

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

BRYAN ANTHONY REO

7143 Rippling Brook Lane
Mentor, OH 44060

Case No. 1:13-md-02493-JPB-MJA

Plaintiff,

v.

ALLIANCE SECURITY INC.

85 Garfield Ave
Cranston, RI 02920

**JASJIT GOTRA (individually and as an
officer of Alliance Security Inc.)**

85 Garfield Ave
Cranston, RI 02920

Defendants.

**PLAINTIFF'S FIRST AMENDED COMPLAINT
(JURY TRIAL ENDORSED HEREON)**

COMPLAINT

BRYAN ANTHONY REO (Plaintiff), alleges the following against ALLIANCE SECURITY INC. and JASJIT GOTRA (Defendants):

I. INTRODUCTION

1. Plaintiff sues Defendants for statutory violations of the Ohio Consumer Sales Practices Act, R.C. §§ 1345.01 et seq. ("OCSPA") and the Ohio Telephone Solicitation Sales Act, R.C §§ 4719.01 *et seq* ("OTSSA").

II. PARTIES

2. Plaintiff is an adult natural person who is domiciled in Lake County, State of Ohio.

3. Defendant Alliance Security Inc. ("Defendant Corporation") is a corporation headquartered in Rhode Island, existing by and through the laws of the State of Delaware,

which does business in the State of Ohio as a registered foreign corporation: Defendant corporation maintains as its Ohio registered agent National Registered Agents, Inc., 1300 East Ninth Street, Cleveland, OH 44114.

4. Defendant Jasjit Gotra (“Gotra”) is a natural person, who is, upon information and belief, domiciled in Rhode Island. He is named in the instant action in his individual capacity and his capacity as an officer, president, director, and manager of Defendant Corporation.

III. JURISDICTION AND VENUE

5. This Court enjoys subject matter jurisdiction over the instant civil action because the amount in controversy exceeds five hundred dollars (\$500.00) and involves a claim for violations of R.C. § 2305.01;

6. This Court enjoys personal jurisdiction over Defendants because Defendants transacted business in the State of Ohio thereby causing Plaintiff’s causes of action against Defendants to arise and because Defendants caused tortious injury to Plaintiff in the State of Ohio by an act outside of the State of Ohio that was committed by Defendants with the purpose of injuring Plaintiff when Defendants might reasonably have expected that Plaintiff would be injured in the State of Ohio. R.C. §§ 2307.382(A)(1) and (6); Civ.R. 4.3(A)(1) and (9).

7. Venue is proper with this Court because Plaintiff resides in Lake County, State of Ohio, and the Court’s personal jurisdiction over Defendants exists via Civ.R. 4.3. Civ.R. 3(B)(7).

IV. STATEMENT OF FACTS

8. Plaintiff's residential telephone line has been listed on the national Do Not Call Registry since before Defendants called Plaintiff's residential telephone line as detailed in this Complaint.

9. Defendants made telephone calls to Plaintiff's residential telephone from—but not limited to— telephone number: (412) 430-5584, (214) 447-7468, (815) 687-8515, (440) 999-8003, (440) 617-5633, (440) 252-3358, (732) 759-2044, and (214) 452-1496.

10. Upon information and belief Defendants and the entities they engage to make unlawful telemarketing calls on its behalf engage in extensive and routine “spoofing” (falsifying) of Caller ID information in an effort to make it difficult to track them down and for them to be held to account for their flagrant violations of relevant telemarketing and consumer statutes.

11. Defendants place telephone calls to Plaintiff at telephone number (440) 352-6060, Plaintiff's telephone.

12. Defendants called Plaintiff's residential telephone on April 23, 2014, at approximately 7:27 p.m. EST and initiated an unsolicited auto-dialed sales call involving a recorded and interactive message that consisted of an artificial or pre-recorded voice. Defendants used an Automated Telephone Dialing System (“ATDS”) which has the capability for predictive dialing—this is evidenced by the perceptible delay after Plaintiff said “Hello?” but before Defendants recorded message came on the call. Plaintiff attempted to ask questions but the call consisted of a message recording and could not address questions. Defendants' message identified the caller as representing “Home

Protection,” and proceeded to ask questions about whether or not Plaintiff owned a home alarm system. Plaintiff informed the interactive message program “no more calls” and insisted on not being called again. This particular do not call request came after numerous specific do not call requests had been made to live human callers in 2013 and earlier in 2014.

13. Defendants called Plaintiff’s residential telephone again on April 23, 2014, at approximately 7:30 p.m. EST and initiated an unsolicited auto-dialed sales call involving a recorded and interactive message. Defendants used an ATDS—this is evidenced by the perceptible delay after Plaintiff said “Hello?” but before Defendants came on the call. Plaintiff attempted to ask questions that the interactive program was not able to comprehend and said program—using a male voice—simply continued with its pre-programmed script and disregarded Plaintiff’s questions. Defendants’ interactive message identified the caller as representing “Alliance Security” and being named “Daniel.” Defendants’ interactive recorded message did not present an opportunity by which Plaintiff could opt out of being called in the future, but Plaintiff informed the interactive message program that Plaintiff did not authorize Defendants to call Plaintiff in the future.

14. Defendants called Plaintiff’s residential telephone on May 13, 2014, at approximately 4:11 p.m. EST and initiated an unsolicited auto-dialed sales call involving an interactive recorded message. Defendants used an ATDS—this is evidenced by the perceptible delay after Plaintiff said “Hello?” but before Defendant came on the call and also by the interactive message program falsely claiming to be a real person when Plaintiff asked “Are you a real person?” but said program was unable to answer specific

questions such as “Who is the alarm from?” and by the program always responding “That’s a great question for the specialist.” whenever Plaintiff asked a question related to the alarm system.

15. Defendants made dozens of calls to Plaintiff during 2012, 2013, 2014, and into 2015. Almost all of the calls consisted of recorded messages, usually with a male voice, often identifying himself as “Tom” with “Home Protection.” On a number of instances after reaching a live human operator Plaintiff inquired as to the name of the company, and was then told, “Alliance Security.”

16. Defendant has made the following calls to Plaintiff, which consisted of artificial voice recordings, without Plaintiff’s consent, for the purposes of commercial solicitation attempts, all occurring after Plaintiff had previously made a “do not call” request in 2013 and again in the first weeks of 2014, on the following dates and times. 4/23/2014 19:27 hours, 4/23/2014 19:30 hours, 5/13/2014 16:11 hours, 5/13/2014 15:37 hours, 5/13/2014 17:35 hours, 5/13/2014 17:38 hours, 5/14/2014 13:51 hours, 5/14/2014 15:23 hours, 5/15/2014 14:39 hours, 11/12/2015 17:42 hours. These ten (10) calls represent only a portion of the calls made by Defendant to Plaintiff.

17. Based upon information and belief, Defendants initiated numerous separate auto-dialed calls involving recorded messages, interactive messages, and some live human employees or agents, to Plaintiff during the period in question.

18. Based upon information and belief, Defendant Gotra directs Defendant Corporation to make calls to Ohio residents such as Plaintiff for the benefit of Defendant Corporation and the benefit of Defendant Gotra.

19. Defendant Gotra is under a consent decree judgment with the FTC that prohibits him from serving as a director of any company involved in unlawful telemarketing. Gotra's continued activity as a telemarketing director and president of Defendant Corporation is an affront to this nation's system of justice.

20. Defendants called Plaintiff's residential telephone for the purpose of encouraging the purchase or rental of, or investment in, goods or services, which is transmitted to any person, thereby engaging in "telephone solicitation" as that term is defined by R.C. §§ 4719.01(A)(7).

21. Defendants regularly, on behalf of itself or others, engage in telephone solicitation as a matter of business practice.

22. Plaintiff does not have any relationship with Defendants and Plaintiff never provided Defendants with express consent for Defendants to call Plaintiff's residential telephone.

23. Plaintiff has made numerous specific "do not call" requests to Defendants during a number of the calls in question.

24. All telephone calls made by Defendants to Plaintiff as described in this Complaint constitute commercial advertising.

25. Plaintiff further notes that, based upon information and belief, Defendants has not obtained a solicitor surety bond with the State Attorney General's office per R.C. §§ 4719.08(B) and that each of the calls made by Defendant was made without defending having a solicitor surety bond.

26. Plaintiff further notes that Defendants violated R.C. §§ 4719.21(B) by intentionally blocking the number displayed on the Caller ID of the Plaintiff's phone by

causing to be displayed a number that is not actually their true phone number but rather is a spoofed number of a number not in service, a number which Plaintiff was not able to use to reach anybody despite repeatedly dialing the number in an attempt to communicate more “do not call” requests to Defendants or Defendants’ agents.

27. As a result of Defendants’ conduct as described in this Complaint, Plaintiff has suffered damages.

V. CAUSES OF ACTION

COUNT I STATUTORY VIOLATIONS OF THE OCSPA

28. Plaintiff incorporates by reference Paragraphs 1-27 and 36-46 of this Complaint as if each is set forth herein.

29. Defendants are “persons” as defined by R.C. § 1345.01(B).

30. Defendants are a “supplier” as defined by R.C. § 1345.01(C), specifically they offer to supply home security alarm systems, installation of home security alarm systems, and then monitoring services for these alarm systems.

31. Plaintiff is a “consumer” as defined by R.C. § 1345.01(D).

32. A “consumer transaction” as defined by R.C. § 1345.01(A) occurred whenever Defendants solicited Plaintiff via phone to purchase goods or services as detailed within this Complaint.

33. Defendants committed unfair and deceptive acts in connection with a consumer transaction when Defendants violated R.C. § 1345.02 by knowingly failing to comply with telemarketing regulations, specifically failing to mention that the purpose of the call was to make a sale. Furthermore Defendants failed to honor do not call requests and defendant failed to comply with the Ohio Telephone Solicitation Sales Act. Defendants

also failed to honor the Do Not Call Registry, they violated a consent decree judgment with the FTC, they violated Plaintiff's specific requests to be placed on Defendant's internal "do not call" list, and they called Plaintiff with a pre-recorded voice message in violation of 16 CFR § 310.4(b)(v) which is violative of R.C. 1345.02(A)

34. Plaintiff is statutorily entitled to three (3) times the amount of Plaintiff's actual economic damages or two hundred dollars (\$200.00)—whichever is greater—, plus an amount not exceeding five thousand dollars (\$5,000.00) in noneconomic damages for each violation of the OCSPA. R.C. § 1345.09(B).

35. Since Defendants knowingly committed an act or practice that violates the OCSPA, Plaintiff may be awarded reasonable attorney's fees to litigate the instant civil action. R.C. § 1345.09(F)(2).

36. Defendants committed numerous violations of the Ohio Consumer Sales Practices Act and Plaintiff seeks recovery of statutory penalties for each of the approximately several dozen violations. Plaintiff seeks statutory and treble damages in an amount of \$200 per violation for approximately 100 separate and distinct violations of the OCSPA.

COUNT II
OHIO TELEPHONE SOLICITATION SALES ACT

37. Plaintiff incorporates by reference Paragraphs 1-36 and 40-46 of this Complaint as if each is set forth herein.

38. Defendants have failed to honor state and federal "Do Not Call" registries, Defendants have continued to call Plaintiff despite specific "do not call requests" made by Plaintiff to Defendants and Defendants have falsified the caller ID information. Calls made after the "do not call" request made by Plaintiff. Defendants violated R.C. 4719.07.

39. Upon information and belief Plaintiff alleges that Defendants do not have the required certificate of registration issued by the Ohio State Attorney General's Office as required by R.C. 4719.02 to solicit Ohio consumers by telephone which is a per se violation of the TSSA and is deemed "unfair or deceptive" under R.C. 1345.02. A violation of the TSSA is also a per se violation of the OCSPA.

**COUNT III
COMMON LAW PIERCING OF THE CORPORATE VEIL**

40. Plaintiff incorporates by reference Paragraphs 1-39 of this Complaint as if each is set forth herein.

41. Upon information and belief Gotra is the individual shareholder of Defendant Corporation.

42. Gotra's control over Defendant Corporation is so complete that the corporation has no separate mind, will, or existence of its own.

43. Gotra's control over Defendant Corporation is exercised in such a manner as to commit fraud or an illegal act against the person seeking to disregard the corporate entity.

44. An injury or unjust loss resulted to Plaintiff from the Gotra's control over Defendant Corporation and Defendant's wrongs committed against Plaintiff.

45. Gotra is already under a consent decree judgment with the FTC to refrain from ever engaging in unlawful telemarketing or serving as a director or in any managerial capacity of a corporation engaged in unlawful telemarketing. See *United States v. Versatile Marketing Solutions et al.*, Case No. 1:14-cv-10612 (District of Massachusetts). It is reasonable to infer that Gotra has re-organized Versatile Marketing Solutions into Alliance Security Inc. solely and for the express purpose of advancing his business model

of flagrantly violating telemarketing laws and regulations while attempting to avoid liability.

46. It is equitable for the Court to pierce the corporate veil of Defendant Corporation and hold Gotra personally liable as he is already individually subject to an FTC consent judgment which he appears to have violated before the ink on that agreement even dried.

VI. PRAYER FOR RELIEF

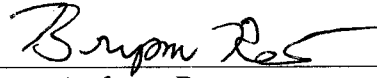
WHEREFORE, Plaintiff prays that this Court will:

47. Enter judgment against Defendants in Plaintiff's favor in an amount of money not to exceed (\$50,000.00) for statutory damages and treble damages. Plaintiff seeks an amount of no more than \$50,000.00 [fifty thousand dollars] inclusive of all damages, costs, fees, in the aggregate.
48. Plaintiff respectfully requests that this matter be referred to the Ohio Attorney General's Office and the Office of the Prosecutor for Lake County Ohio so that an investigation can begin into Defendant's possible violations of R.C. 4719.99, because violations of R.C. 4719.99 are felonies of the fourth degree in the state of Ohio and Defendant clearly has a long and ignoble history of violating telemarketing laws and engaging in a pattern of conduct that might justify a criminal investigation and subsequent indictment. Jasjit Gotra, individually and as the President of Versatile Marketing solutions (now known as Alliance Security Inc.) entered into a consent judgment with the Federal Trade Commission that he will not in any way operate, direct, manage, or otherwise conduct a telemarketing business that violates any telemarketing regulations and yet here we are now in 2017 with Mr. Gotra conducting relentless and remorseless campaigns of telephone harassment against the citizens of this state who want to be left alone. See

United States v. Versatile Marketing Solutions et al., Case No. 1:14-cv-10612 (D. Mass.)

In short, the \$320,000 dollar slap on the wrist given to Gotra by the FTC in 2014 was clearly insufficient to deter him from continued and ongoing unlawful telemarketing.

RESPECTFULLY SUBMITTED,



Bryan Anthony Reo
7143 Rippling Brook Lane
Mentor, Ohio 44060
Phone (440) 313-5893
E-Mail: breo08@jcu.edu
Plaintiff

JURY TRIAL DEMAND

Plaintiff respectfully demands a trial by jury on all of the issues set forth herein that are triable by right. Civ.R. 38.