

**ORIGINAL**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta**

**SEP 05 2006**

**JAMES M. KATTEN, Clerk**  
By: *[Signature]*  
**Deputy Clerk**

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Target Corporation, a Minnesota  
corporation,

Plaintiff,

**COMPLAINT**

v.

JOHN DOE,

Defendant

**1:06-CV-2116**

**-CC**

---

For its Complaint, plaintiff Target Corporation ("Target") states and alleges as  
follows

**INTRODUCTION**

Target brings this action against an Internet user who is deliberately posting Target copyrighted, confidential, proprietary, and trade secret information across the Internet, including to a website hosted in Minnesota. Target seeks an injunction against Defendant, as well as other available legal and equitable relief arising from Defendant's tortious actions.

**PARTIES**

1. Target is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota.

2. The true name and capacity of Defendant is unknown to Plaintiff at this time Defendant is known to Plaintiff only by his Internet username "Target Sucks." Additionally, upon information and belief, he is the user for the following email accounts

mrpauljrogers@yahoo.com, charris46@hotmail.com, anonymousemail2@aol.com, ILovePie@yahoo.com, and usembassysouthafrica@hotmail.com

### **JURISDICTION AND VENUE**

3 This Court has jurisdiction under 17 U.S.C. § 101 et seq, 28 U.S.C. § 1331(federal question); and 28 U.S.C. § 1338(a) (copyright). This Court also has jurisdiction over this matter under 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

4. Venue in this District is proper under 28 U.S.C. § 1391 and/or 28 U.S.C. 1400(a). Although the true identity of Defendant is unknown to Plaintiff at this time, on information and belief, Defendant resides in the State of Georgia and a substantial part of the acts of infringement and misappropriation complained of herein occurred in this District.

### **FACTUAL BACKGROUND**

#### **Target's Business and Valuable Intellectual Property**

5 Target owns and operates retail merchandise discount stores across the United States. Today, Target operates more than 1400 TARGET stores, including more than 45 TARGET stores in Georgia

6. As part of its effort to protect its retail stores from physical threats and financial losses, Target, through considerable effort and expense, has created loss prevention procedures and protocols. One of the key loss prevention protocols created by Target is Target's Asset Protection Directives ("Target AP Directives")

7. The Target AP Directives are a set of written methods, techniques and processes that are used by Target's asset protection personnel to secure Target's merchandise

and other property from theft, and to deal with the apprehension of shoplifters and other wrongdoers.

8. The Target AP Directives are Target copyrighted, confidential, proprietary, and trade secret information.

9 The Target AP Directives include information that is not generally known to the public or in the industry.

10. Target goes to considerable measures to protect the secrecy of this information. The Target AP Directives are password restricted and only available to those employees with a "need-to-know," namely, the asset protection team.

11. Target has an Information Security Policy where all employees, before commencing their employment, sign an acknowledgement agreeing to maintain the confidentiality of Target's non-public information, and to never disclose it to anyone outside of the company.

#### **Defendant's Improper Use of Target's AP Directives**

12. On or around June 29, 2006, Defendant acquired a copy of Target's AP Directives from a recently terminated Target employee, Scott Hundt ("Hundt"). Upon information and belief, Hundt only knew Defendant because of his anti-Target website postings. Hundt sent a copy of the Target AP Directives to Defendant by email.

13 Hundt, as a former asset protection specialist at a Target store in Wisconsin, improperly kept the Target AP Directives upon termination.

14. On Sunday, July 2, 2006, Hundt also posted the Target AP Directives on the Internet at the website [www.targetunion.org](http://www.targetunion.org).

15. On or around July 10, Target learned of Hundt's improper disclosure to Defendant and the Internet. Shortly thereafter, Target contacted Hundt by telephone. Hundt returned Target's telephone call and acknowledged his wrongdoing. Hundt immediately deleted all references to the Target AP Directives from his hard drive and from the Internet.

16. Target also demanded that Hundt contact Defendant and request that Defendant destroy the Target AP Directives, delete any Internet postings of the Target AP Directives posted by him, and never use them again. Hundt stated that he did not know Defendant's name or address, and did not personally know him, but had his email address. Hundt emailed Defendant and requested him to remove the postings, but Defendant failed to respond.

17. Hundt also provided Target with the email address that Hundt had for Defendant. Target emailed Hundt a cease and desist letter at that address, but received no response.

18. Instead of abiding by Target and Hundt's demands to remove the Target AP Directives, Defendant began posting the Target AP Directives on various retail-employee forums on the Internet, including the following locations:

*[http //targetsucks.elevation24.com](http://targetsucks.elevation24.com)*

*[http //www.targetunion.org](http://www.targetunion.org)*

*[http //bullseyebb.awardspace.com](http://bullseyebb.awardspace.com)*

*<http://targetstoressuck.blogspot.com>*

*[http //www.retail-worker.com](http://www.retail-worker.com)*

*[http.//people.tribe.net](http://people.tribe.net)*

19. Beginning on or around July 12, 2006, Target, through its counsel, sent demand letters to the moderators and administrators of the websites that posted Target AP Directives. Target advised them that Defendant, under the alias "Target Sucks," was posting improperly Target copyrighted, confidential, proprietary, and trade secret information. (A copy of a sample letter sent to the moderators/administrators is attached as Ex. A )

20. In conjunction with writing to the moderators and/or administrators, Target also attempted to contact Defendant directly by sending private messages to Defendant through the forums. (A copy of two sample emails sent to Defendant are attached as Ex. B.)

21 In response to Target's demand letters, the administrators and/or moderators removed the Target AP Directives from their websites.

22. Defendant, however, did not respond to Target's email messages. Instead, Defendant re-posted the Target AP Directives as soon as the moderator and/or administrator removed them from the website. Target re-contacted the moderators and/or administrators, and the information was again deleted. Indeed, at least one of the websites - *http //targetstoressuck.blogspot.com* - terminated Defendant's blog.

23. On July 27, 2006, the moderator of *www.retail-worker.com* posted Target's cease and desist letter on its website and explained why she deleted Defendant's posting of the Target AP Directives. An exchange between Defendant and the moderator ensued, whereby Defendant admitted that he was posting the Target AP Directives for no reason other than to harm Target. (A copy of the email exchange is attached as Ex. C.)

24. Since July 27, 2006, Defendant continues to re-post (or attempt to re-post) the Target AP Directives on the Internet. At websites where his blog was inactivated, he has changed his username in order to be able to re-post the Target AP Directives

25. Defendant's actions are a complete and intentional disregard of Target's property rights. Since July 27, 2006, Defendant had posted on numerous websites that "Target's lawyers are monitoring this website." In response to Target's cease and desist letter, Defendant states on the Internet that he does not care whether the Target AP Directives are copyrighted or trade secrets:

As to whether or not said info is in some form 'protected', I have no idea and don't care I saw it both online already posted and via email and if someone at T let the cat out of the bag then that is between T and them. I didn't sign any confidentiality agreement with them and really don't give a rats ass if they like it or not.

(A copy of the posting is attached hereto as Ex. D )

26. Defendant has never responded to Target's demands for Defendant to cease and desist posting the Target AP Directives.

27. Through various investigative techniques employed by Target over the last few weeks, Target believes that Defendant uses America On-Line as his Internet Service Provider Target believes that information obtained in discovery will lead to the verification of Defendant's true name and address

### **COUNT I** **Infringement of Copyrights**

28 Target realleges and incorporates by reference herein the foregoing allegations of the Complaint.

29 Target is, and at all relevant times has been, the copyright owners of exclusive rights under United States copyright law with respect to certain copyrighted Target AP Directives.

30. The Target AP Directives are subject to a valid Certificate of Copyright Registration issued by the Registrar of Copyrights to Target as specified on Exhibit E

31. Among the exclusive rights granted to Target under the Copyright Act are the exclusive rights to reproduce the Target AP Directives and to distribute the Target AP Directives

32. Defendant, without the permission or consent of Target, has used, and continues to use, the Internet, to disseminate and/or make available for distribution to others, the Target AP Directives.

33. Defendant's dissemination of the Target AP Directives is deliberate, willful, malicious, oppressive, and without regard to Target's proprietary rights

34. As a result of Defendant's infringement of Target's copyrights and exclusive rights under copyright, Target is entitled to statutory damages pursuant to 17 U.S.C. § 504(c) against Defendant for each infringement by Defendant. Target is also entitled to its attorneys' fees and costs pursuant to 17 U.S.C. § 505.

35. Defendant's copyright infringement, and the threat of continuing infringement, has caused, and will continue to cause, Target repeated and irreparable injury. It would be difficult to ascertain the amount of money damages that would afford Target adequate relief at law for Defendant's acts and continuing acts, and a multiplicity of judicial proceedings that would be required. Target's remedy at law is not adequate to compensate them for the injuries already inflicted and further threatened by Defendant. Therefore, Defendant should be restrained and enjoined pursuant to the Copyright Act, 17 U.S.C. §§ 502 and 503

**COUNT II**  
**Misappropriation of Trade Secrets**

36. Target realleges and incorporates by reference herein the foregoing allegations of the Complaint.

37 Defendant acquired confidential and proprietary information belonging to Target.

38 Defendant was advised that the information he acquired was Target trade secret information that should not be used or disclosed by him.

39 After receiving notice of the confidentiality of the Target trade secret information, Defendant had a duty to Target to maintain the secrecy of this information and limit its use for the benefit of only Target.

40. This confidential and proprietary information had independent economic value because it was not generally known to or readily ascertainable by persons outside of Target

41 Target intended to keep this information confidential and has made reasonable efforts under the circumstances to maintain the secrecy of the information.

42. Defendant has used and/or disclosed, and continues to use and/or disclose, such information without the express or implied consent of Target, for the benefit of himself. Such use constitutes a violation of Ga Stat. § 10-1-760 *et seq* , and Georgia common law principles against misappropriation of trade secrets

43. As a direct and proximate cause of Defendant's misappropriation of trade secrets, Target has been damaged in an amount greater than \$75,000, the specific amount of which shall be determined at trial. In addition, Target has suffered irreparable harm and will continue to suffer irreparable harm unless the conduct of the Defendant is enjoined by this Court

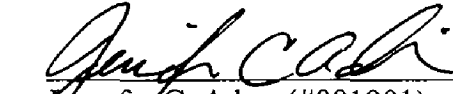


**WHEREFORE**, Plaintiff Target Corporation respectfully requests judgment against Defendant as follows:

- 1 An injunction, among other things, prohibiting Defendant from disclosing and using the Target AP Directives and requiring Defendant to delete all Internet postings created by him of the Target AP Directives;
2. Statutory damages for each infringement pursuant to 17 U.S.C § 504;
- 3 Recovery of Target's costs and attorneys' fees incurred herein; and
- 4 Any further relief that the Court deems just and equitable.

Dated. September 1, 2006

**DUNCAN & MANGIAFICO, PC:**

  
Jennifer C. Adair (#001901)  
Suite 220

7000 Central Parkway  
Atlanta, GA 30328  
Telephone: (770)698-4560  
Facsimile: (770)698-4565

**FAEGRE & BENSON LLP:**

s/Dara Mann  
Dara Mann (#469065)  
Suite 1900  
3350 Riverwood Parkway  
Atlanta, GA 30330  
Telephone: (678) 627-8190  
Facsimile: (612) 766-1600

**ATTORNEYS FOR PLAINTIFF  
TARGET CORPORATION**

Of Counsel  
(*upon admission pro hac vice*)  
James R. Steffen (MN #469065)  
Kerry L. Bundy (MN #266917)  
Faegre & Benson  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Telephone: (612) 766-7000  
Facsimile: (612) 766-1600

M2 20819383 04

**FAEGRE  
BENSON**

UNITED STATES | ENGLAND | GERMANY | CHINA

KERRY L. BUNDY  
kbundy@faegre.com  
(612) 766-8217

July 11, 2006

"Jen"  
Administrator of "Return of the Target Sucks" Website

**VIA E-MAIL**

Jennifer Destree  
Registrant of elevation24.com  
7335 Hickory Avenue  
Orangevale, CA 95662

**VIA E-MAIL**

Re. Improper Disclosure of Target's AP Directives on Website

Dear "Jen"/Ms. Destree:

We represent Target Corporation and Target Brands, Inc. (collectively, "Target") in connection with intellectual property matters and in connection with their ongoing efforts to maintain the security and confidentiality of its proprietary information. We are writing to you in your capacity as Administrator and/or Registrant of the blog website <http://targetsucks.elevation24.com> to advise you that a post to the website contains Target confidential, proprietary and trade secret information that has been improperly disclosed. In addition, the post wrongfully reproduces copyrighted material belonging to Target.

In case you were not aware, on July 2, 2006, user name "Target Sucks" posted to your website Target's 2006 Asset Protection Directives. These directives include information which is used in the conduct of Target's asset protection program and is not generally known to the public or in the industry. Target goes to considerable measures to protect the secrecy of this information. As it appears from your posts that you are a current and/or former Target employee, you are most likely aware that under Target's policies and procedures, any Target employee who is given access to the Asset Protection Directives is required strictly to maintain the confidentiality of this information.

As we hope you can appreciate, Target considers the improper disclosure of its 2006 Asset Protection Directives on the "targetsucks" website to be a very serious matter. Allowing Target's confidential and proprietary security procedures to remain posted on the website provides potential wrongdoers with a blueprint for circumventing Target's security procedures in connection with shoplifting or other criminal activity. This not only jeopardizes Target's property, but also could jeopardize the safety of Target customers and employees.

2200 WELLS FARGO CENTER • 90 SOUTH SEVENTH STREET • MINNEAPOLIS MINNESOTA 55402 3901  
TELEPHONE 612 766-7000 FACSIMILE 612 766-1600 WWW.FAEGRE.COM

**EXHIBIT A**

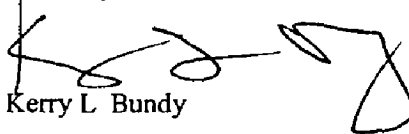
Jennifer Destree  
July 11, 2006  
Page 2

We note that the rules of your forum expressly state that "The owners of Return of the Target Sucks reserve the right to remove, edit, move or close any thread for any reason." Under the circumstances here, Target asks that you remove the July 2, 2006, and any other posting of Target's 2006 Asset Protection Directives at your earliest possible convenience

In addition, to allow us to follow up directly with the individual who wrongfully posted the 2006 Asset Protection Directives, we ask that you promptly supply us with contact information for poster "Target Sucks "

Your anticipated cooperation is appreciated, and we look forward to receiving prompt confirmation that you have removed the 2006 Asset Protection Directives from your site and to your provision of contact information for the individual that posted the 2006 Asset Protection Directives.

Sincerely,



Kerry L Bundy

KLB/rew

M2 20810234 01

**Bundy, Kerry L.**

---

**From:** Bundy, Kerry L  
**Sent:** Monday, July 17, 2006 2:46 PM  
**To:** 'annonymousemail2@aol.com'  
**Subject:** RE: Improper Posting of Target 2006 AP Directives

**Attachments:** scan.pdf



scan.pdf (78 KB)

Please review the attached letter. Thank you.

Kerry Bundy  
Faegre & Benson  
2200 Wells Fargo Center  
90 S. 7th St.  
Minneapolis, MN 55402  
612-766-8217

**EXHIBIT B**



UNITED STATES | ENGLAND | GERMANY | CHINA

KERRY L. BUNDY  
kbundy@faegre.com  
(612) 766-8217

July 17, 2006

Username "Targetsucks"  
[anonymousmail2@aol.com](mailto:anonymousmail2@aol.com)

VIA E-MAIL

Re: Improper Disclosure of Target's AP Directives on Internet

Dear Sir/Madame:

We represent Target Corporation and Target Brands, Inc. (collectively, "Target") in connection with intellectual property matters and in connection with their ongoing efforts to maintain the security and confidentiality of its proprietary information. This letter is to advise you that certain postings made by you of the Target 2006 Asset Protection Directives on the websites <http://targetsucks.elevation24.com>, <http://www.targetunion.org>, <http://bullseyebb.awardspace.com>, and <http://targetstoressuck.blogspot.com> contain Target copyrighted, confidential, proprietary and trade secret information that has been improperly disclosed.

As you know, the Target 2006 Asset Protection Directives include information which is used in the conduct of Target's asset protection program and is not generally known to the public or in the industry. These directives also include copyrighted material. As we believe you also know, Target goes to considerable measures to protect the secrecy of this information. Under Target's policies and procedures, any Target employee who is given access to its Asset Protection Directives is required strictly to maintain the confidentiality of this information. Access to these directives are restricted to Target AP employees and under no circumstances are they to be distributed to anyone outside of Target.

Target considers the improper disclosure of its 2006 Asset Protection Directives on the Internet to be a very serious matter. Allowing Target's confidential and proprietary security procedures to remain posted on the website provides potential wrongdoers with a blueprint for circumventing Target's security procedures in connection with shoplifting or other criminal activity. This not only jeopardizes Target's property, but also could jeopardize the safety of Target employees and guests.

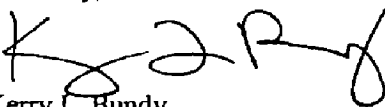
It is our understanding that, although you were provided improperly with the Target 2006 Asset Protection Directives by a former Target employee, that person has requested that you delete all postings made by you that contain the Target 2006 Asset Protection Directives. We hope and expect that upon review of the facts set forth in this letter, you will delete all such

Targetsucks  
July 17, 2006  
Page 2

postings at your earliest convenience. Target also requests that you immediately destroy all paper and electronic copies of the Target 2006 Asset Protection Directives in your possession. Please provide us with prompt, written confirmation of your compliance with these requests no later than noon on Tuesday, July 18, 2006. If we do not receive timely confirmation from you, we will assume that you do not intend to remove your wrongful posts, and we will proceed to consider and take further appropriate action.

Your anticipated cooperation is appreciated.

Sincerely,



Kerry L Bundy

KLB/rew

M2 20810329 03

C O P Y



C O P Y

UNITED STATES | ENGLAND | GERMANY | CHINA

KERRY L. BUNDY  
kbundy@faegre.com  
(612) 766-8217

July 27, 2006

Username "Targetsucks"

VIA E-MAIL

Re: Improper Disclosure of Target's AP Directives on Internet

Dear Sir/Madame.

We represent Target Corporation and Target Brands, Inc. (collectively, "Target") in connection with intellectual property matters and in connection with their ongoing efforts to maintain the security and confidentiality of its proprietary information. This letter is to advise you that certain postings made by you of the Target 2006 Asset Protection Directives on the website <http://www.retail-worker.com> contain Target copyrighted, confidential, proprietary and trade secret information that has been improperly disclosed.

As you know, the Target 2006 Asset Protection Directives include information which is used in the conduct of Target's asset protection program and is not generally known to the public or in the industry. These directives also include copyrighted material. As we believe you also know, Target goes to considerable measures to protect the secrecy of this information. Under Target's policies and procedures, any Target employee who is given access to its Asset Protection Directives is required strictly to maintain the confidentiality of this information. Access to these directives are restricted to Target AP employees and under no circumstances are they to be distributed to anyone outside of Target.

Target considers the improper disclosure of its 2006 Asset Protection Directives on the Internet to be a very serious matter. Allowing Target's confidential and proprietary security procedures to remain posted on the website provides potential wrongdoers with a blueprint for circumventing Target's security procedures in connection with shoplifting or other criminal activity. This not only jeopardizes Target's property, but also could jeopardize the safety of Target employees and guests.

We hope and expect that upon review of the facts set forth in this letter, you will delete all such postings at your earliest convenience. Target also requests that you immediately destroy all paper and electronic copies of the Target 2006 Asset Protection Directives in your possession. Please provide us with prompt, written confirmation of your compliance with these requests no later than noon on Tuesday, July 18, 2006. If we do not receive timely confirmation from you, we will assume that you do not intend to remove your wrongful posts, and we will proceed to consider and take further appropriate action.



Targetsucks  
July 27, 2006  
Page 2

Your anticipated cooperation is appreciated.

Sincerely,

Kerry L. Bundy

KLB/rew

M2 20814344 01

# RETAIL WORKER

 Search

|                   |
|-------------------|
| Home              |
| News              |
| Forum             |
| About the IWW     |
| Site Stats        |
| Site Tech Support |
| Contact Us        |

Username: \*

Password: \*



Create new account  
Request new password

## Get Organized

Contact us to find out about  
getting your workplace  
organized and joining the  
IWW

## Forum topics

## New Topics

Interesting Employees  
(Walgreens forum)  
(0 replies)

Geek Squad T Shirt  
(Best Buy Forum)  
(0 replies)

Travel Reimbursement  
Question  
(Home Depot Forum)  
(1 reply)

freight metrics  
(Home Depot Forum)  
(0 replies)

Night I'm sorry  
(Lowes Forum)  
(0 replies)

## Most Recently Commented

Discount?  
(Best Buy Forum)  
5 replies  
(latest replies)  
Great Customer Questions

Home » Forum » Specific Stores » Target Employee Forum» Anyone Know Why  
The Target Sucks Forum Is Down?

## Anyone know why the target sucks forum is down?

Submitted by backroompeon on Mon, 02/13/2006 - 1 14am.

I am sorry to see it gone. And I had been on there earlier tonight.

Guess I'll hang out here then.

< Ever get a write up for "Saying the wrong thing"

DC job prospects >

login or register to post comments | | | | | | | | | | | |

## Comment viewing options

Flat list - expanded

Date - oldest first

10 comments per page

Select your preferred way to display the comments and click "Save settings" to activate your changes.

**Targetflowslave** Thats what i want to know?

**Says:**

Mon, 02/13/2006 -  
5 24am

login or register to post comments

**redandkhaki**

**Says:**

Thu, 02/16/2006 -  
11 13am

**backroompeon wrote:**

I am sorry to see it gone. And I had been on there earlier tonight.

Guess I'll hang out here then.

Who gives a flying f\*\*k where it went. It's narrowminded people are gone, at least for now, until they start making trouble here or somewhere else. You know the ones, the die hard fans of target. Target sucks was a corporate venture.

login or register to post comments

**sleK Says:**

Thu, 07/27/2006 -  
6 07pm

there seems to be some deleting of this info going on

**EXHIBIT C**

(Circuit City Forum)  
 176 replies  
 (latest replies)  
 Interesting Employees  
 (Walgreens forum)  
 0 replies  
 (latest replies)  
 shoplifting  
 (Walgreens forum)  
 5 replies  
 (latest replies)  
 Great post from HD forum  
 (Your favourite type of c  
 (Lowes Forum)  
 3 replies  
 (latest replies)

All forums

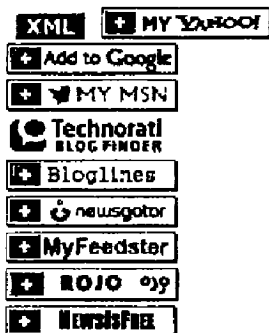
#### Who's online

There are currently 17 users  
 and 77 guests online

#### Online users

Haggi  
 happyone  
 Ruin-Nation  
 ODCST  
 zsh  
 Shrinky  
 BlindsGirl  
 moblus8  
 Robber Baron  
 drucco99  
 LazyOne  
 Hamster  
 rid  
 9WbhsX4Kfy  
 HDMN  
 urathug  
 yerac1951

#### Read our feed



Target's lawyers are out and about issuing cease & desist letters.

edit: More information - Our first Cease & Desist, courtesy of Target

login or register to post comments

**sleK Says:**

Thu, 07/27/2006 -  
 11:34pm

**Target Sucks .. wrote:**

I'm not bringing up p. 2 of Kerrys letter. My machine or didn't it post?

Your machine, I suppose, as I can view it in its entirety and I've heard no other complaints.

login or register to post comments

**sleK Says:**

Thu, 07/27/2006 -  
 11:51pm

Assuming that you're the same "Target Sucks" that's been posting the AP Directives everywhere, could you explain the significance of them or explain why you appear rather hell-bent on keeping them in the public domain?

I don't understand either the relevance or the purpose and I haven't been able to find a suitable explanation.

login or register to post comments

**sleK Says:**

Fri, 07/28/2006 -  
 12:33am

Ok, so it is just disclosure for the sake of disclosure.

**Quote:**

BTW: Thought you caved in rather quickly on that.

Well, if there was some point to it I'd probably be willing to help. But, as it appears that there's really no cause and you're just stirring the pot to see the water go 'round, there's no reason for me to get involved.

login or register to post comments

**sleK Says:**

Fri, 07/28/2006 -  
 12:56am

**Quote:**

More like: If they want to F. with their customers then their customers may want to pay them back if they get a chance.

Fair enough, but surely you understand how unreasonable it is to expect site ops', like myself, to support your apparent grudge when faced with the costly prospect of litigation?

**Quote:**

It may have taken 3 yrs but Tarbutt is spending some cash trying to put the genie back in the internet bottle.

It's a beautiful thing. Once it's out there it's out there.

[login or register to post comments](#)

**sleK Says:**

Fri, 07/28/2006 -  
6:52pm

**Quote:**

I would only opine that it seems to say that once info is published that is the end of confidentiality.

That may be so but it doesn't dissolve liability.

IANAL, but it appears to me that an entity needs only to establish the economic value of the information and demonstrate "reasonable efforts to maintain the secrecy" of the information before injunctive relief and damages can be granted.

**Quote:**

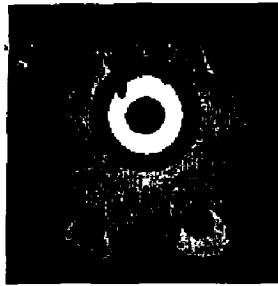
Gee Slick, a 33 year old female ski bum ran right over you!!!!

Is this addressed to me?

Look, I'm just trying to help as it's pretty clear that you haven't the faintest clue about what you're getting yourself into.

The simple fact is that you may end up in court, facing whatever injunctive relief and damages that Target puts on the table, should Target choose to pursue you. From experience, I can tell you that it's not a fun place to be. But, if you're intent on finding out for yourself, keep it up and good luck.

[login or register to post comments](#)



# Target Union!

The Target Stores Employees' Web Site

Home » Forum » Workplace Issues » General Conversation

## Main Menu

- ▢ Home
- ▢ Ask the Rep
- ▢ Union Info
- ▢ Forum
- ▢ Blogs
- ▢ Chat
- ▢ News Feeds
- ▢ Create Content
- ▢ Recent Posts
- ▢ Site Map
- ▢ Site Stats
- ▢ About This Site
- ▢ Contact Us

## User login

Username:

Password:

Log in

- Create new account
- Request new password

## Get Organized

Contact us to get more info about organizing your store

## Ask the Rep

Fast answers from union reps!

- direct deposit
- ETL Round-Robin interview
- 8 hours between shifts
- A potential problem
- Technical Support/Trainer
- Target
- fired from target
- Unfair treatment
- Horseplay turned lawful?
- Do I lose shift differential?

## Forum topics

## Target's Lawyers are monitoring this web site!

Posted by Target Sucks - at 2006-07-28 08:38

This site is being monitored by the Faegre Benson law firm on behalf of Target Stores. The screen name used is normally 'bunkl' and this person is Kerry L. Bundy of the law firm of Faegre Benson 612 766 8217. kbundy@faegre.com.

He and his firm are monitoring this web site for anti Target activities.

FYI: [http://www.retail-worker.com/documents/20060727.target\\_cease\\_and\\_desist.pdf](http://www.retail-worker.com/documents/20060727.target_cease_and_desist.pdf) and their web site is [www.faegre.com](http://www.faegre.com)

[printer friendly page](#)

## Comment viewing options

Flat list - expanded ▾ Date - oldest first ▾ 10 comments per page ▾

Save settings

Select your preferred way to display the comments and click "Save settings" to activate your changes

Posted by  
jollyrancher  
Fri, 2006-07-28  
11:08

This is horrible news. I hope this site does not give up your information. Shameful of them to even ask. It's one thing to ask to have your post removed, but I'm sure there is some sort of privacy act. A million scurges on Mr. Bundy and Faegre Benson Law firm.

[login or register to post comments](#)

Posted by  
Rocktane  
Fri, 2006-07-28  
12:56

The link above refers to a different site, not this one, and the document in question is confidential proprietary information, not anything to do with organizing or union activities. I'm sure they check this site also, as you would expect if there's a risk that a disgruntled employee or ex-employee might be revealing company secrets. I'm shocked that anyone would be surprised by this.

[login or register to post comments](#)

Posted by  
jollyrancher  
Fri, 2006-07-28  
13:17

I guess it doesn't surprise me that they monitor the site. But to sic their attorneys on someone. After my experience at Target and seeing the Nazi behavior there, I hate everything about it. And any company that would work for them. Plague on them all for supporting a company tha treats people so poorly.

[login or register to post comments](#)

## EXHIBIT D

Posted by  
Rocktane

Put yourself in Target's place: one of your ex-employees has posted on a website confidential proprietary information about

**New Topics**

- ad takedown  
(General Conversation)  
(1 reply)
- Do I want to pursue  
becoming an etl??? help  
me out  
(General Conversation)  
(4 replies)
- vacation hours  
(wages and benefits)  
(1 reply)
- Target's Lawyers are  
monitoring this web site!  
(General Conversation)  
(21 replies)
- Post-Interview Question  
(General Conversation)  
(0 replies)

**Most Recently  
Commented**

- Do I want to pursue  
becoming an etl??? help  
me out  
(General Conversation)  
4 replies  
(latest reply)  
2 min 9 sec ago
- ad takedown  
(General Conversation)  
1 replies  
(latest reply)  
8 min 40 sec ago
- Mitch Stover's  
Distribution Roundtable  
(Target Distribution  
Center)  
32 replies  
(latest reply)  
2 hours 25 min ago
- Target's Lawyers are  
monitoring this web site!  
(General Conversation)  
21 replies  
(latest reply)  
2 hours 32 min ago
- Target Wal-Mart Lite?  
(wages and benefits)  
19 replies  
(latest reply)  
1 day 18 hours ago
- Target Sucks message  
board  
(Announcements and  
Information)  
14 replies  
(latest reply)  
1 day 19 hours ago

All forums

**Who's online**There are currently 1 user  
and 26 guests online**Online users**

- accidentallyhere

**Syndication****XML**Fri, 2006-07-28  
13:40

the inside operations of a business you own, which, as one of your employees, they signed an agreement not to reveal, and which could cost your company millions of dollars. I don't know if such an offense would be legally prosecutable, but it would certainly warrant pressure to stop it. I would expect you to pull out all the stops. What is different about Target?

[login or register to post comments](#)Posted by  
jollyrancher  
Fri, 2006-07-28  
15:30

I can see Target's side I guess, but then maybe they shouldn't treat people so poorly. I think they are a shitty company and they and anyone that they retain, are one in the same, bastards. This lawfirm should be embarrassed to be associated with Target.

[login or register to post comments](#)Posted by  
Rocktane  
Fri, 2006-07-28  
15:55**jollyrancher wrote:**

I can see Target's side I guess, but then maybe they shouldn't treat people so poorly. I think they are a shitty company and they and anyone that they retain, are one in the same, bastards. This lawfirm should be embarrassed to be associated with Target.

I agree that Target should not treat people badly. Nor should any other company, in an ideal world. I am apparently lucky in that I have not had your negative experience; Target has treated me pretty well. I've had a couple of GLs that required me to use my diplomatic skills to get along with, and once or twice I was denied a day off that I had requested, but otherwise, I have no real complaints. I get chills when I think how I almost got stuck working at a local assembly plant when the Target DC was having its job fair. That place would have been a nightmare if they'd hired me; just the few days I worked there as a temp creeped me out for weeks. Thank god Target hired me; there is nothing they've thrown at me yet that I couldn't handle, or that even approached some of the crap I've had to put up with at other places. Obviously, it must be a lot different in your neck of the woods.

[login or register to post comments](#)Posted by  
jollyrancher  
Fri, 2006-07-28  
16:06

I think it probably does have a lot to do with what part of the country you are in. Certain people get into power and become control freaks and make everyone miserable. And because of that, sites like this form and people leak out sensitive info. ☹

[login or register to post comments](#)

Posted by

XML is a way to gather web site headlines without visiting the site. You can use a program like FeedReader or a web browser like FireFox



Firefox is a free, open source web browser that's way better than Internet Explorer

Target Sucks -  
Fri, 2006-07-28  
17:04

**jollyrancher wrote:**

This is horrible news. I hope this site does not give up your information. Shameful of them to even ask. It's one thing to ask to have your post removed, but I'm sure there is some sort of privacy act. A million scurges on Mr. Bundy and Faegre Benson Law firm.

=====

[b]

As pointed out by another poster the site threatened is the 2 retailworker.com sites ( & retail-worker.com) I also noted that one site on which this was posted is now closed down with no prior notice.

As far as I know it was posted on this site by another poster and even prior to that it was emailed to me and it was put onto several sites.

I believe that the OP here and the owner of the TS site closed were both employees of T, but I don't know that for certain, well 1 I don't know for certain. I doubt that either of them are still T employees.

As to whether or not said info is in some form 'protected', I have no idea and don't care. I saw it both online already posted and via email and if someone at T let the cat out of the bag then that is between T and them. I didn't sign any confidentiality agreement with them and really don't give a rats ass if they like it or not.

My private opinion, and I am not an atty, is that once someone else posted it online it was free for anyone to copy or repost. I think there may be some sort of constitutional argument there about 'free speech' or some such BS but I will leave it to more smarter people than me to look into that.

All I can predict is that other nice people, like those reading this, will probably copy it and repost it on other sites, so the people at Faegre Benson will be quite busy trying to get the genie back into the internet bottle.

BTW: Kerry L. Bundy is a 'she' (W/F/33) not as initially identified as a 'he'. Take a look at:

[http://www.faegre.com/lawyer\\_bio.aspx?pid=7371](http://www.faegre.com/lawyer_bio.aspx?pid=7371)

[login or register to post comments](#)

Posted by  
jollyrancher  
Fri, 2006-07-28  
17:18

Duly noted on the gender of Kerry. I went off of the original post. Even worse in my opinion for a woman to represent such a selfish company That is funny about trying to keep the genie in the bottle. LOL

[login or register to post comments](#)

Posted by  
Target Sucks -

Fri, 2006-07-28  
17:27

**jollyrancher wrote:**

Duly noted on the gender of Kerry. I went off of the original post. Even worse in my opinion for a woman to represent such a selfish company. That is funny about trying to keep the genie in the bottle. LOL

=====

Here is a longish brief on info confidentiality. A casual reading by me seems to suggest that once info is published it loses its confidential trade secret status. Take a read and inform yourself on the issue:

=====

#### **An Overview of Trade Secret Protection**

**Can you keep a secret?**

That's the challenge for intellectual property owners who rely on trade secret protection to secure their sensitive business assets. Unlike patents, most copyrighted works, and trademarks – which must be publicly disclosed in order to seek recourse from competitors who want to steal them – trade secrets have legal value only to the extent that they stay secret.

File a patent on a new chemical or drug, and you can enjoy exclusive legal rights for about 20 years (often less in practical market terms). As long as you keep trade secrets away from prying eyes, however, they last forever. The trade-off? Once they're out, they're gone. A no-longer-secret trade secret enjoys essentially no legal protection under trade secret laws.

Just about anything can qualify as a trade secret – formulae, computer programs, business methods, database information, customer lists – basically, any knowledge that has economic value because people such as competitors don't know about it and could profit from it if they did. It doesn't necessarily have to be new, different, or unique, as you would expect from patented material and/or even fixed in a tangible form, as with copyrighted works. As long as the information has value because no one else knows about it – and you take reasonable efforts to avoid disclosure – it can qualify as a trade secret.

#### **Pros and Cons**

Not surprisingly, there are advantages and disadvantages to using trade secret protection to secure different types of business assets. Deciding whether to patent certain technology – or keep it under wraps as a trade secret – is often a tough strategic call. Usually, the decision rests on the type of information that needs to be protected.

Most intellectual property owners find the indefinite time limit of trade secret protection appealing, assuming that the information can be maintained in confidence and not easily replicated in the market. For example, say that the knowledge you wish to protect is a manufacturing process. If you patent the process, you get protection for about twenty years. Even though your competitors know exactly what you're doing, they can't copy your process. When your patent expires, however, it's open season on that technology.

By contrast, if you rely on trade secret protection to secure your process, your protection lasts forever, as long as the process



remains secret. However, if a competitor is able to replicate the process (without stealing your information), such as through reverse engineering, they're free to do so at any time, and there is usually little or nothing you can do about it. So the question your business faces is: how vulnerable is your knowledge to being replicated or discovered by others? The answer will shape the kind of IP protection you're likely to seek.

#### Misappropriation

Unlike patents and copyrights that are governed by federal law, trade secret protection derives primarily from state law. The origins of trade secret doctrine date all the way back to a Massachusetts Supreme Judicial Court decision in 1868, and while numerous courts (including federal courts) have weighed in on specific aspects of trade secret law ever since, no federal civil legislation has ever tackled trade secrets directly. Instead, trade secret laws have been enacted on a state-by-state basis.

Minnesota was the first state to adopt the Uniform Trade Secret Act (UTSA) in 1980, and more than forty other states have since followed suit. The UTSA was adopted in the wake of an increasing reliance by businesses on trade secret protection and a desire to codify common law trade secret principles.

Distilled to its essence, under the UTSA and most state interpretations, the existence of a trade secret is established using a two-fold test. First, you must have knowledge or information that derives independent economic value from not being generally known or readily ascertainable. Second, you must have taken reasonable efforts to maintain the secrecy of the knowledge or information. In that circumstance, the UTSA provides protection by prohibiting the "misappropriation" of trade secrets and providing various remedies, including injunctive relief and damages.

"Misappropriation" covers both obtaining trade secrets through improper means and disclosing or using them without consent. The UTSA also casts a broad net to include not only actual misappropriation (where the theft or disclosure has actually occurred), but also "threatened" misappropriation (which some courts have held to include events such as a key employee bolting to a competitor and putting a trade secret at serious risk of disclosure).

What kinds of actions or circumstances create the greatest risk for trade secret owners? Consider the following:

One of your employees or independent contractors who has knowledge of your trade secrets leaves to join one of your competitors

One of your suppliers or distributors also works for a key competitor

One of your licensees, customers, business partners, or employees decides to start a competing business

You disclose your confidential information to a prospective business partner, and the deal falls through

This is not an exhaustive list, just a sample of the many ways in which day-to-day business dealings put your trade secrets at risk of misappropriation

#### Protecting Your Trade Secrets

How do you take reasonable efforts to protect your trade secrets? Here are a few key steps:

Put it in writing. Consider keeping a written statement of your trade secret security policy. This provides two advantages. First, "unwritten rules" may wind up being laxly or inconsistently enforced within the organization. Second, documented trade secret policies provide evidence in court of the seriousness of the company's efforts to protect its secrets.

Let your employees know. A proper trade secret protection plan should make employees aware of the confidentiality of certain information and, where appropriate, periodically remind them of their obligations to keep that information secure. This would include having employees counter-sign written confidentiality agreements. In addition, companies should consider conducting "exit interviews" with departing employees that include a written reminder of their ongoing responsibility to keep trade secret information secure.

Restrict access. "Sorry, that information is on a need-to-know basis." Where appropriate, keep trade secret information physically separate from nonproprietary information, and restrict access only to those who genuinely require it. Depending on the nature of the intellectual property, this segregation may be as simple as keeping information in a separate filing cabinet, or it may necessitate building an entirely separate and secure facility.

Implement physical security. Consider providing additional security for the information through locked doors, gates, and cabinets. Again, the level of physical security will vary depending on the nature of the information and how the information is used in the business operations.

Consider labeling trade secret documentation. It can be very easy to reproduce, scan, and distribute documents today. Not only should documentation related to trade secret information be treated with special care, but in appropriate circumstances, it may be prudent to label trade secret documents as "SECRET" or "CONFIDENTIAL." A company may also want to educate its employees who have access to such documents about their status, including the sensitivity of and destruction of trade secret documents.

Extend the security procedures to computer systems. Obviously, trade secrets stored in electronic format are particularly susceptible to theft. The entire subject of information systems security may warrant a thorough review by the organization, to minimize the possibility of external "hacking" or internal security breaches. The same care regarding access and labeling that is extended to physical space or documentation, should extend to computer systems where trade secrets are stored.

Be mindful of third parties. If business associates, prospective customers, or members of the public have access to facilities in which trade secrets are stored or used, take particular care to avoid inadvertent disclosure. This might include accidents (where documents are left carelessly in open view) or even deliberate but unintentional disclosures (such as tour guides or other employees who inform visitors about the project or process within the facility).

Screen speeches and publications where appropriate. Trade secrets often wind up being disclosed unintentionally at trade shows or in magazine articles, publications, press releases, or speeches. Engineers, marketing executives, mid-level managers, and others may exchange ideas with colleagues or share information publicly because they are unaware of its sensitivity.

One tool for reducing this risk is implementing a policy of pre-screening all public communications.

Protect yourself with contracts. The nature of many businesses may require a company to disclose its trade secrets to potential buyers, licensees, joint venture partners, or other outsiders. When engaging in these kinds of third-party transactions, consider monitoring the flow of information carefully and documenting the nature of the trade secrets exposed and the specific limited use to which they may be put. This may include specific confidentiality agreements with the third parties.

When properly identified and secured, trade secrets can often be the most powerful of the various forms of intellectual property protection, given the indefinite lifespan they can offer. Trade secret owners can also obtain swift and dramatic relief in court if they act quickly and have taken care along the way to document and follow their trade secret protection plan. But trade secrets are, by their very nature, fragile. A secret only has value to the extent you can keep it a secret.

=====

And in case you wondered who wrote this it is our pal Ms. Kerry L Bundy the 33 yr old ski bunny from Mn.

[login or register to post comments](#)

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**Form TX**  
For a Nontransmittable Library Work  
UNITED STATES COPYRIGHT OFFICE

TXu 1-306-155



EFFECTIVE DATE OF REGISTRATION

**JULY 18 2006**  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**1**

**TITLE OF THIS WORK ▼**

Target AP Directives

**PREVIOUS OR ALTERNATIVE TITLES ▼**

Assets Protection Directives

**PUBLICATION AS A CONTRIBUTION** If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

**2**

**a**

**NAME OF AUTHOR ▼**

Target Corporation

**DATES OF BIRTH AND DEATH**

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes

☐ No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country

OR

Citizen of ▼

Domiciled in ▼

United States

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

**NOTE**

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

**b**

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼

entire text

**NAME OF AUTHOR ▼**

**DATES OF BIRTH AND DEATH**

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country

OR

Citizen of ▼

Domiciled in ▼

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼

**NAME OF AUTHOR ▼**

**DATES OF BIRTH AND DEATH**

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country

OR

Citizen of ▼

Domiciled in ▼

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼

**3**

**a**

**YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED**

2006

This information must be given in all cases.

**DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK**

Complete this information ONLY if this work has been published. Month ▼ Day ▼ Year ▼

United States \*unpublished

**4**

See instructions before completing this space

**COPYRIGHT CLAIMANT(S)** Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Target Corporation  
1000 Nicollet Mall  
Minneapolis, MN 55403

**TRANSFER** If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED  
JUL 18 2006  
ONE DEPOSIT RECEIVED  
TWO DEPOSITS RECEIVED  
JUL 18 2006  
FUNDS RECEIVED

**MORE ON BACK ▶**

• Complete all applicable spaces (numbers 1-5) on the reverse side of this page.  
• See detailed instructions.  
• Sign the form at line 5.

**DO NOT WRITE HERE**

Page 1 of 2 pages

\*Amended by C.O. via authority of FAX rec'd from  
Sandra Epp Ryan, authorized agent of Target Corp. dated  
8/1/06 filed in UB.

|   |   |
|---|---|
| EXAMINED BY <u>DBJ</u>                                    | FORM TX                                   |
| CHECKED BY _____  |   |
| <input checked="" type="checkbox"/> CORRESPONDENCE<br>Yes | FOR<br>COPYRIGHT<br>OFFICE<br>USE<br>ONLY |

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)

a. ☐ This is the first published edition of a work previously registered in unpublished form

b. ☐ This is the first application submitted by the author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number >

Year of Registration >

5

#### DERIVATIVE WORK OR COMPILATION

Presenting Material Identify any preexisting work or works that this work is based on or incorporates

N/A

a 6

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

N/A

b See instructions  
before completing  
this space.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account  
Name > Account Number >

N/A

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip >

James R. Steffen, Faegre & Benson LLP  
2200 Wells Fargo Center, 90 South 7th Street  
Minneapolis, MN 55402

b

Area code and daytime telephone number > 612-766-8508

Fax number > 612-766-1600

E-mail >

JRSteffen@faegre.com

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one >

- ☐ author  
☐ other copyright claimant  
☐ owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

☒ authorized agent of Target Corporation

Name of author or other copyright claimant, or owner of exclusive right(s) >

8

Typed or printed name and date > If this application gives a date of publication in space 3, do not sign and submit it before that date

Michael J. Wahlig, Vice President, Law

Date > 7/11/06

Handwritten signature (X) >

X

MICHAEL J. WAHLIG  
VICE PRESIDENT

Certificate will be mailed in window envelope to this address:

Name >  
James R. Steffen, Faegre & Benson, LLP  
Number/Street/Apt >  
2200 Wells Fargo Center, 90 South 7th Street  
City/State/ZIP >  
Minneapolis, MN 55402

Complete all necessary spaces  
Sign your application in space 9

1. Application form  
2. Non-refundable filing fee in cash or money order payable to Registrar of Copyrights  
3. Deposit material  
Library of Congress  
Copyright Office  
101 Independence Avenue SE  
Washington, DC 20540-4022

9

\*17 USC § 506(a). Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Form TX - Full Jan. 07/2006 Page 07/028 - 20 000 Protect on recycled paper

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