

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT,
IN AND FOR PINELLAS COUNTY, FLORIDA

FEDERAL VERIFICATION CO., INC. d/b/a)
GSA APPLICATIONS,

Plaintiff,

v.

JOHN DOES 1-20,

Defendants.

520012DR009674XCICT
CASE NO.: 12009674CI-008

COMPLAINT

2012 AUG -3 PM 5:09

COMES NOW Plaintiff FEDERAL VERIFICATION CO., INC., d/b/a GSA APPLICATIONS ("GSA Applications"), by undersigned counsel, and for its Complaint respectfully represents as follows:

JURISDICTION AND PARTIES

- 1.This is an action at law and for equitable relief by the Court and within the jurisdiction of this Court.
- 2.This is also a claim for damages that is in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of costs and interest.
- 3.Plaintiff, FEDERAL VERIFICATION CO., INC. is a corporation organized and existing under the laws of the State of Florida with its principal place of business in Oldsmar, Florida.
- 4.Defendants John Does 1 through 20 are unknown persons, firms, entities, or corporations that have engaged in various illegal, unauthorized, and wrongful actions against FEDERAL VERIFICATION CO., INC. as hereinafter described. Defendants' identities, locations, and

residences are currently unknown to FEDERAL VERIFICATION CO., INC. because Defendants, in perpetrating their illegal, unauthorized, and wrongful actions, have intentionally hidden their identities to evade detection. However, upon information and belief, Defendants are located within the State of Florida.

5. In order to perpetrate their unlawful actions against FEDERAL VERIFICATION CO., INC, Defendants have specifically targeted GSA Applications in Florida and have utilized Internet websites, including but not limited to “www.facebook.com” and “www.google.com”, that are widely accessible and utilized throughout the State of Florida.

6. Venue in this matter is in Pinellas County, Florida, in that the cause of action accrued in Pinellas County, Florida.

7. This Court has subject matter jurisdiction pursuant to §§ 34.11 and 34.011, Fla. Stat., as this is an action in law and in equity cognizable by the circuit courts.

GENERAL ALLEGATIONS

8. FEDERAL VERIFICATION CO., INC.'S' mission is to help small businesses get awarded a General Services Administration contract, as it understands the important role that small businesses play in the economy. It lends its expertise to assist with the General Services Administration (“GSA”) application process and related marketing so that qualifying companies can participate in government contracting and benefit from government-mandated spending with small businesses.

9. On or about February 8, 2012, Defendants created multiple accounts on www.facebook.com. These accounts purported to be for GSA Applications and individuals named James Sprecher and Phillip Sprecher. Defendants posted false and defamatory

statements on these accounts, including but not limited to: "a veteran biz owner lost his business due to them. They are a real business but with poor business practices who take your money and you have to hound constantly to get your file completed. Mine was never completed"; "The owner is actually Jim Sprecher he owns this company and all of him you see on rip-off report. But it's worse than that. ... Churches are non-profits so he can steal money from people with GSA Application Services then spend money on the church that pays no taxes. ... Call the Attorney General if you ever dealt with any of his bizs and help other victims of this scam artist. ... Plus about 100 ex-employees like me who know the truth"; "It is only because of the unscrupulous background of the owner Jim Sprecher, and he is the owner ... that they have to attack anyone else trying to make a living. They do provide a service but they need to devote their time to providing it. And why do they have an attorney in house? so they don't have to refund your money when you figure out you don't need this or to tell you they will give you a nationwide add, in what?????"; "A big huge story is going to drop shortly on this company and their longstanding poor business practices of taking small businesses money and not delivering but to only a few"; and "Not only does this company take your money knowing you don't qualify they will never return it. They treat their employees like crap and take advantage of them at every turn. ... all the sales goes to 'In House' guess who that is Jim Sprecher the owner that's not the owner. ... They are afraid of a little honest competition and that's obvious by how low they are willing to stoop. This isn't an exclusive market there are a lot of companies out there that process GSA's for small businesses but none as dirty and under handed as GSA Application Services ... They refuse to play fair in a market that is open to everyone. Mr. Sprecher, thinks he has a exclusive to all

small businesses that need a GSA to work with the Federal Government. Sorry that is not how it works! Unfair with your competitors and your employees ... Now he is enlisting the employees to help bash the competitors by clicking on the negative garbage that he has put out there to begin with". Defendants also posted information about James Sprecher and Phillip Sprecher on the www.facebook.com accounts in an attempt to wrongly convince visitors that the two individuals are the owners of FEDERAL VERIFICATION CO., INC d/b/a GSA Applications when they are not. True and correct copies of some of these statements are attached hereto and made a part hereof as Exhibit A.

10. On or about June 2012, Defendants created a website on <http://sites.google.com/> containing false and defamatory statements regarding GSA Applications. These false and defamatory statements include, but are not limited to: "GSA Schedule Application Fraud", "GSA Application Services, a company with a fraudulent reputation ... Many small businesses report the company took their money and did nothing, while others report that the company submitted inaccurate or fraudulent data to the government on their behalf", "The purpose of this website is to inform the public of GSA Application Services' and Federal Verification Co., INC.'s fraudulent activities and to prevent future victim occurrences. If you would like to share any helpful information concerning fraudulent GSA application activities, please leave a comment below", "GSA Application Services is the subject of numerous complaints on the consumer protection site RipoffReport.com as well as 800notes.com for spamming, cold-calling and deceptive practices", "If you are a victim of GSA application fraud, please call the Florida Attorney General's office", "About the Scam", and "Are you a victim?" True and correct copies of some of these statements are attached hereto and made a

part hereof as Exhibit B.

11. On or about June 2012, Defendants purchased Google Adwords advertisements using a variant of GSA Applications' name as a keyword in order to link to false and defamatory website posts about GSA Applications. A true and correct copy of one of these advertisements is attached hereto and made a part hereof as Exhibit C.

12. Defendants have utilized numerous other websites, including but not limited to www.ripoffreport.com, www.800notes.com, and www.complaintwire.com, to post false and defamatory statements about GSA Applications.

13. Defendants' conduct is negligent, reckless, intentional, malicious, wanton, and/or represents a conscious and total disregard for the rights of FEDERAL VERIFICATION CO., INC d/b/a GSA Applications. Defendants' conduct caused, and continues to cause, GSA Applications to be seriously damaged.

COUNT I
DEFAMATION

14. The allegations contained in paragraphs 1 through 13 and all subsequent allegations are adopted and incorporated by reference as if set forth fully in this paragraph.

15. As described herein, Defendants have authored, published, and distributed materially false and defamatory statements about GSA Applications.

16. Defendants acted with actual knowledge, with reckless disregard, as to the falsity of the published statements.

17. GSA Applications has been seriously damaged as a direct and proximate cause of this defamation by Defendants.

18. WHEREFORE, GSA Applications moves for judgment against Defendants for damages,

costs and fees, interest and such other and further relief as this Court deems proper and just.

COUNT II
TRADE LIBEL OR INJURIOUS FALSEHOOD

19. The allegations contained in paragraphs 1 through 13 and all subsequent allegations are adopted and incorporated by reference as if set forth fully in this paragraph.
20. As described herein, Defendants have published false, defamatory, and disparaging information about FEDERAL VERIFICATION CO., INC. d/b/a GSA Applications and its business practices.
21. Defendants' false, defamatory, and disparaging statements were made with actual malice and/or with reckless disregard of GSA Applications' rights.
22. Defendants had no privilege, right, or justifiable cause to publish such statements.
23. Under these circumstances and as a result of Defendants' conduct, a reasonable person would foresee that third parties, *i.e.*, customers, affiliates, employees, potential customers, potential affiliates, and potential employees, would be deterred from establishing business relationships with, affiliating with, or seeking employment from GSA Applications or continuing existing relationships with GSA Applications.
24. The information published by Defendants has played a substantial and material role in inducing individuals not to establish business relationships with, affiliate with, or seek employment from GSA Applications.
25. GSA Applications has been seriously damaged as a direct and proximate cause of these acts by Defendants, including lost business earnings, affiliations, and spoilage of relationships with employees.
26. WHEREFORE, GSA Applications moves for judgment against Defendants for damages,

costs and fees, interest and such other and further relief as this Court deems proper and just.

COUNT III

TORTIOUS INTERFERENCE WITH AVANTAGEOUS BUSINESS RELATIONSHIPS

27. The allegations contained in paragraphs 1 through 13 and all subsequent allegations are adopted and incorporated by reference as if set forth fully in this paragraph.

28. Defendants knew of the existence of many business relationships between FEDERAL VERIFICATION CO., INC., d/b/a GSA Applications and its clients.

29. GSA Applications had legal rights under these business relationships.

30. Defendants, through the misconduct alleged herein, intended to harm GSA Applications by intentionally and unjustifiably interfering with these business relationships.

31. GSA Applications has been seriously damaged as a direct and proximate cause of these acts by Defendants.

32. WHEREFORE, GSA Applications moves for judgment against GSA Applications for damages, costs and fees, interest, injunctive relief, and such other and further relief as this Court deems proper and just.....

COUNT IV

TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONSHIPS

33. The allegations contained in paragraphs 1 through 13 and all subsequent allegations are adopted and incorporated by reference as if set forth fully in this paragraph.

34. Defendants knew that GSA Applications had reasonable expectations of entering into valid business relationships with many additional clients, which would have been completed had it not been for Defendants' unlawful acts.

35. Defendants, through the misconduct alleged herein, intended to harm GSA Applications

by intentionally and unjustifiably interfering with these prospective business relationships.

36. GSA Applications has been seriously damaged as a direct and proximate cause of these acts by Defendants.

37. WHEREFORE, GSA Applications moves for judgment against Defendants for damages, costs and fees, interest, injunctive relief, and such other and further relief as this Court deems proper and just.

COUNT V **CONSPIRACY**

38. The allegations contained in paragraphs 1 through 13 and all subsequent allegations are adopted and incorporated by reference as if set forth fully in this paragraph.

39. As described herein, Defendants have joined together in an agreement or confederation through a meeting of the minds to accomplish the unlawful and wrongful acts of defaming GSA Applications, committing trade libel against GSA Applications, and tortuously interfering with GSA Applications' business relationships and prospective business relationships.

40. To further their enterprise and in pursuance of their conspiracy, Defendants have committed multiple unlawful, overt acts as alleged herein.

41. GSA Applications has been seriously damaged as a direct and proximate cause of this conspiracy by Defendants.

42. WHEREFORE, GSA Applications moves for judgment against Defendants for damages, costs and fees, interest, and such other and further relief as this Court deems proper and just.

COUNT VI **INJUNCTIVE RELIEF**

43. The allegations contained in paragraphs 1 through 13 and all subsequent allegations are adopted and incorporated by reference as if set forth fully in this paragraph.

44. WHEREFORE, GSA Applications moves for judgment against Defendants:

(a) Granting preliminary and permanent injunctive relief against Defendants, and their agents, servants, and employees, and against any and all persons, firms, or corporations with whom Defendants have acted in concert who receive actual notice of the order by personal service or otherwise, enjoining them from directly or indirectly engaging in any of the illegal, unauthorized, and wrongful acts complained of herein and granting such other injunctive relief which the circumstances may require in order to protect GSA Applications' interests;

(b) An award of compensatory damages in excess of Fifteen Thousand Dollars (\$15,000.00);

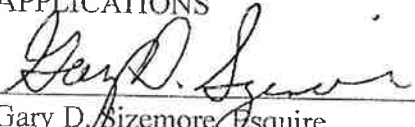
(c) An award court costs expended; and

(d) Such other and further relief as this Court deems proper and just.

JURY DEMAND

FEDERAL VERIFICATION CO., INC., d/b/a GSA Applications hereby demands trial by jury.

FEDERAL VERIFICATION CO., INC., d/b/a GSA
APPLICATIONS

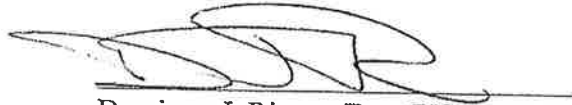

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SPN #144041

Fl. Bar # 312312

A handwritten signature in black ink, appearing to read 'D. Rivera', with a horizontal line drawn underneath it.

Domingo J. Rivera, Esq. (VSB # 71407)

Pro hac vice motion pending

Rivera Law Group

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Richmond, VA 23294

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Fax: (866) 651-2004

djr@icyberlaw.com

FORM 1.997. CIVIL COVER SHEET

The 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. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of the Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075.

I. CASE STYLE

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN AND FOR PINELLAS COUNTY, FLORIDA

Plaintiff FEDERAL VERIFICATION CO., INC. d/b/a

GSA APPLICATIONS
vs.

Defendants JOHN DOES 1-20

Case#: 12-9674CF-008

Judge: _____

2012 AUG -8 PM 5:09

II. TYPE OF CASE

(If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an "x" in both the main category and subcategory boxes.

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence – other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security
 - Nursing home negligence
 - Premises liability – commercial
 - Premises liability – residential
- Products liability
- Real Property/Mortgage foreclosure
 - Commercial foreclosure \$0 - \$50,000
 - Commercial foreclosure \$50,001 - \$249,999
 - Commercial foreclosure \$250,000 or more
 - Homestead residential foreclosure \$0 - \$50,000
 - Homestead residential foreclosure \$50,001 - \$249,999
 - Homestead residential foreclosure \$250,000 or more
 - Non-homestead residential foreclosure \$0 - \$50,000
 - Non-homestead residential foreclosure \$50,001 - \$249,999
 - Non-homestead residential foreclosure \$250,000 or more
 - Other real property actions \$0 - \$50,000
 - Other real property actions \$50,001 - \$249,999
 - Other real property actions \$250,000 or more
- Professional malpractice
- Malpractice – business
- Malpractice – medical
- Malpractice – other professional
- Other
 - Antitrust/Trade Regulation
 - Business Transaction
 - Constitutional challenge-statute or ordinance
 - Constitutional challenge-proposed amendment
 - Corporate Trusts
 - Discrimination-employment or other
 - Insurance claims
 - Intellectual property
 - Libel/Slander
 - Shareholder derivative action
 - Securities litigation
 - Trade secrets
 - Trust litigation

III. **REMEDIES SOUGHT** (check all that apply):

- X Monetary;
- X Non-monetary declaratory or injunctive relief;
- Punitive

IV. **NUMBER OF CAUSES OF ACTION: (5)**

(Specify) Defamation; trade libel / injurious falsehood; tortious interference with business relationships;
tortious interference with prospective business relationships; conspiracy

%L. **IS THIS CASE A CLASS ACTION LAWSUIT?**

- Yes
- X No

%L. **HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?**

- X No
- Yes – If “yes” list all related cases by name, case number and court:

%L. **IS JURY TRIAL DEMANDED IN COMPLAINT?**

- X Yes
- No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature: Gary D. Sizemore

Attorney or Party

Gary D. Sizemore
Type or print name

Fla. Bar # 312312

(if attorney)

Date: 8-8-12

CLERK'S CHECK SHEET

\$ 400 Filing Fee
 \$ _____ Acknowledgements
 \$ _____ Replevin
 \$ _____ Postage/Cert Mail
 \$ _____ Revenue
 \$ _____ Copies
 \$ _____ Lis Pendens
 \$ 37.50 Additional Parties
 \$ _____ Refund

\$ _____ Check Rec'd
 \$ _____ Cash Rec'd
 \$ _____ Charge Amount

Summons x \$10.00 = \$ _____
 Charge Acct.# _____
 Authorized by _____

\$ 437.50 Total Amount
 _____ Payment Plan/Indigent

REFERENCE NO. 12009674CT-008TYPE ACTION: Libel/HarassSPN:# 00144041

DATA ENTRY

☐ NO CIVIL COVER SHEET☐ CASE ENTERED BY _____☐ PARTIES INDEXED _____☐ DOCKETING COMPLETED _____☐ PROCESS COMPLETE _____

SMALL CLAIMS

☐ PRETRIAL DATE/TIME _____

DELINQUENT TENANT

☐ RESIDENTIAL☐ NON-RESIDENTIAL☐ # MAIL PACKETS _____ CERT DATE _____

SERVICE OF PROCESS

☐ SHERIFF _____☐ ATTORNEY☐ P.I. _____☐ PRO SE☐ MAIL☐ PICK UP CLW☐ RETD BRANCH☐ INS COMM☐ SEC STATE☐ CERT MAIL☐ PUB/PAPER _____☐ POSTING

PROCESS ISSUED FOR:

☒ 999899☒ 999399☒ 998899☒ 999799☒ 999299☒ 998799☒ 999699☒ 999199☒ 998699 +5☒ 999599☒ 999099☒ 998599☒ 999499☒ 998999☒ 998499☐ NO SERVICE

COMMENTS:

KEN BURKE, CLERK OF THE COURT
 PINELLAS COUNTY, FLORIDA
 50218670 08-08-2012 10:06:40
 52 CRC12009674CT1 FEE/VERIFICATION
 SECTION 08
 UCN # = 022012009674XN1C1
 SUB TOTAL: \$415.00
 IFRS5 CONVENIENCE FEE \$25.00
 CREDIT CARD CHARGE: \$40.00