

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No. 2:20cv-859

v.

Judge Lynn S. Adelman

KOHL'S DEPARTMENT STORES, INC.,

Defendant.

2. The Complaint charges that in responding to certain requests for application and business transaction records under FCRA Section 609(e), Defendant participated in acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and the FCRA, 15

with, a person who has allegedly made unauthorized use of the means of identification of the Victim.

B. Before Defendant provides any information under paragraph I.A, unless Defendant, at its discretion, otherwise has a high degree of confidence that it knows the identut >>.002 Tc 8p1 i

B. Defendant is ordered to pay to Plaintiff, by making payment to the Treasurer of the United States, two hundred and twenty thousand (\$220,000) which as Defendant stipulates, its undersigned counsel holds in escrow for no purpose other than payment to Plaintiff. Such payment must be made within 7 days of entry of this Order by electronic fund transfer in accordance with instructions previously provided by a representative of Plaintiff.

C. Defendant relinquishes dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

D. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Commission, including in a proceeding to enforce its rights to any payment or monetary judgment pursuant to this Order.

E. Defendant acknowledges that its Taxpayer Identification Numbers (Employer Identification Numbers), which Defendant previously submitted to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

III. NOTICES TO ELIGIBLE VICTIMS AND OTHER VICTIMS

IT IS FURTHER ORDERED that:

A. On or before 30 days after entry of this Order, and for three years following,

license or other government-issued identification; (2) personally identifying information to verify

the requester's identity; (3) a copy of the requester's driver's license or other government-issued identification;

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transaction alleged to be a result of identity theft to any Eligible Victims who received the notice described in paragraph III.C above and who sent Kohl's each of the Verification Documents, regardless of whether the request specifies particular records sought.

IV. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Defendant obtain acknowledgments of receipt of this Order:

- A. Defendant, within 7 days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.
- B. For 5 years after entry of this Order, Defendant must deliver a copy of this Order to: (1) all employees having managerial responsibilities for conduct related to Section I of the Order and all employees and representatives responsible for responding to requests under FCRA Section 609(e); and (2) any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.
- C. From each individual or entity to which Defendant delivered a copy of this Order, Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

V. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Defendant make timely submissions to the Commission:

- A. One year after entry of this Order, Defendant must submit a compliance report, sworn under penalty of perjury. Defendant must: (1) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the

Commission and Plaintiff may use to communicate with Defendant; (2) identify all of Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (3) describe the activities relevant to the scope of the Order of each business with such activities; and (4) describe in detail whether and how Defendant is in compliance with each Section of this Order; and (5) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

B. For 10 years after entry of this Order, Defendant must submit a compliance notice, sworn

Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: FTC v. Kohl's Department Stores, Inc. (X).

VI. RECORDKEEPING

IT IS FURTHER ORDERED that Defendant must create certain records for 10 years after entry of the Order, and retain each such record for 5 years. Specifically, Defendant must create and retain the following records to the extent they relate to this Order:

- A. accounting records showing the revenues from all goods or services sold;
- B. personnel records sufficient to show: (1) for each person having managerial responsibilities related to this Order, whether as an employee or otherwise, that person's: name; address; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination; and (2) for each agent or employee designated by the Company to respond to requests for application and business transaction records, that person's: name; address; telephone numbers; job title or position; dates of service; the number of requests for application and business transaction records that the individual responds to annually; information identifying the specific requests that the individual responds to; any disciplinary action against the individual related to the individual's response to requests for application and business transaction records; and (if applicable) the reason for termination;
- C. records of all written consumer complaints relating to requests for application or business transaction records, pursuant to FCRA Section 609(e), whether received directly or indirectly, such as through a third party, and any response;
- D. records tracking each request for records covered by paragraph I.A of this Order that Defendant receives, including:
 - 1. the date Defendant received each request;

2. if applicable, the date Defendant provided the records in response to the request;

FEDERAL TRADE COMMISSION

FOR REFERENCE:

Date: 3/5/20

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