SOUTHERN DISTRICT OF MISSISSIPPI
FILED
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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
Southern Division

SABU PUTHUKKUTTUMEL VEEDE KRISHNAKUTTY and THAMPY PUTHAM PARAMBIL EDICULA,

Plaintiffs,

1:13cv319LG-JMR

vs.

SIGNAL INTERNATIONAL LLC, INDO-AMERI SOFT L.L.C., KURELLA RAO, GLOBAL RESOURCES, INC., MALVERN C. BURNETT, LAW OFFICES OF MALVERN C. BURNETT, A.P.C., GULF COAST IMMIGRATION LAW CENTER, L.L.C., SACHIN DEWAN, and DEWAN CONSULTANTS PVT. LTD. (a/k/a MEDTECH CONSULTANTS),

Defendants.

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RICO CASE STATEMENT

Pursuant to Local Uniform Civil Rule 83.8, Plaintiffs Sabu Puthukkuttumel Veede Krishnakutty ("Sabu") and Thampy Putham Parambil Edicula ("Thampy") (collectively, "Plaintiffs") provide the following information in support of their RICO claims. Plaintiffs reserve the right to amend this Statement, and/or to change assertions stated herein after the benefit of discovery.

1. RICO Sections Under Which Plaintiffs Assert Their Claims

A. 18 U.S.C. § 1962(c)
B. 18 U.S.C. § 1962(d)

2. Identity of Each Defendant and the Alleged Misconduct and Basis for Liability of Each Defendant

For ease of discussion, Plaintiffs have grouped the individual Defendants into four distinct groups according to the identical RICO claims asserted against them: (1) **Signal International, LLC** ("Signal"); (2) **the Legal Facilitator Defendants** (Defendants Malvern C. Burnett, the Law Offices of Malvern C. Burnett, and Gulf Coast Immigration Law Center); (3) **the Labor Broker Defendants** (Indo-Amerisoft, L.L.C., and Kurella Rao,);and (4) **the Recruiter Defendants** (Defendants Global Resources, Inc., Sachin Dewan, Dewan Consultants).

A. Signal International, LLC

i. 18 U.S.C. § 1962(c)

Signal International, LLC ("Signal") violated 18 U.S.C. § 1962(c) through the conduct of enterprises engaged in a pattern of racketeering activity. Specifically, Signal substantially conducted or participated in the affairs of three separate enterprises[1] through a pattern of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), unlawful document-related practices in furtherance of trafficking ("document· Servitude") (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546).

Signal significantly directed, instructed, determined and participated in the actions of the enterprises with respect to its recruitment of Plaintiffs and fraudulent promises of green cards, visas, and employment from at least 2006 on. Signal also directed, instructed, and determined much of the enterprises' conduct that rose to the level of inducement into slavery, involuntary servitude, forced labor, trafficking, and document servitude.

ii. 18 U.S.C. § 1962(d)

With respect to Enterprise I, Signal conspired with the other Defendants, and various non-defendants to conduct or participate in the affairs of the enterprise through a pattern of racketeering activity by agreeing with one or more of tile Defendants to pursue, though the enterprise, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546). With respect to Enterprises II and III, Signal conspired with the Legal Facilitator Defendants, the Recruiter Defendants, and various non-defendants to conduct or participate in the affairs of the enterprises through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, though the enterprises, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18U.S~C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546).

B. The Legal Facilitator Defendants (Malvern c. Burnett, the Law Offices of Malvern C. Burnett, the Gulf Coast Immigration Law Center)

[1] As set forth in the Complaint, the three enterprises were: the ongoing business relationship between all Defendants and the United States Consular officers in India ("RICO Enterprise I"); the ongoing business relationship between the Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal ("RICO Enterprise II"); and the ongoing business relationship between the all the Defendants, Swetman Security, and M & M Bank ("RICO Enterprise III").

i. 18 U.S.C. § 1962(c)

The Legal Facilitator Defendants violated 18 U.S.C. § 1962(c) through the conduct of an enterprise through a pattern of racketeering activity. Specifically, the Legal Facilitator Defendants substantially conducted or participated in the affairs of the three alleged RICO enterprises through a pattern of engaging in mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546). The Legal Facilitator Defendants significantly directed, instructed, determined and participated in the actions of the enterprise with respect to legal work, promises, representations, and assurances undertaken to effectuate the recruitment of Plaintiffs and to induce Plaintiffs' reliance on fraudulent promises of green cards, visas, and employment.

ii. 18 U.S.C. § 1962(d)

With respect to Enterprise I, the Legal Facilitator Defendants conspired with the other Defendants and various non-defendants to conduct or participate in the affairs of the enterprise through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, though the enterprise, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592),mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546). With respect to Enterprises II and III, the Legal Facilitator Defendants conspired with the Recruiter Defendants, Defendant Signal, and various non-defendants to conduct or participate in the affairs of the enterprises through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, though the enterprises, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546).

C. The Labor Broker Defendants (Defendants Indo-Amerisoft, L.L.C., and Kurella Rao)

i. 18 U.S.C. § 1962(c)

The Labor Broker Defendants violated 18 U.S.C. § 1962(c) through the conduct of or the participation in the affairs of an enterprise through a pattern of racketeering activity. Specifically, the Labor Broker Defendants substantially conducted or participated in the affairs of RICO Enterprise I through a pattern of engaging in mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546). The Labor Broker Defendants significantly directed, instructed, determined and participated in the actions of RICO Enterprise I with respect to the promises, representations, and assurances undertaken to effectuate the recruitment of Plaintiffs and to induce Plaintiffs' reliance on fraudulent promises of green cards and employment.

ii. 18 U;S.C. § 1962(d)

The Labor Broker Defendants conspired with the other Defendants and various non-defendants to conduct or participate in the affairs of Enterprise I through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, though the enterprise, the common criminal objective of engaging in mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546).

D. The Recruiter Defendants (Global Resources, Inc., Sachin Dewan, and Dewan Consultants (a/k/a Medteeh Consultants))

i. 18 U.S.C. § 1962(c)

The Recruiter Defendants violated 18 U.S.C. § 1962(c) through the conduct or participation in the affairs of an enterprise through a pattern of racketeering activity. Specifically, the Recruiter Defendants substantially conducted or participated in the affairs of the three alleged RICO enterprises through a pattern of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546). The Recruiter Defendants significantly directed, instructed, determined and participated in the actions of the enterprises with respect to efforts to recruit workers, promises, representations, and assurances undertaken to effectuate the recruitment of Plaintiffs and to induce Plaintiffs' reliance on fraudulent promises of green cards, visas, and employment. The Recruiter Defendants also directed, instructed, and determined much of the enterprises' conduct that rose to the level of the trafficking, involuntary servitude, and forced labor-related offenses.

ii. 18 U.S.C. § 1962(d)

With respect to Enterprise I, the Recruiter Defendants conspired with the other Defendants and various non-defendants to conduct or participate in the affairs of the enterprise through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, though the enterprise, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and/or immigration document fraud (18 U.S.C. § 1546).

With respect to Enterprises II and III, the Recruiter Defendants conspired with the Legal Facilitator Defendants, Defendant Signal, and various non-defendants to conduct or participate in the affairs of the enterprises through a pattern of racketeering activity by agreeing with one or more of the Defendants to pursue, though the enterprises, the common criminal objective of engaging in enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S,C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546).

3. Alleged Wrongdoers Other than Defendants and Their Alleged Misconduct:

A. Darrell Snyder:

Snyder participated in effectuating forced labor and trafficking at Signal operations, by, *inter alia*, carrying out and overseeing the maintenance of coercive and abusive conditions in the Signal labor camp in Pascagoula, Mississippi.

B. Swetman Security:

Swetman assisted Defendant Signal in effectuating forced labor and trafficking at Signal operations by participating in the forced detention and attempted deportation of several Indian workers and possibly by conducting other security activities at the Pascagoula labor camp during Plaintiffs' presence. Swetman Security is expressly alleged to be part of RICO Enterprise III.

C. Frank Tipton:

Tipton participated in effectuating forced labor and trafficking at Signal operations, by, inter alia, carrying out and overseeing the maintenance of coercive and abusive conditions in the Signal labor camp in Pascagoula, Mississippi and by participating in the forced detention and attempted deportation of several Indian workers.

D. John Sanders:

Sanders participated in effectuating forced labor and trafficking at Signal operations, by, inter alia, carrying out and overseeing the maintenance of coercive and abusive conditions in the Signal labor camp in Pascagoula, Mississippi.

E. Ravi Reddy:

Reddy participated in effectuating forced labor and trafficking at Signal operations, by, *inter alia*, carrying out and overseeing the maintenance of coercive and abusive conditions in the Signal labor camp in Orange, Texas.

F. Manesh Dewan:

An employee and/or agent of the Recruiter Defendants, Dewan communicated Defendants' fraudulent assurances to Plaintiffs. Dewan also coordinated paperwork and collection of fees to effectuate fraud and forced labor and trafficking of Plaintiffs.

G. "Salimon":

A man known as "Salimon" served as a recruiting agent for the Recruiter Defendants in India, communicating Defendants' assurances and representations in furtherance of Defendants' fraudulent activities. Salimon also assisted in effectuating Defendants' forced labor and trafficking of Plaintiffs by overseeing and administering paperwork and collection of fees from Plaintiffs.

H. "Rajesh":

A man known as "Rajesh" served as an administrator or office manager for the Recruiter Defendants in India, communicating Defendants' assurances and representations in furtherance of Defendants' fraudulent activities. Rajesh also assisted in effectuating Defendants' forced labor and trafficking of Plaintiffs and others by overseeing and administering paperwork and collection of fees from Plaintiffs and others.

I. M & M Bank:

At the instruction of Defendant Signal, Plaintiffs opened accounts at M & M Bank and agreed to have their wages directly deposited into these accounts. This gave Defendant Signal unique access to and control over Plaintiffs' funds. Shortly before April 10, 2007, some fellow Indian workers fled Signal's Pascagoula labor camp. M & M denied these departed workers access to their bank accounts and invalidated their ATM cards, apparently at Defendant Signal's behest. Plaintiffs learned about this incident and reasonably believed that similar action might be taken against them should they try to leave Defendant Signal's employ. M & M Bank is expressly alleged to be part of RICO Enterprise III.

L. Other Non-Defendant Management, Employees, Agents and/or Representatives of Defendants:

Other individuals whose identities are unknown at this time are believed to have participated in, facilitated and/or supported the racketeering acts at the behest of Defendants or in their capacity as Defendants' agents, employees, and/or representatives.

K. U.S. and Indian Government Officials:

Individuals employed by the U.S. or Indian government whose identities are unknown at this time may have participated in, facilitated, and/or supported the racketeering acts at the behest of Defendants. U.S. Consular Officers are expressly alleged to be part of RICO Enterprise I. (Compl. at XX). It is not currently known whether they had any knowledge of the underlying predicate acts.

4. Alleged Victims and Their Injuries:

The victim of the racketeering activities in this case are Plaintiffs, Indian citizens who were recruited by Defendants between 2003 and 2006 and who traveled and/or was transported to the United States in November 2006 under the auspices of an H-2B visa assigned to Defendant Signal. Plaintiffs have suffered significant injuries to their business and/or property as a result of Defendants' racketeering activities and conspiracies to commit racketeering activities, including: payment of fees charged by Defendants and their agents for recruitment, travel, immigration processing, legal services, housing, and food; interest on loans undertaken by Plaintiffs to pay fees charged by Defendants; lost and unpaid wages, and lost work and professional opportunities.

5. Pattern of Racketeering Activity:

A. Alleged Predicate Acts:

Enticement into slavery (18 U.S.C. § 1583), involuntary servitude (18 U.S.C. § 1584), forced labor (18 U.S.C. § 1589), trafficking in persons (18 U.S.C. § 1590), document servitude (18 U.S.C. § 1592), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and immigration document fraud (18 U.S.C. § 1546).

B. Dates, Participants in, and Description of the Predicate Acts:

i. Enticement into Slavery (18 U.S.C. § 1583)

a. Dates: Late 2003 through December 2008.

b. Participants: Defendant Signal, the Legal Facilitator Defendants, and the Recruiter Defendants. U.S. Consular Officers, Swetman Security, and M & M Bank are alleged to be part of an enterprise through which the predicate acts were committed.

c. Facts: The facts surrounding the enticement into slavery predicate act are detailed in the general allegations of the Complaint at ¶¶ 1- 145, which are incorporated herein by reference. In summary, the Defendants, through their respective RICO enterprises: Enticed, persuaded, or induced Plaintiffs to board an airliner and to go to various locations India, and the United States, with the intent that they may be held in modem-day slavery, as described in the TVPA, 22 U.S.C.§ 7101 (b)(1) ("trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today").

ii. Involuntary Servitude (18 U.S.C. § 1584)

a. Dates: November 2006 through December 2008.

b. Participants: Defendant Signal, the Legal Facilitator Defendants, and the Recruiter Defendants. U.S. Consular Officers, Swetman Security, and M & M Bank are alleged to be part of an enterprise through which the predicate acts were committed.

c. Facts: The facts surrounding the involuntary servitude predicate act are detailed in the general allegations of the Complaint at ¶¶ 146- 213, which are incorporated herein by reference. In summary, the Defendants, through their respective RICO enterprises:

(1) knowingly and willfully attempted to and did physically restrain and/or threaten Plaintiffs with serious harm in order to obtain the labor and services of Plaintiffs;

(2) knowingly and willfully attempted to and did obtain the labor and services of Plaintiffs using a scheme, plan, or pattern which, in the totality of the circumstances, was intended to coerce and did coerce Plaintiffs to believe that they would suffer serious harm if he were to leave the employ of Defendants;

(3) knowingly and willfully forced Plaintiffs to live in conditions causing psychological harm, and limited Plaintiffs' outside contacts in order to coerce Plaintiffs into believing that they would suffer serious harm if thye were to leave Defendant Signal's employ;

(4) knowingly and willfully threatened Plaintiffs with deportation and deceived Plaintiffs about their current and future immigration status in a manner that constitutes an abuse of legal process.

iii. Forced Labor (18 U.S.C. § 1589)

a. Dates: November 2006 through December 2008.

b. Participants: Defendant Signal, the Legal Facilitator Defendants, and the Recruiter Defendants. U.S. Consular Officers, Swetman Security, and M & M Bank are alleged to be part of an enterprise through which the predicate acts were committed.

c. Facts: The facts surrounding the forced labor predicate act are detailed in the general allegations of the Complaint at ¶¶ 146- 213, which are incorporated herein by reference. In summary, the Defendants, through their respective RICO enterprises:

(l) knowingly attempted to and did physically restrain and/or threaten Plaintiffs with serious harm in order to obtain the labor and services of Plaintiffs;

(2) knowingly attempted to and did obtain the labor and services of Plaintiffs using a scheme, plan, or pattern which, in the totality of the circumstances, was intended to coerce and did coerce Plaintiffs to believe that they would suffer serious harm if he were to leave the employ of Defendants;

(3) knowingly isolated Plaintiffs, forced Plaintiffs to live in conditions causing psychological harm, and limited Plaintiffs' outside contacts in order to coerce Plaintiffs into believing that they would suffer serious harm if he were to leave Defendant Signal's employ;

(4) knowingly threatened Plaintiffs with deportation and deceived Plaintiffs about the terms of their visa in a manner that constitutes an abuse of legal process.

iv. Trafficking with respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor (18 U.S.C. § 1590)

a. Dates: Late 2003 through December 2008.

b. Participants: Defendant Signal, the Legal Facilitator Defendants, and the Recruiter Defendants. U.S. Consular Officers, Swetman Security, and M & M Bank are alleged to be part of an enterprise through which the predicate acts were committed.

c. Facts: The facts surrounding the trafficking predicate act are detailed in the general allegations of the Complaint at ¶¶ 1- 213, which are incorporated herein by reference. In summary, the Defendants, through their respective RICO enterprises:

> (l) knowingly recruited, transported and/or harbored Plaintiff in furtherance of the Defendants' violations of 18 U.S.C. § 1583, 1584, 1589, and 1592, as set forth in ¶¶ 5(b)(i-iii), *supra,* and ¶¶ 5(b)(v), *infra.*
>
> (2) knowingly recruited, transported and/or harbored Plaintiff by: enticing, persuading, or inducing Plaintiff to go on board aircraft or to go to various locations throughout India, the United Arab Emirates and the United States with the intent that Plaintiff may be held in modem-day slavery; holding Plaintiff in involuntary servitude and forced labor; removing, confiscating, or possessing Plaintiff's passports and other immigration documents in the course of, and with the intent to violate multiple provisions of Title 18, Chapter 77 of the U.S. Code; and attempting to violate multiple provisions of Title 18, Chapter 77 of the U.S. Code.

v. Document Servitude (18 U.S.C.§ 1592(a)).

a. Dates: Between approximately July 2006 and approximately November 2006.

b. Participants: Defendant Signal, the Legal Facilitator Defendants, and the Recruiter Defendants. U.S. Consular Officers are alleged to be part of an enterprise through which these predicate acts were committed.

c. Facts: The facts surrounding this predicate act are detailed in in the general allegations of the Complaint at ¶¶ 1- 145, which are incorporated herein by reference. In summary, these Defendants, through their respective RICO enterprises, maintained possession of Plaintiffs' passports and visa documents to assure that Plaintiffs paid exorbitant fees and boarded U.S.-bound aircraft. The recruiter Defendants threatened to destroy the passports of any worker who did not acquiesce to these Defendants' demands. The purpose of withholding the passport and visa documents was to lead Plaintiff to believe that he had no choice but to board aircraft to travel to the United States to work for Defendant Signal. Therefore, these acts occurred in the course of violations of 18 U.S.C. §§ 1583, 1590, and I 594(a), and with intent to violate 18 U.S.C. §§ 1583, 1584, 1589 and 1590.

vi. Mail Fraud (18 U.S.C. § 1341). *See* ¶ 5(c), *infra.*

vii. Wire Fraud (18 U.S.C. § 1343). *See* ¶ 5(c), *infra.*

viii. Immigration Document Fraud (18 U.S.C. § 1546). *See* ¶ 5(c), *infra.*

C. Fraud-Related Predicate Acts

The circumstances constituting mail fraud, wire fraud, and/or immigration document fraud, "stated with particularity," are set forth in detail in the charts attached to this Case Statement as Exhibit 1.

D. Upon information and belief, there has not been a criminal conviction for violation of the above-described predicate acts.

E. Upon information and belief, there has not yet been a judgment in regard to the above-described predicate acts resulting from civil litigation.

F. These predicate acts form a "pattern of racketeering activity" because these acts occurred after the effective date of 18 U.S.C. § 1961 and within ten years of each other.

G. Relationship Between Predicate Acts and the Enterprise as Part of a Common Plan

The predicate acts are related to one another and to the enterprises as part of a common plan. The continuing frauds were committed through the enterprises as part of the same overarching scheme to defraud Plaintiff through the use of false promises that, in exchange for exorbitant fees, Plaintiff would receive a green card if he accepted employment with Defendant Signal. Ultimately, the Defendants intended the scheme to compel Plaintiff to work, and Plaintiffs did work, for Defendant Signal under conditions that violated multiple provisions of Article 18, Chapter 77 of the U.S. Code.

6. Description of the Enterprises

I. Enterprise I

A. Individuals and Entities Constituting the Enterprise: all Defendants and currently unidentified United States Consular officers in India.

B. Structure, Purpose, Roles, Function, and Course of Conduct of the Enterprise:

This information is provided in the Complaint at ¶¶ 237-241, which is incorporated herein by reference. Enterprise I is an association in fact between and among each of the Defendants and U.S. Consular officers in India. The Legal Facilitator Defendants, the Recruiter Defendants, and the Labor Broker Defendants worked in concert with the common purpose of securing the labor of Plaintiff and other foreign workers at Defendant Signal's operations. The

U.S. Consular officers in India, at the request of the Defendants, participated in the process of vetting Indian workers, including Plaintiff, for employment at Defendant Signal's operations and forwarding their passports to the Recruiter Defendants.

C. None of the Defendants are employees, officers, or directors of Enterprise I.

D. Enterprise I is an "association in fact" enterprise. As set forth in subsection (ii), *supra,* all of the Defendants are associated with Enterprise I.

E. The Defendants are individuals or entities separate from Enterprise I.

F. None of the Defendants are the enterprise itself.

II. Enterprise II

A. Individuals and Entities Constituting the Enterprise: The Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal.

B. Structure, Purpose, Roles, Function, and Course of Conduct of the Enterprise:

This information is provided in the Complaint at ¶¶ 242- 246, which is incorporated herein by reference. Enterprise II is an association in fact between and among the Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal. The Legal Facilitator Defendants and the Recruiter Defendants worked in concert at Defendant Signal's behest with the common purpose of selling United States visas and work opportunities to Indian workers to convince these workers, including Plaintiff, to pay fees and to travel to the United States to work for companies including Signal.

C. None of the Defendants are employees, officers, or directors of Enterprise II.

D. Enterprise II is an "association in fact" enterprise. As set forth in subsection (ii), *supra,* the Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal are associated with Enterprise II.

E. The Defendants are individuals or entities separate from Enterprise II.

F. None of the Defendants are the enterprise itself.

III. Enterprise III

A. Individuals and Entities Constituting the Enterprise: The Recruiter Defendants, the Legal Facilitator Defendants, Defendant Signal, Swetman Security, and M&M Bank.

B. Structure, Purpose, Roles, Function, and Course of Conduct of the Enterprise:

This information is provided in the Complaint at ¶¶ 247-251, which is incorporated herein by reference. Enterprise III is an association in fact between and among the Recruiter Defendants, the Legal Facilitator Defendants, Defendant Signal, Swetman Security, and M & M Bank. The Legal Facilitator Defendants, the Recruiter Defendants, and Defendant Signal worked in concert with the common purpose of providing and maintaining a consistent and acquiescent Indian worker labor force at Signal's operations. Swetman Security provided security services in support of Enterprise III. M & M Bank provided financial services in support of Enterprise III.

C. None of the Defendants are employees, officers, or directors of Enterprise III.

D. Enterprise III is an "association in fact" enterprise. As set forth in subsection (ii), *supra,* the Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal are associated with Enterprise III.

E. The Defendants are individuals or entities separate from Enterprise III.

F. None of the Defendants are the enterprise itself.

7. Separate Nature of the Enterprise and Racketeering Activity

I. Enterprise I

The participants in this enterprise worked in concert with the common purpose of securing the labor of Plaintiffs and other foreign workers at Defendant Signal's operations. As such, the enterprise as a whole has a common link other than the racketeering activity.

II. Enterprise II

The participants in this enterprise worked in concert with the common purpose of selling United States visas and work opportunities to Indian workers, including Plaintiffs, to convince these workers to pay fees and to travel to the United States to work for companies including Signal. While the purpose of Enterprise II may violate other statutory protections, its common link – the for-profit business of selling United States visa and work opportunities to Indian citizens – is distinguishable from the racketeering activity conducted through this enterprise.

III. Enterprise III

The participants in this enterprise worked in concert with the common purpose of providing and maintaining a consistent and acquiescent Indian worker labor force at Signal's operations. The enterprise's common link – the maintenance of a workforce for Signal – is distinguishable from the racketeering activity conducted through this enterprise.

8. Relationship Between the Activities of the Enterprise and the Pattern of Racketeering

I. Enterprise I

The Defendants used the mails and wires to defraud Plaintiffs, and committed visa fraud, for the otherwise non-racketeering purpose of securing a workforce for Defendant Signal. The Defendants engaged in both fraudulent and non-racketeering activities to further this purpose. Similarly, the Recruiter Defendants, the Legal Facilitator Defendants, and Signal, in their ongoing relationship with Plaintiff, other foreign workers, and Enterprise I as a whole, committed and/or conspired to commit acts constituting the involuntary servitude, forced labor, and human trafficking-related offenses. However, not every act Defendants committed in the context of these relationships constituted an element of these crimes. Therefore, the "usual and daily activities" of this enterprise were peppered with racketeering activities, but did not solely involve racketeering activities.

II. Enterprise II

The Defendant participants in this enterprise used the mails and wires to defraud Plaintiffs and other workers, and committed visa fraud, for the otherwise non-racketeering purpose of selling United States visas and work opportunities to Indian workers to convince these workers to pay fees and to travel to the United States to work for companies including Signal. These Defendants, through the enterprise, engaged in both fraudulent and legitimate activities to further this purpose. Similarly, these Defendants, in their ongoing relationship with Plaintiffs, other workers, and Enterprise II as a whole, committed and/or conspired to commit acts comprising elements of the crimes of the involuntary servitude, forced labor, and human trafficking-related offenses. However, not every act these Defendants committed in the context of these relationships constituted an element of these crimes. Therefore, the "usual and daily activities" of this enterprise were peppered with racketeering activities, but did not solely involve racketeering activities.

III. Enterprise III

The Defendant participants in this enterprise used the mails and wires to defraud Plaintiffs and other workers, and committed visa fraud, for the otherwise non-racketeering purpose of providing and maintaining a consistent and acquiescent Indian worker labor force at Signal's operations. These Defendants, through the enterprise, engaged in both fraudulent and legitimate activities to further this purpose. Similarly, these Defendants, in their ongoing relationship with Plaintiffs, other workers, and Enterprise III as a whole, committed and/or conspired to commit acts comprising elements of the crimes of the involuntary servitude, forced labor, and human trafficking-related offenses. However, not every act these Defendants committed in the context of these relationships constituted an element these crimes. Therefore, the "usual and daily activities" of this enterprise were peppered with racketeering activities, but did not solely involve racketeering activities.

9. Benefits Received by the Enterprise from the Alleged Pattern of Racketeering Activity

The members of the enterprise enjoyed substantial financial profits from their racketeering activities. The Recruiter Defendants, the Labor Broker Defendants, and the Legal

Facilitator Defendants, through the respective enterprises, collected significant recruitment and immigration processing fees from Plaintiff, who relied on Defendants' fraudulent promises. The Labor Broker Defendants and Signal obtained the benefits of Plaintiff who, due to his extreme level of personal indebtedness incurred in reliance on Defendants' fraud, was desperate to pay the Labor Broker Defendants for promised immigration and work opportunities and to accept and maintain employment with Defendant Signal. The unlawful document-related activities committed by the Recruiter Defendants, coupled with the involuntary servitude, forced labor, and human trafficking-related offenses committed by the Recruiter Defendants and Signal in conspiracy with the Legal Facilitator Defendants caused Plaintiff to surrender and forgo other employment and business opportunities and to remain working at Signal despite illegally low wages and large deductions for substandard and discriminatory labor camp housing. Defendant Signal profited from maintaining the forced labor of Plaintiff, Plaintiff's acquiescence to Signal's excessive deductions from his paychecks, and Signal's failure to reimburse Plaintiff for mandatory recruitment, visa, and travel expenses as required by United States minimum wage laws.

10. Describe the Effect of the Activities on Interstate Commerce

The enterprises and Defendants identified in this action have conducted the racketeering activities and other business activities relevant to this action through interstate and international travel and communications. Plaintiff has traveled and communicated across state lines and international borders in undertaking the transactions, travel, and provision of labor and services induced by Defendants' racketeering acts. Defendant Signal operates throughout the multi-state Gulf Coast region, with worksites and labor camps in Texas and Mississippi. Defendants' business and racketeering activities (involving travel, mail and wire transactions, importation of foreign workers, and payment of wages within the United States), as well as actions taken by Plaintiff in response to and/or as a result of those activities (involving travel, mail, and wire transactions, and work performed within the United States) affect interstate commerce.

11. Not applicable.

12. Not applicable.

13. The Complaint alleges a violation of 18 U.S.C. § 1962(c) and:

A. None of the Defendants were, at any relevant time, employed by any of the enterprises. All Defendants are associated with Enterprise I. The Recruiter Defendants, the Legal Facilitator Defendants, and Defendant Signal are associated with Enterprises II and III.

B. The liable Defendant "persons" are separate and distinct entities from the enterprises alleged above.

14. The Complaint alleges a violation of 18 U.S.C. § 1962(d) (Description of the Alleged Conspiracy)

Plaintiffs assert the following RICO conspiracies in this action:

The Defendants agreed to engage in mail, wire, and immigration document fraud to recruit, transport, and obtain Plaintiffs and other Indian workers for employment at Signal's operations in Mississippi and Texas. Defendant Signal authorized the Recruiter Defendants and the Legal Facilitator Defendants to act as its agents for the purpose of fraudulently encouraging Plaintiffs to obtain an H-2B visa to come to the United States to work for Signal. The Recruiter Defendants, the Legal Facilitator Defendants, the Labor Broker Defendants, and Defendant Signal agreed to certain fraudulent communications and transactions calculated to induce Plaintiffs' reasonable reliance and convince Plaintiffs to pay large sums of money to come to the United States to work for Signal.

The Labor Recruiters, the Legal Facilitators and Defendant Signal agreed that each would undertake certain measures to ensure that Plaintiff would be enticed to travel on airliners and go to places throughout India and the United States, and would continue to work at Signal's operations, resulting in involuntary servitude, forced labor, trafficking in persons, and document servitude.

15. Relationship Between Injuries and Violations of RICO

Plaintiffs have suffered significant injuries to their business and/or property as a result of Defendants' racketeering activities including: payment of fees charged by Defendants and their agents for recruitment, travel, immigration processing, legal services, housing, and food; interest on loans undertaken by Plaintiffs to pay fees charged by Defendants; lost and unpaid wages, lost personal property abandoned at the labor camps, and lost work and professional opportunities.

All Defendants' acts of mail, wire, and visa fraud effectuated and directly induced Plaintiffs to pay exorbitant sums of money to the Recruiter Defendants, the Legal Facilitator Defendants, and the Labor Broker Defendants by promising that Plaintiffs would receive permanent immigration status for themselves and their family and lucrative work in the United States. Relying on Defendants' fraudulent promises, Plaintiffs incurred substantial interest-bearing debts and sold personal and real property to obtain the funds necessary to pay the Recruiter Defendants, Legal Facilitator Defendants and Labor Broker Defendants.

Defendants' acts of inducement into slavery, involuntary servitude, document servitude, trafficking in persons, and forced labor caused Plaintiffs to make substantial payments to the Recruiter Defendants upon departing India for the United States, and caused Plaintiffs to remain working at Signal despite illegally low wages and wage deductions for housing and food at Signal's labor camps. These acts also coerced Plaintiffs to surrender and forgo other employment opportunities and to suffer emotional distress.

16. Actual Damages Sustained by Reason of RICO Violations

<u>Damages Resulting from Defendants' Mail, Wire, and Visa Fraud:</u>

In reliance on Defendants' fraudulent promises regarding green cards and as a result of Defendants' conspiracy to make these fraudulent representations, Plaintiffs spent an estimated

$15,000 to $20,000 or more to pay the mandatory fees charged by the Recruiter Defendants, the Labor Broker Defendants, and the Legal Facilitator Defendants. Each Plaintiff made three separate installment payments of $2,750.00 to the Recruiter Defendants, the Labor Broker Defendants, and the Legal Facilitator Defendants. Plaintiffs were also forced to incur expenses related to transportation/travel to attend the informational meetings, attend the interview at the U.S. Consulate and the administration of the practical and written skills tests. In addition, these Defendants required that Plaintiff Sabu make an "advance" payment to "Salimon", an associate of Sachin Dewan and Dewan Consultants for 25,000 rupees. Dewan and Dewan Consultants also forced Plaintiffs to make a cash payment directly to Dewan with each installment payment for 75,000 rupees (225,000 rupees total). At the time the Plaintiffs delivered the third installment payments, Plaintiff Sabu was also forced to make separate payments to Malvern Burnett and Michal Pol for $740.00 and $2,490.00, respectively. In addition, Plaintiffs were forced to pay their own travel expenses to the United States, estimated at 48,000 to 60,000 rupees each.

Damages as a Result of Defendants' Involuntary Servitude, Forced Labor, and Human Trafficking-Related RICO Violations:

Plaintiffs suffered damages as a result of Defendants', Defendants' agents, employees and/or representatives subjecting them to and/or conspiring to subject them to enticement into slavery, involuntary servitude, forced labor, human trafficking, and document servitude. Plaintiffs' damages include, but are not limited to, the damages resulting from the fraud-related acts delineated above. Plaintiffs are also entitled to damages for rent charges and loss of work opportunities in the U.S. during and after their employment with Signal ceased. Because these damages continue to accrue, a specific amount cannot currently be calculated.

With respect to these predicate acts, the Recruiter Defendants, the Legal Facilitator Defendants, and Signal are jointly and severally liable for related damages.

All Violations:

With respect to all Defendants' RICO violations, Plaintiffs seek treble damages pursuant to 18 U,S.C § 1964(c), plus costs and attorneys' fees associated with bringing this action.

17. All Other Federal Causes of Action

A. Plaintiffs bring the following additional federal claims in this action:

i. Trafficking Victims Protection Act of 2003 (TVPA), 18 U.S.C. § 1589
ii. Trafficking Victims Protection Act of 2003 (TVPA), 18 U.S.C. § 1590
iii. Civil Rights Act of 1866, 42 U.S.C § 1981
iv. Ku Klux Klan Act of 1871, 42 U.S.C § 1985

18. Pendent State Law Claims

A. Plaintiffs bring the following additional state law claims in this action:

i. Fraud
ii. Negligent Misrepresentation
iii. Breach of contract
iv. Money Had and Received
v. Breach of Fiduciary Duty
vi. Breach of Special/Confidential Relationship

19. Additional Helpful Information

Plaintiffs are not aware of any additional information which may be helpful to the Court at this time. Plaintiffs reserve the right to amend this RICO Case Statement should additional useful information come to light and as necessary.

Dated: 8/6/2013

Respectfully submitted,

By: _______________

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