

1 THOMAS P. O'BRIEN
United States Attorney
2 LEE WEIDMAN
Assistant United States Attorney
3 Chief, Civil Division
GARY PLESSMAN
4 Assistant United States Attorney
Chief, Civil Fraud Section
5 California State Bar No. 101233
Room 7516, Federal Building
6 300 North Los Angeles Street
Los Angeles, California 90012
7 Telephone: (213) 894-2474
Facsimile: (213) 894-2380
8 Email: gary.plessman@usdoj.gov
Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ALARM KING, INC., a California
17 Corporation;
18 JAMES L. ROCHE, individually and as
an officer of Alarm King, Inc.; and
19 DEBRA A. ROCHE, individually and
as an officer of Alarm King, Inc.,

20 Defendants.

Case No.

**COMPLAINT FOR CIVIL
PENALTIES, PERMANENT
INJUNCTION, AND OTHER
RELIEF**

21
22 Plaintiff, the United States of America, acting upon notification and
23 authorization to the Attorney General by the Federal Trade Commission ("FTC" or
24 "Commission"), pursuant to Section 16(a)(1) of the Federal Trade Commission
25 Act ("FTC Act"), 15 U.S.C. § 56(a)(1), for its complaint alleges:

26 1. Plaintiff brings this action under Sections 5(a), 5(m)(1)(A), 13(b), 16(a) and
27 19 of the FTC Act, 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), 56(a) and 57b, and
28 Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act

1 (the “Telemarketing Act”), 15 U.S.C. § 6105, to obtain monetary civil penalties, a
2 permanent injunction, and other equitable relief for Defendants’ violations of
3 Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC’s Telemarketing
4 Sales Rule (the “TSR” or “Rule”), 16 C.F.R. Part 310, as amended by 68 Fed. Reg.
5 4580, 4669 (January 29, 2003).

6 **JURISDICTION AND VENUE**

7 2. This Court has subject matter jurisdiction over this action pursuant to 28
8 U.S.C. §§ 1331, 1337(a), 1345, and 1355, and 15 U.S.C. §§ 45(m)(1)(A), 53(b),
9 and 56(a). This action arises under 15 U.S.C. § 45(a).

10 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(c) and 1395(a),
11 and 15 U.S.C. § 53(b).

12 **DEFENDANTS**

13 4. Defendant Alarm King, Inc. (“Alarm King”), is a California Corporation
14 with its principal place of business at 3361 Chicago Ave., Riverside, California.
15 Defendant Alarm King is a telemarketer that initiated outbound telephone calls to
16 induce consumers to purchase home security alarm goods or services. Defendant
17 Alarm King transacts or has transacted business in this District.

18 5. James L. Roche is the President of Alarm King and 50% owner of the
19 company. In connection with the matters alleged herein, he resides or has
20 transacted business in this District. Acting alone or in concert with others, he has
21 formulated, directed, controlled or participated in the acts or practices set forth in
22 this complaint.

23 6. Debra A. Roche is Vice President and Secretary of Alarm King and 50%
24 owner of the company. In connection with the matters alleged herein, she resides
25 or has transacted business in this District. Acting alone or in concert with others,
26 she has formulated, directed, controlled or participated in the acts or practices set
27 forth in this complaint.
28

- 1 D. Order Defendants to pay the costs of this action; and
2 E. Award Plaintiff such other and additional relief as the Court may
3 determine to be just and proper.
4

5 Dated _____

6 OF COUNSEL:
7 CHARLES A. HARWOOD
8 Regional Director for Northwest Region.
9 FEDERAL TRADE COMMISSION

10 MARY T. BENFIELD, Attorney
11 Federal Trade Commission
12 915 2nd Ave., rm. 2896
13 Seattle, WA 98174
14 206-220-4476
15 206-220-6366 *fax*
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Respectfully submitted:
FOR THE UNITED STATES OF AMERICA

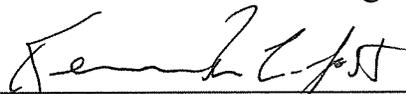
2 PETER D. KEISLER
3 Assistant Attorney General
Civil Division
4 U.S. DEPARTMENT OF JUSTICE

5 THOMAS P. O'BRIEN
United States Attorney

6 LEE WEIDMAN
7 Assistant United States Attorney
Chief, Civil Division

8
9
10 GARY PLESSMAN
Assistant United States Attorney
Chief, Civil Fraud Section
11 California State Bar No. 101233
Room 7516, Federal Building
12 300 North Los Angeles Street
Los Angeles, California 90012
13 Telephone: (213) 894-2474
Facsimile: (213) 894-2380
14 Email: gary.plessman@usdoj.gov

15 EUGENE M. THIROLF
16 Director
Office of Consumer Litigation

17
18 
KENNETH L. JOST
19 Deputy Director
Office of Consumer Litigation
20 U.S. Department of Justice
P.O. Box 386
21 Washington, D.C. 20044
Telephone: (202) 307-0048
22 Facsimile: (202) 514-8742
Email: kenneth.jost@usdoj.gov