

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

NITV Federal Services, LLC
a Florida limited liability company
Plaintiff,

Case No.

vs.

Elwood Gary Baker, an individual
d/b/a Baker Group International,

and,

Expertos VSA, Inc.,
a Florida Corporation, and

and,

Michael Savage, an Individual

Defendants.

COMPLAINT

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

COMMON ALLEGATIONS, JURISDICTION AND VENUE

1. This is an action for damages in excess of \$15,000.00, exclusive of interest, costs and attorney's fees and for equitable and injunctive relief pursuant to Florida Statute 501.201, et. seq. and is thus, within the jurisdiction of this Court.

2. NFS is a Florida limited liability company with principal place of business in Palm Beach County, Florida. 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.
3. 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.
4. BAKER operates under the fictitious name “Baker Group International”. BAKER’s principal place of business is in Brevard County, Florida.
5. EXPERTOS is a Florida corporation with principal place of business in Palm Beach County, Florida and is the business affiliate of BAKER in Mexico, Latin America, South America and South Africa.
6. 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, Latin 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.
7. MICHAEL SAVAGE and/or EXPERTOS markets and sells the DVSA/FVAS to end users in Mexico, Latin America, South America and South Africa.
8. The funds received by SAVAGE and/or EXPERTOS are maintained or pass through a US bank account maintained at Citibank.

9. Upon information and belief, SAVAGE and/or EXPERTOS conducts business operations from locations in both the US, Guatemala and possibly other foreign countries.

10. 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.

11. 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 systems are specifically identified as a commodity requiring an Export License in the EAR "Commodity Control List" under Export Control Classification Numbers (ECCN) 3A980 and 3D980. The Commodity Control List can be found in Supplement 1, 15 CFR § 774.

12. 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.

13. Under 15 CFR § 730-774 et. seq. the export of voice stress analysis software or systems from the US requires the exporting party to apply for and receive an export license for each individual sale in order to legally do so.

14. The EAR (15 CFR § 730-774) 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.

15. BAKER 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 Bureau of Industry and Security (BIS) under the Export Administration Regulations (EAR), 15 CFR § 730-774.

16. 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.

COUNT I

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

17. Plaintiff hereby restates the allegations set forth in Paragraphs 1 through 16 as if fully set forth and further alleges as follows:

18. Upon information and belief both BAKER and SAVAGE have exported from the United States or re-exported VSA technologies either to or between various foreign locations including Mexico, Latin America, South America and South Africa.

19. 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.

20. The Defendants actions are in violation of Federal export laws 15 CFR § 730-774 under the EAR, as well as violations of the Federal Trade Commission Act 15 U.S.C. §§ 41 et. seq. Violations of the EAR are punishable with severe sanctions, including criminal and civil penalties.

21. Defendants' BAKER and SAVAGE/EXPERTOS 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 conspiracy to violate federally promulgated export laws, regulations and directives.

22. Upon information and belief, Defendants' deliberate actions in circumventing export license requirements have allowed Defendants to expeditiously enter foreign markets to the disadvantage of NFS.

23. Upon information and belief, BAKER through its affiliate EXPERTOS/SAVAGE currently sells or markets the DVSA/FVAs through various other affiliates to end users in Mexico and other Latin American and South American countries as well as South Africa.

24. NFS applies for and obtains Export Licenses for foreign sales of its CVSA product as required by US law, which is a burdensome and time-consuming process, and because NFS adheres to US Export requirements, it has lost numerous sales to BAKER and/or EXPERTOS/SAVAGE.

25. As part of their efforts to undercut NFS sales in foreign countries, EXPERTOS/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.

26. NFS is unable to compete head to head with BAKER and/or EXPERTOS due to BAKER'S and EXPERTOS' circumvention of Federal Laws, Regulations, Directives and related reporting requirements.

27. NFS's damages are directly proximate to Defendants' violation of the Federal Trade Commission Act 15 U.S.C. Section 41 et seq.

28. 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 Plaintiffs' 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. Direct any and all further relief this court deems just and equitable.

COUNT II

Injunctive and Equitable Relief Against All Defendants

29. Plaintiff restates the allegations contained in Paragraphs 1 through 16 and further states:

30. 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.

31. 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.

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

33. 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:

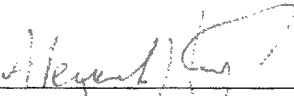
- A. Grant a temporary and permanent injunction against Defendants BAKER, EXPERTOS and SAVAGE, enjoining the Defendants from exporting, demonstrating or selling its DVSA/FVAS product to foreign customers or potential customers both inside and outside the United States without a United States Government 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, LLC;
- 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;
- E. Direct any and all further relief this Court deems just and equitable.

JURY DEMAND

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

Kranz Law Firm, PA
6650 West Indiantown Road
Suite 200
Jupiter, FL 33458-4606
Phone: (561) 242-1999
Fax: (866) 610-7583
Email: ajkranz@msn.com

By: 
ALEXANDER J. KRANZ, ESQ.
Florida Bar No. 977284