

Cause of action

Two causes of action:

1. Breach of contract
2. Fraud

I'm asking for \$495 in damages for the breach of contract since what I contracted for was never delivered nor was it even done.

Service on secretary of state: \$35 (my process server) + \$55 (sec state fee)

Filing cost: \$75

Total for damages + costs: \$660

The remainder, \$6,840 in punitive damages is for fraud. Normally, there is a 10X limit on punitive damages, but **this limit does NOT apply when the Defendants actions are part of a larger pattern rather than a single fraud.**

Jurisdiction

For the fraud cause of action, that is an intentional tort, and there is jurisdiction where the damage occurs.

For the contract cause of action, the order wasn't placed over the website, it was placed over the phone. There was a verbal agreement of terms in terms of what was to be delivered and when. That agreement appears no where on the website. At no time was any agreement reached as far as venue. Therefore jurisdiction for phone contracts is in both locations.

Also, the Thompson v. Handa-Lopez case is often cited for Internet jurisdiction. Basically, if you advertise generally on the Internet and accept business from state X and does so on a regular basis, there is jurisdiction in state X. My witness proves Defendant advertises here and does business here directly.

Facts

On July 6, 2006, becoming aware of the existence of Defendant via his websites (<http://www.usrecordsearch.com/> and related sites linked on that page), I called Defendant on the phone and spoke with the owner, Fred Joseph, who offered to find bank account balances and account numbers of the debtor I was trying to collect a judgment on in less than 15 days. The contract was made verbally. I then provided account numbers on the phone and Defendant

I relied on these representations when Plaintiff authorized Defendant to take \$495 for a bank account search on one of Plaintiff's debtors.

Defendant delivered no results, not even a phone call, within the promised timeframe.

When I complained, he was told to wait and insulted.

A week after I sent a demand letter, Defendant emailed a statement saying “no bank records were found” and included a \$2.50 Accurint asset search that I never asked for (Plaintiff has Accurint).

Allegations

Plaintiff then discovered that others have had similar experiences and EVERY SINGLE ONE of Defendant’s representations (on the website and verbally) were fraudulent!

I believe that Defendant’s entire business is a scam. **This explains why they can do searches for half the price as anyone else...they never do the search.** The representations were fraudulent to induce me to enter into an agreement with them. They did no work and have none of the specialized access they talked about. Only after I complain did they run a cheap 20 second search and sent me the results thinking it would placate me.

I will show this to the court through questioning of the Defendant and the non-response of the Defendant to my subpoena.

Website representations

1. **US Record Search** can find the answers you’ve been looking for.
2. We can trace any type of assets: Bank Accounts: Checking and Savings, Investments: Stocks / Bonds / Mutual Funds, Off-shore bank accounts, investments, and hidden assets
3. **LICENSED, BONDED AND INSURED**
4. We have successfully located assets for thousands of individuals.
5. We limit retrieval to documents or information available from a public entity or public utility which are intended for public use and do not further elaborate on that information contained in the public entity or public utility
6. **The nation's leader in searching for and locating assets**
7. **Affordable Rates: 1/2 of any other company**

Verbal representations (most caught on MP3; rest via affidavit)

1. We only make \$20 on the search. The rest goes to the banking system.
2. Only 10 firms are licensed to do what we do; it’s the only 100% legal way to get this information
3. We have a \$2M bond

4. We login and enter the search into the banking system in Washington, DC and hit submit
5. We are required by law to quote 15 to 20 days for the search, but some searches come back within a few days, sometimes even the next day!
6. We have 35 researchers who work for us
7. We will provide you with both bank account numbers and account balances
8. We don't need a copy of the judgment
9. Searches are done "through the banking system"
10. We'll call you and email you the results
11. Our repeat customers include major law firms

Evidence

1. Demand letter
2. Search results returned by them (39 days after the contract and 6 days after my demand letter) **showing no bank account information was found**; instead, they did a \$2.50 accurint search thinking that would impress me.
3. Accurint results for \$2.50 that I did showing what they did was charge me \$500 and then they only spent 1 minute and \$2.50 after I sent a demand letter and well after their promised delivery timeframe.
4. Results from 2 other firms showing other firms (who don't use the banking system like Defendant claimed to me that they do) were able to find the information. These results were obtained in only 2 days by these two legitimate firms.
5. Proof \$495 check plus filing fees and process service expense (total of \$660)
6. Copy of D's web page showing the promise that they'll come up with detailed results in a couple of days.
7. Rip off reports filed by 4 different people showing the same thing that happened to me has happened to others. This standard business practice of Defendant justifying maximum punitive damages
8. Letter in response to D's motion to dismiss for lack of jurisdiction
9. Copy of the Thompson v. Handa-Lopez case which discusses Internet jurisdiction
10. Copy of junkfax.org page on them, detailing day by day what transpired
11. Records from Florida Dept of Agriculture and Consumer Services showing he has been doing the same scam since at least 1999 (see envelope)
12. Witness from this area who was ripped off like I was and discovered my web page on US Record Search and contacted me
13. Phone message from another victim
14. Supoenaed bank records will show that the "banking system" was never paid; i.e., the promised searches never get done