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WASHINGTON D.C.

January 11, 2018

Attorney General Bob Ferguson
State of Washington – Office of the Attorney General
Consumer Protection Division
800 5th Avenue, Suite 2000
Seattle, WA 98104

Re: Notice of a Security Breach

Dear Attorney General Ferguson:

Please be advised that our firm, Drinker Biddle & Reath LLP, represents Deli Management, Inc., doing business as Jason's Deli, Inc. ("Jason's Deli" or "Company"). Jason's Deli is a family-owned restaurant business known for high-quality food and catering services for over 40 years. It is headquartered in Beaumont, Texas and operates or franchises 266 restaurants in 28 states, albeit none in Washington.

On December 22, 2017, Jason's Deli was notified by payment processors that credit card security personnel had informed it that a large quantity of payment card information had appeared for sale on the "dark web," and that an analysis of the data indicated that at least a portion of the data may have come from various Jason's Deli locations. Jason's Deli's management immediately activated its response plan, including engagement of a leading threat response team, involvement of other forensic experts, and cooperation with law enforcement. The Company released a preliminary public statement on December 28, 2017 describing the situation and its initial response.

From our initial investigation findings, criminals deployed RAM-scraping malware on a number of our point-of-sales (POS) terminals at various corporate-owned Jason's Deli restaurants (see **Appendix A attached for list of potentially affected restaurant locations**) starting on June 8, 2017. During the course of the investigation, the Company's response team contained the security breach and has also disabled the malware in all of the locations where it was discovered.

Based on the facts known to Jason's Deli at this time, the Company believes that the criminals used the malware to obtain payment card information off of the POS terminals beginning on June 8, 2017. Our investigation has determined that approximately 2 million unique payment card numbers may have been impacted in total. While Jason's Deli restaurants are not located in your state, residents of Washington have been impacted if they visited a Jason's Deli out of state.

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Specifically, the payment card information obtained was full track data from a payment card's magnetic stripe. While this information varies from card issuer to card issuer, full track data can include the following: cardholder name, credit or debit card number, expiration date, cardholder verification value, and service code. However, it should be noted that the cardholder verification value that may have been compromised is not the same as the three-digit value printed on the back of certain payment cards (e.g., Discover, MasterCard, and Visa) or the four-digit value printed on the front of other payment cards (e.g., American Express). In addition, the track data does not include personal identification numbers (PINs) associated with debit cards.

Please be assured that Jason's Deli is taking this matter very seriously. The Company has worked diligently with third-party forensics and cyber security firms to investigate and contain the breach. The Company is in regular communications with the credit card companies and has provided them with the information necessary to notify the banks that may have issued the affected credit and debit cards. We also immediately notified federal law enforcement officials upon discovering the breach and continue to cooperate with their investigation.

Jason's Deli plans to post the attached consumer notification letter online through its website and social media (**see Appendix B attached for a copy of the consumer notice**) by January 12, 2018, which will include instructions to obtain information about the breach and options available to them, including a dedicated customer service email customer.service@jasonsdeli.com, and phone line, 409-838-1976, Monday through Friday, 8am to 5pm CST. In addition, the notice will include relevant contacts to government resources and the credit reporting agencies.

Please feel free to contact me at jay.brudz@dbr.com or 202-230-5195 if you have any questions or concerns.

Very truly yours,



John J. Brudz

cc. Christopher Coco, General Counsel, Deli Management Inc.

Enclosures

Appendix A

Below is a list of Jason's Deli locations potentially affected by the security breach.

Address	City	State
583 Brookwood Village	Birmingham	AL
4700 U.S. 280	Hoover	AL
3032 John Hawkins Pkwy	Hoover	AL
3756 Airport Blvd	Mobile	AL
1520 Eastern Blvd	Montgomery	AL
2300 McFarland Blvd	Tuscaloosa	AL
7230 West Ray Rd	Chandler	AZ
1065 E Baseline Rd	Gilbert	AZ
10217 N Metro Ctr Pkwy	Phoenix	AZ
10605 N Scottsdale Rd	Scottsdale	AZ
4545 N Oracle Rd	Tucson	AZ
6061 E Broadway Blvd	Tucson	AZ
303 E Altamonte Dr	Altamonte Springs	FL
870 N Congress Ave	Boynton Beach	FL
6791 West Newberry Rd	Gainesville	FL
4375 South Blvd	Jacksonville Beach	FL
3887 West Lake Mary Blvd	Lake Mary	FL
1509 West New Haven Ave	Melbourne	FL
2915 E Colonial Dr	Orlando	FL
25 W Crystal Lake St	Orlando	FL
14531 SW 5th St	Pembroke Pines	FL
1540 Airport Blvd	Pensacola	FL
1361 South University Drive	Plantation	FL
2335 Apalachee Parkway	Tallahassee	FL

7300 North Point Pkwy	Alpharetta	GA
3070 Winward Plaza	Alpharetta	GA
140 Alps Rd	Athens	GA
230 Tenth St	Atlanta	GA
3755 Carmia Dr SW	Atlanta	GA
1109 Cumberland Mall	Atlanta	GA
3330 Piedmont Rd NE	Atlanta	GA
4705 Ashford Dunwoody Rd	Atlanta	GA
2907 Washington Road, Bldg 500	Augusta	GA
5555 Whittlesey Blvd	Columbus	GA
11720 Medlock Bridge Rd	Duluth	GA
945 Ernest W. Barrett Pkwy	Kennesaw	GA
5131 Peachtree Pkwy	Norcross	GA
318 Mall Blvd	Savannah	GA
4073 Lavista Rd	Tucker	GA
1258 S Canal St	Chicago	IL
195 N Dearborn St	Chicago	IL
112 Spinder Dr	East Peoria	IL
1735 Freedom Dr	Naperville	IL
321 S. Veterans Pkwy	Normal	IL
2060 York Rd	Oak Brook	IL
6260 W 95th St	Oak Lawn	IL
608 West Touhy Ave	Park Ridge	IL
575 South Perryville Rd	Rockford	IL
1530 McConner Pkwy	Schaumburg	IL
545 Lakeview Pkwy	Vernon Hills	IL
6725 Siegen Lane	Baton Rouge	LA

2531 Citiplace Ct	Baton Rouge	LA
149 Arnould Blvd	Lafayette	LA
3527 Ryan St	Lake Charles	LA
7356 Baltimore Ave	College Park	MD
8874 Mcgraw Rd	Columbia	MD
2159 York Rd	Lutherville-Timonium	MD
210 Crossroads Blvd	Cary	NC
1600 E Woodlawn Rd	Charlotte	NC
210 E Trade St	Charlotte	NC
3509 David Cox Rd	Charlotte	NC
5408 New Hope Commons Dr	Durham	NC
419 Cross Creek Mall	Fayetteville	NC
3326 W Friendly Ave	Greensboro	NC
2337 U.S. 70	Hickory	NC
16639 Birkdale Commons	Huntersville	NC
10610 Centrum Pkwy	Pineville	NC
8421 Brier Creek Pkwy	Raleigh	NC
909 Spring Forest Rd	Raleigh	NC
5301 Market St, Ste A	Wilmington	NC
1005 Hane Mall Blvd	Winston Salem	NC
1281 W Warm Springs Rd	Henderson	NV
100 N City Pkwy	Las Vegas	NV
3910 S Maryland Pkwy	Las Vegas	NV
1000 S Rampart Blvd	Las Vegas	NV
7305 Arroyo Crossing Pkwy	Las Vegas	NV
20117 Route 19	Cranberry Township	PA
975 Savannah Hwy	Charleston	SC

823 Gervais St	Columbia	SC
824 Woods Crossing Rd	Greenville	SC
1450 W O Ezell Blvd	Spartanburg	SC
2115 Gunbarrel Rd	Chattanooga	TN
4021 Beltline Rd	Addison	TX
906 W McDermott Dr	Allen	TX
3803 South Cooper	Arlington	TX
780 Road to Six Flags St East	Arlington	TX
13729 Research 800	Austin	TX
9600 S Interstate 35	Austin	TX
3300 Bee Cave Rd	Austin	TX
10225 Research Blvd	Austin	TX
1000 E 41st St, Suite 940	Austin	TX
4555 Garth Rd	Baytown	TX
112 Gateway St	Beaumont	TX
535 Dowlen Rd	Beaumont	TX
2200 Airport Fwy	Bedford	TX
905 N Hwy 67, Ste 400	Cedar Hill	TX
1460 Texas Ave	College Station	TX
10220 Technology Blvd	Dallas	TX
1409 Main St	Dallas	TX
18111 Dallas Pkwy	Dallas	TX
7412 Greenville Ave	Dallas	TX
9100 N Central Expressway	Dallas	TX
5400 East Mockingbird Lane	Dallas	TX
6020 Long Prairie Rd	Flower Mound	TX
9517 Sage Meadow Trail	Fort Worth	TX

6244 Camp Bowie	Fort Worth	TX
2217 Midtown Ln	Fort Worth	TX
5100 Overton Ridge Blvd	Fort Worth	TX
8520 Hwy 12	Frisco	TX
5845 El Dorado Pkwy	Frisco	TX
1270 William D Tate Ave	Grapevine	TX
10321 Katy Fwy	Houston	TX
5860 Westheimer Rd	Houston	TX
2530 University Blvd	Houston	TX
2611 S Sheperd Square	Houston	TX
10915 Farm to Market 1960	Houston	TX
14604 Memorial Dr	Houston	TX
5403 FM 1960 West	Houston	TX
7010 Hwy 6	Houston	TX
11081 Westheimer Rd	Houston	TX
11120 Northwest Fwy	Houston	TX
1200 Smith Street	Houston	TX
901 McKinney Street	Houston	TX
12625 East Freeway	Houston	TX
19755 U.S. 59 Frontage Rd N	Humble	TX
7707 N MacArthur Blvd	Irving	TX
21953 Katy Fwy	Katy	TX
3213 E Central Texas Expy	Killeen	TX
1275 Kingwood Dr	Kingwood	TX
2755 Gulf Freeway South	League City	TX
742 Hebron Pkwy	Lewisville	TX
4001 S Loop 289	Lubbock	TX

1718 N Hwy 287	Mansfield	TX
1681 N Central Expy	McKinney	TX
1725 N Town East Blvd	Mesquite	TX
8517 Davis Blvd	North Richland Hills	TX
3905 Spencer Hwy	Pasadena	TX
9517 Broadway St, Ste 117	Pearland	TX
925 N Central Expy	Plano	TX
4801 W Parker Rd	Plano	TX
170 Central Mall	Port Arthur	TX
101 S Coit Rd	Richardson	TX
1520 North Hwy 377	Roanoke	TX
117 Louis Henna Blvd	Round Rock	TX
5601 Liberty Grove Rd, #100	Rowlett	TX
15275 SW Fwy	Sugar Land	TX
3036 South 31st St	Temple	TX
2700 Richmond Rd, Ste 16	Texarkana	TX
22424 Tomball Pkwy	Tomball	TX
4913 S Broadway Ave	Tyler	TX
4302 West Waco Dr	Waco	TX
541 W Bay Area Blvd	Webster	TX
1340 Lake Woodlands Dr	The Woodlands	TX
900 Shoppers World Ct, #230	Charlottesville	VA
717 Eden Way N	Chesapeake	VA
12955 Fair Lakes Pkwy	Fairfax	VA
7505 Leesburg Pike	Falls Church	VA
39 Coliseum Crossing	Hampton	VA
12515 Jefferson Ave	Newport News	VA

1700 Willow Lawn Dr	Richmond	VA
7115 Forest Hill Ave	Richmond	VA
4554 Virginia Beach Blvd	Virginia Beach	VA
95 North Moorland Rd	Brookfield	WI
7349 Mineral Point Rd	Madison	WI

Appendix B

NOTICE OF DATA BREACH

What Happened?

On December 22, 2017, Jason's Deli was notified by payment processors that credit card security personnel had informed it that a large quantity of payment card information had appeared for sale on the "dark web," and that an analysis of the data indicated that at least a portion of the data may have come from various Jason's Deli locations. Jason's Deli's management immediately activated our response plan, including engagement of a leading threat response team, involvement of other forensic experts, and cooperation with law enforcement. We released a preliminary public statement on December 28, 2017 describing the situation and our initial response.

From our initial investigation findings, criminals deployed RAM-scraping malware on a number of our point-of-sales (POS) terminals at various corporate-owned Jason's Deli restaurants (**see Appendix A for a list**) starting on June 8, 2017. During the course of the investigation, our response team contained the security breach and has also disabled the malware in all of the locations where it was discovered.

What Information Was Involved?

Based on the facts known to Jason's Deli at this time, we believe that the criminals used the malware to obtain payment card information off of the POS terminals beginning on June 8, 2017. Our investigation has determined that approximately 2 million unique payment card numbers may have been impacted. Specifically, the payment card information obtained was full track data from a payment card's magnetic stripe. While this information varies from card issuer to card issuer, full track data can include the following: cardholder name, credit or debit card number, expiration date, cardholder verification value, and service code. However, it should be noted that the cardholder verification value that may have been compromised is not the same as the three-digit value printed on the back of certain payment cards (e.g., Discover, MasterCard, and Visa) or the four-digit value printed on the front of other payment cards (e.g., American Express). In addition, the track data does not include personal identification numbers ("PINs") associated with debit cards.

What Are We Doing?

Since the breach was discovered, Jason's Deli has worked closely with third-party forensics and cyber security firms, as well as federal law enforcement, to investigate and contain the breach.

What Can You Do?

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To determine whether you may have been affected by this security breach, we recommend that you review the list of potentially affected Jason's Deli restaurants (**see Appendix A for a list**) and review your credit and debit card statements for any unauthorized charges. If you think you have been affected, please contact (i) your credit or debit card company to report the potential unauthorized activity; and (ii) contact us at customer.service@jasonsdeli.com or call 409-838-1976 (Monday through Friday, 8am to 5pm CST), to obtain more information about the breach and the options available to you at this time.

Furthermore, we encourage our customers to remain vigilant by reviewing your credit and debit account statements, as well as your credit report, for any unauthorized activity. You may obtain a copy of your credit report, free of charge, once every 12 months from each of the three nationwide credit reporting agencies, listed below. To obtain your annual free credit report, please visit www.annualcreditreport.com or call 1-877-322-8228.

Equifax	Experian	TransUnion
P.O. Box 740256 Atlanta, GA 30374 1-866-349-5191 www.equifax.com	P.O. Box 9554 Allen, TX 75013 1-888-397-3742 www.experian.com	P.O. Box 105281 Atlanta, GA 30348 1-888-909-8872 www.transunion.com

Other Important Information:

If you believe you are the victim of identity theft or have reason to believe your personal information has been misused, you should immediately contact the Federal Trade Commission and/or the Attorney General's consumer protection office in your state. You can obtain information from these sources about steps an individual can take to avoid identity theft as well as information about fraud alerts and security freezes. You should also contact your local law enforcement authorities and file a police report. Moreover, you should obtain a copy of the police report in the event your creditors request a copy to correct your records.

Federal Trade Commission: Contact information for the Federal Trade Commission is as follows: Federal Trade Commission, Consumer Response Center, 600 Pennsylvania Avenue, NW Washington, DC 20580, www.ftc.gov/idtheft, or call 1-877-IDTHEFT (438-4338).

For California Residents: You may contact the California Attorney General's Office at California Department of Justice, Attn: Office of Privacy Protection, P.O. Box 944255, Sacramento, CA 94244, or call 916-322-3360. You can also obtain more information about the steps you can take to avoid identity theft from the Attorney General's website: www.oag.ca.gov.

For Iowa Residents: You may contact the Iowa Attorney General's Office at Office of the Attorney General of Iowa, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, IA 50319, or call 515-281-5164. You can also obtain more information about the steps you can take to avoid identity theft from the Attorney General's website: www.iowaattorneygeneral.gov.

For Maryland Residents: You may contact the Maryland Attorney General's Office at 200 St. Paul Place, Baltimore, MD 21202, or call 1-888-743-0023. You can also obtain more

information about the steps you can take to avoid identity theft from the Attorney General's website: www.oag.state.md.us.

For Massachusetts and Rhode Island Residents:

- Under Massachusetts and Rhode Island laws, you have the right to obtain a copy of any police report.
- Security Freeze: Massachusetts and Rhode Island laws also allow consumers to request a security freeze. A security freeze prohibits a credit reporting agency from releasing any information from your credit report without written authorization. Be mindful that placing a security freeze on your credit report may delay, interfere with, or prevent the timely approval of any requests you make for new loans, credit mortgages, employment, housing, or other services.
- The fee for placing a security freeze on a credit report is \$5.00. If you are a victim of identity theft and submit a valid investigative report or complaint with a law enforcement agency, the fee will be waived. In all other instances, a credit reporting agency may charge you up to \$5.00 each to place, temporarily lift, or permanently remove a security freeze. If you have not been a victim of identity theft, you will need to include payment to the credit reporting agency to place, lift, or remove a security freeze by check, money order, or credit card.
- To place a security freeze on your credit report, you must send a written request to each of the three major reporting agencies by regular, certified, or overnight mail at the addresses below:
 - **Equifax Security Freeze**, P.O. Box 105788, Atlanta, GA 30348, www.equifax.com, or call 1-800-685-1111.
 - **Experian Security Freeze**, P.O. Box 9554, Allen, TX 75013, www.experian.com, or call 1-888-397-3742
 - **TransUnion Security Freeze**, P.O. Box 2000, Chester, PA 19022, www.transunion.com, or call 1-888-909-8872.
- In order to request a security freeze, you will need to provide the following information:
 - Your full name (including middle initial as well as Jr., Sr., II, III, etc.),
 - Social Security number,
 - Date of birth,
 - If you have moved in the past five (5) years, provide the addresses where you have lived over the prior five years,
 - Proof of current address such as a current utility bill or telephone bill,
 - A legible photocopy of a government issued identification card (state driver's license or ID card, military identification, etc.), and
 - If you are a victim of identity theft, include a copy of the police report, investigative report, or complaint to a law enforcement agency concerning identity theft.
- The credit reporting agencies have three (3) business days after receiving your request to place a security freeze on your credit report. The credit bureaus must also send written confirmation to you within five (5) business days and provide you with a unique PIN or password or both that can be used by you to authorize the removal or lifting of the security freeze.

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- To lift the security freeze in order to allow a specific entity or individual access to your credit report, you must call or send a written request to the credit reporting agencies by mail and include proper identification (name, address, and Social Security number) and the PIN number or password provided to you when you placed the security freeze as well as the identity of those entities or individuals you would like to receive your credit report or the specific period of time you want the credit report available. The credit reporting agencies have three (3) business days after receiving your request to lift the security freeze for those identified entities or for the specified period of time.
- To remove the security freeze, you must send a written request to each of the three credit bureaus by mail and include proper identification (name, address, and Social Security number) and the PIN number or password provided to you when you placed the security freeze. The credit bureaus have three (3) business days after receiving your request to remove the security freeze.

For New Mexico Residents: New Mexico consumers have the right to obtain a security freeze or submit a declaration of removal.

- You may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You may submit a declaration of removal to remove information placed in your credit report as a result of being a victim of identity theft. You have a right to place a security freeze on your credit report or submit a declaration of removal pursuant to the Fair Credit Reporting and Identity Security Act.
- The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval.
- The security freeze is designed to prevent credit, loans and services from being approved in your name without your consent. When you place a security freeze on your credit report, you will be provided with a personal identification number, password or similar device to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report to a specific party or parties or for a specific period of time after the freeze is in place. To remove the freeze or to provide authorization for the temporary release of your credit report, you must contact the consumer reporting agency and provide all of the following:
 1. the unique personal identification number, password or similar device provided by the consumer reporting agency;
 2. proper identification to verify your identity;
 3. information regarding the third party or parties who are to receive the credit report or the period of time for which the credit report may be released to users of the credit report; and
 4. payment of a fee, if applicable.
- A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report shall comply with the request no later than three business days after receiving the request. As of September 1, 2008, a consumer reporting agency shall comply with the request within fifteen minutes of receiving the request by a secure electronic method or by telephone.
- A security freeze does not apply in all circumstances, such as where you have an existing account relationship and a copy of your credit report is requested by your existing creditor

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or its agents for certain types of account review, collection, fraud control or similar activities; for use in setting or adjusting an insurance rate or claim or insurance underwriting; for certain governmental purposes; and for purposes of prescreening as defined in the federal Fair Credit Reporting Act.

- If you are actively seeking a new credit, loan, utility, telephone or insurance account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze, either completely if you are shopping around or specifically for a certain creditor, with enough advance notice before you apply for new credit for the lifting to take effect. You should contact a consumer reporting agency and request it to lift the freeze at least three business days before applying. As of September 1, 2008, if you contact a consumer reporting agency by a secure electronic method or by telephone, the consumer reporting agency should lift the freeze within fifteen minutes. You have a right to bring a civil action against a consumer reporting agency that violates your rights under the Fair Credit Reporting and Identity Security Act.

For North Carolina Residents: You may contact the North Carolina Attorney General's Office at 9001 Mail Service Center, Raleigh, NC 27699, or call 919-716-6400. You can also obtain more information about the steps you can take to avoid identity theft from the Attorney General's website: www.ncdoj.gov.

For Oregon Residents: You may contact the Oregon Attorney General's Office at Oregon Department of Justice, 1162 Court St. NE, Salem, OR 97301, or call 1-877-877-9392. You can also obtain more information about the steps you can take to avoid identity theft from the Attorney General's website: www.doj.state.or.us.

For West Virginia Residents:

- You have the right to ask that nationwide consumer reporting agencies place "fraud alerts" in your file to let potential creditors and others know that you may be a victim of identity theft. A fraud alert can make it more difficult for someone to get credit in your name because it tells creditors to follow certain procedures to protect you. It also may delay your ability to obtain credit. You may place a fraud alert in your file by calling one of the three nationwide consumer reporting agencies. Contact information for each of the three credit reporting agencies is provided above.
- As soon as that agency processes your fraud alert, it will notify the other two, which then also must place fraud alerts in your file. You may choose between two types of fraud alert. An initial alert (Initial Security Alert) stays in your file for at least 90 days. An extended alert (Extended Fraud Victim Alert) stays in your file for seven years. To place either of these alerts, a consumer reporting agency will require you to provide appropriate proof of your identity, which may include your Social Security number. If you ask for an extended alert, you will have to provide an identity theft report. An identity theft report includes a copy of a report you have filed with a federal, state, or local law enforcement agency, and additional information a consumer reporting agency may require you to submit. For more detailed information about the identity theft report, visit <http://www.ftc.gov/idtheft>.
- You may also obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You have a right to place a security freeze on your credit report pursuant to West Virginia law. The security

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freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval.

- The security freeze is designed to prevent credit, loans and services from being approved in your name without your consent. When you place a security freeze on your credit report, within five business days you will be provided a unique PIN or password to use if you choose to remove the freeze on your credit report or to temporarily authorize the distribution of your credit report for a period of time after the freeze is in place. To provide that authorization, you must contact the consumer reporting agency and provide all of the following:
 1. The unique PIN or password provided by the consumer reporting agency;
 2. Proper identification to verify your identity; and
 3. The period of time for which the report shall be available to users of the credit report.
- A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report shall comply with the request no later than three business days after receiving the request.
- A security freeze does not apply to circumstances in which you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control or similar activities.
- If you are actively seeking credit, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. We advise that you plan ahead and lift a freeze, either completely if you are shopping around or specifically for a certain creditor, several days before actually applying for new credit.

For More Information:

Please contact Jason's Deli at 350 Pine Street, Suite 1775, Beaumont, TX 77701, email customer.service@jasonsdeli.com, or call 409-838-1976, Monday through Friday, 8am to 5pm CST.