

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO.:**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**VSUPPORT, LP,**

**Defendant.**

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**UNITED STATES OF AMERICA’S COMPLAINT FOR  
PRELIMINARY AND PERMANENT INJUNCTIONS**

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

**INTRODUCTION**

1. Starting as early as 2012 and continuing to the present, Defendant has used the electronic wires to further a predatory wire fraud scheme that primarily victimizes senior citizens of the United States.

2. Defendant maintains the U.S. operations of a technical support fraud scheme based in India. That scheme operates by fraudulently inducing consumers to purchase phony or otherwise misrepresented technical support services related to computers and to make further payments based on additional fraudulent misrepresentations.

3. The United States seeks to prevent continuing and substantial injury to consumers by bringing this action for preliminary and permanent injunctions 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**

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

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(3).

**PARTIES**

6. Plaintiff is the United States.

7. Defendant is a California limited partnership with its primary address listed as 2030 W. Rosecrans Avenue, Gardena, California, 90249. Defendant originally registered as a limited liability corporation in California in October 2011 and converted to a limited partnership on December 5, 2016. Defendant transacts or has transacted business in this district and throughout the United States.

**DEFENDANT'S ONGOING FRAUDULENT SCHEME**

8. Since at least as early as 2012, Defendant has conducted the U.S. operations of a large-scale technical support fraud scheme that targets consumers throughout the United States, Australia, Canada, and the United Kingdom. Defendant furthers the scheme in a number of ways, including by maintaining a website ([www.itassists.com](http://www.itassists.com)), email addresses, several telephone numbers, credit card merchant accounts, and other infrastructure used in the scheme. The Defendant also processes fraudulently induced consumer payments for the scheme and generally provides a veneer of domestic legitimacy.

9. As part of the scheme, telemarketers in India use telephone numbers, email addresses, and the infrastructure maintained by Defendant to contact consumers and induce them to pay money for phony technical support services and other false purposes.

10. The telemarketers working for the scheme contact consumers either by calling them or by using pop-up computer advertisements disguised as security alerts to direct the

consumers to immediately call one of the Defendant's maintained telephone numbers, which the telemarketers answer.

11. Regardless of the initial method of contacting a consumer, the scheme proceeds 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.

12. After the telemarketer purports to have installed high-quality network security software, he then instructs the consumer to pay for the purported software installation by a credit card payment to the Defendant. The typical cost to consumers deceived into making payments ranges between several hundred to thousands of dollars.

13. At times during the scheme, consumers who have already paid Defendant once for technical support services receive subsequent calls from telemarketers working for the scheme, during which calls the telemarketers concoct new phony reasons why the consumer must purchase additional security software to avoid a new, serious alleged computer virus or other threat to the consumer's computer.

14. At times during the scheme, telemarketers may purport to offer refunds to consumers for sums paid to the Defendant based on prior false representations about provided technical support services. But, instead of refunding money to consumers, the telemarketers actually just move money within the consumers' online bank accounts to convince the consumers that too much money was refunded. The telemarketers then induce consumers to send payments, purportedly to reimburse Defendant for its "over-refund." Consumers have lost hundreds or thousands of dollars to this bogus refund scheme.

15. Since 2012, consumers have filed hundreds of complaints about Defendant on Consumer Sentinel, a consumer complaint database maintained by the Federal Trade Commission ("FTC"). In addition to numerous complaints filed by U.S. consumers, complainants from Australia, Canada, and the United Kingdom have also reported Defendant's fraud.

#### **DEFENDANT'S KNOWLEDGE OF FRAUD**

16. Upon information and belief, the United States alleges that Defendant has knowledge of the pervasive fraud perpetrated in its name. Numerous public websites and bulletin boards accessible to the Defendant describe the prolific fraud perpetrated by the telemarketers acting on behalf of the Defendant. Consumers specifically complain about the Defendant's impersonation of legitimate technology companies and misrepresentations made by telemarketers acting on Defendant's behalf about computer threats present on consumers' computers and the value of software purportedly installed.

#### **HARM TO CONSUMERS**

17. Consumers suffer financial losses from the wire fraud scheme facilitated by the Defendant. Those victimized by the scheme reside across the United States, including in the Southern District of Florida, as well as in Australia, Canada, and the United Kingdom.

18. The scheme disproportionately affects elderly consumers. In particular, of the consumers who reported their ages in FTC Consumer Sentinel complaints about Defendant and its associated telemarketers, most of them reported that they were 60 years of age or older.

19. Defendant is continuing to facilitate the technical support fraud scheme. Absent injunctive relief by this Court, Defendant's conduct will continue to cause injury to consumers across the United States.

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

20. The United States re-alleges and incorporates by reference Paragraphs 1 through 19 of this Complaint as though fully set forth herein.

21. 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 and foreign wire communications.

22. 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 preliminary injunction and a permanent injunction restraining all future fraudulent conduct and any other action that this Court deems just in order to prevent a continuing and substantial injury to the consumers.

23. 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 preliminary injunction, pursuant to 18 U.S.C. § 1345, ordering that Defendant, its agents, officers, and employees, and all other persons or entities in active concert or participation with them, are restrained from:

- (1) committing wire fraud,
- (2) maintaining and doing business through the use of the domain “itassists.com,”
- (3) using any email within the domain “@itassists.com” for any purpose,
- (4) impersonating any other technology company,
- (5) engaging in telemarketing activity that claims that a consumer has a computer virus or other security-related infection,
- (6) accepting consumer payments related to any purported technical support service,
- (7) destroying records of any nature related to Defendant’s business, financial, or accounting operations, and

B. That the Court issue an order requiring the registry, Verisign, Inc., and the registrar, GoDaddy Inc., for “www.itassists.com” to take all necessary steps to prevent further use of the website in Defendant’s fraudulent scheme.

C. That the Court issue a permanent injunction on the same basis and to the same effect.

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

DATED: September 29, 2018

**GUSTAV W. EYLER**  
Acting Director  
Consumer Protection Branch

**JILL P. FURMAN**  
Deputy Director  
Consumer Protection Branch

By: s/ Richard Goldberg  
**Richard Goldberg**  
**Senior Counsel for Complex**  
**Litigation**  
Consumer Protection Branch  
United States Department of Justice  
P.O. Box 386  
Washington, DC 20044  
Tel.: 202.307-2532  
Fax: 202.514.8742  
Email: richard.goldberg@usdoj.gov

*Counsel for United States of America*

**Respectfully Submitted,**

**ARIANA FAJARDO ORSHAN**  
**UNITED STATES ATTORNEY**

By: s/ *James A. Weinkle*  
**James A. Weinkle**  
**Assistant United States Attorney**  
Florida Bar No. 0710891  
**United States Attorney's Office**  
99 N.E. 4th Street, Suite 300  
Miami, Florida 33132  
Tel.: 305.961.9290  
Fax: 305.530.7139  
Email: James.Weinkle@usdoj.gov

*Counsel for United States of America*

CIVIL COVER SHEET

JS 44 (Rev. 06/17) FLSD Revised 06/01/2017

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 VSupport, LP

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

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number) Richard Goldberg, U.S. Department of Justice, Consumer Protection Branch, P.O. Box 386, Washington, D.C. 20044

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)

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

- 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)

- Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State Incorporated and Principal Place of Business In Another State Foreign Nation

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

Click here for: Nature of Suit Code Descriptions

CONTRACT TORTS FORFEITURE/PENALTY LABOR IMMIGRATION REAL PROPERTY CIVIL RIGHTS PRISONER PETITIONS 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 September 28, 2018 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY RECEIPT # AMOUNT IFP JUDGE MAG JUDGE





Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: