

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

United States of America

Plaintiff(s)

v.

ELAGOON BUSINESS SOLUTIONS PVT LTD., d/b/a Computer Phone Assist

Defendant(s)

Civil Action No. 2:19-cv-324 RSL

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Elagoon Business Solutions Private Limited
MARTIN BURN BUSINESS PARK SUITE NO.-7B
BLOCK-BP 3
SECTOR V, SALT LAKE
700091 Kolkata
West Bengal, India

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Daniel K. Crane-Hirsch
Department of Justice Consumer Protection Branch
P.O. Box 386
Washington DC, 20044

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 03/06/2019

Signature of Clerk of Court (with seal)



Civil Action No. 2:19-cv-324 RSL

**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:

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELAGOON BUSINESS SOLUTIONS PVT  
LTD., d/b/a Computer Phone Assist,

Defendant.

No. 2:19-cv-324

**COMPLAINT**

Plaintiff, the United States of America, by and through its undersigned attorneys, brings this complaint against Defendant ELAGOON BUSINESS SOLUTIONS PVT LTD., d/b/a Computer Phone Assist (“Elagoon”) and alleges the following:

**I. NATURE OF THIS ACTION**

1. Starting as early as 2017 and continuing to the present, Defendant has and continues to conduct a large-scale technical-support fraud scheme based and incorporated in Kolkata, India that targets consumers throughout the United States. Defendant has furthered the scheme in a number of ways, including by maintaining websites ([www.computerphoneassist.com](http://www.computerphoneassist.com); [www.elagoonites.com](http://www.elagoonites.com); and [www.elagoondigital.com](http://www.elagoondigital.com)), email addresses, several telephone numbers, and other infrastructure used in the scheme.



1 technicians to induce consumers to purchase phony or otherwise misrepresented technical-  
2 support services, and to make further payments based on additional fraudulent  
3 misrepresentations. Telemarketers contact consumers principally by placing cold calls. The  
4 telemarketers often falsely claim to work for or be affiliated with large, well-known technology  
5 companies.

6 9. Once a telemarketer has a consumer on the phone, the telemarketer emphasizes  
7 the need for immediate action, claiming that the consumer's computer is at risk. The  
8 telemarketer advises that it can assist but first needs remote access to the computer or device.  
9 Once remotely connected, the telemarketer or a "supervisor" employed by Defendant purports  
10 to confirm the existence of a serious computer virus or other security threat to the consumer's  
11 computer or device. Sometimes telemarketers claimed that hackers had already taken over the  
12 consumer's computer or email accounts and displayed a screen purporting to show, in real time,  
13 that the device was undergoing a further hacking attack. Imparting a sense of urgency,  
14 Defendant's representatives then claim that they will install high-quality network security  
15 software or take other actions to resolve the security threat in exchange for a substantial sum of  
16 money.

17 10. After purportedly installing high-quality network security software or otherwise  
18 addressing the "threats" to the consumer's computer, the telemarketer instructs the consumer to  
19 pay. At times, consumers have been asked to pay through credit card transactions using under  
20 the merchant account name "Coders for Hire" (and likely others) or by purchasing and  
21 supplying the numbers for gift cards. Consumers are routinely charged from several hundred to  
22 several thousand dollars for the fraudulent services.

1           11. At times, consumers who have already paid Defendant once for technical-  
2 support receive subsequent calls. During these call, the telemarketers concoct new phony  
3 reasons the consumer must purchase additional security software or additional services to avoid  
4 serious new computer viruses or other threats to their devices. In some cases, consumers have  
5 been induced to make additional payments or grant access to their bank accounts in order to  
6 receive refunds of prior payments—refunds that never occur.

7           12. Since 2017, consumers, including consumers in this district, have filed  
8 complaints about Defendant on Consumer Sentinel, a consumer complaint database maintained  
9 by the Federal Trade Commission (“FTC”). These complaints have continued into January and  
10 February of 2019 and include an incident where an elderly consumer reports being induced to  
11 pay \$6000 in gift cards for Defendant’s fraudulent services.

12                   **B. Defendant’s Knowledge of Fraud**

13           13. Upon information and belief, the United States alleges that Defendant has  
14 knowledge and is in fact a willing and active participant in the pervasive fraud perpetrated in its  
15 name. Defendant hires and trains personnel to perpetuate its scheme through misrepresentations  
16 contained in scripts that it has prepared for this purpose. On publicly available websites,  
17 consumers specifically complain about the Defendant’s impersonation of legitimate technology  
18 companies and misrepresentations made by telemarketers acting at Defendant’s direction about  
19 computer threats present on consumer’s computers and the value of software purportedly  
20 installed.

21                   **C. Harm to Consumers**

22           14. Consumers suffer financial losses from the wire fraud scheme facilitated by the  
23 Defendant. Those victimized by the scheme reside across the United States, including in this

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

4 **COUNT I**  
5 **(18 U.S.C. § 1345 – Injunctive Relief)**

6 15. The United States re-alleges and incorporates by reference Paragraphs 1 through  
7 14 of this Complaint as though fully set forth herein.

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

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

16 18. As a result of the foregoing, Defendant's conduct should be enjoined pursuant to  
17 18 U.S.C. § 1345.

18 **V. PRAYER FOR RELIEF**

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

21 A. That the Court issue a preliminary injunction and permanent injunction,  
22 pursuant to 18 U.S.C. § 1345, that Defendant, its agents, officers, and employees, and all other  
23 persons or entities in active concert or participation with them, are restrained from:

- (1) using wire communications in interstate or foreign commerce for the purpose of executing any scheme and artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises;
- (2) conducting or purporting to conduct any consumer technical-support services; and

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

Respectfully submitted this 5<sup>th</sup> day of March, 2019.

GUSTAV W. EYLER  
Acting Director  
Consumer Protection Branch

/s/ Daniel K. Crane-Hirsch  
Daniel K. Crane-Hirsch  
Consumer Protection Branch  
United States Department of Justice  
P.O. Box 386  
Washington, DC 20044  
Tel.: 202-616-8242  
Fax: 202-514-8742  
Email: [daniel.crane-hirsch@usdoj.gov](mailto:daniel.crane-hirsch@usdoj.gov)

BRIAN T. MORAN  
United States Attorney

/s/ Kayla C. Stahman  
KAYLA C. STAHMAN, CA #228931  
Assistant United States Attorney  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
Phone: 206-553-7970  
Fax: 206-553-4067  
Email: [kayla.stahman@usdoj.gov](mailto:kayla.stahman@usdoj.gov)

Counsel for United States of America

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an employee in the Office of the United States Attorney for the Western District of Washington and is the person of such age and discretion as to be competent to serve papers;

It is further certified that the United States will be submitting said pleading to the Central Authority of India for service in accordance with the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the "Hague Service Convention") and India's declarations and reservations pursuant thereto.

The address for Defendant ELAGOON BUSINESS SOLUTIONS PVT. LTD., d/b/a Computer Phone Assist, is:

Elagoon Business Solutions Private Limited  
MARTIN BURN BUSINESS PARK SUITE NO.-7B  
BLOCK-BP 3  
SECTOR V, SALT LAKE  
700091 Kolkata  
West Bengal  
India

Dated this 5th day of March, 2019.

/s/ Thomas Everett  
THOMAS EVERETT  
Paralegal  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
Phone: (206) 553-7970  
Fax: (206) 553-0882  
E-mail: [thomas.everett@usdoj.gov](mailto:thomas.everett@usdoj.gov)

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Department of Justice Consumer Protection Branch
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CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk