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Attorney for Plaintiff Sally Schuren, individually and on behalf of others similarly  
situated and Aquarius Assets, Inc.

Sally Schuren, individually and on  
behalf of others similarly situated,  
and Aquarius Assets, Inc.,

Plaintiffs,

vs.

Dwayne Long; Citywide Financial  
Services Corp.; Les Schulz; Schulz  
Financial Services; Linda Palmer;  
Noemie Dodakian (a/k/a "Emi"  
Dodakian); Michael Tomayko;  
Canady Holding Inc.; Terry L.  
Crowdy; Jubilee Ventures; Jubilee  
Membership Club; Preferred Interest  
Leasing, Ltd. (a/k/a or d/b/a "Pill");  
Inter Global Technologies, Inc.;  
DCSTH Foundation; "John Does 1-  
1000" (fictitious names),

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CIVIL PART  
MONMOUTH COUNTY

DOCKET NO. MON-L- L4254-09

Civil Action:

L4254-09

CLASS ACTION COMPLAINT AND  
DEMAND FOR JURY TRIAL

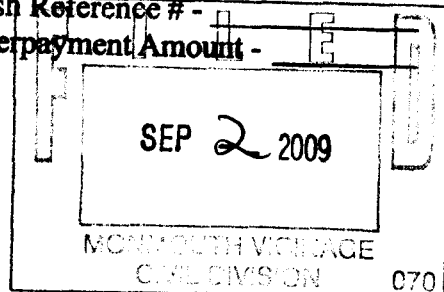
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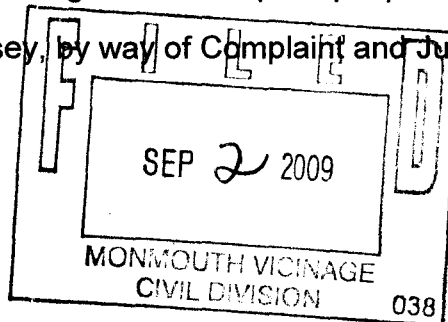
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Overpayment Amount -



Plaintiff Sally Schuren, individually and on behalf of others similarly situated, and  
Aquarius Assets, Inc., both residing at and with principal place of business in the County of  
Monmouth, State of New Jersey, by way of Complaint and Jury Demand against these  
defendants says as follows:



SEP 2 2009

I.D.

A. THE PARTIES:

1. Plaintiff Sally Schuren, individually and on behalf of others similarly situated (hereinafter  
"plaintiff Schuren") is a resident of the County of Monmouth and the State of New

Jersey with principal place of residence located at 701 Crescent Place, in the town of Sea Girt, County of Monmouth and State of New Jersey.

2. Plaintiff Aquarius Assets, Inc. (hereinafter "plaintiff Aquarius Assets") is a corporation of the State of New Jersey with principal place of business located at 701 Crescent Place, in the Town of Sea Girt, County of Monmouth and State of New Jersey.
3. Defendant Dwayne Long, individually (hereinafter "defendant Long") is a resident of the State of Nebraska with principal residence and/or place of business located at 4433 South 123<sup>rd</sup> Street, Omaha, Nebraska 68145. At all times defendant Long was acting individually and in his capacity as an agent of defendant Citywide Financial Services Corp., Schulz Financial, DCSTH Foundation, and "John Does 1-1000" (fictitious names for yet to be identified persons or business entities).
4. Defendant Citywide Financial Services Corp. (hereinafter "defendant Citywide Financial") is a closely held corporation of the State of Nevada with principal place of business located at 4433 South 123<sup>rd</sup> Street, Ohama, Nebraska 68145. All shares of Citywide are owned by defendant Long, and defendant Long is the President and sole officer of defendant Citywide Financial.
5. Defendant Les Schulz, individually (hereinafter "defendant Schulz") is a resident of the State of Nebraska with principal residence and/or place of business located at 8031 West Center, Suite 325, Omaha, Nebraska 68124. At all times defendant Schulz was acting individually and in his capacity as an agent of defendant Schulz Financial Services and/or defendant Citywide Financial, DCSTH Foundation, and "John Does 1-1000" (fictitious names for yet to be identified persons or business entities).

6. Defendant Schulz Financial Services (hereinafter "defendant Schulz Financial") is a business entity of unknown form with principal place of business located at 8031 West Center, Suite 325, Omaha, Nebraska 68124. Defendant Schulz Financial is wholly owned by defendant Schulz.
  
7. Defendant Linda Palmer, individually (hereinafter "defendant Palmer") is a resident of the State of Iowa with residence and/or principal place of business located at 212 Martin Street, Renwick, Iowa 50577. At all times relevant herein defendant Palmer was acting individually and in her capacity as an agent of defendants Long, Schulz, DCSTH Foundation, Dodakian, Canady Holding Inc., and Terry L. Crowdy (Canady), Jubilee Ventures, Jubilee Membership Club, Preferred Interest Leasing, Ltd. (and d/b/a Pill), Everlasting Business Consulting, L.L.C., Inter Global Technologies, Inc., and "John Does 1-1000" (fictitious names for yet to be identified persons or business entities).
  
8. Defendant Noemie Dodakian (a/k/a "Emi" Dodakian), individually (hereinafter "defendant Dodakian") is a resident of the State of Connecticut with residence and/or principal place of business located at 27 Jefferson Drive, Ridgefield, Connecticut 06877 or 54 Danbury Road #315, Ridgefield, Connecticut 06877. At all times relevant herein defendant Palmer was acting individually and in her capacity as an agent of defendants Long, Schulz, DCSTH Foundation, Dodakian, Canady Holding Inc., and Terry L. Crowdy (Canady), Jubilee Ventures, Jubilee Membership Club, Preferred Interest Leasing, Ltd. (and d/b/a Pill), Everlasting Business Consulting, L.L.C., Inter Global Technologies, Inc. and "John Does 1-1000" (fictitious names for yet to be identified persons or business entities).

9. Defendant Michael Tomayko, individually (hereinafter "defendant Tomayko") is a resident of the State of Texas with principal residence and/or place of business located at 2610 Texas Drive, Irving, Texas, 75062. At all times relevant herein defendant Tomayko was acting both individually and in his capacity as President and Chief Executive Officer of defendant Inter Global Technologies, Inc.
10. Defendant Canady Holding Inc. (hereinafter "defendant Canady") is a business entity of unknown ownership and location used by the collective defendants in furtherance of the ongoing criminal conspiracy as more particularly described herein.
11. Defendant Terry L. Crowdy, individually (hereinafter "defendant Crowdy") , is a person of unknown location that participated in the ongoing criminal conspiracy as more particularly described herein.
12. Defendant Jubilee Ventures (hereinafter "defendant Jubilee Ventures") is a business entity of unknown ownership and location used by the collective defendants in furtherance of the ongoing criminal conspiracy as more particularly described herein.
13. Defendant Jubilee Membership Club (hereinafter "defendant Jubilee Club") is a business entity of unknown ownership and location used by the collective defendants in furtherance of the ongoing criminal conspiracy as more particularly described herein.
14. Defendant Preferred Interest Leasing, Ltd. (a/k/a or d/b/a "Pill") (hereinafter "defendant Preferred Interest Leasing") is a business entity of unknown ownership and location used by the collective defendants in furtherance of the ongoing criminal conspiracy as more particularly described herein.

15. Defendant Everlasting Business Consulting, L.L.C. (hereinafter "defendant Everlasting Consulting") is a business entity of unknown ownership and location used by the collective defendants in furtherance of the ongoing criminal conspiracy as more particularly described herein.
16. Inter Global Technologies, Inc. (Hereinafter "defendant IGT") is a corporation of the State of Texas with principal place of business located at 2610 Texas Drive, Irving, Texas, 75062.
17. DCSTH Foundation a non-profit corporation of unknown state of incorporation is a business entity of unknown ownership and location used by the collective defendants in furtherance of the ongoing criminal conspiracy as more particularly described herein.
18. Defendant "John Does 1-1000" (fictitious names) are names for yet to be identified persons or business entities participated in or were used by the collective defendants in furtherance of the ongoing criminal conspiracy as more particularly described herein.

**B. THE FACTS:**

**1. THE \$70,000.00 INTER GLOBAL TECHNOLOGIES SCAM:**

19. Plaintiff was approached by defendants Palmer and Dodakian with "investment opportunities" in early 2005. The first was to make a personal loan to Dodakian, individually, in the amount of \$5,000.00 which was made on March 25, 2005 by plaintiff wiring such monies to Newmill Bank, 50 Danbury Road, Ridgefield Ct.

20. Thereafter, plaintiff loaned what ultimately resulted in approximately \$70,000.00 to Dodakian and Palmer who promised to pay plaintiff back. The money was paid to Dodakian and Palmer either directly, or at their direction, through defendants Canady Holding Inc.; Terry L. Crowdy; Jubilee Ventures; Jubilee Membership Club; Preferred Interest Leasing, Ltd. (a/k/a or d/b/a "Pill"); and "John Does 1-1000" (fictitious names). All parties just named knew that IGT was a scam and a fraud, and all parties just named conspired to defraud plaintiff and others becoming involved in defendant IGT. Defendant Michael Tomayko, President and Chief Executive Officer of defendant IGT, working with the defendants just named, orchestrated the collection of millions on illegal dollars by selling unregistered securities in violation of various civil and criminal federal and state laws.
21. The fraud of defendant Tomayko and defendants is outlined in detail in a lawsuit filed by the Securities and Exchange Commission, United States Securities and Exchange Commission v. Inter Global Technologies, Inc. and Michael E. Tomayko, filed in the United States District Court for the Northern District of Texas, Dallas Division, on August 13, 2007, assigned Civil Action No. 3-07CV1397-K, which matter is pending. A copy of that lawsuit is attached hereto at "Exhibit A" and made a part hereof as if set fully at length herein. The allegations of that lawsuit are hereby adopted and incorporated as part of this pleading. It is clear that the defendants simply conspired to commit widespread fraud to illegally steal money from plaintiff and over 900 others, and then convert the money for their own personal uses. The defendants, through illegal practices, raised over \$14.5 million from 900 "investors" (willing or otherwise) through a fraudulent, unregistered offering of preferred stock and joint venture interests in defendant IGT. During such actions, the defendants knowingly and fraudulently used false and fabricated information to lure investors.

22. On May 27, 2008, with the assistance of counsel, defendant Tomayko and defendant IGT partially settled the SEC lawsuit and agreed to pay \$100,000 in civil fines and "disgorge" over \$10.5 million illegally obtained during the widespread conspiracy. The criminal investigation continues. Plaintiff and others similarly situated have not been paid back a dime.

**2. THE \$100,000.00 DWAYNE LONG SCAM:**

23. After loaning and/or investing approximately \$70,000.00 with defendants regarding the IGT Scam, defendants Palmer and Dodakian recommended plaintiff to defendant Long, promising plaintiff that she could loan money to Long and make a huge rate of return on her money for a short investment.

24. Plaintiff was put into contact with defendant Long who promised her a 300% annual return on her investment. Plaintiff, individually and/or through her corporation Aquarius Assets, Inc. originally loaned defendant Long \$75,000.00 which was memorialized by a Promissory Note and Loan Agreement dated September 24, 2007. Thereafter, at the request of defendant Long, an additional \$25,000.00 was loaned pursuant to a Promissory Note and Loan Agreement dated April 11, 2008.

25. At some unspecified point thereafter, another single Promissory Note and Loan Agreement for the face principal amount of \$100,000.00 was prepared by defendant Long and "backdated" to September 24, 2007, which was to supercede the two prior sets of loan documents. Pursuant to the Loan Agreements, defendant Long and defendant Citywide Financial owed plaintiff the principal of \$100,000.00 and \$300,000.00 interest on September 24, 2008.

26. Defendants Palmer and Dodakian were paid illegal "commissions" or "finders fees" by defendant Long and/or Citywide Financial for bringing plaintiff to defendant Long.
27. On September 24, 2008 defendant Long did not pay plaintiff back either the principal or interest.
28. Plaintiff demanded her money back. Defendant Long avoided defendant and did not pay plaintiff back. When plaintiff finally could get defendant Long on the telephone, he complained that he had no money at the moment, reassuring plaintiff that she would shortly be getting back her \$100,000.00 principal and \$300,000.00 interest.
29. At some point thereafter, defendant Long directed plaintiff to defendants Schulz and Schulz Financial. Plaintiff was fraudulently advised that defendant Schulz was a Certified Public Accountant ("CPA"). In fact, defendant Schulz is not a "CPA" and apparently holds no professional licenses. Defendant was advised by defendants Long and Schulz that she could get her money back, all that she had to do was "cooperate" with them and have Schulz file a "1099 Original Issue Discount Refund" application with the Internal Revenue Service, and then donate the excess from the refund to defendant DCSTH Foundation after taking back her \$400,000.00.
30. Plaintiff never signed any professional services agreement with defendant Schulz or Schulz Financial. Defendant Schulz in fact filed some application on plaintiff's behalf with the Internal Revenue Service. However, plaintiff was made aware that defendant Schulz was neither a CPA nor was the application bona fide or legal. In sum, defendant Long attempted to pay plaintiff back by conspiring with defendant Schulz to commit criminal Tax Fraud on the Internal Revenue Service.

31. Now, defendants Long, Palmer and Dodakian can not be located, with defendant scammed and defrauded out of another \$100,000.00.

C. CLASS ACTION ALLEGATIONS (Proposed R. 4:31-2(B)(3) Class):

32. Plaintiff is named and hereby sues in both her individual capacity as a litigant and on behalf of a proposed putative class of citizens similarly situated in both factual and legal claims to the claims of plaintiff as outlined herein.

33. The proposed putative class is defined as follows and shall include the following persons:

***"All persons who were sold shares of stock or were promised any shares of stock or any interest whatsoever in defendant Inter Global Technologies, Inc. between 2003 and 2009"***

34. The class of potential plaintiffs with claims against the potential defendants is so numerous that joinder of all members of the proposed class is impracticable. See R. 4:32-1(a)(1).
35. There are questions of law and fact that are common, and in many instances, identical, to the claims of the proposed class representatives and the individual members of the proposed putative class. See R. 4:32-1(a)(2).

36. The claims and defenses of proposed representative parties are typical to those of, and identical to those of, the claims and defenses of the individual members of the proposed putative class. See R. 4:32-1(a)(3).
37. The proposed representative will adequately represent the interests of each member of the proposed putative class. See R. 4:32-1(a)(3).
38. The questions of law and fact that are common or identical to each proposed member of the putative class predominate over any questions affecting only individual members such that a class action is a superior method to other methods available for the fair and efficient adjudication of the controversy. See R. 4:32-1(B)(3).

**D. LEGAL CLAIMS:**

**FIRST COUNT**

**Plaintiff's claim for civil damages and injunctive relief for defendants' violation of the "New Jersey Racketeer Influenced and Corrupt Organizations Act" (N.J.S.A. 2C:41-1 et seq.)**

1. N.J.S.A. 2C:41-2(a) through (d) provides that any person who engages in, or conspires to engage in, a "pattern of racketeering activity" as defined in that section has committed a criminal violation of the "New Jersey Racketeer Influenced and Corrupt Organizations Act", N.J.S.A. 2C:41-1 et seq.
2. N.J.S.A. 2C:41-1(b) defines "person" to include ..."any individual or entity or enterprise as defined herein capable of holding a legal or beneficial interest in property." Id. The defendants are all "persons" within the meaning of the "New Jersey Racketeer Influenced and Corrupt Organizations Act", N.J.S.A. 2C:41-1 et seq.

3. N.J.S.A. 2C:41-1(c) defines "enterprise" within the meaning of the New Jersey "Criminal Racketeering Statute". The defendants were, at all times relevant, actively engaged in a "criminal enterprise" within the meaning of the "New Jersey Racketeer Influenced and Corrupt Organizations Act", N.J.S.A. 2C:41-1 et seq.
  
4. N.J.S.A. 2C:41-1(n) specifically includes all thefts defined in Chapter 20 of Title 2C of the New Jersey Statutes within the definition of "Racketeering Activity" prohibited by the provisions of N.J.S.A. 2C:41-2(a), (b), (c) & (d). The defendants engaged in, and conspired to engage in, repeated violations of N.J.S.A. 2C:20-1 ("General Theft"), N.J.S.A. 2C:20-3 ("Theft by Unlawful Taking or Disposition"); N.J.S.A. 2C:20-4 ("Theft by Deception"); N.J.S.A. 2C:20-9 ("Theft by Failure to Make Required Disposition of Property Received") and were engaging at all times in "Racketeering Activity" by violating such criminal statutes. . Because the amount at issue exceeds \$75,000.00, if convicted of the corresponding criminal offense, each party will be facing, even if no prior criminal record, a presumption of 5-10 years in New Jersey State Prison, a fine of \$150,000.00, and mandatory joint and several restitution with all other defendants. See N.J.S.A. 2C:43-6(a)(2) and N.J.S.A. 2C:43-3(a)(2).
  
5. N.J.S.A. 2C:41-1(i) specifically includes fraud in the offering, sale, or purchase of securities within the definition of "Racketeering Activity" prohibited by the provisions of N.J.S.A. 2C:41-2(a), (b), (c) & (d). The defendants engaged in, and conspired to engage in, repeated violations of fraud, and conspiracy to commit fraud, in the offering and sale of securities.

6. N.J.S.A. 2C:41-1(d)(1) & (2) defines "pattern of racketeering activity". The defendants engaged in a "pattern of racketeering activity" within the meaning of the "New Jersey Racketeer Influenced and Corrupt Organizations Act", N.J.S.A. 2C:41-1 et seq.
7. In the within matter, the defendants acting together and in combination, did conspire to engage in, and did in fact engage in, a "pattern of racketeering activity" within the meaning of the "New Jersey Racketeer Influenced and Corrupt Organizations Act", N.J.S.A. 2C:41-1 et seq. Such defendants did this by engaging as part of an ongoing business and enterprise of engaging in violations of various forms of theft and various forms of fraud in securities offerings and sales, all Second Degree Crimes under New Jersey Law.
8. Plaintiff, individually and on behalf of others similarly situated, has been proximately damaged by the criminal actions of the collective defendants as outlined herein.
9. N.J.S.A. 2C:41-4( c) provides as follows:

Any person damaged in his business or property by reason of a violation of N.J.S.A. 2C:41-2 may sue therefor in any appropriate court and shall recover threefold any damages he sustains and the cost of the suit, including a reasonable attorney's fee, costs of investigation and litigation.

[N.J.S.A. 2C:41-4( c)].

10. The New Jersey "Declaratory Judgment Act", N.J.S.A. 2A:16-50 et seq. provides in relevant part as follows:

A person interested under a deed, will, written contract or other writing constituting a contract, or whose rights, status

or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

[N.J.S.A. 2A:16-50].

11. Plaintiff individually and on behalf of others similarly situated has an interest in the contracts with defendants and plaintiff is therefore entitled to have her rights, and the rights of those similarly situated, determined, declared and enforced, and to collect damages, and to have the wrongful conduct of the defendants declared and recognized by the Superior Court of New Jersey pursuant to N.J.S.A. 2C:41-4( c) and N.J.S.A. 2A:16-50.

**WHEREFORE**, plaintiff, individually and on behalf of others similarly situated, hereby demand judgment against defendants individually and/or jointly and/or severally as follows:

- A.) Judgment Ordering and Certifying that this matter shall be maintained and shall proceed as a R. 4:31-2(B)(3) Class Action;
- B.) Judgment Ordering that individual plaintiff Sally Schuren shall be formally named as a representative plaintiff for purposes of this R. 4:31-2(B)(3) Class Action;
- C.) Judgment Ordering that Eugene M. LaVergne, Esq. shall be formally appointed as counsel of record for the certified class for purposes of this R. 4:31-2(B)(3) Class Action;

- D.) Judgment Ordering such other forms of interim and final relief as may be necessary for this matter to be administered and for this matter to proceed as a R. 4:31-2(B)(3) Class Action;
- E.) Judgment awarding such additional temporary and/or final injunctive relief as may ne necessary to adequately protect the interests of the individual plaintiff and/or may be necessary to adequately protect the interests of the members of this R. 4:31-2(B)(3) Class Action;
- F.) Judgment awarding the individual plaintiff and all class members of the R. 4:31-2(B)(3) Class Action compensatory damages in such an amount as is deemed appropriate to compensate each respective party;
- G.) Judgment awarding the individual plaintiff and all class members of the R. 4:31-2(B)(3) Class Action punitive damages in such an amount as is deemed appropriate to deter the wrongful and intentional and illegal conduct of the collective defendants;
- H.) Judgment adding the amount of the combined total damages of paragraphs F and G above and trebling such amount pursuant to N.J.S.A. 2C:41-4( c) and memorializing such amount in a final judgment;
- I.) Judgment awarding attorney's fees pursuant to N.J.S.A. 2C:41-4( c);
- J.) Judgment awarding costs of suit and costs of investigation pursuant to N.J.S.A. 2C:41-4( c); and

- K.) Judgment awarding such further relief as the Court deems fair, just and equitable.

**SECOND COUNT:  
PLAINTIFF'S CLAIM FOR CIVIL DAMAGES AND FOR  
DEFENDANTS' VIOLATION OF THE "NEW JERSEY  
CONSUMER FRAUD ACT" (N.J.S.A. 56:8-1 et. seq.)**

1. Plaintiff repeats and re-alleges all prior allegations of this pleading.
2. The "New Jersey Consumer Fraud Act" is contained in N.J.S.A. 56:8-1 et. seq.
3. N.J.S.A. 56:8-2 provides as follows:

The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise or real estate, or with the subsequent performance of such person as aforesaid, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher, or operator has no knowledge of the intent, design or purpose of the advertiser.

[N.J.S.A. 56:8-2].

4. N.J.S.A. 56:8-19 provides as follows:

Any person who suffers any ascertainable loss of monies or property, real or personal, as a result of the use or employment by another person of any method, act, or

practice declared unlawful under this act or the act hereby amended and supplemented may bring an action or assert a counterclaim therefor in any court of competent jurisdiction. In any action under this section the court shall, in addition to any other appropriate legal or equitable relief, award threefold the damages sustained by any person in interest. In all actions under this section, including those brought by the Attorney General, the court shall also award reasonable attorneys' fees, filing fees and reasonable costs of suit.

[N.J.S.A. 56:8-19].

5. The conduct of the defendants is in violation of the "New Jersey Consumer Fraud Act", N.J.S.A. 56:8-1, and the plaintiff has been proximately damaged by the wrongful conduct and actions of the defendants.

**WHEREFORE**, plaintiff hereby demand judgment against defendants individually and/or jointly and/or severally as follows:

- A.) Judgment awarding plaintiff compensatory damages in such an amount as is deemed appropriate;
- B.) Judgment awarding the plaintiff punitive damages in such an amount as is deemed appropriate to deter the wrongful and intentional and illegal conduct of the collective defendants;
- C.) Judgment adding the amount of the combined total damages awarded in paragraphs (A) and (B) above and trebling such amount pursuant to N.J.S.A. 56:8-2 and memorializing such amount in a final judgment;
- D.) Judgment awarding attorney's fees pursuant to N.J.S.A. 56:8-2;

E.) Judgment awarding costs of suit and costs of investigation pursuant to N.J.S.A. 56:8-2;

F.) Judgment awarding such further relief as the Court deems fair, just and equitable.

**THIRD COUNT:  
PROFESSIONAL NEGLIGENCE**

1. Plaintiff repeats and re-alleges all prior allegations of this pleading as if set forth fully at length herein.
  
2. Defendants Long and Schulz owed plaintiff a duty to exercise reasonable care in their profession when giving plaintiff financial and tax advice. Such defendants grossly breached the duty of care owing to plaintiff and violated numerous administrative and criminal laws when providing advice to plaintiff. Plaintiff was proximately damaged thereby.

**WHEREFORE**, plaintiff hereby demands judgment against defendants Long and Schulz individually and/or jointly and/or severally as follows:

- A.) Judgment awarding compensatory damages;
  
- B.) Judgment awarding punitive damages;

- C.) Judgment awarding interest and costs of suit; and
- D.) Judgment awarding such further relief as the Court deems fair, just and equitable.

**FOURTH COUNT:**  
**FRAUD & DECEIT**

1. Plaintiff seeks to recover damages which she claims she sustained as a result of misrepresentation made to her by the defendants. One who represents as true that which is false with the intent to deceive the person to whom the representation is made is liable to that person if that person, believing the representation to be true, acts affirmatively, or refrains from acting, in justifiable reliance thereon and suffers damage as a result.
2. In the present matter, defendants all made intentional and fraudulent and knowingly false representations to plaintiff to induce and coerce plaintiff to loan or invest money in the illegal scams outlined herein, and plaintiff has been proximately damaged thereby.

**WHEREFORE**, plaintiff, individually and on behalf of others similarly situated, hereby demand judgment against defendants individually and/or jointly and/or severally as follows:

- A.) Judgment awarding appropriate compensatory damages;
- B.) Judgment awarding punitive damages;
- C.) Judgment awarding interest and costs of suit; and

- D.) Judgment awarding such further relief as the Court deems fair, just and equitable.

**FIFTH COUNT:  
BREACH OF CONTRACT**

1. Plaintiff repeats and re-alleges all prior allegations of this pleading as if set forth fully at length herein.
2. The actions of defendants constitute a breach of contract and plaintiff has been proximately damaged thereby.

**WHEREFORE**, plaintiff, individually and on behalf of others similarly situated, hereby demand judgment against defendants individually and/or jointly and/or severally as follows:

- A.) Judgment awarding appropriate compensatory damages;
- B.) Judgment awarding punitive damages;
- C.) Judgment awarding interest and costs of suit; and
- D.) Judgment awarding such further relief as the Court deems fair, just and equitable.

**SIXTH COUNT:  
BAD FAITH IN CONTRACT**

1. Plaintiff repeats and re-alleges all prior allegations of this pleading as if set forth fully at length herein.
  
2. The actions of defendants constitute a "Bad Faith" in contract and plaintiff has been proximately damaged thereby.
  - A.) Judgment awarding appropriate compensatory damages;
  
  - B.) Judgment awarding punitive damages;
  
  - C.) Judgment awarding interest and costs of suit; and
  
  - D.) Judgment awarding such further relief as the Court deems fair, just and equitable.

DATED: *September 1, 2009*

  
\_\_\_\_\_  
EUGENE M. LAVERGNE, ESQ.  
ATTORNEY PLAINTIFFS

**JURY DEMAND:**

Plaintiff hereby demands a trial by jury on all contested issues of material fact.

DATED: *September 1, 2009*

  
\_\_\_\_\_  
**EUGENE M. LAVERGNE, ESQ.**  
**ATTORNEY PLAINTIFF**

**CERTIFICATION PURSUANT TO R. 4:5-1:**

**EUGENE M. LaVERGNE, ESQ.** pursuant to R. 4:5-1(b)(2) hereby certifies as follows:

1. Other actions or arbitration proceedings regarding the same or similar facts now pending or contemplated except as follows: **United States Securities and Exchange Commission v. Inter Global Technologies, Inc. and Michael E. Tomayko**, filed in the United States District Court for the Northern District of Texas, Dallas Division, on August 13, 2007, assigned Civil Action No. 3-07CV1397-K, which matter is pending.
  
2. Other parties that should be joined in this action: **"John Does 1-1000"** to be identified through course of litigation.

**I CERTIFY THAT THE FOREGOING STATEMENTS MADE BY ME ARE TRUE. I AM AWARE THAT IF ANY OF THE FOREGOING STATEMENTS MADE BY ME ARE KNOWINGLY FALSE I MAY BE SUBJECT TO PUNISHMENT.**

DATED: *September 1, 2009*

  
\_\_\_\_\_  
**EUGENE M. LaVERGNE, ESQ.**  
**ATTORNEY FOR PLAINTIFFS**