

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FEDERAL TRADE COMMISSION,

The Commission,

v.

GLOBAL ACCESS TECHNICAL SUPPORT LLC,
also d/b/a Global S Connect, Yubdata Tech, and
Technolive, a Missouri limited liability company, *et*
al.,

Defendants.

Case No. 4:16-cv-01556-HEA

Judge Henry E. Autrey

**DEFAULT JUDGMENT AND ORDER FOR PERMANENT INJUNCTION
AND OTHER EQUITABLE RELIEF AGAINST DEFENDANTS
GLOBAL SMIND LLC, NEERAJ DUBEY, AND VGLOBAL ITES PRIVATE LIMITED**

The Federal Trade Commission (“Commission” or “FTC”) filed its Complaint for Permanent Injunction and Other Equitable Relief, subsequently amended as Amended Complaint for Permanent Injunction and Other Equitable Relief (“Complaint”), pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b).

The FTC now having filed its Motion for Entry of Default Judgment and Order for Permanent Injunction and Other Equitable Relief Against Defendants Global sMind LLC, Neeraj Dubey, and VGlobal ITES Private Limited (“Default Defendants”), and the Court having considered FTC’s Motion and the entire record in this matter, FTC’s Motion is hereby granted, and **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

FINDINGS

1. This Court has jurisdiction over this matter.

2. The Commission's First Amended Complaint states claims upon which relief may be granted under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b).

3. Venue in the United States District Court for the Eastern District of Missouri is proper pursuant to 28 U.S.C. § 1391(b)(2)-(3), (c)(1)-(3), and (d), and 15 U.S.C. § 53(b).

4. The activities of Defendants are "in or affecting commerce" as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

5. Default Defendants were properly served with process in this matter, pursuant to Federal Rule of Civil Procedure 4 and Article 5 of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. Default Defendants thereafter failed to file any responsive pleading as required by Federal Rule of Civil Procedure 12(a). The Clerk entered defaults by Orders dated June 7, 2017 and July 6, 2017. (Dkts. 103 and 106). The Commission is entitled to a default judgment pursuant to Federal Rule of Civil Procedure 55(b), as to Default Defendants.

6. Because of Default Defendants' default, the factual allegations in the Complaint are taken as true. Based on these facts, the Court finds that Default Defendants, in connection with the marketing, offering for sale, or selling of computer security and technical support services, in numerous instances:

a. misrepresented that they were part of or affiliated with well-known U.S. technology companies, such as Microsoft or Apple, or were certified or authorized by these companies to service their product, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a); and

b. misrepresented that they had detected security or performance issues on consumers' computers, including viruses, spyware, malware, or the presence of hackers in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

7. Default Defendants are likely to continue to engage in the acts and practices alleged in the Complaint unless they are permanently enjoined from such acts and practices.

8. The Court finds that the appropriate amount of equitable monetary relief to enter against Defendants Global sMind LLC, Neeraj Dubey and VGlobal ITES Private Limited is Five Million, One Hundred Fifty Thousand, Five Hundred Six Dollars (\$5,150,506).

10. This Default Judgment and Order for Permanent Injunction and Other Equitable Relief against Default Defendants ("Order") is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law.

11. Entry of this Order is in the public interest.

DEFINITIONS

For the purpose of this Order, the following definitions shall apply:

1. **"Individual Defendants"** means Rajiv Chhatwal, Rupinder Kaur, Neeraj Dubey, and Harinder Singh, and by whatever other names each may be known.

2. **"Corporate Defendants"** means Global Access Technical Support LLC, a Missouri limited liability company, Global sMind LLC, a Missouri limited liability company, Source Pundit LLC, a Missouri limited liability company, Helios Digital Media LLC, a Missouri limited liability company, DigiCare Desk LLC, a Missouri limited liability company, VGlobal ITES Private Limited, an Indian company, and their successors and assigns, as well as any subsidiaries, and any fictitious business entities or business names created or used by these entities, or any of them.

3. **“Defendant(s)”** means all of the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination.

4. **“Default Defendants”** means Global sMind LLC, Neeraj Dubey, and VGlobal ITES Private Limited.

5. **“Default Corporate Defendants”** means Global sMind LLC and VGlobal ITES Private Limited.

6. **“Default Individual Defendant”** means Neeraj Dubey.

7. **“Tech Support Product or Service”** includes any plan, program or software, marketed to repair, maintain or improve a computer’s performance or security, including registry cleaners, anti-virus programs, anti-malware programs, fire wall programs, and computer or software diagnostic services.

SECTION I: BAN ON TECH SUPPORT PRODUCTS AND SERVICES

IT IS ORDERED that Default Defendants are permanently restrained and enjoined from:

A. Advertising, marketing, promoting, offering for sale, selling, or providing any Tech Support Product or Service; and

B. Assisting or providing consulting services for others engaged in, or receiving any proceeds from, advertising, marketing, promoting, offering for sale, selling or providing any Tech Support Product or Service.

SECTION II: PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that Default Defendants, their officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection

with the advertising, marketing, promoting, offering for sale, sale, or selling of any good or service, are permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication:

A. That Default Defendants are part of, certified or authorized by, affiliated with, or acting on behalf of any entity; and

B. Any other fact material to consumers concerning any good or service, such as: the total costs; any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy, nature, or central characteristics.

SECTION III: MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. A judgment in the amount of **Five Million, One Hundred Fifty Thousand, Five Hundred Six Dollars (\$5,150,506)**, is entered in favor of the Commission against Default Defendants Global sMind LLC, Neeraj Dubey and VGlobal ITES Private Limited, jointly and severally, as equitable monetary relief.

B. Defendants Global sMind LLC, Neeraj Dubey, and VGlobal ITES Private Limited are ordered to pay \$5,150,506, less any amounts paid by any other Defendants that would result in total payments to the Commission exceeding \$5,150,506 (which represents the consumer injury caused by the conduct alleged in the Complaint). Such payment must be made within 7 days of entry of this Order by electronic funds transfer in accordance with instructions provided by a representative of the Commission.

C. All money paid to the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee on behalf of the Commission. This fund shall be used for equitable relief, including consumer redress and any attendant expenses for the

administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Commission may apply any remaining money for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Default Defendants have no right to challenge any actions the Commission or its representatives may take pursuant to this Subsection.

SECTION IV: LIFTING OF ASSET FREEZE

IT IS FURTHER ORDERED that the freeze on the assets of Default Defendants shall remain in effect until the Commission has received the total amount required by Section III.B above, provided, however, that Default Defendants may transfer funds to the extent necessary to make the payment required by Section III.B. Upon payment to the Commission of the total amount required by Section III.B above, the freeze against the assets of Default Defendants shall be lifted permanently.

SECTION V: CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Default Defendants, their officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, are permanently restrained and enjoined from directly or indirectly:

A. Failing to provide sufficient customer information to enable the Commission to administer efficiently consumer redress. If a representative of the Commission requests in writing any information related to redress, Default Defendants must provide it, in the form

prescribed by the Commission, within fourteen (14) days.

B. Disclosing, using, or benefiting from customer information, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a customer's account (including a credit card, bank account, or other financial account), that Default Defendants obtained prior to entry of this Order, in connection with activities alleged in the Commission's Complaint.

C. Failing to destroy such customer information in all forms in their possession, custody, or control within thirty (30) days after receipt of written direction to do so from a representative of the Commission.

Provided, however, that customer information need not be destroyed, and may be disclosed, to the extent requested by a government agency or required by law, regulation, or court order.

SECTION VI: PROHIBITION AGAINST COLLECTING ON ACCOUNTS

IT IS FURTHER ORDERED that Default Defendants, their officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from attempting to collect, collecting, or assigning any right to collect payment from any consumer who purchased or agreed to purchase any credit card interest rate reduction product or service from any Defendant.

SECTION VII: COOPERATION WITH THE RECEIVER

IT IS FURTHER ORDERED that Default Defendants, their officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, shall fully

cooperate with and assist the Receiver. This cooperation and assistance shall include, but not be limited to providing any information to the Receiver that is reasonably necessary to enable the Receiver to exercise its authority and discharge its responsibilities under this Order.

SECTION VIII: RECEIVERSHIP TERMINATION

IT IS FURTHER ORDERED that the appointment of the Receiver over Default Defendant Global sMind pursuant to the Preliminary Injunction previously entered against it on October 28, 2016, is hereby continued as modified by this Section.

A. The Receiver is directed and authorized to accomplish the following within ninety (90) days after entry of this Order, but any party or the Receiver may request that the Court extend the Receiver's term for good cause:

1. Complete the process of taking custody, control, and possession of all assets of Default Defendant Global sMind, pursuant to Section VII.B of the Preliminary Injunction;
2. Complete the liquidation of all assets of Default Defendant Global sMind without further order of the Court;
3. Prepare and submit a report describing the Receiver's activities pursuant to this Order, and a final application for compensation and expenses; and
4. Distribute to The Commission any remaining liquid assets at the conclusion of the Receiver's duties.

B. Upon completion of the above tasks, the duties of the receivership as to Default Defendant Global sMind shall terminate.

SECTION IX: ORDER ACKNOWLEDGEMENTS

IT IS FURTHER ORDERED that Default Defendants obtain acknowledgments of

receipt of this Order:

A. Each Default Defendant, within 7 days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 5 years after entry of this Order, the Default Individual Defendant for any business that such Defendant, individually or collectively with any other Defendants, is the majority owner or controls directly or indirectly, and each Default Corporate Defendant, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which a Default Defendant delivered a copy of this Order, that Defaulting Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

SECTION X: COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Default Defendants make timely submissions to the Commission:

A. One year after entry of this Order, each Default Defendant must submit a compliance report sworn under penalty of perjury.

1. Each Default Defendant must:

a. Identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may

use to communicate with such Default Defendant;

b. Identify all of that Default Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;

c. Describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant (which an Individual Defendant must describe if such Individual Defendant knows or should know due to such Individual Defendant's own involvement);

d. Describe in detail whether and how that Default Defendant is in compliance with each Section of this Order; and

e. Provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission;

2. Additionally, the Default Individual Defendant must:

a. Identify all telephone numbers and all physical, postal, email and Internet addresses, including all residences;

b. Identify all business activities, including any business for which such Defendant performs services whether as an employee or otherwise and any entity in which such Defendant has any ownership interest; and

c. Describe in detail such Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

B. For twenty (20) years after entry of this Order, each Default Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

1. Each Default Defendant must report any change in:

- a. Any designated point of contact; or
- b. The structure of any Corporate Defendant or any entity that such

Default Defendant has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

2. Additionally, the Default Individual Defendant must report any change in:

- a. Name, including aliases or fictitious name, or residence address; or
- b. Title or role in any business activity, including any business for

which such Defendant performs services whether as an employee or otherwise and any entity in which such Defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

C. Each Default Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or any similar proceeding by or against such Defendant within 14 days of its filing.

D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: _____” and supplying the date, signatory’s full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or

sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: *FTC v. Global Access Technical Support LLC, et al.* (X170001).

SECTION XI: RECORDKEEPING

IT IS FURTHER ORDERED that Default Defendants must create certain records for 20 years after entry of the Order, and retain each such record for five (5) years. Specifically, each Default Corporate Defendant and the Default Individual Defendant for any business that such Defendant, individually or collectively with any other Defendant, is a majority owner or controls directly or indirectly, must create and maintain the following records:

- A. Accounting records showing the revenues from all goods or services sold.
- B. Personnel records showing, for each person providing services, whether as an employee or otherwise, that person's: name, addresses, and telephone numbers; job title or position; dates of service; and, if applicable, the reason for termination.
- C. Records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response.
- D. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission.
- E. A copy of each unique advertisement or other marketing material.

SECTION XII: COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring Default Defendants' compliance with this Order, including any failure to transfer any assets as required by this Order:

- A. Within 14 days of receipt of a written request from a representative of any the

Commission, each Default Defendant must submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

B. For matters concerning this Order, the Commission is authorized to communicate directly with each Default Defendant. Default Defendants must permit representatives of Plaintiffs to interview any employee or other person affiliated with any Defendant who has agreed to such an interview. The person interviewed may have counsel present.

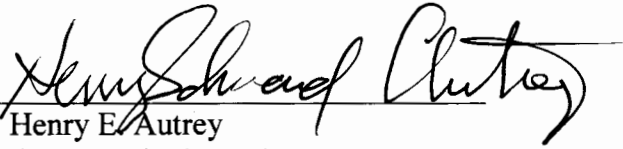
C. The Commission may use all other lawful means, including posing, through its representatives, as consumers, suppliers, or other individuals or entities, to Default Defendants or any individual or entity affiliated with Default Defendants, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

D. Upon written request from a representative of the Commission, any consumer reporting agency must furnish consumer reports concerning Default Individual Defendant, pursuant to Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1).

SECTION XIII: RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

SO ORDERED, this 27th day of July, 2017.



Hon. Henry E. Autrey
United States District Judge
Eastern District of Missouri