

Greenberg Traurig

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July 8, 2005

BY HAND DELIVERY

Clerk, Superior Court of New Jersey
Chancery Division, General Equity Part
3rd Floor – Civil Counter
Somerset County Courthouse
20 N. Bridge Street
Somerville, New Jersey 08876-1262

**Re: Cellco Partnership
d/b/a Verizon Wireless
v. Source Resources, et. als.**

Dear Madam/Sir:

Enclosed for filing are an original and three (3) copies of a Complaint to commence an action in the Chancery Division, General Equity Part. Please file the original and return copies of the extras stamped "filed", to our awaiting messenger. Please charge any filing fee to our Superior Court Account No. 141185. Your cooperation and courtesies are, as always, greatly appreciated.

Very truly yours,



IAN S. MARX

ISM:jb
Enclosures

ALBANY
AMSTERDAM
ATLANTA
BOCA RATON
BOSTON
CHICAGO
DALLAS
DENVER
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TALLAHASSEE
TYSONS CORNER
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WILMINGTON
ZURICH

Clerk, Somerset County Courthouse
July 8, 2005
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bcc: Leigh Schachter, Esq. (w/Encl.) (by PDF)
Philip R. Sellinger, Esq. (w/Encl.)

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Wireless

CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS,

Plaintiff,

v.

SOURCE RESOURCES, DAN EALEY,
JOHN DOES 1-10 and XYZ Corps. 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION:
GENERAL EQUITY PART
SOMERSET COUNTY

DOCKET NO.:

Civil Action

COMPLAINT

Plaintiff Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”), by and through its undersigned counsel, as and for its Complaint against defendants Source Resources, Inc. (“Source Resources”), Dan Ealey, John Does 1-10 and XYZ Corps. 1-10 (collectively, “Defendants”), alleges as follows:

SUMMARY AND NATURE OF THE ACTION

1. Verizon Wireless is a leading provider of wireless communications, with more than 45 million customers. Verizon Wireless provides these customers with the highest level of customer service by employing more than 15,000 customer service representatives (“CSRs”) who are available by telephone to field inquiries from customers.

2. Verizon Wireless goes to great lengths to ensure that information regarding its customers, including information concerning customers’ use of their service, is maintained in

confidence by its CSRs. Verizon Wireless provides its CSRs with extensive training and with detailed instructions concerning the importance and need for customer privacy.

3. Defendant Source Resources is engaged in wrongfully obtaining confidential customer information from Verizon Wireless by deceiving Verizon Wireless's CSRs to disclose customer information (such as the customer's calling records) that would otherwise be kept confidential, absent a valid subpoena or other judicial process, by posing as a customer of Verizon Wireless seeking information about his or her own account.

4. Source Resources' actions invade the privacy of Verizon Wireless's customers and erode the reputation of Verizon Wireless and its hard-earned relationship with its customers.

5. Verizon Wireless thus brings this case: (a) to obtain preliminary and permanent injunctive relief to stop Source Resources from engaging in further improper conduct that threatens Verizon Wireless and its customers with immediate, irreparable harm; (b) to compensate Verizon Wireless for the damages caused by Source Resources' wrongful conduct; and (c) to obtain such other and further relief as the Court deems equitable and appropriate.

THE PARTIES

6. Verizon Wireless is a Delaware general partnership with its principal place of business at 180 Washington Valley Road, Bedminster, New Jersey.

7. Defendant Source Resources is a corporate entity with its principal place of business at 440 West Third Street, Cookeville, Tennessee. Defendant Source Resources provides "investigative services" that are advertised on a web site promising that, among other information, it can obtain wireless telephone records and other confidential customer information. As described below, Defendant Source Resources has, through deceit, trickery and dishonesty, obtained Verizon Wireless's private customer information and received proceeds from the sale of such information.

8. Defendant Dan Ealey is, upon information and belief, the principal of Source Resources, with a business address at 440 West Third Street, Cookeville, Tennessee.

9. Defendants John Does 1-10, whose identities and addresses are presently unknown to Verizon Wireless, are individuals who, upon information and belief, have illicitly obtained and disseminated Verizon Wireless's private customer information and/or have received proceeds from the sale of such information.

10. Defendants XYZ Corporations 1-10, whose identities and addresses are presently unknown to Verizon Wireless, are corporate entities that, upon information and belief, have illicitly obtained and disseminated Verizon Wireless's private customer information and/or have received proceeds from the sale of such information.

11. All of the Defendants identified in the preceding paragraphs may be referred to herein, collectively, as "Defendants".

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

Verizon Wireless

12. Verizon Wireless is a leading provider of wireless communications. It has more than 45 million customers and more than 51,000 employees.

13. Verizon Wireless's customer service network of CSRs may be accessed by Verizon Wireless customers by calling an 800 number or *611 from a wireless phone. Verizon Wireless's CSRs work directly with Verizon Wireless's customers and are dedicated to providing world-class customer service by answering questions and resolving customer issues quickly and accurately. All newly hired Verizon Wireless CSRs receive four to six weeks of training, which includes training regarding customer privacy issues.

14. The wireless phone service industry is very competitive; thus, maintaining customer satisfaction levels is of vital importance in allowing Verizon Wireless to maintain its

preeminence in the market. Having CSRs available by phone to address customer inquiries is an important component of Verizon Wireless's commitment to providing customers the highest level of satisfaction.

Verizon Wireless's Commitment to Confidentiality

15. In its customer contracts, Verizon Wireless commits that it will not share personal information about the customer without his or her permission, except under limited circumstances such as the receipt of legal process requiring the production of such information.

16. Verizon Wireless also must comply with federal law, including 47 U.S.C. §222, which requires it to maintain the privacy of customer proprietary network information.

17. Verizon Wireless requires its CSRs to abide by a Code of Business Conduct, which emphasizes the importance of maintaining the confidentiality of its customers' information. Among other things, it provides that:

(a) Company records of customer information may be disclosed outside the Company only with the customer's consent, in accordance with Company procedures or lawful process such as a subpoena, court order or search warrant;

(b) Information relating to a specific customer or to customers in general, such as customer names, customer contacts, terms of customer contracts, customer proposals, types, locations and quantities of service, calling patterns and billing information must not be disclosed without proper legal process or used for non-business purposes; and

(c) A customer service representative may not access or disclose customer information unless there is a proper business reason or legal process, or give a customer's personal information to a third party without appropriate authorization from the customer in compliance with Company guidelines.

The General Success of Verizon Wireless's CSRs

18. Verizon Wireless's success in setting the standard in customer service for the wireless industry has been recognized by industry organizations and publications. In 2005 alone, Verizon Wireless received the following accolades:

- (a) For the second consecutive year, Verizon Wireless ranked highest among U.S. wireless service providers for customer satisfaction, based on the latest American Customer Satisfaction Index (ACSI). ACSI is a national economic indicator of customer evaluations of the quality of products and services available to household consumers in the United States;
- (b) Verizon Wireless scored an "A" in caller satisfaction in Vocal Laboratories' Q1 2005 SectorPulse Wireless Report, leading all national wireless carriers; and
- (c) According to the Federal Communications Commission, Verizon Wireless had the lowest rate of complaints, with 1.4 per 100,000 customers in the fourth quarter of 2004.

The Defendants' Fraudulent Procurement of Private Customer Information

19. Despite the precautions taken by Verizon Wireless to preserve the confidentiality of its customers' information while at the same time making its CSRs available to speak with customers to resolve their inquiries, there are people and entities such as defendant Source Resources, who, as described below, use deceit, trickery and dishonesty to obtain private customer information from Verizon Wireless's CSRs.

20. Source Resources advertises over the Internet that it is capable, for a fee, of obtaining private information, such as cell phone records. Annexed hereto as Exhibit A is a true and correct copy of pages printed from the Internet website of Source Resources (<http://www.sourceresources.com/>) on July 7, 2005.

21. As can be readily seen, Source Resources advertises that it is able to provide three "services" in obtaining private and confidential information regarding wireless telephone users:

CELL: CELLULAR NUMBER BREAK. Provides registered name and address of the cellular subscriber. Information required: cellular number. Turnaround time: 1-3 business days if ordered by 11:00 a.m. (CST).

Price ----- \$85.00

CELLA: CELL ACQUISITION. Provides subjects cell number. Information required: name, SSN, and address. Turnaround time: 1-3 business days if ordered by 11:00 a.m. (CST).

Price ----- \$85.00

* * *

CELL CALL INFORMATION. Provides the number called and the date of call for a specific 30-day billing period. Information required: number, address, SSN, and name on account. Can go Back 3 to 6 months. Turnaround time: 4-7 business days.

First 30-day billing period up to 100 calls ----- \$150.00

Additional billing periods ordered with 1st billing period -- \$100.00 ea. NOTE: Please call 800-678-8774 to get pricing and details on billing periods with high activity over 100 calls, if

needed.

See Ex. A.

22. As previously described, there is no way that Source Resources could obtain from a Verizon Wireless CSR the confidential customer information and records that it advertises it will obtain, absent a duly issued subpoena, unless Source Resources engages in surreptitious, unlawful conduct, designed to circumvent Verizon Wireless's policies that require such information and records to be kept confidential by its CSRs.

23. Upon information and belief, Source Resources accomplishes its wrongful acquisition of confidential customer information as follows: When a customer contacts Source Resources and requests confidential customer information, such as the identity, phone number or calling records of a Verizon Wireless customer (the "Target"), a representative of Source Resources: (a) dishonestly poses as the Target; (b) engages a Verizon Wireless CSR in a conversation by calling the customer service numbers provided to its legitimate customers; and (c) persuades the CSR that he or she is actually the Target, frequently by supplying the CSR with other information wrongfully obtained about the Target (such as the Target's social security number, maiden name or address). Thus, Source Resources obtains the Target's customer information by deceiving the CSR.

24. By way of representative example, upon information and belief, in or about the first half of 2004, Richard Childs, an "investigative" accountant from Westfield, New Jersey, engaged Source Resources to obtain the cellular telephone records of two Verizon Wireless customers.

25. Verizon Wireless's customers learned that Source Resources had surreptitiously obtained their confidential information from a Verizon Wireless CSR when the phone records were used in a litigation in which they were involved.

26. Following that incident, in or about late February 2005, upon information and belief, Source Resources was engaged over the Internet by an individual seeking to obtain calling records of a Verizon Wireless customer, regarding outgoing calls made by the customer during the January 2005 billing cycle. Again, the Source Resources representative made numerous contacts to Verizon Wireless's CSRs in an attempt to deceive a CSR into providing the confidential customer information, which the representative ultimately was able to obtain by posing as the "customer" whose information he was attempting to procure. Annexed hereto as Exhibit B is a true and correct copy of Source Resource's correspondence transmitting on or about February 21, 2005 the confidential calling records it wrongfully obtained.

27. Source Resources continues to advertise its services over the Internet and, unless it is immediately restrained and enjoined from doing so, it will continue to engage in the wrongful conduct to the extreme detriment of Verizon Wireless and its customers.

28. Moreover, upon information and belief, "investigators" such as Richard Childs, and others who engage in the same practice (such as Defendants John Does and XYZ Corps.), will continue to collaborate with Source Resources to wrongfully obtain confidential calling records and information to which they are not entitled, to the extreme detriment of Verizon Wireless and its customers.

The Harm to Verizon Wireless and Its Customers

29. Verizon Wireless is severely harmed in a number of ways by Source Resources' unscrupulous practices pursuant to which Verizon Wireless's CSRs have been duped into providing information to unauthorized individuals, including the following:

(a) Verizon Wireless's reputation has been irreparably harmed and the goodwill associated with it has been tarnished to a degree and extent that is incalculable;

(b) Verizon Wireless's customers whose information has wrongfully been obtained by Source Resources have blamed Verizon Wireless, thereby endangering its relationships with its customers; and

(c) Verizon Wireless's reputation is being irreparably harmed and its goodwill irreparably damaged by Defendants' wrongful and fraudulent assertions over the Internet that they can readily obtain information and records from providers such as Verizon Wireless, which is contrary to Verizon Wireless's promise to keep such information private.

COUNT ONE
(Fraud)

30. Verizon Wireless hereby incorporates by reference and realleges each and every allegation of the prior paragraphs of the Complaint as if set forth completely herein.

31. In or about late February, 2005, a representative of Source Resources made several phone calls to Verizon Wireless's CSRs during which he falsely:

(a) identified himself as a Verizon Wireless customer;

(b) provided the CSR with wrongfully-obtained personal information requested about the customer to verify his alleged “identity”; and

(c) requested that he be provided with the records of “his” outgoing calls for the January 2005 billing cycle.

32. In reliance upon the foregoing representations, all of which were false when they were made, the CSR released the customer’s call records to Source Resources, which were then provided on or about February 21, 2005 to Source Resource’s customer, who paid Source Resources a fee.

33. Upon information and belief, Source Resources has engaged in similar conduct on numerous other occasions and it advertises such services on the Internet.

34. In engaging in the foregoing conduct, Defendants have made false representations to Verizon Wireless, including that they were actual Verizon Wireless customers authorized to obtain private customer information regarding their account from Verizon Wireless.

35. The foregoing misrepresentations were made with the intention of deceiving Verizon Wireless’s CSRs into believing that Defendants were actual Verizon Wireless customers inquiring about their accounts.

36. Verizon Wireless’s CSRs relied upon the foregoing false representations to their detriment because Verizon Wireless disclosed private customer information to Defendants who were not authorized to receive such information.

37. Defendants communicated the foregoing false representations to Verizon Wireless with the specific intention that Verizon Wireless would rely upon such misrepresentations and would act to its detriment in reliance thereon.

38. Verizon Wireless has acted upon the foregoing false representations and has been irreparably harmed and damaged thereby.

COUNT TWO
(Conversion)

39. Verizon Wireless hereby incorporates by reference and realleges each and every allegation of the prior paragraphs of the Complaint as if set forth completely herein.

40. Defendants have received and are in possession of Verizon Wireless customer information to which they are not entitled.

41. Defendants have exercised dominion and control over such information thereby depriving Verizon Wireless of its ownership interest.

42. Such actions constitute the conversion of funds and property rightfully belonging to Verizon Wireless.

43. As a direct and proximate result of Defendants' conduct, Verizon Wireless has suffered irreparable harm and damages in an amount to be proved at trial.

COUNT THREE
(Civil Conspiracy)

44. Verizon Wireless hereby incorporates by reference and realleges each and every allegation of the prior paragraphs of the Complaint as if set forth completely herein.

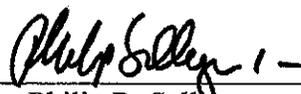
45. Upon information and belief, in connection with the foregoing actions, Defendants and their customers have entered into an agreement or confederation with a common design to engage in an unlawful purpose of obtaining confidential Verizon Wireless customer information, to be achieved by unlawful means, which has caused Verizon Wireless to suffer special damages.

46. In engaging in the foregoing conduct, one or more of Defendants have engaged in overt acts in furtherance of the conspiracy, which have been the proximate cause of damage to Verizon Wireless's rights.

WHEREFORE, Verizon demands the entry of a judgment:

1. That Defendants and any of their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them, be preliminarily and thereafter permanently enjoined from any further attempts to obtain customer information from Verizon Wireless and from advertising such services, including but not limited to on its Internet website;
2. That compensatory, consequential and punitive damages be awarded in favor of Verizon Wireless and against Defendants, together with interest thereon; and
3. That Verizon Wireless be granted such other relief as this Court deems just and proper.

GREENBERG TRAURIG, LLP

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Philip R. Sellinger
Ian S. Marx

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(973) 301-8410 (Facsimile)

Attorneys for Cellco Partnership d/b/a Verizon
Wireless

Dated: July 8, 2005

CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other parties should be joined in this action.

GREENBERG TRAURIG, LLP

By: 
Philip R. Sellinger
Ian S. Marx

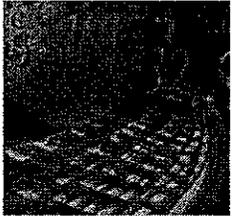
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Attorneys for Cellco Partnership d/b/a Verizon
Wireless

Dated: July 6, 2005

nj-srv01\62366v01

EXHIBIT A



SOURCE RESOURCES

FREE SIGN UP! - NO FAX FEES! - NO MINIMUMS!

[Free Sign-Up](#) | [Place Order](#) | [Services/Prices](#) | [Security/Surveillance Products](#) | [Email](#) | [Free User's Guide](#) | [Special Services](#)

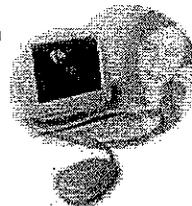
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Today, information is everything. Whether in insurance, government, banking, law enforcement or other fields, getting information quickly and easily is essential for smart decision making.

With **Source Resources**, accessing critical information is easy. Using **Source Resources'** powerful search capabilities, you can easily search through billions of current and historical records on individuals and businesses. Whether you're investigating fraud, conducting criminal and civil investigations, locating witnesses, finding missing children or locating and verifying assets, **Source Resources** can deliver the comprehensive information that you need.



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HOME

Place an order using the order links below:

Credit Headers

HDR1	Info	Order
HDR2	Info	Order
HDR3	Info	Order
HDR4	Info	Order
HDR5	Info	Order
HDR6	Info	Order
HDR7	Info	Order
SSN1	Info	Order
SSN2	Info	Order
SSN3	Info	Order
SSN4	Info	Order
SSN5	Info	Order
SSN6	Info	Order
SSN7	Info	Order

Location

DEMO	Info	Order
ADHST	Info	Order
SSFIND	Info	Order
SUR1	Info	Order
SUR2	Info	Order
SUR3	Info	Order
SUR4	Info	Order
COA1	Info	Order
COA2	Info	Order
USMP	Info	Order
VOTN	Info	Order
VOTS	Info	Order
KRIP	Info	Order
NID1	Info	Order
AFTS	Info	Order
PFTA	Info	Order
PFTN	Info	Order

Verification

EVD NEW	Info	Order
EVP NEW	Info	Order
DEA	Info	Order
DEA2	Info	Order
DEA3	Info	Order
BDVR	Info	Order
EDVR	Info	Order

PLVR	Info	Order
STATUS	Info	Order

Special Services

UT1	Info	Order
UT2	Info	Order
TD1	Info	Order
TD2	Info	Order
CELL	Info	Order
CELLA	Info	Order
TOLL	Info	Order
CTOLL	Info	Order
800BK	Info	Order

Worker's Comp. Claims

WK1	Info	Order
WK2	Info	Order
WK5	Info	Order

Criminal Records

NCR NEW	Info	Order
PEN	Info	Order
CMSW	Info	Order
CMSW2	Info	Order
CMSW3	Info	Order
CMCY1	Info	Order
FEDCM	Info	Order
MUCR	Info	Order
NWW	Info	Order

Civil Records

CSCAN	Info	Order
CTFSWD	Info	Order
CTFSWP	Info	Order
FEDBK	Info	Order
FEDCV	Info	Order
COCV	Info	Order
MUCV	Info	Order
ICF	Info	Order
PBT	Info	Order
MAR	Info	Order
MARSW	Info	Order
DIV	Info	Order
DIVSW	Info	Order

Business/Corporate

KRIB	Info	Order
CD4	Info	Order
CD4PT1	Info	Order
CD4PT2	Info	Order
CD4PT5	Info	Order
CD4PT6	Info	Order
CD5	Info	Order
BCF	Info	Order
SJ1	Info	Order
UCC	Info	Order
CORP1	Info	Order
ACP	Info	Order
CPAF	Info	Order
SBS	Info	Order
NBS	Info	Order

Assets

FAA1	Info	Order
FAA2	Info	Order
FAA3	Info	Order
KSS	Info	Order
NWS	Info	Order
RPSC	Info	Order
RPSW	Info	Order

Motor Vehicles

ALPHA	Info	Order
TAG1	Info	Order
TAG2	Info	Order
TAG3	Info	Order
VIN	Info	Order
VIN2	Info	Order

Driver's Records

DL1	Info	Order
DL2	Info	Order
DL3	Info	Order
DFIND1	Info	Order
DFIND2	Info	Order
DFIND3	Info	Order

State of Florida

FLDL1A	Info	Order
FLDL1D	Info	Order

Search Descriptions

<u>Credit Bureau Headers</u>	Searches for current and previous addresses, DOB, & SSN.
<u>Location</u>	These searches are helpful for locating individuals.
<u>Verification</u>	These searches are helpful to verify specific information.
<u>Special Services</u>	Phones, Tolls & Utilities.
<u>Worker's Comp. Claims</u>	Searches for previous Worker's comp. claims.
<u>Criminal Records</u>	Searches for criminal records for the past 7 years.
<u>Civil Records</u>	Searches for civil records for the past 7 years.
<u>Business/Corp. Records</u>	See individual search code for details.
<u>Consumer Credit/Assets</u>	Real property and more.
<u>Motor Vehicles</u>	Tags, VINs, and vehicles.
<u>Driver's History</u>	Provides traffic violation history.
<u>State of Florida</u>	These searches are specific to the state of Florida.

Special Services

UT1:	Search Utility Companies in Most Cities for a Current Address.
UT2:	Search Utility Companies in Most Cities by complete address.
TD1:	Guaranteed Phone Number from an Address Search.
TD2:	Guaranteed Name & Address from a Working Telephone Number Search.
CELL:	Cellular Number Break.
CELLA:	Cell Acquisition.
TOLL:	Toll Call Information.
CTOLL:	Cell Call Information.
800BK:	800 Number Break.

[Back](#)

CELL - \$ 85.00Document hosted at JDSUPRA™
<http://www.jdsupra.com/post/documentViewer.aspx?fid=f3248fb9-6c57-4f8a-bf3d-362700237b05>**Cellular Number Break**

The turnaround time is generally 1 to 3 BUSINESS days if ordered by 11am central time.

Information Required	Information Returned May Include
Cellular Number	Name *
	Address *
	City, State Zip*

Provides REGISTERED Name, Address, City, State and Zip of Cellular Subscriber.

[Click here to order.](#)

(Turnaround times are estimated, not guaranteed.)

CELLA - \$ 85.00Document hosted at JDSUPRA™
<http://www.jdsupra.com/post/documentViewer.aspx?fid=f3248fb9-6c57-4f8a-bf3d-362700237b05>**Cellular Acquisition**

The turnaround time is generally 1 to 3 BUSINESS days if ordered by 11am central time.

Information Required	Information Returned May Include
Name	Cellular Number
SSN	
Address	

[Click here to order.](#)

(Turnaround times are estimated, not guaranteed.)

Cell Call Information

This search will provide the number called with the date of the call, for a specific 30 day billing period.

Information required: Cell Number, Address and Name on Account. This search can only go back 3 to 6 months.

Turnaround time is 4 to 7 BUSINESS DAYS.

PRICING:

First 30-day billing period, up to 100 calls: **\$150.00**
Additional billing periods ordered with 1st billing period:**\$100.00**
each

NOTE: Please call 800-678-8774 to get pricing and details on billing periods with high activity, if needed.

[Click here to order.](#)

(Turnaround times are estimated, not guaranteed.)

EXHIBIT B

The request was for January calls. The billing cycle ends on the 15th of each month. Because of the password it took me longer to do this case than it normally should have, so... I got the calls for the full month of January to make up for the slow report, even though I had to take calls from half of the January bill and half of the February bill.

G. M.
307 Gilchrist
College Station, TX 77480

(979) 218-0109

01-02719-250-6981
01-03214-728-6539
01-05719-250-6981
01-05719-543-0899
01-05797-822-9550
01-06303-877-3723
01-06303-877-3723
01-07979-220-6854
01-07979-220-6854
01-07979-220-6854
01-10512-353-1600
01-12979-694-7805
01-12979-776-1318
01-12713-206-8999
01-12979-694-7805
01-14713-206-8999
01-14281-595-2422
01-14713-898-9741
01-14979-693-5768
01-14979-696-5191
01-15281-595-2422
01-15281-595-2225
01-15713-206-8999
01-15979-696-0863
01-15303-877-8723
01-18979-777-2224
01-19281-595-2225
01-19281-595-2422
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01-21979-218-3877
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01-21979-693-3523