLock as a result.
7. Describe in detail and provide all documents relating to the survey undertaken by Javelin Strategy and Research on behalf of LifeLock in 2006 that resulted in the press release reported online by EMAILWIRE.COM on January 25, 2007,<sup>3</sup> including but not limited to documents relating to the survey preparation, operation, evaluation, methodology, data collected, comparisons, and results.<sup>4</sup>
8. Describe in detail and provide all documents upon which LifeLock relied to substantiate the following statements or claims, whether or not you agree that these statements or claims were made:

“a study showed that LifeLock is superior to credit monitoring services.”
9. Provide all documents that tend to call into question or disprove any of the claims listed in request 8.
10. Provide copies of all documents relating to investigations of or complaints filed with or against LifeLock relating to its identity theft protection service (including the steps or actions LifeLock takes to provide consumers with the product or service and the effectiveness of the product or service), including but not limited to correspondence with LifeLock and documents filed with Federal, State, or local government agencies; Federal or State courts; and Better Business Bureaus.

In addition to these categories of documents and information, please feel free to submit any additional information you believe would be helpful to the Commission's understanding of this matter. Any materials you submit in response to this request, and any additional

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<sup>3</sup> We understand that this press release is available at <http://www.openpr.com/news/14958.html>.

<sup>4</sup> This request does not require you to produce duplicates of any documents you have may have already provided with your April 11, 2007, letter.

information marked "Confidential," will be given confidential treatment.<sup>5</sup> We also may seek additional information at a later time. Accordingly, you must retain all relevant records, documents, and materials (not only the information requested above, but also any other information relating to this matter, including files and information stored on computers or on computer disks and tapes) until the final disposition of this inquiry or until the Commission determines that retention is no longer necessary.<sup>6</sup> This request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3512.

Please send all documents and information to: Molly Crawford, Federal Trade Commission, Division of Privacy and Identity Protection, 600 Pennsylvania Ave., NW, Mail Stop NJ-3158, Washington, D.C. 20580. Due to extensive delays resulting from security measures taken to ensure the safety of items sent via the U.S. Postal Service, we would very much appreciate receiving these materials via Federal Express or a similar delivery service provider, if possible.

Thank you for your prompt attention to this matter. Please call me (202-326-3076) or Burke Kappler (202-326-2043) if you have any questions about this request or need any additional information.

Sincerely,

Molly Crawford  
Attorney  
Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission

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<sup>5</sup> The Commission's procedures concerning public disclosure and confidential treatment can be found at 15 U.S.C. Sections 46(f) and 57b-2, and Commission Rules 4.10-4.11 (16 C.F.R. Sections 4.10-4.11 (1984)).

<sup>6</sup> Failure to retain any documents that may be relevant to this matter may result in civil or criminal liability.



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Burke Kappler  
Attorney  
Division of Privacy & Identity Protection

Direct Dial: 202.326.2043  
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E-mail: [bkappler@ftc.gov](mailto:bkappler@ftc.gov)

July 23, 2007

**BY FAX (202) 912-2020 & FEDERAL EXPRESS**

Mary L. Azcuenaga, Esq.  
Heller Ehrman LLP  
1717 Rhode Island Avenue, NW  
Washington, D.C. 20036

Re: April 13, 2007 Information Request to LifeLock, Inc.

Dear Ms. Azcuenaga:

As we discussed on the telephone today, I am writing in regard to the Federal Trade Commission's April 13, 2007 information request to LifeLock. Thank you for the cooperation and the information you have provided to date.

We have had the opportunity to review LifeLock's responses, and we have follow-up questions and requests for information on several of the areas discussed. All instructions and definitions from our April 13, 2007 letter apply to this request, and we have continued the numbering from that letter. We request that you provide the following information by **August 23, 2007**. Unless specified, all page numbers below refer to pages in the documents provided to date.

11. Please describe and provide all documents relating to LifeLock's practices, procedures, and policies for protecting sensitive customer information from unauthorized access or disclosure. Documents and information responsive to this request include, but are not limited to, documents that relate to the following topics:

- a. Access to customer information;
- b. Maintenance of customer information, including the collection, retention, use, format, storage, or disposal or destruction of customer information;
- c. The transmission of customer information among LifeLock and its employees, associates, contractors, or representatives, and between LifeLock and outside persons and entities;
- d. The name(s) of the employee(s) responsible for the security program, and the responsibilities of such employee(s);

- e. Testing, monitoring, assessments, or evaluations of the security program, including whether such testing has identified any risks, weaknesses, or vulnerabilities, and whether such issues have been addressed; and
- f. Training of employees or other individuals on any or all aspects of the security program; and
- g. Security measures applied to employees, associates, contractors, or representatives who work at home or who work in locations physically separate from LifeLock's headquarters or places of business.

12. Please describe and provide all documents relating to LifeLock's compliance with ISO 27001, including existing information, data, or operational security measures LifeLock employs in order to comply with ISO 27001, any or all applications or requests for certification under ISO 27001 by LifeLock, and all approvals or certifications LifeLock has received from any standards authority relating to ISO 27001.

13. In light of recent news and internet reports concerning Robert Maynard and his subsequent resignation,<sup>1</sup> please describe and provide all documents relating to Mr. Maynard's current relationship to the company, including his position, title, responsibilities, authorities, and access to information. Please include as part of your response a description of how Mr. Maynard's current position differs from the position he held prior to his resignation, and a description of whether LifeLock has or intends to revise or amend any public statements or representations regarding Mr. Maynard's own experiences as an alleged victim of identity theft.

14. Please describe and provide copies of all public statements or representations by LifeLock or any of its officers, associates, or representatives since April 13, 2007, referring to the LifeLock-Javelin survey published on January 25, 2007.

In addition to these categories of documents and information, please feel free to submit any additional information you believe would be helpful to the Commission's understanding of this matter. Any materials you submit in response to this request, and any additional information marked "Confidential," will be given confidential treatment.<sup>2</sup> We also may seek additional information at a later time. Accordingly, you must retain all relevant records, documents, and materials (not only the information requested above, but also any other information relating to this matter, including files and information stored on computers or on computer disks and tapes) until the final disposition of this inquiry or until the Commission

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<sup>1</sup> See, e.g., Ray Stern, "What Happened in Vegas...." PHOENIX NEW TIMES, May 31, 2007, <http://www.phoenixnewtimes.com/2007-05-31/news/what-happened-in-vegas/print>.

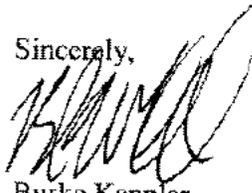
<sup>2</sup> The Commission's procedures concerning public disclosure and confidential treatment can be found at 15 U.S.C. Sections 46(f) and 57b-2, and Commission Rules 4.10-4.11 (16 C.F.R. Sections 4.10-4.11 (1984)).

determines that retention is no longer necessary.<sup>3</sup> This request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3512.

Please send all documents and information to: Burke Kappler, Federal Trade Commission, Division of Privacy and Identity Protection, 600 Pennsylvania Ave., NW, Mail Stop NJ-3158, Washington, D.C. 20580. Due to extensive delays resulting from security measures taken to ensure the safety of items sent via the U.S. Postal Service, we would very much appreciate receiving these materials via Federal Express or a similar delivery service provider, if possible.

Thank you for your prompt attention to this matter. Please call me at 202-326-2043 if you have any questions about this request or need any additional information.

Sincerely,



Burke Kappler

Attorney

Division of Privacy and Identity Protection

Bureau of Consumer Protection

Federal Trade Commission

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<sup>3</sup> Failure to retain any documents that may be relevant to this matter may result in civil or criminal liability.



UNITED STATES OF AMERICA  
 FEDERAL TRADE COMMISSION  
 WASHINGTON, D.C. 20580

Burke Kappler  
 Attorney  
 Division of Privacy & Identity Protection

Direct Dial: 202.326.2043  
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 E-mail: bkappler@ftc.gov

March 10, 2008

BY E-MAIL & FEDERAL EXPRESS

Mary L. Azcuenaga, Esq.  
 Heller Ehrman LLP  
 1717 Rhode Island Avenue, N.W.  
 Washington, D.C. 20036  
 E-mail: mary.azcuenaga@hellerehrman.com

Re: FTC Inquiry – Additional Requests

Dear Ms. Azcuenaga:

I am writing in regard to our recent communications and meetings, in which LifeLock has offered to provide additional information to the FTC in connection with the above inquiry. We have had the opportunity to review the materials and information provided by LifeLock to date, including, most recently, (b)(3):21(f) you provided on February 27, 2008. Based on our review, we have the following additional requests for information.

All instructions and definitions from our April 13, 2007 letter apply to this request, and we have continued the numbering from that letter and from the letter dated July 20, 2007. Please note, however, that for purposes of these requests, the scope of the inquiry is from **January 1, 2005** until the date of your response. We request that you provide the following information by **March 31, 2008**.

15. Please confirm that LifeLock collects and has collected the following types of personal information from its customers: name, address, e-mail address, telephone number, Social Security number, and for customers paying with a credit card, the card number, card type (e.g., Master Card, Visa, etc.), expiration date, and security code or card verification value (CVV2) number.
16. Please confirm that LifeLock stores and has stored the above personal information on computer systems directly under its control, or in computer systems maintained on behalf of LifeLock by others, and that all of these computer systems are accessible to LifeLock employees.
17. For each of the following statements or representations made on the LifeLock

website or in other LifeLock public documents, please state the earliest date the representation was made or published and provide samples of documents in which the representation discussed was made or published.

- a. "Only authorized employees of LifeLock will have access to the data that you provide to us, and that access is granted only on a 'need to know' basis." (LifeLock 4-00676)
- b. "All stored personal data is electronically encrypted." (LifeLock 4-00676)
- c. "Any data that we transmit over a private network will be sent via secure, encrypted channels." (LifeLock 4-00676)
- d. "Your documents, while in our care, will be treated as if they were cash." (LifeLock 4-00676)
- e. "When you enter sensitive information (such as credit card number and/or social security number) on our registration or order forms, we encrypt that information using secure socket layer technology." (LifeLock 4-00676)
- f. "Lifelock uses highly secure physical, electronic, and managerial procedures to safeguard the confidentiality and security of the data you provide to us." (LifeLock 4-00676)
- g. "We follow generally accepted industry standards to protect the personal information submitted to us, both during transmission and once we receive it." (LifeLock 4-00676)

18.

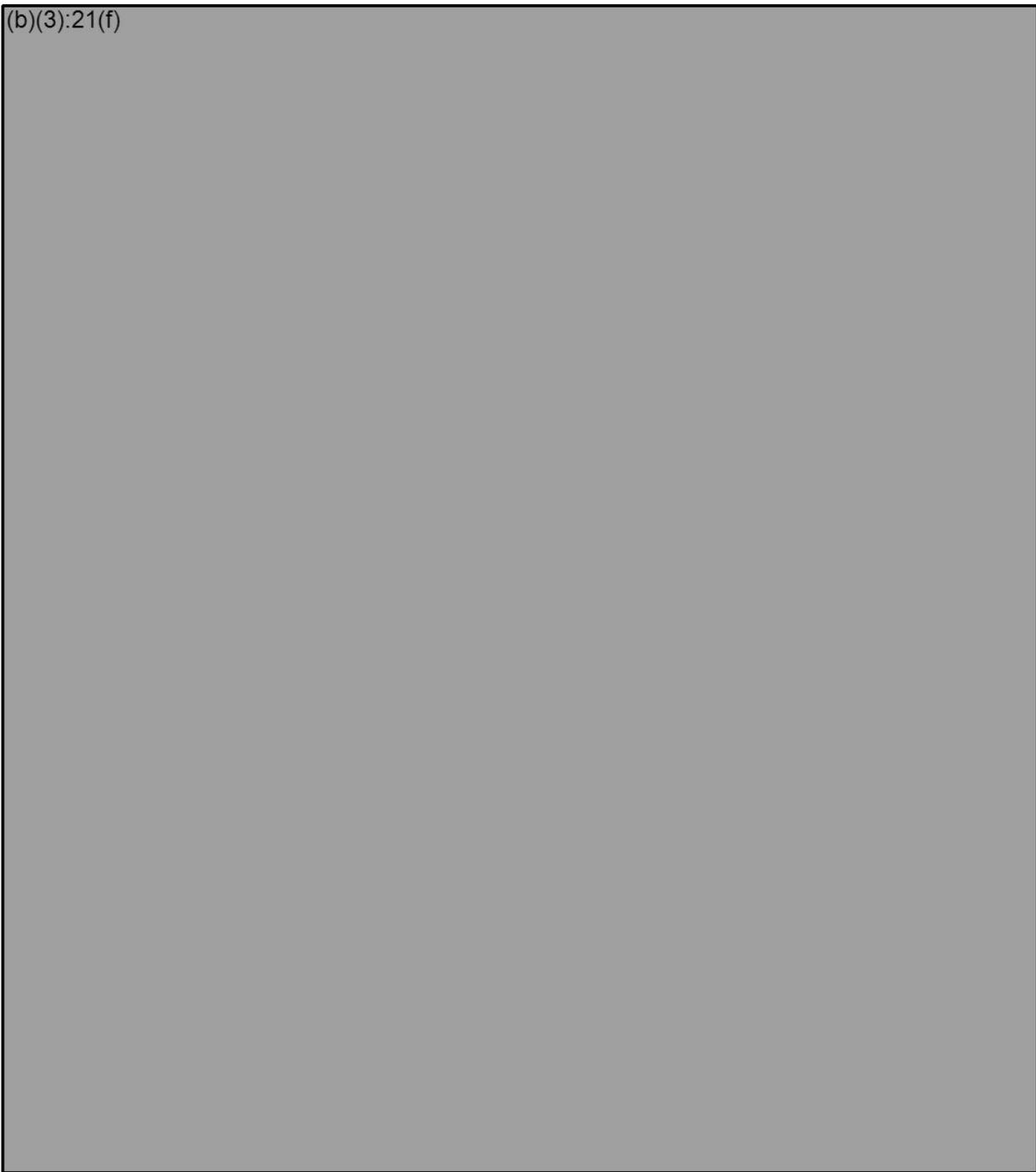
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19.

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<sup>1</sup> We understand that you might not be able to state with precision when a particular issue or vulnerability may have been remedied and, in such instances, we therefore request that LifeLock provide its best estimate of an approximate date, such as month and year (*i.e.*, "June 2007").

(b)(3):21(f)



21. Please provide a copy of all text posted or published on LifeLock's website ([www.lifelock.com](http://www.lifelock.com)) from the date the website first became operational until December 31, 2006.
22. Please describe the scope, nature, and duration of all past and current measures

LifeLock has taken to conduct screening, background checks, or evaluations of prospective or current employees or contractors, including work-at-home employees.

23. Please state LifeLock's total revenue received from consumer subscriptions to its identity theft protection service.
24. Please state the total number of consumers who have subscribed to LifeLock's identity theft protection service.
25. Please state the number of consumers currently subscribed to LifeLock's identity theft protection service, as of the date of this request.

In addition to these categories of documents and information, please feel free to submit any additional information you believe would be helpful to the Commission's understanding of this matter. Any materials you submit in response to this request, and any additional information marked "Confidential," will be given confidential treatment.<sup>2</sup> Accordingly, you must retain all relevant records, documents, and materials (not only the information requested above, but also any other information relating to this matter, including files and information stored on computers or on computer disks and tapes) until the final disposition of this inquiry or until the Commission determines that retention is no longer necessary.<sup>3</sup> This request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3512.

Please send all documents and information to: Burke Kappler, Federal Trade Commission, Division of Privacy and Identity Protection, 601 New Jersey Avenue, N.W., Washington, D.C. 20580. Due to extensive delays resulting from security measures taken to ensure the safety of items sent via the U.S. Postal Service, we would very much appreciate receiving these materials via Federal Express or a similar delivery service provider, if possible.

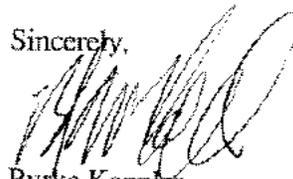
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<sup>2</sup> The Commission's procedures concerning public disclosure and confidential treatment can be found at 15 U.S.C. Sections 46(f) and 57h-2, and Commission Rules 4.10-4.11 (16 C.F.R. Sections 4.10-4.11 (1984)).

<sup>3</sup> Failure to retain any documents that may be relevant to this matter may result in civil or criminal liability.

Thank you for your prompt attention to this matter. Please call Burke Kappler at 202-326-2043 if you have any questions about this request or need any additional information.

Sincerely,



Burke Kappler  
Attorney  
Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission

cc:

John Fedele, Esq.  
Heller Ehrman LLP  
By e-mail: [john.fedele@hellerehrman.com](mailto:john.fedele@hellerehrman.com)

Malaika Eaton, Esq.  
Heller Ehrman LLP  
By e-mail: [malaika.eaton@hellerehrman.com](mailto:malaika.eaton@hellerehrman.com)



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Burke Kappler  
Attorney  
Division of Privacy & Identity Protection

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E-mail: bkappler@ftc.gov

March 31, 2008

**BY E-MAIL & FEDERAL EXPRESS**

Mary L. Azcuenaga, Esq.  
Heller Ehrman LLP  
1717 Rhode Island Avenue, N.W.  
Washington, D.C. 20036  
E-mail: mary.azcuenaga@hellerehrman.com

Re: FTC Inquiry of LifeLock – Additional Requests

Dear Ms. Azcuenaga:

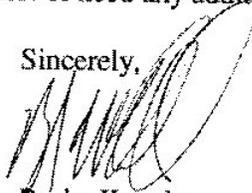
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(b)(3):21(f)

Thank you for your prompt attention to this matter. Please call Burke Kappler at 202-326-2043 if you have any questions about this request or need any additional information.

Sincerely,



Burke Kappler  
Attorney  
Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission

cc:

John Fedele, Esq.  
Heller Ehrman LLP  
By e-mail: [john.fedele@hellerehrman.com](mailto:john.fedele@hellerehrman.com)

Malaika Eaton, Esq.  
Heller Ehrman LLP  
By e-mail: [malaika.eaton@hellerehrman.com](mailto:malaika.eaton@hellerehrman.com)



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

BurkeKappler  
Attorney  
Division of Privacy & Identity Protection

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Fax: 202.326.3768  
E-mail: bkappler@ftc.gov

October 18, 2007

**BY FAX (202- 912-2020) & FEDERAL EXPRESS**

Mary L. Azcuenaga, Esq.  
Heller Ehrman LLP  
1717 Rhode Island Avenue, NW  
Washington, D.C. 20036

Re: July 23, 2007 Information Request to LifeLock, Inc.

Dear Ms. Azcuenaga:

This letter is intended to follow up on two issues: (1) LifeLock's September 11, 2007 Response ("Response") to our letter dated July 23, 2007, requesting additional information; and (2) our subsequent telephone conversation on September 20, 2007, regarding a meeting to discuss the status of this inquiry.

**LifeLock's Response**

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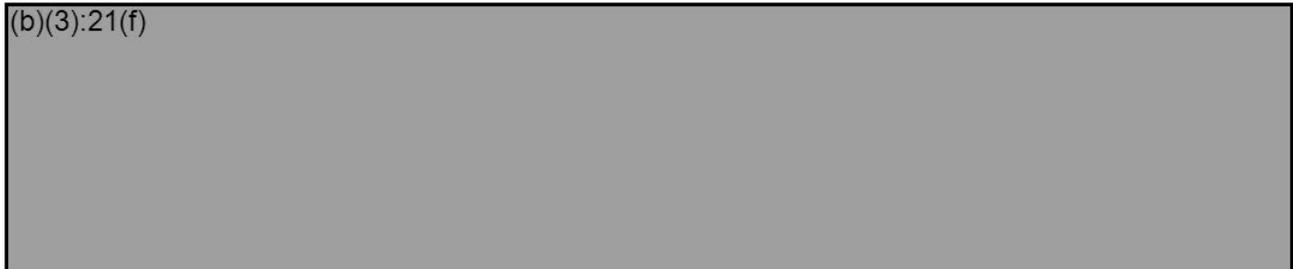
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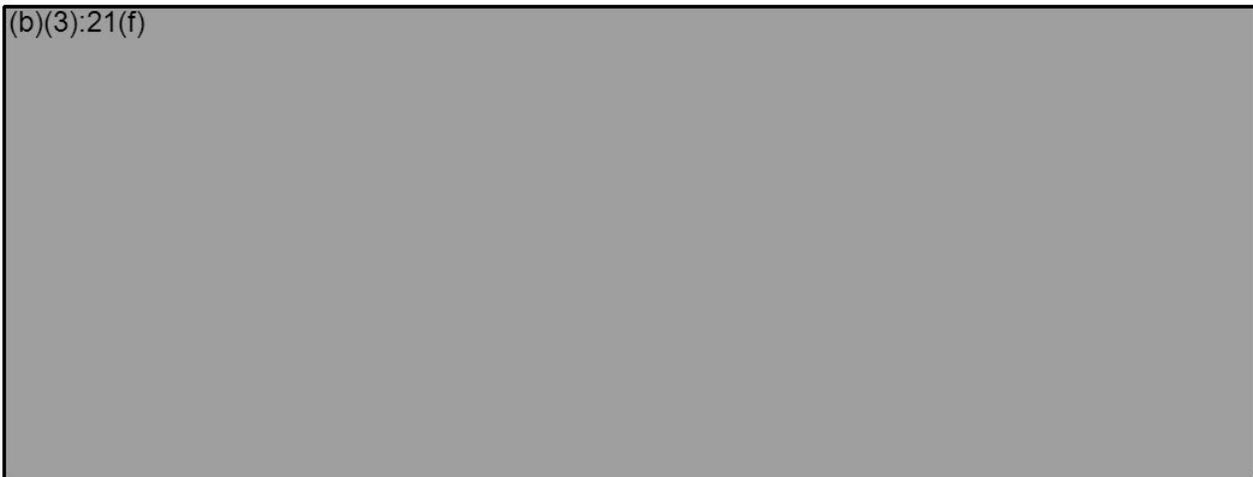


As a result, we therefore request that LifeLock supplement its Response to include these documents and information, or provide a written reply explaining why such materials are not responsive to the July 23, 2007 letter, by **Friday, November 2, 2007**.

(b)(3):21(f)



(b)(3):21(f)



Thank you for your continued cooperation with this inquiry. Please feel free to call me at 202-326-2043 if you have any questions about these requests or need any additional information.

Sincerely,

Burke Kappler  
Attorney  
Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Burke Kappler  
Attorney  
Division of Privacy & Identity Protection

Direct Dial: 202.326.2043  
Fax : 202.326.3768  
E-mail: bkappler@ftc.gov

November 9, 2007

**BY E-MAIL & FEDERAL EXPRESS**

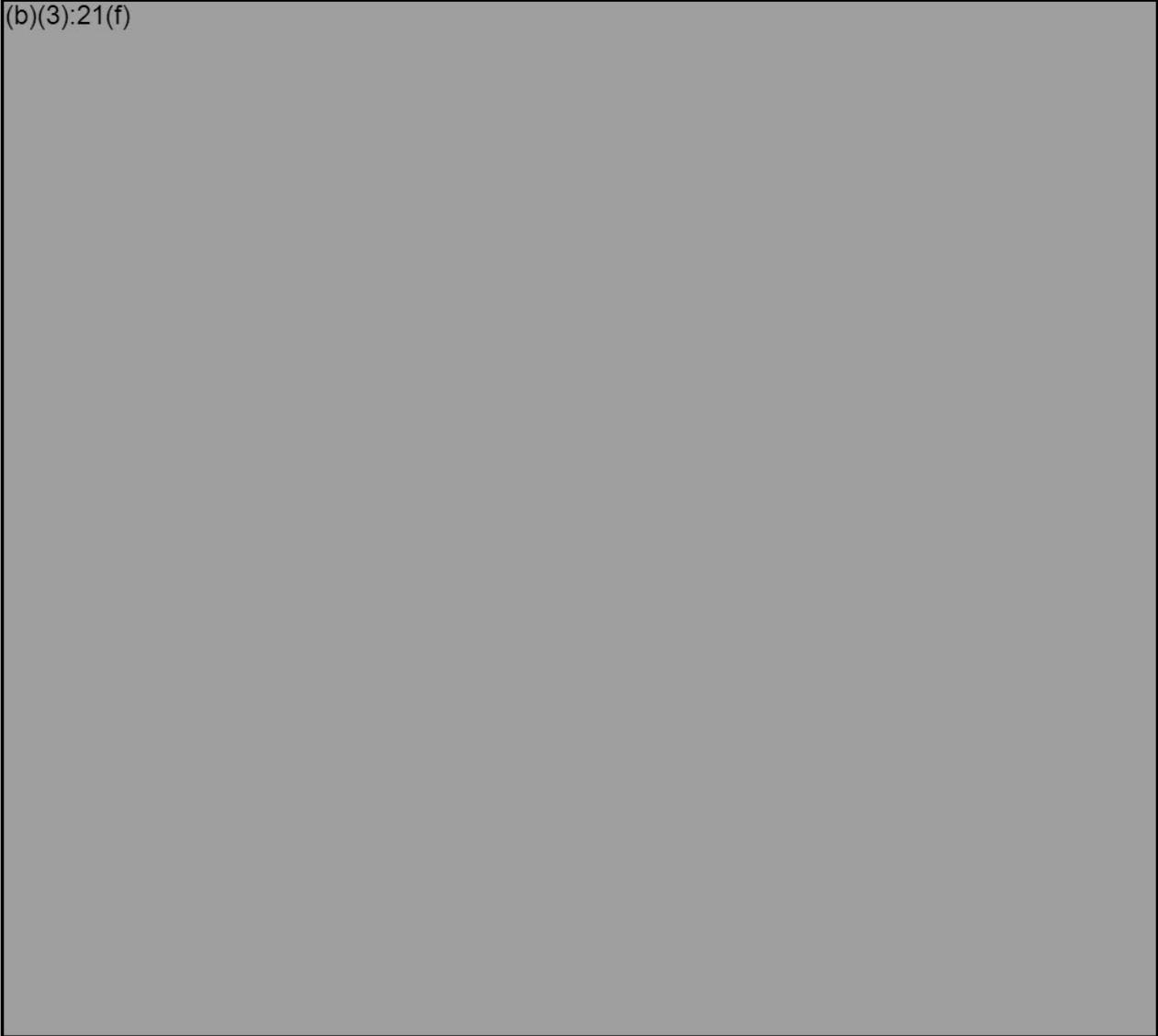
Mary L. Azcuenaga, Esq.  
Heller Ehrman LLP  
1717 Rhode Island Avenue, NW  
Washington, D.C. 20036  
E-mail: mary.azcuenaga@hellerehrman.com

Re: (b)(3):21(f)

Dear Ms. Azcuenaga:

(b)(3):21(f)

(b)(3):21(f)



Sincerely,

A handwritten signature in black ink, appearing to read "Burke Kappler". The signature is written in a cursive style.

Burke Kappler  
Attorney  
Division of Privacy and Identity Protection  
Bureau of Consumer Protection  
Federal Trade Commission