

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

CASE NO.:

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VESNA BACIC,

Defendant.

**UNITED STATES OF AMERICA’S COMPLAINT FOR
PERMANENT INJUNCTION**

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

INTRODUCTION

1. Starting as early as April 2017 and continuing to the present, Defendant has assisted and facilitated a predatory wire fraud scheme that primarily victimizes senior citizens of the United States. The scheme operates by having telemarketers pose as purported computer technicians to fraudulently induce U.S. consumers to pay for phony or otherwise misrepresented technical support services related to computers.

2. The United States seeks to prevent continuing and substantial injury to consumers victimized by this fraudulent scheme by bringing this action for a permanent injunction 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

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

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

PARTIES

5. Plaintiff is the United States.

6. Defendant is a resident of Columbia, Maryland, and previously was a resident of Broward County in the Southern District of Florida. Defendant Bacic transacts or has transacted business in the Southern District of Florida. Defendant knowingly has used bank accounts, money transmitting services, and stored value cards to facilitate a fraudulent technical support scheme.

DEFENDANT'S ONGOING FRAUDULENT SCHEME

7. Since at least as early as April 2017, Defendant has assisted and facilitated a large-scale technical support scheme by accepting consumer payments and forwarding proceeds to perpetrators of the scheme.

8. 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 a telephone number, which the telemarketers answer.

9. 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.

10. At times during the scheme, the telemarketers tell consumers to provide their bank account information to the telemarketers over the telephone. Using that information, the telemarketers cause unauthorized bank account transfers to be made out of the consumers' accounts. The typical cost to consumers deceived into making payments ranges between several hundred to thousands of dollars.

11. Since at least April 2017, numerous consumers have been victimized by the fraudulent technical support scheme facilitated by Defendant. Defendant plays a critical role in accepting unauthorized or fraudulently-induced payments initiated by the telemarketers. Defendant then forwards the funds received from consumers to the scheme perpetrators. These transactions take place through various means, including wire transmission, bank account transfers, and stored value card credit.

DEFENDANT'S KNOWLEDGE OF FRAUD

12. Upon information and belief, the United States alleges that Defendant has knowledge that her conduct facilitates a fraudulent scheme involving the purported offer of technical support services in exchange for consumer payments.

HARM TO CONSUMERS

13. Consumers suffer financial losses from the wire fraud scheme facilitated by Defendant. Consumers victimized by the scheme reside throughout the United States.

14. The scheme disproportionately affects elderly consumers.

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

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

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

17. 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 or foreign wire communications.

18. 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 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.

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

DATED: October 3, 2018

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Respectfully Submitted,

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

CIVIL COVER SHEET

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 Vesna Bacic

(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)

- 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)

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

- Citizen of This State PTF DEF 1 1
Citizen of Another State PTF DEF 2 2
Citizen or Subject of a Foreign Country PTF DEF 3 3
Incorporated or Principal Place of Business In This State PTF DEF 4 4
Incorporated and Principal Place of Business In Another State PTF DEF 5 5
Foreign Nation PTF DEF 6 6

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

- CONTRACT: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans (Excl. Veterans), 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise
REAL PROPERTY: 210 Land Condemnation, 220 Foreclosure, 230 Rent Lease & Ejectment, 240 Torts to Land, 245 Tort Product Liability, 290 All Other Real Property
PERSONAL INJURY: 310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury, 362 Personal Injury - Med. Malpractice
TORTS: 365 Personal Injury - Product Liability, 367 Health Care/Pharmaceutical Personal Injury Product Liability, 368 Asbestos Personal Injury Product Liability
PRISONER PETITIONS: Habeas Corpus: 463 Alien Detainee, 510 Motions to Vacate Sentence, Other: 530 General, 535 Death Penalty, 540 Mandamus & Other, 550 Civil Rights, 555 Prison Condition, 560 Civil Detainee - Conditions of Confinement
FORFEITURE/PENALTY: 625 Drug Related Seizure of Property 21 USC 881, 690 Other
LABOR: 710 Fair Labor Standards Act, 720 Labor/Mgmt. Relations, 740 Railway Labor Act, 751 Family and Medical Leave Act, 790 Other Labor Litigation, 791 Empl. Ret. Inc. Security Act
BANKRUPTCY: 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157
PROPERTY RIGHTS: 820 Copyrights, 830 Patent, 835 Patent - Abbreviated New Drug Application, 840 Trademark
SOCIAL SECURITY: 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g))
FEDERAL TAX SUITS: 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS-Third Party 26 USC 7609
OTHER STATUTES: 375 False Claims Act, 376 Qui Tam (31 USC 3729 (a)), 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit, 490 Cable/Sat TV, 850 Securities/Commodities/Exchange, 890 Other Statutory Actions, 891 Agricultural Acts, 893 Environmental Matters, 895 Freedom of Information Act, 896 Arbitration, 899 Administrative Procedure Act/Review or Appeal of Agency Decision, 950 Constitutionality of State 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 October 3, 2018 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY RECEIPT # AMOUNT IFP JUDGE MAG JUDGE