

DANIEL R. MOESER
CIRCUIT COURT, BR. 11

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH

DANE COUNTY

STATE OF WISCONSIN,
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707,

Plaintiff,

v.

Case No. 10-CX-40

Complex Forfeiture: 30109

JOSHUA BURLIN,
22 East Dayton, Apt. 103
Madison, Wisconsin 53703,

SHACHAR ELHARAR,
301 South Yellowstone Drive, Apt. 418
Madison, Wisconsin 53705,

and

MADISON LOCKSMITH, LLC,
a Wisconsin limited liability company
825 East Johnson Street
Madison, Wisconsin 53703,

Defendants.

THIS IS AN ELECTRONIC COPY OF THE
ORIGINAL DOCUMENT FILED WITH THE DANE
COUNTY CLERK OF CIRCUIT COURT.

CARLO ESCUEDA
CLERK OF CIRCUIT COURT

2010 JUL 30 AM 9:27
DANE CO. CIRCUIT COURT

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a defendant:

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH

DANE COUNTY

STATE OF WISCONSIN,
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707,

Plaintiff,

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COMPLAINT

The State of Wisconsin, by its attorneys, J.B. Van Hollen, Attorney General, and Assistant Attorney General John S. Greene, and on behalf of the Wisconsin Department of Agriculture, Trade and Consumer Protection, brings this action against the defendants named above and alleges as follows:

PARTIES

1. Plaintiff, the State of Wisconsin, is a sovereign state of the United States of America, with its principal offices at the State Capitol in Madison, Wisconsin.

2. Defendant Joshua Burlin is an adult residing at 22 East Dayton Street, Apt. 103, Madison, Wisconsin.

3. Defendant Shachar Elharar is an adult residing at 301 South Yellowstone Drive, Apt. 418, Madison, Wisconsin.

4. Defendant Madison Locksmith, LLC, ("Madison Locksmith") is a Wisconsin limited liability company whose principal place of business is 825 East Johnson Street, Madison, Wisconsin. Between January 2009 and June 2009, Madison Locksmith's principal place of business was 6417 Normandy Lane, Suite 203, Madison, Wisconsin.

5. Madison Locksmith's principal business activity is performing mobile locksmith services throughout the greater Madison, Wisconsin area.

6. Burlin created Madison Locksmith, LLC in July 2008.

7. Since no later than January 2009, defendants Burlin and Elharar have co-owned and operated Madison Locksmith, LLC as business partners and the sole members of Madison Locksmith, LLC, with each owning a 50 percent interest in the business.

8. At all times relevant to this complaint, defendants Burlin and Elharar formulated, directed, controlled or had the ability to control, had knowledge of, and participated in the unlawful acts or practices of defendant Madison Locksmiths, LLC, rendering each of them personally liable for the violations alleged in this complaint.

9. When in this complaint reference is made to any statement, representation, act, or practice of Madison Locksmith, such allegation shall be assumed to mean the defendants, or their employees, agents, representatives, or other persons acting under their supervision, direction or control.

JURISDICTION AND VENUE

10. This action is brought pursuant to Wis. Stat. § 100.18(11)(d).

11. Pursuant to Wis. Stat. § 801.50(2), venue is proper in Dane County because the claims arose there, defendants do substantial business there, and the individual defendants reside there.

FACTS

12. Madison Locksmith provides locksmith services in and around Madison, Wisconsin, by fielding calls from consumers needing services and then dispatching locksmiths to those consumers' locations.

13. Madison Locksmith began operating in 2008, but until January 2009, had no separate business location. In January 2009, Madison Locksmith began renting office space at 6417 Normandy Lane, Suite 203, Madison, Wisconsin, and purchased its first computer for business use.

14. Defendants Burlin and Elharar executed an Operating Agreement dated January 1, 2009, under which both became equal (50 percent) members of Madison Locksmith, LLC, and were authorized to manage the company.

15. At least through December 2009, except for temporary clerical employees Madison Locksmith has had no employees other than Burlin and Elharar; upon information

and belief all locksmith services have been provided by either Burlin or Elharar.

16. On or around June 1, 2009, Madison Locksmith moved its office from Normandy Lane to its present location at 825 East Johnson Street in Madison.

17. Madison Locksmith has utilized two principal means of advertising--yellow pages directories and internet advertising.

18. Defendants have engaged in a pattern of fraudulent and deceptive representations in connection with the marketing of their business.

19. As part of their marketing strategy, defendants have utilized a number of fictitious business names, including the following:

007 Locksmith
24/7 Locksmith
24 Hour Emergency Locksmith
24 Hour Fast Locksmith
A aa Madison Locksmith
A aaaaa Paramount Locksmith
AAA All Day All Night Locksmith
AAA Madison Locksmith
Affordable Twenty Four Hour Locksmith
Crazy Larry's Auto Unlocks
Crazy Larry's Locksmith Service
Express Locksmith Madison
Madison Locksmith Express—24/7 Service, and
Middleton Locksmith.

20. Defendants listed their fictitious business names both in yellow pages directories and on the internet. Among other things, they posted fictitious business listings on internet directories operated by search engines such as Google and Yahoo!.

21. Along with multiple phone numbers, defendants provided numerous false addresses for their various fictitious business names, for the purpose of making

consumers believe that they were contacting a locksmith business close to the consumer's location.

22. Exhibit A illustrates the defendants' use of fictitious business names and addresses. It is a printout of 20 consumer reviews ostensibly posted by a single consumer (and on the same day—February 12, 2009), using the screen name "octoberrain," regarding Madison Locksmith and five fictitious business names and numerous fictitious addresses created by defendants. As shown on the exhibit, each purported locksmith business except one lists an address, nearly all of which are non-existent.

23. For example, Exhibit A contains 11 purported reviews of the following "Madison Locksmith" locations:

1 S. Madison Street, Waunakee
450 W. Main Street, Waunakee
6000 Lacy Road, Fitchburg
6500 Century Avenue, Middleton
1221 Post Road, Madison
6500 Mineral Point Road, Madison
622 W. Johnson Street, Madison
1 N. Fairchild Street, Madison
1360 Regent Street, Madison, and
1200 Regent Street, Madison.

24. At the time these reviews were posted (February 2009), defendants' only business location was 6417 Normandy Lane, Suite 203, in Madison. Although 1360 Regent Street, Madison, and 6500 Century Avenue, Middleton, exist as addresses, defendants have never maintained locksmith facilities there. The remaining addresses are non-existent.

25. Defendants deliberately used a multitude of fictitious business names, together with false addresses and separate phone numbers, for the purpose of misleading consumers.

26. Defendants further attempted to mislead consumers by posting fictitious positive internet reviews about the various purported locksmith entities or names used by defendants. These reviews are available to consumers who search the internet for businesses in a particular geographic area, using a search engine such as Google or Yahoo!, and are plainly designed to mislead consumers into believing that the comments were from actual, satisfied customers of defendants' business.

27. Exhibit A contains a small sampling of the literally hundreds of such phony business reviews defendants have posted on the internet. According to the postings on Exhibit A, the person using the screen name "octoberrain" hired 20 different locksmith businesses (all of which happen to be creations of defendants) to replace the locks at octoberrain's business—all on the same day.

28. As Exhibit A shows, all 20 reviews posted by "octoberrain" on the same day—February 12, 2009—are identical, reflecting mass "cutting and pasting" by the author of the reviews. Although the captions on the comments vary from "secure!" to "very secure" to "so secure" to "so very secure" to "secure," the reviews all read as follows:

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

29. Defendants, using many other fictitious screen names, posted a large number of similar phony reviews, numbering at least in the hundreds.

30. In addition to phony positive reviews defendants posted about their own business, they also posted phony negative reviews about competing Madison-area locksmith businesses.

31. Defendants have also falsely represented to customers that their locks must be drilled out and replaced because they cannot otherwise be opened, when such is not the case.

32. As a result of their deceptive practices, defendants have substantially overcharged customers for their services.

33. Defendants' current standard charge to drill out a lock is \$225.00, and their charge for a standard new lock is \$49.99. Thus, the unnecessary drilling of a lock results in an additional, and unjustified, charge of at least \$275. Upon information and belief, defendants have charged some customers more than this amount for unnecessary services.

34. Upon information and belief, defendants have made such false representations to a significant number of consumers, the precise number of which is presently unknown to the state but known to the defendants.

35. Upon information and belief, the amount defendants have overcharged consumers based upon their misrepresentations is substantial, but is presently unknown to the state but known to the defendants.

VIOLATIONS

(Wis. Stat. § 100.18)

36. Plaintiff re-alleges all preceding paragraphs of the complaint and incorporates them herein.

37. By advertising false business addresses, in conjunction with multiple business names and phone numbers, for the purpose of inducing consumers to utilize their locksmith services, defendants have made untrue, deceptive and misleading representations in violation of Wis. Stat. § 100.18(1).

38. By posting fictitious consumer comments on the internet about their own business or about competitors' businesses, for the purpose of inducing consumers to utilize their locksmith services, defendants have made untrue, deceptive and misleading representations in violation of Wis. Stat. § 100.18(1).

39. By stating to consumers that it is necessary to drill out their lock in order to open it, when such representation is untrue, deceptive or misleading, defendants have violated Wis. Stat. § 100.18(1).

RELIEF

WHEREFORE, plaintiff, State of Wisconsin, demands judgment against defendants as follows:

1. Enjoining defendants from engaging in conduct that violates Wis. Stat. § 100.18(1).

2. Ordering defendants to pay restitution to persons suffering pecuniary loss

because of defendants' violations, pursuant to Wis. Stat. § 100.18(11)(d).

3. Imposing forfeitures of not less than \$50.00 nor more than \$200.00 for each violation of Wis. Stat. § 100.18(1), plus all applicable penalty assessments and surcharges, pursuant to Wis. Stat. § 100.26(4).

4. Awarding the State all allowable costs pursuant to Wis. Stat. § 814.04.

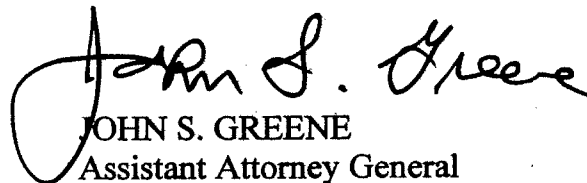
5. Awarding the State of Wisconsin the expenses of investigation and prosecution, including attorneys fees, relating to enforcement of defendants' violations, pursuant to Wis. Stat. § 100.263, and awarding the Department of Agriculture, Trade and Consumer Protection all allowable enforcement costs pursuant to Wis. Stat. § 93.20(2).

6. Awarding such other relief as the court may deem just and equitable.

Dated this 30th day of July, 2010.

Respectfully submitted,

J.B. VAN HOLLEN
Attorney General



JOHN S. GREENE
Assistant Attorney General
State Bar #1002897

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Help | Sign In

Google maps

Find businesses, addresses and places of interest.

Search Maps

Show search options

Get Directions My Maps

This user has not created a profile yet.



Reviews (20)

Reviews

Sort by date - Sort by rating

Crazy Larry's Locksmith 701 s gammon, Madison, WI 53717
secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Express Locksmith 8507 Old Sauk Rd, Middleton, WI 53562
very secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Crazy Larry's Locksmith 1 s henry st, Madison, WI 53703
so secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Express Locksmith 3257 International Ln, Madison, WI 53704
secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Express Locksmith 500 W Johnson St, Madison, WI 53703
secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Express Locksmith 465 N Park st, Madison, WI 53706
so secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Madison Locksmith 1 S Madison St, Waunakee, WI 53597
secure - Feb 12, 2009

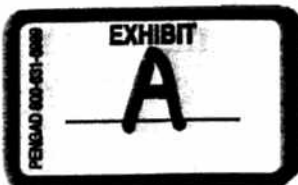
The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Madison Locksmith: Central Madison, WI 53703
so secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been



so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Middleton Locksmith 6010 Century Ave, Middleton, WI 53562

so secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Madison Locksmith 450 w main st, Waukege, WI 53597

so secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Madison Locksmith 6000 lacy rd, Ritchburg, WI 53711

so secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Madison Locksmith 6500 Century Ave, middleton, WI 53562

secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Madison Locksmith 1221 Post Rd, Madison, WI 53713

secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Madison Locksmith 6500 mineral point rd, Madison, WI 53705

so secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

A Affordable Twenty Four Hour Locksmith 121 E Gilman St, Madison, WI 53703

so secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

24 Hour Fast Locksmith 525 State St, Madison, WI 53703

so very secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

[Flag as inappropriate]

Madison Locksmith 622 W Johnson, Madison, WI 53703

so secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

[Flag as inappropriate]

Was this review helpful? Yes - No

Madison Locksmith 1 N Fairchild, Madison, WI 53703
very secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

(Flag as inappropriate)

Madison Locksmith 1360 Regent St, Madison, WI 53713
very secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

(Flag as inappropriate)

Madison Locksmith 1200 Regent St, Madison, WI 53703
so secure - Feb 12, 2009

The technician installed intensely strong locks on all of our doors. My business has never been so secure until now. Thanks guys! Keep on fighting the good fight.

Was this review helpful? Yes - No

(Flag as inappropriate)