

EXHIBIT A

6

Commonwealth of Massachusetts

SUFFOLK, SS.

TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL DOCKET NO. SUCV2019-CV_03718-BLS1

ROBERT HARTIGAN,
on behalf of himself and
all others similarly, PLAINTIFF(S),
situated

v.
MACYS, INC

_____, DEFENDANT(S)

SUMMONS

THIS SUMMONS IS DIRECTED TO MACYS, INC (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Suffolk Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

2020 MAR -5 PM 1:54
SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
CLERK'S OFFICE

1. You must respond to this lawsuit in writing within 20 days. If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**

2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:

a. Filing your signed original response with the Clerk's Office for Civil Business, Suffolk Court, Superior

3 Pemberton Square (address), by mail or in person, AND

Boston b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following
MA address: 2 Salem Green, Suite 2, Salem MA 01970
02108

3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov.courts/case-legal-res/rules of court.

- 4. Legal Assistance. You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at www.mass.gov/courts/selfhelp.
- 5. Required information on all filings: The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on February 14, 2020.

Michael Joseph Donovan
 Michael Joseph Donovan
 Clerk-Magistrate

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

PROOF OF SERVICE OF PROCESS

I hereby certify that on February 19, 2020 I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4 (d)(1-5)):
Certified Mail, Return Receipt Requested.

Dated: March 2, 2020

Signature: *[Signature]*

| | |
|--|---|
| <p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p style="margin-left: 40px;"><i>Macy's Inc</i> <i>7 West 75 Street</i> <i>Cincinnati, OH 45202</i></p> | <p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>D. Johnson</i></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> |
|  9590 9402 4944 9063 0200 32 | <p>3. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ |



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT
CA. NO. 19-3718A

ROBERT HARTIGAN, on behalf of
himself and all others similarly
situated,

Plaintiff,

v.

MACY'S, INC.,

Defendant.

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2019 NOV 26 A 10: 58
PUBLIC ACCESSIBLE
CLERK / REGISTRAR

**PLAINTIFF'S CLASS ACTION COMPLAINT
AND DEMAND FOR JURY TRIAL**

Plaintiff, Robert Hartigan ("Plaintiff" or "Hartigan") seeks to represent himself and all other similarly situated individuals ("Class" or "Class Members") in claims against Macy's, Inc. ("Macy's" or "Defendant").

In October 2019, Macy's, a well-known department store chain, had its data security breached, impacting and disclosing thousands of customers' financial information ("The Breach").

More precisely, between October 7, 2019 and October 15, 2019, hackers stole personal customer information from Macy's website. Macy's website was hacked by an unauthorized third-party which permitted the third-party to capture customer's checkout and wallet-page information.

The information unlawfully accessed and disclosed included customers' first and last names; addresses; phone numbers; email addresses; and credit card numbers (with security codes and expiration dates).

As Macy's described in a public statement issued shortly after The Breach, "we are aware of a highly sophisticated and targeted data security incident related to www.macys.com."

In a letter dated November 14, 2019, Macy's explained that Mr. Hartigan's and the Class's personal information was the subject of a recent data breach and that Macy's would provide a year of credit monitoring ("Breach Notification Letter").

The Breach Notification Letter informed customers that identify theft and financial crimes were possible as a result of Macy's loss of sensitive financial information it had collected from Mr. Hartigan and others.

Macey's went on to task Mr. Hartigan, and other customers, with being vigilant and taking myriad steps to avoid identity theft.

However, Macy's neither offered financial compensation nor an opportunity to obtain, free of charge, certain professional monitoring for the purposes of preventing the victims from identity theft beyond one year's time.

Plaintiff alleges that Macy's unlawfully, negligently, and unfairly failed to ensure the security of, and protect, Plaintiff and Class Member's information.

As such, Plaintiff contends that Macy's actions constituted violations of the Massachusetts common-law, statutory law and regulations.

By way of this action, Plaintiff asserts that: (1) Macy's breached its duty and obligation to keep customer's information confidential; (2) Macy's negligently violated the privacy rights of Plaintiff and the putative class by failing to protect sensitive information in conformity with its duties; and (3) Macy's did not adequately fulfill its duty to prevent and mitigate actual or potential damages caused by The Breach.

Plaintiff contends that the foregoing acts and omissions constitute violations of Massachusetts law; and further, that Plaintiff and all Class Members have suffered cognizable

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.