

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

GREATER OMAHA PACKING CO.,)
INC., a Nebraska Corporation,)

Plaintiff,)

v.)

COX COMMUNICATIONS OMAHA,)
L.L.C., a foreign limited liability)
company; COX NEBRASKA TELCOM,)
L.L.C., a foreign limited liability)
company,)

Defendant.)

CASE NO.: _____

COMPLAINT

I. STATEMENT OF FACTS

1. That Cox Communications Omaha, L.L.C., a foreign limited liability company, conducts business in Douglas County, Nebraska.

2. That Cox Nebraska Telcom, L.L.C., a foreign limited liability company, conducts business in Douglas County, Nebraska.

3. That pursuant to a Commercial Services Agreement, Greater Omaha Packing Co., Inc., a Nebraska corporation, purchases telecommunication services from Cox Communications Omaha, L.L.C. and Cox Nebraska Telcom, L.L.C. (hereinafter the "Cox Defendants"). The account numbers associated with Commercial Services Agreement are identified as account numbers 132-0156460-01 and 132-0156096-01, (hereinafter "Cox Accounts").

4. That at approximately 11:45 a.m. on March 26, 2015, Greater Omaha Packing Co., Inc. was notified by customers that several of the company's phone numbers were being directed to a voicemail box which was full. Upon investigation of the matter, Greater Omaha Packing Co., Inc. learned that multiple phone lines associated with the Cox Accounts had been forwarded to the telephone number (702) 860-8151 without the authorization or approval of Greater Omaha Packing Co., Inc. Said telephone number is not associated with Greater Omaha Packing Co., Inc.'s or the Cox Accounts.

5. That upon further investigation, representatives of the Cox Defendants advised Greater Omaha Packing Co., Inc. that an unknown individual, who impersonated a Greater Omaha Packing Co., Inc. employee named Angelo, requested all calls for at least one Greater Omaha Packing Co., Inc. phone line be forwarded to the telephone number (702) 860-8151.

6. As a result of the above fraudulent request, one or more of Greater Omaha Packing Co., Inc.'s telephone numbers associated with the Cox Accounts were forwarded to the telephone number (702) 860-8151.

7. That upon notification of the situation, the Cox Defendants rectified the unauthorized call forwarding and returned all incoming calls to valid Greater Omaha Packing Co., Inc. business telephone numbers.

8. That at approximately 2:45 p.m. on March 26, 2015, Greater Omaha Packing Co., Inc. was again notified by customers that several of the company's telephone numbers were being directed to a voicemail box which was full. Upon investigation into the matter, Greater Omaha Packing Co., Inc. learned that, for a second time, multiple telephone lines had been forwarded to the telephone number (702) 860-8151 without the authorization or approval of Greater Omaha

Packing Co., Inc. Said telephone number is not associated with Greater Omaha Packing Co., Inc. or the Cox Accounts.

9. That upon further investigation, representatives of the Cox Defendants advised Greater Omaha Packing Co., Inc. that an unknown individual, who impersonated a Greater Omaha Packing Co., Inc. employee named Tom Kelley, requested that all calls for at least one Greater Omaha Packing Co., Inc. phone line be forwarded to the phone number (702) 860-8151.

10. As a result of the this second fraudulent request, one or more of Greater Omaha Packing Co., Inc.'s telephone numbers associated with the Cox Accounts were forwarded to the telephone number (702) 860-8151.

11. That upon notification of the situation, the Cox Defendants again took measures to rectify the unauthorized call forwarding and returned all incoming calls to valid Greater Omaha Packing Co., Inc. business telephone numbers.

12. That Carol Mesenbrink, Credit and Account Manager at Greater Omaha Packing Co., Inc., coordinated with multiple representatives of the Cox Defendants to resolve the data breach situations referenced above, as more formally set forth in the Affidavit of Carol Mesenbrink. A copy of said Affidavit is attached as Exhibit A.

13. That Greater Omaha Packing Co., Inc. has an interest in determining the identity of the unknown individual(s) who fraudulently requested that the telephone numbers associated with Greater Omaha Packing Co., Inc.'s Cox Accounts be forwarded to an unauthorized telephone number.

14. That any information relative to this matter which is in the possession of the Cox Defendants and/or their affiliates, including but not limited to information in the possession of the Cox Defendants' affiliate Cox Communications, Inc., will assist Greater Omaha Packing Co.,

Inc. determine the extent of the data breaches referenced above and ensure such data breaches do not occur in the future.

15. That the Cox Defendants have advised Greater Omaha Packing Co., Inc. that it will not release any information regarding Greater Omaha Packing Co., Inc.'s Cox Accounts or the data breaches which occurred on March 26, 2015, without a subpoena and/or court order.

16. That Greater Omaha Packing Co., Inc. requests this Court issue subpoenas upon the Cox Defendants and their affiliates, including but not limited to their affiliate Cox Communications, Inc., and order the same to provide information relative to the following:

a. All digital and electronic information, including but not limited to communications in "electronic storage" maintained or accessed by the Cox Defendants and their affiliates, as defined in the Stored Communications Act, related to the transfer of Greater Omaha Packing Co., Inc.'s telephone lines to (702) 860-8151 or any other phone number at approximately 11:45 a.m. on March 26, 2015.

b. All caller identification and voice communications, including but not limited to information and communications in "electronic storage" maintained or accessed by the Cox Defendants and their affiliates, as defined in the Stored Communications Act related to the transfer of Greater Omaha Packing Co. Inc.'s telephone lines to (702) 860-8151 or any other phone number at approximately 11:45 a.m. on March 26, 2015.

c. All digital and electronic information, including but not limited to communications in "electronic storage" maintained or accessed by the Cox Defendants and their affiliates, as defined in the Stored Communications Act,

related to the transfer of Greater Omaha Packing Co., Inc.'s telephone lines to (702) 860-8151 or any other phone number at approximately 2:45 p.m. on March 26, 2015.

d. All caller identification and voice communications, including but not limited to information and communications in "electronic storage" maintained or accessed by the Cox Defendants and their affiliates, as defined in the Stored Communications Act related to the transfer of Greater Omaha Packing Co. Inc.'s telephone numbers to (702) 860-8151 or any other phone number at approximately 2:45 p.m. on March 26, 2015.

e. Any and all reports filed with the Federal Communications Commission related to these events, including but not limited to reports or communications with the Federal Communications Commission regarding the unauthorized call forwarding requests directing calls made to Greater Omaha Packing Co., Inc.'s telephone lines to the phone number (702) 860-8151 which occurred at approximately 11:45 a.m. and 2:45 p.m. on March 26, 2015.

f. Any and all information, whether stored electronically, digitally, or otherwise, in the Cox Defendants and their affiliates' possession which would relate to the above referenced incidents and/or the identity of the party or parties who may have made the requests to forward and/or transfer Greater Omaha Packing Co., Inc.'s telephone calls.

g. A copy of the protocol used by the Cox Defendants and their affiliates when transfer and/or call forwarding requests are made by individuals on behalf of a business.

WHEREFORE, Greater Omaha Packing Co., Inc. prays for an order of this Court issuing subpoenas upon Cox Communications Omaha, L.L.C., Cox Nebraska Telcom, L.L.C. and Cox Communications, Inc. for the release of the above requested information, together with such other and further relief, including taxable court costs and to the extent permitted by law an attorney fee, as the Court deems just and equitable.

DATED this 2nd day of June, 2015

GREATER OMAHA PACKING CO., INC.,
Plaintiff.

By: Jacqueline F. Tabke
Brian D. Nolan, #17764
Jacqueline E. Tabke, #25575
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ATTORNEYS FOR PLAINTIFF

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

GREATER OMAHA PACKING CO.,)
INC., a Nebraska Corporation,)

Plaintiff,)

v.)

COX COMMUNICATIONS OMAHA,)
L.L.C., a foreign limited liability)
company; COX NEBRASKA TELCOM,)
L.L.C., a foreign limited liability)
company,)

Defendant.)

CASE NO.: _____

**AFFIDAVIT OF
CAROL MESENBRINK**

I, Carol Mesenbrink, being of lawful age and first duly sworn upon her oath,
deposes and certifies:

1. I am the Credit and Account Manager of Greater Omaha Packing Co., Inc.
(hereinafter "GOP").

2. I have personal knowledge of the matters set forth herein.

3. Pursuant to a Commercial Services Agreement, Greater Omaha Packing Co.,
Inc., a Nebraska corporation, purchases telecommunication services from Cox
Communications Omaha, L.L.C. and Cox Nebraska Telcom, L.L.C. (hereinafter the "Cox
Defendants"). The account numbers associated with Commercial Services Agreement
are identified as account numbers 132-0156460-01 and 132-0156096-01, (hereinafter
"Cox Accounts").



4. That at approximately 11:45 a.m. on March 26, 2015, I received notification that several of GOP's clients had attempted to call one or more of GOP's telephone lines and were directed to a voicemail box which was full.

5. I investigated the matter and learned that one or more of GOP's telephone numbers associated with the Cox Accounts had fraudulently been forwarded to the telephone number (702) 860-8151. Said telephone number is not affiliated with GOP.

6. I was advised by one or more representatives of the Cox Defendants that an individual, who fraudulently identified himself as one of GOP's employees named Angelo, requested that one or more of GOP's telephone numbers be forwarded to (702) 860-8151.

7. I worked with representatives of the Cox Defendants to correct the fraudulent call forwarding of GOP's telephone numbers.

8. At approximately 2:45 p.m. on March 26, 2015, I received notification that several of GOP's clients had attempted to call one or more of GOP's telephone lines and were directed to a voicemail box which was full.

9. I investigated the matter and learned that for a second time one or more of GOP's telephone numbers associated with the Cox Accounts had fraudulently been forwarded to the telephone number (702) 860-8151. Said telephone number is not affiliated with GOP.

10. I was advised by one or more representatives of the Cox Defendants that an individual, who fraudulently identified himself as one of GOP's employees named Tom Kelley, requested that one or more of GOP's telephone numbers be forwarded to (702) 860-8151.

11. For a second time, I worked with representatives of the Cox Defendants to rectify the situation and return all GOP telephone numbers to their rightful destination.

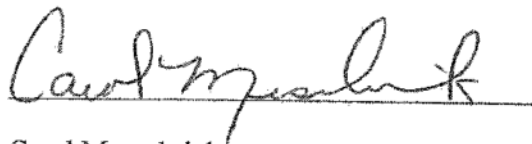
12. Pursuant to my investigations into the two data breaches described above, I requested information from the Cox Defendants regarding the name of the individual(s) who requested GOP's telephone numbers be forwarded to a phone number which was not associated with GOP's Cox Accounts.

13. I also requested information regarding how the data breach occurred and whether the Cox Defendants followed their own protocols regarding such call forwarding requests.

14. I was advised by representatives of the Cox Defendants that information related to this matter, including but not limited to voice recordings of the individual(s) who made the call forwarding requests, information relative to the telephone number such calls were made from, and information regarding the Cox Defendants' protocols for call forwarding requests could not be provided to GOP without a subpoena and/or a court order.

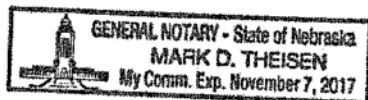
15. Without any additional information from the Cox Defendants, GOP has been unable to determine the extent of the data breach which occurred on March 26, 2015, and has not been able to formulate a plan for how to prevent such data breaches in the future.

FURTHER AFFIANT SAYETH NOT.

A handwritten signature in cursive script, appearing to read "Carol Mesenbrink", written over a horizontal line.

Carol Mesenbrink
Credit and Account Manager
Greater Omaha Packing Co., Inc.

SUBSCRIBED AND SWORN to before me this 29th day of MAY, 2015.



Mark Theisen
Notary Public

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

GREATER OMAHA PACKING CO.,)
INC., a Nebraska Corporation,)

CASE NO. CI 15-4876

Plaintiff,)

AMENDED COMPLAINT

v.)

JOHN DOE(S), an individual and/or)
entity,)

Defendant.

I. STATEMENT OF FACTS

1. That Greater Omaha Packing Co., Inc., a Nebraska Corporation, is a corporation which conducts business in Douglas County, Nebraska.

2. That John Doe(s), an individual and/or entity, upon information and belief, are individuals and/or entities that breached Greater Omaha Packing Co. Inc.'s Cox Communications, L.L.C. and Cox Nebraska Telcom, L.L.C. accounts for unauthorized purposes.

3. That Cox Communications Omaha, L.L.C., a foreign limited liability company, conducts business in Douglas County, Nebraska.

2. That Cox Nebraska Telcom, L.L.C., a foreign limited liability company, conducts business in Douglas County, Nebraska.

3. That pursuant to a Commercial Services Agreement, Greater Omaha Packing Co., Inc., a Nebraska corporation, purchases telecommunication services from Cox Communications Omaha, L.L.C. and Cox Nebraska Telcom, L.L.C. (hereinafter "Cox"). The account numbers

associated with Commercial Services Agreement are identified as account numbers 132-0156460-01 and 132-0156096-01, (hereinafter "Cox Accounts").

4. That at approximately 11:45 a.m. on March 26, 2015, Greater Omaha Packing Co., Inc. was notified by customers that several of the company's phone numbers were being directed to a voicemail box which was full. Upon investigation of the matter, Greater Omaha Packing Co., Inc. learned that multiple phone lines associated with the Cox Accounts had been forwarded to the telephone number (702) 860-8151 without the authorization or approval of Greater Omaha Packing Co., Inc. Said telephone number is not associated with Greater Omaha Packing Co., Inc.'s or the Cox Accounts.

5. That upon further investigation, representatives of Cox advised Greater Omaha Packing Co., Inc. that an unknown individual, identified above as Defendant John Doe(s), an individual and/or entity, who impersonated a Greater Omaha Packing Co., Inc. employee named Angelo, requested all calls for at least one Greater Omaha Packing Co., Inc. phone line be forwarded to the telephone number (702) 860-8151.

6. As a result of the above fraudulent request, one or more of Greater Omaha Packing Co., Inc.'s telephone numbers associated with the Cox Accounts were forwarded to the telephone number (702) 860-8151.

7. That upon notification of the situation, Cox rectified the unauthorized call forwarding and returned all incoming calls to valid Greater Omaha Packing Co., Inc. business telephone numbers.

8. That at approximately 2:45 p.m. on March 26, 2015, Greater Omaha Packing Co., Inc. was again notified by customers that several of the company's telephone numbers were being directed to a voicemail box which was full. Upon investigation into the matter, Greater Omaha

Packing Co., Inc. learned that, for a second time, multiple telephone lines had been forwarded to the telephone number (702) 860-8151 without the authorization or approval of Greater Omaha Packing Co., Inc. Said telephone number is not associated with Greater Omaha Packing Co., Inc. or the Cox Accounts.

9. That upon further investigation, representatives of Cox advised Greater Omaha Packing Co., Inc. that an unknown individual, identified above as Defendant John Doe(s), an individual and/or entity, who impersonated a Greater Omaha Packing Co., Inc. employee named Tom Kelley, requested that all calls for at least one Greater Omaha Packing Co., Inc. phone line be forwarded to the phone number (702) 860-8151.

10. As a result of the this second fraudulent request, one or more of Greater Omaha Packing Co., Inc.'s telephone numbers associated with the Cox Accounts were forwarded to the telephone number (702) 860-8151.

11. That upon notification of the situation, Cox again took measures to rectify the unauthorized call forwarding and returned all incoming calls to valid Greater Omaha Packing Co., Inc. business telephone numbers.

12. That Carol Mesenbrink, Credit and Account Manager at Greater Omaha Packing Co., Inc., coordinated with multiple representatives of the Cox Defendants to resolve the data breach situations referenced above, as more formally set forth in the Affidavit of Carol Mesenbrink. A copy of said Affidavit is attached as Exhibit A.

13. That Greater Omaha Packing Co., Inc. has an interest in determining the identity of the unknown individual(s), identified above as Defendant John Doe(s), an individual and/or entity, who fraudulently requested that the telephone numbers associated with Greater Omaha Packing Co., Inc.'s Cox Accounts be forwarded to an unauthorized telephone number.

14. That any information relative to this matter which is in the possession of Cox and/or their affiliates, including but not limited to information in the possession of the Cox's affiliate Cox Communications, Inc., will assist Greater Omaha Packing Co., Inc. determine the extent of the data breaches referenced above and ensure such data breaches do not occur in the future.

15. That Cox has advised Greater Omaha Packing Co., Inc. that it will not release any information regarding Greater Omaha Packing Co., Inc.'s Cox Accounts or the data breaches which occurred on March 26, 2015, without a subpoena and/or court order.

16. That Greater Omaha Packing Co., Inc. requests this Court issue subpoenas upon Cox and their affiliates, including but not limited to its affiliate Cox Communications, Inc., and order the same to provide information relative to the following:

a. All digital and electronic information, including but not limited to communications in "electronic storage" maintained or accessed by Cox and its affiliates, as defined in the Stored Communications Act, related to the transfer of Greater Omaha Packing Co., Inc.'s telephone lines to (702) 860-8151 or any other phone number at approximately 11:45 a.m. on March 26, 2015.

b. All caller identification and voice communications, including but not limited to information and communications in "electronic storage" maintained or accessed by Cox and its affiliates, as defined in the Stored Communications Act related to the transfer of Greater Omaha Packing Co. Inc.'s telephone lines to (702) 860-8151 or any other phone number at approximately 11:45 a.m. on March 26, 2015.

c. All digital and electronic information, including but not limited to communications in "electronic storage" maintained or accessed by Cox and its affiliates, as defined in the Stored Communications Act, related to the transfer of

Greater Omaha Packing Co., Inc.'s telephone lines to (702) 860-8151 or any other phone number at approximately 2:45 p.m. on March 26, 2015.

d. All caller identification and voice communications, including but not limited to information and communications in "electronic storage" maintained or accessed by Cox and its affiliates, as defined in the Stored Communications Act related to the transfer of Greater Omaha Packing Co. Inc.'s telephone numbers to (702) 860-8151 or any other phone number at approximately 2:45 p.m. on March 26, 2015.

e. Any and all reports filed with the Federal Communications Commission related to these events, including but not limited to reports or communications with the Federal Communications Commission regarding the unauthorized call forwarding requests directing calls made to Greater Omaha Packing Co., Inc.'s telephone lines to the phone number (702) 860-8151 which occurred at approximately 11:45 a.m. and 2:45 p.m. on March 26, 2015.

f. Any and all information, whether stored electronically, digitally, or otherwise, in Cox's and/or its affiliates' possession which would relate to the above referenced incidents and/or the identity of the party or parties who may have made the requests to forward and/or transfer Greater Omaha Packing Co., Inc.'s telephone calls.

g. A copy of the protocol used by Cox and its affiliates when transfer and/or call forwarding requests are made by individuals on behalf of a business.

WHEREFORE, Greater Omaha Packing Co., Inc. prays for an order of this Court directing the issuance of subpoenas upon Cox Communications Omaha, L.L.C., Cox Nebraska Telcom, L.L.C. and Cox Communications, Inc. for the release of the above requested

information, together with such other and further relief, including taxable court costs and to the extent permitted by law an attorney fee, as the Court deems just and equitable.

DATED this 16th day of July, 2015

GREATER OMAHA PACKING CO., INC.,
Plaintiff.

By: Jacqueline F. Tabke
Brian D. Nolan, #17764
Jacqueline F. Tabke, #25575
Nolan, Olson & Stryker, P.C., L.L.O.
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(402) 932-5126
Email: bnolan@nolanolson.com
Email: jtabke@nolanolson.com
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing was served via United States First Class Mail, postage prepaid, this 16th day of July, 2015 on the following:

Mark J. Daly
Fitzgerald, Schorr, Barmettler & Brennan, PC, LLO
10050 Regency Circle, Suite 200
Omaha, Nebraska 68114-3794

Anta Carey

Certificate of Service

I hereby certify that on Thursday, July 16, 2015 I provided a true and correct copy of the Amended Complaint to the following:

Cox Communications Omaha LLC service method: First Class Mail

Cox Nebraska Telcom LLC service method: First Class Mail

Greater Omaha Packing Co Inc represented by Brian Nolan (Bar Number: 17764) service method: Electronic Service to bnolan@nolanolson.com

Signature: /s/ Jaqueline Tabke (Bar Number: 25575)