

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO.:

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BHARATKUMAT SHAH,

Defendant.

**UNITED STATES OF AMERICA’S COMPLAINT FOR
PERMANENT INJUNCTION**

Plaintiff, the United States of America (“United States”), through its undersigned counsel, hereby sues Defendant Bharatkumat Shaw (“Defendant”) and alleges as follows:

INTRODUCTION

1. Starting as early as January 2014 and continuing to the present, Defendant has assisted and facilitated predatory wire fraud schemes that primarily victimize senior citizens of the United States. The schemes operate by having telemarketers in India pose as purported computer technicians to fraudulently induce U.S. consumers to pay for phony or otherwise misrepresented technical-support services related to computers.

2. The United States seeks to prevent continuing and substantial injury to consumers victimized by this fraudulent scheme by bringing this action for a permanent injunction and other equitable relief under 18 U.S.C. § 1345 to enjoin the ongoing commission of wire fraud in violation of 18 U.S.C. § 1343.

JURISDICTION AND VENUE

3. The Court has subject matter jurisdiction over this action under 18 U.S.C. § 1345 and 28 U.S.C. §§ 1331 and 1345.

4. Venue is proper in this district under 28 U.S.C. § 1391(b)(3).

PARTIES

5. Plaintiff is the United States.

6. Defendant is a resident of Glen Oaks, New York. Defendant transacts or has transacted business with consumers in the Southern District of Florida. On information and belief, Defendant knowingly has used bank accounts to facilitate fraudulent technical-support schemes.

DEFENDANT'S ONGOING FRAUDULENT SCHEME

7. Since at least as early as January 2014, Defendant has assisted and facilitated large-scale technical-support schemes by accepting consumer payments and forwarding proceeds to perpetrators of the schemes. The schemes operate under various names, including Best Tech 247 and Swati Infomedia Inc.

8. Telemarketers in India working for the schemes contact consumers either by calling them or by using pop-up computer advertisements disguised as security alerts to direct the consumers to immediately call a telephone number, which the telemarketers answer.

9. Regardless of the initial method of contacting a consumer, the schemes proceed similarly once a telemarketer working for the scheme has the consumer on the phone. Emphasizing the need for immediate action and often claiming to work for or be affiliated with well-known technology companies, the telemarketer falsely claims that the consumer's computer is at risk and that the telemarketer can assist the consumer but first needs remote access to the consumer's computer. Once remotely connected, the telemarketer purports to confirm the

existence of a serious computer virus or other threat to the consumer's computer, sometimes claiming that a hacker will soon be able to access the consumer's personal information, including financial account numbers, social security numbers, and passwords. Imparting a sense of urgency, the telemarketer then claims that he will install expensive and high-quality network security software to resolve the threat in exchange for a substantial sum of money. The telemarketers typically instruct the consumer to pay for the purported software installation by check.

10. Since at least January 2014, numerous consumers have been victimized by the fraudulent technical-support schemes facilitated by Defendant. Defendant plays a critical role in accepting fraudulently-induced payments initiated by the telemarketers. Defendant deposits the payments and then forwards the funds received from consumers to the scheme perpetrators.

DEFENDANT'S KNOWLEDGE OF FRAUD

11. Upon information and belief, the United States alleges that Defendant has knowledge that his conduct facilitates fraudulent schemes involving the purported offer of technical-support services in exchange for consumer payments.

HARM TO CONSUMERS

12. Consumers suffer financial losses from the wire fraud scheme facilitated by Defendant. Consumers victimized by the schemes reside throughout the United States.

13. The schemes disproportionately affect elderly consumers.

14. Absent injunctive relief by this Court, Defendant's conduct will continue to cause injury to consumers.

COUNT I
(18 U.S.C. § 1345 – Injunctive Relief)

15. The United States re-alleges and incorporates by reference Paragraphs 1 through 14 of this Complaint as though fully set forth herein.

16. By reason of the conduct described herein, Defendant violated, is violating, and is about to violate 18 U.S.C. § 1343 by executing a scheme and artifice to defraud for obtaining money or property by means of false or fraudulent representations with the intent to defraud, and, in so doing, use interstate or foreign wire communications.

17. Upon a showing that Defendant is committing or about to commit wire fraud, the United States is entitled, under 18 U.S.C. § 1345, to a permanent injunction restraining all future fraudulent conduct and any other action that this Court deems just to prevent a continuing and substantial injury to consumers.

18. As a result of the foregoing, the Court should enjoin Defendant's conduct under 18 U.S.C. § 1345.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, United States of America, requests of the Court the following relief:

A. That the Court issue a permanent injunction, pursuant to 18 U.S.C. § 1345, ordering that Defendant is restrained from engaging, participating, or assisting in any technical-support business or money transmitting business, and

B. That the Court order such other and further relief as the Court shall deem just and proper.

DATED: March 4, 2019

GUSTAV W. EYLER
Acting Director
Consumer Protection Branch

By: RICHARD GOLDBERG
Richard Goldberg
Senior Counsel for Complex Litigation
(Court ID Number A5500676)
Email: richard.goldberg@usdoj.gov
Consumer Protection Branch
United States Department of Justice
P.O. Box 386
Washington, DC 20044
Telephone: (202) 307-2532

Attorney for Plaintiff United States of America

Respectfully Submitted,

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

By: JAMES A. WEINKLE
James A. Weinkle
Assistant United States Attorney
(Florida Bar No. 0710891)
Email: James.Weinkle@usdoj.gov
United States Attorney's Office
Southern District of Florida
99 N.E. 4th Street, Suite 300
Miami, Florida 33132
Telephone: (305) 961-9290

Attorney for Plaintiff United States of America

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS United States of America

DEFENDANTS Bharatkumar Shah

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Queens, New York (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number) See Attached

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State PTF DEF 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT TORTS REAL PROPERTY CIVIL RIGHTS PRISONER PETITIONS IMMIGRATION LABOR FORFEITURE/PENALTY BANKRUPTCY SOCIAL SECURITY FEDERAL TAX SUITS OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Re-filed (See VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation Transfer 7 Appeal to District Judge from Magistrate Judgment 8 Multidistrict Litigation - Direct File 9 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S) (See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE: DOCKET NUMBER:

VII. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): 18 U.S.C. § 1345, Anti-Fraud Injunction Statute

LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE DATE March 4, 2019 SIGNATURE OF ATTORNEY OF RECORD

Attachment

I (c) Attorneys for Plaintiff, United States of America

Richard Goldberg
Senior Counsel for Complex Litigation
U.S. Department of Justice
Consumer Protection Branch
P.O. Box 386
Washington, D.C. 20044
Tel: 202-307-2532

James A. Weinkle
Assistant United States Attorney
United States Attorney's Office
Southern District of Florida
99 N.E. 4th Street, Suite 300
Miami, Florida 33132
Tel: 305-961-9290