

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
PALM BEACH COUNTY, FLORIDA

NITV FEDERAL SERVICES, LLC  
a Florida limited liability company,

Plaintiff,

CASE NO.: 50-2015-CA-005885XXXXMB

v.

ELWOOD GARY BAKER, an individual  
d/b/a BAKER GROUP INTERNATIONAL,  
EXPERTOS VSA, INC., a Florida  
corporation, and MICHAEL SAVAGE,  
an Individual,

Defendants.

---

**VERIFIED THIRD AMENDED COMPLAINT**

Plaintiff NITV FEDERAL SERVICES, LLC (hereinafter "NFS"), a Florida limited liability company, by and through its undersigned counsel, hereby sues ELWOOD GARY BAKER d/b/a BAKER GROUP INTERNATIONAL ("BAKER"), EXPERTOS VSA, INC., a Florida corporation ("EXPERTOS INC"), EXPERTOS VSA, SA, a Guatemalan corporation ("EXPERTOS SA")<sup>1</sup>, and MICHAEL SAVAGE ("SAVAGE"), an individual, and states in support thereof as follows:

**THE PARTIES**

---

<sup>1</sup> Plaintiff refrains from adding the new party-defendant EXPERTOS VSA, SA, to the caption until the Court and the Clerk can confer so as to avoid duplicate case numbers for the same action.

1. NFS is a Florida limited liability company with principal place of business in Palm Beach County, Florida.

2. BAKER is an individual who resides in Bay County, Florida and who operates under the fictitious name "BAKER GROUP INTERNATIONAL".

3. EXPERTOS INC is a Florida corporation with its principal place of business in Palm Beach County, Florida and is the business affiliate of BAKER in Mexico, Central America, South America and South Africa. As set forth in the jurisdictional allegations below, EXPERTOS INC is the agent and/or alter ego of EXPERTOS SA and/or SAVAGE.

4. EXPERTOS SA is a Guatemalan corporation, operating principally in Guatemala, Honduras, Ecuador, and El Salvador. As set forth in the jurisdictional allegations below, EXPERTOS SA is the principal and/or alter ego of EXPERTOS INC and/or the alter ego of SAVAGE.

5. SAVAGE is an individual who resides in Palm Beach County, Florida. As set forth in the jurisdictional allegations below, SAVAGE is the principal and/or alter ego of EXPERTOS INC and/or the alter ego of EXPERTOS SA.

#### **COMMON ALLEGATIONS**

6. NFS is the manufacturer of the Computer Voice Stress Analyzer ("CVSA"); a proprietary technology utilized by law enforcement, military, and government entities worldwide. The CVSA has been scientifically validated in a peer reviewed and published scientific study and is used as an investigative support tool to conduct voice stress analysis examinations to detect deception and verify the truth.

7. BAKER is the manufacturer of the Digital Voice Stress Analyzer (“DVSA”), which is also known, marketed and sold outside of the US as the Forensic Voice Analysis System (“FVAS”) -- a product claimed to be similar to CVSA.

8. MICHAEL SAVAGE and/or EXPERTOS SA market and sell the DVSA/FVAS to end users in Mexico, Central America, South America and South Africa, specifically including but not limited to Brazil, Columbia, Panama, El Salvador, Guatemala, Ecuador (*see March 29, 2017 Deposition of Michael Savage, 53:25-54:2; 59:5-62:17*), which are countries all included on the EAR Country Chart Crime Control Column One (*see 15 CFR 738, Supp. 1, Country Chart*).

9. NFS is a competitor of BAKER and a member of a small and finite producer and marketer of voice stress analysis system developers and providers. NFS has standing to bring this Florida Unfair and Deceptive Trade Practice Act claim. *See Caribbean Cruise Line, Inc. v. Better Business Bureau of Palm Beach County, Inc.*, 169 So. 3d 164, 168-69 (Fla. 4th DCA 2015).

10. Voice Stress Analysis systems are classified by the United States Government as export controlled commodities requiring a United States Government approved Export License under the Export Administration Regulations (“EAR”), 15 CFR § 730-774, for sale to foreign entities or persons, or for the export outside of the USA by a United States persons or entities. Voice Stress Analysis is an item subject to the EAR regulations. *See 15 CFR § 734.3*.

11. Under the EAR an export is defined as an actual shipment or transmission of items subject to EAR out of the United States, or release of technology or software subject to the EAR to a foreign national in the United States. *See 15 CFR § 734.2(6)(1)*. The EAR prohibits the ‘re-export’ of items requiring an Export License. ‘Re-export’ is the sale, shipment or transmission of Export Controlled commodities from one foreign country to another foreign country.

12. Specifically, Voice Stress Analysis systems are identified as a commodity requiring an Export License in the EAR “Commodity Control List” under Export Control Classification Numbers (ECCN) 3A980 and 3D980. *See* 15 CFR § 774, Supp. No. 1, Commodity Control List; 15 CFR § 738.2(a).

13. In addition, the EAR Crime Control and Detection provisions, require a license to export and reexport crime control and detection equipment, related technology and software including Voice Stress Analysis systems identified under ECCNs 3A980 and 3D980 to countries listed in the EAR Country Chart CC Column 1. *See* 15 CFR § 742.7; 15 CFR 738, Supp. 1, Country Chart.

14. Defendants have exported DVSA/FVAS to end users, without an export license, in direct violation of the foregoing provisions.

15. Pursuant to Florida Statute Section 501.201, *et seq.*, any violation of the Federal Trade Commission Act 15 U.S.C. Section 41, *et seq.*, is a violation of the Florida Unfair and Deceptive Trade Practice Act.

16. BAKER, with the assistance of SAVAGE, markets, demonstrates, solicits for sale and does in fact sell the DVSA/FVAS through a network of affiliates outside the USA to foreign citizens, foreign entities, foreign law enforcement, and other foreign customers without the required United States Government approved Export Licenses knowingly in violation of United States Export Control regulations administered by the US Department of Commerce, Bureau of Industry and Security (“BIS”) under the Export Administration Regulations (EAR), 15 CFR § 730-774.

17. For example, on or about September 12, 2013, EXPERTOS SA/SAVAGE held a training seminar in Mexico that was taught by Savage himself.

18. As a part of their efforts to undercut NFS sales in foreign countries, EXPERTOS SA/SAVAGE actively publicizes that NFS is required to obtain United States Government Export Licenses as a compelling advantage over the purchase of the CVSA during their sales presentations and training seminars. As such, NFS has suffered direct economic loss as a result of Defendants' violation of US Export Control laws, regulations, directives and the Federal Trade Commission Act 15 U.S.C. Section 41, *et seq.*

19. Pursuant to the Federal Trade Commission Act 15 U.S.C. Section 41 *et seq.* as well as Florida Statute 501.201, *et seq.*, and specifically 501.211 of the Florida Statutes, Plaintiff has a statutory right to obtain a declaratory judgment that an act or practice violates the Florida Unfair and Deceptive Trade Practices Act.

20. In addition to these specific provisions of the EAR, the BIS which administers export controls on commercial products and technology, regulates and controls to which the extent of certain know-how is shared abroad. The BIS regulation and control extends to crime controlling detection equipment and related technology which is subject to a federal export license. By doing so, the BIS advances U.S. national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system and by identifying and thwarting unscrupulous exporters of technology that may have an adverse effect on our Nation's national defence.

21. Violations of the Export Administration Act of 1979, as amended (EAA), 50 U.S.C. app. §§ 2401-2420 (2000), and the Export Administration Regulations, 15 C.F.R. Parts 730-774 (2007) (EAR) may be subject to both criminal and administrative penalties. When the EAA is in effect, criminal penalties can reach 20 years imprisonment and \$1 million per violation.

Administrative monetary penalties can reach \$11,000 per violation, and \$120,000 per violation in cases involving items controlled for national security reasons.

### **JURISDICTION AND VENUE**

22. This is an action for damages in excess of \$30,000.00, exclusive of interest, costs and attorney's fees and for equitable and injunctive relief pursuant to Section 501.201, Fla. Stat., *et seq.*, and is thus, within the jurisdiction of this Court.

#### **Defendant Baker**

23. BAKER is a resident of the State of Florida whose principal place of business is in Bay County, Florida; he is therefore subject to personal jurisdiction in Florida.

24. Palm Beach County, Florida, is the county where the cause of action accrued, so, therefore venue is proper in Palm Beach County, Florida, as to BAKER under Section 47.011, Fla. Stat.

#### **Defendant Expertos, Inc.**

25. EXPERTOS INC is a Florida Corporation with its principal place of business in Palm Beach County, subject to personal jurisdiction in Florida where it maintains its principal place of business.

26. Palm Beach County, Florida, is the county where EXPERTOS INC has, or usually keeps, an office for transaction of its customary business, or where the cause of action accrued, so, therefore venue is proper in Palm Beach County, Florida, as to EXPERTOS INC under Section 47.051, Fla. Stat.

#### **Defendant Savage**

27. SAVAGE is a resident of the State of Florida whose principal place of business is in Palm Beach County, Florida; he is therefore subject to personal jurisdiction in Florida.

28. Furthermore, SAVAGE, is listed as a member of the 'Board of Advisors' for BAKER GROUP INTERNATIONAL. SAVAGE, is also BAKER'S primary affiliate, distributor and representative in Mexico, Central America, South America and South Africa, and as such makes sales of restricted DVSA/FVAS technology and conducts training on behalf of BAKER in these locations.

29. Palm Beach County, Florida, is the county where SAVAGE resides or where the cause of action accrued, so, therefore venue is proper in Palm Beach County, Florida, as to SAVAGE under Section 47.011, Fla. Stat.

**Defendant Expertos SA**

30. First, EXPERTOS SA is a company incorporated under the laws of Guatemala, which, personally or through its agents, engaged in substantial and not isolated wholly interstate, intrastate, or other activity within Florida, thus subjecting EXPERTOS SA to the jurisdiction of this Court pursuant to Fla. Stat. § 48.193(1) and (2) by committing the acts described in Paragraphs 6-21 of this Verified Third Amended Complaint.

31. Second, EXPERTOS SA is subject to jurisdiction in the State of Florida through its agent and alter ego EXPERTOS INC, which is subject to the jurisdiction of this Court as described in Paragraphs 25-26 of this Verified Third Amended Complaint, and which is owned or de facto owned and completely controlled and dominated by EXPERTOS SA and/or SAVAGE.

32. Accordingly, for any or all of the following reasons, jurisdiction and liability are imputed from SAVAGE and/or EXPERTOS INC to EXPERTOS SA:

- a. Agency: At all times relevant hereto, EXPERTOS INC acted as the agent of EXPERTOS SA and SAVAGE for EXPERTOS SA and SAVAGE's activities in the United States, and, in particular, EXPERTOS INC acted as the agent of

EXPERTOS SA and SAVAGE in regard to transactions at issue in this lawsuit, EXPERTOS INC accepted EXPERTOS SA and SAVAGE's role as agents in this undertaking, and EXPERTOS SA and SAVAGE, as principals, directed the actions of EXPERTOS INC with respect to the transactions at issue herein;

- b. Alter Ego: At all times relevant hereto, EXPERTOS INC acted as the alter ego of EXPERTOS SA in that EXPERTOS INC was merely the instrumentality of EXPERTOS SA, and EXPERTOS SA engaged in improper conduct in respect to the use of EXPERTOS INC to forward its interests; and/or
- c. Reverse Veil Piercing: At all times relevant hereto, EXPERTOS SA acted as the alter ego of SAVAGE in that EXPERTOS SA and SAVAGE should be considered a single entity for jurisdictional purposes because SAVAGE exerts such domination and control over EXPERTOS SA that they do not in reality constitute separate and distinct entities but are one and the same entity for purposes of jurisdiction.

#### *Agency Allegations*

33. Generally, a foreign parent corporation is not subject to the jurisdiction of a forum state merely because a subsidiary is doing business there. *See Consolidated Dev. Corp. v. Sherritt, Inc.*, 216 F.3d 1286, 1293 (11th Cir. 2000). “On the other hand, if the subsidiary is merely an agent through which the parent company conducts business in a particular jurisdiction or its separate corporate status is formal only and without any semblance of individual identity, then the subsidiary's business will be viewed as that of the parent and the latter will be said to be doing business in the jurisdiction through the subsidiary for purposes of asserting personal jurisdiction.” Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1069.4 (3d ed. 2002)



(citations omitted) (cited by *Meier ex rel. Meier v. Sun Intern. Hotels, Ltd.*, 288 F.3d 1264, 1272 (11th Cir. 2002)).

34. In order to establish jurisdiction over EXPERTOS SA, therefore, the Court should find that EXPERTOS INC is the entity through which the EXPERTOS SA and SAVAGE conduct substantial business activity in Florida. *See Consolidated*, 216 F.3d at 1293–94.

35. EXPERTOS INC is the agent of EXPERTOS SA and SAVAGE, based on the following allegations:

- a. In *Universal Caribbean Establishment v. Bard*, 543 So.2d 447, 448 (Fla. 4th DCA 1989), the court found that a domestic subsidiary, acting exclusively as a booking agent for the foreign hotel owned by the non-resident corporation, was an agent of the foreign corporation so that the activities of the domestic subsidiary could be imputed to the non-resident corporation for jurisdictional purposes.
- b. The relationship between the EXPERTOS SA AND EXPERTOS INC is similar to that described in *Universal Caribbean*. As in *Universal Caribbean*, the Florida entity was established by EXPERTOS SA (whose alter ego is SAVAGE (*see, infra*) -- the dominating shareholder, president and CEO of EXPERTOS INC and EXPERTOS SA) to serve the DVSA/FVAS business through the funneling of ill-gotten monies to its principals in United States, with EXPERTOS SA as the principal corporation.
- c. The address for the principal place of business, registered agent (SAVAGE), mailing address, and address for each of the 5 officers of EXPERTOS INC is identical to SAVAGE's residential address at 10560 Mendocino Lane, Boca

Raton, Palm Beach County, Florida. See <http://www.companies-florida.com/expertos-vsa-inc-2wq7y/>

; <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=EXPERTOSVSA%20P070000147170&aggregateId=domp-p07000014717-cc82afe0-602c-4a42-9e2c-2d8488cd6ed8&searchTerm=Expertos%20VSA&listNameOrder=EXPERTOSVSA%20P070000147170>

- d. Most if not all of those 5 officers of EXPERTOS INC are members of SAVAGE's immediate family in Boca Raton, Florida (and all 5 share the surname "Savage"). See <http://www.companies-florida.com/expertos-vsa-inc-2wq7y/>; *March 29, 2017 Deposition of Michael Savage*, 63:12-64:4.
- e. SAVAGE and EXPERTOS SA control and dominate EXPERTOS INC by determining the appointment of officers and directors, authorizing or approving its management decisions and coordinating efforts to violate the Federal Trade Commission Act and the Florida Unfair and Deceptive Trade Practices Act.
- f. Furthermore, EXPERTOS INC conducts no business operations, other than to establish a Florida bank account "to facilitate payment so [SAVAGE] could receive dollars in payment" for business transacted by and through EXPERTOS SA -- EXPERTOS INC has no employees, and has no payroll. *March 29, 2017 Deposition of Michael Savage*, 26:22-28:2.

36. Accordingly, general jurisdiction over EXPERTOS SA is proper under Section 48.193(2), Fla. Stat. based on the activities of a Florida subsidiary established by EXPERTOS SA

and SAVAGE as a domestic agent for the funneling of monies earned internationally through violation of federal export laws, under the EAR, as well as violations of the Federal Trade Commission Act.

### *Alter Ego/Veil-Piercing Allegations*

37. The alter ego theory generally allows plaintiffs to pierce the corporate veil to impute a subsidiary's contacts to the parent company by showing that the subsidiary and the parent are one and the same. Under the alter ego theory, the complaint only must allege facts sufficient to pierce the corporate veil of the resident corporation. *See Woods v. Jorgensen*, 522 So.2d 935, 937 (Fla. 1st DCA 1988).

38. While personal jurisdiction over a resident parent corporation or a resident corporate officer does not *necessarily* translate into personal jurisdiction over a non-resident subsidiary or wholly-owned corporation, *see Woods*, 522 So.2d at 936; *McLean Financial Corp. v. Winslow Loudermilk Corp.*, 509 So.2d 1373, 1374 (Fla. 5th DCA 1987); *Mac Millan-Bloedel, Ltd. v. Canada*, 391 So.2d 749, 751 (Fla. 5th DCA 1980), an exception arises where the non-resident corporation is merely the alter ego of the resident owner or parent, over whom the court does have jurisdiction. *See Qualley v. International Air Service Co.*, 595 So.2d 194, 196 (Fla. 3d DCA), cause dismissed, 605 So.2d 1265 (Fla.1992); *Woods v. Jorgensen*, 522 So.2d at 937 (plaintiff's affidavits asserted that Florida and Delaware corporations wholly owned by non-resident defendant were shell corporations without any real assets and were formed to fund or provide financial backing for non-resident defendant's real estate venture in Florida).

39. Where it is shown that the corporation was formed or used for illegal or fraudulent purposes, the corporate entity may be disregarded -- that is, the defrauded creditor may "pierce the

corporate veil” and hold the controlling shareholders personally liable for the corporation's obligation. *See Dania Jai-Alai Palace, Inc. v. Sykes*, 450 So. 2d 1114, 1120-21 (Fla. 1984).

40. EXPERTOS INC and EXPERTOS SA are alter egos of each other, based on the following allegations:

- a. EXPERTOS INC and EXPERTOS SA intermingle their respective assets and intermingle their respective finances through the sharing of a single Florida Citibank bank account in Boca Raton, Florida;
- b. EXPERTOS INC and EXPERTOS SA do not respect corporate formalities, as evidenced by:
  - i. sharing the same president and CEO -- SAVAGE,
  - ii. SAVAGE and EXPERTOS SA controlling and dominating EXPERTOS INC by determining the appointment of officers and directors, authorizing or approving their management decisions and coordinating efforts to violate the Federal Trade Commission Act and the Florida Unfair and Deceptive Trade Practices Act, and
  - iii. EXPERTOS INC conducts no business operations, other than to establish a Florida bank account “to facilitate payment so [SAVAGE] could receive dollars in payment” for business transacted by and through EXPERTOS SA -- EXPERTOS INC has no employees, and has no payroll. *March 29, 2017 Deposition of Michael Savage*, 26:22-28:2.
- c. EXPERTOS INC and EXPERTOS SA hold themselves out as a unified entity, as evidenced by:

- i. the contact email address for SAVAGE in his capacity as president and CEO of EXPERTOS SA is michael.savage@expertosvsa.com, which notably makes no distinction between EXPERTOS VSA, INC., and EXPERTOS VSA, SA, *see* <http://www.expertosvsa.com/en/contact-us.php>;
  - ii. Google searches reveal no website for EXPERTOS as separate and apart from EXPERTOS SA, *see* <http://www.expertosvsa.com>; and
  - iii. “SA” is the Spanish equivalent of “Inc.” in English. *March 29, 2017 Deposition of Michael Savage, 14:9-10.* Thus “EXPERTOS VSA, INC.” and “EXPERTOS VSA, SA” share the exact same name.
- d. EXPERTOS INC was formed for the purpose of advancing improper conduct, namely to funnel funds earned by illegal means overseas into the United States.
- i. As set out in the common allegations of paragraphs 6-21 above, EXPERTOS SA was engaged in violation of federal export laws, under the EAR, as well as violations of the Federal Trade Commission Act.
  - ii. EXPERTOS SA used its alter ego, EXPERTOS INC, to funnel monies earned from violations of the federal export laws, under the EAR, as well as violations of the Federal Trade Commission Act, into the United States and to its dominating corporate officer, SAVAGE. *March 29, 2017 Deposition of Michael Savage, 26:22-28:2.*

#### ***Reverse Veil Piercing Allegations***

41. In Florida, the veil-piercing doctrine is “equally available” in the reverse -- that is, to hold a corporation responsible for the personal debts of a shareholder or owner who organized

or used the corporation to deceive personal creditors. *See Braswell v. Ryan Invs., Ltd.*, 989 So. 2d 38, 39-40 (Fla. 3d DCA 2008) (recognizing the doctrine and collecting cases, although finding the doctrine inapplicable on the facts); *Estudios, Proyectos e Inversiones de Centro Am., S.A. v. Swiss Bank Corp. (Overseas) S.A.*, (“EPICA”), 507 So. 2d 1119, 1120-21 (Fla. 3d DCA 1987) (noting the remedy of piercing the corporate veil is “equally available” in the reverse and applying it for purposes of granting a pre-judgment writ of attachment).

42. Reverse veil-piercing allows this Court to exert personal jurisdiction over any Defendant to satisfy the debt of any corporate insider -- such as SAVAGE -- based on a showing that the entity is an alter ego of SAVAGE.

43. To prevail on a reverse veil piercing claim, the plaintiff must demonstrate that a controlling shareholder or owner “formed or used the corporation to secret assets and thereby avoid preexisting personal liability.” *EPICA*, 507 So. 2d at 1120.

44. Florida District Courts of Appeal have also permitted piercing of the corporate veil based on the actions of even a nonshareholder. *See Walton v. Tomax Corp.*, 632 So. 2d 178, 180-81 n.2 (Fla. 5th DCA 1994) (“It makes no difference that MaGuire himself was not a shareholder of the corporation, because if a corporate officer who is in control of a corporation personally utilizes its assets for payment of personal obligations and generally treats the corporation as a sham, he can be liable on an alter ego theory.”); *Seminole Boatyard, Inc., v. Christoph*, 715 So. 2d 987, 990 (Fla. 4th DCA 1998) (holding a president of the corporation liable).

45. EXPERTOS SA is the alter ego of SAVAGE, based on the following allegations:
- a. SAVAGE is the President and CEO of EXPERTOS SA.
  - b. SAVAGE was the founder and original 100% owner of EXPERTOS SA.

- c. On information and belief, despite SAVAGE'S claim to have divested two-thirds of his interest in EXPERTOS SA, SAVAGE retains actual control over 100% of the shares in EXPERTOS SA, as well as control over the direction of the corporation. SAVAGE receives funds personally for EXPERTOS SA and EXPERTOS INC, which are maintained or passed through a US bank account maintained at Citibank in Boca Raton, Florida for both EXPERTOS SA and EXPERTOS INC.
- d. The funds in this bank account belong to SAVAGE and EXPERTOS SA, but are intermingled together in a single account.
- e. The listed address for the principal place of business for EXPERTOS SA is 5a Avenida 15-45 Zona 10 Centro Empresarial Torre II, Oficinas 203 y 204, Guatemala, C.A. See <http://www.expertosvsa.com/en/contact-us.php>; *March 29, 2017 Deposition of Michael Savage*, 6:5-7.
- f. SAVAGE states that he resides in Guatemala 11 months out of every 12 (without his wife and family), and only 1 month in Florida, but does not know the residential address where he stays in Guatemala, only the business address, *supra*, for EXPERTOS SA. *March 29, 2017 Deposition of Michael Savage*, 5:18-6:22; 38:2-6.
- g. Upon information and belief, SAVAGE and/or EXPERTOS SA conduct business operations from locations in the United States (specifically Florida), Guatemala, Honduras, Ecuador, and possibly other foreign countries.

*Venue*

46. Venue is proper in Palm Beach County, Florida, as to EXPERTOS SA under Section 47.051, Fla. Stat., as it the county where its alter ego and/or agent usually keeps an office for the transaction of their its business, where said corporation has an agent or other representative, and/or where the cause of action accrued.

### COUNT I

#### Economic Damages Against Defendants due to Violation of Florida Unfair and Deceptive Trade Practices Act

47. Plaintiff hereby restates the allegations set forth in paragraphs 1 through 46 as if fully set forth herein and further alleges as follows:

48. Both BAKER and SAVAGE, individually and by and through EXPERTOS INC and EXPERTOS SA, have exported from the United States or re-exported VSA technologies either to or between various foreign locations including Mexico, Central America, South America and South Africa.

49. Upon information and belief, none of the Defendants named herein have received such US Government approved Export Licenses for the multiple sales they have made from the US to foreign countries and/or between foreign countries, and are knowingly and actively engaged in the commerce of selling US Government Export Controlled commodities to various foreign governments, foreign commercial entities, and foreign national end users who have not been properly scrutinized to be granted an Export License.

50. The Defendants actions are in violation of Federal export laws, under the EAR, as well as violations of the Federal Trade Commission Act 15 U.S.C. §§ 41 *et seq.*

51. The failure to comply with Federal Export Law and violation of the EAR, constitute an unfair and deceptive act and unfair practice under the Florida Deceptive and Unfair Trade Act.



52. Defendants' BAKER and SAVAGE, individually and by and through EXPERTOS INC and EXPERTOS SA, deliberate and knowing efforts to export, distribute and sell the DVSA/FVAS outside of the United States without a United States Government approved Export License, constitutes a violation of 15 CFR § 730-774 under the EAR, and constitutes a criminal conspiracy to violate federally promulgated export laws, regulations and directives.

53. Due to Defendants' unfair and deceptive actions in circumventing export licensing requirements, Defendants have been able to expeditiously enter foreign markets to the competitive disadvantage and economic damage of NFS.

54. Due to Defendants' unfair and deceptive actions in circumventing export licensing requirements, NFS has lost numerous sales to BAKER and/or SAVAGE by and through EXPERTOS INC/EXPERTOS SA.

55. NFS's damages are directly proximate to Defendants' violation of the Federal Trade Commission Act 15 U.S.C. Section 41 *et seq.*, and the Florida Unfair and Deceptive Trade Practices Act, Florida Statute 501.201 *et seq.*, and specifically 501.211 of the Florida Statutes.

56. NFS is entitled to an award of attorney fees and costs associated with the bringing of this action pursuant to the Federal Trade Commission Act 15 U.S.C. Section 41 *et seq.*, and Section 501.2105 of the Florida Statutes.

**WHEREFORE**, NFS respectfully requests that this Honorable Court:

A. Enter a money judgment of \$1,000,000 against Defendants or an amount equal to the actual damages suffered by Plaintiff by reason of the violations alleged above, pursuant to the Federal Trade Commission Act 15 U.S.C. Section 41 *et seq.*, and Section 501.211 of the Florida Statutes;

B. Enter an order requiring Defendants to pay Plaintiff's costs and reasonable attorney's fees pursuant to the Federal Trade Commission Act 15 U.S.C. Section 41 *et seq.*, and Section 501.2105 of the Florida Statutes; and

C. Direct any and all further relief this court deems just and equitable.

**COUNT II**

**Injunctive and Equitable Relief Against All Defendants**

57. Plaintiff restates the allegations contained in paragraphs 1 through 46 and further states:

58. As alleged herein, Defendants have engaged in a continuous course of violation of 15 CFR § 730-774 under the EAR and Federal Trade Commission Regulations.

59. Defendants will continue to violate 15 CFR § 730-774 under the EAR and Federal Trade Commission Regulations causing irreparable harm to Plaintiff, the public, United States national security, and efforts by various foreign governments to combat criminal enterprises by supplying unscreened end users with technology that can be used to thwart law enforcement, military and/or national security efforts unless enjoined.

60. Plaintiff does not possess an adequate remedy at law to prevent Defendants' conduct as alleged herein from continuing.

61. Plaintiff has a clear right to its request for injunctive relief and the public interest will be served as Plaintiff seeks to prevent continuing violations 15 CFR § 730-774 under the EAR and of the Federal Trade Commission Export Regulations which directly damage Plaintiff, the public and others.

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court:

A. Grant a temporary and permanent injunction against Defendants BAKER, EXPERTOS INC, EXPERTOS SA, and SAVAGE, enjoining the Defendants from exporting, demonstrating or selling its DVSA/FVAS product to foreign customers or potential customers both inside and outside the United States without a United States Government approved export license;

B. Enter an Order awarding Plaintiff costs and reasonable attorney's fees pursuant to the Federal Trade Commission Act 15 U.S.C. Section 41 *et seq.*, and Section 501.2105 of the Florida Statutes;

C. Order Dissolution of EXPERTOS VSA, INC.;

D. Order Disgorgement of any and all monies received by Defendants' in connection their violations of Federal Trade Commission Act 15 U.S.C. Section 41 *et seq.*, and Section 501.201 of the Florida Statutes; and

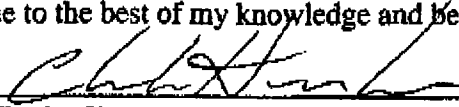
E. Direct any and all further relief this Court deems just and equitable.

**DEMAND FOR JURY TRIAL**

Trial by jury is hereby demanded on each and every count so triable before a jury contained herein.

**VERIFICATION**

Under penalties of perjury, I declare that I have read the foregoing Verified Amended Complaint and that the facts stated in it are true to the best of my knowledge and belief.

  
Charles Humble, Managing Member  
NITV Federal Services, LLC

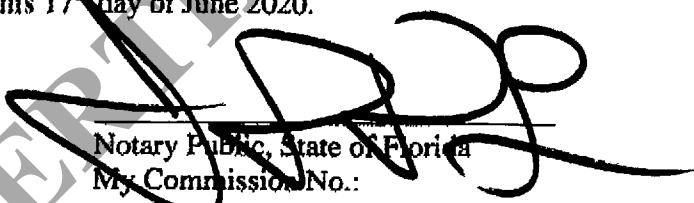
STATE OF FLORIDA  
COUNTY OF PALM BEACH

**I HEREBY CERTIFY** that the foregoing instrument was acknowledged before me on this date by Charles Humble, who is personally known to me, and who did take an oath, and states that he executed the foregoing Verified Amended Complaint and it is true to the best of his knowledge and belief.

Sworn to and Subscribed before me this 17<sup>th</sup> day of June 2020.



**James D'Loughy**  
Comm. #GG363217  
Expires: August 11, 2023  
Bonded Thru Aaron Notary

  
\_\_\_\_\_  
Notary Public, State of Florida  
My Commission No.:  
My Commission Expires:

NOT A CERTIFIED COPY

Respectfully submitted,

By: /s/ James D'Loughy  
James D'Loughy, Esquire  
Florida Bar No.: 052700  
ADVISORLAW PLLC  
2925 PGA Boulevard, Suite 204  
Palm Beach Gardens, Florida 33410  
Email: [jd'loughy@advisorlaw.com](mailto:jd'loughy@advisorlaw.com)  
Tel.: 561-622-7788  
Fax: 800-734-5289  
*Attorney for Plaintiff*

NOT A CERTIFIED COPY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via electronic mail this 17<sup>th</sup> day of June 2020 to: **Scott W. Zappolo, Esq.**, [szappolo@zappolofarwell.com](mailto:szappolo@zappolofarwell.com), **Jeffrey G. Farwell, Esq.**, [jfarwell@zappolofarwell.com](mailto:jfarwell@zappolofarwell.com), Zappolo & Farwell, P.A., 7108 Fairway Drive, Suite 150, Palm Beach Gardens, Florida, 33418.

By: /s/ James D'Loughy  
James D'Loughy, Esquire

NOT A CERTIFIED COPY