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14

15 UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA
17 WESTERN DIVISION

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 DEEPAK GUPTA, individually,

22 Defendant.

No.

COMPLAINT FOR PERMANENT
INJUNCTION

1 Plaintiff, the United States of America (“United States”), through its undersigned
2 counsel, hereby sues Defendant Deepak Gupta (“Defendant”) and alleges as follows:

3 **I. INTRODUCTION**

4 1. Starting as early as December 2016 and continuing to the present, Defendant has
5 assisted and facilitated a predatory wire fraud scheme that primarily victimizes senior
6 citizens of the United States. Defendant operates a phony or otherwise misrepresented
7 technical-support business that fraudulently induces U.S. consumers to pay for false or
8 unnecessary technical-support services related to computers and computer equipment.

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

13 **II. JURISDICTION AND VENUE**

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

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

17 **III. PARTIES**

18 5. Plaintiff is the United States.

19 6. Defendant is a resident of Phoenix, Arizona. Defendant transacts or has transacted
20 business with consumers in the Central District of California. On information and belief,
21 Defendant knowingly has used a bank account to facilitate a fraudulent technical-support
22 scheme.

23 **IV. DEFENDANT’S ONGOING FRAUDULENT SCHEME**

24 7. Since at least as early as December 2016, Defendant has assisted and facilitated a
25 large-scale technical-support scheme by accepting consumer payments and forwarding
26 proceeds to perpetrators of the scheme. The scheme operates under the name GNI LLC
27 (GNI), and sometimes does business as “IT Care Guys.”
28

1 8. Telemarketers in India working for the scheme contact consumers by using pop-
2 up computer advertisements disguised as security alerts to direct the consumers to
3 immediately call a telephone number, which the telemarketers answer. Other times,
4 consumers contact the telemarketers after performing an internet search for a computer
5 repair business.

6 9. Regardless of the initial method of contacting a consumer, the schemes proceed
7 similarly once a telemarketer working for the scheme has the consumer on the phone.
8 Emphasizing the need for immediate action and often claiming to work for or be
9 affiliated with well-known technology companies, the telemarketer falsely claims that
10 the consumer's computer is at risk and that the telemarketer can assist the consumer but
11 first needs remote access to the consumer's computer. Once remotely connected, the
12 telemarketer purports to confirm the existence of a serious computer virus or other threat
13 to the consumer's computer, sometimes claiming that a hacker will soon be able to
14 access the consumer's personal information, including financial account numbers, social
15 security numbers, and passwords. Imparting a sense of urgency, the telemarketer then
16 claims that he will install expensive and high-quality network security software to
17 resolve the threat in exchange for a substantial sum of money.

18 10. Since at least December 2016, numerous consumers have been victimized by the
19 fraudulent technical-support scheme facilitated by Defendant. Defendant plays a critical
20 role in accepting fraudulently-induced payments initiated by the telemarketers.
21 Defendant deposits the payments and then forwards the funds from consumers to the
22 scheme perpetrators.

23 **V. DEFENDANT'S KNOWLEDGE OF FRAUD**

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

27 ///

VI. HARM TO CONSUMERS

12. Consumers suffer financial losses from the wire fraud scheme facilitated by Defendant. Consumers victimized by the scheme reside throughout the United States, including in the Central District of California.

13. The scheme disproportionately affects elderly consumers.

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

VII. THE COURT'S POWER TO GRANT RELIEF

(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, using 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 seek 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.

VIII. PRAYER FOR RELIEF

WHEREFORE, the United States requests judgment against Defendant, as follows:

- a. 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. Such further relief, including but not limited to equitable relief under the Court's inherent powers, as the Court deems just.

DATED: March 4, 2019

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

NICOLA T. HANNA
United States Attorney
DAVID M. HARRIS, AUSA
Chief, Civil Division
DAVID K. BARRETT, AUSA
Chief, Civil Fraud Section
LISA A. PALOMBO, AUSA

GUSTAV W. EYLER
Acting Director
Consumer Protection Branch
U.S. Department of Justice, Civil Division

/S/

RICHARD GOLDBERG
Senior Counsel for Complex Litigation
United States Department of Justice

Attorneys for Plaintiff United States of America

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) United States of America	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) Deepak Gupta
(b) County of Residence of First Listed Plaintiff _____ <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>	County of Residence of First Listed Defendant <u>Phoenix, Arizona</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small>
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Richard Goldberg, U.S. Dept. of Justice, 450 5th Street, NW, Suite 6002, Washington, D.C. 20001, (202) 307-2532; Lisa Palombo, U.S. Attorney's Office for the Central District of California, 300 N. Los Angeles St., Los Angeles, CA, 90012, (213) 894-4042	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Pro se

II. BASIS OF JURISDICTION (Place an X in one box only.) <div style="display: flex; justify-content: space-between;"> <div style="width:48%;"> <input checked="" type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant </div> <div style="width:48%;"> <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III) </div> </div>	III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td><input type="checkbox"/></td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> <td><input type="checkbox"/></td> <td style="text-align: center;">4</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> <td><input type="checkbox"/></td> <td style="text-align: center;">5</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> <td><input type="checkbox"/></td> <td style="text-align: center;">6</td> <td style="text-align: center;">6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF	<input type="checkbox"/>	1	1	<input type="checkbox"/>	4	4	Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	2	<input type="checkbox"/>	5	5	Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	3	<input type="checkbox"/>	6	6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>																																
<input type="checkbox"/>	3	3	<input type="checkbox"/>	6	6																																

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1. Original Proceeding	<input type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify) _____	<input type="checkbox"/> 6. Multidistrict Litigation - Transfer	<input type="checkbox"/> 8. Multidistrict Litigation - Direct File
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. 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. Civil injunctive case to prevent further technical-support fraud scheme.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	PERSONAL PROPERTY	<input type="checkbox"/> 540 Mandamus/Other	SOCIAL SECURITY
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 690 Other	FEDERAL TAX SUITS
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	LABOR	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 891 Agricultural Acts	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 790 Other Labor Litigation	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 369 Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other		
			<input type="checkbox"/> 448 Education		

FOR OFFICE USE ONLY:

Case Number: _____

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF: <input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino	INITIAL DIVISION IN CACD IS: Western Southern Eastern	
QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co? <i>check one of the boxes to the right</i> →	<input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. <input checked="" type="checkbox"/> NO. Continue to Question B.2.	
	B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	<input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. <input checked="" type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.	
QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co? <i>check one of the boxes to the right</i> →	<input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question C.2.	
	C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	<input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.	
QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓		
QUESTION E: Initial Division? Enter the initial division determined by Question A, B, C, or D above: →	INITIAL DIVISION IN CACD WESTERN		
QUESTION F: Northern Counties? Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court?

☒ NO☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?

☒ NO☐ YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):

DATE: 3/4/19

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

1 GUSTAV W. EYLER
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Email: Richard.goldberg@usdoj.gov
8 Attorneys for Plaintiff United States of America

9
10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 DEEPAK GUPTA,
17 individually,
18 Defendant.

No.:

**[PROPOSED] STIPULATED
ORDER FOR PERMANENT
INJUNCTION AND FINAL
JUDGMENT**

19
20
21
22 Plaintiff United States of America (the "United States") commenced this
23 action against defendant Deepak Gupta ("Defendant") by filing a civil Complaint
24 seeking an injunction pursuant to 18 U.S.C. § 1345 and the Court's equitable
25 powers. The United States and Defendant stipulate to the entry of a Stipulated
26 Order for Permanent Injunction ("Order"), lodged concurrently with this
27 Stipulation, with the terms and provisions below to resolve the claims in the
28 Complaint. Defendant, *pro se*, enters into this Stipulation freely and without

1 coercion and acknowledges that Defendant has read the provisions of the Order,
2 understands them, and is prepared to abide by them. Defendant waives service of
3 the Complaint and Summons.

4 **NOW, THEREFORE**, it is ORDERED as follows:

5 **I. FINDINGS**

6 Plaintiff and Defendant stipulate to the following findings.

7 A. This Court has jurisdiction over this matter and the parties pursuant to
8 18 U.S.C. § 1345 and 28 U.S.C. §§ 1331 and 1345. Venue is proper in this District
9 under 28 U.S.C. § 1391(b) and (c) because a substantial part of the events or
10 omissions giving rise to the claims alleged in the Complaint occurred in this
11 district.

12 B. The United States seeks injunctive relief pursuant to 18 U.S.C.
13 § 1345.

14 C. This Stipulation is neither an admission of liability by Defendant, nor
15 a concession by the United States that its claims are not well founded. Only for
16 purposes of this action, Defendant admits that the Court has jurisdiction as to
17 Defendant and as to this action.

18 **II. DEFINITIONS**

19 For purposes of this Order, the following definitions apply:

20 A. “Defendant” means Deepak Gupta.

21 B. “Person” means an individual, a corporation, a partnership, or any
22 other entity.

23 C. “Funds” include any currency, check, money order, stored value card,
24 stored value card numbers, bank wire transmission, or other monetary value.

25 D. “Tech support business” refers to any person that claims to provide
26 security or technical support for computer or mobile devices or computer or mobile
27 device-related equipment.
28

1 E. "Money transmitting business" refers to a person who, for a fee,
 2 receives funds from one person for the purpose of transmitting the funds, or
 3 providing access to the funds, to another person.

4 F. "Fee" refers to a payment or compensation of any kind regardless of
 5 how the payment or compensation is labeled, including but not limited to
 6 processing fees, service fees, expediting fees, purchase fees, nominal fees,
 7 symbolic payments, gifts and gratuities.

8 **III. PROHIBITED CONDUCT**

9 **IT IS ORDERED** that Defendant is **PERMANENTLY PROHIBITED,**
 10 **RESTRAINED,** and **ENJOINED** from, directly or indirectly, engaging,
 11 participating, or assisting in any tech support business or money transmitting
 12 business.

13 **V. ORDER ACKNOWLEDGMENTS**

14 **IT IS FURTHER ORDERED** that within five (5) days after entry of this
 15 Order, the Defendant is ordered to submit to Postal Inspector Thomas Ninan a
 16 written acknowledgement of receipt of this Order sworn under penalty of perjury.

17 The statement shall be addressed to:

18 U.S. Postal Inspector Thomas Ninan
 19 U.S. Postal Inspection Service
 20 c/o U.S. Department of Justice
 21 Patrick Henry Building
 22 First Floor
 23 601 D St. NW
 24 Washington, DC 20579

25 **VI. MODIFICATION OF THE ORDER**

26 This Order shall not be modified except in writing by Plaintiff and the
 27 Defendant and approved by the Court.
 28

VII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains exclusive jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

SO STIPULATED AND AGREED:

FOR PLAINTIFF UNITED STATES OF AMERICA

GUSTAV W. EYLER

Acting Director, Consumer Protection Branch

/s/

Date: 3/4/19

RICHARD GOLDBERG

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FOR DEFENDANT DEEPAK GUPTA



Date: 02/14/19

DEEPAK GUPTA

1 SO ORDERED:

2
3 Dated: _____

4 **UNITED STATES DISTRICT JUDGE**