

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

GALANTE GROUP CORP.,
a Florida corporation, d/b/a
J.G. TAX GROUP CO.
Plaintiff,

VS.

CASE NO.:

TAX DEFENSE NETWORK, INC.
a Florida corporation, JOSEPH
VALINHO and FRANK VALINHO,
Defendants.

COMPLAINT

GENERAL ALLEGATIONS

COMES NOW the Plaintiff, Galante Group Corp., a Florida corporation d/b/a J.G. Tax Group, Co., hereinafter called JG, and sues Defendants Tax Defense Network, Inc., a Florida Corporation, hereinafter referred to as Tax Defense, and Joseph Valinho, individually, hereinafter referred to as Joseph, and Frank Valinho, individually, hereinafter referred to as Frank, and alleges:

1. The Plaintiff is a Florida corporation with its principal place of business in Broward County, Florida.
2. The Defendant Tax Defense is a Florida corporation conducts business in Broward County Florida and its principal address is in Duval County, Florida.
3. All transactions' material hereto occurred in Broward County, Florida.
4. This is a cause of action in excess of \$15,000, exclusive of attorney's fees and costs, for acts of Unfair Trade Practices, Defamation and Conspiracy, all occurring in Broward County,

Florida.

5. The Defendants Joseph and Frank are residence of Florida and are believed to reside in Duval County, Florida.

6. The Defendant corporation, and/or the individual Defendants are operating a web site hosted by "GoDaddy" under the web address of "ConsumerTaxReports.org.". This web site was created for the purpose of conducting unfair trade practices, defaming the name of the Plaintiff and others, distributing falsities, and conspiring to use the web address to solicit business for the Defendant corporation. The web site is the alter ego of the Defendant corporation, and all contacts with the web site are referred to the Defendant corporation. The publications to the web site occurred on February 22, 2012 and at times prior and subsequent thereto.

7. This web site creates the impression it is an independent evaluation service when in fact it is the alter ego of the Defendant corporation which corporation was created by the individual defendants to accomplish a plan to distribute false and misleading information about competitors, including the Plaintiff, obscures information in identifying the point of origin or transmission path of its unsolicited commercial electronic message, and contains false and misleading information in the subject line, Any inquires to the web site are answered by the Defendant corporation who uses this website as a marketing tool and in the distribution of false and misleading information about the Plaintiff and other competitors.

8. The web site represents itself as an independent rating service, when in fact it does no such thing.

9. The individual defendants have conspired in creating the web site to accomplish unfair trade practices by unlawful means, the defendant corporation being their alter ego for this

purpose.

10. Attached to this complaint is a printout of the web site and the review of the Plaintiff.

The information about the Plaintiff on the website as stated below is FALSE and misleading. :

- a. Plaintiff has a flat fee vs. a retainer agreement.
- b. Plaintiff has no tax attorneys.
- c. Plaintiff only has 10 employees.
- d. Plaintiff has attorney general complaints
- e. Plaintiff's hours of operation are Monday through Friday.
- f. Plaintiff doesn't have a quality assurance department.
- g. Plaintiff's client's experiences are fair.
- h. Plaintiff doesn't give charitable donations.
- i. Plaintiff does not have technical support.

COUNT I

UNFAIR AND DECEPTIVE TRADE PRACTICES

Plaintiff sues Defendant corporation and alleges:

11. Plaintiff incorporates paragraphs 1 through 10 above as if set forth herein.

12. This is a cause of action pursuant to Florida Statutes section 668.603 and part II of chapter 501 for unfair and deceptive trade practices.

13. Defendant corporation has created the web site as attached hereto as Exhibit A, which represents itself as an independent tax company evaluation service and contains information about the Plaintiff.

14. Defendant corporation transmits or assist in the transmission of unsolicited

commercial electron mail from a computer located in this state and distributes a system designed to falsify the routing information identifying the point of origin or the transmission path. The web site purports to be an independent rating service, when in fact it is a marketing tool for the Defendant corporation which distributes false and misleading information as stated in the preceding paragraphs.

All inquires to the web site are replied to by the corporate defendant.

15. The acts of the corporate defendant are unfair methods of competition, unconscionable acts and practices and constitute unfair and deceptive acts in the conduct of any trade or commerce are unlawful under F.S. section 501.204. These acts as stated in paragraphs 6, 7, 8, 10 and 13 are unfair, unconscionable acts and practices and are unfair and deceptive acts and practices in the conduct of trade or commerce.

16. Florida Statutes section 501.2075 provides for a civil penalty of not more than \$10,000 for each such violation and attorney fees.

17. There is an inadequate remedy at law to prohibit the aforesaid unlawful acts, and irreparable harm will arise absent injunctive relief.

THEREFORE Plaintiff demands compensatory damages, attorney's fees and costs and a temporary and permanent injunction to prevent the unlawful acts.

COUNT II

DEFAMATION

Plaintiff sued Defendant corporation and alleges:

18. Plaintiff incorporates paragraphs 1 through 10 as if fully set forth herein.

19. The Defendant corporation made false and defamatory statements concerning the Plaintiff. These statements were published to third parties as shown by the attached Exhibit A

which is an internet website. These publications were not privileged.

20. These false and defamatory statements are listed in paragraph 10 above and as described in Exhibit A.

21. These statements were intentionally made, knowing them to be false or if not knowing them to be false, were at such fault as to amount to negligence on the part of the Defendant corporation.

22. These statements are actionable as they constitute a harm to the Plaintiff and its relationship with existing and prospective customers.

23. There is an inadequate remedy at law to prohibit the aforesaid unlawful acts, and irreparable harm will arise absent injunctive relief.

THEREFORE Plaintiff demands compensatory damages, costs and a temporary and permanent injunction to prevent the unlawful acts.

COUNT III

CONSPIRACY

Plaintiff sues all of the Defendants and alleges:

24. Plaintiff incorporates paragraphs 1 through 10 as if fully set forth herein.

25. This is an action for conspiracy between the corporate defendant and the two individual defendants.

26. The defendants conspired to commit an unlawful act, and the individual defendants used the corporate defendant as their alter ego and shield to commit this corporate act. This was further manifested by the use of a web site which did not properly identify the defendant corporation or the individuals as the point of origin for the web site.

27. The use of this website was an unlawful act as part of a plan of conspiracy to publish false, and misleading information, and to avoid accountability by creating the guise of a rating service which was a solicitation media for the Defendant corporation. The false and misleading information is contained in attached Exhibit A and enumerated in paragraph 10 above.

28. These acts of Plaintiff in publishing false and misleading information, in using a website under the guise of a rating service to disparage its competitors and to solicit for the Defendant's business has caused damages to the Plaintiff in the loss of reputation, business and prospective business.

29. There is an inadequate remedy at law to prohibit the aforesaid unlawful acts, and irreparable harm will arise absent injunctive relief.

THEREFORE Plaintiff demands compensatory damages, costs and a temporary and permanent injunction to prevent the unlawful acts.

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By: _____
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