

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
FOR HILLSBOROUGH COUNTY, FLORIDA**

**STATE OF FLORIDA,
OFFICE OF THE ATTORNEY GENERAL,
DEPARTMENT OF LEGAL AFFAIRS,**

Plaintiff,

vs.

**CASE NO.:
DIVISION:**

**GLOBAL INFORMATION GROUP, INC.;
GIG LIQUIDATION, INC.,
f/k/a GLOBAL INFORMATION GROUP, INC;
EDWARD S. HERZOG; LAURIE J. MISNER;
ONE OR MORE JOHN DOES;
AND ONE OR MORE DOE CORPORATIONS,**

Defendants.

COMPLAINT FOR INJUNCTIVE AND OTHER STATUTORY RELIEF

Plaintiff, STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL,
DEPARTMENT OF LEGAL AFFAIRS, sues Defendants, GLOBAL INFORMATION GROUP,
INC.; GIG LIQUIDATION, INC., f/k/a GLOBAL INFORMATION GROUP, INC.; EDWARD
S. HERZOG; LAURIE J. MISNER; ONE OR MORE JOHN DOES; AND ONE OR MORE
DOE CORPORATIONS (collectively, the "Defendants"), and alleges:

1. This is an action for temporary and permanent injunctive relief, damages, civil penalties, and other statutory relief brought pursuant to the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), Sections 501.201, et seq., Florida Statutes. (2005).

2. The Plaintiff is an enforcing authority of FDUTPA and is authorized to seek injunctive relief and other statutory relief pursuant thereto.

3. This Court has jurisdiction pursuant to the provisions of FDUTPA.

4. The Attorney General has reviewed this matter and determined that this action serves the public interest.

5. Defendant Global Information Group, Inc. (“Global”) is a Florida corporation with its principal place of business at 10928 North 56th Street, Temple Terrace, Hillsborough County, Florida. On information and belief, Defendant Global has, through deceit, trickery, and dishonesty, attempted to obtain and has, on information and belief, obtained private customer information and received proceeds from the sale of such information.

6. Defendant GIG Liquidation, Inc. (“GIG”), is a successor in interest to Global Information Group, Inc.(pursuant to a name change amendment in 2005) and was formed on or about 1997. Defendant GIG is an administratively dissolved Florida corporation with its principal place of business at 4230 South MacDill Avenue, Suite E, Tampa, Hillsborough County, Florida. On information and belief, Defendant GIG, in its current or predecessor name, has, though deceit, trickery, and dishonesty, attempted to obtain and has, on information and belief, obtained private customer information without customer consent and received proceeds from the sale of such information.

7. Defendant Laurie J. Misner is the President of Global Information Group, Inc. and, on information and belief, controls or participates in the control and operations of Global. Defendant Misner, on information and belief, resides at 2830 N.E. 20th Avenue, Lighthouse Point, Broward County, Florida. At all times material hereto, Defendant Misner directly participated in the conduct; or directed or controlled the practices and policies of Defendants, and had actual or constructive knowledge of or exercised a reckless indifference to the Defendants'

conduct alleged herein. On information and belief, Defendant Misner, individually, or in the capacity as a principal and President of Global, has through deceit, trickery, and dishonesty, attempted to obtain and, on information and belief, obtained private customer information without customer consent and received proceeds from the sale of such information.

8. Defendant Edward Herzog is, on information and belief, a principal of Global, and has been the principal of GIG since at least 2004. Defendant Herzog resides at 4302 Carrollwood Village Drive, Tampa, Hillsborough County, Florida. At all times material hereto, Defendant Herzog directly participated in the conduct; or directed or controlled the practices and policies of Defendants, and had actual or constructive knowledge of or exercised a reckless indifference to the Defendants' conduct alleged herein. On information and belief, Defendant Herzog, individually, or in his capacity as President of GIG or principal of Global has through deceit, trickery, and dishonesty, attempted to obtain and, on information and belief, obtained private customer information without customer consent and received proceeds from the sale of such information.

9. Defendants John Does, and Doe Corporations, whose names presently are unknown to Plaintiff, are one or more individuals and corporations that are affiliated, related to, owned, controlled by, doing business with, or in active concert or participation with, one or more Defendants, and, on information and belief, are doing business in Florida. The John Does and Doe Corporations, on information and belief, have requested private customer information without customers' consent or have illicitly obtained and disseminated private customer telephone records and/or have received proceeds from the sale of such information.

10. The statutory violations and Defendants' activities alleged herein occurred in or

affect more than one jurisdiction, including this judicial circuit and Hillsborough County, Florida.

11. Venue is proper before this Court as the Defendants do business in Hillsborough County, Florida, and initiated numerous calls while employing, on information and belief, falsity and deception to fraudulently obtain telephone records in the course of their operations in Hillsborough County, Florida. Section 817.568(16), Fla.Stat. further states, "Notwithstanding any other provision of law, venue for this prosecution and trial may be commenced and maintained in any county in which an element of the offense occurred, including the county where the victim generally resides."

12. At all times material hereto, Defendants have operated in Florida and were engaged in a trade or commerce. This Court has personal jurisdiction over the Defendants in connection with the claims asserted in this Complaint in that the Defendants have intentionally utilized falsity and deception to procure telephone records from their operations in Hillsborough County, Florida.

13. On November 2, 2005, in the case of Cellco Partnership d/b/a Verizon Wireless v. Global Information Group, Inc., et al, Hillsborough County Circuit Court Judge Marva Crenshaw granted a Temporary Injunction against Defendants, enjoining Defendants from "any further attempts to obtain customer information from Verizon Wireless, using Verizon Wireless' employees' and customers' identities for any purpose, any further contact with Verizon Wireless customer service centers, providing any such customer information currently in their possession to third parties, and possessing all documents, regardless of form or manner of storage, containing Verizon Wireless' confidential customer information." (See Order, Case No.

05-09757 entered November 2, 2005, attached hereto as Exhibit "A").

14. On February 2, 2006, in the case of T-Mobile USA, Inc. v. Anderson, et al. (in which Global Information Group, Inc. is a Defendant), Washington Superior Court, King County Judge Greg Canova entered an Order for Permanent Injunction pursuant to a Stipulation, enjoining Global and its officers, agents, and employees from obtaining or attempting to obtain or sell customer information from T-Mobile, using T-Mobile employees' and customers' identities for any purpose, and any further contact with T-Mobile customer service centers. (See Order, Case No.0602004163-1 entered February 2, 2006, attached hereto as "Exhibit "B").

15. The instant action by Plaintiff seeks relief from Defendants' practices for all Florida consumers and for all telecommunications providers (hereinafter "telephone companies" regardless of business structure) providing wireless and landline services to Florida consumers.

THE COURSE AND CONDUCT OF DEFENDANTS' BUSINESS

16. On information and belief, Defendants use customers' personal identification information, without customers' consent, to unlawfully obtain confidential customer telephone records, including call records, from telephone companies and distribute the records to their customers for Defendants' financial benefit. On information and belief, Defendants procure customer telephone records through willful false statements, misrepresentations or omissions of material facts made to induce reliance on such statements or omissions to the extreme detriment of Floridians and telephone companies serving Florida customers.

17. Providers of wireless and landline telephone services are required to maintain the privacy of customer proprietary information, including customer account records, pursuant to

state and federal law, including §364.24, Fla. Stat., and Title 47 U.S.C. § 222. Customer account records, including call detail and inbound and outbound telephone numbers, are available to legitimate customers of the telephone companies through their customer service departments. Customers may access the customer service departments by calling either the toll-free number provided by the company, or a designated access code from their wireless telephone for wireless companies.

18. On information and belief, Defendants have made "social engineering" telephone calls to telephone company customer service centers. In a "social engineering" call, the caller uses personal identification information to attempt to gain access to confidential information through deceit, either by impersonating a customer or employee, or otherwise convincing the customer service representative to provide private information on an account without the customer's consent or knowledge.

19. One telephone company with offices and customers in Florida, Verizon Wireless, received literally thousands of telephone calls from telephone lines to which Global subscribed. Pursuant to the verified Complaint filed in this judicial circuit by Verizon Wireless, it is alleged that over 5100 calls from September 14, 2005 through October 19, 2005 were logged by Verizon Wireless' customer service centers from one originating telephone number (813) 868-0710. On information and belief, several other telephone companies with customers in Florida received thousands of calls at their customer service centers from telephone numbers connected to Global or other Defendants.

20. On information and belief, Defendants use personal identification information to wrongfully obtain confidential consumer information, such as a consumer's call records, through

fraud and deception by engaging in "social engineering," improper hacking, and/or unauthorized access to online account information. (See transcripts of telephone calls made from a subscribed telephone line of Global to Verizon Wireless customer service, attached hereto as Exhibits "C" and "D." Such exhibits were appended to the verified complaint of Verizon Wireless).

21. On information and belief, in each of these "social engineering" type calls, Defendants have used personal identification information without the consent or knowledge of the customer and sought to extract confidential information on telephone company customers, and subsequently provided that information to third parties who paid Defendants for that purpose.

22. On information and belief, Defendants' pattern of deception and fraud continued even after entry of an Order prohibiting such conduct with respect to Verizon Wireless. After the November 2005 temporary injunction, Defendants continued to call telephone companies with customers in Florida.

23. On information and belief, some of the Defendants, or all of them, are collaborating to wrongfully obtain confidential calling records and private information to which they are not entitled, to the extreme detriment of Florida consumers.

24. On information and belief, Defendants also work with or through other business entities and individuals (Doe Corporations and Does) that collaborate with Defendants to fraudulently obtain and disseminate confidential information on telephone company customers.

COUNT I
DECEPTIVE AND UNFAIR TRADE PRACTICES
CONDUCT VIOLATING § 817.568,
CRIMINAL USE OF PERSONAL IDENTIFICATION INFORMATION,
VIOLATES CHAPTER 501, PART II, FLORIDA STATUTES

25. Plaintiff hereby incorporates by reference and realleges paragraphs 1 through 24, as if fully set forth below.

26. A violation of the Florida Deceptive and Unfair Trade Practices Act may be based on any law which proscribes "unfair, deceptive, or unconscionable acts or practices." §501.203(3)(c), Fla. Stat.

27. Pursuant to Section 817.568(2)(a), Fla.Stat.(2005) it is a felony offense for any person to "willfully and without authorization fraudulently [use], or possess with intent to fraudulently use, personal identification information concerning an individual without first obtaining that individual's consent."

28. Section 817.568(1)(f), Fla.Stat. (2005) defines "personal identification information" as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any name, postal or electronic mail address, telephone number, social security number, [etc]."

29. As set forth in paragraphs 1 through 24, Defendants have willfully and repeatedly obtained, possessed, and through intentional false statements, misrepresentations or omissions of material facts made to induce reliance on such statements or omissions to the extreme detriment of Floridians and telephone companies serving Florida customers, fraudulently used, or possessed with intent to fraudulently use, personal identification information of consumers without their knowledge or consent in violation of Section 817.568, Fla.Stat.

30. Section 817.568, Fla.Stat., proscribes an act that is unfair, deceptive, or unconscionable, and Defendants' violations of Section 817.568, Fla. Stat., constitute per se violations of FDUTPA pursuant to Section 501.203(3)(c), Fla. Stat.

31. Defendants willfully engaged in deceptive and unfair acts and practices in that Defendants knew or should have known that the methods, acts or practices alleged herein were deceptive, unfair, or unconscionable, or prohibited by law.

32. Unless Defendants are permanently enjoined from engaging further in the acts and practices alleged herein, the continued activities of Defendants will result in irreparable injury to the public, for which there is no adequate remedy at law.

COUNT II
DECEPTIVE AND UNFAIR TRADE PRACTICES
CONDUCT VIOLATING CHAPTER 501, PART II, FLORIDA STATUTES

33. Plaintiff hereby incorporates by reference and realleges paragraphs 1 through 24 of the Complaint as if set forth completely herein.

34. Defendants, acting individually or in concert with others, have engaged in representations, acts, practices or omissions in trade or commerce which are material, and which are likely to mislead consumers acting reasonably under the circumstances; or Defendants have engaged in acts or practices in trade or commerce which offend established public policy and are unethical, oppressive, unscrupulous or substantially injurious to consumers.

35. Defendants willfully engaged in deceptive and unfair acts and practices in that Defendants knew or should have known that the methods, acts or practices alleged herein were deceptive, unfair, or unconscionable, or prohibited by law.

36. As set forth in paragraphs 1 through 24, Defendants have engaged in acts and practices that place the confidential information of the consumers of the State of Florida at substantial risk. Defendants' behavior is an unconscionable act and practice, and an unfair and deceptive act and practice, in the conduct of trade and commerce and constitutes a violation of Florida Deceptive and Unfair Trade Practices Act, §§ 501.201, et seq., Fla. Stat.

37. Unless Defendants are permanently enjoined from engaging further in the acts and practices alleged herein, the continued activities of Defendants will result in irreparable injury to the public, for which there is no adequate remedy at law.

COUNT III
CIVIL CONSPIRACY

38. Plaintiff hereby incorporates by reference and realleges paragraphs 1 through 24 of the Complaint as if set forth completely herein.

39. As set forth in paragraphs 1 through 24, and on information and belief, in connection with the foregoing actions, Defendants and their customers who purchased personal telephone records, have entered into an agreement or confederation with a common design to engage in an unlawful purpose of converting confidential consumer information, procured through a willful pattern of deception, or false statements, material misrepresentations or omissions of material facts made to induce reliance on such statements or omissions to the extreme detriment of Florida consumers and telephone companies serving Florida consumers, and/or a violation of FDUTPA, which agreement has caused the security of Florida telephone service consumers to be compromised and has caused them to suffer irreparable harm and

damages.

40. Defendants have acted willfully and wantonly, and with malice.

41. In engaging in the foregoing conduct, one or more of Defendants have engaged in overt acts in furtherance of the conspiracy, which have been the actual and proximate cause of damage to consumers in the State of Florida.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, State of Florida, Department of Legal Affairs, Office of the Attorney General, asks for judgment under Counts I, II, and III:

A. Temporarily and permanently enjoining Defendants, their agents and those persons in active concert or participation with them who receive actual notice of the injunction, from engaging in the acts and practices in violation of provisions of Section 817.568, Florida Statutes (2005), as specifically alleged above, and any similar acts and practices;

B. Temporarily and permanently enjoining Defendants, their agents and those persons in active concert or participation with them who receive actual notice of the injunction, from engaging in the acts and practices in violation of provisions of Chapter 501, Part II, Florida Statutes (2005), as specifically alleged above, and any similar acts and practices;

C. Specifically, enjoining Defendants, as follows:

- (1) Prohibiting Defendants from initiating any further attempts to obtain customer information including, but not limited to, calling or billing records, from any telephone company (defined herein to include any telecommunications provider, regardless of business structure) doing business in the State of Florida;
- (2) Prohibiting Defendants from using any telephone company employees'

identities and customers' identities for any purpose;

- (3) Prohibiting Defendants from engaging in any further contact with the customer service centers of any telephone company doing business in the State of Florida pertaining to any matter that is not directly related to Defendant's own account(s);
- (4) Prohibiting Defendants from selling, transferring or disclosing any such consumer information obtained from telephone companies currently in their possession to third parties;
- (5) Prohibiting Defendants from possessing all documents, regardless of form or manner of storage, containing confidential consumer information obtained from telephone companies;
- (6) Prohibiting Defendants from forming a business or organizational identity as a method of avoiding the terms and conditions of the Injunction;
- (7) Requiring Defendants to relinquish all consumer telephone records and personal identification information in their possession, including copies of documents previously relinquished to other persons pursuant to law; and
- (8) Requiring Defendants to disclose the terms and conditions of the Injunction to all officers, employees, representatives, agents, successors, assigns, or any other person who acts under or who will act under, by, through, or on behalf of Defendants, or any of them, engaged in any private investigation operations and specifically including any activity involving the use of personal identification information to obtain telephone records in violation of any law.

D. Assessing against Defendants, jointly and severally, civil penalties in the amount of Ten Thousand Dollars (\$10,000) for each violation of Chapter 501, Part II, Florida Statutes, in accordance with Section 501.2075, Florida Statutes. (2005).

E. Awarding the Attorney General attorney's fees and costs pursuant to Section 501.2105, Florida Statutes. (2005).

F. Requiring Defendants to disgorge all revenue, and all interest or proceeds derived therefrom, generated as a result of the unconscionable, unfair and deceptive practices set

forth in this complaint.

G. Awarding compensatory actual damages and costs to each individual consumer and to the State of Florida.

H. Awarding actual damages to each individual consumer.

I. Declaring the practices described in this complaint as unlawful.

J. Granting such other and further legal and equitable relief against Defendants to which Plaintiff may be entitled, including:

(i) accounting(s) of each and every person or entity that has been provided with confidential consumer information;

(ii) accounting(s) of each and every consumer and telephone number that has been compromised, a listing of all personal telephone records that have been sold to third parties, and identification of the person(s) to whom such information was sold or transferred;

(iii) accounting(s) of all funds procured (a) through monies obtained through unlawful activities, or (b) procured through financing obtained in reliance on assets, revenues, draws, or income derived through unlawful means;

(iv) freezing Defendants' assets, except as provided by the Court;

(v) temporarily enjoining Defendants from transferring an interest in or title to non-homestead real estate located in Florida, unless Defendant provides 60 days notice to the Court and the parties of intent to transfer such an interest or title, and the date that any such sale will be transacted; and

(vi) revocation or suspension of any and all private investigator licenses maintained by Defendants or any of their employees or independent contractors.

K. Granting such other relief as this Court deems just and proper.

JURY TRIAL DEMANDED

Plaintiff demands trial by jury on all counts so triable.

Respectfully submitted,

CHARLES J. CRIST, JR.
ATTORNEY GENERAL

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