

STATE OF INDIANA
IN THE MARION COUNTY CIRCUIT/SUPERIOR COURT

CAUSE NO. _____

TODD ROKITA
INDIANA ATTORNEY GENERAL

Petitioner,

v.

ONE EYE LLC

Respondent.

**VERIFIED PETITION
TO ENFORCE CIVIL
INVESTIGATIVE DEMAND**

Attorney General Todd Rokita, by Deputy Attorney General Joseph D. Yeoman, petitions the Court pursuant to Indiana Code § 4-6-3-6 for an order to enforce his Civil Investigative Demand (“CID”) issued to One Eye LLC. A true and accurate copy of the CID is attached as Exhibit 1.

RESPONDENT

1. Respondent, One Eye LLC (“One Eye”), is a Delaware corporation with a principal place of business located at 500 Delaware Ave., Suite 1-1960, Wilmington, DE 19899.
2. One Eye has conducted business in Indiana by routing telephone calls into Indiana.
3. Further, on One Eye’s 499 filer information with the Federal Communications Commission (“FCC”), One Eye purports to offer “Telecommunications Services” to Indiana. *See FCC Form 499 Filer Database*, Federal Communications Commission, <https://apps.fcc.gov/cgb/form499/499detail.cfm?FilerNum=834729> (last visited Sept. 30, 2022).

LEGAL STANDARD

4. The Attorney General may issue a CID if he has reasonable cause to believe the person may be in “possession, custody, or control of documentary material, or may have knowledge of a fact that is relevant to an investigation” being conducted to determine if a person or entity is in violation of a law enforced by the Attorney General, including a violation of the Telemarketing Sales Rule, 16 C.F.R. § 310.3 through 310.5, the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 and its implementing rules, 47 C.F.R. §§ 64.1200 and 64.1604, Indiana’s Telephone Solicitation of Consumers Act, Ind. Code 24-4.7 (“TSCA”), or the Regulation of Automatic Dialing Machines Act, Ind. Code 24-5-14 (“Auto-dialer Act”). Ind. Code § 4-6-3-3.
5. A CID issued under Ind. Code § 4-6-3-3 must contain the following: 1) “a general description of the subject matter being investigated and a statement of the applicable provisions of law;” and 2) “the date, time, and place at which the person is to appear, answer written interrogatories, or produce documentary material or other tangible items.” Ind. Code §§ 4-6-3-6(1) and (2).
6. If a person objects or refuses to comply with a CID, the Attorney General may file a petition to enforce the CID in the circuit or superior court in the county where the respondent maintains a principal place of business. Ind. Code § 4-6-3-6(a).
7. In his Petition to Enforce, the Attorney General must demonstrate the CID is proper.
Id.

8. The Supreme Court has stated the Attorney General has a burden, “albeit a small one,” to demonstrate through his Petition to Enforce that his issuance of a CID is proper. See *Nu-Sash of Indianapolis, Inc. v. Carter*, 887 N.E.2d 92, 96 (Ind. 2008).
9. The Supreme Court specifically identified the Attorney General’s burden as requiring him “to establish only that there is an investigation and that there are reasonable grounds to believe that a person to whom the CID is directed has information relevant to the investigation.” *Id.*
10. The Attorney General may establish there is “an investigation and the respondent is reasonably believed to have relevant information” by verified petition. *Id.*
11. If a court finds a CID was properly issued, a court shall order a respondent to comply with the requests contained in the CID. Ind. Code § 4-6-3-6(a).
12. If a court finds a party has “acted in bad faith in seeking or resisting the demand,” a court may enter an order requiring the party acting in bad faith to pay the expenses and attorney’s fees of the opposing party. Ind. Code § 4-6-3-6(c).

FACTS

13. On August 2, 2022, the Attorney General, along with 49 other Attorneys General, announced the Anti-Robocall Litigation Task Force. See *Attorney General Todd Rokita Announces the Formation of a Nationwide Bipartisan Anti-Robocall Litigation Task Force*, Indiana Attorney General, (Aug. 2, 2022) https://events.in.gov/event/attorney_general_todd_rokita_announces_the_formation_of_a_nationwide_bipartisan_anti-robocall_litigation_task_force.
14. As a leader of the Task Force, the Attorney General initially issued 20 CIDs to 20 different telecommunications companies. One Eye was one of those providers.

15. One Eye is a “cloud based IT telephony solutions and wholesale voice termination.”

See Home, One Eye, <https://www.oneeyetelecom.com/> (last visited Sept. 30, 2022).

16. One Eye offers:

- A-Z Voice termination and origination;
- DIDs / toll free numbers;
- Data and leads worldwide;
 - “We have all the marketing lists you need.”
- Dialers and Avatar Dialers;
 - “Robo calling feature to broadcast product messages, campaign modules, emergency alarming and best for political campaigns to broadcast messages for mass audience and reach towards all across the audience.”
- SMS Marketing; and
- Email Marketing.

Id.

17. The Industry Traceback Group (“ITG”), the FCC’s designated registered traceback consortium that combats “illegal calls by tracing them to their origin”, uses a network-based process that is accessible to all voice service providers using the U.S. telephone network to issue “Tracebacks.” A Traceback traces a call’s path beginning with the voice service provider that delivered that call to the call recipient, all the way back to the voice service provider or entity that originated or placed the call, in order to learn where the call came from and who helped route the call along the call path to the call recipient. The ITG traces back calls that are identified to be suspected illegal

- and fraudulent robocalls. A true and accurate copy of the ITG's Policies and Procedures is attached as Exhibit 2.
18. Each call that is the subject of a Traceback is typically one among a call campaign, which is a group of calls with identical or nearly identical messaging as determined by the content and calling patterns of the caller. Exhibit 2 at 4.
 19. A single Campaign often represents hundreds of thousands or millions of calls. *Id.*
 20. As Tracebacks are initiated, a known "downstream provider" notifies the ITG of the "upstream provider" that routed the call to it, and process continues working "up" the call path.
 21. For every voice service provider in the call path that helped to route that call, the ITG sends a notice, via email, of the illegal call, a description of the call's content, why the call is likely illegal, as well as a link to the audio recording so that the provider receiving the notice can be aware of the fraudulent or illegal message contained in the call that they routed across their network.
 22. Each provider has a unique login to the ITG's Traceback portal. Each provider can see how many Tracebacks it has been sent, as well as metrics about the upstream and downstream voice service providers that it accepted a call from or routed a call to as related to each Traceback it receives.
 23. As of August 3, 2022, One Eye has been issued 102 Tracebacks. A true and accurate copy of a spreadsheet of One Eye's Tracebacks, provided by USTelecom in response to a North Carolina CID, is attached as Exhibit 3.
 24. Of those Tracebacks, 57 calls were placed to phone numbers on the Federal Do Not Call Registry.

25. At least one of those calls was to an Indiana phone number on the Federal Do Not Call Registry.

26. Based on its Tracebacks, One Eye has routed these types of calls:

Call Type	# of Tracebacks
Amazon imposter or Amazon scam	80
Government imposter, general	2
Legal-Consequences	9
SSA Imposter	11

27. The following are One Eye's upstream voice service provider customers that have routed identified fraudulent and illegal calls to One Eye that were the subject of multiple Tracebacks:

Customer	# of Tracebacks
Axistel	12
Clevertel	3
Laxmi Networks / LMC Networks Limited	20
Mavtel Voip	13
RD Infotech	14
UK Tell Ltd	14
Adaggio	3
Truezone Communication	8

28. On June 10, 2020, the State of Indiana, along with several other states, sued John Spiller and his several companies in *State of Texas et al. v. Rising Eagle Capital Group LLC et al.*, 4:20-cv-02021 (S.D.T.X 2020).
29. In *Spiller*, John Spiller provided the Plaintiff States his Skype conversations with “Frank Murphy” aka Prince Anand (“Anand”), CEO of PZ Telecommunication LLC and/or Illum Telecommunication LLC (“PZ Telecom”). In the messages, John Spiller went by the handle “onlywebleads.” A true and accurate copy of the Skype conversation is attached at Exhibit 4 at SKYPE004991.
30. At the time of the message, Spiller was running Great Choice Telecom.
31. On October 21, 2021, the FCC issued Anand and PZ Telecom a Cease-and-Desist Letter. A true and accurate copy of the Cease-and-Desist letter is attached at Exhibit 5.
32. On October 21, 2021, Spiller sent Anand a file titled “FCC demand letter to PZ Com Nov21.pdf.” Exhibit 4 at SKYPE005238.
33. Anand responded:
- Frank Murphy - 10/21/2021 6:39:54 PM
i knw
- Frank Murphy - 10/21/2021 6:39:58 PM
and already resolved it
- Frank Murphy - 10/21/2021 6:47:00 PM
send your sign up link
- Frank Murphy - 10/21/2021 6:47:14 PM
will signup with my friends new company
- onlywebleads - 10/21/2021 6:54:55 PM
Ok will do but make sure you don't send that shit traffic scam traffic
that you didn't respond to in the past
- onlywebleads - 10/21/2021 7:28:50 PM
this is the link for new customers to sign up
'<http://portal.greatchoicetelecom.com/signup/>'
- onlywebleads - 10/21/2021 8:04:30 PM
When you sign up for it please let me know when complete so I can

activate it and give you the same line if credit I gave to you under PZTelecommunications.

Exhibit 4 at SKYPE005238

34. On October 24, 2021, Spiller and Anand had this exchange:

onlywebleads - 10/24/2021 7:40:25 AM

We wanted to make sure you saw that the FCC issued another round of ceaseand-desist letters against three voice service providers for apparently transmitting illegal robocall traffic. The letters, sent respectively to Duratel, Primo Dialler, and PZ/Illum Telecommunication demand each provider to “immediately cease originating illegal robocall campaigns on their networks.” Otherwise, the letters warn that other network operators will be authorized to block all traffic from that provider if it does not take steps to effectively mitigate traffic within 48 hours, or fails to inform the FCC and the Industry Traceback Group, in its role as the Traceback Consortium, within fourteen days of the steps taken to implement effective measures to prevent their clients from using its network to make illegal calls. Did you take care of this by contacting the Traceback group or the FCC and letting them know how you plan to take steps to prevent this type of scam traffic? This has to be done first before this cease and desist letter will be wrapped up

Frank Murphy - 10/24/2021 8:11:13 AM

yes sir thats why i am shutting down the companies

onlywebleads - 10/24/2021 8:13:20 AM

Your shutting down the companies and doing what?

onlywebleads - 10/24/2021 8:13:42 AM

Your not going to use Voip Telecom minutes any more?

Frank Murphy - 10/24/2021 8:14:38 AM

i am shutting down this companies

Frank Murphy - 10/24/2021 8:14:48 AM

i will not be included in any companies

Frank Murphy - 10/24/2021 8:14:55 AM

i will work from the backend

Frank Murphy - 10/24/2021 8:15:04 AM

company owners will be different

onlywebleads - 10/24/2021 8:15:27 AM

What does that mean? Will you be able to stop sending the scam traffic?

onlywebleads - 10/24/2021 8:15:49 AM

And will they be using me for their VoIP Telecom traffic?

onlywebleads - 10/24/2021 8:16:02 AM

And when will this take place?

Frank Murphy - 10/24/2021 8:16:07 AM

from monday

Frank Murphy - 10/24/2021 8:16:14 AM
you will get a new signup
Frank Murphy - 10/24/2021 8:16:21 AM
from one eye llc
Frank Murphy - 10/24/2021 8:16:24 AM
today
onlywebleads - 10/24/2021 8:17:52 AM
Will they be able to stop sending scam traffic or not? Because that
company will also get shut down if they can't stop the scam traffic
Frank Murphy - 10/24/2021 8:23:01 AM
They will stop sir
[. . .]
onlywebleads - 10/24/2021 9:01:49 AM
Who is the owner?
Frank Murphy - 10/24/2021 9:02:21 AM
[. . .] me only sir
Frank Murphy - 10/24/2021 9:02:26 AM
the name is different
Frank Murphy - 10/24/2021 9:02:38 AM
[. . .] i will be only paying you
Frank Murphy - 10/24/2021 9:02:56 AM
on paper my name will not be there
Frank Murphy - 10/24/2021 9:03:01 AM
now you understood ?
onlywebleads - 10/24/2021 9:03:40 AM
Yes I got it

Exhibit 4 at SKYPE005245 – 48.

35. On November 1, 2021, Spiller sent Anand a login for:

“Kaushal.bhavsar@oneeyetelecom.com.” Exhibit 4 at SKYPE005276

36. On November 2, 2021, Kaushal Bhavsar (“Bhavsar”) signed into his PayPal account.

A true and accurate copy of Bhavsar’s PayPal Account is attached as Exhibit 6. A true and accurate copy of Bhavsar’s PayPal Activity Log is attached as Exhibit 7 (relevant spreadsheet cells have been highlighted).

37. On November 2, 2021, Bhavsar:

- Added a new credit card;

- Added the email kaushal.bhavsar@oneeyetelecom.com;
- Made the email above his primary email; and
- Removed the email: kaushal17@illumtelecommunication.com.

Exhibit 7.

38. On November 2, 2021, Bhavsar began paying several telecommunications companies, several of which appear as downstream providers in One Eye’s Tracebacks.

39. On November 3, 2021, Bhavsar updated his PayPal address to: Name: Kaushal Bhavsar, Address 1: 919 North Market St., Address 2: City: Wilmington, State: DE, Zip: 19801.

40. On January 11, 2022, Spiller and Anand had this conversation:

onlywebleads - 1/11/2022 12:26:33 PM

What type of content would you like to get out to the world

Frank Murphy - 1/11/2022 12:27:11 PM

Crypto calls

banking calls

amazon calls

microsoft calls

onlywebleads - 1/11/2022 12:29:55 PM

Amazon calls for scams or other type of calls?

onlywebleads - 1/11/2022 12:30:34 PM

And if they are for scams how can we mask them as real marketing so that they don’t get flagged by the FTC or fcc?

Frank Murphy - 1/11/2022 12:35:17 PM

[. .] yes for scam sir as you already know press 1 and robodialing is stopped so people started buying popup calls

Frank Murphy - 1/11/2022 12:35:38 PM

and the people who generates this they getting good money for each call

Exhibit 4 at SKYPE005381.

41. On February 6, 2022, Spiller and Anand had this conversation:

onlywebleads - 2/6/2022 10:58:00 PM

You hurt me more than any money in this world will be able to get me whole again. I am so upset that you put my life in danger with the federal government on wire fraud by you using my information without my

permission is your scams. I had no idea you were scamming people at all.
I feel terrible about this whole thing and pray that God sees how shitty I
feel by being taken down by you and your team of culprits
Frank Murphy - 2/7/2022 4:22:18 AM
sir nothing will happen

Exhibit 4 at SKYPE005404.

42. On February 25, 2022, Prince Anand set up an account with PayPal with the email address admin@oneeyetelecom.com. A true and accurate copy of Anand's PayPal account is attached as Exhibit 8.
43. The Office of the Attorney General is currently conducting an investigation into whether the policies and actions of One Eye constitute a violation of the Telemarketing Sales Rule, 16 C.F.R. § 310.3 through 310.5, the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 and its implementing rules, 47 C.F.R. §§ 64.1200 and 64.1604, Indiana's Telephone Solicitation of Consumers Act, Ind. Code 24-4-7 ("TSCA"), or the Regulation of Automatic Dialing Machines Act, Ind. Code 24-5-14 ("Auto-dialer Act").
44. From information obtained through an initial investigation conducted by the Attorney General, the Attorney General has reason to believe One Eye, presumably the holder and custodian of its own records, may be in possession, custody, or control of documentary material, and may have knowledge of facts that are relevant to an investigation being conducted to determine whether Executive Travel has violated the provisions of the Telemarketing Sales Rule, 16 C.F.R. § 310.3 through 310.5, the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 and its implementing rules, 47 C.F.R. §§ 64.1200 and 64.1604, Indiana's Telephone

Solicitation of Consumers Act, Ind. Code 24-4.7 (“TSCA”), or the Regulation of Automatic Dialing Machines Act, Ind. Code 24-5-14 (“Auto-dialer Act”).

PETITIONER’S ATTEMPTS TO OBTAIN RESPONSES TO THE CID

45. On August 1, 2022, in furtherance of its investigation, the Office of the Indiana Attorney General issued CID # 2022-00791-8753, containing interrogatories and requests for production of documents. The Attorney General requested a response to CID # 2022-00791-8753 by August 15, 2022. *See* Exhibit 1.
46. The CID was mailed via United Parcel Service to the Registered Agent: Incorporation Services, Inc., 919 North Market Street, Suite 950, WILMINGTON, DE 198013036.
47. On August 3, 2022, the CID was signed for by “Laria” at the address above. A true and accurate copy of the UPS delivery is attached as Exhibit 9.
48. Further, on August 1, 2022, the CID was email to Bhavsar at kaushal.bhavsar@oneeyetelecom.com.
49. On August 1, 2022, Bhavsar confirmed receipt, writing: “Hello sir i will go ahead and proceed with the things and update you asap,”
50. On August 16, 2022, undersigned counsel asked for an update.
51. On August 16, 2022, Bhavsar responded: “Sir we are already working on everything and will send you everything asap.”
52. On August 17, 2022, undersigned counsel asked for an update. There was no response.
53. On August 22, 2022, undersigned counsel asked for an update. There was no response. A true and accurate copy of these emails is attached as Exhibit 10.

54. On September 13, 2022, undersigned counsel sent Bhavsar a Warning Letter, giving One Eye until September 20, 2022 to respond. The letter was emailed and mailed. A true and accurate copy of the Warning Letter is attached as Exhibit 11.
55. One Eye has not provided a full response to CID 2022-00791-8753 as of the date of this filing.
56. One Eye's failure to provide a response to CID 2022-00791-8753 is in bad faith.
57. The Attorney General has attempted to secure a response to CID 2022-00791-8753 through repeated communications with One Eye. The Attorney General's attempts have been unsuccessful.

RELIEF

58. As the Attorney General has issued his CID 2022-00791-8753 as part of his duties to protect Indiana consumers by enforcing consumer protection law, the Attorney General requests that the Court set this matter for hearing at the Court's earliest convenience.
59. The Attorney General requests that the Court order One Eye to provide a full response to CID 2022-00791-8753 by answering fully and truthfully the interrogatories and requests for production propounded in CID 2022-00791-8753 and award reasonable expenses to the Office of the Indiana Attorney General for the Attorney General's costs and attorney's fees in petitioning to enforce CID 2022-00791-8753.
60. The Attorney General requests that the Court enter all other just and proper relief.

I affirm, under the penalties for perjury, that the foregoing representations are true.

Respectfully submitted,

Office of the Indiana Attorney General

Date: 11/1/2022

By: /s/ Joseph D. Yeoman
JOSEPH D. YEOMAN
Indiana Bar No. 35668-29
Joseph.Yeoman@atg.in.gov
Deputy Attorneys General
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
(317) 234-1912 (Yeoman)
(317) 232-7979 (Fax)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above Verified Petition to Enforce Civil Investigative Demand was mailed by United States certified mail, return service requested, this 1st day of November 2022, to the following:

One Eye LLC
Registered agent: Incorp Services, Inc.
919 North Market Street
Suite 950
Wilmington, DE 19801

/s/ Joseph D. Yeoman
JOSEPH D. YEOMAN
Indiana Bar No. 35668-29
Joseph.Yeoman@atg.in.gov
Deputy Attorneys General
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
(317) 234-1912 (Yeoman)
(317) 232-7979 (Fax)