

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



ELIZABETH R. ALEXANDER, JOHN P.
ALEXANDER, MARY SESSUMS,
SANDRA GLASSMIRE, JAI GIBSON,
SHARON JOSEPH, *individually and on
behalf of all others similarly situated*

PLAINTIFFS

v.

CIVIL ACTION NO. 3:17cv56DLG-RHW

GLOBAL TEL LINK CORPORATION,
CHRISTOPHER EPPS, SAM WAGGONER
AND DEFENDANT DOES 1 - 5

DEFENDANTS

CLASS ACTION COMPLAINT

Jury Trial Requested

1. Plaintiffs Elizabeth Alexander, John Alexander, Mary Sessums, Sandra Glassmire, Jai Gibson and Sharon Joseph, individually and on behalf of all others similarly situated (collectively, "Plaintiffs"), bring this federal class action asserting claims under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 *et seq.*, seeking restitution, compensatory and punitive damages, treble damages and injunctive relief against Global Tel Link Corporation ("GTL") and its partners in crime, Christopher Epps and Sam Waggoner (collectively, an enterprise-in-fact denoted hereafter as the "Mississippi Prison Phone Scam" or "MPPS"). Epps and Waggoner have already pleaded guilty and are in federal prison for their crimes involving bribery, kickbacks and money laundering committed in concert with

GTL. GTL stands atop an industry notorious for exploiting and gouging the weak and the defenseless. Through a concerted campaign of bribery, kickbacks, and public corruption, the Defendants gained a long-term monopoly over telecommunications between family members and friends and their loved ones incarcerated in various facilities in the State of Mississippi. The Defendants sought and maintained this monopoly with the specific goal of targeting the Plaintiff Class with exorbitant and rapacious fees and charges significantly higher than fair market rates and bearing no relation to the rates they were authorized to charge under GTL's contracts with the State of Mississippi and local jailers. GTL split its ill-gotten gains with Epps and their bagman, Sam Waggoner, in furtherance of the criminal enterprise.

2. The Defendants conspired and conducted their racketeering enterprise in Mississippi through a pattern of bribery, money laundering, and other criminal activity which (i) affected interstate commerce, (b) relied on the U.S. Mail and interstate wire services, and (c) directly involved interstate telephone communications. This pattern of racketeering and organized criminal activity ultimately resulted in federal criminal prosecutions and convictions of Epps and Waggoner, whose activities in alliance with GTL included, *inter alia*; (1) bribery of a public official, (2) violation of Mississippi's public bid statutes, and (3) money laundering. Their activities in concert and alliance with GTL constituted an association-in-fact, criminal racketeering enterprise under 18 U.S.C. 1961 *et seq.*

PARTIES

3. Plaintiff Elizabeth Alexander is a citizen of Taylorsville, Mississippi who has a family member who has been incarcerated in several MDOC facilities, including but not limited to the Mississippi State Penitentiary at Parchman and East Mississippi Correctional Facility. She

has been forced to pay Defendant GTL unjust, unreasonable, unfair and deceptive amounts for phone calls to her son who has been incarcerated in the aforementioned facilities. She is willing and able to serve as class representative.

4. Plaintiff John Alexander is a former citizen of Jackson, Mississippi currently incarcerated in MDOC facilities utilizing inmate calling services provided by Defendant GTL. He has been forced to pay GTL unjust, unreasonable, unfair and deceptive amounts for phone calls to his family members while incarcerated in MDOC facilities. He is willing and able to serve as class representative.

5. Plaintiff Mary Sessums is a citizen of Pelahatchie, Mississippi currently incarcerated in MDOC facilities utilizing inmate calling services provided by Defendant GTL. She has been forced to pay GTL unjust, unreasonable, unfair and deceptive amounts for phone calls to her family members while incarcerated in MDOC facilities. She is willing and able to serve as class representative.

6. Plaintiff Sandra Glassmire is a resident of Pelahatchie, Mississippi who has a family member who has been incarcerated in MDOC facilities utilizing inmate calling services provided by GTL. She was forced to pay GTL unjust, unreasonable, unfair and deceptive amounts for telephone calls to her daughter who was incarcerated in the aforementioned facilities. She is willing and able to serve as a class representative.

7. Plaintiff Sharon Joseph is a citizen of Louisiana who has a family member who has been incarcerated in MDOC facilities utilizing inmate calling services provided by GTL. She was forced to pay GTL unjust, unreasonable, unfair and deceptive amounts for telephone

calls to her daughter who was incarcerated in the aforementioned facilities. She is willing and able to serve as a class representative.

8. Plaintiff JoAnn Houston is a resident of Jackson, Mississippi who has a family member who has been incarcerated in MDOC facilities utilizing inmate calling services provided by GTL. She was forced to pay GTL unjust, unreasonable, unfair and deceptive amounts for telephone calls to her daughter who was incarcerated in the aforementioned facilities. She is willing and able to serve as a class representative.

9. Plaintiff Sammie Lee Taylor is a resident of Pearl, Mississippi who has a family member who has been incarcerated in MDOC facilities utilizing inmate calling services provided by GTL. She was forced to pay GTL unjust, unreasonable, unfair and deceptive amounts for telephone calls to her daughter who was incarcerated in the aforementioned facilities. She is willing and able to serve as a class representative.

10. Defendant GTL is a Delaware corporation with its principal place of business located at 12021 Sunset Hills Road, Reston, VA 20190. Service can be had upon its registered agent, InCorp Services, Inc., at 302 Enterprise Drive, Suite A, Oxford, MS 38655. It is the largest provider of inmate calling services (“ICS”) in the United States.

11. Defendant Christopher Epps was the Commissioner of MDOC during the Class Period and is a resident citizen of Rankin County, Mississippi. He is currently in federal custody.

12. Defendant Sam Waggoner was formerly a resident of Leake County, Mississippi. He was sentenced to 60 months in federal prison and, upon information and belief, is currently in federal custody.

13. Defendant Does 1 - 5 are individuals, corporations, limited liability companies, partnerships or other entities that participated in, or who knew or reasonably should have known about, the racketeering activities and corrupt practices described herein. The identities of these Defendants are unknown until adequate discovery is allowed.

JURISDICTION AND VENUE

14. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1331 because this matter involves a federal question, *i.e.*, whether the Defendants violated 18 U.S.C. § 1961 *et seq.* Alternatively, jurisdiction is proper pursuant to 18 U.S.C. § 1965, which provides that “any civil action or proceeding under this chapter may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.” This Court has supplemental jurisdiction over Plaintiffs’ state law claims because they arise from a common nucleus of operative facts and are such that Plaintiffs ordinarily would expect to litigate both the state claims and the claim involving a federal question in one judicial proceeding.¹

15. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and/or 18 U.S.C. § 1965 in that Defendant GTL transacts substantial business and is subject to personal jurisdiction in this district and thus “resides” in this district. Venue is also proper in this district pursuant to

¹ Attorney General Jim Hood is suing these same Defendants in state court on behalf of the State of Mississippi and other local governmental entities [*Jim Hood v. Global Tel*Link Corporation, et al.*, In the Circuit Court of Rankin County, Mississippi, Civil Action No. 17-00027]. However, that action is brought “*exclusively under the laws of Mississippi*,” and to the extent any claim or factual assertion therein may be construed as stating a federal claim, “*the State disavows that claim*.” (emphasis added). Further, Plaintiffs in that action expressly state that “*the claims asserted are brought solely by the State and are independent of any claims that individuals may have against Defendants*.” (emphasis added). Accordingly, none of the claims asserted in this action are parallel or duplicative of any claims which have been asserted in that case and there is no basis for federal abstention.

28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims asserted herein took place in this district.

FACTUAL BACKGROUND

16. Epps was appointed Commissioner of MDOC in 2002. In that capacity he was “responsible for the management of affairs of the correctional system and for the proper care, treatment, feeding, clothing and management of the offenders confined therein.” Miss. Code Ann. § 47-5-23 (emphasis added).

17. In 2005, MDOC issued RFP No. 3527 for the provision, installation and management of an Inmate Calling Services (“ICS”) system, with digital recording of all calls, for the inmates at the State Penitentiary at Parchman and other MDOC facilities.² On or about December 13, 2005, GTL was awarded the contract. [See Ex. A, p. 56].

18. This was the last time GTL had to face even the pretense of competition for the provision of Inmate Calling Services in Mississippi.

19. In 2007, GTL’s contract was renewed and extended at the recommendation of Epps, without competitive bidding, for three years with two additional one-year options thereafter. GTL agreed to pay MDOC 59.5% of gross revenues during the first two years with a modest 1% increase after that. [See Ex. B, 2007 Inmate Calling Service Agreement, Article 3]. It also authorized the following call rate structure:

² Although the Mississippi Department of Technology Services was the “contracting agent” for MDOC, the RFP was in fact prepared by MDOC under the direction of then-Commissioner Epps, who executed the final contract on behalf of MDOC.

	Per Call Charge	Per Minute Charge
Local	\$2.85	NA
IntraLata/Intrastate	\$2.10	\$0.22
InterLata/Interstate	\$1.94	\$0.22
Interstate	\$3.30	\$0.75

Although no ancillary charges were authorized in the call-rate structure approved in the contract, GTL proceeded to grossly inflate the cost to ICS end-users by including such charges on a regular and recurring basis.³ GTL had no legal right to assess such ancillary charges pursuant to its contract with MDOC.⁴

20. Waggoner worked for GTL for over 20 years and had known Epps at least that long prior to the formation of MPPS. Waggoner testified that the idea for bribes and kickbacks originated with Epps, but expressly stated that the determination of what percentage Epps would receive was “a mutual agreement.” [Ex. A at 60] Waggoner testified that Epps “wanted some of the money . . .” [*Id.* at. 62]

³ The Federal Communications Commission (“FCC”) defines “Ancillary Charges” as “fees charged . . . such as, but not limited to, a charge for the establishment of debit and prepaid accounts for inmates in facilities served by the ICS provider for those inmates’ called parties; a charge to add money to those established debit or prepaid accounts; a charge to close debit or prepaid accounts and refund any outstanding balance; a charge to send paper statements to ICS end users; a charge to send calls to wireless numbers; fees characterized as ‘regulatory recovery fees,’ penalty charges assessed on the account for perceived three-way calling or other perceived violations of the security provisions mandated by the correctional facility; and other charges ancillary to the provision of communication services.” See 47 C.F.R. 64.6000 (defining “Ancillary Charges”).

⁴ Additionally, it is unclear at this point whether GTL included income from ancillary charges as “gross monthly revenue” in calculating the payment due the State of Mississippi under the Inmate Calling Service Agreement, since the Agreement only required GTL to include “(a) date and time of calls, (b) telephone numbers, (c) number of minutes, (d) usage revenue, and (e) totals on messages, minutes, and revenues” in its monthly usage reports. See Ex. A, ¶ 34.6.

21. In response, in 2011 GTL's regional manager, Robert Orso, designated Waggoner as the company's liason with Epps and authorized the payment of 5% of GTL's monthly revenue from the MDOC contract to Waggoner. [*Id.* at 60]. Waggoner then began paying Epps kickbacks from a portion of the money received from GTL. Waggoner withheld 30% of this monthly commission from GTL to cover his tax liability and gave Epps half of the remaining money as a kickback. At various times Waggoner paid Epps as much as \$3,400.00 per month. Waggoner made these cash payments to Epps at various locations, including at Epps' home in Flowood, Mississippi. [*Id.* at 56-57]

22. At no time did GTL complain to the FBI or any other law enforcement agency that they were being subjected to extortion by Epps.

23. These kickbacks were paid by Waggoner in order to curry favor with Epps for the purpose of influencing Epps' decision regarding GTL and its contract with MDOC and with local jails subject to Epps' influence. [*Id.* at 56] Wiretapped conversations between Epps and Waggoner showed that during this time frame, Waggoner routinely discussed with Epps the need to expand the GTL's telecommunication services and profits. [*Id.* at 57].

24. Once GTL entered into its alliance with Epps and Waggoner and agreed to split the profits, there was no incentive to keep the price of inmate calling services down for the benefit of the end-users (*i.e.*, the Plaintiffs). To the contrary, MPPS sought every opportunity to *increase* prices paid by the Plaintiffs while Epps looked the other way and pocketed his share of the profits. [*Id.* at 56]. Thus, the illegal conduct of Defendants' nefarious enterprise proximately caused the Plaintiffs' injuries.

25. Epps' influence and ability to promote GTL's interests extended far beyond the MDOC facilities under his direct supervision and control. For a variety of reasons, MDOC regularly houses state inmates in facilities owned by local governing authorities, and pays a *per diem* fee to the local jails - essentially renting the jail space.

26. According the Waggoner, Epps would strong-arm these local jails to use GTL's inmate calling services. "He would call a sheriff, say Leake County Sheriff Waggoner, *Sheriff Waggoner, I want you to change inmate phone companies or I will pull my state inmates out.* And that was the main reason. Something like that would happen." [Ex. B at 63].

27. As a result of Epps' pervasive influence over prisons and jails in Mississippi in his capacity as Commissioner of MDOC when he was an active participant with GTL in the Mississippi Prison Phone Scam, *every contract* held by GTL in Mississippi was presumptively procured by the racketeering activities of the enterprise.

28. In 2011, GTL's contract was renewed and extended, again without competitive bidding at the recommendation of Epps, for five years with two additional one-year options thereafter. The renewed contract included the following call rate structure:

	Per Call Charge	Per Minute Charge
Local, IntraLata/Intrastate, InterLata/Intrastate, Interstate	\$2.10	\$0.24

[See Ex. C, 2011 Inmate Calling Service Agreement Agreement]. Again, no ancillary charges were authorized in the call rate structure approved by MDOC, but GTL continued to illegally impose them on Plaintiffs.

29. As an example of the ways in which MPPS sought to increase revenues for the criminal enterprise, Waggoner lobbied Epps to allow GTL to provide video communication services between inmates and their visitors. This service would allow friends and family members to visit with inmates over internet-based videos instead of requiring travel to the respective prisons where the inmates were housed. This service would be offered to inmates and to their friends and families at a significantly higher cost than traditional phone service, increasing the monthly revenue of GTL which would in turn increase the monthly pay to Waggoner and, by extension, the monthly kickback to Epps. Epps ultimately approved this service at the higher cost proposed by GTL. [Ex. B at 57].

30. Specific instances of Waggoner paying a cash bribe to Epps include: (1) on or about April of 2014, Waggoner met Epps at a hotel in Natchez where Waggoner delivered a bottle of Jack Daniels and about \$2,400 in cash to Epps from the money Waggoner was paid by GTL; (2) on or about July 30, 2014, and (3) on or about August 26, 2014, Waggoner paid Epps kickbacks from the money Waggoner was paid by GTL. [*Id.* at 58]. According to Waggoner, “When I was at his house, I’d just put it on the counter by him. And if we’re having lunch, I’d just hand it to him.” [*Id.* at 67].

31. In total Waggoner paid Epps over \$300,000.00 in kickbacks and bribes from GTL from 2011 through 2014.

32. Miss. Code Ann. § 31-7-13 sets forth mandatory bidding requirements for state purchases of \$50,000 or more, and should have governed MDOC’s purchase of inmate calling services. However, contrary to Miss. Code Ann. § 31-7-13, Epps, in order to corruptly benefit GTL and promote the interests of MPPS and himself, determined that bogus “exceptions” to the

competitive bidding requirements were applicable to GTL's contract. In fact, multiple qualified contractors could have performed all of the services for which the no-bid contracts were awarded to GTL by Epps at drastically lower prices.

33. Epps, Waggoner and GTL knowingly and intentionally conspired to devise schemes using overt acts such as bribery, kickbacks, unfair and deceptive trade practices, misrepresentation, fraud, concealment, money laundering, fraudulent use of "sole-source" contracts when competitive bidding was required, and other wrongful conduct, all with the intended purpose and effect of overcharging and bilking the Plaintiffs for inmate calling services by millions of dollars.

34. GTL knew, or had every reason to know and should have known, that the money it was paying Waggoner was being used to pay bribes and kickbacks to Epps for the purpose of obtaining and retaining the aforementioned contract. Under the doctrine of *respondeat superior*, GTL is vicariously liable for the wrongful acts of its agents or employees (*i.e.*, Waggoner), when they are acting within the course and scope of their employment and the wrongful acts were motivated, at least in part, to benefit GTL. Payment of these bribes occurred on multiple occasions over a ten-year period preceding the filing of this action.

35. Epps, Waggoner and GTL jointly participated in the operation and/or management of the criminal enterprise. The pattern of racketeering activity described above extended over a substantial period of time and the alleged predicate acts were related to each other and to the affairs of the enterprise.

36. These contracts gave GTL exclusive control over inmate calling services for inmates under MDOC control and jurisdiction. As a result of the monopoly created by this

contract, GTL faced no competition and all calls to or from inmates, both intra- and interstate, went through GTL's exclusive portal and were subject to GTL's exorbitant and unfair pricing scheme.

37. MDOC inmates and their families were literally a captive market for GTL. In order to place a call to, or receive a call from, MDOC inmates, Plaintiffs, both within the State of Mississippi and residing in other states, were required to pay GTL exorbitant fees - including unreasonable, unjust, unfair and deceptive per-call connection fees and "ancillary charges" which were *not* authorized under GTL's contract with MDOC. Because GTL operated the exclusive portal through which telecommunications with inmates could occur, GTL had unlimited power to set the rate for such ancillary fees and could essentially charge family members any fee it wanted. These unnecessary, unfair and unconscionable ancillary charges lacked any reasonable relationship to GTL's actual calling costs and/or a reasonable profit margin.

38. As a direct and proximate result of GTL's imposition of exorbitant, unfair, unjust and unreasonable fees and ancillary charges for telephone calls under the contract procured through bribery and public corruption during the Class Period, Plaintiffs and members of the class have been damaged.

39. Epps resigned as Commissioner of MDOC on November 5, 2014, and the next day he was indicted on federal charges for participating in the conspiracy described herein. He pleaded guilty on February 4, 2015.

40. Defendant Waggoner was charged by information on August 19, 2015, on federal charges for participating in the conspiracy described herein. He, too, pleaded guilty on August 21, 2015.

41. Despite the fact that co-conspirators Epps and Waggoner are in federal prison for the crimes which they committed in concert with GTL, *GTL retains its contracts with MDOC and with local jails in Mississippi, and continues to provide inmate calling services at the same exorbitant and unfair prices.* There is a reasonable likelihood that, in the absence of injunctive relief, GTL will continue reaping the benefit of its crimes and will continue the racketeering activities and corrupt practices which resulted in its procurement of the MDOC contract.

CLASS ALLEGATIONS

42. Plaintiffs bring this action on behalf of themselves and all others similarly situated as a class action pursuant to Fed. R. Civ. P. 23. Plaintiffs seek to represent a class defined as follows:

All persons in the United States who, at any time since January 1, 2005, have paid to use (or enable someone else to use) Inmate Calling Services provided by GTL or its subsidiaries in order to make or receive telephone calls or video conference calls with inmates housed in the State of Mississippi.

43. This action is brought and properly may be maintained as a class action pursuant to the provisions of Fed. R. Civ. P. 23(a)(1)-(4) and 23(b)(1), (b)(2), or (b)(3) and satisfies the requirements thereof.

44. The members of the Plaintiff Class are so numerous that individual joinder of all the members is impracticable. Upon information and belief, there are many thousands of persons who have been affected by the Defendants' conduct. The precise number of class members is presently unknown to Plaintiffs, but may be ascertained from GTL's books and records. The

members of the class may be notified of the pendency of this action by recognized, court-approved notice dissemination methods, which may include U.S. Mail, electronic mail, internet postings and/or published notice, or otherwise.

45. Common questions of law and fact exist as to the class, as required by Fed. R. Civ. P. 23(a)(2), and predominate over any questions that affect only individual class members within the meaning of Fed. R. Civ. P. 23(b)(3). The common questions of law and fact include, but are not limited to, the following:

- a. Whether the Defendants participated in racketeering and/or organized criminal activity as defined in 18 U.S.C. § 1961 et seq.;
- b. Whether the Defendants utilized the monopoly which they obtained over MDOC prisoner communications to charge exorbitant, unfair and unreasonable rates and fees to Plaintiffs (MDOC prisoners and those attempting to communicate with them);
- c. Whether the Plaintiffs were damaged as a result of Defendants' actions in furtherance of their racketeering and/or organized criminal activities and, if so, the measure of those damages and the nature and extent of any other relief which should be granted;
- d. Whether the Defendants, through the acts and practices complained of herein, have been unjustly enriched;

46. Plaintiffs claims are typical of the claims of the class they seek to represent under Fed. R. Civ. P. 23(a)(3) because Plaintiffs and the members of the class have been subjected to the same wrongful practices and have been damaged thereby in the same manner.

47. Plaintiffs will fairly and adequately represent and protect the interests of the class as required by Fed. R. Civ. P. 23(a)(4). Plaintiffs are adequate representatives of the class because they have no interests that are adverse to the interests of the class. Plaintiffs are

committed to the vigorous prosecution of this action and to that end Plaintiffs have retained counsel who are competent and experienced.

48. A class is superior to any other available means for the fair and efficient adjudication of this controversy, and no unusual difficulties are likely to be encountered in the management of this class action. The damages or other financial detriment suffered by Plaintiffs are relatively small compared to the burden and expense that would be required to individually litigate their claims against the Defendants, so it would be impracticable for each class member to individually seek redress for Defendants' wrongful conduct. Even if class members could afford individual litigation, individualized litigation creates a potential for inconsistent or contradictory judgments, and increases the delay and expense to all parties and the court system. By contrast, the class action device presents far fewer management difficulties, and provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court.

49. Alternatively, this action is certifiable under the provisions of Fed. R. Civ. P. 23(b)(1) because:

- a. The prosecution of separate actions by individual class members would create a risk of inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for Defendants; and
- b. The prosecution of separate actions by individual class members would create a risk of adjudications as to them that would, as a practical matter, be dispositive of the interests of the other class members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

50. Alternatively, this action is certifiable under the provisions of Fed. R. Civ. P. 23(b)(2) because Defendants have acted or refused to act on grounds generally applicable to the

class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole and necessitating that any such relief be extended to class members on a mandatory classwide basis.

51. Plaintiffs are aware of no difficulty that will be encountered in the management of this litigation that will preclude its maintenance as a class action.

COUNT I
CONDUCT AND PARTICIPATION IN A RICO ENTERPRISE THROUGH A
PATTERN OF RACKETEERING ACTIVITY: 18 U.S.C. §§ 1961(5), 1962(c)

52. Plaintiffs re-allege each and every allegation as set forth above, and hereby incorporate same by reference, as if all were set forth fully herein.

53. At various times and places partially enumerated herein, all Defendants did associate with a RICO enterprise of individuals (*i.e.*, MPPS) who were associated in fact and who engaged in, and whose activities did affect, interstate and foreign commerce.

54. Likewise, all Defendants did conduct and/or participate, either directly or indirectly, in the conduct of the affairs of said RICO enterprise through a pattern of racketeering activity, all in violation of 18 U.S.C. §§ 1961(4), (5), (9), and 1962(c).

55. During the ten (10) calendar years preceding the filing of this action,, Defendants did cooperate jointly and severally in the commission of two (2) or more of the RICO predicate acts that are itemized in the RICO laws at 18 U.S.C. §§ 1961(1)(A) and (B), and did so in violation of the RICO law at 18 U.S.C. 1962(c) (Prohibited activities).

56. Plaintiffs further allege that Defendants did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to

threaten continuity, *i.e.* a continuing threat of their respective racketeering activities, also in violation of the RICO law at 18 U.S.C. 1962(c).

57. Pursuant to 84 Stat. 947, Sec. 904, Oct. 15, 1970, the RICO laws itemized above are to be liberally construed by this honorable Court.

COUNT II
CONSPIRACY TO ENGAGE IN A PATTERN OF RACKETEERING ACTIVITY: 18
U.S.C. §§ 1961(5), 1962(d)

58. Plaintiffs re-allege each and every allegation as set forth above, and hereby incorporate same by reference, as if all were set forth fully herein.

59. At various times and places partially enumerated herein, all Defendants did conspire to acquire and maintain an interest in a RICO enterprise (*i.e.*, MPPS) engaged in a pattern of racketeering activity, in violation of 18 U.S.C. §§ 1962(b) and (d).

60. At various times and places partially enumerated herein, all Defendants did also conspire to conduct and participate in said RICO enterprise through a pattern of racketeering activity, in violation of 18 U.S.C. §§ 1962(c) and (d). *See also* 18 U.S.C. §§ 1961(4), (5) and (9).

61. During the ten (10) calendar years preceding the filing of this action, all Defendants did cooperate jointly and severally in the commission of two (2) or more of the predicate acts that are itemized at 18 U.S.C. §§ 1961(1)(A) and (B), in violation of 18 U.S.C. 1962(d).

62. Plaintiff further alleges that Defendants did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to

threaten continuity, *i.e.* a continuing threat of their respective racketeering activities, also in violation of 18 U.S.C. 1962(d) (Prohibited activities).

63. Pursuant to 84 Stat. 947, Sec. 904, Oct. 15, 1970, the RICO laws itemized above are to be liberally construed by this honorable Court.

COUNT III
NEGLIGENCE PER SE

64. Plaintiffs re-allege each and every allegation as set forth above, and hereby incorporate same by reference, as if all were set forth fully herein.

65. Defendants' actions complained of herein violate the provisions of Mississippi law governing "Regulation of Business for Consumer Protection," Miss. Code Ann. § 75-24-1 *et seq.*

66. Defendants' actions complained of herein violate the provisions of Section 75-24-5 of the Mississippi Code prohibiting Defendants from engaging in "unfair or deceptive trade practices in or affecting commerce."

67. Defendants' unlawful practices as alleged herein are unfair and deceptive trade practices in or affecting interstate commerce, and have caused and are likely to continue to cause substantial injury to the Plaintiff Class members; that injury is not outweighed by any countervailing benefit to consumers or competition; and the injury cannot be reasonably avoided.

68. Under the well-settled common law of Mississippi, these violations of statutory duties constitute negligence *per se*. "The principle that violation of a statute constitutes negligence per se is so elementary that it does not require citation of authority. When a statute is violated, the injured party is entitled to an instruction that the party violating it is guilty of negligence" *Thomas v. McDonald*, 667 So. 2d 594, 596 (Miss. 1995).

COUNT IV
CIVIL CONSPIRACY

69. Plaintiffs re-allege each and every allegation as set forth above, and hereby incorporate same by reference, as if all were set forth fully herein.

70. The Defendants' actions complained of herein constitute a combination of entities for the purpose of accomplishing an unlawful purpose or a lawful purpose unlawfully.

71. Plaintiff Class members seek compensatory and punitive damages for the Defendants' civil conspiracy.

COUNT V
COMMON LAW FRAUD

72. Plaintiffs re-allege each and every allegation as set forth above, and hereby incorporate same by reference, as if all were set forth fully herein.

73. Defendants agreed to, and did participate in, a common scheme to defraud the Plaintiff Class by (1) unlawfully securing public contracts without following appropriate bidding process through the use of illegal bribes and kickbacks to Epps and others, (ii) using the monopoly control over inmate calling services thereby obtained to overcharge and bilk the Plaintiffs out of millions of dollars, and (iii) unlawfully laundering the monetary proceeds of this illegal activity.

74. Defendants concealed, or misrepresented by omission the existence of these underlying bribes and kickbacks paid to Epps. If the existence of these payments had been disclosed, the public contracts would not have been awarded or would have been rescinded. The bidding process would have been appropriately followed, resulting in more competitive contracts for the provision of services to the Plaintiff Class and concomitant savings in amounts spent for such services.

75. As a direct and proximate result of Defendants' acts of fraud, the Plaintiff Class Members have been harmed and has suffered damages, for which demand is made.

COUNT VI
UNJUST ENRICHMENT - RESTITUTION

76. Plaintiffs re-allege each and every allegation as set forth above, and hereby incorporate same by reference, as if all were set forth fully herein.

77. Defendant's conduct described herein resulted in their unjust enrichment, for which Plaintiffs' class members are entitled to pursue equitable remedies under common law.

78. As a direct and proximate result of Defendants' acts and practices alleged herein, Defendants have been unjustly enriched and have obtained money, earnings, profits, and benefits directly from Plaintiffs to which Defendants are not otherwise entitled and which they would not have obtained but for the racketeering activities and corrupt practices described above.

79. Defendants' racketeering activities and corrupt practices were intentional, knowing, malicious, and/or done with the intent to reap significant benefits at the expense of Plaintiffs. Defendants are not entitled this enrichment, were prohibited by law from engaging in the racketeering acts and corrupt practices that generated this enrichment, and obtained this enrichment to the detriment of Plaintiffs.

80. Plaintiffs reasonably expected that they would only have to pay fair and reasonable rates for telephone calls to inmates incarcerated under the jurisdiction and control of MDOC, and would not have to incur other charges that provide no commensurate benefit to them.

81. Plaintiffs have suffered, and will continue to suffer, damages as a result of Defendants' unjust retention of proceeds from their wrongful acts and practices alleged herein and are entitled to pursue civil claims for restitution of the amounts charged to unjustly enrich Defendants as alleged above.

82. Under principles of equity and justice Defendants should be required to restore the above-described unjust enrichment to Plaintiffs in amounts to be determined at trial.

**COUNT VII
PUNITIVE DAMAGES**

83. Plaintiffs re-allege each and every allegation as set forth above, and hereby incorporate same by reference, as if all were set forth fully herein.

84. Because Defendants' conduct constitutes willful, egregious, reckless, fraudulent and wrongful acts with the express purpose of harming Plaintiffs, Plaintiffs seek punitive damages under Miss. Code Ann. 11-1- 65, in an amount that is appropriate and necessary.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this court enter a judgement against Defendants and in favor of Plaintiffs, and award the following relief:

- a. Certification of this action as a class action pursuant to Fed. R. Civ. P. 23(b)(1), (b)(2) and/or (b)(3) on behalf of the class as defined above;
- b. Declaration, judgment, and decree that the conduct alleged herein:
 - (i) Constitutes an unreasonable and unlawful act in violation of the Racketeering Influenced Corrupt Organization Act (18 U.S.C. § 1961 *et seq.*); and
 - (ii) Unjustly enriched Defendants;
- c. Damages to the Plaintiff Class to the maximum extent allowed under federal and state law, trebled pursuant to 18 U.S.C. §1964(c);
- d. Injunctive relief terminating GTL's contracts with MDOC and all local Mississippi jails effective immediately;
- e. Injunctive relief banning GTL from the inmate calling services industry, nationwide, for a period of not less than five (5) years;
- f. Injunctive relief banning for life any GTL officer, director, employee, agent or contractor who knew, or reasonably should have known, of the racketeering

activities leading to the procurement of the MDOC contract, from any association with any company involved in the inmate calling services industry;

- g. Punitive damages;
- h. Restitution and/or disgorgement of Defendants' ill-gotten gains;
- i. Reasonable attorneys' fees; and
- j. Such other relief as this Court deems just and proper.

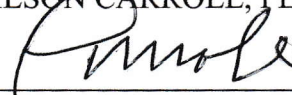
JURY TRIAL DEMAND

Plaintiffs request a jury trial on all issues so triable.

RESPECTFULLY SUBMITTED, this the 13th day of July, 2017.

COUNSEL FOR PLAINTIFFS' CLASS

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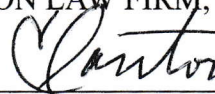
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