

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION**

PRESIDIO GROUP, LLC, a) CIVIL NO.:
Washington limited liability)
company; PRESIDIO GROUP, LLC,) DEMAND FOR JURY TRIAL RE:
d.b.a. PRESIDIO GROUP) SEVENTH AMENDMENT
INTERNATIONAL LLC, a)
Washington unincorporated business) COMPLAINT:
entity; PRESIDIO GROUP)
INTERNATIONAL, LLC, a) RE: RACKETEER INFLUENCED AND
Washington unincorporated business) CORRUPT ORGANIZATIONS ACT OF
entity; JAMESON KEALII KAUII,) 1970 [“RICO”] [TITLE 18 USC §§ 1961]
both individually and upon the) RE: MULTIPLE RICO PRIMARY
behalf of the community property) SECONDARY, DERIVATIVE, and
marital estate of JAMESON KEALII) CONSPIRACY LIABILITY RE:
and RAMONA CAREMELLE) PINKERTON, v. UNITED STATES,
KAUII; JAMESON KEALII) 328 U.S. 640 (1946); RICO
KAUII, both individually and as) CONSPIRACY TO AID and ABET;
managing member of PRESIDIO) and, RICO AIDING and ABETTING
GROUP, LLC, a Washington) RICO CONSPIRACY RE:
limited liability company;) FOR PRIMARY CONTRAVENTION
JAMESON KEALII KAUII, both) OF RICO §1962(c) [TITLE 18
individually and as managing) U.S.C. §1962(c)];
member of PRESIDIO GROUP,) FOR RICO AIDING and ABETTING
LLC, a Washington limited liability) PRIMARY CONTRAVENTION OF

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS
ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),
1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON
v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1	<i>company, d.b.a. PRESIDIO</i>	)	<i>RICO §1962(c) [TITLE 18 U.S.C.</i>
2	<i>GROUP INTERNATIONAL, LLC,</i>	)	<i>§1962(c)];</i>
3	<i>a Washington unincorporated</i>	)	<i>FOR RICO RESPONDEAT SUPERIOR/</i>
4	<i>business association; JAMESON</i>	)	<i>DERIVATIVE LIABILITY</i>
5	<i>KEALII KAUHI, both individually</i>	)	<i>ARISING FROM PRIMARY</i>
6	<i>and as manager of PRESIDIO</i>	)	<i>CONTRAVENTION OF RICO</i>
7	<i>GROUP INTERNATIONAL, LLC,</i>	)	<i>§1962(c) [TITLE 18 U.S.C. §</i>
8	<i>a Washington unincorporated</i>	)	<i>1962(c)];</i>
9	<i>business association; BAUTER</i>	)	<i>FOR RICO §1962(d) CONSPIRACY</i>
10	<i>& WALTERS, INC., a Washington</i>	)	<i>ARISING FROM PRIMARY</i>
11	<i>corporation; and, SUNRISE</i>	)	<i>RICO §1962(c) CONTRAVENTION</i>
12	<i>HOME BUILDERS, LLC, a</i>	)	<i>[TITLE 18 U.S.C. §§1962(c)-(d)];</i>
13	<i>Washington limited liability</i>	)	<i>FOR RICO §1962(d) CONSPIRACY</i>
14	<i>corporation,</i>	)	<i>ARISING FROM AIDING and</i>
15		)	<i>ABETTING RICO §1962(c)</i>
16	<i>Plaintiffs,</i>	)	<i>PRIMARY CONTRAVENTION</i>
17		)	<i>[TITLE 18 U.S.C. §§1962(c)-(d)];</i>
18	<i>vs.</i>	)	<i>FOR RICO §1962(c) AIDING and</i>
19		)	<i>ABETTING RICO §1962(d)</i>
20	<i>MARINO, WHITE, O'FARRELL</i>	)	<i>CONSPIRACY TO CONTRAVENE</i>
21	<i>& GONZALEZ, ATTORNEYS,</i>	)	<i>RICO §1962(c) [TITLE 18</i>
22	<i>COUNSELORS and SOLICITORS</i>	)	<i>U.S.C. §§1962(c)-(d)];</i>
23	<i>AT LAW, a New Jersey</i>	)	<i>FOR PRIMARY CONTRAVENTION</i>
24	<i>unincorporated business entity;</i>	)	<i>RICO §1962(b) [TITLE 18</i>
25	<i>JOHN JOSEPH MARK MARINO;</i>	)	<i>U.S.C. §1962(b)];</i>
26	<i>JM INTERNATIONAL</i>	)	<i>FOR RICO AIDING and ABETTING</i>
27	<i>COMMERCIAL CONSULTING,</i>	)	<i>PRIMARY CONTRAVENTION OF</i>
28	<i>INC., a Florida limited liability</i>	)	<i>RICO §1962(b) [TITLE 18 U.S.C.</i>
29	<i>company; JOHN JOSEPH</i>	)	<i>§1962(b)];</i>
30	<i>MARK MARINO, ESCROW</i>	)	<i>FOR RICO RESPONDEAT SUPERIOR/</i>
31	<i>AGENT, JM INTERNATIONAL</i>	)	<i>DERIVATIVE LIABILITY</i>
32	<i>COMMERCIAL CONSULTING,</i>	)	<i>ARISING FROM PRIMARY</i>
33	<i>INC., a Florida limited liability</i>	)	<i>CONTRAVENTION OF RICO</i>
34	<i>company; PT GLOBAL</i>	)	<i>§1962(b) [TITLE 18 U.S.C. §</i>
35	<i>INTERNATIONAL TRADE and</i>	)	<i>1962(b)];</i>
36	<i>BEVERLY FOUNDATION, a</i>	)	<i>FOR RICO §1962(d) CONSPIRACY</i>
37	<i>Peoples Republic of China</i>	)	<i>ARISING FROM PRIMARY</i>
38	<i>corporation; FALLINGSNOW</i>	)	<i>RICO §1962(b) CONTRAVENTION</i>
39	<i>TRADING LIMITED, a Cypriot</i>	)	<i>[TITLE 18 U.S.C. §§1962(b)-(d)</i>
40	<i>corporation; JV ASSET HOLDER</i>	)	<i>FOR RICO §1962(d) CONSPIRACY</i>
41	<i>ONE, a United Kingdom</i>	)	<i>ARISING FROM AIDING and</i>
42	<i>corporation; SIR IAN RUSSELL,</i>	)	<i>ABETTING RICO §1962(b)</i>
43	<i>corporate principal, JV ASSET</i>	)	<i>PRIMARY CONTRAVENTION</i>
44	<i>HOLDER ONE; BOREN LAW</i>	)	<i>[TITLE 18 U.S.C. §§1962(b)-(d)];</i>
45	<i>GROUP, a New Jersey joint</i>	)	<i>FOR RICO §1962(b) AIDING and</i>
46	<i>venture; ABRAHAM</i>	)	<i>ABETTING RICO §1962(d)</i>
47	<i>BORENSTEIN; ABRAHAM</i>	)	<i>CONSPIRACY TO CONTRAVENE</i>

25 *COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS*
26 *ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),*
27 *1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON*
28 *v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING*
29 *CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT*
30 *SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE*
31 *OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO*
32 *DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]*

1 **BORENSTEIN & ASSOCIATES, P.C., a New Jersey professional corporation; KIRAN DAVE; MARINO INTERNATIONAL LAW, a New Jersey unincorporated business entity; AVON OVERSEAS HOLDING, LLC, a limited liability corporation of unknown origin; CAMBRIDGE ASSOCIATES, a Swiss corporation; MARINO, WHITE, O'FARRELL & GONZALEZ, ATTORNEYS, COUNSELORS and SOLICITORS AT LAW, a New Jersey general partnership; BOREN LAW GROUP, a New Jersey general partnership; MARINO, WHITE, O'FARRELL & GONZALEZ, co-general partner, BOREN LAW GROUP, a New Jersey general partnership; JOHN JOSEPH MARK MARINO, co-general partner, BOREN LAW GROUP; a New Jersey general partnership; ABRAHAM BORENSTEIN & ASSOCIATES, P.C., co-general partner, BOREN LAW GROUP, a New Jersey general partnership; LEGAL TEAM FACILITATOR MARINO LAW, co-general partner, MARINO, WHITE, O'FARRELL & GONZALEZ, a New Jersey general partnership; SAMUEL BRIMMER; and, HENRY T. HAMMOND,**

2) **RICO §1962(b) [TITLE 18 U.S.C. §§1962(b)-(d)];**
3) **FOR PRIMARY CONTRAVENTION RICO §1962(a) [TITLE 18 U.S.C. §1962(a)];**
4) **FOR RICO AIDING and ABETTING PRIMARY CONTRAVENTION OF RICO §1962(a) [TITLE 18 U.S.C. §1962(a)];**
5) **FOR RICO RESPONDEAT SUPERIOR/ DERIVATIVE LIABILITY ARISING FROM PRIMARY CONTRAVENTION OF RICO §1962(a) [TITLE 18 U.S.C. §1962(a)];**
6) **FOR RICO §1962(d) CONSPIRACY ARISING FROM PRIMARY RICO §1962(a) CONTRAVENTION [TITLE 18 U.S.C. §§1962(a)-(d)];**
7) **FOR RICO §1962(d) CONSPIRACY ARISING FROM AIDING and ABETTING RICO §1962(a) [TITLE 18 U.S.C. §§1962(b)-(d)];**
8) **FOR RICO §1962(a) AIDING and ABETTING RICO §1962(d) CONSPIRACY TO CONTRAVENE RICO §1962(b) [TITLE 18 U.S.C. §§1962(a)-(d)];**
9) **FOR RICO §1962(d) CONSPIRACY RE: CONSPIRACY TO CONCEAL RICO §1962(b) CONTRAVENTION [TITLE 18 U.S.C. §§1962(b)-(d)];**
10) **FOR RICO §1962(d) CONSPIRACY RE: CONSPIRACY TO CONCEAL RICO §1962(a) CONTRAVENTION [TITLE 18 U.S.C. §§1962(a)-(d)];**
11) **FOR RICO §1962(d) CONSPIRACY RE: CONSPIRACY TO CONCEAL RICO §1962(a) CONTRAVENTION [TITLE 18 U.S.C. §§1962(a)-(d)];**
12) **FOR RICO §1962(d) CONSPIRACY RE: INTRA-CORPORATE AFFILIATE CONSPIRACY RICO §1962(a) CONTRAVENTION [TITLE 18 U.S.C. §§1962(a)-(d)];**
13) **FOR IMMEDIATE DISSOLUTION OF RICO ENTERPRISE AND PERMANENT EXPULSION OF RICO PERSONS FROM RICO ENTERPRISE PURSUANT TO**

25 **COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS**
26 **ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),**
27 **1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON**
28 **v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING**
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

) **RICO §1964(a)-(b) [TITLE**
) **U.S.C. §1964(a)-b)] OF THE**
) **RACKETEER INFLUENCED**
) **AND CORRUPT ORGANIZATIONS**
) **ACT OF 1970 [“RICO”];**
) **FOR IMMEDIATE DISSOLUTION**
) **OF RICO ENTERPRISE AND**
) **PERMANENT EXPULSION**
) **OF RICO PERSONS FROM**
) **RICO ENTERPRISE PURSUANT**
) **TO RICO § 1964(b) [TITLE U.S.C.**
) **§1964(b)] OF THE RACKETEER**
) **INFLUENCED AND CORRUPT**
) **ORGANIZATIONS ACT OF**
) **1970 [“RICO”] AND RULE 65**
) **OF THE FEDERAL RULES**
) **OF CIVIL PROCEDURE;**
) **FOR IMMEDIATE DISSOLUTION**
) **OF RICO ENTERPRISE**
) **AND PERMANENT EXPULSION**
) **OF RICO PERSONS FROM**
) **RICO ENTERPRISE PURSUANT**
) **TO RICO 1964(a) [TITLE U.S.C.**
) **§1964(a)] OF THE RACKETEER**
) **INFLUENCED AND CORRUPT**
) **ORGANIZATIONS ACT OF 1970**
) **[“RICO”] AND RULE 64 OF**
) **THE FEDERAL RULES OF CIVIL**
) **PROCEDURE;**
) **FOR IMMEDIATE DISSOLUTION**
) **OF RICO ENTERPRISE**
) **AND PERMANENT EXPULSION**
) **OF RICO PERSONS FROM**
) **RICO ENTERPRISE PURSUANT**
) **TO RICO §1964(b) [TITLE U.S.C.**
) **§1964(b)] OF THE RACKETEER**
) **INFLUENCED AND CORRUPT**
) **ORGANIZATIONS ACT OF 1970**
) **[“RICO”];**
) **FOR IMMEDIATE DISSOLUTION**
) **OF RICO ENTERPRISE**
) **AND PERMANENT EXPULSION**
) **OF RICO PERSONS FROM**
) **RICO ENTERPRISE**
) **PURSUANT TO**
) **RICO § 1964(b) [TITLE 18 U.S.C.**
) **§1964(b)] OF THE RACKETEER**

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS
ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),
1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON
v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
5

) **INFLUENCED AND CORRUPT**
) **ORGANIZATIONS ACT OF 1970**
) **["RICO"]AND RULE 65 OF THE**
) **FEDERAL RULES OF CIVIL**
) **PROCEDURE;**
) **FOR EXPARTE ISSUANCE OF**
) **PRELIMINARY and PERMANENT**
) **INJUNCTIVE RELIEF PURSUANT**
) **TO FRCP 65 and RICO § 1964(a)**
) **FOR EXPARTE ISSUANCE OF**
) **PRELIMINARY and PERMANENT**
) **INJUNCTIVE RELIEF PURSUANT**
) **TO FRCP 64 and RICO § 1964(a);**
) **FOR EX PARTE TEMPORARY**
) **RESTRAINING ORDER RELIEF**
) **re: ENJOIN PENDING**
) **LITIGATION PURSUANT TO**
) **RICO § 1964(a) [TITLE 18 U.S.C.**
) **§1964(a)] OF THE RACKETEER**
) **INFLUENCED AND CORRUPT**
) **ORGANIZATIONS ACT OF 1970**
) **["RICO"]AND RULE 65 OF THE**
) **FEDERAL RULES OF CIVIL**
) **PROCEDURE;**
) **FOR EX PARTE TEMPORARY**
) **RESTRAINING ORDER RELIEF**
) **re: ENJOIN PENDING**
) **LITIGATION PURSUANT TO**
) **RICO § 1964(b) [TITLE 18 U.S.C.**
) **§1964(b)] OF THE RACKETEER**
) **INFLUENCED AND CORRUPT**
) **ORGANIZATIONS ACT OF 1970**
) **["RICO"]AND RULE 65 OF THE**
) **FEDERAL RULES OF CIVIL**
) **PROCEDURE;**
) **FOR RICO §1962(d) [TITLE 18 U.S.C.**
) **§1962(d)] CONSPIRATORIAL**
) **LIABILITY FOR**
) **CONTRAVENTION OF RICO**
) **§1962©) OF THE RACKETEER**
) **INFLUENCED AND CORRUPT**
) **ORGANIZATIONS ACT OF**
) **1970 ["RICO"] [TITLE 18 U.S.C.**
) **§1962©)] PINKERTON DOCTRINE**
) **[Pinkerton v. United States, 328 U.S.**
) **640 (1946)] re: CONSPIRACY TO**
) **CONCEAL;**

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS
ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),
1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON
v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

) **FOR RICO §1962(d) [TITLE 18 U.S.C. §1962(d)] CONSPIRATORIAL LIABILITY FOR CONTRAVENTION OF RICO §1962(a) OF THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][TITLE 18 U.S.C. §1962(a)] PINKERTON DOCTRINE [Pinkerton v. United States, 328 U.S. 640 (1946)] re: CONSPIRACY TO CONCEAL;**
) **FOR AIDING AND ABETTING RICO CONSPIRACY RICO SECTION 1962(d) [TITLE 18 U.S.C. §1962(d)] CONSPIRATORIAL LIABILITY FOR CONTRAVENTION OF RICO § 1962(c) OF THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][TITLE 18 U.S.C. §1962(c)] PINKERTON DOCTRINE [Pinkerton v. United States, 328 U.S. 640 (1946)];**
) **FOR AIDING AND ABETTING RICO CONSPIRACY RICO SECTION 1962(d) [TITLE 18 U.S.C. §1962(d)] CONSPIRATORIAL LIABILITY FOR CONTRAVENTION OF RICO § 1962(a) OF THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][TITLE 18 U.S.C. §1962(a)] PINKERTON DOCTRINE [Pinkerton v. United States, 328 U.S. 640 (1946)];**
) **FOR RICO CONSPIRACY FOR RICO AIDING AND ABETTING re: PRIMARY RICO SECTION 1962(c) re: RICO SECTION 1962(d) [TITLE 18 U.S.C. §1962(d)] CONSPIRATORIAL LIABILITY FOR CONTRAVENTION OF RICO**

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
7

) § 1962©) OF THE RACKETEER
) INFLUENCED AND CORRUPT
) ORGANIZATIONS ACT OF 1970
) [“RICO”][TITLE 18 U.S.C.
) §1962©)]
) PINKERTON DOCTRINE
) [Pinkerton v. United States, 328 U.S.
) 640 (1946)];
) FOR RICO CONSPIRACY FOR
) RICO AIDING AND ABETTING re:
) PRIMARY RICO SECTION 1962(b)
) re: RICO SECTION 1962(d)
) RICO CONSPIRACY
) RICO SECTION 1962(d)
) [TITLE 18 U.S.C.§1962(d)]
) CONSPIRATORIAL LIABILITY;
) FOR RICO CONSPIRACY FOR
) RICO AIDING AND ABETTING re:
) PRIMARY RICO SECTION 1962(a)
) re: RICO SECTION 1962(d)
) RICO CONSPIRACY
) RICO SECTION 1962(d)
) [TITLE 18 U.S.C.§1962(d)]
) CONSPIRATORIAL LIABILITY
) FOR CONTRAVENTION OF RICO
) § 1962(a) OF THE RACKETEER
) INFLUENCED AND CORRUPT
) ORGANIZATIONS ACT OF 1970
) [“RICO”][TITLE 18 U.S.C.
) §1962(a)]
) PINKERTON DOCTRINE
) [Pinkerton v. United States, 328 U.S.
) 640 (1946)];
) FOR RICO SUCCESSORSHIP
) LIABILITY re: RICO §§ 1962
) (a), 1962(b), 1962©), 1962(d),
) 1964(a), and 1964(b)
) [TITLE 18 USC §§ 1962(a)-d),
) 1964(a), and 1964(b)];
) FOR FEDERAL DECLARATORY
) RELIEF PURSUANT TO THE
) FEDERAL DECLARATORY
) JUDGMENT ACT OF 1940
) [TITLE 28 U.S.C. §§ 2201-2202];
) FOR COMMISSION OF COMMON
) LAW FRAUD re: CONSTRUCTIVE
) FRAUD and re:

**COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS
ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),
1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON
v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

) **PROMISSORY FRAUD;**
) **FOR COMMISSION OF COMMON**
) **LAW CONVERSION;**
) **FOR COMMISSION OF MONEY**
) **HAD and RECEIVED;**
) **FOR UNJUST ENRICHMENT;**
) **FOR DISREGARD OF CORPORATE**
) **ENTITY RE: PIERCING**
) **CORPORATE ENTITY AS MERE**
) **SUBTERFUGE-SHELL-SHAM and**
) **ABSENCE OF INDEPENDENT**
) **LEGAL SIGNIFICANCE re:**
) **ALTER EGO LIABILITY;**
) **FOR PRIMARY CONTRAVENTION OF**
) **WASHINGTON CRIMINAL**
) **PROFITEERING ACT**
) **["WASH RICO"]**
) **[RCW §§ 9A.82.010 et.seq.];**
) **FOR AIDING AND ABETTING**
) **PRIMARY CONTRAVENTION OF**
) **WASHINGTON CRIMINAL**
) **PROFITEERING ACT**
) **["WASH RICO"]**
) **[RCW §§ 9A.82.010 et.seq.];**
) **FOR RESPONDEAT SUPERIOR**
) **LIABILITY re: PRIMARY**
) **CONTRAVENTION OF**
) **WASHINGTON CRIMINAL**
) **PROFITEERING ACT**
) **["WASH RICO"]**
) **[RCW §§ 9A.82.010 et.seq.];**
) **FOR CONSPIRACY TO CONTRAVENE**
) **WASHINGTON CRIMINAL**
) **PROFITEERING ACT**
) **["WASH RICO"]**
) **[RCW §§ 9A.82.010 et.seq.];**
) **FOR PRIMARY CONTRAVENTION OF**
) **FLORIDA CIVIL REMEDIES FOR**
) **CRIMINAL PRACTICES ACT OF**
) **1986 [{"CRCP §772.103(3)}]; and**
) **FOR CONSPIRATORIAL**
) **CONTRAVENTION OF**
) **FLORIDA CIVIL REMEDIES FOR**
) **CRIMINAL PRACTICES ACT OF**
) **1986 [{"CRCP §772.103(4)}].**
)
)
)

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS
ACT OF 1970 [{"RICO"}][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),
1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON
v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

Defendants.)

Plaintiffs:

- ★ Presidio Group LLC, a Washington limited liability company
- ★ Presidio Group LLC, d.b.a. Presidio Group International, LLC, a Washington unincorporated business entity
- ★ Presidio Group International, LLC, a Washington unincorporated business entity
- ★ Jameson Kealii Kauhi, both individually and upon behalf of the community property marital estate of Jameson Kealii Kauhi and Ramona Carmelle Kauhi
- ★ Jameson Kealii Kauhi, individually and managing member of Presidio Group LLC, a Washington limited liability company
- ★ Jameson Kealii Kauhi, individually and managing member of Presidio Group LLC, a Washington limited liability company, d.b.a. Presidio Group International, LLC, a Washington unincorporated business entity
- ★ Jameson Kealii Kauhi, individually and manager of Presidio Group International, LLC, a Washington unincorporated business entity
- ★ Bauter & Walters, Inc., a Washington corporation
- ★ Sunrise Homebuilders, LLC, a Washington limited liability corporation

advance, articulate, assert, contend, and complain, by and through their **original Complaint**, advancing multiple monetary claims for relief, multiple equitable claims for relief, and multiple declaratory claims for relief, as specifically articulated and expressly identified herein below:

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 ◆ federal Racketeer Influenced and Corrupt Organizations Act of 1970
2 [“RICO”][Title 18 United States Code §§ 1961, 1962(a), 1964(a),
3 1964(b), and 1964©), et.seq.].
- 4 ◆ federal Racketeer Influenced and Corrupt Organizations Act of 1970
5 [“RICO”][Title 18 United States Code §§ 1961, 1962(b), 1962©),
6 1962(d), 1964(a), 1964(b), and 1964©), et.seq.].
- 7 ◆ federal Racketeer Influenced and Corrupt Organizations Act of 1970
8 [“RICO”][Title 18 United States Code §§ 1961, 1962©), 1962(d),
9 1964(a), 1964(b), and 1964©), et.seq.].
- 10 ◆ federal Racketeer Influenced and Corrupt Organizations Act of 1970
11 [“RICO”][Title 18 United States Code §§ 1961, 1962(d), 1964(a),
12 1964(b), and 1964©), et.seq.].
- 13 ◆ federal Racketeer Influenced and Corrupt Organizations Act of 1970
14 [“RICO”][Title 18 United States Code §§ 1961, 1964(a) federal
15 declaratory relief, et.seq.].
- 16 ◆ federal Racketeer Influenced and Corrupt Organizations Act of 1970
17 [“RICO”][Title 18 United States Code §§ 1961, 1964(b) federal
18 declaratory relief, et.seq.].
- 19 ◆ federal Racketeer Influenced and Corrupt Organizations Act of 1970
20 [“RICO”][Title 18 United States Code §§ 1961, 1964(a) federal
21 equitable relief, et.seq.].
- 22 ◆ federal Racketeer Influenced and Corrupt Organizations Act of 1970
23 [“RICO”][Title 18 United States Code §§ 1961, 1964(b) federal
24 equitable relief, et.seq.].

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
10 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
 DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 ♦ federal Declaratory Judgment Act of 1946 for entry of appropriate
2 and necessary federal declaratory judgment relief under Title 28
3 United States Code §§ 2201-2202.

4 ♦ federal supplemental claims under Washington law, for monetary
5 relief and equitable relief pursuant to Title 28 United States Code §§
6 1367(a)-(b).

7 allege and complain against **defendants**, and each and everyone of them, as
8 follows:

9 ♦ Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and
10 Solicitors at Law, a New Jersey unincorporated business entity

11 ♦ John Joseph Mark Marino

12 ♦ JM International Commercial Consulting, Inc., a Florida limited liability
13 company

14 ♦ John Joseph Mark Marino, Escrow Agent, JM International Commercial
15 Consulting, Inc., a Florida limited liability company

16 ♦ PT Global International Trade and Beverly Foundation, a Peoples
17 Republic of China corporation

18 ♦ Fallingsnow Trading Limited, a Cypriot corporation

19 ♦ JV Asset Holder One, a United Kingdom corporation

20 ♦ Sir Ian Russell, corporate principal, JV Asset Holder One, a United
21 Kingdom corporation

22 ♦ Boren Law Group, a New Jersey joint venture

23 ♦ Abraham Borenstein

24 ♦ Abraham Borenstein & Associates, P.C., a New Jersey professional

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
11 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
 DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 corporation
- 2 ◆ Kiran Dave
- 3 ◆ Marino International Law, a New Jersey unincorporated business entity
- 4 ◆ Avon Overseas Holding, LLC, a limited liability corporation of unknown
- 5 origin
- 6 ◆ Cambridge Associates, a Swiss corporation
- 7 ◆ Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and
- 8 Solicitors at Law, a New Jersey general partnership
- 9 ◆ Boren Law Group, a New Jersey general partnership
- 10 ◆ Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and
- 11 Solicitors at Law, a New Jersey general partnership, co-general partner,
- 12 Boren Law Group
- 13 ◆ John Joseph Mark Marino, co-general partner, Marino, White, O’Farrell
- 14 & Gonzalez, Attorneys, Counselors and Solicitors at Law, a New Jersey
- 15 general partnership, co-general partner, Boren Law Group
- 16 ◆ Abraham Borenstein & Associates, P.C., a New Jersey professional
- 17 corporation, co-general partner, Boren Law Group
- 18 ◆ Legal Team Facilitator Marino Law, co-general partner, Marino, White,
- 19 O’Farrell & Gonzalez, a New Jersey general partnership
- 20 ◆ Samuel Brimmer
- 21 ◆ Henry T. Hammond

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
 26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
 27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
 28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 12 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

I.

***COMPETENT FEDERAL SUBJECT MATTER JURISDICTIONAL
AND FEDERAL VENUE ALLEGATIONS***

1. Competent subject matter jurisdiction and venue exists, in whole and/or in part, pursuant to the following federal statutes:

A. Section 1964(a) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §1964(a)].

B. Sections 1964(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §1964(b)].

C. Sections 1964(c) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §1964(c)].

D. Section 1965(a) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code § 1965(a)].

E. Section 1965(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §1965(b)].

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 F. Section 1965(d) of the Racketeer Influenced and Corrupt Organizations
- 2 Act of 1970 [“RICO”][Title 18 United States Code §1965(d)].
- 3
- 4 G. Federal Question Jurisdiction [Title 28 United States Code §1331].
- 5
- 6 H. Federal Diversity of Citizenship Jurisdiction [Title 28 United States
- 7 Code § 1332].
- 8
- 9 I. Federal Regulation of Commerce Jurisdiction [Title 28 United States
- 10 Code § 1337].
- 11
- 12 J. Federal Declaratory Judgment Act of 1946 [Title 28 United States
- 13 Code §§ 2201-2202].
- 14
- 15 K. Federal Supplemental Jurisdiction [Title 28 United States Code §§
- 16 1367(a)-(b)].
- 17
- 18 L. Federal General Venue [Title 28 United States Code §1391(b)].
- 19
- 20 M. Federal Specific Venue [Title 28 United States Code §1391(a)].
- 21

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***

26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***

27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***

28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***

14 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***

SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE

OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO

DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

II.

RICO PERSONS

[RICO TITLE 18 UNITED STATES CODE § 1961(3)]

2. Plaintiffs allege that:

- ◆ Presidio Group LLC, a Washington limited liability company
- ◆ Presidio Group LLC, d.b.a. Presidio Group International, LLC, a Washington unincorporated business entity
- ◆ Presidio Group International, LLC, a Washington unincorporated business entity
- ◆ Jameson Kealii Kauhi, both individually and upon behalf of the community property marital estate of Jameson Kealii Kauhi and Ramona Carmelle Kauhi
- ◆ Jameson Kealii Kauhi, individually and managing member of Presidio Group LLC, a Washington limited liability company
- ◆ Jameson Kealii Kauhi, individually and managing member of Presidio Group LLC, a Washington limited liability company d.b.a. Presidio Group International, LLC, a Washington unincorporated business entity
- ◆ Jameson Kealii Kauhi, individually and manager of Presidio Group International, LLC, a Washington unincorporated business entity
- ◆ Bauter & Walters, Inc., a Washington corporation
- ◆ Sunrise Homebuilders, LLC, a Washington limited liability corporation

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 ♦ Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and
- 2 Solicitors at Law, a New Jersey unincorporated business entity
- 3 ♦ John Joseph Mark Marino
- 4 ♦ JM International Commercial Consulting, Inc., a Florida limited
- 5 liability company
- 6 ♦ John Joseph Mark Marino, Escrow Agent, JM International
- 7 Commercial Consulting, Inc., a Florida limited liability company
- 8 ♦ PT Global International Trade and Beverly Foundation, a Peoples
- 9 Republic of China corporation
- 10 ♦ Fallingsnow Trading Limited, a Cypriot corporation
- 11 ♦ JV Asset Holder One, a United Kingdom corporation
- 12 ♦ Sir Ian Russell, corporate principal, JV Asset Holder One, a
- 13 United Kingdom corporation
- 14 ♦ Boren Law Group, a New Jersey joint venture
- 15 ♦ Abraham Borenstein
- 16 ♦ Abraham Borenstein & Associates, P.C., a New Jersey
- 17 professional corporation
- 18 ♦ Kiran Dave
- 19 ♦ Marino International Law, a New Jersey unincorporated business
- 20 entity
- 21 ♦ Avon Overseas Holding, LLC, a limited liability corporation of
- 22 unknown origin
- 23 ♦ Cambridge Associates, a Swiss corporation
- 24 ♦ Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
 DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 Solicitors at Law, a New Jersey general partnership
- 2 ◆ Boren Law Group, a New Jersey general partnership
- 3 ◆ Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and
- 4 Solicitors at Law, a New Jersey general partnership, co-general
- 5 partner, Boren Law Group
- 6 ◆ John Joseph Mark Marino, co-general partner, Marino, White,
- 7 O’Farrell & Gonzalez, Attorneys, Counselors and Solicitors at
- 8 Law, a New Jersey general partnership, co-general partner, Boren
- 9 Law Group
- 10 ◆ Abraham Borenstein & Associates, P.C., a New Jersey
- 11 professional corporation, co-general partner, Boren Law Group
- 12 ◆ Legal Team Facilitator Marino Law, co-general partner, Marino,
- 13 White, O’Farrell & Gonzalez, a New Jersey general partnership
- 14 ◆ Samuel Brimmer
- 15 ◆ Henry T. Hammond
- 16 ◆ David Skip Klahr
- 17 ◆ CLS Capital Group
- 18 ◆ Marvin Curtis
- 19 ◆ Edward Raine, LLC

20 are each engaged in activities and conduct that affect federal interstate and/or
21 foreign commerce, that each hold legal, equitable, and/or beneficial interests in
22 property, and each is a “person,” as that term is defined pursuant to Section 1961(3)
23 of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”].

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 3. Plaintiffs allege that each and every RICO person that is specifically
2 identified and named as a RICO defendant is liable as a principal pursuant to Title
3 18 United States Code §§ 2(a)-(b) and that each and every RICO person that is a
4 RICO defendant is liable as a co-conspirator pursuant to Title 18 United States Code
5 § 371.

6
7 4. Plaintiffs allege that at all times material herein, the activities, conduct,
8 and/or omissions committed and/or engaged in by the defendants herein give rise to
9 this action being instituted within this federal district court inasmuch as plaintiffs
10 are citizens and residents, and maintain their principal place of business within,
11 the City of Vancouver, County of Clark, State of Washington, and the events that
12 give rise to the federal Racketeer Influenced and Corrupt Organizations Act of 1970
13 ["RICO"] [Title 18 United States Code §§ 1961, 1965(a), (b), and (d)] action are
14 predicated under the RICO co-conspiracy theory of venue and under the RICO co-
15 conspiracy theory of personal jurisdiction, by and through employment of federal
16 instrumentalities of federal interstate commerce, including the federal mails, federal
17 wires, and traveling in connection with the commission of racketeering activity
18 across federal interstate and/or international boundaries and/or lines.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
18 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 5. Plaintiffs further allege that the defendants, each of whom are engaged
2 in principal business activities within the City of Vancouver, County of Clark,
3 State of Washington, engaged in continuous, concerted, and systematic activities
4 with plaintiffs within this district, resulting in injury to their respective interests
5 in their business or property, pursuant to RICO Title 18 United States Code §
6 1964©).

7
8 6. Plaintiffs allege that venue is proper within this judicial district pursuant
9 to Title 28 United States Code §§ 1391(a)(2), (a)(3), and (b) inasmuch as all
10 defendants transact business and can be found within this district, and that a
11 substantial part of the events or omissions giving rise to the claims occurred, or a
12 substantial part of property that is the subject matter is situated within, this district.

13
14 7. Plaintiffs allege that the nature of the controversy arising between
15 the RICO plaintiffs and the RICO defendants is a controversy between parties
16 completely diverse in federal citizenship, inasmuch as plaintiffs are citizens of the
17 State of Washington, and defendants are citizens of the states of Florida and New
18 Jersey, and foreign nations of the Peoples Republic of China, Cyprus, and the United
19 Kingdom, and Plaintiffs further allege that the amount in controversy exceeds \$
20 75,000.00, exclusive of costs, expenses, interests, and fees, for purposes of invoking
21 and establishing federal diversity of citizenship subject mater jurisdiction pursuant
22 to Title 28 United States Code §§ 1332(a)(1),(2), and 1332(b).

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
19 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
 DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 **III.**

2 ***MULTI COMPLEX RICO ARTIFICE AND SCHEME TO DEFRAUD***
3 ***[TITLE 18 U.S.C. § 1964©)] re: DESTRUCTION and INJURY TO***
4 ***BUSINESS AND PROPERTY INTERESTS – INTERNATIONAL***
5 ***MONEY LAUNDERING and OBTAINING MONIES BY AND***
6 ***THROUGH FALSE PRETENSE, FRAUD, THEFT, and CONVERSION***

7

8 ***A. The Fallingsnow Trading Limited – Trading Program***
9 ***Collateralized Mortgage Obligation – Ponzi Scheme – Foreign***
10 ***Money Laundering Artifice and Scheme to Defraud***

11

12 8. Plaintiffs allege that commencing on or about **1 May 2009**, and
13 continuing through ***10 June 2009, 11 June 2009***, and further continuing up though
14 and including ***12 June 2009***, defendants Kiran Dave, Samuel Brimmer, John Joseph
15 Mark Marino, co-general partner, Marino, White, O’Farrell & Gonzalez, Attorneys,
16 Counselors and Solicitors at Law [“Marino Law Firm”], John Joseph Mark Marino,
17 co-managing member, JM International Commercial Consulting Inc., LLC,
18 [“JMICCI”], John Joseph Mark Marino, [“JMICCI -Escrow Agent”], and John Joseph
19 Mark Marino, Esq., co-general partner, Marino, White, O’Farrell & Gonzalez,
20 Attorneys, Counselors and Solicitors at Law [“Marino Law Firm”], and Abraham
21 Borenstein, co-managing member, Abraham Borenstein & Associates, P.C.,
22 [collectively referred to hereinafter as the “Boren Law Group”], employed the federal
23 mails and/or federal interstate wires and/or foreign international wires to obtain
24 \$300,000.00, from plaintiffs for placement in a trading program. Plaintiffs allege that

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
20 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 said defendants represented that the monies obtained from plaintiffs would be
 2 applied to acquire a financial instrument to serve as collateral for a financial loan, that
 3 this alleged financial loan would be placed within a trading program for purposes
 4 of effectuating a leveraged trading program.

5
 6 8A. Plaintiffs allege that on **12 June 2009**, via federal interstate wires,
 7 originating within the state of Florida, and terminating within the state of Washington,
 8 defendants Kiran Dave and Samuel Brimmer, acting within their representative
 9 capacities upon behalf of co-defendants John Joseph Mark Marino, co-general
 10 partner, Marino, White, O'Farrell & Gonzalez, Attorneys, Counselors and Solicitors
 11 at Law ["Marino Law Firm"], John Joseph Mark Marino, co-managing member, JM
 12 International Commercial Consulting Inc., LLC, ["JMICCI"], John Joseph Mark
 13 Marino, ["JMICCI- Escrow Agent"], and John Joseph Mark Marino, Esq., co-general
 14 partner, Marino, White, O'Farrell & Gonzalez, Attorneys, Counselors and Solicitors
 15 at Law ["Marino Law Firm"], and Abraham Borenstein, co-managing member,
 16 Abraham Borenstein & Associates, P.C., [collectively referred to hereinafter as the
 17 "Boren Law Group"], transmitted the following electronic message to Marvin Curtis,
 18 managing member, Edward Raine, LLC, regarding the placement of plaintiffs'
 19 \$300,000.00, into an alleged leveraged trading program:

20 Marv,

21 I think what you need understand is that the Law firm [Marino Law Firm]
 22 has a very high reputation globally. They are not n the business of
 23 stealing anyone [sic] money, as they are making Millions per day. Their
 24 licesure [sic] depends on them performing for all of their clients, and they

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
 26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
 27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
 28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
 21 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 are not going to lose that for 300K. They even put it in their contracts
2 to refund back the funds if [t]hey do not get you into trade.

3

4 I am your POA and my responsibilities are to deal with the law firm on
5 your behalf, to get you into trade in the proper manner.

6

7 If that does not work for you, then this not for you.

8

9 Regards,

10 Kiran

11

12 8B. Plaintiffs allege that on 12 June 2009, at 8:29 a.m., via federal
13 interstate wires, originating within the state of Florida, and terminating within the state
14 of Washington, defendants Kiran Dave and Samuel Brimmer, acting within their
15 representative capacities upon behalf of co-defendants John Joseph Mark Marino, co-
16 general partner, Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and
17 Solicitors at Law [“Marino Law Firm”], John Joseph Mark Marino, co-managing
18 member, JM International Commercial Consulting Inc., LLC, John Joseph Mark
19 Marino, [“Escrow Agent”], and John Joseph Mark Marino, Esq., co-general partner,
20 Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and Solicitors at Law
21 [“Marino Law Firm”], and Abraham Borenstein, co-managing member, Abraham
22 Borenstein & Associates, P.C., [collectively referred to hereinafter as the “Boren Law
23 Group”], transmitted the following electronic message to Marvin Curtis, managing
24 member, Edward Raine, LLC, regarding the placement of plaintiffs’ \$300,000.00, into

25

26

27

28

22

***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS
ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),
1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON
v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 an alleged leveraged trading program:

2

3

Marv,

4

You are not giving your money to me Marv. You have all the info that I offer to any of my clients. You will get to know me better if you choose to as we work together.

6

7

8

If you want to do your DD [due diligence] do it on the Law firm [Marino Law Firm], as I encourage everyone to do so, and you will find them of great repute.

10

11

12

Please send the Documents back.

13

14

Kiran

15

16

8C. Plaintiffs allege that on 11 June 2009, at 6:54 p.m., via federal interstate wires, originating within the state of Florida, and terminating within the state of Washington, defendants Kiran Dave and Samuel Brimmer, acting within their representative capacities upon behalf of co-defendants John Joseph Mark Marino, co-general partner, Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and Solicitors at Law [“Marino Law Firm”], John Joseph Mark Marino, co-managing member, JM International Commercial Consulting Inc., LLC, [“JMICCI”], John Joseph Mark Marino, [“JMICCI – Escrow Agent”], and John Joseph Mark Marino, Esq., co-general partner, Marino, White, O’Farrell & Gonzalez,

25

26

27

28

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 Attorneys, Counselors and Solicitors at Law [“Marino Law Firm”], and Abraham
2 Borenstein, co-managing member, Abraham Borenstein & Associates, P.C.,
3 [collectively referred to hereinafter as the “Boren Law Group”], transmitted the
4 following electronic message to Marvin Curtis, managing member, Edward Raine,
5 LLC, regarding the placement of plaintiffs’ \$300,000.00, into an alleged leveraged
6 trading program:

7 Thanks Marvin.

8
9 The 300K is the minimal entry.

10
11 However, the full 600K will get you there quicker and allow more
12 options for futures programs, just so that you are informed.

13
14 See docs that require your signature:

- 15 1) Appointment of legal counsel
- 16 2) Escrow wiring coordinates
- 17 3) Escrow Agreement
- 18 4) Joint Interest Trading Agreement

19
20 Please read, sign, and have them returned to me directly by early
21 tomorrow morning. I require time in the morning to review them early
22 enough so that you can get your wire sent off before mid-day, after I
23 contact you.

24
25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 Thks Marvin

2
3 9. Plaintiffs allege that the Marino Law Firm, Marino, Escrow Agent, JM
4 International Commercial Consulting Inc., LLC, [“JMICCI”], and the Boren Law
5 Group, by and through the actions, representations, and confirmations transmitted and
6 conveyed by Dave and Brimmer, obtained \$300,000.00, on 12 June 2009, from
7 plaintiffs, by federal interstate wire, transmitted and originated from plaintiffs’ U.S.
8 Bank, La Center, Washington, United States of America, and received by defendants
9 John Joseph Mark Marino, co-general partner, Marino, White, O’Farrell & Gonzalez,
10 Attorneys, Counselors and Solicitors at Law [“Marino Law Firm”], John Joseph Mark
11 Marino, co-managing member, JM International Commercial Consulting Inc., LLC,
12 [“JMICCI”], John Joseph Mark Marino, [“Escrow Agent”], and John Joseph Mark
13 Marino, Esq., co-general partner, Marino, White, O’Farrell & Gonzalez, Attorneys,
14 Counselors and Solicitors at Law [“Marino Law Firm”], and Abraham Borenstein, co-
15 managing member, Abraham Borenstein & Associates, P.C., [collectively referred
16 to hereinafter as the “Boren Law Group”], at defendants’ bank account located at
17 Bank of America, Boca Raton, Florida, for purposes of effecting an investment
18 property acquisition.

19
20 10. Plaintiffs allege that defendants Kiran Dave and Samuel Brimmer,
21 acting within their representative capacities upon behalf of co-defendants John Joseph
22 Mark Marino, co-general partner, Marino, White, O’Farrell & Gonzalez, Attorneys,
23 Counselors and Solicitors at Law [“Marino Law Firm”], John Joseph Mark Marino,
24 co-managing member, JM International Commercial Consulting Inc., LLC,

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
25 ***OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO***
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 11. Plaintiffs allege that said defendants, by and through Marvin Curtis and
2 Edward Raine, LLC, obtained plaintiffs' \$300,000.00, monetary wire transfer,
3 predicated and premised upon the following representations and/or statements:

4 **A. Escrow Agreement:**

5 ★ that plaintiffs' monies would be placed within an escrow account
6 under the terms and conditions of the Escrow Agreement operated,
7 managed, and directed by John Joseph Mark Marino, Marino Law
8 Firm, and JMICCI, whereby the Escrow Agent would facilitate
9 and secure a "Credit Enhancement Service," in the form of a
10 "BANK INSTRUMENT," either a "Bank Guarantee Standby-
11 Letter of Credit," or "U.S. T [Treasury]-Bill," issued from an "A"
12 rated or "better bank" in the amount of \$100,000,000.00, USD, for
13 a period of 1 year and one day;

14 ★ that the Escrow Agent would facilitate upon its behalf a "Funding
15 Service" a one year "Loan" in an amount to determined by Edward
16 Raine, LLC's "merit" of the transaction, ultimately approved by
17 "their respective Bank;

18 ★ that the Escrow Agent would disburse and distribute "Escrowed
19 Funds" to the Escrow Agent;

20 ★ that in the event the transaction does proceed within 45 days from
21 12 June 2009, the date of execution of the Escrow Agreement, the
22 Escrow Agent shall refund \$700,000.00, to the Marino Law Firm,
23 and plaintiffs' \$300,000.00; and,

24 ★ that in event of non-performance within 60 days from the date of

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 plaintiffs’ deposit, the Escrow Agent and the Marino Law Firm
2 shall be liable for the return of plaintiffs’ \$300,00.00.

3 **B. Joint Interest Trading Agreement**

4 ★ that PT Global International Trade and Beverly Foundation was a
5 company in good standing under the corporation laws of the
6 Peoples Republic of China;

7 ★ that PT Global International Trade and Beverly Foundation
8 confirmed that it possessed collateral assets sufficient to place into
9 an asset based trade reserved/blocked funds acceptable to the
10 “International Financial Market and to pay \$20,000,000.00, USD
11 in one year to a “collateral provider and Law firms to receive and
12 credit line in the amount of \$100,000,000.00, USD to be reduced
13 by transfer of said 20M USD leaving 76MUSD for placement into
14 Private placement Program due to the Loan to Value being 95% of
15 the face of the Bank Instrument;”

16 ★ that Fallingsnow Trading Limited was a company in good
17 standing under the corporation laws of Cyprus, possessing
18 “strong relationships in the financial markets, and will use the
19 vehicles available to procure lines of credit and/or trade such
20 financial instruments to meet the financial or project requirements
21 of the China Asset Holder;”

22 ★ that the Law Firm [the Marino Law Firm] would escrow
23 \$700,000.00, with plaintiffs’ \$300,000.00, to cover all fees due
24 “COLLATERAL PROVIDER of the Bank Instrument as well as

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 the costs of the Receiving banks fees for either a Stand By Letter
2 of Credit, a Bank Guarantee, or a US T-BILL, payment of
3 \$100,000.00 USD to Florida Escrow Company, \$900,000.00 USD
4 in banking fees due to Hong Kong and fees due COLLATERAL
5 PROVIDER. All fees to be transacted via the Florida Escrow
6 Corporation named in the Escrow Agreement provided to;” and,
7 ★ that certain monetary returns would be disbursed under
8 “PROCEDURES AND OPERATIONAL TERMS.”

9 **C. Attorney Profit Participation Agreement**

10 ★ that Boren Law Group, John Joseph Mark Marino, Marino Law
11 Firm, Boren Law Group, Abraham Borenstein, and Abraham
12 Borenstein & Associates, LLC, to receive 20% fee of net profits
13 earmarked solely from Marvin Curtis and Edward Laine, LLC, to
14 be paid as lawyers fees

15
16 12. Plaintiffs allege that the above representations made by said
17 defendants were materially misrepresentations of fact and/or material omissions of
18 material fact inasmuch as:

19 ◆ JM ICCI, John Joseph Mark Marino, Marino Law Firm, Boren
20 Law Group, Abraham Borenstein, and Abraham Borenstein &
21 Associates, LLC, generated, created, and controlled all aspects of
22 the PT Global International Trade and Beverly Foundation
23 transaction;\

24 ◆ JM ICCI, John Joseph Mark Marino, Marino Law Firm, Boren

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 Law Group, Abraham Borenstein, and Abraham Borenstein &
2 Associates, LLC, lost plaintiffs' \$300,000.00, to PT Global
3 International Trade and Beverly Foundation;

4 ♦ JM ICCI, John Joseph Mark Marino, Marino Law Firm, Boren
5 Law Group, Abraham Borenstein, and Abraham Borenstein &
6 Associates, LLC, failed and refused to initiate recovery efforts
7 from PT Global International Trade and Beverly Foundation;

8 ♦ JM ICCI, John Joseph Mark Marino, Marino Law Firm, Boren
9 Law Group, Abraham Borenstein, and Abraham Borenstein &
10 Associates, LLC, did not independently substantiate or corroborate
11 by documentation the loss of plaintiffs' \$300,000.00, to PT
12 Global International Trade and Beverly Foundation; and,

13 ♦ JM ICCI, John Joseph Mark Marino, Marino Law Firm, Boren
14 Law Group, Abraham Borenstein, and Abraham Borenstein &
15 Associates, LLC, refused to return plaintiffs' \$300,000.00, upon
16 subsequent written demands submitted to and received by
17 defendants beginning in November, 2009.

18
19 13. Plaintiffs allege that said defendants allegedly placed plaintiffs'
20 previously lost \$300,000.00, into a Joint Interest Trading Agreement, by and through
21 Marvin Curtis and Edward Laine, LLC, on 21 September 2009, involving a similarly
22 structured monetary transaction with Fallingsnow Trading Limited, and Sir Ian
23 Russell, corporate principal JV Asset Holder One [unidentified entity] represented to
24 allegedly be a corporation in good standing in the United Kingdom. Plaintiffs allege

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
30 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 that JV Asset Holder One is in fact Avon Overseas Holding LLC, owned, managed,
2 controlled, administered, and directed by Sir Ian Russell, an entity allegedly engaged
3 in commercial mortgage obligation [“CMO”] securities’ trading and placement to
4 insure collateralized CMO securities for transfer into an alleged trading account.

5
6 14. Plaintiffs allege that said defendants allegedly facilitate and further such
7 alleged CMO securities activities by and through Cambridge Associates, a Swiss
8 corporate entity allegedly owned and controlled by JM ICCI, John Joseph Mark
9 Marino, Marino Law Firm, Boren Law Group, Abraham Borenstein, and Abraham
10 Borenstein & Associates, LLC.

11
12 15. Plaintiffs allege that JM ICCI, John Joseph Mark Marino, Marino Law
13 Firm, Boren Law Group, Abraham Borenstein, and Abraham Borenstein &
14 Associates, LLC, own, control, manage, administer, facilitate and further the activities
15 of Avon Overseas Holding, LLC, Cambridge Associates, and Fallingsnow Trading
16 Limited, by and through profit distribution contracts. Plaintiffs allege that JM ICCI,
17 John Joseph Mark Marino, Marino Law Firm, Boren Law Group, Abraham
18 Borenstein, and Abraham Borenstein & Associates, LLC, co-ordinate, facilitate, and
19 further the activities of Avon Overseas Holding, LLC, Cambridge Associates, and
20 Fallingsnow Trading Limited, by and through formulating, orchestrating,
21 implementing, and executing efforts and promoting activities to raise monetary funds
22 from persons such as plaintiffs, without providing plaintiffs with independent means
23 of corroboration or substantiation of the genuineness of alleged CMO trading
24 programs, plaintiffs thereby being compelled to accept said defendants’ mere verbal

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
31 ***OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO***
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 and written representations as alleged fact.

2
3 16. Plaintiffs allege that between **mid November, 2009, and late February,**
4 **2010**, plaintiffs' repeated e mail letters demanding the return of plaintiffs' monies
5 were ignored. Plaintiffs allege that on **11 December 2009**, plaintiff Sunrise Home
6 Builders, LLC, by and through its managing member, Darren Bates, met in person
7 with John Joseph Mark Marino, co-general partner of the Marino Law Firm, escrow
8 agent for JM ICCI, John Joseph Mark Marino, Marino Law Firm, Boren Law Group,
9 Abraham Borenstein, and Abraham Borenstein & Associates, LLC, and Fallingsnow
10 Trading Limited, in Santa Monica, CA, wherein Bates demanded the immediate
11 return of said monies, and Marino assured Bates that the monies would be returned
12 immediately after 1 January 2010. In fact, the monies were never returned,
13 notwithstanding said written demands by plaintiffs served upon defendants.

14
15 17. Plaintiffs allege that John Joseph Mark Marino, co-general partner of the
16 Marino Law Firm, escrow agent for JM ICCI, John Joseph Mark Marino, Marino Law
17 Firm, Boren Law Group, Abraham Borenstein, and Abraham Borenstein &
18 Associates, LLC, and Fallingsnow Trading Limited, in July, 2009, formulated,
19 developed, implemented, and executed a program by and through the Marino Law
20 Firm, to address issues, concerns, and questions expressed by plaintiffs and similarly
21 situated persons that placed their monies with said defendants, demanding the return
22 of their monies due to non-performance by said defendants. Plaintiffs allege that said
23 defendants created and operated "Legal Team Facilitator – Marino International
24 Law" to function as a wholly interdependent entity within the Marino Law Firm,

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
32 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 managed, controlled, and administered by John Joseph Mark Marino.

2
3 18. Plaintiffs allege that the Legal Team Facilitator – Marino International
4 Law, by and through agents, employees, representatives, servants, deputies, and/or
5 nominees, specifically, defendants Kiran Dave, Samuel Brimmer, and David Skip
6 Klahr, employed federal interstate wires, including, but restricted to, electronic
7 messaging, electronic mailing, instant messaging, and/or cellular telephones, advising
8 plaintiffs, Ken Zimmerman, Marvin Curtis, Edward Raine, LLC, and other similarly
9 situated victims, advising plaintiffs to remain patient, that plaintiffs’ monies would
10 be rolled over into another trading program promising to pay significantly higher rates
11 of return, and under no circumstances were plaintiffs to contact John Joseph Mark
12 Marino due to Marino’s alleged extremely busy overseas conferencing schedule.

13
14 19. Plaintiffs allege that such representations were effected by the Legal
15 Team Facilitator – Marino International Law, specifically, Kiran Dave, Samuel
16 Brimmer, and David Skip Klahr, to plaintiffs, via electronic messaging, electronic
17 mailing, instant messaging, and/or federal interstate wires, including telephone and
18 cellular phone, originating in Springfield, New Jersey, Fort Lauderdale, Florida, Boca
19 Raton, Florida, and Delray Beach, Florida, and received by plaintiffs located within
20 both the City of Ridgefield and the City of Vancouver, County of Clark, State of
21 Washington, on the following dates:

22 ♦ 4 July 2009

23 ♦ 10 July 2009

24 ♦ 12 July 2009

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
33 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

- 1 ♦ 13 July 2009
- 2 ♦ 14 July 2009
- 3 ♦ 15 July 2009
- 4 ♦ 28 July 2009
- 5 ♦ 14 August 2009
- 6 ♦ 26 August 2009
- 7 ♦ 28 August 2009
- 8 ♦ 2 September 2009
- 9 ♦ 4 September 2009
- 10 ♦ 11 September 2009
- 11 ♦ 18 September 2009
- 12 ♦ 20 September 2009
- 13 ♦ 21 September 2009
- 14 ♦ 4 October 2009
- 15 ♦ 5 October 2009
- 16 ♦ 14 October 2009

17

18 20. Plaintiffs allege that the representations, statements, affirmations,
19 confirmations, and/or assurances effected and made by Legal Team Facilitator –
20 Marino International Law, specifically, Kiran Dave, Samuel Brimmer, and David
21 Skip Klahr, were generated, designed, intended, and deliberately transmitted and
22 disseminated by said defendants to plaintiffs to effectively “lull” plaintiffs into a false
23 sense of security and hope. Plaintiffs allege that plaintiffs reasonably relied upon such
24 representations made by said defendants.

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
34 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
 DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 21. Plaintiffs allege that John Joseph Mark Marino, co-general partner of
2 the Marino Law Firm, escrow agent for JM ICCI, John Joseph Mark Marino, Marino
3 Law Firm, Boren Law Group, Abraham Borenstein, and Abraham Borenstein &
4 Associates, LLC, and Fallingsnow Trading Limited, authored, prepared, and
5 generated such “lulling” communiques, and explicitly instructed, commanded, and
6 directed Legal Team Facilitator – Marino International Law, specifically, Kiran
7 Dave, Samuel Brimmer, and David Skip Klahr, to discharge such responsibilities,
8 with actual knowledge that plaintiffs’ monies were lost due to defendants’ activities,
9 and that defendants were not, and had no intention of, applying defendants’ own
10 monies to refund plaintiffs’ \$300,000.00.

11
12 22. Plaintiffs allege that on ***8 February 2010***, John Joseph Mark Marino, co-
13 general partner of the Marino Law Firm, escrow agent for JM ICCI, John Joseph
14 Mark Marino, Marino Law Firm, Boren Law Group, Abraham Borenstein, and
15 Abraham Borenstein & Associates, LLC, and Fallingsnow Trading Limited,
16 transmitted an e mail letter, via federal interstate wires, originating in Florida, and
17 received in Washington, by Darren Bates, managing member, Sunrise Homebuilders,
18 LLC, expressly stating the following:

19 Dear Darren,

20 The securities were transferred last week to CITI services in California
21 at Santa Barbara. Under the signature of Henry T. Hammond Jr. and
22 myself. The trade agreement is expected this week and I have been told
23 by Mr. Hammond, who now has a complete assignment of the securities
24 that a full refund of your principle will be made by the end of the month.

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
35 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
 DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 I will tell you what we told everyone else, the transaction is being
2 monitored by US government agencies.

3
4 I cannot give you any answers as to what the profits might be. But I can
5 provide via regular mail, a disk which has many pages, contains
6 documents which we have been told are in compliance with the SEC and
7 consist of a subscription agreement, operating agreement and
8 memorandum, please provide us a mailing address so that can mail
9 the disk to you.

10
11 If you have any questions please feel free to contact me by phone 561-
12 498-3992 or 954-224-0716.

13
14 23. Plaintiffs allege that on 12 February 2010, John Joseph Mark Marino,
15 co-general partner of the Marino Law Firm, escrow agent for JM ICCI, John Joseph
16 Mark Marino, Marino Law Firm, Boren Law Group, Abraham Borenstein, and
17 Abraham Borenstein & Associates, LLC, and Fallingsnow Trading Limited,
18 transmitted an e mail letter, via federal interstate wires, originating in Florida, and
19 received in Washington state, by counsel representing Darren Bates, managing
20 member, Sunrise Homebuilders, LLC, expressly stating the following reasons why
21 Darren Bates, managing member, Sunrise Homebuilders, LLC, will not receive the
22 information and documents specifically referenced by Marino's 8 February 2010 e
23 mail letter:

24 * * *

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
36 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 Please be advised that I sent your e mail [11 February 2010] to Mr.
2 Hammond, who has the letter from the United States Department of
3 Justice which is monitoring this entire transaction. I cannot provide you
4 any of this information but I can advise you that Mr. Hammond has your
5 client coordinates and expects to receive the agreement from the other
6 entities by Monday. I have been told he will be sending your client a
7 return of his funds by the end of this month.

8
9 If there is any change in that schedule, Mr. Hammond will advise me and
10 I will provide that information to you. I can only tell you that all of the
11 securities were assigned to Mr. Hammond in order to complete the
12 transaction with proper parties so that your client can receive not a partial
13 payment but a full return of all of his funds.

14
15 If you have any further questions, please feel free to contact me.

16
17 24. Plaintiffs allege that John Joseph Mark Marino, co-general partner of
18 the Marino Law Firm, escrow agent for JM ICCI, John Joseph Mark Marino,
19 Marino Law Firm, Boren Law Group, Abraham Borenstein, and Abraham Borenstein
20 & Associates, LLC, and Fallingsnow Trading Limited, adamantly refused to
21 produce, deliver, transmit, or present to Darren Bates, managing member, Sunrise
22 Homebuilders, LLC, the documents and information referenced within defendants'
23 8 February 2010 e mail letter. Plaintiffs allege that defendants' exhibited conduct
24 constitutes a form of active concealment of materially relevant and documentary

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 evidence relative to plaintiffs' consistent and persist demands for the production
2 thereof.

3
4 25. Plaintiffs allege that on 16 February 2010, John Joseph Mark Marino,
5 co-general partner of the Marino Law Firm, escrow agent for JM ICCI, John Joseph
6 Mark Marino, Marino Law Firm, Boren Law Group, Abraham Borenstein, and
7 Abraham Borenstein & Associates, LLC, and Fallingsnow Trading Limited,
8 transmitted an e mail letter, via federal interstate wires, originating in Florida, and
9 received in Washington, by counsel representing Darren Bates, managing member,
10 Sunrise Homebuilders, LLC, expressly stating the following reasons why Darren
11 Bates, managing member, Sunrise Homebuilders, LLC, will not receive the
12 information and documents specifically referenced by Marino's 8 February 2010 e
13 mail letter:

14
15 Your client will receive funds directly from Mr. Hammond and no other
16 information can be provided to you. The funds will arrive this month.
17 Mr. Bates is not part of the contracts involving the CMO purchases and
18 therefore can not receive any information.

19
20 26. Plaintiffs allege that John Joseph Mark Marino, co-general partner of
21 the Marino Law Firm, escrow agent for JM ICCI, John Joseph Mark Marino,
22 Marino Law Firm, Boren Law Group, Abraham Borenstein, and Abraham Borenstein
23 & Associates, LLC, and Fallingsnow Trading Limited, adamantly refused to
24 produce, deliver, transmit, or present to Darren Bates, managing member, Sunrise

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 Homebuilders, LLC, the documents and information referenced within defendants’
2 **8 February 2010** e mail letter. Plaintiffs allege that defendants’ exhibited conduct
3 constitutes a form of active concealment of materially relevant and documentary
4 evidence relative to plaintiffs’ consistent and persist demands for the production
5 thereof.

6
7 27. Plaintiffs allege that defendants’ activities described herein above
8 constituted an artifice and scheme to defraud, to disseminate, publish, transmit,
9 and/or otherwise circulate misleading, unreliable, unsubstantiated, non verifiable
10 and/or false information about John Joseph Mark Marino, co-general partner of the
11 Marino Law Firm, escrow agent for JM ICCI, John Joseph Mark Marino, Marino
12 Law Firm, Boren Law Group, Abraham Borenstein, and Abraham Borenstein &
13 Associates, LLC, and Fallingsnow Trading Limited, and other, transactions which
14 include, but not restricted to:

- 15 ◆ Approved by the Federal Reserve Board.
- 16 ◆ Approved by the International Monetary Fund [“IMF”].
- 17 ◆ Approved by the 1944 Bretton Woods Conference.
- 18 ◆ Risk free.
- 19 ◆ Offered to facilitate and further developing third world nations.
- 20 ◆ Safe and secure.
- 21 ◆ Approved by the Securities and Exchange Commission.
- 22 ◆ Approved by the Internal Revenue Service.
- 23 ◆ Offered and sold to alleged qualified individuals and/or entities.

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
39 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 28. Plaintiffs allege that the afore described representations are in fact
2 materially false inasmuch as such are proscribed by the Federal Reserve Board, the
3 International Monetary Fund, the Securities and Exchange Commission, the Internal
4 Revenue Service, and the federal Department of Justice as illegal. Plaintiffs allege
5 that defendants knew, and had reason to know, that such representations were in fact
6 materially false.

7
8 29. Plaintiffs allege that said defendants knew, and had reason to know, at
9 and during the times material herein alleged, that such programs were proscribed
10 by the Federal Reserve Board, the International Monetary Fund, the Securities and
11 Exchange Commission, and the federal Department of Justice as illegal inasmuch as
12 these governmental agencies have prominently posted websites on the Internet for
13 the populous to access, condemning the practice, as evidenced by
14 www.federalreserve.gov, Senate Testimony of Herbert A. Biern, Deputy Associate
15 Director, Division of Banking Supervision and Regulation, 17 July 1996,
16 www.newyorkfed.org, Known “Federal Reserve” Scams,” published by the Federal
17 Reserve Bank of New York, www.imf.org, “IMF Again Warns of Financial Schemes
18 Misusing Its Name,” www.federalreserve.gov, ““Prime Bank” and Other Financial
19 Instrument Fraud Schemes, “ and www.sec.gov, “How Prime Bank Frauds Work.”

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
40 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 30. Plaintiffs allege that the defendants' employment of federal mails and
2 federal interstate wires in this connection were for purposes of furthering and
3 facilitating their artifice and scheme to defraud plaintiffs, and other victims, thereby
4 contravening Title 18 U.S.C. §§ 2(a), 2(b), 1341, 1343, 1346, 1952, 1956, 1957,
5 2314, and 2315.

6
7 31. Plaintiffs allege that the representations made by John Joseph Mark
8 Marino, co-general partner of the Marino Law Firm, escrow agent for JM ICCI,
9 John Joseph Mark Marino, Marino Law Firm, Boren Law Group, Abraham
10 Borenstein, and Abraham Borenstein & Associates, LLC, and Fallingsnow Trading
11 Limited were in fact false and materially misleading inasmuch as [defendants] had
12 no intent to apply any monies received from plaintiffs but, rather, to receive plaintiffs'
13 monies, by and through federal interstate acquisition and receipt of plaintiffs'
14 monies exceeding \$5,000.00, originated and transmitted from locations in
15 Washington state, and received by defendants Law firm, Boren Group, and JMICCI
16 at their offices located in both Fort Lauderdale, Florida, Boca Raton, Florida.
17 Plaintiffs allege that the defendants' employment of federal mails and federal
18 interstate wires in this connection were for purposes of furthering and facilitating their
19 artifice and scheme to defraud plaintiffs and other victims, thereby contravening Title
20 18 U.S.C. §§ 2(a), 2(b), 1341, 1343, 1346, 1952, 1956, 1957, 2314, and 2315.

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
41 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 **DEFENDANTS’ “LULLING LETTERS” INTENDED TO LULL PLAINTIFFS**
2 **INTO A FALSE SENSE OF SECURITY AND HOPE RELATIVE TO**
3 **PLAINTIFFS’ RECOVERY OF MONETARY FUNDS**
4

5 32. Plaintiffs allege that during all times material herein that Henry T.
6 Hammond served and functioned as an employee, designee, servant, agent, deputy,
7 nominee, co-manager, co-partner, and/or representative upon behalf of defendants
8 John Joseph Mark Marino, co-general partner of the Marino Law Firm, JM ICCI,
9 escrow agent for JM ICCI, John Joseph Mark Marino, Marino Law Firm, Boren Law
10 Group, Abraham Borenstein, and Abraham Borenstein & Associates, LLC, and
11 Fallingsnow Trading Limited, in connection with lulling plaintiffs into a false sense
12 of hope that defendants would refund plaintiffs’ monies.

13
14 33. Plaintiffs allege that during all times material herein that Henry T.
15 Hammond knowingly and willingness participated within the lulling efforts
16 represented by John Joseph Mark Marino, co-general partner of the Marino Law
17 Firm, JM ICCI, escrow agent for JM ICCI, John Joseph Mark Marino, Marino Law
18 Firm, Boren Law Group, Abraham Borenstein, and Abraham Borenstein &
19 Associates, LLC, to persuade and convince plaintiffs that plaintiffs’ monies would
20 be returned thereto by and through an allegedly unidentified private placement
21 securities offering in February, 2010, as referenced within defendants’ 8 February
22 2010 e mail letter to Darren Bates, managing member, Sunrise Home Builders, LLC..

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
42 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 34. Plaintiffs allege that on 10 February 2010, defendants sent the
2 following e mail letter to Darren Bates, managing member, Sunrise Home Builders,
3 LLC, regarding the alleged status of efforts to return plaintiffs' monies:

4

5 I just spoke to Mr. Hammond. He requested that I not give him
6 phone number to anyone. The wrap is in place the agreement will
7 be forthcoming within the next 24 hours. You will receive 100%
8 of your funds back this month. I cannot tell you anything beyond
9 that. This is not a game for us. As a result of the fraud perpetrated
10 by Ian Russell, Dr. Greeson, Avalon Overseas, we were advised
11 that Judge Hill, a retired federal US district court Judge who today
12 runs Pellmore group felt it prudent to turn the entire file over to
13 the authorities. You will get all of your money back this month.

14

15 We sent you a disk via regular mail today that shows you how you
16 can go forward in the future. We can only tell you that it will be
17 done in 60 days. The documents that we sent you that you can
18 print out from the disk are compliant with the SEC regulations.

19

20 Feel free to contact me on my cell 954-224-0716 at any time and
21 I will answer it.

22 ///

23 ///

24 ///

25

26

27

28

***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS
ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),
1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON
v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 35. Plaintiffs allege that the afore referenced e mail letter was transmitted
2 by defendants for purposes of lulling plaintiffs into a false sense of security and hope.
3 Plaintiffs allege that as of the date of the initiation of these proceedings, defendants
4 have consistently failed and refused to return plaintiffs' monies demanded thereby.
5 Plaintiffs allege that the alleged documents purportedly sent to Sunrise Home
6 Builders, LLC, allegedly involved a private placement securities offering that
7 plaintiffs had no interest in participating or subscribing thereto, and that such
8 documents were allegedly intended to further lull plaintiffs into a false sense of hope
9 and security that the alleged securities offering would raise monies to return to
10 plaintiffs; however, the alleged use of proceeds section materially omits any reference
11 to or identification of plaintiffs as the intended recipients thereof.

12
13 36. Plaintiffs allege that on 25 January 2010, defendants sent the following
14 e mail letter to Sunrise Home Builders, LLC, attention, Darren Bates, managing
15 member, relative to defendants' alleged efforts to return plaintiffs' monies:

16 Dear Darren,

17
18 We have not moved the securities yet because the problem
19 is that it must be a like account. We have met with
20 numerous firms over the weekend. We have provided every
21 single document to them so that they can open an account.
22 Please understand that this transaction is now being
23 monitored by US agencies and Mr. Hammond has the full
24 power and assignment necessary to finish.

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
45

Hurdle number 1 was removal of Ian Russell.

Hurdle number 2 is to open a like account at the trader's security firm. We are NOT in control of the number of days this will take. When it is done, the securities will be transferred and all the powers have been given to obtain the credit line, receive the advance and get your funds returned. Thereafter, it is hoped that profits will occur. I wish that all of you would not send us further emails, as soon as the advance is available, Mr. Hammond will see that the funds are returned to you and we can then be in a position to know what will happen in the future.

Thank you,

37. Plaintiffs allege that the afore referenced e mail letter was transmitted by defendants for purposes of lulling plaintiffs into a false sense of security and hope. Plaintiffs allege that as of the date of the initiation of these proceedings, defendants have consistently failed and refused to return plaintiffs' monies demanded thereby. Plaintiffs allege that the reference to the alleged removal of Sir Ian Russell relates to the 21 September 2009, Joint Interest Trading Agreement wherein Sir Ian Russell and an unidentified, unknown United Kingdom corporate entity, were to joint venture using plaintiffs' monies. Plaintiffs allege that defendants never independently

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 confirmed, substantiated, or corroborated the failure of that particular joint venture and
2 the reasons why non-performance did not occur, and the reasons for the alleged
3 removal of Sir Ian Russell. Plaintiffs allege that the e mail letter was sent to plaintiffs
4 to lull them into a false sense of security about the recovery of plaintiffs' monies.

5
6 38. Plaintiffs allege that on 15 January 2010, defendants sent the following
7 e mail letter, with attached General Indemnity & Release, and letter from the Marino
8 Law Firm regarding the removal of Sir Ian Russell, to Sunrise Home Builders, LLC,
9 attention, Darren Bates, managing member, relative to defendants' alleged efforts to
10 return plaintiffs' monies:

11 January 15, 2010

12
13 As we have been telling you, for the past four months, every delay that
14 was encountered in this transaction was solely caused by Ian Russell and
15 the fact that he brought forward, in our opinion; parties who we
16 absolutely know are the subject of intense investigation by US and EU
17 agencies. We believe indictments are imminent for these parties.

18
19 We obtained the assistance of individuals who had direct ties to the US
20 Department of Justice, US Treasury Department and other agencies.

21
22 As a result of their assistance, today we are transferring the securities to
23 our JV partner Hana World Waterbank Corporation. In order to make this
24 transfer today, you must sign this attached form and return it

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
47

immediately. The securities listed here will be transferred and powers of attorney have been executed to permit the JV partner to secure a credit line and begin the transaction. Within 48 hours of the transfer we are obtaining the advance that would enable us to return all of your principal and thereafter subject to receipt of the investment profits meet the other obligations.

The tragedy here is the fact that if the traders and insurance companies that Ian Russell brought forth in September had not engaged in wrongful conduct, you and our firm would have been receiving profits for the last four months. None of you have any idea what transpired and the damages that were caused by these entities engaging in wrongful conduct.

At any rate, everything is now resolved subject to you returning this release to me, this morning.

Yours truly,

John Marino

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 39. Plaintiffs allege that the afore referenced e mail letter, and attached
2 General Indemnity, Removal of Ian Russell, was transmitted by defendants for
3 purposes of lulling plaintiffs into a false sense of security and hope. Plaintiffs were
4 expressly told by Marino that Darren Bates, individually, must execute the General
5 Indemnity & Release immediately, and if Bates refused or failed to comply, plaintiffs'
6 \$300,000.00, would not be returned as confirmed by Marino. Bates reasonably
7 believed Marino's representation and confirmations, and relying thereupon, executed
8 the instrument. Plaintiffs allege that such conduct committed by Marino constituted
9 actionable extortion indictable pursuant to Title 18 U.S.C. §1951(a).

10
11 39A. Plaintiffs allege that as of the date of the initiation of these proceedings,
12 defendants have consistently failed and refused to return plaintiffs' monies demanded
13 thereby. Plaintiffs allege that the reference to the alleged removal of Sir Ian Russell
14 relates to the 21 September 2009, Joint Interest Trading Agreement wherein Sir Ian
15 Russell and an unidentified, unknown United Kingdom corporate entity, were to joint
16 venture using plaintiffs' monies. Plaintiffs allege that defendants never independently
17 confirmed, substantiated, or corroborated the failure of that particular joint venture
18 and the reasons why non-performance did not occur, and the reasons for the alleged
19 removal of Sir Ian Russell. Plaintiffs allege that the e mail letter was sent to plaintiffs
20 to lull plaintiffs into a false sense of security about the recovery of plaintiffs' monies.

21
22 40. Plaintiffs allege that on 5 January 2010, defendants sent the following
23 e mail letter to Sunrise Home Builders, LLC, attention, Darren Bates, managing
24 member, relative to defendants' alleged efforts to return plaintiffs' monies:

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
48 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
49

Dear Darren,
Yes we are on track. HANA Water is a multi billion dollar company known to us. As added security the bank will freeze 530 M of the several Billion they have on deposit at JP Morgan Chase bank. They need the CMO notes to spring the credit line. Otherwise, they would just use their cash and trade themselves. We will have the coordinates tomorrow and transfer the securities and should receive the advance shortly. We have every faith in the transaction.

41. Plaintiffs allege that the afore referenced e mail letter was transmitted by defendants for purposes of lulling plaintiffs into a false sense of security and hope. Plaintiffs allege that as of the date of the initiation of these proceedings, defendants have consistently failed and refused to return plaintiffs’ monies demanded thereby.

42. Plaintiffs allege that on 17 December 2009, defendants sent an e mail letter to Darren Bates, managing member, Sunrise Home Builders, LLC, relative to plaintiffs’ demands for the immediate return of plaintiffs’ monies:

Dear Darren,
The sale did not go through because the buyer failed to provide a joint account for the buyer and seller to hold the securities and allow for payments to be made. They obviously cannot meet their financial obligation. We are now going to trade the entire \$5.3 Billion and we expect the JV agreement to arrange the securities

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 at a branch of JP Morgan Chase Bank. We further expect an
2 advance on the credit line and we hope that this occurs before
3 Christmas so that we could at the very least return 100% of the
4 principle and after trading begins Jan 15 we would then provide
5 the rest of the funds as discussed with you.

6
7 43. Plaintiffs allege that the afore referenced e mail letter was transmitted
8 by defendants for purposes of lulling plaintiffs into a false sense of security and hope.
9 Plaintiffs allege that as of the date of the initiation of these proceedings, defendants
10 have consistently failed and refused to return plaintiffs' monies demanded thereby.

11
12 44. Plaintiffs allege that on 14 December 2009, defendants sent an e mail
13 letter to Darren Bates, managing member, Sunrise Home Builders, LLC, relative to
14 plaintiffs' demands for the immediate return of plaintiffs' monies:

15 We receive word that we will get the final bank contracts today.
16 Mr. Marino is traveling and will be in the Florida office tomorrow.
17 He will be traveling to Brussells sometime this week. Also, Mr.
18 Marino ask that you please send your wiring instructions as well.

19
20 Thank you,

21
22 45. Plaintiffs allege that the afore referenced e mail letter was transmitted
23 by defendants for purposes of lulling plaintiffs into a false sense of security and hope.
24 Plaintiffs allege that as of the date of the initiation of these proceedings, defendants

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
50 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 have consistently failed and refused to return plaintiffs' monies demanded thereby.

2

3 46. Plaintiffs allege that on 2 December 2009, defendants sent an e mail
4 letter to Darren Bates, managing member, Sunrise Home Builders, LLC, relative to
5 plaintiffs' demands for the immediate return of plaintiffs' monies:

6

To all concerned:

7

We are attaching a copy of the letter that we sent on corporate
8 letterhead instead of Law firm letterhead because the corporation
9 is the lawful title owner of the securities.

10

11

We are about to commence litigation unless we resolve the issues
12 in the next few days.

13

14

We have arranged a sales contract for the Merrill Lynch
15 Commercial Obligation Notes described in the account
16 confirmation document that is attached to this e-mail as well. The
17 sale is structured as follows:

18

19

When the account is open in the next 72 hours between the Hedge
20 Fund and JM INTERNATIONAL COMMERCIAL
21 CONSULTING INC. we will order the trade ticket and delivery of
22 the securities to the buyer. The buyer makes the first payment of
23 \$2.3 Million Dollars within 48 hours after delivery.

24

25

***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS
26 ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),
1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON
27 v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
28 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 Payments of 23 Million Dollars are to be made every 15 days after
2 the initial payment until 71.3 Million Dollars is received into the
3 account.

4
5 The last payment will then be for 20 Million Seven Hundred
6 Thousand dollars and we will then sign off on the joint account
7 having sold those securities.

8
9 You can see from our letter and the complaint that the Englishman
10 who we consider delusional and totally unaware of the frauds
11 perpetrated by the parties he brought to the table. We now believe
12 there is a strong likelihood that he will accept our offer to take the
13 20 Million USD and walk away.

14
15 We have formed a completely new corporation and we will buy
16 the future securities (CMO Notes) of the same quality and have
17 arranged further with EFG Bank to trade those securities. Under
18 the law, it is illegal to ever guarantee profits but we believe that
19 with a credit line of even 10% of the face of our securities which
20 on the remaining Goldman Sachs securities would be 300 Million
21 Dollars we should be able to meet a target of 6 Million Dollars
22 monthly per million dollars invested and comply with the
23 contracts executed by JM INTERNATIONAL COMMERCIAL
24 CONSULTING, INC.

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
53

This is not and never was a Bernie Madoff or Scott Rothstein transaction. Your funds were used to purchase securities that are in our account at Andrew-Garrett. Obviously, we were correct because from the executed sales agreement after taxes are paid; there is more than enough money to meet the targets described in the agreements.

We always believed that it was possible to earn substantial profits and the fact that we have received an executed sales agreement and anticipate immediate receipt of a trading agreement from EFG Bank we always believed that it was an excellent opportunity for all parties to earn a more than adequate return as well as our law firms and corporations.

Don't be overly concerned about this litigation because it appears that the Englishman is about to settle this matter.

We will advise you on the schedule of payments.

Yours truly,
John Marino

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 46. Plaintiffs allege that the afore referenced e mail letter was transmitted
2 by defendants for purposes of lulling plaintiffs into a false sense of security and hope.
3 Plaintiffs allege that as of the date of the initiation of these proceedings, defendants
4 have consistently failed and refused to return plaintiffs’ monies demanded thereby.

5
6 47. Plaintiffs allege that on 1 December 2009, defendants sent an e mail
7 letter to Darren Bates, managing member, Sunrise Home Builders, LLC, relative to
8 plaintiffs’ demands for the immediate return of plaintiffs’ monies:

9 Dear Darren,

10 We will send you the \$900,000.00. The wire back has to go to the
11 new company. You already have the M & M Financial Consulting,
12 Inc. account. It has to be done this way.

13
14 48. Plaintiffs allege that the afore referenced e mail letter was transmitted
15 by defendants for purposes of lulling plaintiffs into a false sense of security and hope.
16 Plaintiffs allege that as of the date of the initiation of these proceedings, defendants
17 have consistently failed and refused to return plaintiffs’ monies demanded thereby.

18
19 49. Plaintiffs allege that on 30 November 2009, defendants sent an e mail
20 letter to Darren Bates, managing member, Sunrise Home Builders, LLC, relative to
21 plaintiffs’ demands for the immediate return of plaintiffs’ monies:

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
55

Dear Darren,

No, the funds are not available because the contracts that we sold the securities under have a payment schedule, so the procedures are as follows:

I have to have an account open at the buyer's bank this week to cause the securities to be transferred to that account by Andrew-Garrett.

The first payments are to be made 15 days after the transfers of the securities. There were a group of people who put up between \$300,000.00 and 1 Million Dollars.

Actually, I believe there were two individuals who put up \$350,000.00, 3 individuals who put up 1 Million and about 11 people who put up \$300,000.00. Those people that put up 1 Million dollars will receive 3 Million Dollars, the people that put up \$300,000.00 receive One million and the people that put up \$350,000.00 receive \$1.1 Million Dollars.

What has occurred so far as an executed contract between me the owner of the securities and the buyer. The transaction was never a partnership. We formed a new corporation and you are free to return any portion of the \$900,000.00 or none of it. Our opinion

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 would be to send back \$500,000.00 because you now have a return
2 of 33% in less than 6 Months, keeping \$400,000.00 and I could
3 partner you with other people who have agreed to return
4 \$500,000.00 and the new agreements we are willing to pay 4 M,
5 that would then give you 2 M monthly starting in 60 days or less.
6

7 50. Plaintiffs allege that the afore referenced e mail letter was transmitted
8 by defendants for purposes of lulling plaintiffs into a false sense of security and hope.
9 Plaintiffs allege that as of the date of the initiation of these proceedings, defendants
10 have consistently failed and refused to return plaintiffs' monies demanded thereby.
11

12 50A. Plaintiffs allege that defendants John Joseph Mark Marino, Esq., the
13 Marino Law Group, and John Joseph Mark Marino, escrow agent, JM ICCI, via
14 electronic mail dated 29 November 2009, exchanged with Darren Bates, managing
15 member, Sunrise Home Builders, LLC, represented and confirmed to plaintiffs that
16 defendants would disburse to plaintiffs \$1,000,000.00, in proceeds as per defendants'
17 explicit reassurances and reaffirmations that plaintiffs' \$300,000.00, produced that
18 return and would be remitted to plaintiffs:
19 -----

20 Original Message-----

21 **From:** Darren Bates [mailto:dbates@sunrisehomebuilders.net]

22 **Sent:** Monday, November 30, 2009 12:55 PM

23 **To:** johnmarino@marinolaw.info

24 **Subject:** RE: Investment - Dinner

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 *John,*

2

3 *Thanks for the agreements. So here is my understanding of your note and the*
4 *documents; Remember I am not an attorney so correct me if I am wrong.*

5

6 *You sold the security and my 300,000 is now worth 1 million (minus 100,000 owed*
7 *to the broker.) This should be available?*

8

9 *Your contract offers an opportunity to reinvest a min of \$350,000 in a CMO –*
10 *expect returns as outlined in contract.*

11

12 *The CMO contract should be paying out in 60 days.*

13

14 *If my understanding is correct. I would like to have \$400,000 wired back to me and*
15 *have \$500,000 invested into a CMO and the remaining \$100,000 used to pay the*
16 *broker.*

17

18 *Lets meet on the night of the 10th at the Beverly Hills hotel for Dinner. How about*
19 *7 pm?*

20

21 *Thanks,*

22

23 *Darren*

24

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
57 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
 DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 **From:** johnmarino@marinolaw.info [mailto:johnmarino@marinolaw.info]

2 **Sent:** Sunday, November 29, 2009 9:30 PM

3 **To:** Darren Bates

4 **Subject:** Re: Investment - Diner

5
6
7 EITHER NIGHT. WE SOLD ALL THE SECURITIES TO PROVIDE 1MUSD
8 TO YOU MINUS 100,000
9 FOR BROKERES THEN WE START AGAIN AS WE HAVE PLATFORMS
10 BUT DO NOT NEED ENGLISH PARTNERS.
11 SEE NEW AGREEMENTS.
12 STAYING BEVERLY HILLS HOTEL.

13
14 50B. Plaintiffs allege that the afore referenced e mail letter was transmitted
15 by defendants for purposes of lulling plaintiffs into a false sense of security and hope.
16 Plaintiffs allege that as of the date of the initiation of these proceedings, defendants
17 have consistently failed and refused to return plaintiffs' monies demanded thereby.

18
19 51. Plaintiffs allege that on 20 November 2009, defendants sent an e mail
20 letter to Darren Bates, managing member, Sunrise Home Builders, LLC, relative to
21 plaintiffs' demands for the immediate return of plaintiffs' monies:

22 We expect the contract to sell the securities by Monday and after execution
23 we will

24 close shortly and return your funds as stated previously. Closing is no more

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 than 15 days to deliver the securities and be paid.

2
3 52. Plaintiffs allege that the afore referenced e mail letter was transmitted
4 by defendants for purposes of lulling plaintiffs into a false sense of security and hope.
5 Plaintiffs allege that as of the date of the initiation of these proceedings, defendants
6 have consistently failed and refused to return plaintiffs' monies demanded thereby.

7
8 52A. Plaintiffs allege on 21 December 2009, that John Joseph Mark Marino,
9 Esq., the Marino Law Firm, sent a letter from the Marino Law Firm to Darren Bates,
10 managing member, Sunrise Home Builders, LLC, via electronic messaging, expressly
11 representing the following status report:

12 December 21, 2009

13 Attention: Darren Bates

14 IN RE: Status Report

15 To whom it may concern:

16 Today we have received the trading contract from the trader with instructions
17 to DTC the securities to JP Morgan Chase Bank. The securities will be lodged
18 into a joint account between the trader and JM INTERNATIONAL
19 COMMERCIAL CONSULTING, INC. in order to comply with US securities
20 laws which require the securities to be transmitted from a like account to a like
21 account.

22 In addition, they have agreed to a small percentage not to exceed 2.5% of the
23 credit line as an advance on receipt of the securities into the joint account at the
24 trading bank. They have told us that the credit line will be available this week
25 and on receipt of funds we will wire out immediately. We expect this credit line
26 to at least equal the amount of the principle funds which we have received so
27 that everyone can receive his initial investment without any deductions. Trading
28 will commence after January 15, 2010 but we will not be able to have everyone
in 40 week contracts because of the situation with the fraudulent Englishman.
We shall keep our commitments and pay everyone the agreed amount for one
month. After that you would have to come in with the new company under new

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 agreements. We have attached our new agreements and new escrow account
2 which is a corporation owned on an equal basis between Frank Marinaro and
John Marino.

3 Yours truly,

4 John Marino

5 52B. Plaintiffs allege that the afore referenced e mail letter was
6 transmitted by defendants for purposes of lulling plaintiffs into a false sense of
7 security and hope. Plaintiffs allege that as of the date of the initiation of these
8 proceedings, defendants have consistently failed and refused to return plaintiffs'
9 monies demanded thereby.
10

11 52C. Plaintiffs allege that on 10 February 2010, via electronic mailing,
12 defendants John Joseph Mark Marino, Esq., the Marino Law Firm, and John Joseph
13 Mark Marino, escrow agent, JM ICCI, transmitted the following e mail letter to Darren
14 Bates, managing member, Sunrise Home Builders, LLC, for the express purpose of
15 convincing plaintiffs that a "Mr. Hammond" will be sending monies directly to
16 plaintiffs at the end of February, 2010, and that allegedly a retired United States
17 District Court Judge, identified by defendants' letter only as "Judge Hill," allegedly
18 operating and managing the "Pellmore group," allegedly referred to federal law
19 enforcement agencies the alleged "fraud" purportedly committed by Sir Ian Russell
20 and Russell's co-participants Janet Greeson, Ronald Wood, Cambridge Associates
21 LLC, Roderick A. Kagy, Avalon Overseas Holdings LLC, Avalon Overseas
22 Indemnity, and William Roush, and that plaintiffs should be patient about receiving
23
24

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
60 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 the return of their monies as previously warranted, confirmed, promised, and/or
2 affirmed by said defendants:

3

4 Dear Darren,

5

6 I just spoke to Mr. Hammond. He requested that I not give him phone number to anyone.

7 The wrap is in place the agreement will be forthcoming within the next 24 hours. You will

8 receive 100% of your funds back this month. I cannot tell you anything beyond that. This

9 is not a game for us. As a result of the fraud perpetrated by Ian Russell, Dr. Greeson,

10 Avalon Overseas, we were advised that Judge Hill, a retired federal US district court

11 Judge who today runs Pellmore group felt it prudent to turn the entire file over to the

12 authorities. You will get all of your money back this month.

13

14 We sent you a disk via regular mail today that shows you how you can go forward in the

15 future. We can only tell you that it will be done in 60 days. The documents that we sent

16 you that you can print out from the disk are compliant with the SEC regulations.

17

18 Feel free to contact me on my cell 954-224-0716 at any time and I will answer it.

19

20

21 JOHN JOSEPH MARK MARINO ESQUIRE

22 NEW YORK BAR NO: 1025360

23 EMERALD COAST SUITE 202

24 EFESSOU STREET 2

25

26

27

28

61

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 AMATHOUS AVENUE,
2 AGIOS TICHONAS 4532 CYPRUS
3 PHONE: 011-357-2-531-0175
4 E-FAX 1 309-401-1666
5 CELL: 011-357-9-939-8422
6 CELL: 954-224-0716 [FLORIDA]
7 SKYPE: MarinoLaw
8 EMAIL: johnmarino@marinolaw.info
9 BOCA RATON PHONE: 561-498-3992

10 RESIDENCE ADDRESS US:

11 16275 Vintage Oaks Lane
12 Delray Beach, FL 33484

13 ADDITIONAL CO- COUNSEL OFFICES:

14 LONDON, PARIS, ROME, MADRID, MONACO, FRANKFURT, VIENNA, ZURICH
15

16 This e-mail message may contain privileged, confidential, copyrighted, or other legally
17 protected information. If you are not the intended recipient (even if the e-mail address
18 above is yours) please destroy this email. You are not authorized to copy or retransmit it
19 without the permission of the author, and may not use this information to your benefit.
20 Please notify the sender by replying to this message, and then double delete it from your
21 system. Unintended transmission shall not constitute waiver of the attorney-client or any
22 other privilege.

23

24

25

26

27

28

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 -----Original Message-----

2 **From:** Darren Bates [mailto:dbates@sunrisehomebuilders.net]

3 **Sent:** Wednesday, February 10, 2010 02:03 PM

4 **To:** johnmarino@marinolaw.info

5 **Subject:** RE: Mailing address

6

7

8 *Dear John,*

9

10 *Please send the info to me at*

11 *2515 NE 163rd*

12 *Ridgefield Wa 98642*

13

14 *Thanks for the updates and your continued communication. Your resent note mentioned*
15 *that Mr. Hammond is running things and the government is watching over this trade. Can*
16 *you send me contact info for the SEC representative and Mr. Hammonds contact info. I*
17 *am concerned about my principle and profits due. Due to many missed dates and my*
18 *lack of understanding of this entire process I feel I must verify everything.*

19

20 *Thank You,*

21

22 *Darren Bates*

23

24

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
63 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 **From:** johnmarino@marinolaw.info [mailto:johnmarino@marinolaw.info]

2 **Sent:** Wednesday, February 10, 2010 10:06 AM

3 **To:** dbates@sunrisehomebuilders.net

4 **Subject:** Mailing address

5
6 Dear Darren,

7
8 Please provide us with your mailing address where we can send a CD and a letter to.

9
10 Thank you,

11
12 _____
13 JOHN JOSEPH MARK MARINO ESQUIRE

14 NEW YORK BAR NO: 1025360

15 EMERALD COAST SUITE 202

16 EFESSOU STREET 2

17 AMATHOUS AVENUE,

18 AGIOS TICHONAS 4532 CYPRUS

19 PHONE: 011-357-2-531-0175

20 E-FAX 1 309-401-1666

21 CELL: 011-357-9-939-8422

22 CELL: 954-224-0716 [FLORIDA]

23 SKYPE: MarinoLaw

24 EMAIL: johnmarino@marinolaw.info

25 BOCA RATON PHONE: 561-498-3992

26 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
27 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
28 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
64 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 RESIDENCE ADDRESS US:

2 16275 Vintage Oaks Lane

3 Delray Beach, FL 33484

4 ADDITIONAL CO- COUNSEL OFFICES:

5 LONDON, PARIS, ROME, MADRID, MONACO, FRANKFURT, VIENNA, ZURICH

6

7 52D. Plaintiffs allege that the afore referenced e mail letter was
8 transmitted by defendants for purposes of lulling plaintiffs into a false sense of
9 security and hope. Plaintiffs allege that as of the date of the initiation of these
10 proceedings, defendants have consistently failed and refused to return plaintiffs'
11 monies demanded thereby. Plaintiffs allege that during all times material herein that
12 defendants refused and failed to permit plaintiffs to independently verify, corroborate,
13 and/or substantiate the purported actual existence of an alleged "retired" United States
14 District Court Judge Hill and an alleged Mr. Henry T. Hammond to be assured of the
15 alleged legitimacy of defendants' representations and confirmations.

16

17

18 53. Plaintiffs allege that the afore referenced e mail letters,
19 defendants' lulling" letters, sent to plaintiffs, constitute a course of conduct and a
20 pattern of practice intended, designed, implemented, and executed to convince
21 plaintiffs that plaintiffs' monetary funds would be returned to plaintiffs; however,
22 plaintiffs allege that such alleged assurances, affirmations, and confirmations were
23 patently absent of independent legal significance. Plaintiffs allege that defendants'
24 employment of the federal interstate wires to transmit, disseminate, and/or convey

25

26

27

28

65

***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS
ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),
1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON
v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 such “lulling” letters to plaintiffs constitutes contravention of both Title 18 U.S.C. §§
2 1341 and 1343.

3
4 54. Plaintiffs allege that plaintiffs’ \$300,000.00, transmitted via bank wire
5 transfer, 12 June 2009, to defendants Marino Law Firm, escrow agent for JM ICCI,
6 JM ICCI, John Joseph Mark Marino, Esq., Marino Law Firm, Boren Law Group,
7 Abraham Borenstein, and Abraham Borenstein & Associates, LLC, and Fallingsnow
8 Trading Limited, were monies obtained by false pretense, fraud, theft, and/or
9 conversion, traversing federal interstate boundaries, originating from Washington
10 state, and terminating in Florida, received by defendants, thereby constituting
11 contravention of Title 18 U.S.C. § 2314.

12
13 55. Plaintiffs allege that plaintiffs’ \$300,000.00, transmitted via bank wire
14 transfer, 12 June 2009, to defendants Kiran Dave and Samuel Brimmer, agents,
15 representatives, and/or employees of John Joseph Mark Marino, Marino Law Firm,
16 escrow agent for JM ICCI, JM ICCI, John Joseph Mark Marino, Esq., Marino Law
17 Firm, Boren Law Group, Abraham Borenstein, and Abraham Borenstein &
18 Associates, LLC, and Fallingsnow Trading Limited, were monies obtained by false
19 pretense, fraud, theft, and/or conversion, traversing federal interstate boundaries,
20 originating from Washington state, and terminating in Florida, received by defendants,
21 constituting contravention of Title 18 U.S.C. §§ 2314. Plaintiffs allege that said
22 defendants, via bank wire transfer, transmitted, disseminated, transferred, released,
23 and/or conveyed plaintiffs’ \$300,000.00, to be pooled with monies of similarly
24 situated victims, and wired said accumulated monetary funds to an alleged secured

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 account with the Bank of China Hong Kong Branch or HSBC Hong Kong, or any
2 other top 100 World Ranked Bank, pursuant to the Joint Venture Trading Agreement
3 executed 12 June 2009 with PT Global International Trade and Beverly Foundation,
4 Fallingsnow Trading Limited, and Edward Raine, LLC, thereby constituting
5 contravention of Title 18 U.S.C. §§ 2315.

6
7 56. Plaintiffs allege that defendants have failed, and refused to, return
8 plaintiffs' monies, by consistently employing the federal interstate wires, foreign
9 international wires, and/or federal mails to issue "lulling" letters to plaintiffs,
10 advancing alleged excuses for non-performance s by alleged third parties as the
11 reasons for defendants' alleged inability to return plaintiffs' \$300,000.00.

12
13 57. Plaintiffs allege that the afore factually described activities of
14 defendants Marino Law Firm, escrow agent for JM ICCI, JM ICCI, John Joseph
15 Mark Marino, Esq., Marino Law Firm, Boren Law Group, Abraham Borenstein, and
16 Abraham Borenstein & Associates, LLC, and Fallingsnow Trading Limited,
17 materially aided and abetted by Legal Team Facilitators - Marino International Law
18 agents, brokers, representatives, servants, co-managing members, co-partners, and
19 employees Kiran Dave, Henry T. Hammond, Samuel Brimmer, David Skip Klahr, and
20 CLS Capital Group, in the facilitation and disposition of plaintiffs' \$300,000.00,
21 constituted actionable federal money laundering in contravention of Title 18 U.S.C.
22 §§ 1956 and 1957. Plaintiffs allege that such activities constitute actionable federal
23 racketeering in contravention of Title 18 U.S.C. §1952.

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
67 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 58. Plaintiffs allege that the afore factually described activities of
2 defendants Marino Law Firm, escrow agent for JM ICCI, JM ICCI, John Joseph
3 Mark Marino, Esq., Marino Law Firm, Boren Law Group, Abraham Borenstein, and
4 Abraham Borenstein & Associates, LLC, and Fallingsnow Trading Limited,
5 materially aided and abetted by Legal Team Facilitators - Marino International Law
6 agents, brokers, representatives, servants, co-managing members, co-partners, and
7 employees including, but not restricted to, Kiran Dave, Henry T. Hammond, Samuel
8 Brimmer, David Skip Klahr, and CLS Capital Group, in the facilitation and
9 disposition of plaintiffs' \$300,000.00, resulted with said defendants deriving a
10 monetary benefit to themselves by and through the receipt of commission and
11 brokerage fees, attorneys' fees, and consulting charges, feloniously and fraudulently
12 imposed upon plaintiffs' monies.

13
14 59. Plaintiffs allege that the afore described factual allegations establish the
15 commission of two or more forms of "predicate acts," "predicate offenses," and/or
16 "racketeering activity," as defined pursuant to Title 18 United States Code §
17 1961(1)(B) of the federal Racketeer Influenced and Corrupt Organizations Act
18 of 1970 ["RICO"] [Title 18 U.S.C. §§ 1961-1968], committed by defendants. Plaintiffs
19 allege that the commission of two or more forms of "predicate acts," "predicate
20 offenses," and/or "racketeering activity" committed by defendants contravened the
21 following federal statutory provisions:

22 A. Federal Principal and Aider and Abettor Liability: Title 18 U.S.C.A.
23 §2(a)-(b).

24
25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
68 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

- 1 B. Federal Principal and Aider and Abettor Liability re: Aiding and
- 2 Abetting A Conspiracy: Title 18 U.S.C.A. §2(a)-(b).
- 3 C. Federal Principal and Aider and Abettor Liability re: Conspiracy to
- 4 Commit Aiding and Abetting: Title 18 U.S.C.A. §2(a)-(b)
- 5 D. Federal Mail Fraud: Title 18 U.S.C.A. §1341.
- 6 E. Federal Mail Fraud re: Aiding and Abetting: Title 18 U.S.C.A. §1341.
- 7 F. Federal Mail Fraud re: Conspiracy: Title 18 U.S.C.A. §1341.
- 8 G. Federal Mail Fraud re: Conspiracy to Aid and Abet: Title 18 U.S.C.A.
- 9 §1341.
- 10 H. Federal Mail Fraud re: Aiding and Abetting a Conspiracy: Title 18
- 11 U.S.C.A. §1341.
- 12 I. Federal Wire Fraud: Title 18 U.S.C.A. §1343.
- 13 J. Federal Wire Fraud re: Aiding and Abetting: Title 18 U.S.C.A. §1343.
- 14 K. Federal Wire Fraud re: Conspiracy: Title 18 U.S.C.A. §1343.
- 15 L. Federal Wire Fraud re: Conspiracy to Aid and Abet: Title 18 U.S.C.A.
- 16 §1343.
- 17 M. Federal Wire Fraud re: Aiding and Abetting a Conspiracy: Title 18
- 18 U.S.C.A. §1343.
- 19 N. Federal Intangible Personal Property Right Deprivation: Title 18
- 20 U.S.C.A. §1346.
- 21 O. Federal Racketeering: Title 18 U.S.C.A. §1952.
- 22 P. Federal Racketeering re: Aiding and Abetting: Title 18 U.S.C.A. §1952.
- 23 Q. Federal Racketeering re: Conspiracy: Title 18 U.S.C.A. §1952.
- 24

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 R. Federal Racketeering re: Conspiracy to Aid and Abet: Title 18 U.S.C.A.
- 2 §1952.
- 3 S. Federal Racketeering re: Aiding and Abetting a Conspiracy: Title 18
- 4 U.S.C.A. §1952.
- 5 T. Federal Money Laundering: Title 18 U.S.C.A. §1956.
- 6 U. Federal Money Laundering re: Aiding and Abetting: Title 18 U.S.C.A.
- 7 §1956.
- 8 V. Federal Money Laundering re: Conspiracy to Aid and Abet: Title 18
- 9 U.S.C.A. §1956.
- 10 W. Federal Money Laundering re: Aiding and Abetting a Conspiracy:
- 11 Title 18 U.S.C.A. §1956
- 12 X. Federal Money Laundering re: Conspiracy: Title 18 U.S.C.A. §1956(h).
- 13 Y. Federal Money Laundering re: Aiding and Abetting a Conspiracy: Title
- 14 18 U.S.C.A. §1956(h).
- 15 Z. Federal Money Laundering re: Conspiracy to Aid and Abet: Title 18
- 16 U.S.C.A. §1956(h).
- 17 AA. Federal Criminally Derived Property: Title 18 U.S.C.A. §1957.
- 18 BB. Federal Criminally Derived Property re: Aiding and Abetting: Title
- 19 18 U.S.C.A. §1957.
- 20 CC. Federal Criminally Derived Property re: Conspiracy: Title 18
- 21 U.S.C.A. §1957.
- 22 DD. Federal Criminally Derived Property re: Aiding and Abetting a
- 23 Conspiracy: Title 18 U.S.C.A. §1957.

24
25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 EE. Federal Criminally Derived Property re: Conspiracy to Aid and Abet:
2 Title 18 U.S.C.A. §1957.
- 3 FF. Federal Interstate Transportation of Property Obtained by Fraud,
4 False Pretense, and Conversion: Title 18 U.S.C.A. §2314.
- 5 GG. Federal Interstate Transportation of Property Obtained by Fraud,
6 False Pretense, and Conversion re: Aiding and Abetting: Title 18
7 U.S.C.A. §2314.
- 8 HH. Federal Interstate Transportation of Property Obtained by Fraud,
9 False Pretense, and Conversion re: Conspiracy: Title 18 U.S.C.A.
10 §2314.
- 11 II. Federal Interstate Transportation of Property Obtained by Fraud,
12 False Pretense, and Conversion re: Aiding and Abetting a Conspiracy:
13 Title 18 U.S.C.A. §2314.
- 14 JJ. Federal Interstate Transportation of Property Obtained by Fraud,
15 False Pretense, and Conversion re: Conspiracy to Aid and Abet: Title
16 18 U.S.C.A. §2314.
- 17 KK. Federal Interstate Receipt of Transported Property Obtained By
18 Fraud, False Pretense, and Conversion: Title 18 U.S.C.A. §2315.
- 19 LL. Federal Interstate Receipt of Transported Property Obtained By
20 Fraud, False Pretense, and Conversion re: Aiding and Abetting: Title
21 18 U.S.C.A. §2315.
- 22 MM. Federal Interstate Receipt of Transported Property Obtained by Fraud,
23 False Pretense, and Conversion re: Conspiracy: Title 18 U.S.C.A.
24 §2315.

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 NN. Federal Interstate Receipt of Transported Property Obtained by Fraud,
2 False Pretense, and Conversion re: Aiding and Abetting a Conspiracy:
3 Title 18 U.S.C.A. §2315.

4 OO. Federal Interstate Receipt of Transported Property Obtained by Fraud,
5 False Pretense, and Conversion re: Conspiracy to Aid and Abet: Title
6 18 U.S.C.A. §2315.

7
8 60. Plaintiffs allege that based upon the afore referenced allegations
9 against John Joseph Mark Marino, co-general partner of the Marino Law Firm,
10 escrow agent for JM ICCI, John Joseph Mark Marino, Marino Law Firm, Boren Law
11 Group, Abraham Borenstein, that affiliated party multi-tiered owned and operated
12 corporate successor entities are potentially liable as RICO successors in interest for
13 injuries sustained by plaintiffs by reason of contravention of RICO Sections 1962(a)-
14 (d), according to offer of proof at time of trial.

15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
72 ***OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO***
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

IV.

RICO § 1961(4) ENTERPRISE ALLEGATIONS re: RICO § 1962©) CLAIM FOR RELIEF RE: [18 U.S.C. § 1961(4)]

61. Plaintiffs allege that RICO defendants John Joseph Mark Marino, co-general partner of the Marino Law Firm, escrow agent for JM ICCI, John Joseph Mark Marino, Marino Law Firm, Boren Law Group, Abraham Borenstein, Kiran Dave, Samuel Brimmer, Henry T. Hammond, CLS Capital Group, and David Skip Klahr and others unknown to plaintiffs, were employed by and associated with others, and engaged in conduct that constitutes a RICO pattern of racketeering activity. Plaintiffs further allege that said RICO defendants were knowledgeable and aware of the activities of the following RICO §1961(4) enterprises, and that said RICO defendants facilitated and furthered the RICO §1962(d) conspiracies alleged herein, for the purpose and objective of damaging and/or injuring plaintiffs’ interests in their businesses and/or properties.

62. Plaintiffs allege that each of the following configurations, for purposes of plaintiffs’ RICO §1962©) claims for relief, constitute a RICO “enterprise,” as that term is defined pursuant to Title 18 United States Code §1961(4) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C. §1961(4)] and within the strictures of *Odom v. Microsoft Corp.*, 486 F.3d 541 (9th Cir. 2007)(en banc):

A. **RICO Enterprise No. 1:** Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and Solicitors constitutes a RICO enterprise,

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 organized and maintained by and through a consensual hierarchy of
2 partners, managers, directors, officers, supervisors, agents, deputies,
3 and/or representatives of a law firm that formulate and implement
4 policies relative to the promoting, soliciting, advancing and/or
5 otherwise operating a business organization for the purpose of the
6 facilitating, furthering, and promoting financial investment programs,
7 both domestically and internationally, including, but not restricted to,
8 the raising of monetary funds by and through solicitation, employing
9 federal mails and/or federal interstate wires, as well as and providing
10 documentary materials describing mechanical procedures pertaining
11 to the placement of monetary funds derived from solicitations.
12 Plaintiffs allege that RICO persons defendants, and other persons
13 unknown to plaintiffs, acting in concert therewith, are employed by
14 and associated with said RICO enterprise that is engaged in, or
15 activities of which affect, federal interstate and/or foreign
16 commerce, and that said RICO persons, and persons acting in concert
17 therewith, conduct or participate, directly or indirectly, in the conduct
18 of such RICO enterprise's affairs through a RICO pattern of
19 racketeering activity.

20 B. ***RICO Enterprise No. 2:*** John Joseph Mark Marino, and Marino,
21 White, O'Farrell & Gonzalez, Attorneys, Counselors and Solicitors
22 constitutes a RICO enterprise, organized and maintained by and
23 through a consensual hierarchy of partners, managers, directors,
24 officers, supervisors, agents, deputies, and/or representatives of a law

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 firm that formulate and implement policies relative to the promoting,
2 soliciting, advancing and/or otherwise operating a business
3 organization for the purpose of the facilitating, furthering, and
4 promoting financial investment programs, both domestically and
5 internationally, including, but not restricted to, the raising of
6 monetary funds by and through solicitation, employing federal mails
7 and/or federal interstate wires, as well as and providing documentary
8 materials describing mechanical procedures pertaining to the
9 placement of monetary funds derived from solicitations. Plaintiffs
10 allege that RICO persons, and other persons unknown to plaintiffs,
11 acting in concert therewith, are employed by and associated with said
12 RICO enterprise that is engaged in, or activities of which affect,
13 federal interstate and/or foreign commerce, and that said RICO
14 persons, and persons acting in concert therewith, conduct or
15 participate, directly or indirectly, in the conduct of such RICO
16 enterprise's affairs through a RICO pattern of racketeering activity.

17 C. ***RICO Enterprise No. 3:*** JM International Commercial Consulting,
18 Inc., John Joseph Mark Marino, Escrow Agent, John Joseph Mark
19 Marino, and Marino, White, O'Farrell & Gonzalez, Attorneys,
20 Counselors and Solicitors constitutes a RICO enterprise, organized
21 and maintained by and through a consensual hierarchy of partners,
22 managers, directors, officers, supervisors, agents, deputies, and/or
23 representatives of a law firm that formulate and implement policies
24 relative to the promoting, soliciting, advancing and/or otherwise

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 operating a business organization for the purpose of the facilitating,
2 furthering, and promoting financial investment programs, both
3 domestically and internationally, including, but not restricted to, the
4 raising of monetary funds by and through solicitation, employing
5 federal mails and/or federal interstate wires, as well as and providing
6 documentary materials describing mechanical procedures pertaining
7 to the placement of monetary funds derived from solicitations.
8 Plaintiffs allege that RICO persons, and other persons unknown to
9 plaintiffs, acting in concert therewith, are employed by and associated
10 with said RICO enterprise that is engaged in, or activities of which
11 affect, federal interstate and/or foreign commerce, and that said
12 RICO persons, and persons acting in concert therewith, conduct or
13 participate, directly or indirectly, in the conduct of such RICO
14 enterprise's affairs through a RICO pattern of racketeering activity.

15 D. ***RICO Enterprise No. 4:*** Boren Law Group, Abraham Borenstein,
16 Abraham Borenstein & Associates, P.C., John Joseph Mark Marino,
17 and Marino, White, O'Farrell & Gonzalez, Attorneys, Counselors and
18 Solicitors constitutes a RICO enterprise, organized and maintained
19 by and through a consensual hierarchy of partners, managers,
20 directors, officers, supervisors, agents, deputies, and/or
21 representatives of a law firm that formulate and implement policies
22 relative to the promoting, soliciting, advancing and/or otherwise
23 operating a business organization for the purpose of the facilitating,
24 furthering, and promoting financial investment programs, both

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 domestically and internationally, including, but not restricted to, the
2 raising of monetary funds by and through solicitation, employing
3 federal mails and/or federal interstate wires, as well as and providing
4 documentary materials describing mechanical procedures pertaining
5 to the placement of monetary funds derived from solicitations.
6 Plaintiffs allege that RICO persons, and other persons unknown to
7 plaintiffs, acting in concert therewith, are employed by and associated
8 with said RICO enterprise that is engaged in, or activities of which
9 affect, federal interstate and/or foreign commerce, and that said
10 RICO persons, and persons acting in concert therewith, conduct or
11 participate, directly or indirectly, in the conduct of such RICO
12 enterprise's affairs through a RICO pattern of racketeering activity.

13 E. ***RICO Enterprise No. 5:*** JM International Commercial Consulting,
14 Inc., John Joseph Mark Marino, Escrow Agent, Boren Law Group,
15 Abraham Borenstein, Abraham Borenstein & Associates, P.C., John
16 Joseph Mark Marino, and Marino, White, O'Farrell & Gonzalez,
17 Attorneys, Counselors and Solicitors, constitutes a RICO enterprise,
18 organized and maintained by and through a consensual hierarchy of
19 partners, managers, directors, officers, supervisors, agents, deputies,
20 and/or representatives of an association in fact of law firm and
21 escrow agent that formulate and implement policies relative to the
22 promoting, soliciting, advancing and/or otherwise operating a
23 business organization for the purpose of the facilitating, furthering,
24 and promoting financial investment programs, both domestically and

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 internationally, including, but not restricted to, the raising of
2 monetary funds by and through solicitation, employing federal mails
3 and/or federal interstate wires, as well as and providing documentary
4 materials describing mechanical procedures pertaining to the
5 placement of monetary funds derived from solicitations. Plaintiffs
6 allege that RICO persons, and other persons unknown to plaintiffs,
7 acting in concert therewith, are employed by and associated with said
8 RICO enterprise that is engaged in, or activities of which affect,
9 federal interstate and/or foreign commerce, and that said RICO
10 persons, and persons acting in concert therewith, conduct or
11 participate, directly or indirectly, in the conduct of such RICO
12 enterprise's affairs through a RICO pattern of racketeering activity.

13
14 63. Plaintiffs allege that In conducting the business and affairs of the RICO
15 enterprises, and in committing the acts, omissions, misrepresentations, and breaches
16 referred to herein between May, 2009, and continuing up through and including the
17 initiation of these proceedings, defendants engaged in a RICO pattern of
18 racketeering activity in contravention of Title 18 United States Code §1962©)
19 inasmuch as said defendant was employed by, or associated with, said RICO
20 enterprises that are engaged in activities that affect federal interstate and/or foreign
21 commerce, and conducted such RICO enterprise affairs by and through a RICO
22 pattern of racketeering activity.

23 * * *

24 * * *

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

V.

RICO §1961(5)

PATTERN OF RACKETEERING ACTIVITY ALLEGATIONS

[TITLE 18 U.S.C. § 1961(5)]

A. Commission of RICO §1961(1)(B) Racketeering Activity

65. Plaintiffs allege that defendants engaged in the above activities and/or conduct that constitutes the following form of “racketeering activity,” as that term is defined pursuant to Title 18 United States Code §1961(1) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”]. Plaintiffs allege that the forms of “racketeering activity” include, and are not restricted to, various formulations of conspiracy to aid and abet, and aiding and abetting a conspiracy:

- A. Federal Principal and Aider and Abettor Liability: Title 18 U.S.C.A. §2(a)-(b).
- B. Federal Principal and Aider and Abettor Liability re: Aiding and Abetting A Conspiracy: Title 18 U.S.C.A. §2(a)-(b).
- C. Federal Principal and Aider and Abettor Liability re: Conspiracy to Commit Aiding and Abetting: Title 18 U.S.C.A. §2(a)-(b)
- D. Federal Mail Fraud: Title 18 U.S.C.A. §1341.
- E. Federal Mail Fraud re: Aiding and Abetting: Title 18 U.S.C.A. §1341.
- F. Federal Mail Fraud re: Conspiracy: Title 18 U.S.C.A. §1341.
- G. Federal Mail Fraud re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §1341.

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 H. Federal Mail Fraud re: Aiding and Abetting a Conspiracy: Title 18
- 2 U.S.C.A. §1341.
- 3 I. Federal Wire Fraud: Title 18 U.S.C.A. §1343.
- 4 J. Federal Wire Fraud re: Aiding and Abetting: Title 18 U.S.C.A. §1343.
- 5 K. Federal Wire Fraud re: Conspiracy: Title 18 U.S.C.A. §1343.
- 6 L. Federal Wire Fraud re: Conspiracy to Aid and Abet: Title 18
- 7 U.S.C.A. §1343.
- 8 M. Federal Wire Fraud re: Aiding and Abetting a Conspiracy: Title 18
- 9 U.S.C.A. §1343.
- 10 N. Federal Intangible Personal Property Right Deprivation: Title 18
- 11 U.S.C.A. §1346.
- 12 O. Federal Racketeering: Title 18 U.S.C.A. §1952.
- 13 P. Federal Racketeering re: Aiding and Abetting: Title 18 U.S.C.A.
- 14 §1952.
- 15 Q. Federal Racketeering re: Conspiracy: Title 18 U.S.C.A. §1952.
- 16 R. Federal Racketeering re: Conspiracy to Aid and Abet: Title 18
- 17 U.S.C.A. §1952.
- 18 S. Federal Racketeering re: Aiding and Abetting a Conspiracy: Title 18
- 19 U.S.C.A. §1952.
- 20 T. Federal Money Laundering: Title 18 U.S.C.A. §1956.
- 21 U. Federal Money Laundering re: Aiding and Abetting: Title 18
- 22 U.S.C.A. §1956.
- 23 V. Federal Money Laundering re: Conspiracy to Aid and Abet: Title 18
- 24 U.S.C.A. §1956.

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 W. Federal Money Laundering re: Aiding and Abetting a Conspiracy:
- 2 Title 18 U.S.C.A. §1956
- 3 X. Federal Money Laundering re: Conspiracy: Title 18 U.S.C.A.
- 4 §1956(h).
- 5 Y. Federal Money Laundering re: Aiding and Abetting a Conspiracy:
- 6 Title 18 U.S.C.A. §1956(h).
- 7 Z. Federal Money Laundering re: Conspiracy to Aid and Abet: Title 18
- 8 U.S.C.A. §1956(h).
- 9 AA. Federal Criminally Derived Property: Title 18 U.S.C.A. §1957.
- 10 BB. Federal Criminally Derived Property re: Aiding and Abetting:
- 11 Title 18 U.S.C.A. §1957.
- 12 CC. Federal Criminally Derived Property re: Conspiracy: Title 18
- 13 U.S.C.A. §1957.
- 14 DD. Federal Criminally Derived Property re: Aiding and Abetting a
- 15 Conspiracy: Title 18 U.S.C.A. §1957.
- 16 EE. Federal Criminally Derived Property re: Conspiracy to Aid and
- 17 Abet: Title 18 U.S.C.A. §1957.
- 18 FF. Federal Interstate Transportation of Property Obtained by Fraud,
- 19 False Pretense, and Conversion: Title 18 U.S.C.A. §2314.
- 20 GG. Federal Interstate Transportation of Property Obtained by Fraud,
- 21 False Pretense, and Conversion re: Aiding and Abetting: Title 18
- 22 U.S.C.A. §2314.

23
24
25
26
27
28

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 HH. Federal Interstate Transportation of Property Obtained by Fraud,
2 False Pretense, and Conversion re: Conspiracy: Title 18 U.S.C.A.
3 §2314.
- 4 II. Federal Interstate Transportation of Property Obtained by Fraud,
5 False Pretense, and Conversion re: Aiding and Abetting a Conspiracy:
6 Title 18 U.S.C.A. §2314.
- 7 JJ. Federal Interstate Transportation of Property Obtained by Fraud,
8 False Pretense, and Conversion re: Conspiracy to Aid and Abet: Title
9 18 U.S.C.A. §2314.
- 10 KK. Federal Interstate Receipt of Transported Property Obtained by
11 Fraud, False Pretense, and Conversion: Title 18 U.S.C.A. §2315.
- 12 LL. Federal Interstate Receipt of Transported Property Obtained by
13 Fraud, False Pretense, and Conversion re: Aiding and Abetting:
14 Title 18 U.S.C.A. §2315.
- 15 MM. Federal Interstate Receipt of Transported Property Obtained by
16 Fraud, False Pretense, and Conversion re: Conspiracy: Title 18
17 U.S.C.A. §2315.
- 18 NN. Federal Interstate Receipt of Transported Property Obtained by
19 Fraud, False Pretense, and Conversion re: Aiding and Abetting a
20 Conspiracy: Title 18 U.S.C.A. §2315.
- 21 OO. Federal Interstate Receipt of Transported Property Obtained by
22 Fraud, False Pretense, and Conversion re: Conspiracy to Aid and
23 Abet: Title 18 U.S.C.A. §2315.

24 * * *

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 ***B. Commission of RICO §1961(5) Pattern of Racketeering Activity***

2
3 ***1. Continuity and Relatedness***

4
5 66. Plaintiffs allege that above activities and/or conduct engaged in by
6 RICO defendants constitute a “pattern of racketeering activity,” as that term is
7 defined pursuant to Title 18 United States Code §1961(5) of the Racketeer Influenced
8 and Corrupt Organizations Act of 1970 [“RICO”]. Plaintiffs further allege that the
9 activities and/or conduct engaged in by defendants was both related as to the
10 modus operandi engaged in by said defendant of depriving plaintiffs of plaintiffs’
11 interests in business and/or property, and was continuous inasmuch as the activities
12 and/or conduct engaged in by defendants exhibited a realistic, long term threat of
13 continued future injury to plaintiffs’ interest in their business and/or property.
14 Plaintiffs further allege that said activities and conduct engaged in by said
15 defendants as evidence of other crimes, wrongs, or acts, pursuant to FRE Rule
16 404(b).

17
18 67. Plaintiffs are entitled to recover compensatory damages, according to
19 offer of proof at time of trial, including lost profits. Plaintiffs are also entitled to
20 recover an award of exemplary and punitive damages where allowed. Plaintiffs are
21 entitled to recover attorneys’ fees, expenses, fees, surcharges, costs, and prejudgment
22 interest.

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
84

VI.

MULTIPLE CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

[For Commission of Primary Contravention of RICO Section 1962©) of the Racketeer Influenced and Corrupt Organizations Act of 1970]

["RICO"]

[Title 18 United States Code §1962©)]

[Against Kiran Dave, Samuel Brimmer, Marino, Marino Law Firm, Hammond, JMICCI, The Boren Law Group, Fallingsnow Trading Limited, Russell, Abraham Borenstein, and Abraham Borenstein & Associates, P.C., Only]

68. For Plaintiffs’ First Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Title 18 United States Code Sections 1961(1)(B) Predicate Offense Contraventions]

Federal Principal and Aider and Abettor Liability: Title 18 U.S.C.A. §2(a)-(b)

Federal Principal and Aider and Abettor Liability

re: Aiding and Abetting A Conspiracy: Title 18 U.S.C.A. §2(a)-(b)

Federal Principal and Aider and Abettor Liability

re: Conspiracy to Commit Aiding and Abetting: Title 18 U.S.C.A. §2(a)-(b)

Federal Mail Fraud: Title 18 U.S.C.A. §1341

Federal Mail Fraud re: Aiding and Abetting: Title 18 U.S.C.A. §1341

Federal Mail Fraud re: Conspiracy: Title 18 U.S.C.A. §1341

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 Federal Mail Fraud re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §1341

2 Federal Mail Fraud re: Aiding and Abetting a Conspiracy:

3 Title 18 U.S.C.A. §1341

4 Federal Wire Fraud: Title 18 U.S.C.A. §1343

5 Federal Wire Fraud re: Aiding and Abetting: Title 18 U.S.C.A. §1343

6 Federal Wire Fraud re: Conspiracy: Title 18 U.S.C.A. §1343

7 Federal Wire Fraud re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §1343

8 Federal Wire Fraud re: Aiding and Abetting a Conspiracy:

9 Title 18 U.S.C.A. §1343

10 Federal Intangible Personal Property Right Deprivation: Title 18 U.S.C.A. §1346

11 Federal Racketeering :Title 18 U.S.C.A. §1952

12 Federal Racketeering re: Aiding and Abetting: Title 18 U.S.C.A. §1952

13 Federal Racketeering re: Conspiracy: Title 18 U.S.C.A. §1952

14 Federal Racketeering re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §1952

15 Federal Racketeering re: Aiding and Abetting a Conspiracy:

16 Title 18 U.S.C.A. §1952

17 Federal Money Laundering: Title 18 U.S.C. §1956

18 Federal Money Laundering re: Aiding and Abetting: Title 18 U.S.C. §1956

19 Federal Money Laundering re: Conspiracy to Aid and Abet:

20 Title 18 U.S.C.A. §1956

21 Federal Money Laundering re: Aiding and Abetting a Conspiracy:

22 Title 18 U.S.C.A. §1956

23 Federal Money Laundering re: Conspiracy: Title 18 U.S.C. §1956(h)

24 Federal Money Laundering re: Aiding and Abetting a Conspiracy:

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Title 18 U.S.C. §1956(h)
Federal Money Laundering re: Conspiracy to Aid and Abet:
Title 18 U.S.C. §1956(h)
Federal Criminally Derived Property: Title 18 U.S.C. §1957.
Federal Criminally Derived Property re: Aiding and Abetting:
Title 18 U.S.C. §1957
Federal Criminally Derived Property re: Conspiracy: Title 18 U.S.C. §1957
Federal Criminally Derived Property re: Aiding and Abetting a Conspiracy:
Title 18 U.S.C. §1957
Federal Criminally Derived Property re: Conspiracy to Aid and Abet:
Title 18 U.S.C. §1957
Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,
and Conversion: Title 18 U.S.C.A. §2314
Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,
and Conversion re: Aiding and Abetting: Title 18 U.S.C.A. §2314
Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,
and Conversion re: Conspiracy: Title 18 U.S.C.A. §2314
Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,
and Conversion re: Aiding and Abetting a Conspiracy: Title 18 U.S.C.A. §2314
Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,
and Conversion re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §2314
Federal Interstate Receipt of Transported Property Obtained by Fraud, False
Pretense, and Conversion: Title 18 U.S.C.A. §2315

***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS
ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),
1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON
v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 Federal Interstate Receipt of Transported Property Obtained by Fraud, False
2 Pretense, and Conversion re: Aiding and Abetting: Title 18 U.S.C.A. §2315

3 Federal Interstate Receipt of Transported Property Obtained by Fraud, False
4 Pretense, and Conversion re: Conspiracy: Title 18 U.S.C.A. §2315

5 Federal Interstate Receipt of Transported Property Obtained by Fraud, False
6 Pretense, and Conversion re: Aiding and Abetting a Conspiracy:

7 Title 18 U.S.C.A. §2315

8 Federal Interstate Receipt of Transported Property Obtained by Fraud, False
9 Pretense, and Conversion re: Conspiracy to Aid and Abet:

10 Title 18 U.S.C.A. §2315

11

12 69. Plaintiffs allege that defendants Marino, Hammond, Dave, Brimmer,
13 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C.,
14 Marino Law Firm, The Boren Law Group, and JMICCI, engaged in the
15 aforementioned activities, with the intent to harm plaintiffs' interest in business
16 and/or property. Plaintiffs allege that the fraudulent activity engaged by said
17 defendants injured plaintiffs' business and/or property in connection with their
18 business activities that affect federal interstate commerce, resulting in loss of
19 plaintiffs' property interests, business opportunities, and monies.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
87 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 ***[RICO Title 18 United States Code § 1961(5) Pattern of Racketeering Activity]***

2
3 70. Plaintiffs allege that the afore described activities constitute conduct
4 engaged in by defendants Marino, Hammond, Dave, Brimmer, Fallingsnow Trading
5 Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The
6 Boren Law Group, and JMICCI, to deprive plaintiffs of their interest in business
7 and/or property, by and through commission of federal mail fraud, federal wire fraud,
8 federal money laundering, federal interstate transportation and receipt of property
9 obtained by fraud, false pretense, and/or conversion, and federal racketeering, and
10 are therefore indictable as “racketeering activity,” as that term is defined pursuant to
11 Title 18 United States Code §1961(1). The course of conduct engaged in by said
12 defendants constitute both continuity and relatedness of the racketeering activity,
13 thereby constituting a “pattern of racketeering activity, as that term is defined pursuant
14 to Title 18 U.S.C. §1961(5).

15
16 71. Plaintiffs allege that the aforementioned pattern of racketeering activity
17 committed by said defendants is both related and continuous inasmuch as it is
18 designed and/or intended to cause damage and/or injury to the interest in business
19 and/or property of plaintiffs, and plaintiffs reasonably believe and apprehend that
20 such conduct shall and will continue prospectively with correlative long term injury.

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

[RICO Section 1962©) Enterprises]

72. Plaintiffs allege that each of the following configurations, for purposes of plaintiffs' RICO §1962©) claims for relief, constitute a RICO "enterprise," as that term is defined pursuant to Title 18 United States Code §1961(4) of the Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 U.S.C. §1961(4)] and within the strictures of *Odom v. Microsoft Corp.*, 486 F.3d 541 (9th Cir. 2007)(en banc):

- A. ***RICO Enterprise No. 1:*** Marino, White, O'Farrell & Gonzalez, Attorneys, Counselors and Solicitors constitutes a RICO enterprise, organized and maintained by and through a consensual hierarchy of partners, managers, directors, officers, supervisors, agents, deputies, and/or representatives of a law firm that formulate and implement policies relative to the promoting, soliciting, advancing and/or otherwise operating a business organization for the purpose of the facilitating, furthering, and promoting financial investment programs, both domestically and internationally, including, but not restricted to, the raising of monetary funds by and through solicitation, employing federal mails and/or federal interstate wires, as well as and providing documentary materials describing mechanical procedures pertaining to the placement of monetary funds derived from solicitations. Plaintiffs allege that RICO persons defendants, and other persons unknown to plaintiffs, acting in concert therewith, are employed by and associated with said RICO enterprise that is engaged in, or activities of which affect, federal interstate and/or foreign commerce, and that said RICO

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 persons, and persons acting in concert therewith, conduct or participate,
2 directly or indirectly, in the conduct of such RICO enterprise's affairs
3 through a RICO pattern of racketeering activity.

4 B. ***RICO Enterprise No. 2:*** John Joseph Mark Marino, and Marino, White,
5 O'Farrell & Gonzalez, Attorneys, Counselors and Solicitors constitutes
6 a RICO enterprise, organized and maintained by and through a
7 consensual hierarchy of partners, managers, directors, officers,
8 supervisors, agents, deputies, and/or representatives of a law firm that
9 formulate and implement policies relative to the promoting, soliciting,
10 advancing and/or otherwise operating a business organization for the
11 purpose of the facilitating, furthering, and promoting financial
12 investment programs, both domestically and internationally, including,
13 but not restricted to, the raising of monetary funds by and through
14 solicitation, employing federal mails and/or federal interstate wires, as
15 well as and providing documentary materials describing mechanical
16 procedures pertaining to the placement of monetary funds derived from
17 solicitations. Plaintiffs allege that RICO persons, and other persons
18 unknown to plaintiffs, acting in concert therewith, are employed by and
19 associated with said RICO enterprise that is engaged in, or activities of
20 which affect, federal interstate and/or foreign commerce, and that said
21 RICO persons, and persons acting in concert therewith, conduct or
22 participate, directly or indirectly, in the conduct of such RICO
23 enterprise's affairs through a RICO pattern of racketeering activity.

24
25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 C. ***RICO Enterprise No. 3:*** JM International Commercial Consulting, Inc.,
2 John Joseph Mark Marino, Escrow Agent, John Joseph Mark Marino,
3 and Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and
4 Solicitors constitutes a RICO enterprise, organized and maintained by
5 and through a consensual hierarchy of partners, managers, directors,
6 officers, supervisors, agents, deputies, and/or representatives of a law
7 firm that formulate and implement policies relative to the promoting,
8 soliciting, advancing and/or otherwise operating a business organization
9 for the purpose of the facilitating, furthering, and promoting financial
10 investment programs, both domestically and internationally, including,
11 but not restricted to, the raising of monetary funds by and through
12 solicitation, employing federal mails and/or federal interstate wires, as
13 well as and providing documentary materials describing mechanical
14 procedures pertaining to the placement of monetary funds derived from
15 solicitations. Plaintiffs allege that RICO persons, and other persons
16 unknown to plaintiffs, acting in concert therewith, are employed by and
17 associated with said RICO enterprise that is engaged in, or activities of
18 which affect, federal interstate and/or foreign commerce, and that said
19 RICO persons, and persons acting in concert therewith, conduct or
20 participate, directly or indirectly, in the conduct of such RICO
21 enterprise’s affairs through a RICO pattern of racketeering activity.

22 D. ***RICO Enterprise No. 4:*** Boren Law Group, Abraham Borenstein,
23 Abraham Borenstein & Associates, P.C., John Joseph Mark Marino, and
24 Marino, White, O’Farrell & Gonzalez, Attorneys, Counselors and

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 Solicitors constitutes a RICO enterprise, organized and maintained by
2 and through a consensual hierarchy of partners, managers, directors,
3 officers, supervisors, agents, deputies, and/or representatives of a law
4 firm that formulate and implement policies relative to the promoting,
5 soliciting, advancing and/or otherwise operating a business organization
6 for the purpose of the facilitating, furthering, and promoting financial
7 investment programs, both domestically and internationally, including,
8 but not restricted to, the raising of monetary funds by and through
9 solicitation, employing federal mails and/or federal interstate wires, as
10 well as and providing documentary materials describing mechanical
11 procedures pertaining to the placement of monetary funds derived from
12 solicitations. Plaintiffs allege that RICO persons, and other persons
13 unknown to plaintiffs, acting in concert therewith, are employed by and
14 associated with said RICO enterprise that is engaged in, or activities of
15 which affect, federal interstate and/or foreign commerce, and that said
16 RICO persons, and persons acting in concert therewith, conduct or
17 participate, directly or indirectly, in the conduct of such RICO
18 enterprise's affairs through a RICO pattern of racketeering activity.

19 E. ***RICO Enterprise No. 5:*** JM International Commercial Consulting, Inc.,
20 John Joseph Mark Marino, Escrow Agent, Boren Law Group, Abraham
21 Borenstein, Abraham Borenstein & Associates, P.C., John Joseph Mark
22 Marino, and Marino, White, O'Farrell & Gonzalez, Attorneys, Counselors
23 and Solicitors, constitutes a RICO enterprise, organized and maintained by
24 and through a consensual hierarchy of partners, managers, directors,

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 officers, supervisors, agents, deputies, and/or representatives of an
2 association in fact of law firm and escrow agent that formulate and
3 implement policies relative to the promoting, soliciting, advancing and/or
4 otherwise operating a business organization for the purpose of the
5 facilitating, furthering, and promoting financial investment programs, both
6 domestically and internationally, including, but not restricted to, the raising
7 of monetary funds by and through solicitation, employing federal mails
8 and/or federal interstate wires, as well as and providing documentary
9 materials describing mechanical procedures pertaining to the placement of
10 monetary funds derived from solicitations. Plaintiffs allege that RICO
11 persons, and other persons unknown to plaintiffs, acting in concert
12 therewith, are employed by and associated with said RICO enterprise that
13 is engaged in, or activities of which affect, federal interstate and/or foreign
14 commerce, and that said RICO persons, and persons acting in concert
15 therewith, conduct or participate, directly or indirectly, in the conduct of
16 such RICO enterprise's affairs through a RICO pattern of racketeering
17 activity.

18
19 73. Plaintiffs allege that in conducting the business and affairs of the RICO
20 § 1961(4) enterprises, and in committing the acts, omissions, misrepresentations, and
21 breaches referred to herein between May, 2009, and continuing up through and
22 including the initiation of these proceedings, defendants engaged in a RICO pattern
23 of racketeering activity in contravention of Title 18 United States Code §1962©)
24 inasmuch as said defendant was employed by, or associated with, said RICO

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 enterprises that are engaged in activities that affect federal interstate and/or foreign
2 commerce, and conducted such RICO enterprise affairs by and through a RICO
3 pattern of racketeering activity.

4
5 *[RICO Recovery]*
6

7 74. Plaintiffs are entitled to recover, pursuant to Title 18 United States Code
8 §1964©), treble damages in the amount to be determined by offer of proof at time of
9 trial. Plaintiffs are also entitled to recover attorneys’ fees and costs of this litigation,
10 as well as damages arising from lost profits and/or lost business opportunities
11 attributable to the activities engaged in by defendants committed in furtherance of the
12 Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18
13 U.S.C. §1961 et.seq.].

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

SECOND CLAIM FOR RELIEF

**[For RICO Aiding and Abetting Primary Contravention of RICO Section 1962©)
of the Racketeer Influenced and Corrupt Organizations Act of 1970]
[“RICO”]/[Title 18 United States Code §§ 2(a)-(b) and §1962©)]
[Against All Defendants]**

75. For Plaintiffs’ Second Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

76. Plaintiffs allege that the defendants employed the federal mails and/or federal interstate wires, as well as engaged in racketeering activity as alleged herein, to aid and abet the primary RICO § 1962©) contraventions committed by defendants Dave, Brimmer, Marino, Marino Law Firm, JMICCI, The Boren Law Group, Fallingsnow Trading Limited, Russell, Abraham Borenstein, and Abraham Borenstein & Associates, P.C., and other RICO defendants, as alleged herein above.

77. Plaintiffs allege that defendants were knowledgeable and aware of the commission of the primary RICO contraventions committed, and that said defendant substantially assisted in the commission of the primary RICO contraventions by defendants Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI thereby deriving a monetary benefit as a result to the detriment of plaintiffs.

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
97

THIRD CLAIM FOR RELIEF
[For Contravention of RICO Section 1962©) of the Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code §1962©)]
[Respondeat Superior\Derivative Liability]
[Against Marino Law Firm, Fallingsnow Trading Limited, The Boren Law Group, and JMICCI, Only]

79. For Plaintiffs’ Third Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Respondeat Superior\ Derivative Liability Contentions]

80. Plaintiffs allege that during and at all times material herein, Marino and Borenstein functioned and served in the capacities of agent, employee, director, designee, officer, partner, representative, managing member, co-managing member, member, and/or servant upon behalf of the Boren Law Group, and engaged in the fraudulent and felonious conduct in such representative capacities, and that as a proximate result thereof, the Boren Law Group derived a benefit thereby, specifically, obtaining plaintiffs’ monies.

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 81. Plaintiffs allege that during and at all times material herein, Marino
2 functioned and served in the capacities of agent, employee, director, designee, officer,
3 partner, representative, managing member, co-managing member, member, and/or
4 servant upon behalf of the Marino Law Firm, Fallingsnow Trading Limited, and
5 JMICCI, and engaged in the fraudulent and felonious conduct in such representative
6 capacities, and that as a proximate result thereof, the Marino Law Firm and JMICCI
7 derived a benefit thereby, specifically, obtaining plaintiffs' monies.

8
9 82. Plaintiffs allege that Marino and Borenstein exercised control,
10 management, and/or direction of the Boren Law Group relative to the complained
11 of fraudulent and felonious activities, with the intent to harm plaintiffs in their
12 business and/or property interests. Plaintiffs allege that the fraudulent activities
13 engaged in by Marino and Borenstein upon behalf of the Boren Law Group injured
14 and/or damaged plaintiffs' business activities and/or properties in connection with
15 plaintiffs' business activities that affect federal commerce.

16
17 83. Plaintiffs allege that Marino exercised control, management, and/or
18 direction of the Marino Law Firm, Fallingsnow Trading, Limited, and JMICCI
19 relative to the complained of fraudulent and felonious activities, with the intent to
20 harm plaintiffs in their business and/or property interests. Plaintiffs allege that the
21 fraudulent activities engaged in by Marino upon behalf of the Marino Law Firm and
22 JMICCI injured and/or damaged plaintiffs' business activities and/or properties in
23 connection with plaintiffs' business activities that affect federal commerce.

24
25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
98 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
100

FOURTH CLAIM FOR RELIEF
[For RICO Aiding and Abetting a RICO Section 1962(d) Conspiracy
Contravention of RICO Section 1962©) of the Racketeer Influenced and
Corrupt Organizations Act of 1970]
["RICO"]

[Title 18 United States Code §§ 2(a)-(b) and §§1962(c)-1962(d)]
[Against Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein,
Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law
Group, and JMICCI, Only]

86. For Plaintiffs’ Fourth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

87. Plaintiffs allege that defendants employed the federal mails and/or federal interstate wires, as well as engaged in racketeering activity as alleged herein, to aid and abet the primary RICO § 1962©) contraventions committed by defendants and other RICO persons unknown to plaintiffs as alleged herein above.

88. Plaintiffs allege that the defendants were knowledgeable and aware of the commission of the primary RICO contraventions committed, and that defendants substantially assisted in the commission of the primary RICO contraventions, thereby deriving a monetary benefit as a result to the detriment of plaintiffs.

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 89. Plaintiffs allege that defendants aided and abetted a RICO
2 Section 1962(d) conspiracy between said defendants to contravene RICO Section
3 1962©) to injure and/or damage plaintiffs' interests in business and/or property.

4
5 *[RICO Recovery]*
6

7 90. Plaintiffs are entitled to recover, pursuant to Title 18 United States Code
8 §1964©), treble damages in the amount to be determined by offer of proof at time of
9 trial. Plaintiffs are also entitled to recover attorneys' fees and costs of this litigation,
10 as well as damages arising from lost profits and/or lost business opportunities
11 attributable to the activities engaged in by defendants committed in furtherance of the
12 Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18
13 U.S.C. §1961 et.seq.].

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
101 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FIFTH CLAIM FOR RELIEF
[For Commission of Conspiratorial Contravention of RICO Section 1962©) of
the Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code §1962©)]
[RE: RICO Section 1962(d)\Pinkerton Doctrine]
[RE: Pinkerton, v. United States, 328 U.S. 640 (1946)]
and
Salinas, v. United States, 522 U.S. 52 (1997) Conspiratorial Liability]
[Against All Defendants]

91. For Plaintiffs’ Fifth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Conspiratorial Liability Contentions]

92. Plaintiffs allege that commencing in May, 2009, and at all times material herein, defendants mutually agreed to engage in the aforementioned racketeering activities and/or wrongful conduct giving rise to the RICO Section 1962©) contraventions, that the objective of that mutual agreement was to destroy plaintiffs’ interests in business and/or property, and that such conspiratorial conduct constitutes contravention of RICO Section 1962(d).

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 93. Plaintiffs allege that defendants are conspiratorially liable under
2 application of the *Pinkerton* Doctrine [*Pinkerton, v. United States*, 328 U.S. 640
3 (1946) and *Salinas, v. United States*, 522 U.S. 52 (1997)] for the substantive RICO
4 Section 1962©) contraventions committed by defendant inasmuch as:

- 5 A. Defendants engaged in the fraudulent activities that constitute the RICO
6 §1961(5) pattern of racketeering activity;
- 7 B. Defendants are members of the RICO §1962(d) conspiracy designed and
8 intended to contravene RICO § 1962©);
- 9 C. Defendants engaged in activities in furtherance of advancing and
10 promoting the RICO §1962(d) conspiracy designed and intended to
11 contravene RICO § 1962©);
- 12 D. Defendants are members of the RICO §1962(d) conspiracy at and
13 during the time frame the fraudulent activities were committed that
14 constitute the RICO §1961(5) pattern of racketeering activity; and,
- 15 E. The offense fell within the scope of the unlawful agreement and could
16 reasonably have been foreseen to be a necessary or natural consequence
17 of the unlawful agreement.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
105

SIXTH CLAIM FOR RELIEF

[For Commission of Conspiratorial Contravention of RICO Section 1962©) of the Racketeer Influenced and Corrupt Organizations Act of 1970]

["RICO"] RE: RICO Aiding and Abetting

[Title 18 United States Code §1962©)]

[RE: RICO Section 1962(d)\Pinkerton Doctrine]

[RE: Pinkerton, v. United States, 328 U.S. 640 (1946)]

and

Salinas, v. United States, 522 U.S. 52 (1997) Conspiratorial Liability]

[Against Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI, Only]

95. For Plaintiffs’ Sixth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Conspiratorial Liability Contentions]

96. Plaintiffs allege that commencing in May, 2009, and at all times material herein, defendants Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI mutually agreed to engage in the aforementioned racketeering activities and/or wrongful conduct giving rise to the RICO Section 1962©) contraventions, that the objective of that mutual agreement was to destroy

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 plaintiffs' interests in business and/or property, and that such conspiratorial conduct
2 constitutes contravention of RICO Section 1962(d).

3
4 97. Plaintiffs allege that defendants Dave, Brimmer, Marino, Fallingsnow
5 Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law
6 Firm, The Boren Law Group, and JMICCI are conspiratorially liable under
7 application of the *Pinkerton* Doctrine [*Pinkerton, v. United States*, 328 U.S. 640
8 (1946) and *Salinas, v. United States*, 522 U.S. 52 (1997)] for the substantive RICO
9 Section 1962©) contraventions committed by defendants inasmuch as:

- 10 A. Defendants engaged in the fraudulent activities that constitute the
11 RICO §1961(5) pattern of racketeering activity;
- 12 B. Defendants are members of the RICO §1962(d) conspiracy designed
13 and intended to contravene RICO § 1962©);
- 14 C. Defendants engaged in activities in furtherance of advancing and
15 promoting the RICO §1962(d) conspiracy designed and intended to
16 contravene RICO § 1962©);
- 17 D. Defendants are members of the RICO §1962(d) conspiracy at and
18 during the time frame the fraudulent activities were committed that
19 constitute the RICO §1961(5) pattern of racketeering activity; and,
- 20 E. The offense fell within the scope of the unlawful agreement and could
21 reasonably have been foreseen to be a necessary or natural
22 consequence of the unlawful agreement.

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SEVENTH CLAIM FOR RELIEF
[For Commission of Primary Contravention of RICO Section 1962(a) of the Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code §1962(a)]
[Against Marino, Hammond, Dave, Brimmer, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI, Only]

99. For Plaintiffs’ Seventh Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Title 18 United States Code Section 1961(1)(B) Predicate Offense Contraventions re: Title 18 U.S.C. §§ 2, 1341, 1343, 1346, 1952, 1956, 1957, 2314, and 2315]

- Federal Principal and Aider and Abettor Liability: Title 18 U.S.C.A. §2(a)-(b)
- Federal Principal and Aider and Abettor Liability
- re: Aiding and Abetting A Conspiracy: Title 18 U.S.C.A. §2(a)-(b)
- Federal Principal and Aider and Abettor Liability
- re: Conspiracy to Commit Aiding and Abetting: Title 18 U.S.C.A. §2(a)-(b)
- Federal Mail Fraud: Title 18 U.S.C.A. §1341
- Federal Mail Fraud re: Aiding and Abetting: Title 18 U.S.C.A. §1341
- Federal Mail Fraud re: Conspiracy: Title 18 U.S.C.A. §1341
- Federal Mail Fraud re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §1341

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 Federal Mail Fraud re: Aiding and Abetting a Conspiracy:

2 Title 18 U.S.C.A. §1341

3 Federal Wire Fraud: Title 18 U.S.C.A. §1343

4 Federal Wire Fraud re: Aiding and Abetting: Title 18 U.S.C.A. §1343

5 Federal Wire Fraud re: Conspiracy: Title 18 U.S.C.A. §1343

6 Federal Wire Fraud re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §1343

7 Federal Wire Fraud re: Aiding and Abetting a Conspiracy:

8 Title 18 U.S.C.A. §1343

9 Federal Intangible Personal Property Right Deprivation: Title 18 U.S.C.A. §1346

10 Federal Racketeering :Title 18 U.S.C.A. §1952

11 Federal Racketeering re: Aiding and Abetting: Title 18 U.S.C.A. §1952

12 Federal Racketeering re: Conspiracy: Title 18 U.S.C.A. §1952

13 Federal Racketeering re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §1952

14 Federal Racketeering re: Aiding and Abetting a Conspiracy:

15 Title 18 U.S.C.A. §1952

16 Federal Money Laundering: Title 18 U.S.C. §1956

17 Federal Money Laundering re: Aiding and Abetting: Title 18 U.S.C. §1956

18 Federal Money Laundering re: Conspiracy to Aid and Abet:

19 Title 18 U.S.C.A. §1956

20 Federal Money Laundering re: Aiding and Abetting a Conspiracy:

21 Title 18 U.S.C.A. §1956

22 Federal Money Laundering re: Conspiracy: Title 18 U.S.C. §1956(h)

23 Federal Money Laundering re: Aiding and Abetting a Conspiracy:

24 Title 18 U.S.C. §1956(h)

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 Federal Money Laundering re: Conspiracy to Aid and Abet:

2 Title 18 U.S.C. §1956(h)

3 Federal Criminally Derived Property: Title 18 U.S.C. §1957.

4 Federal Criminally Derived Property re: Aiding and Abetting:

5 Title 18 U.S.C. §1957

6 Federal Criminally Derived Property re: Conspiracy: Title 18 U.S.C. §1957

7 Federal Criminally Derived Property re: Aiding and Abetting a Conspiracy:

8 Title 18 U.S.C. §1957

9 Federal Criminally Derived Property re: Conspiracy to Aid and Abet:

10 Title 18 U.S.C. §1957

11 Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,

12 and Conversion: Title 18 U.S.C.A. §2314

13 Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,

14 and Conversion re: Aiding and Abetting: Title 18 U.S.C.A. §2314

15 Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,

16 and Conversion re: Conspiracy: Title 18 U.S.C.A. §2314

17 Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,

18 and Conversion re: Aiding and Abetting a Conspiracy: Title 18 U.S.C.A. §2314

19 Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,

20 and Conversion re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §2314

21 Federal Interstate Receipt of Transported Property Obtained by Fraud, False

22 Pretense, and Conversion: Title 18 U.S.C.A. §2315

23 Federal Interstate Receipt of Transported Property Obtained by Fraud, False

24 Pretense, and Conversion re: Aiding and Abetting: Title 18 U.S.C.A. §2315

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
110 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 Federal Interstate Receipt of Transported Property Obtained by Fraud, False
2 Pretense, and Conversion re: Conspiracy: Title 18 U.S.C.A. §2315

3 Federal Interstate Receipt of Transported Property Obtained by Fraud, False
4 Pretense, and Conversion re: Aiding and Abetting a Conspiracy:
5 Title 18 U.S.C.A. §2315

6 Federal Interstate Receipt of Transported Property Obtained by Fraud, False
7 Pretense, and Conversion re: Conspiracy to Aid and Abet:
8 Title 18 U.S.C.A. §2315

9
10 100. Plaintiffs allege that defendants Marino, Hammond, Fallingsnow
11 Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law
12 Firm, Dave, Brimmer, The Boren Law Group, and JMICCI, engaged in the
13 aforementioned activities, with the intent to harm plaintiffs' interest in business
14 and/or property. Plaintiffs allege that the fraudulent activity engaged by defendants
15 Dave, Brimmer, Hammond, Marino, Fallingsnow Trading Limited, Borenstein,
16 Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group,
17 and JMICCI, injured plaintiffs' business and/or property in connection with their
18 business activities that affect federal interstate commerce, resulting in loss of
19 plaintiffs' property interests, business opportunities, and monies.

20
21 ***[RICO Title 18 United States Code § 1961(5) Pattern of Racketeering Activity]***

22
23 101. Plaintiffs allege that the afore described activities constitute conduct
24 engaged in by defendants Marino, Fallingsnow Trading Limited, Borenstein, Dave,

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
111 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 Hammond, Brimmer, Abraham Borenstein & Associates, P.C., Marino Law Firm,
2 The Boren Law Group, and JMICCI, to deprive plaintiffs of their interest in
3 business and/or property, by and through commission of federal mail fraud, federal
4 wire fraud, federal money laundering, federal interstate transportation and receipt of
5 property obtained by fraud, false pretense, and/or conversion, and federal
6 racketeering, and are therefore indictable as “racketeering activity,” as that term is
7 defined pursuant to Title 18 United States Code §1961(1).

8
9 102. Plaintiffs allege that the course of conduct engaged in by said
10 defendants constitute both continuity and relatedness of the racketeering activity,
11 thereby constituting a “pattern of racketeering activity, as that term is defined pursuant
12 to Title 18 U.S.C. §1961(5).

13
14 103. Plaintiffs allege that the afore described pattern of racketeering activity
15 committed by defendants is both related and continuous inasmuch as it is designed
16 and/or intended to cause damage and/or injury to the interest in business and/or
17 property of plaintiffs, and plaintiffs reasonably believe and apprehend that such
18 conduct shall and will continue prospectively with correlative long term injury.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

***[RICO Section 1962(a) Enterprises and
RICO Section 1962(a) Enterprise Investment Injury]***

104. Plaintiffs allege that defendants Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, Dave, Brimmer, Hammond, The Boren Law Group, and JMICCI, was employed by and associated with others, and engaged in conduct that constitutes a RICO §1961(5) pattern of racketeering activity. Plaintiffs further allege that defendants were knowledgeable and aware of the activities of these RICO enterprises, and that defendants facilitated and furthered the RICO §1962(d) conspiracies alleged herein, for the purpose and objective of damaging and/or injuring plaintiffs' interests in their businesses and/or properties. Plaintiffs allege that each of the following configurations constitute a RICO "enterprise," as that term is defined pursuant to Title 18 United States Code §1961(4) of the Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 U.S.C. §1961(4)] and within the strictures of *Odom v. Microsoft Corp.*, 486 F.3d 541 (9th Cir. 2007)(en banc):

- A. ***RICO Enterprise No. 1:*** Marino, White, O'Farrell & Gonzalez, Attorneys, Counselors and Solicitors constitutes a RICO enterprise, organized and maintained by and through a consensual hierarchy of partners, managers, directors, officers, supervisors, agents, deputies, and/or representatives of a law firm that formulate and implement policies relative to the promoting, soliciting, advancing and/or otherwise operating a business organization for the purpose of the facilitating, furthering, and promoting financial investment programs, both

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 domestically and internationally, including, but not restricted to, the
 2 raising of monetary funds by and through solicitation, employing federal
 3 mails and/or federal interstate wires, as well as and providing
 4 documentary materials describing mechanical procedures pertaining to
 5 the placement of monetary funds derived from solicitations. Plaintiffs
 6 allege that RICO persons defendants, and other persons unknown to
 7 plaintiffs, acting in concert therewith, are employed by and associated
 8 with said RICO enterprise that is engaged in, or activities of which affect,
 9 federal interstate and/or foreign commerce, and that said RICO
 10 persons, and persons acting in concert therewith, conduct or participate,
 11 directly or indirectly, in the conduct of such RICO enterprise's affairs
 12 through a RICO pattern of racketeering activity.

13 B. ***RICO Enterprise No. 2:*** John Joseph Mark Marino, and Marino, White,
 14 O'Farrell & Gonzalez, Attorneys, Counselors and Solicitors constitutes
 15 a RICO enterprise, organized and maintained by and through a
 16 consensual hierarchy of partners, managers, directors, officers,
 17 supervisors, agents, deputies, and/or representatives of a law firm that
 18 formulate and implement policies relative to the promoting, soliciting,
 19 advancing and/or otherwise operating a business organization for the
 20 purpose of the facilitating, furthering, and promoting financial
 21 investment programs, both domestically and internationally, including,
 22 but not restricted to, the raising of monetary funds by and through
 23 solicitation, employing federal mails and/or federal interstate wires, as
 24 well as and providing documentary materials describing mechanical

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
 26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
 27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
 28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 procedures pertaining to the placement of monetary funds derived from
 2 solicitations. Plaintiffs allege that RICO persons, and other persons
 3 unknown to plaintiffs, acting in concert therewith, are employed by and
 4 associated with said RICO enterprise that is engaged in, or activities of
 5 which affect, federal interstate and/or foreign commerce, and that said
 6 RICO persons, and persons acting in concert therewith, conduct or
 7 participate, directly or indirectly, in the conduct of such RICO
 8 enterprise's affairs through a RICO pattern of racketeering activity.

9 C. ***RICO Enterprise No. 3:*** JM International Commercial Consulting, Inc.,
 10 John Joseph Mark Marino, Escrow Agent, John Joseph Mark Marino,
 11 and Marino, White, O'Farrell & Gonzalez, Attorneys, Counselors and
 12 Solicitors constitutes a RICO enterprise, organized and maintained by
 13 and through a consensual hierarchy of partners, managers, directors,
 14 officers, supervisors, agents, deputies, and/or representatives of a law
 15 firm that formulate and implement policies relative to the promoting,
 16 soliciting, advancing and/or otherwise operating a business organization
 17 for the purpose of the facilitating, furthering, and promoting financial
 18 investment programs, both domestically and internationally, including,
 19 but not restricted to, the raising of monetary funds by and through
 20 solicitation, employing federal mails and/or federal interstate wires, as
 21 well as and providing documentary materials describing mechanical
 22 procedures pertaining to the placement of monetary funds derived from
 23 solicitations. Plaintiffs allege that RICO persons, and other persons
 24 unknown to plaintiffs, acting in concert therewith, are employed by and

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
 26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
 27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
 28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 associated with said RICO enterprise that is engaged in, or activities of
2 which affect, federal interstate and/or foreign commerce, and that said
3 RICO persons, and persons acting in concert therewith, conduct or
4 participate, directly or indirectly, in the conduct of such RICO
5 enterprise's affairs through a RICO pattern of racketeering activity.

6 D. ***RICO Enterprise No. 4:*** Boren Law Group, Abraham Borenstein,
7 Abraham Borenstein & Associates, P.C., John Joseph Mark Marino, and
8 Marino, White, O'Farrell & Gonzalez, Attorneys, Counselors and
9 Solicitors constitutes a RICO enterprise, organized and maintained by
10 and through a consensual hierarchy of partners, managers, directors,
11 officers, supervisors, agents, deputies, and/or representatives of a law
12 firm that formulate and implement policies relative to the promoting,
13 soliciting, advancing and/or otherwise operating a business organization
14 for the purpose of the facilitating, furthering, and promoting financial
15 investment programs, both domestically and internationally, including,
16 but not restricted to, the raising of monetary funds by and through
17 solicitation, employing federal mails and/or federal interstate wires, as
18 well as and providing documentary materials describing mechanical
19 procedures pertaining to the placement of monetary funds derived from
20 solicitations. Plaintiffs allege that RICO persons, and other persons
21 unknown to plaintiffs, acting in concert therewith, are employed by and
22 associated with said RICO enterprise that is engaged in, or activities of
23 which affect, federal interstate and/or foreign commerce, and that said
24 RICO persons, and persons acting in concert therewith, conduct or

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 participate, directly or indirectly, in the conduct of such RICO
2 enterprise's affairs through a RICO pattern of racketeering activity.

3 E. ***RICO Enterprise No. 5:*** JM International Commercial Consulting, Inc.,
4 John Joseph Mark Marino, Escrow Agent, Boren Law Group, Abraham
5 Borenstein, Abraham Borenstein & Associates, P.C., John Joseph Mark
6 Marino, and Marino, White, O'Farrell & Gonzalez, Attorneys,
7 Counselors and Solicitors, constitutes a RICO enterprise, organized and
8 maintained by and through a consensual hierarchy of partners,
9 managers, directors, officers, supervisors, agents, deputies, and/or
10 representatives of an association in fact of law firm and escrow agent that
11 formulate and implement policies relative to the promoting, soliciting,
12 advancing and/or otherwise operating a business organization for the
13 purpose of the facilitating, furthering, and promoting financial
14 investment programs, both domestically and internationally, including,
15 but not restricted to, the raising of monetary funds by and through
16 solicitation, employing federal mails and/or federal interstate wires, as
17 well as and providing documentary materials describing mechanical
18 procedures pertaining to the placement of monetary funds derived from
19 solicitations. Plaintiffs allege that RICO persons, and other persons
20 unknown to plaintiffs, acting in concert therewith, are employed by and
21 associated with said RICO enterprise that is engaged in, or activities of
22 which affect, federal interstate and/or foreign commerce, and that said
23 RICO persons, and persons acting in concert therewith, conduct or
24

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 participate, directly or indirectly, in the conduct of such RICO
2 enterprise's affairs through a RICO pattern of racketeering activity.

3
4 105. Plaintiffs allege that in committing the acts, omissions,
5 misrepresentations, and breaches referred to herein between May, 2009, and
6 continuing up through and including the initiation of these proceedings, defendants
7 engaged in a RICO §1961(5) pattern of racketeering activity in contravention of
8 Title 18 United States Code §1962(a).

9
10 106. Plaintiffs further allege defendants engaged in a RICO §1961(5)
11 pattern of racketeering activity, receiving proceeds and/or income derived therefrom,
12 and investing plaintiffs' \$300,000.00, USD, said proceeds and/or income to
13 acquire, maintain, operate, and/or establish, directly and/or indirectly, of the RICO
14 enterprises identified herein above, and that said RICO enterprises are engaged in
15 activities that affect federal interstate and/or foreign commerce.

16
17 107. Plaintiffs allege that plaintiffs sustained injuries to their interests
18 in business and/or property as a direct and proximate cause of defendants' Marino,
19 Dave, Brimmer, Hammond, Fallingsnow Trading Limited, Borenstein, Abraham
20 Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and
21 JMICCI investment of income and/or proceeds to the afore mentioned RICO
22 §1961(4) enterprises, constituting RICO enterprise investment injuries as follows:

23 ★ Plaintiffs' lost business investment opportunities attributable to
24 defendants' Marino, Fallingsnow Trading Limited, Borenstein, Abraham

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group,
 2 and JMICCI continuous and repetitive representations of assurances,
 3 reassurances, confirmations, reaffirmations, and justifications regarding the
 4 legitimacy of the trading programs represented by defendants Marino,
 5 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein &
 6 Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI;
 7 ★ Plaintiffs' deprived of receipt of \$300,000.00, by defendants Marino,
 8 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein &
 9 Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI ,
 10 thereby frustrating, impairing, and impeding plaintiffs' right and ability to
 11 recover said monies;

12 ★ Fallingsnow Trading Limited and The Boren Law Group are patently void
 13 of independent legal significance, financial and economic sustenance, was,
 14 and continue to be, insufficiently and/or undercapitalized. Plaintiffs allege
 15 that defendants Marino, Fallingsnow Trading Limited, Borenstein, Abraham
 16 Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group,
 17 and JMICCI interposed Fallingsnow Trading Limited between themselves
 18 and plaintiffs for purposes of immunizing themselves from direct personal
 19 liability exposure by creating and operating Fallingsnow Trading Limited
 20 as a mere corporate subterfuge, a shell, a sham, and artificial instrumentality
 21 exclusively for the purpose of acquiring and obtaining plaintiffs' monies,
 22 and the monies of similarly situated victims.

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
 26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
 27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
 28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

[RICO Recovery]

1
2
3 108. Plaintiffs are entitled to recover, pursuant to Title 18 United
4 States Code §1964©), treble damages in the amount to be determined by offer of
5 proof at time of trial. Plaintiffs are also entitled to recover attorneys' fees and costs
6 of this litigation, as well as damages arising from lost profits and/or lost business
7 opportunities attributable to the activities engaged in by defendants committed in
8 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970
9 ["RICO"] [Title 18 U.S.C. §1961 et.seq.].

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
120 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

EIGHTH CLAIM FOR RELIEF

[For RICO Aiding and Abetting Primary Contravention of RICO Section 1962(a) of the Racketeer Influenced and Corrupt Organizations Act of 1970]

["RICO"]

[Title 18 United States Code §§ 2(a)-(b) and §1962(a)]

[Against All Defendants]

109. For Plaintiffs' Eighth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

110. Plaintiffs allege that defendants employed the federal mails and/or federal interstate wires, as well as engaged in racketeering activity as alleged herein, to aid and abet the primary RICO § 1962(a) contraventions committed by defendants Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Hammond, Marino Law Firm, The Boren Law Group, and JMICCI, and other RICO persons unknown to plaintiffs, as alleged herein above.

111. Plaintiffs allege that the defendants was aware of the commission of the primary RICO contraventions committed, and that defendants substantially assisted in the commission of the primary RICO contraventions by defendants Marino, Hammond, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI, thereby deriving a monetary benefit as a result to the detriment of plaintiffs.

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NINTH CLAIM FOR RELIEF
[For Contravention of RICO Section 1962(a) of the Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code §1962(a)]
[Respondeat Superior\Derivative Liability]
[Against Marino Law Firm, Fallingsnow Trading Limited, The Boren Law Group, and JMICCI, Only]

113. For Plaintiffs’ Ninth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Respondeat Superior\ Derivative Liability Contentions]

114. Plaintiffs allege that during and at all times material herein, Marino and Borenstein functioned and served in the capacities of agent, employee, director, designee, officer, partner, representative, managing member, co-managing member, member, and/or servant upon behalf of the Boren Law Group, and engaged in the fraudulent and felonious conduct in such representative capacities, and that as a proximate result thereof, the Boren Law Group derived a benefit thereby, specifically, obtaining plaintiffs’ monies.

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 115. Plaintiffs allege that during and at all times material herein,
2 Marino functioned and served in the capacities of agent, employee, director,
3 designee, officer, partner, representative, managing member, co-managing member,
4 member, and/or servant upon behalf of the Marino Law Firm, Fallingsnow Trading
5 Limited, and JMICCI, and engaged in the fraudulent and felonious conduct in such
6 representative capacities, and that as a proximate result thereof, the Marino Law Firm
7 and JMICCI derived a benefit thereby, specifically, obtaining plaintiffs' monies.

8
9 116. Plaintiffs allege that Marino and Borenstein exercised control,
10 management, and/or direction of the Boren Law Group relative to the complained
11 of fraudulent and felonious activities, with the intent to harm plaintiffs in their
12 business and/or property interests. Plaintiffs allege that the fraudulent activities
13 engaged in by Marino and Borenstein upon behalf of the Boren Law Group injured
14 and/or damaged plaintiffs' business activities and/or properties in connection with
15 plaintiffs' business activities that affect federal commerce.

16
17 117. Plaintiffs allege that Marino exercised control, management,
18 and/or direction of the Marino Law Firm, Fallingsnow Trading, Limited, and JMICCI
19 relative to the complained of fraudulent and felonious activities, with the intent to
20 harm plaintiffs in their business and/or property interests. Plaintiffs allege that the
21 fraudulent activities engaged in by Marino upon behalf of the Marino Law Firm and
22 JMICCI injured and/or damaged plaintiffs' business activities and/or properties in
23 connection with plaintiffs' business activities that affect federal commerce.

24 * * *

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
124 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

TENTH CLAIM FOR RELIEF

***[For RICO Aiding and Abetting a RICO Section 1962(d) Conspiracy
Contravention of RICO Section 1962(a) of the Racketeer Influenced and
Corrupt Organizations Act of 1970]***

["RICO"]

[Title 18 United States Code §§ 2(a)-(b) and §§1962(a)-1962(d)]

***[Against Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein,
Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law
Group, and JMICCI, Only]***

120. For Plaintiffs’ Tenth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

121. Plaintiffs allege that RICO defendants Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI, employed the federal mails and/or federal interstate wires, as well as engaged in racketeering activity as alleged herein, to aid and abet the primary RICO § 1962(a) contraventions committed by defendants and other RICO persons unknown to plaintiffs as alleged herein above.

///

///

///

///

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 122. Plaintiffs allege that the defendants were knowledgeable and
2 aware of the commission of the primary RICO contraventions committed, and that
3 defendants substantially assisted in the commission of the primary RICO
4 contraventions, thereby deriving a monetary benefit as a result to the detriment of
5 plaintiffs.

6
7 123. Plaintiffs allege that RICO defendants aided and abetted a
8 RICO Section 1962(d) conspiracy between said RICO defendants to contravene
9 RICO Section 1962(a) to injure and/or damage plaintiffs' interests in business
10 and/or property.

11
12 ***[RICO Recovery]***
13

14 124. Plaintiffs are entitled to recover, pursuant to Title 18 United
15 States Code §1964©), treble damages in the amount to be determined by offer of
16 proof at time of trial. Plaintiffs are also entitled to recover attorneys' fees and costs
17 of this litigation, as well as damages arising from lost profits and/or lost business
18 opportunities attributable to the activities engaged in by defendants committed in
19 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970
20 ["RICO"] [Title 18 U.S.C. §1961 et.seq.].

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 127. Plaintiffs allege that defendants are conspiratorially liable under
2 application of the *Pinkerton* Doctrine [*Pinkerton, v. United States*, 328 U.S. 640
3 (1946) and *Salinas, v. United States*, 522 U.S. 52 (1997)] for the substantive RICO
4 Section 1962(a) contraventions committed by defendant inasmuch as:

- 5 A. Defendants engaged in the fraudulent activities that constitute the RICO
6 §1961(5) pattern of racketeering activity;
- 7 B. Defendants are members of the RICO §1962(d) conspiracy designed and
8 intended to contravene RICO § 1962(a);
- 9 C. Defendants engaged in activities in furtherance of advancing and
10 promoting the RICO §1962(d) conspiracy designed and intended to
11 contravene RICO § 1962(a);
- 12 D. Defendants are members of the RICO §1962(d) conspiracy at and
13 during the time frame the fraudulent activities were committed that
14 constitute the RICO §1961(5) pattern of racketeering activity; and,
- 15 E. The offense fell within the scope of the unlawful agreement and could
16 reasonably have been foreseen to be a necessary or natural consequence
17 of the unlawful agreement.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
131

TWELFTH CLAIM FOR RELIEF

[For Commission of Conspiratorial Contravention of RICO Section 1962(a) of the Racketeer Influenced and Corrupt Organizations Act of 1970]

["RICO"] RE: RICO Aiding and Abetting

[Title 18 United States Code §1962(a)]

[RE: RICO Section 1962(d)\Pinkerton Doctrine]

[RE: Pinkerton, v. United States, 328 U.S. 640 (1946)]

and

Salinas, v. United States, 522 U.S. 52 (1997) Conspiratorial Liability]

[Against Marino, Fallingsnow Trading Limited, Borenstein, Dave, Brimmer, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI, Only]

129. For Plaintiffs’ Twelfth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Conspiratorial Liability Contentions]

130. Plaintiffs allege that commencing in May, 2009, and at all times material herein, defendants Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI mutually agreed to engage in the aforementioned racketeering activities and/or wrongful conduct giving rise to the RICO Section 1962(a) contraventions, that the objective of that mutual agreement was to destroy

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 plaintiffs' interests in business and/or property, and that such conspiratorial conduct
2 constitutes contravention of RICO Section 1962(d).

3
4 131. Plaintiffs allege that defendants Marino, Dave, Brimmer,
5 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C.,
6 Marino Law Firm, The Boren Law Group, and JMICCI are conspiratorially liable
7 under application of the *Pinkerton* Doctrine [*Pinkerton, v. United States*, 328 U.S.
8 640 (1946) and *Salinas, v. United States*, 522 U.S. 52 (1997)] for the substantive
9 RICO Section 1962(a) contraventions committed by defendants inasmuch as:

- 10 A. Defendants engaged in the fraudulent activities that constitute the
11 RICO §1961(5) pattern of racketeering activity;
- 12 B. Defendants are members of the RICO §1962(d) conspiracy designed
13 and intended to contravene RICO § 1962(a);
- 14 C. Defendants engaged in activities in furtherance of advancing and
15 promoting the RICO §1962(d) conspiracy designed and intended to
16 contravene RICO § 1962(a);
- 17 D. Defendants are members of the RICO §1962(d) conspiracy at and
18 during the time frame the fraudulent activities were committed that
19 constitute the RICO §1961(5) pattern of racketeering activity; and,
- 20 E. The offense fell within the scope of the unlawful agreement and could
21 reasonably have been foreseen to be a necessary or natural
22 consequence of the unlawful agreement.

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THIRTEENTH CLAIM FOR RELIEF
[For Commission of Primary Contravention of RICO Section 1962(b) of the
Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code §1962(b)]
[Against Marino, Dave, Brimmer, Fallingsnow Trading Limited, Borenstein,
Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law
Group, and JMICCI, Only]

133. For Plaintiffs’ Thirteenth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Title 18 United States Code Sections 1961(1)(B) Predicate Offense
Contraventions]

- Federal Principal and Aider and Abettor Liability: Title 18 U.S.C.A. §2(a)-(b)
- Federal Principal and Aider and Abettor Liability
- re: Aiding and Abetting A Conspiracy: Title 18 U.S.C.A. §2(a)-(b)
- Federal Principal and Aider and Abettor Liability
- re: Conspiracy to Commit Aiding and Abetting: Title 18 U.S.C.A. §2(a)-(b)
- Federal Mail Fraud: Title 18 U.S.C.A. §1341
- Federal Mail Fraud re: Aiding and Abetting: Title 18 U.S.C.A. §1341
- Federal Mail Fraud re: Conspiracy: Title 18 U.S.C.A. §1341
- Federal Mail Fraud re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §1341
- Federal Mail Fraud re: Aiding and Abetting a Conspiracy:

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Title 18 U.S.C.A. §1341

Federal Wire Fraud: Title 18 U.S.C.A. §1343

Federal Wire Fraud re: Aiding and Abetting: Title 18 U.S.C.A. §1343

Federal Wire Fraud re: Conspiracy: Title 18 U.S.C.A. §1343

Federal Wire Fraud re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §1343

Federal Wire Fraud re: Aiding and Abetting a Conspiracy:

Title 18 U.S.C.A. §1343

Federal Intangible Personal Property Right Deprivation: Title 18 U.S.C.A. §1346

Federal Racketeering :Title 18 U.S.C.A. §1952

Federal Racketeering re: Aiding and Abetting: Title 18 U.S.C.A. §1952

Federal Racketeering re: Conspiracy: Title 18 U.S.C.A. §1952

Federal Racketeering re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §1952

Federal Racketeering re: Aiding and Abetting a Conspiracy:

Title 18 U.S.C.A. §1952

Federal Money Laundering: Title 18 U.S.C. §1956

Federal Money Laundering re: Aiding and Abetting: Title 18 U.S.C. §1956

Federal Money Laundering re: Conspiracy to Aid and Abet:

Title 18 U.S.C.A. §1956

Federal Money Laundering re: Aiding and Abetting a Conspiracy:

Title 18 U.S.C.A. §1956

Federal Money Laundering re: Conspiracy: Title 18 U.S.C. §1956(h)

Federal Money Laundering re: Aiding and Abetting a Conspiracy:

Title 18 U.S.C. §1956(h)

Federal Money Laundering re: Conspiracy to Aid and Abet:

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Title 18 U.S.C. §1956(h)

Federal Criminally Derived Property: Title 18 U.S.C. §1957.

Federal Criminally Derived Property re: Aiding and Abetting:

Title 18 U.S.C. §1957

Federal Criminally Derived Property re: Conspiracy: Title 18 U.S.C. §1957

Federal Criminally Derived Property re: Aiding and Abetting a Conspiracy:

Title 18 U.S.C. §1957

Federal Criminally Derived Property re: Conspiracy to Aid and Abet:

Title 18 U.S.C. §1957

Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,
and Conversion: Title 18 U.S.C.A. §2314

Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,
and Conversion re: Aiding and Abetting: Title 18 U.S.C.A. §2314

Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,
and Conversion re: Conspiracy: Title 18 U.S.C.A. §2314

Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,
and Conversion re: Aiding and Abetting a Conspiracy: Title 18 U.S.C.A. §2314

Federal Interstate Transportation of Property Obtained by Fraud, False Pretense,
and Conversion re: Conspiracy to Aid and Abet: Title 18 U.S.C.A. §2314

Federal Interstate Receipt of Transported Property Obtained by Fraud, False
Pretense, and Conversion: Title 18 U.S.C.A. §2315

Federal Interstate Receipt of Transported Property Obtained by Fraud, False
Pretense, and Conversion re: Aiding and Abetting: Title 18 U.S.C.A. §2315

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 Federal Interstate Receipt of Transported Property Obtained by Fraud, False
2 Pretense, and Conversion re: Conspiracy: Title 18 U.S.C.A. §2315

3 Federal Interstate Receipt of Transported Property Obtained by Fraud, False
4 Pretense, and Conversion re: Aiding and Abetting a Conspiracy:

5 Title 18 U.S.C.A. §2315

6 Federal Interstate Receipt of Transported Property Obtained by Fraud, False
7 Pretense, and Conversion re: Conspiracy to Aid and Abet:

8 Title 18 U.S.C.A. §2315

9

10 134. Plaintiffs allege that defendants Marino, Dave, Brimmer, Fallingsnow
11 Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law
12 Firm, The Boren Law Group, and JMICCI engaged in the aforementioned activities,
13 with the intent to harm plaintiffs’ interest in business and/or property. Plaintiffs
14 allege that the fraudulent activity engaged by defendants Marino, Fallingsnow
15 Trading Limited, Dave, Brimmer, Borenstein, Abraham Borenstein & Associates,
16 P.C., Marino Law Firm, The Boren Law Group, and JMICCI injured plaintiffs’
17 business and/or property in connection with their business activities that affect federal
18 interstate commerce, resulting in loss of plaintiffs’ property interests, business
19 opportunities, and monies.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 *[RICO Title 18 United States Code § 1961(5) Pattern of Racketeering Activity]*

2
3 135. Plaintiffs allege that the aforementioned activities constitute
4 conduct engaged in by defendants Marino, Fallingsnow Trading Limited, Borenstein,
5 Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group,
6 Dave, Brimmer, and JMICCI to deprive plaintiffs of their interest in business
7 and/or property, by and through commission of federal mail fraud, federal wire fraud,
8 federal money laundering, federal interstate transportation and receipt of property
9 obtained by fraud, false pretense, and/or conversion, and federal racketeering, and
10 are therefore indictable as “racketeering activity,” as that term is defined pursuant to
11 Title 18 United States Code §1961(1).

12
13 136. Plaintiffs allege that the course of conduct engaged in by
14 defendants Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein
15 & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI constitute
16 both continuity and relatedness of the racketeering activity, thereby constituting a
17 “pattern of racketeering activity, as that term is defined pursuant to Title 18 U.S.C.
18 §1961(5).

19
20 137. Plaintiffs allege that the aforementioned RICO §1961(5) pattern
21 of racketeering activity committed by defendants is both related and continuous
22 inasmuch as it is designed and/or intended to cause damage and/or injury to the
23 interest in business and/or property of plaintiffs, and plaintiffs reasonably believe
24

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 and apprehend that such conduct shall and will continue prospectively with
2 correlative long term injury.

3
4 ***[RICO Section 1962(b) Enterprises and***
5 ***RICO Section 1962(b) Acquisition/Control Investment Injury]***
6

7 138. Plaintiffs allege that defendants Marino, Fallingsnow Trading
8 Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The
9 Boren Law Group, Dave, Brimmer, and JMICCI were employed by and associated
10 with others, and engaged in conduct that constitutes a RICO §1961(5) pattern of
11 racketeering activity. Plaintiffs further allege that defendants Dave, Brimmer,
12 Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates,
13 P.C., Marino Law Firm, The Boren Law Group, and JMICCI were knowledgeable
14 and aware of the activities of these RICO §1961(4) enterprises, and that defendants
15 Marino, Dave, Brimmer, Fallingsnow Trading Limited, Borenstein, Abraham
16 Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and
17 JMICCI facilitated and furthered the RICO §1962(d) conspiracies alleged herein, for
18 the purpose and objective of damaging and/or injuring plaintiffs’ interests in their
19 businesses and/or properties.

20 ///
21 ///
22 ///
23 ///
24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 139. Plaintiffs allege that each of the following configurations
2 constitute a RICO “enterprise,” as that term is defined pursuant to Title 18 United
3 States Code §1961(4) of the Racketeer Influenced and Corrupt Organizations Act of
4 1970 [“RICO”][Title 18 U.S.C. §1961(4)] and within the strictures of *Odom v.*
5 *Microsoft Corp.*, 486 F.3d 541 (9th Cir. 2007)(en banc):

6 A. ***RICO Enterprise No. 1:*** Marino, White, O’Farrell & Gonzalez,
7 Attorneys, Counselors and Solicitors constitutes a RICO enterprise,
8 organized and maintained by and through a consensual hierarchy of
9 partners, managers, directors, officers, supervisors, agents, deputies,
10 and/or representatives of a law firm that formulate and implement
11 policies relative to the promoting, soliciting, advancing and/or otherwise
12 operating a business organization for the purpose of the facilitating,
13 furthering, and promoting financial investment programs, both
14 domestically and internationally, including, but not restricted to, the
15 raising of monetary funds by and through solicitation, employing federal
16 mails and/or federal interstate wires, as well as and providing
17 documentary materials describing mechanical procedures pertaining to
18 the placement of monetary funds derived from solicitations. Plaintiffs
19 allege that RICO persons defendants, and other persons unknown to
20 plaintiffs, acting in concert therewith, are employed by and associated
21 with said RICO enterprise that is engaged in, or activities of which affect,
22 federal interstate and/or foreign commerce, and that said RICO
23 persons, and persons acting in concert therewith, conduct or participate,
24

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
140 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 directly or indirectly, in the conduct of such RICO enterprise's affairs
2 through a RICO pattern of racketeering activity.

3 B. ***RICO Enterprise No. 2:*** John Joseph Mark Marino, and Marino, White,
4 O'Farrell & Gonzalez, Attorneys, Counselors and Solicitors constitutes
5 a RICO enterprise, organized and maintained by and through a
6 consensual hierarchy of partners, managers, directors, officers,
7 supervisors, agents, deputies, and/or representatives of a law firm that
8 formulate and implement policies relative to the promoting, soliciting,
9 advancing and/or otherwise operating a business organization for the
10 purpose of the facilitating, furthering, and promoting financial
11 investment programs, both domestically and internationally, including,
12 but not restricted to, the raising of monetary funds by and through
13 solicitation, employing federal mails and/or federal interstate wires, as
14 well as and providing documentary materials describing mechanical
15 procedures pertaining to the placement of monetary funds derived from
16 solicitations. Plaintiffs allege that RICO persons, and other persons
17 unknown to plaintiffs, acting in concert therewith, are employed by and
18 associated with said RICO enterprise that is engaged in, or activities of
19 which affect, federal interstate and/or foreign commerce, and that said
20 RICO persons, and persons acting in concert therewith, conduct or
21 participate, directly or indirectly, in the conduct of such RICO
22 enterprise's affairs through a RICO pattern of racketeering activity.

23 C. ***RICO Enterprise No. 3:*** JM International Commercial Consulting, Inc.,
24 John Joseph Mark Marino, Escrow Agent, John Joseph Mark Marino,

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 and Marino, White, O'Farrell & Gonzalez, Attorneys, Counselors and
 2 Solicitors constitutes a RICO enterprise, organized and maintained by
 3 and through a consensual hierarchy of partners, managers, directors,
 4 officers, supervisors, agents, deputies, and/or representatives of a law
 5 firm that formulate and implement policies relative to the promoting,
 6 soliciting, advancing and/or otherwise operating a business organization
 7 for the purpose of the facilitating, furthering, and promoting financial
 8 investment programs, both domestically and internationally, including,
 9 but not restricted to, the raising of monetary funds by and through
 10 solicitation, employing federal mails and/or federal interstate wires, as
 11 well as and providing documentary materials describing mechanical
 12 procedures pertaining to the placement of monetary funds derived from
 13 solicitations. Plaintiffs allege that RICO persons, and other persons
 14 unknown to plaintiffs, acting in concert therewith, are employed by and
 15 associated with said RICO enterprise that is engaged in, or activities of
 16 which affect, federal interstate and/or foreign commerce, and that said
 17 RICO persons, and persons acting in concert therewith, conduct or
 18 participate, directly or indirectly, in the conduct of such RICO
 19 enterprise's affairs through a RICO pattern of racketeering activity.

20 D. ***RICO Enterprise No. 4:*** Boren Law Group, Abraham Borenstein,
 21 Abraham Borenstein & Associates, P.C., John Joseph Mark Marino, and
 22 Marino, White, O'Farrell & Gonzalez, Attorneys, Counselors and
 23 Solicitors constitutes a RICO enterprise, organized and maintained by
 24 and through a consensual hierarchy of partners, managers, directors,

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
 26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
 27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
 28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 officers, supervisors, agents, deputies, and/or representatives of a law
 2 firm that formulate and implement policies relative to the promoting,
 3 soliciting, advancing and/or otherwise operating a business organization
 4 for the purpose of the facilitating, furthering, and promoting financial
 5 investment programs, both domestically and internationally, including,
 6 but not restricted to, the raising of monetary funds by and through
 7 solicitation, employing federal mails and/or federal interstate wires, as
 8 well as and providing documentary materials describing mechanical
 9 procedures pertaining to the placement of monetary funds derived from
 10 solicitations. Plaintiffs allege that RICO persons, and other persons
 11 unknown to plaintiffs, acting in concert therewith, are employed by and
 12 associated with said RICO enterprise that is engaged in, or activities of
 13 which affect, federal interstate and/or foreign commerce, and that said
 14 RICO persons, and persons acting in concert therewith, conduct or
 15 participate, directly or indirectly, in the conduct of such RICO
 16 enterprise's affairs through a RICO pattern of racketeering activity.

17 E. ***RICO Enterprise No. 5:*** JM International Commercial Consulting, Inc.,
 18 John Joseph Mark Marino, Escrow Agent, Boren Law Group, Abraham
 19 Borenstein, Abraham Borenstein & Associates, P.C., John Joseph Mark
 20 Marino, and Marino, White, O'Farrell & Gonzalez, Attorneys,
 21 Counselors and Solicitors, constitutes a RICO enterprise, organized and
 22 maintained by and through a consensual hierarchy of partners,
 23 managers, directors, officers, supervisors, agents, deputies, and/or
 24 representatives of an association in fact of law firm and escrow agent that

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
 26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
 27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
 28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 formulate and implement policies relative to the promoting, soliciting,
2 advancing and/or otherwise operating a business organization for the
3 purpose of the facilitating, furthering, and promoting financial
4 investment programs, both domestically and internationally, including,
5 but not restricted to, the raising of monetary funds by and through
6 solicitation, employing federal mails and/or federal interstate wires, as
7 well as and providing documentary materials describing mechanical
8 procedures pertaining to the placement of monetary funds derived from
9 solicitations. Plaintiffs allege that RICO persons, and other persons
10 unknown to plaintiffs, acting in concert therewith, are employed by and
11 associated with said RICO enterprise that is engaged in, or activities of
12 which affect, federal interstate and/or foreign commerce, and that said
13 RICO persons, and persons acting in concert therewith, conduct or
14 participate, directly or indirectly, in the conduct of such RICO
15 enterprise's affairs through a RICO pattern of racketeering activity.

16
17 140. Plaintiffs allege that in committing the acts, omissions,
18 misrepresentations, and breaches referred to herein between May, 2009, and
19 continuing up through and including the initiation of these proceedings, defendants
20 Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates,
21 P.C., Marino Law Firm, The Boren Law Group, and JMICCI engaged in a RICO
22 pattern of racketeering activity in contravention of Title 18 United States Code
23 §1962(b). Plaintiffs further allege defendants engaged in a RICO pattern of
24 racketeering activity, receiving proceeds and/or income derived therefrom, and

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 investing said proceeds and/or income to acquire, maintain, operate, and/or establish,
 2 directly and/or indirectly, of the RICO enterprises identified herein above, and that
 3 said RICO enterprises are engaged in activities that affect federal interstate and/or
 4 foreign commerce.

5
 6 141. Plaintiffs allege that plaintiffs sustained injuries to their interests
 7 in business and/or property as a direct and proximate cause of defendants'
 8 acquisition of control of and/or interest in the afore described RICO enterprises,
 9 constituting RICO enterprise acquisitional and investment injuries as follows:

10 ★ Plaintiffs' lost business investment opportunities attributable to
 11 defendants' Dave, Brimmer, Marino, Fallingsnow Trading Limited,
 12 Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm,
 13 The Boren Law Group, and JMICCI continuous and repetitive
 14 representations of assurances, reassurances, confirmations,
 15 reaffirmations, and justifications regarding the legitimacy of the trading
 16 programs represented by defendants Dave, Brimmer, Marino,
 17 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein &
 18 Associates, P.C., Marino Law Firm, The Boren Law Group, and
 19 JMICCI;

20 ★ Plaintiffs' deprived of receipt of \$300,000.00, by defendants Dave,
 21 Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham
 22 Borenstein & Associates, P.C., Marino Law Firm, The Boren Law
 23 Group, and JMICCI , thereby frustrating, impairing, and impeding
 24 plaintiffs' right and ability to recover said monies;

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
 26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
 27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
 28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 ★ Fallingsnow Trading Limited and The Boren Law Group are patently
 2 void of independent legal significance, financial and economic
 3 sustenance, was, and continue to be, insufficiently and/or
 4 undercapitalized. Plaintiffs allege that defendants Marino, Dave,
 5 Brimmer, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein
 6 & Associates, P.C., Marino Law Firm, The Boren Law Group, and
 7 JMICCI interposed Fallingsnow Trading Limited between themselves
 8 and plaintiffs for purposes of immunizing themselves from direct
 9 personal liability exposure by creating and operating Fallingsnow
 10 Trading Limited as a mere corporate subterfuge, a shell, a sham, and
 11 artificial instrumentality exclusively for the purpose of acquiring and
 12 obtaining plaintiffs' monies, and the monies of similarly situated victims.

13
 14 *[RICO Recovery]*

15
 16 142. Plaintiffs are entitled to recover, pursuant to Title 18 United
 17 States Code §1964©), treble damages in the amount to be determined by offer of
 18 proof at time of trial. Plaintiffs are also entitled to recover attorneys' fees and costs
 19 of this litigation, as well as damages arising from lost profits and/or lost business
 20 opportunities attributable to the activities engaged in by defendants committed in
 21 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970
 22 ["RICO"] [Title 18 U.S.C. §1961 et.seq.].

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
 26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
 27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
 28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
 146 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FOURTEENTH CLAIM FOR RELIEF
[For RICO Aiding and Abetting Primary Contravention of RICO Section 1962(b)
of the Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code §§ 2(a)-(b) and §1962(b)]
[Against All Defendants]

143. For Plaintiffs' Fourteenth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

144. Plaintiffs allege that defendants employed the federal mails and/or federal interstate wires, as well as engaged in racketeering activity as alleged herein, to aid and abet the primary RICO § 1962(b) contraventions committed by defendants Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, Dave, Brimmer, The Boren Law Group, and JMICCI, and other RICO persons unknown to plaintiffs, as alleged herein above.

145. Plaintiffs allege that the defendants were aware of the commission of the primary RICO contraventions committed, and that defendants substantially assisted in the commission of the primary RICO contraventions by defendants Marino, Dave, Brimmer, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI, thereby deriving a monetary benefit as a result to the detriment of plaintiffs.

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
149

FIFTEENTH CLAIM FOR RELIEF
[For Contravention of RICO Section 1962(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code §1962(b)]
[Respondeat Superior\Derivative Liability]
[Against Marino Law Firm, Fallingsnow Trading Limited, The Boren Law Group, and JMICCI, Only]

147. For Plaintiffs’ Fifteenth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Respondeat Superior\ Derivative Liability Contentions]

148. Plaintiffs allege that during and at all times material herein, Marino and Borenstein functioned and served in the capacities of agent, employee, director, designee, officer, partner, representative, managing member, co-managing member, member, and/or servant upon behalf of the Boren Law Group, and engaged in the fraudulent and felonious conduct in such representative capacities, and that as a proximate result thereof, the Boren Law Group derived a benefit thereby, specifically, obtaining plaintiffs’ monies.

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 149. Plaintiffs allege that during and at all times material herein,
2 Marino functioned and served in the capacities of agent, employee, director,
3 designee, officer, partner, representative, managing member, co-managing member,
4 member, and/or servant upon behalf of the Marino Law Firm, Fallingsnow Trading
5 Limited, and JMICCI, and engaged in the fraudulent and felonious conduct in such
6 representative capacities, and that as a proximate result thereof, the Marino Law Firm
7 and JMICCI derived a benefit thereby, specifically, obtaining plaintiffs' monies.

8
9 150. Plaintiffs allege that Marino and Borenstein exercised control,
10 management, and/or direction of the Boren Law Group relative to the complained
11 of fraudulent and felonious activities, with the intent to harm plaintiffs in their
12 business and/or property interests. Plaintiffs allege that the fraudulent activities
13 engaged in by Marino and Borenstein upon behalf of the Boren Law Group injured
14 and/or damaged plaintiffs' business activities and/or properties in connection with
15 plaintiffs' business activities that affect federal commerce.

16
17 151. Plaintiffs allege that Marino exercised control, management,
18 and/or direction of the Marino Law Firm, Fallingsnow Trading, Limited, and JMICCI
19 relative to the complained of fraudulent and felonious activities, with the intent to
20 harm plaintiffs in their business and/or property interests. Plaintiffs allege that the
21 fraudulent activities engaged in by Marino upon behalf of the Marino Law Firm and
22 JMICCI injured and/or damaged plaintiffs' business activities and/or properties in
23 connection with plaintiffs' business activities that affect federal commerce.

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
150 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
152

SIXTEENTH CLAIM FOR RELIEF
[For RICO Aiding and Abetting a RICO Section 1962(d) Conspiracy
Contravention of RICO Section 1962(b) of the Racketeer Influenced and
Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code §§ 2(a)-(b) and §§1962(b)-1962(d)]
[Against Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein,
Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law
Group, and JMICCI, Only]

154. For Plaintiffs’ Sixteenth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

155. Plaintiffs allege that defendants Marino, Fallingsnow Trading Limited, Dave, Brimmer, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI, employed the federal mails and/or federal interstate wires, as well as engaged in racketeering activity as alleged herein, to aid and abet the primary RICO § 1962(b) contraventions committed by defendants Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI and other RICO persons unknown to plaintiffs as alleged herein above.

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 156. Plaintiffs allege that defendants Dave, Brimmer, Marino,
2 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C.,
3 Marino Law Firm, The Boren Law Group, and JMICCI were knowledgeable and
4 aware of the commission of the primary RICO contraventions committed, and that
5 defendants substantially assisted in the commission of the primary RICO
6 contraventions, thereby deriving a monetary benefit as a result to the detriment of
7 plaintiffs.

8
9 157. Plaintiffs allege that defendants Marino, Dave, Brimmer,
10 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C.,
11 Marino Law Firm, The Boren Law Group, and JMICCI aided and abetted a RICO
12 Section 1962(d) conspiracy between RICO defendants Marino, Dave, Brimmer,
13 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C.,
14 Marino Law Firm, The Boren Law Group, and JMICCI, and other RICO defendants,
15 to contravene RICO Section 1962(b) to injure and/or damage plaintiffs' interests
16 in business and/or property.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
153 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
155

SEVENTEENTH CLAIM FOR RELIEF

[For Commission of Conspiratorial Contravention of RICO Section 1962(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970]

["RICO"]

[Title 18 United States Code §1962(b)]

[RE: RICO Section 1962(d)\Pinkerton Doctrine]

[RE: Pinkerton, v. United States, 328 U.S. 640 (1946)]

and

Salinas, v. United States, 522 U.S. 52 (1997) Conspiratorial Liability]

[Against All Defendants]

159. For Plaintiffs’ Seventeenth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Conspiratorial Liability Contentions]

160. Plaintiffs allege that commencing in May, 2009, and at all times material herein, defendants mutually agreed to engage in the aforementioned racketeering activities and/or wrongful conduct giving rise to the RICO Section 1962(b) contraventions, that the objective of that mutual agreement was to destroy plaintiffs’ interests in business and/or property, and that such conspiratorial conduct constitutes contravention of RICO Section 1962(d).

///

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 161. Plaintiffs allege that defendants are conspiratorially liable under
2 application of the *Pinkerton* Doctrine [*Pinkerton, v. United States*, 328 U.S. 640
3 (1946) and *Salinas, v. United States*, 522 U.S. 52 (1997)] for the substantive RICO
4 Section 1962(b) contraventions committed by defendant inasmuch as:

- 5 A. Defendants engaged in the fraudulent activities that constitute the RICO
6 §1961(5) pattern of racketeering activity;
- 7 B. Defendants are members of the RICO §1962(d) conspiracy designed and
8 intended to contravene RICO § 1962(b);
- 9 C. Defendants engaged in activities in furtherance of advancing and
10 promoting the RICO §1962(d) conspiracy designed and intended to
11 contravene RICO § 1962(b);
- 12 D. Defendants are members of the RICO §1962(d) conspiracy at and
13 during the time frame the fraudulent activities were committed that
14 constitute the RICO §1961(5) pattern of racketeering activity; and,
- 15 E. The offense fell within the scope of the unlawful agreement and could
16 reasonably have been foreseen to be a necessary or natural consequence
17 of the unlawful agreement.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
158

EIGHTEENTH CLAIM FOR RELIEF
[For Commission of Conspiratorial Contravention of RICO Section 1962(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"] RE: RICO Aiding and Abetting
[Title 18 United States Code §1962(b)]
[RE: RICO Section 1962(d)\Pinkerton Doctrine]
[RE: Pinkerton, v. United States, 328 U.S. 640 (1946)]
and
Salinas, v. United States, 522 U.S. 52 (1997) Conspiratorial Liability]
[Against Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Dave, Brimmer, Marino Law Firm, The Boren Law Group, and JMICCI, Only]

163. For Plaintiffs' Eighteenth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67.

[RICO Conspiratorial Liability Contentions]

164. Plaintiffs allege that commencing in May, 2009, and at all times material herein, defendants Marino, Dave, Brimmer, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI mutually agreed to engage in the aforementioned racketeering activities and/or wrongful conduct giving rise to the RICO Section 1962(b) contraventions, that the objective of that mutual agreement was to destroy

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 plaintiffs' interests in business and/or property, and that such conspiratorial conduct
2 constitutes contravention of RICO Section 1962(d).

3
4 165. Plaintiffs allege that defendants Marino, Fallingsnow Trading
5 Limited, Borenstein, Abraham Borenstein & Associates, P.C., Dave, Brimmer,
6 Marino Law Firm, The Boren Law Group, and JMICCI are conspiratorially liable
7 under application of the *Pinkerton* Doctrine [*Pinkerton, v. United States*, 328 U.S.
8 640 (1946) and *Salinas, v. United States*, 522 U.S. 52 (1997)] for the substantive
9 RICO Section 1962(b) contraventions committed by defendants inasmuch as:

- 10 A. Defendants engaged in the fraudulent activities that constitute the
11 RICO §1961(5) pattern of racketeering activity;
- 12 B. Defendants are members of the RICO §1962(d) conspiracy designed
13 and intended to contravene RICO § 1962(b);
- 14 C. Defendants engaged in activities in furtherance of advancing and
15 promoting the RICO §1962(d) conspiracy designed and intended to
16 contravene RICO § 1962(b);
- 17 D. Defendants are members of the RICO §1962(d) conspiracy at and
18 during the time frame the fraudulent activities were committed that
19 constitute the RICO §1961(5) pattern of racketeering activity; and,
- 20 E. The offense fell within the scope of the unlawful agreement and could
21 reasonably have been foreseen to be a necessary or natural
22 consequence of the unlawful agreement.

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
161

NINETEENTH CLAIM FOR RELIEF

[For Commission of Conspiratorial Contravention of RICO Section 1962©) of the Racketeer Influenced and Corrupt Organizations Act of 1970]

["RICO"] [Title 18 United States Code §1962©)]

[RE: RICO Section 1962(d)\Pinkerton Doctrine]

[RICO Conspiracy to Conceal]

[RE: Pinkerton, v. United States, 328 U.S. 640 (1946)]

and

Salinas, v. United States, 522 U.S. 52 (1997) Conspiratorial Liability]

[Against Marino, Fallingsnow Trading Limited, Borenstein, Abraham

Borenstein & Associates, P.C., Marino Law Firm, Dave, Brimmer, The Boren

Law Group, and JMICCI, Only]

167. For Plaintiffs' Nineteenth Claim for Relief, plaintiffs reallege and incorporate herein Paragraphs 1 through 67.

[RICO Conspiratorial Liability Contentions re: RICO Conspiracy to Conceal Artifice and Scheme to Defraud]

168. Plaintiffs allege that commencing in May, 2009, and at all times material herein, defendants Marino, Dave, Brimmer, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI mutually agreed to engage in the aforementioned racketeering activities and/or wrongful conduct giving rise to the RICO Section

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 1962©) contraventions, that the objective of that mutual agreement was to destroy
2 plaintiffs' interests in business and/or property, and that such conspiratorial conduct
3 constitutes contravention of RICO Section 1962(d).

4
5 169. Plaintiffs allege that defendants Marino, Fallingsnow Trading
6 Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm,
7 Dave, Brimmer, The Boren Law Group, and JMICCI conspired with each other, and
8 other persons and/or entities presently unknown to plaintiffs, to destroy plaintiffs'
9 interests in business and/or property, with the specific intent to frustrate, dissuade,
10 and/or discourage legal efforts to recover against defendants.

11
12 170. Plaintiffs allege that defendants Marino, Fallingsnow Trading
13 Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The
14 Boren Law Group, Dave, Brimmer, and JMICCI secreted, concealed, and/or otherwise
15 disposed of plaintiffs' \$300,000.00, by transference, dissemination, and/or
16 transmission of said monies to an unknown entity, or entities, located somewhere
17 unknown to plaintiffs, controlled, managed, owned, directed, and/or managed by
18 defendants Marino, Dave, Brimmer, Fallingsnow Trading Limited, Borenstein,
19 Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group,
20 and JMICCI .

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 171. Plaintiffs allege that defendants are conspiratorially liable under
2 application of the *Pinkerton* Doctrine [*Pinkerton, v. United States*, 328 U.S. 640
3 (1946) and *Salinas, v. United States*, 522 U.S. 52 (1997)] for the substantive RICO
4 Section 1962©) contraventions committed by defendant inasmuch as:

- 5 A. Defendants engaged in the fraudulent activities that constitute the
6 RICO §1961(5) pattern of racketeering activity;
- 7 B. Defendants are members of the RICO §1962(d) conspiracy designed
8 and intended to contravene RICO § 1962©);
- 9 C. Defendants engaged in activities in furtherance of advancing and
10 promoting the RICO §1962(d) conspiracy designed and intended to
11 contravene RICO § 1962©);
- 12 D. Defendants are members of the RICO §1962(d) conspiracy at and
13 during the time frame the fraudulent activities were committed that
14 constitute the RICO §1961(5) pattern of racketeering activity; and,
- 15 E. The offense fell within the scope of the unlawful agreement and could
16 reasonably have been foreseen to be a necessary or natural
17 consequence of the unlawful agreement.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
165

TWENTIETH CLAIM FOR RELIEF

[For Commission of Conspiratorial Contravention of RICO Section 1962(a) of the Racketeer Influenced and Corrupt Organizations Act of 1970]

["RICO"] [Title 18 United States Code §1962(a)]

[RE: RICO Section 1962(d)\Pinkerton Doctrine]

[RICO Conspiracy to Conceal]

[RE: Pinkerton, v. United States, 328 U.S. 640 (1946)]

and

Salinas, v. United States, 522 U.S. 52 (1997) Conspiratorial Liability]

[Against Marino, Dave, Brimmer, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI , Only]

173. For Plaintiffs’ Twentieth Claim for Relief, plaintiffs reallege and incorporate herein Paragraphs 1 through 67.

[RICO Conspiratorial Liability Contentions re: RICO Conspiracy to Conceal Artifice and Scheme to Defraud]

174. Plaintiffs allege that commencing in May, 2009, and at all times material herein, defendants Marino, Dave, Brimmer, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI mutually agreed to engage in the aforementioned racketeering activities and/or wrongful conduct giving rise to the RICO Section

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 1962(a) contraventions, that the objective of that mutual agreement was to destroy
2 plaintiffs' interests in business and/or property, and that such conspiratorial conduct
3 constitutes contravention of RICO Section 1962(d).

4
5 175. Plaintiffs allege that defendants Marino, Fallingsnow Trading
6 Limited, Borenstein, Abraham Borenstein & Associates, P.C., Dave, Brimmer,
7 Marino Law Firm, The Boren Law Group, and JMICCI conspired with each other,
8 and other persons and/or entities presently unknown to plaintiffs, to destroy
9 plaintiffs' interests in business and/or property, with the specific intent to frustrate,
10 dissuade, and/or discourage legal efforts to recover against defendants.

11
12 176. Plaintiffs allege that defendants Marino, Fallingsnow Trading
13 Limited, Borenstein, Abraham Borenstein & Associates, P.C., Dave, Brimmer,
14 Marino Law Firm, The Boren Law Group, and JMICCI secreted, concealed, and/or
15 otherwise disposed of plaintiffs' \$300,000.00, by transference, dissemination, and/or
16 transmission of said monies to an unknown entity, or entities, located somewhere
17 unknown to plaintiffs, controlled, managed, owned, directed, and/or managed by
18 defendants Marino, Dave, Brimmer, Fallingsnow Trading Limited, Borenstein,
19 Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group,
20 and JMICCI .

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 177. Plaintiffs allege that defendants are conspiratorially liable under
2 application of the *Pinkerton* Doctrine [*Pinkerton, v. United States*, 328 U.S. 640
3 (1946) and *Salinas, v. United States*, 522 U.S. 52 (1997)] for the substantive RICO
4 Section 1962(a) contraventions committed by defendant inasmuch as:

- 5 A. Defendants engaged in the fraudulent activities that constitute the RICO
6 §1961(5) pattern of racketeering activity;
- 7 B. Defendants are members of the RICO §1962(d) conspiracy designed and
8 intended to contravene RICO § 1962(a);
- 9 C. Defendants engaged in activities in furtherance of advancing and
10 promoting the RICO §1962(d) conspiracy designed and intended to
11 contravene RICO § 1962(a);
- 12 D. Defendants are members of the RICO §1962(d) conspiracy at and
13 during the time frame the fraudulent activities were committed that
14 constitute the RICO §1961(5) pattern of racketeering activity; and,
- 15 E. The offense fell within the scope of the unlawful agreement and could
16 reasonably have been foreseen to be a necessary or natural consequence
17 of the unlawful agreement.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
169

TWENTY-FIRST CLAIM FOR RELIEF

[For Commission of Conspiratorial Contravention of RICO Section 1962(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970]

["RICO"] [Title 18 United States Code §1962(b)]

[RE: RICO Section 1962(d)\Pinkerton Doctrine]

[RICO Conspiracy to Conceal]

[RE: Pinkerton, v. United States, 328 U.S. 640 (1946)]

and

Salinas, v. United States, 522 U.S. 52 (1997) Conspiratorial Liability]

[Against Marino, Fallingsnow Trading Limited, Borenstein, Abraham

Borenstein & Associates, P.C., Dave, Brimmer, Marino Law Firm, The Boren

Law Group, and JMICCI, Only]

179. For Plaintiffs’ Twenty-First Claim for Relief, plaintiffs reallege and incorporate herein Paragraphs 1 through 67.

[RICO Conspiratorial Liability Contentions re: RICO Conspiracy to Conceal Artifice and Scheme to Defraud]

180. Plaintiffs allege that commencing in May, 2009, and at all times material herein, defendants Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI mutually agreed to engage in the aforementioned racketeering activities and/or wrongful conduct giving rise to the RICO Section

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 1962(b) contraventions, that the objective of that mutual agreement was to destroy
2 plaintiffs' interests in business and/or property, and that such conspiratorial conduct
3 constitutes contravention of RICO Section 1962(d).

4
5 181. Plaintiffs allege that defendants Marino, Dave, Brimmer,
6 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C.,
7 Marino Law Firm, The Boren Law Group, and JMICCI conspired with each other,
8 and other persons and/or entities presently unknown to plaintiffs, to destroy
9 plaintiffs' interests in business and/or property, with the specific intent to frustrate,
10 dissuade, and/or discourage legal efforts to recover against defendants.

11
12 182. Plaintiffs allege that defendants Marino, Fallingsnow Trading
13 Limited, Borenstein, Dave, Brimmer, Abraham Borenstein & Associates, P.C.,
14 Marino Law Firm, The Boren Law Group, and JMICCI secreted, concealed, and/or
15 otherwise disposed of plaintiffs' \$300,000.00, by transference, dissemination, and/or
16 transmission of said monies to an unknown entity, or entities, located somewhere
17 unknown to plaintiffs, controlled, managed, owned, directed, and/or managed by
18 defendants Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein,
19 Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group,
20 and JMICCI .

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
170 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 183. Plaintiffs allege that defendants are conspiratorially liable under
2 application of the *Pinkerton* Doctrine [*Pinkerton, v. United States*, 328 U.S. 640
3 (1946) and *Salinas, v. United States*, 522 U.S. 52 (1997)] for the substantive RICO
4 Section 1962(b) contraventions committed by defendant inasmuch as:

- 5 A. Defendants engaged in the fraudulent activities that constitute the
6 RICO §1961(5) pattern of racketeering activity;
- 7 B. Defendants are members of the RICO §1962(d) conspiracy designed
8 and intended to contravene RICO § 1962(b);
- 9 C. Defendants engaged in activities in furtherance of advancing and
10 promoting the RICO §1962(d) conspiracy designed and intended to
11 contravene RICO § 1962(b);
- 12 D. Defendants are members of the RICO §1962(d) conspiracy at and
13 during the time frame the fraudulent activities were committed that
14 constitute the RICO §1961(5) pattern of racketeering activity; and,
- 15 E. The offense fell within the scope of the unlawful agreement and could
16 reasonably have been foreseen to be a necessary or natural
17 consequence of the unlawful agreement.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TWENTY-SECOND CLAIM FOR RELIEF
[For Immediate Issuance of Orders Dissolving RICO Enterprises
Pursuant to RICO Section 1964(a) of the Racketeer Influenced
and Corrupt Organizations Act of 1970] [“RICO”]
[Title 18 United States Code §1964(a)]
[Against Fallingsnow Trading Limited, Marino Law Firm, The Boren Law
Group, and JMICCI , Only]

185. For Plaintiff’s Twenty-Second Claim for Relief, plaintiff realleges and incorporates Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §§ 1961 et.seq.].

186. Plaintiffs respectfully petition this Honourable Court, pursuant to Section 1964(a) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C. §1964(a)], to issue an order immediately dissolving the following RICO §1961(4) enterprises inasmuch as said enterprises are each a mere subterfuge and/or alter ego vehicle for the afore mentioned RICO defendants John Joseph Mark Marino to engage in felonious, fraudulent, corrupt, violent, and illegal conduct, as alleged herein:

- ◆ Fallingsnow Trading Limited
- ◆ Marino Law Firm
- ◆ The Boren Law Group
- ◆ JMICCI

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
175

TWENTY-THIRD CLAIM FOR RELIEF
[For Immediate Issuance of Orders Dissolving RICO Enterprises Pursuant to RICO Section 1964(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970] [“RICO”]
[Title 18 United States Code §1964(b)]
[Against Fallingsnow Trading Limited, Marino Law Firm, The Boren Law Group, and JMICCI , Only]

188. For Plaintiff’s Twenty-Third Claim for Relief, plaintiff realleges and incorporates Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §§ 1961 et.seq.].

189. Plaintiffs respectfully petition this Honourable Court, pursuant to Section 1964(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C. §1964(b)], to issue an order immediately dissolving the following RICO §1961(4) enterprises inasmuch as said enterprises are each a mere subterfuge and/or alter ego vehicle for the afore mentioned RICO defendants John Joseph Mark Marino to engage in felonious, fraudulent, corrupt, violent, and illegal conduct, as alleged herein:

- ◆ Fallingsnow Trading Limited
- ◆ Marino Law Firm
- ◆ The Boren Law Group
- ◆ JMICCI

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TWENTY-FOURTH CLAIM FOR RELIEF
[For Immediate Issuance of Preliminary and Permanent Injunctive Relief
Pursuant to Rule 65 of the Federal Rules of Civil Procedure and
Section 1964(a) of the Racketeer Influenced and Corrupt Organizations Act of
1970][“RICO”][Title 18 United States Code §1964(a)]
[Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law
Group, and JMICCI , Only]

191. For Plaintiff’s Twenty-Fourth Claim for Relief, plaintiff realleges and incorporates Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §§ 1961 et.seq.].

192. Plaintiffs have no adequate remedy at law, and the conduct of these defendants will further harm and destroy plaintiffs’ rights in their interest in business or property unless injunctive relief issues immediately forthwith.

193. Plaintiffs respectfully petition this Honourable Court, pursuant to FRCP Rule 65 and Title 18 U.S.C. §1964(a), to immediately cause issuance of preliminary and permanent injunctive relief to restrain and prohibit all defendants and their respective attorneys, accountants, agents, consultants, counselors, designees, employees, servants, deputies, nominees, representatives, directors, officers, trustees, partners, both general and limited, and any one acting pursuant to any power of attorney, general or limited, from dissipating and/or otherwise disposing of any and

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 all properties, real and/or personal, including all monies, within their possession and
2 control, pending resolution of these proceedings at trial.

3
4 *[RICO Recovery]*

5
6 194. Plaintiffs are entitled to recover, pursuant to Title 18 United
7 States Code § 1964(c), treble damages in the amount to be determined by offer of
8 proof at time of trial. Plaintiffs are also entitled to recover attorneys’ fees and costs
9 of this litigation, as well as damages arising from lost profits and/or lost business
10 opportunities attributable to the activities engaged in by defendants committed in
11 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970
12 [“RICO”][Title 18 U.S.C. §1961 et.seq.].

13 ///
14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
179

TWENTY-FIFTH CLAIM FOR RELIEF
[For Immediate Issuance of Preliminary and Permanent Injunctive Relief
Pursuant to Rule 65 of the Federal Rules of Civil Procedure and
Section 1964(b) of the Racketeer Influenced and Corrupt Organizations Act of
1970][“RICO”][Title 18 United States Code §1964(b)]
[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren
Law Group, and JMICCI, Only]

195. For Plaintiffs’ Twenty-Fifth Claim for Relief, plaintiff realleges and incorporates Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §§ 1961 et.seq.].

196. Plaintiffs have no adequate remedy at law, and the conduct of these defendants will further harm and destroy plaintiffs’ rights in their interest in business or property unless injunctive relief issues immediately forthwith.

197. Plaintiffs respectfully petition this Honourable Court, pursuant to FRCP Rule 65 and Title 18 U.S.C. §1964(b), to immediately cause issuance of preliminary and permanent injunctive relief to restrain and prohibit all defendants and their respective attorneys, accountants, agents, consultants, counselors, designees, employees, servants, deputies, nominees, representatives, directors, officers, trustees, partners, both general and limited, and any one acting pursuant to any power of attorney, general or limited, from dissipating and/or otherwise disposing of any and

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 all properties, real and/or personal, including all monies, within their possession and
2 control, pending resolution of these proceedings at trial.

3
4 *[RICO Recovery]*

5
6 198. Plaintiffs are entitled to recover, pursuant to Title 18 United
7 States Code §1964(c), treble damages in the amount to be determined by offer of proof
8 at time of trial. Plaintiffs are also entitled to recover attorneys' fees and costs of this
9 litigation, as well as damages arising from lost profits and/or lost business
10 opportunities attributable to the activities engaged in by defendants committed in
11 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970
12 ["RICO"] [Title 18 U.S.C. §1961 et seq.].

13 ///
14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
180 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
181

TWENTY-SIXTH CLAIM FOR RELIEF
[For Immediate Issuance of Provisional Remedies Pursuant to Rule 64 of
the Federal Rules of Civil Procedure and Section 1964(a) of the Racketeer
Influenced and Corrupt Organizations Act of 1970][“RICO”]
[Title 18 United States Code §1964(a)]
[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren
Law Group, and JMICCI, Only]

199. For Plaintiffs’ Twenty-Sixth Claim for Relief, plaintiffs reallege and incorporates Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §§ 1961 et.seq.].

200. Plaintiffs have no adequate remedy at law, and provisional process, available pursuant to Washington state law, is an immediately available vehicle to secure and preserve plaintiffs’ rights in said intangible and tangible personal properties, by example and not by restriction, injunction, restraining order, and/or attachment.

201. Plaintiffs respectfully petition this Honourable Court to immediately issue appropriate orders restraining, commanding, and enjoining defendants, directly or indirectly, individually, or through any agent, nominee, designee, representative, attorney, accountant, book keeper, director, officer, partner, power of attorney, power of appointment, assignment, and/or delegation, from

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 disposing, hypothecating, mortgaging, interfering, alienating, conveying, assigning,
2 transferring, disseminating, vending, and/or foreclosing, impairing, or preventing the
3 destruction, loss, or damage to any properties feloniously and/or fraudulently acquired,
4 obtained, and/or received, by defendants, directly and/or indirectly, pursuant to
5 applicable Washington state law.

6
7 202. Plaintiffs respectfully petition this Honourable Court, pursuant
8 to FRCP Rule 64 and Title 18 U.S.C. §1964(a), to immediately cause issuance of
9 preliminary and permanent injunctive relief to restrain and prohibit all defendants and
10 their respective attorneys, accountants, agents, consultants, counselors, designees,
11 employees, servants, deputies, nominees, representatives, directors, officers, trustees,
12 partners, both general and limited, and any one acting pursuant to any power of
13 attorney, general or limited, from dissipating and/or otherwise disposing of any and
14 all properties, real and/or personal, including all monies, within their possession and
15 control, pending resolution of these proceedings at trial.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 207. Plaintiffs respectfully petition this Honourable Court to
2 immediately issue appropriate orders restraining, commanding, and enjoining
3 defendants, directly or indirectly, individually, or through any agent, nominee,
4 designee, representative, attorney, accountant, book keeper, director, officer, partner,
5 power of attorney, power of appointment, assignment, and/or delegation, from
6 disposing, hypothecating, mortgaging, interfering, alienating, conveying, assigning,
7 transferring, disseminating, vending, and/or foreclosing, impairing, or preventing the
8 destruction, loss, or damage to any properties feloniously and/or fraudulently acquired,
9 obtained, and/or received, by defendants, directly and/or indirectly, pursuant to
10 applicable Washington state law.

11
12 208. Plaintiffs respectfully petition this Honourable Court, pursuant
13 to FRCP Rule 64 and Title 18 U.S.C. §1964(b), to immediately cause issuance of
14 preliminary and permanent injunctive relief to restrain and prohibit all defendants and
15 their respective attorneys, accountants, agents, consultants, counselors, designees,
16 employees, servants, deputies, nominees, representatives, directors, officers, trustees,
17 partners, both general and limited, and any one acting pursuant to any power of
18 attorney, general or limited, from dissipating and/or otherwise disposing of any and
19 all properties, real and/or personal, including all monies, within their possession and
20 control, pending resolution of these proceedings at trial.

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
185 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TWENTY-EIGHTH CLAIM FOR RELIEF
[For Ex Parte Temporary Restraining Order Relief and Order To Show Cause
re: Preliminary Injunction Pursuant to Rule 65 of the Federal Rules of Civil
Procedure and Section 1964(a) of the Racketeer Influenced and Corrupt
Organizations Act of 1970] [“RICO”]
[Title 18 United States Code §1964(a)]
[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren
Law Group, and JMICCI, Only]

211. Plaintiffs, for a Twenty-Eighth Claim for Relief, reallege and incorporate herein Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §§ 1961 et.seq.].

212. Plaintiffs have no adequate remedy at law, and the conduct of these defendants will further harm and destroy plaintiffs’ rights in their interest in business or property unless injunctive relief issues immediately forthwith.

213. Plaintiffs respectfully petition this Honourable Court, pursuant to FRCP Rule 65 and Title 18 U.S.C. §1964(a), to immediately cause issuance of an ex parte temporary restraining order and an order to show cause re: issuance of preliminary injunctive relief to restrain and prohibit all defendants and their respective attorneys, accountants, agents, consultants, counselors, designees, employees, servants, deputies, nominees, representatives, directors, officers, trustees, partners,

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 both general and limited, and any one acting pursuant to any power of attorney,
2 general or limited, from continuing to interfere with plaintiffs' business interests and
3 properties, pending resolution of these proceedings at trial.

4
5 214. Plaintiffs have sustained damages in excess of \$1,000,000 as
6 a direct and proximate result of defendants' pattern of racketeering activity, as
7 alleged herein above.

8
9 *[RICO Recovery]*

10
11 215. Plaintiffs are entitled to recover, pursuant to Title 18 United States
12 Code §1964(c), treble damages in the amount to be determined by offer of proof at time
13 of trial. Plaintiffs are also entitled to recover attorneys' fees and costs of this
14 litigation, as well as damages arising from lost profits and/or lost business
15 opportunities attributable to the activities engaged in by defendants committed in
16 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970
17 ["RICO"] [Title 18 U.S.C. §1961 et.seq.].

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

TWENTY-NINTH CLAIM FOR RELIEF

***[For Ex Parte Temporary Restraining Order Relief and Order To Show Cause re: Preliminary Injunction Pursuant to Rule 65 of the Federal Rules of Civil Procedure and Section 1964(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970] [“RICO”]
[Title 18 United States Code §1964(b)]
[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI, Only]***

216. Plaintiffs, for a Twenty-Ninth Claim for Relief, reallege and incorporate herein Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §§ 1961 et.seq.].

217. Plaintiffs have no adequate remedy at law, and the conduct of these defendants will further harm and destroy plaintiffs’ rights in their interest in business or property unless injunctive relief issues immediately forthwith.

218. Plaintiffs respectfully petition this Honourable Court, pursuant to FRCP Rule 65 and Title 18 U.S.C. §1964(b), to immediately cause issuance of an ex parte temporary restraining order and an order to show cause re: issuance of preliminary injunctive relief to restrain and prohibit all defendants and their respective attorneys, accountants, agents, consultants, counselors, designees, employees, servants, deputies, nominees, representatives, directors, officers, trustees, partners,

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 both general and limited, and any one acting pursuant to any power of attorney,
2 general or limited, from continuing to interfere with plaintiffs' business interests and
3 properties, pending resolution of these proceedings at trial.

4
5 219. Plaintiffs have sustained damages in excess of \$1,000,000 as
6 a direct and proximate result of defendants' pattern of racketeering activity, as
7 alleged herein above.

8
9 *[RICO Recovery]*

10
11 220. Plaintiffs are entitled to recover, pursuant to Title 18 United States
12 Code §1964(c), treble damages in the amount to be determined by offer of proof at time
13 of trial. Plaintiffs are also entitled to recover attorneys' fees and costs of this
14 litigation, as well as damages arising from lost profits and/or lost business
15 opportunities attributable to the activities engaged in by defendants committed in
16 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970
17 ["RICO"] [Title 18 U.S.C. §1961 et.seq.].

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
191

THIRTIETH CLAIM FOR RELIEF
[For Immediate Entry of Judgment and Appropriate Orders Commanding
Divestiture Pursuant RICO Section 1964(a) of the
Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code § 1964(a)]
[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren
Law Group, and JMICCI, Only]

221. Plaintiffs, for a Thirtieth Claim for Relief, reallege and incorporate herein Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 United States Code §§ 1961 et.seq.].

222. Plaintiffs allege that Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI defendants, and each and everyone of them, and their agents, assigns, employees, representatives, servants, officers, directors, partners, attorneys, accountants, solicitors, barristers, counselors, nominees, deputies, and/or those acting pursuant to power of attorney, be commanded and ordered to divest all right, title, and interest in the monies previously transmitted via wire transfer to said defendants

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 223. Plaintiffs allege that divestiture is an appropriate equitable remedy
2 to accord the protection and preservation of plaintiffs’ monies. Plaintiffs further
3 allege that such relief is appropriate pursuant to RICO Section 1964(a) of the
4 Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 USC
5 Section 1964(a)].

6
7 224. Plaintiffs are entitled to recover attorneys’ and costs incurred
8 herein pursuant to RICO Section 1964(c) of the Racketeer Influenced and Corrupt
9 Organizations Act of 1970 [“RICO”][Title 18 USC Section 1964(c)].

10 ///
11 ///
12 ///
13 ///
14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
192 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THIRTY-FIRST CLAIM FOR RELIEF
[For Immediate Entry of Judgment and Appropriate Orders Commanding
Divestiture Pursuant RICO Section 1964(b) of the
Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code § 1964(b)]
[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren
Law Group, and JMICCI, Only]

225. Plaintiffs, for a Thirty-First Claim for Relief, reallege and incorporate herein Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 United States Code §§ 1961 et.seq.].

226. Plaintiffs allege that Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI defendants, and each and everyone of them, and their agents, assigns, employees, representatives, servants, officers, directors, partners, attorneys, accountants, solicitors, barristers, counselors, nominees, deputies, and/or those acting pursuant to power of attorney, be commanded and ordered to divest all right, title, and interest in the monies previously transmitted via wire transfer to said defendants

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 227. Plaintiffs allege that divestiture is an appropriate equitable remedy
2 to accord the protection and preservation of plaintiffs’ monies. Plaintiffs further
3 allege that such relief is appropriate pursuant to RICO Section 1964(a) of the
4 Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 USC
5 Section 1964(a)].

6
7 228. Plaintiffs are entitled to recover attorneys’ and costs incurred
8 herein pursuant to RICO Section 1964(c) of the Racketeer Influenced and Corrupt
9 Organizations Act of 1970 [“RICO”][Title 18 USC Section 1964(c)].

10 ///
11 ///
12 ///
13 ///
14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
194 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
195

THIRTY-SECOND CLAIM FOR RELIEF
[For Immediate Entry of Judgment and Appropriate Orders Commanding
Disgorgement Pursuant RICO Section 1964(a) of the Racketeer Influenced
and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code § 1964(a)]
[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren
Law Group, and JMICCI, Only]

229. Plaintiffs, for a Thirty-Fifth Claim for Relief, reallege and incorporate herein Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 United States Code §§ 1961 et.seq.].

230. Plaintiffs allege that defendants Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI, and each and everyone of them, and their agents, assigns, employees, representatives, servants, officers, directors, partners, attorneys, accountants, solicitors, barristers, counselors, nominees, deputies, and/or those acting pursuant to power of attorney, be commanded and ordered to disgorge all right, title, and interest in plaintiffs' monies received by said defendants.

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 231. Plaintiffs allege that disgorgement is an appropriate equitable
2 remedy to accord the protection and preservation of plaintiff's interests in assuring
3 receipt of the monetary proceeds legally owed to plaintiffs. Plaintiffs alleges that
4 such relief is appropriate pursuant to RICO Section 1964(a) of the Racketeer
5 Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 U.S.C. Section
6 1964(a)].

7
8 232. Plaintiffs are entitled to recover attorneys' and costs incurred
9 herein pursuant to RICO Section 1964(c) of the Racketeer Influenced and Corrupt
10 Organizations Act of 1970 ["RICO"] [Title 18 USC Section 1964(c)].

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
197

THIRTY-THIRD CLAIM FOR RELIEF
[For Immediate Entry of Judgment and Appropriate Orders Commanding
Disgorgement Pursuant RICO Section 1964(b) of the Racketeer Influenced
and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code § 1964(b)]
[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren
Law Group, and JMICCI, Only]

233. Plaintiffs, for a Thirty-Third Claim for Relief, reallege and incorporate herein Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 United States Code §§ 1961 et.seq.].

234. Plaintiffs allege that defendants Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI, and each and everyone of them, and their agents, assigns, employees, representatives, servants, officers, directors, partners, attorneys, accountants, solicitors, barristers, counselors, nominees, deputies, and/or those acting pursuant to power of attorney, be commanded and ordered to disgorge all right, title, and interest in plaintiffs' monies received by said defendants.

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 235. Plaintiffs allege that disgorgement is an appropriate equitable
2 remedy to accord the protection and preservation of plaintiff’s interests in assuring
3 receipt of the monetary proceeds legally owed to plaintiffs. Plaintiffs alleges that
4 such relief is appropriate pursuant to RICO Section 1964(a) of the Racketeer
5 Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C. Section
6 1964(a)].

7
8 236. Plaintiffs are entitled to recover attorneys’ and costs incurred
9 herein pursuant to RICO Section 1964©) of the Racketeer Influenced and Corrupt
10 Organizations Act of 1970 [“RICO”][Title 18 USC Section 1964©)].

11 ///
12 ///
13 ///
14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
 DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 239. Plaintiffs allege that plaintiffs' legal remedy is inadequate, and
2 equitable relief in the form of a constructive trust be fashioned and applied in order
3 to assure plaintiffs' ability to successfully petition this Honourable Court to obtain
4 appropriate equitable relief.

5
6 240. Plaintiffs allege that defendants' continued exercise of control and
7 dominion over plaintiff's monies is unconscionable and inequitable.

8
9 241. Plaintiffs respectfully petition this Honourable Court, pursuant
10 to RICO Title 18 U.S.C. §1964(a), to issue an Order to impress a constructive
11 trust upon defendants' and that the Order declare that each and every defendant be
12 deemed a constructive trustee to hold the interests of plaintiff for the benefit of
13 plaintiff.

14
15 *[RICO Recovery]*

16
17 242. Plaintiffs are entitled to recover, pursuant to Title 18 United
18 States Code §1964(c), treble damages in the amount to be determined by offer of
19 proof at time of trial. Plaintiffs are also entitled to recover attorneys' fees and costs
20 of this litigation, as well as damages arising from lost profits and/or lost business
21 opportunities attributable to the activities engaged in by defendants committed in
22 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970
23 ["RICO"] [Title 18 U.S.C. §1961 et seq.].

24 * * *

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
200 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
203

THIRTY-SIXTH CLAIM FOR RELIEF
[For RICO Successorship Liability re: RICO Sections 1962(a)-(d), and 1964(b)
of the Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code §§ 1962(a)-(d), and 1964(b)]
[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren
Law Group, and JMICCI, Only]

249. Plaintiffs, for a Thirty-Sixth Claim for Relief, reallege and incorporates herein Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 United States Code §§ 1961 et.seq.].

250. Plaintiffs allege that defendants Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI, by and through the fraudulent and felonious acquisition, receipt, and/or absorption of plaintiffs' monies, is susceptible and/or amenable to successorship liability for contraventions of the federal Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 U.S.C. §§ 1961 et.seq.].

///
///
///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§ 1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO § 1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

THIRTY-EIGHTH CLAIM FOR RELIEF

**[For Immediate Entry of Federal Declaratory Judgment Relief Pursuant to the
Federal Declaratory Judgment Act of 1946**

[Title 28 U.S.C. §§ 2201-2202]

**[Against Dave, Brimmer, Fallingsnow Trading Limited, Marino, Marino Law
Firm, The Boren Law Group, and JMICCI, Only]**

257. Plaintiffs, for a Thirty-Eighth Claim for Relief, realleges and incorporates herein Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code §§ 1961 et.seq.].

258. Plaintiffs allege that an actual controversy has arisen and now exists between plaintiffs and defendants Dave, Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI pertaining and/or materially relating to the legal rights and duties of the plaintiffs and said defendants arising from the activities of said defendants committed as alleged herein above. Plaintiffs allege that defendants’ Dave, Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI receipt of plaintiffs’ \$300,000.00, via wire transfer on 12 June 2009, arose as a direct and proximate result and cause of false pretenses, fraud, theft, and/or conversion as alleged herein.

///

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 259. Plaintiffs allege that not only did plaintiffs sustain the loss of
2 plaintiffs' monies as a direct and proximate cause, but that other victims identified
3 herein above sustained similar injury as a direct and proximate result and cause,
4 thereby giving rise to potential competing litigation claims between plaintiffs and the
5 other similarly situated victims, to recover monies from defendants Dave, Brimmer,
6 Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and
7 JMICCI .

8
9 260. Plaintiffs alleges that plaintiffs are confronted with potential
10 litigation claims that can be and/or threatened to asserted by defendants Fallingsnow
11 Trading Limited, Dave, Brimmer, Marino, Marino Law Firm, The Boren Law Group,
12 and JMICCI to potentially defeat plaintiffs' fraud predicated claims as well as such
13 potential claims available to the afore referenced similarly situated victims. Plaintiffs
14 allege that by virtue of the fraudulent and felonious activities engaged in and
15 committed by RICO defendants Dave, Brimmer, Fallingsnow Trading Limited,
16 Marino, Marino Law Firm, The Boren Law Group, and JMICCI, plaintiffs possess the
17 requisite standing to assert a judicial declaratory judgment claim herein.

18
19 261. Plaintiffs allege that a declaratory judgment is necessary in that
20 plaintiffs contends, and that defendants Dave, Brimmer, Fallingsnow Trading
21 Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI deny,
22 liability to plaintiffs as alleged herein above.

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
208 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 262. Plaintiffs respectfully petition this Honourable Court to enter
2 declaratory judgment against the afore identified defendants as follows:

- 3 ◆ That this Honourable Court declare that the alleged trading
4 program promoted and advanced by defendants Fallingsnow
5 Trading Limited, Dave, Brimmer, Marino, Marino Law Firm, The
6 Boren Law Group, and JMICCI be judicially nullified, vitiated,
7 and/or otherwise determined and adjudicated absent and devoid
8 of independent legal significance as a matter of law.
- 9 ◆ That this Honourable Court declare that defendants Fallingsnow
10 Trading Limited, Dave, Brimmer, Marino, Marino Law Firm, The
11 Boren Law Group, and JMICCI be declared derivatively and
12 vicariously liable for the conduct of each other as RICO §1962(d)
13 co-conspirators and as RICO aiders and abettors, as alleged within
14 the complaint.
- 15 ◆ That this Honourable Court declare that defendants Fallingsnow
16 Trading Limited, Marino, Marino Law Firm, Dave, Brimmer, The
17 Boren Law Group, and JMICCI immediate return plaintiffs'
18 \$300,000.00, with interest applied thereon, from 12 June 2009.

19
20 263. Plaintiffs further request recovery of attorneys' fees and costs
21 incurred herein in connection with prosecuting this claim.

22
23 264. Plaintiffs respectfully petition this Honourable Court for entry of
24 judgment and appropriate orders consistent with the judicial declaration of rights.

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
210

THIRTY-NINTH CLAIM FOR RELIEF

[For Contravention of Washington Criminal Profiteering Act of 1985]

[Primary, Aiding and Abetting, Respondeat Superior, and Conspiracy Liability]

["WASH RICO"]

[R.C.W. §§ 9A.82.080(1)(a), and(3)(a)]

[Pinkerton, v. United States, 328 U.S. 640 (1946)]

and

Salinas, v. United States, 522 U.S. 52 (1997)]

[Against All Defendants]

265. Plaintiffs, for a Thirty-Ninth Claim for Relief, realleges and incorporates herein Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 United States Code §§ 1961 et.seq.].

WASH RICO R.C.W. 9A.82.010(8) ENTERPRISE ALLEGATIONS

266. Plaintiffs specifically incorporate herein and adopt by reference, pursuant to FRCP 10, the federal RICO enterprise allegations expressly set forth within the First Claim for Relief [RICO § 1962©)], the Ninth Claim for Relief [RICO § 1962(a)], and the Seventeenth Claim for Relief [RICO § 1962(b)], for purposes of alleging the "enterprise" under WASH RICO 9A.82.010(8) requirement herein.

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 **WASH RICO R.C.W. 9A.82.080(3)(a) Conspiracy Common Allegations**

2
3 269. Plaintiffs allege that commencing in June, 2009, and at all
4 times material herein, defendants mutually agreed to engage in the aforementioned
5 racketeering activities and/or wrongful conduct giving rise to the WASH RICO
6 §§9A.82.080(1)(a) contraventions, that the objective of that mutual agreement was
7 to destroy plaintiff' interests in business and/or property, and that such conspiratorial
8 conduct constitutes contravention of WASH RICO §9A.82.080(3)(a).

9
10 270. Plaintiffs allege that defendants conspired with other
11 RICO persons unknown to plaintiffs, as alleged herein, and with other persons
12 and/or entities known and/or unknown to plaintiff, to destroy plaintiff' interests in
13 business and/or property, by and through the secretion and concealment of material
14 facts that otherwise would have revealed and disclosed the conspiratorial
15 relationship between defendants.

16
17 271. Plaintiffs allege that these RICO defendants are
18 conspiratorially liable under application of the *Pinkerton* Doctrine [*Pinkerton, v.*
19 *United States*, 328 U.S. 640 (1946) and *Salinas, v. United States*, 522 U.S. 52
20 (1997)] for the substantive WASH RICO §9A.82.080(1)(a) contraventions committed
21 by defendant inasmuch as:

22 A. Defendants engaged in the fraudulent activities that constitute the
23 WASH RICO pattern of criminal profiteering activity;

24
25 **COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS**
26 **ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),**
27 **1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON**
28 **v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING**
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
212 **DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]**

- 1 B. Defendants are members of the WASH RICO conspiracy designed
- 2 and intended to contravene WASH RICO §9A.82.080(1)(a);
- 3 C. Defendants engaged in activities in furtherance of advancing and
- 4 promoting the WASH RICO conspiracy designed and intended to
- 5 contravene WASH RICO §9A.82.080(1)(a);
- 6 D. Defendants are members of the WASH RICO conspiracy at and
- 7 during the time frame the fraudulent activities were committed that
- 8 constitute the WASH RICO pattern of criminal profiteering activity;
- 9 and,
- 10 E. The offense fell within the scope of the unlawful agreement and could
- 11 reasonably have been foreseen to be a necessary or natural
- 12 consequence of the unlawful agreement.

[WASH RICO Recovery]

13
14
15
16 272. Plaintiffs are entitled to recover, pursuant to
17 §9A.82.100(1)(a), damages and cost of suit in the amount to be determined by offer
18 of proof at time of trial. Plaintiffs are also entitled to recover attorneys’ fees of this
19 litigation, as well as damages arising from lost profits and/or lost business
20 opportunities attributable to the activities engaged in by defendants committed in
21 furtherance of WASH RICO .

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
214

FORTIETH CLAIM FOR RELIEF
[For RICO Disregard of Corporate Entity re: Alter Ego Liability
re: Mere Entity Subterfuges]
[RE: Commission of Contravention of RICO Sections 1962(a)-(d) and 1964(a)-
(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren
Law Group, and JMICCI, Only]

273. Plaintiffs, for a Fortieth Claim for Relief, realleges and incorporates herein Paragraphs 1 through 67, and incorporates each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 United States Code §§ 1961 et.seq.].

274. Plaintiffs alleges that RICO defendants Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI, function, act, and/or otherwise engage in activities and/or conduct, by and through unknown corporate and/or business forms in jurisdictions unknown to plaintiffs, and that the individual defendants are the owners, trustees, partners, directors, officers, majority shareholders, managing members, and/or managers in control of the such entities. Plaintiffs allege that each and every entity defendant, or business association, is void of economic substance, are employed as subterfuges and/or mere conduit intermediaries, and alter egos of said individual defendants, individually.

* * *

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 275. Plaintiffs respectfully petitions this Honourable Court to
2 declare Fallingsnow Trading Limited, Marino Law Firm, The Boren Law Group, and
3 JMICCI, and each and every unknown entity owned, managed, controlled, operated,
4 and/or directed by RICO defendant Marino void of legitimate purpose, that their
5 forms be extinguished, and that RICO defendant Marino be declared personally and
6 individually liable to plaintiffs for compensatory damages in an amount to be
7 determined by offer of proof at time of trial, including an award of attorneys' fees,
8 costs, and interest.

9
10 276. Plaintiffs allege that as a direct and proximate result of the
11 conduct practiced by defendants, plaintiffs have sustained compensatory damages
12 in an amount to be ascertained by offer of proof at time trial. Plaintiffs allege that a
13 a direct and proximate result of said defendants' conduct, plaintiffs has sustained
14 and experienced loss of monies, loss of properties, deprivation of business
15 opportunities, diminished reputation, and loss of character.

16
17 277. Plaintiffs alleges that Fallingsnow Trading Limited, Marino Law
18 Firm, The Boren Law Group, and JMICCI are each patently void of financial and
19 economic sustenance, patently absent of independent legal significance, were, and
20 continue to be, insufficiently and/or undercapitalized, and was formed by Marino for
21 the sole purpose of facilitating the raising and soliciting of monies, by and through
22 Kiran Dave and Samuel Brimmer, for purposes of placement in non-existent trading
23 programs.

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
215 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
 DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 278. Plaintiffs alleges that Marino interposed Fallingsnow Trading
2 Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI between
3 Marino and plaintiffs for purposes of immunizing Marino from direct personal
4 liability exposure by creating and operating Fallingsnow Trading Limited, Marino
5 Law Firm, The Boren Law Group, and JMICCI as mere corporate subterfuges,
6 shells, shams, and artificial instrumentalities exclusively for the purpose of
7 acquiring monies for placement in non-existing trading programs as alleged herein
8 above.

9
10 279. Plaintiffs allege that the conduct of said RICO defendants as
11 alleged herein constituted wilful, wanton, and reckless disregard for the rights of the
12 plaintiffs. Plaintiffs sustained and experienced mortification, loss of self esteem,
13 diminution of reputation and character.

14
15 280. Plaintiffs are entitled to recover attorneys' fees, costs, and
16 post-judgment interest.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
216 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
217

FORTY-FIRST CLAIM FOR RELIEF
[For Conspiratorial Contravention of RICO Section 1964©) of the
Racketeer Influenced and Corrupt Organizations Act of 1970]
["RICO"]
[Title 18 United States Code §§1962(a), (b), and ©), and § 1964©)]
[RE: RICO Section 1962(d)\Pinkerton Doctrine]
[RE: Pinkerton, v. United States, 328 U.S. 640 (1946)
and
Salinas, v. United States, 522 U.S. 52 (1997) Conspiratorial Liability]
re: Conspiracy to Conceal Artifice and Scheme to Defraud
re: Intra-Corporate Affiliate Conspiracy
[Against Kiran Dave, Samuel Brimmer, Fallingsnow Trading Limited, Marino,
Marino Law Firm, The Boren Law Group, and JMICCI , Only]

281. Plaintiffs, for a Forty-First Claim for Relief, reallege and incorporate herein Paragraphs 1 through 67.

[RICO Conspiratorial Liability Contentions]

282. Plaintiffs allege that commencing in June, 2009, and at all times material herein, defendants Kiran Dave, Samuel Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI mutually agreed to engage in the aforementioned racketeering activities and/or wrongful conduct giving rise to the RICO Sections 1962(a), 1962(b), and 1962©)

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 contraventions, that the objective of that mutual agreement was to acquire, obtain,
2 maintain, control, and exploit for defendants' exclusive benefit plaintiffs' monies, and
3 monies of similarly situated victims, by offering and promoting non-existent trading
4 programs.

5
6 283. Plaintiffs allege that RICO defendants Kiran Dave, Samuel
7 Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law
8 Group, and JMICCI at times material herein knew, and had reason to know, that such
9 programs did not in fact exist. Plaintiffs allege that RICO defendants materially
10 misrepresented facts regarding alleged trading programs as a means to solicit and
11 obtain plaintiffs' monies by and through false pretense, fraud, theft, and conversion.

12
13 284. Plaintiffs allege that RICO defendants Kiran Dave, Samuel
14 Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law
15 Group, and JMICCI are conspiratorially liable under application of the *Pinkerton*
16 Doctrine [*Pinkerton, v. United States*, 328 U.S. 640 (1946) and *Salinas, v. United*
17 *States*, 522 U.S. 52 (1997)] for the substantive RICO Sections 1962(a), 1962(b), and
18 1962©) primary contraventions committed by defendants inasmuch as:

- 19 A. Defendants engaged in the fraudulent activities that constitute the
20 RICO pattern of racketeering activity;
21 B. Defendants are members of the RICO conspiracy designed and
22 intended to contravene RICO Sections 1962(a), 1962(b), and 1962©);

23
24
25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 C. Defendants engaged in activities in furtherance of advancing and
- 2 promoting the RICO conspiracy designed and intended to contravene
- 3 RICO Sections 1962(a), 1962(b), and 1962©);
- 4 D. Defendants are members of the RICO conspiracy at and during the
- 5 time frame the fraudulent activities were committed that constitute the
- 6 RICO pattern of racketeering activity; and,
- 7 E. The offense fell within the scope of the unlawful agreement and could
- 8 reasonably have been foreseen to be a necessary or natural
- 9 consequence of the unlawful agreement.

[RICO Recovery]

10

11

12

13 285. Plaintiffs are entitled to recover, pursuant to Title 18 United

14 States Code §1964©), treble damages in the amount to be determined by offer of

15 proof at time of trial. Plaintiffs are also entitled to recover attorneys’ fees and costs

16 of this litigation, as well as damages arising from lost profits and/or lost business

17 opportunities attributable to the activities engaged in by defendants committed in

18 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970

19 [“RICO”][Title 18 U.S.C. §1961 et.seq.].

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***

26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***

27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***

28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***

219 ***CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT***

SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE

OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO

DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

FORTY-SECOND CLAIM FOR RELIEF

[RICO Unjust Enrichment re: Section 1964(a) of the Racketeer Influenced and Corrupt Organizations Act of 1970] [“RICO”]

[Title 18 United States Code §§1962(a), (b), (c),and (d) and § 1964(a)]

[Against Kiran Dave, Samuel Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI , Only]

286. Plaintiffs, for a Forty-Second Claim for Relief, reallege and incorporate herein Paragraphs 1 through 67.

287. Plaintiffs allege that RICO defendants Kiran Dave, Samuel Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI, on 12 June 2009, via federal interstate wires, obtained plaintiffs’ \$300,00.00, via bank wire transfer, predicated upon material misrepresentations of fact and/or omissions to disclose material facts about the alleged trading programs offered and promoted by said RICO defendants.

288. Plaintiffs allege that RICO defendants Kiran Dave, Samuel Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI have been unjustly enriched by and through the perpetration and perpetuation of fraud, false pretenses, theft, and/or conversion committed by said RICO defendants.

///

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 289. Plaintiffs allege that plaintiffs' legal remedy is inadequate, and
2 equitable relief in the form of a constructive trust be fashioned and applied in order
3 to assure plaintiffs' ability to successfully petition this Honourable Court to obtain
4 appropriate equitable relief.

5
6 290. Plaintiffs allege that defendants' continued exercise of control and
7 dominion over plaintiff's monies is unconscionable and inequitable.

8
9 291. Plaintiffs respectfully petition this Honourable Court, pursuant
10 to RICO Title 18 U.S.C. §1964(a), to issue an Order to impress a constructive
11 trust upon defendants' and that the Order declare that each and every defendant be
12 deemed a constructive trustee to hold the interests of plaintiff for the benefit of
13 plaintiffs.

14
15 ***[RICO Recovery]***

16
17 292. Plaintiffs are entitled to recover, pursuant to Title 18 United
18 States Code §1964(c), treble damages in the amount to be determined by offer of
19 proof at time of trial. Plaintiffs are also entitled to recover attorneys' fees and costs
20 of this litigation, as well as damages arising from lost profits and/or lost business
21 opportunities attributable to the activities engaged in by defendants committed in
22 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970
23 ["RICO"] [Title 18 U.S.C. §1961 et seq.].

24 * * *

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
221 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

FORTY-THIRD CLAIM FOR RELIEF

[RICO Unjust Enrichment re: Section 1964(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970] [“RICO”]

[Title 18 United States Code §§1962(a), (b), (c),and (d) and § 1964(b)]

[Against Kiran Dave, Samuel Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI , Only]

293. Plaintiffs, for a Forty-Third Claim for Relief, reallege and incorporate herein Paragraphs 1 through 67.

294. Plaintiffs allege that RICO defendants Kiran Dave, Samuel Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI, on 12 June 2009, via federal interstate wires, obtained plaintiffs’ \$300,00.00, via bank wire transfer, predicated upon material misrepresentations of fact and/or omissions to disclose material facts about the alleged trading programs offered and promoted by said RICO defendants.

295. Plaintiffs allege that RICO defendants Kiran Dave, Samuel Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI have been unjustly enriched by and through the perpetration and perpetuation of fraud, false pretenses, theft, and/or conversion committed by said RICO defendants.

///

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

FORTY-FOURTH CLAIM FOR RELIEF

***[For Commission of Common Law Fraud re: Promissory Fraud and
Constructive Fraud]***

***[Against Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren
Law Group, and JMICCI Only]***

300. Plaintiffs, for a Forty-Fourth Claim for Relief, reallege and incorporates herein Paragraphs 1 through 67, and each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C. §§ 1961 et.seq.].

301. Plaintiffs allege that defendants Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI represented and confirmed to plaintiffs, both by electronic messaging and/or cell phone, beginning the week of 10 November 2009, and continuing up through and including the week of 28 February 2010, that said defendants would refund and return plaintiffs’ \$300,000.00. Plaintiffs allege that said defendants confirmed to plaintiffs that defendants owed plaintiffs \$300,000.00.

///

///

///

///

///

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 302. Plaintiffs upon defendants’ representations, plaintiffs justifiably
2 relied thereon to their legal detriment.

3
4 303. Plaintiffs allege that the representations made by defendants was
5 in fact material misrepresentations of fact, as alleged herein. Plaintiffs could not,
6 through exercise of reasonable diligence, have discovered the true facts regarding the
7 representation made by defendants, and that, in fact, defendants had no intention of
8 complying therewith.

9
10 304. Plaintiffs allege that as a direct and proximate result of
11 defendants’ conduct, plaintiffs sustained loss of monies, deprivation of business
12 opportunities, diminished reputation, and loss of character.

13
14 305. Plaintiffs seek recovery of compensatory damages according
15 to offer of proof at time of trial, including an award of lost profits.

16
17 306. Plaintiffs allege that the conduct of said defendant as alleged
18 herein constituted wilful, wanton, and reckless disregard for the rights of plaintiffs.
19 Plaintiffs experienced mortification, loss of self esteem, diminution of reputation and
20 character, and anxiety.

21
22 307. Plaintiffs are entitled to recover attorneys’ fees, costs, and
23 post-judgment interest.

24 * * *

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
225 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FORTY-FIFTH CLAIM FOR RELIEF
[For Commission of Common Law Conversion
[Against Dave, Brimmer, Fallingsnow Trading Limited, Marino, Marino Law
Firm, The Boren Law Group, and JMICCI Only]

308. Plaintiffs, for a Forty-Fourth Claim for Relief, reallege and incorporates herein Paragraphs 1 through 67, the Forty-Fourth Claim for Relief, and each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C. §§ 1961 et.seq.].

309. Plaintiffs allege that defendants Fallingsnow Trading Limited, Marino, Dave, Brimmer, Marino Law Firm, The Boren Law Group, and JMICCI obtained plaintiffs’ \$300,000.00. Plaintiffs allege that said defendants subsequently confirmed to plaintiffs that defendants owed plaintiffs \$300,000.00.

310. Plaintiffs allege that defendants’ continued retention of plaintiffs’ \$300,000.00, is unjustified, that defendants have, and continue to, exercise exclusive control and possession over plaintiffs’ monies. Plaintiffs allege that plaintiffs have been damaged as a result of defendants’ wrongdoing.

311. Plaintiffs upon defendants’ representations, plaintiffs justifiably relied thereon to their legal detriment.

///

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 312. Plaintiffs allege that said defendants have refused, and continue to
2 refuse, to return plaintiffs' monies, exercising exclusive dominion and control over
3 and upon said \$300,000.00, to the legal detriment of plaintiffs.

4
5 313. Plaintiffs allege that the representations made by defendants was
6 in fact material misrepresentations of fact, as alleged herein. Plaintiffs could not,
7 through exercise of reasonable diligence, have discovered the true facts regarding the
8 representation made by defendants, and that, in fact, defendants had no intention of
9 complying therewith.

10
11 314. Plaintiffs allege that as a direct and proximate result of
12 defendants' conduct, plaintiffs sustained loss of monies, deprivation of business
13 opportunities, diminished reputation, and loss of character.

14
15 315. Plaintiffs seek recovery of compensatory damages according
16 to offer of proof at time of trial, including an award of lost profits.

17
18 316. Plaintiffs allege that the conduct of said defendant as alleged
19 herein constituted wilful, wanton, and reckless disregard for the rights of plaintiffs.
20 Plaintiffs experienced mortification, loss of self esteem, diminution of reputation and
21 character, and anxiety.

22
23 317. Plaintiffs are entitled to recover attorneys' fees, costs, and
24 post-judgment interest.

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
227 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FORTY-SIXTH CLAIM FOR RELIEF
[For Commission of Money Had and Received]
[Against Dave, Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI Only]

318. Plaintiffs, for a Forty-Fifth Claim for Relief, reallege and incorporates herein Paragraphs 1 through 67, the Forty-Fourth Claim for Relief, the Forty-Fifth Claim for Relief, and each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C. §§ 1961 et.seq.].

319. Plaintiffs allege that defendants Fallingsnow Trading Limited, Marino, Dave, Brimmer, Marino Law Firm, The Boren Law Group, and JMICCI obtained plaintiffs’ \$300,000.00. Plaintiffs allege that said defendants subsequently confirmed to plaintiffs that defendants owed plaintiffs \$300,000.00.

320. Plaintiffs allege that defendants’ continued retention of plaintiffs’ \$300,000.00, is unjustified, that defendants have, and continue to, exercise exclusive control and possession over plaintiffs’ monies. Plaintiffs allege that plaintiffs have been damaged as a result of defendants’ wrongdoing.

///
///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 321. Plaintiffs seek recovery of compensatory damages according
2 to offer of proof at time of trial, including an award of lost profits.

3
4 322. Plaintiffs allege that the conduct of said defendant as alleged
5 herein constituted wilful, wanton, and reckless disregard for the rights of plaintiffs.
6 Plaintiffs experienced mortification, loss of self esteem, diminution of reputation and
7 character, and anxiety.

8
9 323. Plaintiffs are entitled to recover attorneys' fees, costs, and
10 post-judgment interest.

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
229 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
230

FORTY-SEVENTH CLAIM FOR RELIEF
[For Commission of Primary Contravention of Section 772.103(3) of the Florida Civil Remedies for Criminal Practices Act of 1986]
["CRCP"]
[Against Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI, Only]

324. Plaintiffs, for a Forty-Seventh Claim for Relief, reallege and incorporates herein Paragraphs 1 through 67, and the First Claim for Relief advanced under RICO §1962©) of the RICO the federal Racketeer Influenced and Corrupt Organizations Act of 1970 ["RICO"] [Title 18 U.S.C. §§ 1961 et.seq.].

325. Plaintiffs allege that defendants Dave, Brimmer, Abraham Borenstein & Associates, P.C., Borenstein, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law Group, and JMICCI were employed by, or associated with, the RICO enterprises identified within the First Claim for Relief advanced herein [RICO §1962©)], to conduct or participate, directly or indirectly, in such enterprise by and through a pattern of criminal activity. Plaintiffs allege that defendants engaged in criminal activity defined pursuant to CRCP §772.102(1)(a)(22) [Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes] and CRCP §772.102(1)(b) [any conduct subject to indictment or information as a criminal offense and listed in 18 U.S.C. §§ 1961(1)(A), (B),©), or (D)].

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 326. Plaintiffs have sustained injuries and damages to their interests in
2 business or property by reason of contravention of CRCP §772.103, and are entitled
3 to recover treble damages, including attorneys’ fees and costs, pursuant to CRCP
4 §772.104(1).

5 ///

6 ///

7 ///

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 329. Plaintiffs allege that CRCP defendants Kiran Dave, Samuel
2 Brimmer, Fallingsnow Trading Limited, Marino, Marino Law Firm, The Boren Law
3 Group, and JMICCI are conspiratorially liable under application of the *Pinkerton*
4 Doctrine [*Pinkerton, v. United States*, 328 U.S. 640 (1946) and *Salinas, v. United*
5 *States*, 522 U.S. 52 (1997)] for the substantive CRCP Section 772.103(3) primary
6 contraventions committed by defendants inasmuch as:

- 7 A. Defendants engaged in the fraudulent activities that constitute the
8 CRCP pattern of criminal activity;
- 9 B. Defendants are members of the CRCP conspiracy designed and
10 intended to contravene CRCP Section 772.103(3);
- 11 C. Defendants engaged in activities in furtherance of advancing and
12 promoting the CRCP conspiracy designed and intended to contravene
13 CRCP Section 772.103(3);
- 14 D. Defendants are members of the CRCP conspiracy at and during the
15 time frame the fraudulent activities were committed that constitute the
16 RICO pattern of racketeering activity; and,
- 17 E. The offense fell within the scope of the unlawful agreement and could
18 reasonably have been foreseen to be a necessary or natural
19 consequence of the unlawful agreement.

20
21 330. Plaintiffs have sustained injuries and damages to their interests in
22 business or property by reason of contravention of CRCP §772.103(3), and plaintiffs
23 are entitled to recover treble damages, including attorneys' fees and costs, pursuant
24 to CRCP §772.104(1).

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FORTY-NINTH CLAIM FOR RELIEF
[For Entry of Appropriate Order Commanding Immediate Accounting of
Monies and Properties/Designation of Constructive Trustee-Successorship in
Interest Pursuant to RICO §§ 1964(a)-(b)]
[Title 18 U.S.C. §§ 1964(a)-(b)]
[Against Dave, Brimmer, Marino, Hammond, Fallingsnow Trading Limited,
Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The
Boren Law Group, and JMICCI, Only]

331. Plaintiffs, for a Forty-Ninth Claim for Relief, reallege and incorporates herein Paragraphs 1 through 67, and each and every claim for relief under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C.A. §§1961 et.seq.].

332. Plaintiffs allege that at all times material herein, defendants Dave, Hammond, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI, owed a duty to plaintiff to apply plaintiffs’ properties and monies as represented and to accurately account to plaintiffs’ the status of the transactions that plaintiffs’ contributed \$300,000.00, thereto, that is, properties and monetary funds, predicated and based upon defendants’ representations.

///
///
///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 333. Plaintiffs allege that as a result of such relationship, defendants
2 Dave, Brimmer, Marino, Hammond, Fallingsnow Trading Limited, Borenstein,
3 Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group,
4 and JMICCI owed a duty to plaintiffs to account, with a duty of loyalty, duty of care,
5 duty of good faith and fair dealing, and duty to disclose.

6
7 334. Plaintiffs have submitted to defendants Dave, Brimmer, Marino,
8 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C.,
9 Marino Law Firm, Hammond, The Boren Law Group, and JMICCI, commencing the
10 week of 9 November 2009, and continuing up through and including the initiation of
11 these proceedings, in explicitly written demand letters, submitted by plaintiffs through
12 electronic mailing, demanding immediate payment of monies and properties in the
13 amount of \$1,00,000.00, acknowledged and confirmed by defendants that are due and
14 owing by defendants to plaintiffs.

15
16 334A. Plaintiffs allege that defendants Dave, Brimmer, Hammond, Marino,
17 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C.,
18 Marino Law Firm, The Boren Law Group, and JMICCI have consistently refused,
19 and continue to refuse, to account, compensate and/or remunerate plaintiffs as
20 demanded.

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
235 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 335. Plaintiffs allege that defendants Dave, Brimmer, Marino,
2 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C.,
3 Marino Law Firm, The Boren Law Group, and JMICCI wrongfully, fraudulently,
4 and feloniously acquired plaintiffs' properties and monies, as alleged herein above,
5 and continue to wrongfully, fraudulently, and feloniously retain plaintiffs' monies.

6
7 336. Plaintiffs respectfully petition this Honourable Court to issue an
8 Order to cause an immediate accounting of monies and properties that are legally due
9 and payable to plaintiffs by defendants Dave, Brimmer, Hammond, Marino,
10 Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C.,
11 Marino Law Firm, The Boren Law Group, and JMICCI.

12
13 337. Plaintiffs respectfully petitions this Honourable Court, pursuant
14 to RICO Title 18 U.S.C. §§1964(a)-1964(b), to adjudicate and determine that, as a
15 matter of law, that defendants Dave, Brimmer, Marino, Fallingsnow Trading
16 Limited, Borenstein, Abraham Borenstein & Associates, P.C., Hammond, Marino
17 Law Firm, The Boren Law Group, and JMICCI be held liable, both personally and
18 in their representative capacities, as a result of their transferring, disseminating,
19 concealing, and/or otherwise transmitting plaintiffs' property interests to any and/or
20 successor entities. Plaintiffs allege that such judicial adjudication apply to said
21 defendants and to their respective attorneys, accountants, agents, consultants,
22 counselors, designees, employees, servants, deputies, nominees, representatives,
23 directors, officers, trustees, partners, both general and limited, and any one acting
24 pursuant to any power of attorney, general or limited, and that they be restrained and

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
236 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 enjoined from dissipating and/or otherwise disposing of any and all properties, real
2 and/or personal, including all monies, within their possession and control, pending
3 resolution of these proceedings at trial.

4
5 *[RICO Recovery]*
6

7 338. Plaintiffs are entitled to recover, pursuant to Title 18 United
8 States Code §1964(c), treble damages in the amount to be determined by offer of proof
9 at time of trial. Plaintiffs are also entitled to recover attorneys' fees and costs of this
10 litigation, as well as damages arising from lost profits and/or lost business
11 opportunities attributable to the activities engaged in by defendants committed in
12 furtherance of the Racketeer Influenced and Corrupt Organizations Act of 1970
13 ["RICO"] [Title 18 U.S.C. §1961 et seq.].

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 ["RICO"] [18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946); RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FIFTIETH CLAIM FOR RELIEF
[For Contravention of Washington Uniform Fraudulent Transfer Act]
[R.C.W. 19.40.071(a)-(b)]
[Against Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein,
Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law
Group, and JMICCI, Only]

339. Plaintiffs, for a Fiftieth Claim for Relief, reallege and incorporates herein Paragraphs 1 through 67, and each and every claim for relief under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C.A. §§1961 et.seq.].

340. Plaintiffs allege that defendants Dave, Brimmer, Marino, Fallingsnow Trading Limited, Borenstein, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI obtained plaintiffs’ \$300,000.00, on 12 June 2009, by and through false pretenses, fraud, theft, and conversion, as alleged herein above.

341. Plaintiffs allege that defendants are each a “debtor” and an “insider,” as those terms are defined pursuant to R.C.W. 19.40.011(6) and (7).

342. Plaintiffs allege that defendants engaged in a “transfer” of monies and “property,” as those terms are defined pursuant to R.C.W. 19.40.011(10) and (12).

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 343. Plaintiffs allege that each of the defendants own, control, manage,
2 hold, or direct the use of property as an “asset,” as that term is defined pursuant to
3 R.C.W. 19.40.011(2).

4
5 344. Plaintiffs allege that defendant John Joseph Mark Marino is an
6 “affiliate,” as that is defined pursuant to R.C.W. 19.40.011(1), of the Marino Law
7 Firm, the Boren Law Group, and JMICCI.

8
9 345. Plaintiffs allege that defendants Marino Law Firm, the Boren Law
10 Group, and JMICCI are each an “affiliate,” as that is defined pursuant to R.C.W.
11 19.40.011(1), owned, controlled, managed, operated, or directed by defendant John
12 Joseph Mark Marino, an “insider,” as that is defined pursuant to R.C.W.
13 19.40.011(7).

14
15 346. Plaintiffs allege that each have a “claim” and are each a “creditor,”
16 who have a claim upon a “debt” owed buy a “debtor,” as those terms are defined
17 pursuant to R.C.W. 19.40.011(3), (4), (5), and (6).

18
19 347. Plaintiffs allege that defendants made a transfer or incurred an
20 obligation with the actual intent to hinder, delay, or defraud creditors; without
21 receiving a reasonably equivalent value in exchange for the transfer, in contravention
22 of R.C.W. 19.40.041(a)(1)-(2).

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 348. Plaintiffs respectfully petition this Honourable Court for entry of
2 relief, pursuant to R.C.W. 19.40.071(a)-(b), against defendants in the form of:

- 3 ◆ Avoidance of the transfer or obligation to the extent necessary to satisfy the
- 4 plaintiffs' claims;
- 5 ◆ Attachment or other provisional remedy against the assets transferred or
- 6 other properties of the transferee pursuant to R.C.W. 6.25;
- 7 ◆ Applicable principles of equity and in accordance with applicable rules of
- 8 civil procedure;
- 9 ◆ Injunctive relief against further disposition by the debtors or the transferee,
- 10 or both, of the assets transferred or of other property;
- 11 ◆ Appointment of a receiver to take charge of the assets transferred or of other
- 12 properties of the transferees; and,
- 13 ◆ Any other relief the circumstances may require.

14
15 349. Plaintiffs respectfully petition this Honourable Court for entry of an
16 order awarding attorneys' fees, costs, and expenses, pursuant to R.C.W. 19.40.011.

17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
240 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
241

FIFTY-FIRST CLAIM FOR RELIEF
[For Commission of Civil Conspiracy to Commit Common Law Fraud re:
Promissory Fraud and Constructive Fraud]
[RE: *Pinkerton, v. United States, 328 U.S. 640 (1946)*
[Against *Fallingsnow Trading Limited, John Joseph Mark Marino, Marino*
Law Firm, Henry T. Hammond, The Boren Law Group, and JMICCI Only]

350. Plaintiffs, for a Fifty-First Claim for Relief, reallege and incorporates herein Paragraphs 1 through 67, the Forty-Fourth Claim for Relief, and each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C. §§ 1961 et.seq.].

351. Plaintiffs allege that defendants Dave, Brimmer, Fallingsnow Trading Limited, Marino, Abraham Borenstein & Associates, P.C., Borenstein, Marino Law Firm, The Boren Law Group, and JMICCI conspired to commit the underlying substantive common law fraud re: constructive fraud and promissory fraud.

352. Plaintiffs allege that defendants Brimmer, Fallingsnow Trading Limited, John Joseph Mark Marino, Henry T. Hammond, Marino Law Firm, The Boren Law Group, and JMICCI are conspiratorially liable under application of the ***Pinkerton*** Doctrine [***Pinkerton, v. United States, 328 U.S. 640 (1946)***] for the substantive common law fraud re: constructive fraud and promissory fraud contraventions committed by defendants inasmuch as:

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 A. Defendants engaged in the fraudulent activities that constitute the
- 2 common law fraud;
- 3 B. Defendants are members of the civil conspiracy designed and
- 4 intended to commit common law fraud;
- 5 C. Defendants engaged in activities in furtherance of advancing and
- 6 promoting the civil conspiracy designed and intended to commit
- 7 common law fraud;
- 8 D. Defendants are members of the civil conspiracy at and during the
- 9 time frame the fraudulent activities were committed that constitute the
- 10 common law fraud; and,
- 11 E. The offense fell within the scope of the unlawful agreement and could
- 12 reasonably have been foreseen to be a necessary or natural
- 13 consequence of the unlawful agreement.

14
15 353. Plaintiffs allege that as a direct and proximate result of
16 defendants' conduct, plaintiffs sustained loss of monies, deprivation of business
17 opportunities, diminished reputation, and loss of character.

18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 354. Plaintiffs seek recovery of compensatory damages according
2 to offer of proof at time of trial, including an award of lost profits.

3
4 355. Plaintiffs allege that the conduct of said defendants as alleged
5 herein constituted wilful, wanton, and reckless disregard for the rights of plaintiffs.
6 Plaintiffs experienced mortification, loss of self esteem, diminution of reputation and
7 character, and anxiety.

8
9 356. Plaintiffs are entitled to recover attorneys' fees, costs, and
10 post-judgment interest.

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
243 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FIFTY-SECOND CLAIM FOR RELIEF
[For Commission of Civil Conspiracy to Commit
Common Law Conversion
[RE: *Pinkerton, v. United States, 328 U.S. 640 (1946)*
[Against Dave, Brimmer, Fallingsnow Trading Limited, John Joseph Mark
Marino, Marino Law Firm, Abraham Borenstein & Associates, P.C., Henry T.
Hammond, The Boren Law Group, and JMICCI Only]

357. Plaintiffs, for a Fifty-Second Claim for Relief, reallege and incorporates herein Paragraphs 1 through 67, the Forty-Fifth Claim for Relief, and each and every claim for relief advanced under the federal Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 U.S.C. §§ 1961 et.seq.].

358. Plaintiffs allege that defendants Dave, Brimmer, Fallingsnow Trading Limited, Marino, Abraham Borenstein & Associates, P.C., Marino Law Firm, The Boren Law Group, and JMICCI conspired to commit the underlying substantive common law conversion.

359. Plaintiffs allege that defendants Dave, Brimmer, Fallingsnow Trading Limited, John Joseph Mark Marino, Henry T. Hammond, Marino Law Firm, The Boren Law Group, Abraham Borenstein & Associates, P.C., and JMICCI are conspiratorially liable under application of the *Pinkerton* Doctrine [*Pinkerton, v. United States, 328 U.S. 640 (1946)*] for the substantive common law conversion contraventions committed by defendants inasmuch as:

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

- 1 A. Defendants engaged in the fraudulent activities that constitute the
- 2 common law conversion;
- 3 B. Defendants are members of the civil conspiracy designed and
- 4 intended to commit common law conversion;
- 5 C. Defendants engaged in activities in furtherance of advancing and
- 6 promoting the civil conspiracy designed and intended to commit
- 7 common law conversion;
- 8 D. Defendants are members of the civil conspiracy at and during the
- 9 time frame the fraudulent activities were committed that constitute the
- 10 common law conversion; and,
- 11 E. The offense fell within the scope of the unlawful agreement and could
- 12 reasonably have been foreseen to be a necessary or natural
- 13 consequence of the unlawful agreement.

14
15 360. Plaintiffs allege that as a direct and proximate result of
16 defendants' conduct, plaintiffs sustained loss of monies, deprivation of business
17 opportunities, diminished reputation, and loss of character.

18
19 361. Plaintiffs seek recovery of compensatory damages according
20 to offer of proof at time of trial, including an award of lost profits.

21 ///
22 ///
23 ///
24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
245 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 362. Plaintiffs allege that the conduct of said defendants as alleged
2 herein constituted wilful, wanton, and reckless disregard for the rights of plaintiffs.
3 Plaintiffs experienced mortification, loss of self esteem, diminution of reputation and
4 character, and anxiety.

5
6 363. Plaintiffs are entitled to recover attorneys' fees, costs, and
7 post-judgment interest.

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
 CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
 SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
 OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
246 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

VII.

PRAYER

WHEREFORE, plaintiffs pray for judgment against defendants, and each and every one of them, jointly and severally, as follows:

1. For compensatory damages, according to offer of proof at time of trial, arising from contravention of RICO § 1962(a) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code § 1962(a)], trebled pursuant to RICO Section 1964©) [Title 18 United States Code § 1964©)];

2. For compensatory damages, according to offer of proof at time of trial, arising from contravention of RICO § 1962(b) of the Racketeer Influenced and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code § 1962(b)], trebled pursuant to RICO Section 1964©) [Title 18 United States Code § 1964©)];

///

///

///

///

///

///

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 3. For compensatory damages, according to offer of proof at time of trial,
2 arising from contravention of RICO § 1962(c) of the Racketeer Influenced
3 and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States
4 Code § 1962(c)], trebled pursuant to RICO Section 1964(c) [Title 18
5 United States Code § 1964(c)];

6
7 4. For compensatory damages, according to offer of proof at time of trial,
8 arising from contravention of RICO § 1962(d) of the Racketeer Influenced
9 and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States
10 Code § 1962(d)], trebled pursuant to RICO Section 1964(c) [Title 18
11 United States Code § 1964(c)];

12
13 5. For entry of judgment and appropriate orders for issuance of equitable
14 relief pursuant to RICO § 1964(a) of the Racketeer Influenced and Corrupt
15 Organizations Act of 1970 [“RICO”][Title 18 United States Code §
16 1964(a)];

17
18 6. For entry of judgment and appropriate orders for issuance of equitable
19 relief pursuant to RICO § 1964(b) of the Racketeer Influenced and Corrupt
20 Organizations Act of 1970 [“RICO”][Title 18 United States Code §
21 1964(b)];

22 ///

23 ///

24

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

1 7. For entry of judgment and appropriate orders for issuance of declaratory
2 judgment relief pursuant to RICO § 1964(a) of the Racketeer Influenced
3 and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States
4 Code § 1964(a)];

5
6 8. For entry of judgment and appropriate orders for issuance of declaratory
7 judgment relief pursuant to RICO § 1964(b) of the Racketeer Influenced
8 and Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States
9 Code § 1964(b)];

10
11 9. For recovery of attorneys’ fees and costs arising from contravention of
12 RICO §§ 1962(a), (b), ©), and (d) of the Racketeer Influenced and
13 Corrupt Organizations Act of 1970 [“RICO”][Title 18 United States Code
14 § 1964©)];

15
16 10. For post- judgment interest arising from contravention of RICO §§
17 1962(a), (b), ©), and (d) of the Racketeer Influenced and Corrupt
18 Organizations Act of 1970 [“RICO”][Title 18 United States Code §§
19 1962(a)-(b), ©), and (d)];

20
21 11. For entry of appropriate federal declaratory judgment relief pursuant to
22 Sections 2201-2202 of the Federal Declaratory Judgment Act of 1946
23 [Title 28 United States Code §§ 2201-2202];

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
249 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 12. For recovery under federal supplemental claims jurisdiction [Title 28
2 United States Code § 1367];

3
4 13. For entry of appropriate equitable relief under federal supplemental
5 claims jurisdiction [Title 28 United States Code § 1367]; and,

6 ///

7 ///

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
250 ***DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]***

1 14. For such further and other relief as the Court deems just and proper in
2 the premises.

3 ***Dated: 16 March 2010.***

4 DEAN BROWNING WEBB, ESQUIRE,
5 WASH SBN # 10735
6 ATTORNEY AND COUNSELOR AT LAW
7 THE LAW OFFICES OF DEAN BROWNING WEBB
8 515 EAST 39TH STREET
9 VANCOUVER, WASHINGTON ZIP CODE 98663
10 TELEPHONE: [503] 629-2176
11 **ELECTRONIC MESSAGING ADDRESS: ricoman1968@aol.com**

12 ***By: /s/ Dean Browning Webb***

13 ***DEAN BROWNING WEBB***

14 ***ATTORNEYS AND COUNSELORS AT LAW FOR PLAINTIFFS:***

15 Presidio Group LLC, a Washington limited liability company, Presidio
16 Group LLC, d.b.a. Presidio Group International, LLC, a Washington
17 unincorporated business entity, Presidio Group International, LLC, a
18 Washington unincorporated business entity, Jameson Kealii Kauhi, both
19 individually and upon behalf of the community property marital estate
20 of Jameson Kealii Kauhi and Ramona Carmelle Kauhi, Jameson Kealii
21 Kauhi, individually and managing member of Presidio Group LLC,
22 a Washington limited liability company, Jameson Kealii Kauhi,
23 individually and managing member of Presidio Group LLC, a
24 Washington limited liability company, d.b.a. Presidio Group
25 International, LLC, a Washington unincorporated business entity,
26 Jameson Kealii Kauhi, individually and manager of Presidio Group
27 International, LLC, a Washington unincorporated business entity,
28 Bauter & Walters, Inc., a Washington corporation, and Sunrise
Homebuilders, LLC, a Washington limited liability corporation

17 [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

18 * * *

19 * * *

20 * * *

21 * * *

22 * * *

23 * * *

24 * * *

25 ***COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS***
26 ***ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a),***
27 ***1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON***
28 ***v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING***
CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT
SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE
OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO
DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]

VIII.

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand that this cause be tried before a jury pursuant to the Seventh Amendment of the Constitution of the United States of America, Rule 38(b) of the Federal Rules of Civil Procedure, Local Civil Rule 38 of the Local Civil Rules of the United States District Court for the Western District of Washington.

Dated: 16 March 2010.

**DEAN BROWNING WEBB
ATTORNEY AND COUNSELOR AT LAW**

By: /s/ Dean Browning Webb

**DEAN BROWNING WEBB
ATTORNEYS AND COUNSELORS AT LAW FOR PLAINTIFFS:**
Presidio Group LLC, a Washington limited liability company, Presidio Group LLC, d.b.a. Presidio Group International, LLC, a Washington unincorporated business entity, Presidio Group International, LLC, a Washington unincorporated business entity, Jameson Kealii Kauhi, both individually and upon behalf of the community property marital estate of Jameson Kealii Kauhi and Ramona Carmelle Kauhi, Jameson Kealii Kauhi, individually and managing member of Presidio Group LLC, a Washington limited liability company, Jameson Kealii Kauhi, individually and managing member of Presidio Group LLC, a Washington limited liability company, d.b.a. Presidio Group International, LLC, a Washington unincorporated business entity, Jameson Kealii Kauhi, individually and manager of Presidio Group International, LLC, a Washington unincorporated business entity, Bauter & Walters, Inc., a Washington corporation, and Sunrise Homebuilders, LLC, a Washington limited liability corporation

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

COMPLAINT RE: RACKETEER INFLUENCED and CORRUPT ORGANIZATIONS ACT OF 1970 [“RICO”][18 U.S.C. §§1962(a), 1962(b), 1962(c), 1962(d), 1964(a), 1964(b)] RE: RICO §1962(d) PINKERTON DOCTRINE CONSPIRACY, PINKERTON v UNITED STATES, 328 U.S. 640 (1946);RICO AIDING and ABETTING CONSPIRACY; RICO CONSPIRACY TO AID and ABET; RICO RESPONDEAT SUPERIOR; RICO AIDING and ABETTING RICO PRIMARY SUBSTANTIVE OFFENSE; RICO CONSTRUCTIVE TRUST; RICO DISGORGEMENT; RICO DIVESTITURE; and FEDERAL DECLARATORY RELIEF [28 U.S.C. §§ 2201-2202]