

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CAPITAL INVESTMENTS GROUP INC.,
a Wyoming corporation

Plaintiff,

v.

VICTORIA KORBAN, GENNADY
KORBAN, OLEG VITALIYOVICH,
ERYOMENKO, O.V. SEMYONOV, FERUM
INVEST PLUS, a Ukraine corporation,
FEDOR IVANOVYCH YENCHEV,
V.V. ESAULENKO, CORBEST TRADING,
LTD., a Cyprus corporation, ENECKORT
ENTERPRISES LTD., a Cyprus corporation,
BRISTOL COM LLC, a British business entity,
BORIS FILATOV, VLADIMIR BORISOVICH
MARCHUK, TECHNOLIC TOV, a Ukraine
limited liability company, TECHPROMENERGO,
TOV, a Ukraine corporation, VLADIMIR
ANDREYEVICH GORB, YUGINFORMATICA
TOV, a Ukraine limited liability company,
OXANA IVANOVNA PETROVSKAYA,
MAXIM ALEKSANDROVICH REVA,
DMITRIY GENNADIYEVICH GERASIMOV,
and Does 1-100,

Defendants.

C.A. No.

JURY TRIAL DEMANDED

**COMPLAINT FOR INJUNCTIVE RELIEF, A DECLARATORY
JUDGMENT & MONETARY DAMAGES**

Plaintiff, Capital Investments Group Inc. ("CIG"), by and through its attorneys, Drinker
Biddle & Reath LLP, Daniel Horowitz, Esq. and Martin Garbus, Esq., hereby files this
Complaint for a temporary restraining order, a preliminary and final injunctive order, and for a
declaratory judgment, damages and other relief:

1. This is an action for temporary, preliminary and permanent injunctive relief, for damages and for a Declaratory Judgment under 28 U.S.C. § 2201 related to a forged power of attorney bearing a forged notarization by a notary public in the State of Delaware and a forged apostille of the Delaware Secretary of State (hereinafter "Power of Attorney").

PARTIES

2. Capital Investments Group, Inc. (hereinafter "CIG") is a Wyoming corporation. CIG was formed September 15, 2005. Its corporate number is 2005-000499603. Its principal place of business is 2710 Thomes Avenue, Cheyenne, Wyoming 82001. The corporation is in good standing. Gerald Pitts is a corporate officer and director of CIG.

3. Victoria Korban (hereinafter "VKorban") is a citizen of Ukraine and/or Israel. Victoria Korban is part of the Gennady Korban criminal enterprise and is a sister to Gennady Korban.

4. Gennady Korban (hereinafter "Korban") is a citizen of Ukraine who is the organizer of a criminal conspiracy designed to unlawfully seize CIG's properties and assets.

5. Oleg Vitaliyovich Eryomenko (hereinafter "Eryomenko") is a citizen of Ukraine and works for Korban under the supervision of O.V. Semyonov.

6. O. V. Semyonov (hereinafter "Semyonov") is a citizen of Ukraine, an agent, servant and employee of Korban and the nominal owner of "Ferum Invest Plus," a Ukrainian corporate entity.

7. Ferum Invest Plus (hereinafter "Ferum") is a corporation formed under Ukraine law with a principal place of business in Kherson.

8. Fedor Ivanovych Yenchov (hereinafter "Yenchov") is a citizen of Ukraine and conducted a fraudulent arbitration and issued fraudulent arbitration orders.

9. V.V. Esaulenko (hereinafter "Esaulenko") is a citizen of Ukraine. He is an agent, servant and employee of Korban directly and was actively involved in seizing Ukrainian limited liability companies owned by CIG and the building at 58 Komsomolskaya Street.

10. Corbest Trading Ltd. is a Cyprus corporation with a principal place of business in Kiev, Ukraine. It is controlled by Korban and VKorban and has taken control of CIG's properties and assets.

11. Eneckort Enterprises Ltd. is a Cyprus corporation with a principal place of business in Kiev, Ukraine. It is controlled by Korban and VKorban and has taken control of CIG's properties and assets.

12. Bristol Com LLC is a business entity formed in Great Britain with a principal place of business in Kiev, Ukraine. It has taken control of some of CIG's properties and assets.

13. Boris Filatov (hereinafter "Filatov") is a citizen of Ukraine. He is a coconspirator of Korban and a stakeholder in some or all of the corporate enterprises that ultimately have taken or are taking control of CIG's properties.

14. Vladimir Borisovich Marchuk is a citizen of Ukraine. He is the director and owner of limited liability company Technolic TOV as well as an attorney, who participates in the court proceedings on behalf of Ferum.

15. Technolic TOV (hereinafter "Technolic") is a limited liability company formed under the laws of Ukraine with a principal place of business in Kiev, Ukraine. Vladimiar Marchuk is an owner and director of Technolic.

16. Techpromenergo TOV is a limited liability company formed under the laws of Ukraine with a principal place of business in Kiev, Ukraine. Its founders include Corbest Trading Ltd., Eneckort Enterprises Ltd., Korban, Filatov and Vladimir Gorb.

17. Vladimir Andreyevich Gorb is a citizen of Ukraine. He is an agent, servant and employee of Korban and is one of the primary strategists in the criminal organization and a stakeholder in Techpromenergo.

18. Yuginformatica TOV (hereinafter "Yuginformatica") is a limited liability company formed under the laws of Ukraine with a principal place of business in Kiev, Ukraine. Yuginformatica was formed by Oxana Petrovskaya, Maxim Reva, and Dmitriy Gerasimov.

19. Oxana Ivanovna Petrovskaya is a citizen of Ukraine and a shareholder of "Yuginformatica."

20. Maxim Aleksandrovich Reva is a citizen of Ukraine and a shareholder of "Yuginformatica."

21. Dmitriy Gennadiyevich Gerasimov is a citizen of Ukraine and a shareholder of "Yuginformatica."

22. The true names and capacities of Does 1-100 are presently unknown. When their true names and capacities are known, this complaint shall be amended to reflect the same.

JURISDICTION AND VENUE

23. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(2), insofar as the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and there is complete diversity between Plaintiff, a Wyoming corporation with a principal place of business in Wyoming, and Defendants, each of whom is a foreign individual or entity.

24. The defendants are foreign individuals and entities who intend to and did harm an American corporation and, therefore, the choice of forum anywhere within the United States is proper.

25. The notary whose stamp and signature were forged on the Power of Attorney is a validly appointed notary public in the State of Delaware. The purported notarization is claimed by defendants to have taken place in the State of Delaware.

26. The purported apostille certifying the purported notarization on the Power of Attorney is claimed by defendants to have been issued by the Secretary of State of the State of Delaware.

FACTUAL BACKGROUND

A. The Korban Criminal Conspiracy: General Conspiracy Allegations

27. The conspiracy to take the property of CIG alleged to have been orchestrated by Korban is referred to generally herein as the "Korban Conspiracy."

28. The persons and entities named in paragraphs 3 through 22 are members of the Korban Conspiracy.

29. Each of the defendants named herein agreed with one or more of the other defendants to use unlawful means, including violations of United States law, to wrongfully seize the property and assets of CIG.

30. Each defendant willfully participated in the unlawful plan with the intent to advance or further some object or purpose of the conspiracy.

31. Numerous overt acts were committed in furtherance of the conspiracy as set forth herein. The overt acts include: forging the signature of Gerald Pitts, CIG's President, on the Power of Attorney purportedly signed in the State of Delaware; forging the signature of Delaware notary public Laura Engels Bryda; and forging an apostille of the Delaware Secretary of State.

B. CIG's Ukrainian LLCs

32. CIG has, prior to the acts alleged in this Complaint, formed or acquired interests in Ukrainian based limited liability companies. On December 16, 2005, CIG formed a Ukrainian limited liability company called, "US-Ukrainian enterprise with foreign investments Capital Investment Group, Inc" (registration code EDRPOU 33971823) (hereinafter "US-Ukraine LLC CIG"). In 2006, "US-Ukraine LLC CIG" acquired a share in a limited liability company called "Ukrainian Tobacco" (registration code EDRPOU 32650954), and "Ukrainian Tobacco" acquired a share in a limited liability company called "UkrAntConsulting" (registration code EDPRO 25538675). US-Ukraine LLC CIG, Ukrainian Tobacco and UkrAntConsulting are hereinafter collectively referred to as "Ukrainian LLCs."

C. The Individual and Corporate Defendants and Their Roles in the Conspiracy

33. Gennady Korban is a Ukrainian citizen with a history of organized criminal conduct in Ukraine.

34. Korban is the leader of the Korban Conspiracy alleged herein. He organized it, directs it, and is the ultimate recipient of the stolen proceeds.

35. Korban accomplishes his business goals by means that include bribery, threats and harm to others.

36. Victoria Korban ("VKorban") is the sister of Korban and participates in all aspects of Korban's activities with knowledge of their criminal purpose.

37. VKorban's role in the Korban Conspiracy includes the formation and operation of corporations that distribute, launder and manage the family assets worldwide. These structures have been used to launder the proceeds of the thefts of property and assets from CIG.

38. Eryomenko is a member of the Korban Conspiracy who pretended to have received a power of attorney from CIG Director Gerald Pitts when, in fact, he was knowingly using a forged power of attorney.

39. Eryomenko's role is to transfer the real property and corporate assets of CIG to others in the Korban Conspiracy and to participate in fraudulent legal proceedings pretending to represent CIG when, in fact, both sides of the legal proceedings are part of the Korban Conspiracy.

40. Semyonov is the nominal owner of Ferum Invest Plus, a Ukrainian corporation registered at 3 Mirniy Boulevard, Kherson (registration code EDRPOU 34554634). This corporation is controlled by Korban, and Semyonov acts under the direction and control of Korban.

41. Ferum Invest Plus is a corporation is the nominal entity that first receives the stolen properties. Its role is to engage in fraudulent legal proceedings with coconspirator Eryomenko so that it appears that CIG lost court battles to retain the properties. Once accomplished, Ferum's remaining role is to transfer the properties to Korban, VKorban, and entities controlled by Korban and VKorban.

42. Yenchov's sole role was to participate in creating a false and fraudulent arbitration between CIG and Ferum so that a Ukraine court could then approve the so-called decision and give a judicial stamp of approval to the theft.

43. V.V. Esaulenko participated in the seizing of the CIG properties. He appears in courts as a legal representative of the seized CIG's Ukrainian LLCs.

44. Corbest Trading Ltd. is a Cyprus corporation that is controlled by Korban and VKorban and that has taken control of CIG's properties and assets. Corbest is continuing to sell CIG's stolen property and to hide the proceeds of the criminal actions of the Korban Conspiracy.

45. Eneckort Enterprises Ltd. is a Cyprus corporation that is controlled by Korban and VKorban and that has taken control of CIG's properties and assets. Eneckort is continuing to sell CIG's stolen property and to hide the proceeds of the criminal actions of the Korban Conspiracy.

46. Bristol Com LLC is a business entity formed in Great Britain that has wrongfully taken control of some of CIG's properties and assets.

47. Boris Filatov is a coconspirator in some or all of the corporate enterprises that ultimately have taken or are taking control of CIG's properties. Filatov controls or has access to significant financial assets of Korban and VKorban.

48. Vladimir Borisovich Marchuk is the Director and owner of Technolic TOV. He is Ferum's attorney, who participated in the court proceedings regarding the real estate at 55 Pushkina Avenue and 58 Komsomolska Street. Upon information and belief, he knowingly presented fraudulent documents and fraudulent cases designed to hide the fact that neither plaintiff nor defendant in those court proceedings are truly adverse to the other but are, instead, co-conspirators orchestrating a fraud.

49. Technolic TOV is a Ukrainian company formed and owned by Vladimir Borisovich Marchuk. Technolic acquired from Semyonov, the owner of Ferum, Ferum's share of US-Ukraine LLC CIG. US-Ukraine LLC CIG is one of the limited liability companies seized by the members of the Korban conspiracy from CIG.

50. Techpromenergo TOV is a company formed under the laws of Ukraine with founders Corbest Trading Ltd., Eneckort Enterprises Ltd., Victoria Korban and Boris Filatov and Vladimir Gorb. Techpromenergo acquired from Semyonov, the owner of Ferum, Ferum's share of UkrAntConsulting. UkrAntConsulting is one of the limited liability companies seized by the members of the Korban conspiracy that belonged to plaintiff.

51. Vladimir Andreyevich Gorb is a stakeholder in Techpromenergo. He is the former general director of company "Slavutich Capital" where Korban is the chairman of the board. Slavutich Capital is being used to seize CIG's property.

52. Yuginformatica TOV is a Ukrainian company formed by Oxana Ivanovna Petrovskaya, Maxim Akelsandrovich Reva and Dmitriy Gennadiyevich Gerasimov. Yuginformatica acquired from Semyonov, the owner of Ferum, Ferum's share of Ukrainian Tobacco. Ukrainian Tobacco is one of the limited liability companies seized by the members of the Korban conspiracy from CIG.

D. The Forged Delaware Power of Attorney

53. As detailed in this Complaint, the defendants are using a forged Power of Attorney to wrongfully seize CIG's property.

54. The forged Power of Attorney was purportedly signed in Delaware by Gerald Pitts, CIG's President and Director, in favor of defendant Eryomenko on November 27, 2008.

55. No power of attorney was ever issued to Eryomenko by Mr. Pitts, CIG or any authorized representative of CIG

56. Based on a translation obtained from prosecutors in the city of Nikolaev, the forged Power of Attorney bears the following notarization:

State of Delaware
New Castle District

I, Laura Engels Bryda, a notary of the above-mentioned district and state, hereby certify that company CIG (Company) was registered in the state of Wyoming on September 15, 2005.

Furthermore, I certify that based on my knowledge and belief: the attached power of attorney for the company was duly signed by Gerald Pitts as the Director of the company. Based on the documentation that I verified, I certify that, based on my information and belief, Gerald Pitts was duly authorized to sign this power of attorney as the director of the corporation.

57. The forged Power of Attorney was purportedly signed before Delaware notary public Laura Engels Bryda on November 27, 2008.

58. Ms. Bryda did not notarize any documents on November 27, 2008 as it was Thanksgiving Day and she was at home celebrating with her family. *See* Affidavit of Laura Engels Bryda, ¶ 4, Exhibit A)

59. Ms. Bryda reviewed the records of her employer, American Incorporators, Ltd. and found no evidence of any document ever being notarized on behalf of Gerald Pitts or CIG. *Id.*, ¶ 5. Moreover, Ms. Bryda has no recollection of notarizing any document on behalf of Gerald Pitts or CIG, or even of meeting Gerald Pitts or any representative of CIG. *Id.*

60. Ms. Bryda would never attest to whether a person is or is not “duly authorized to sign this power of attorney,” as the forged notarization of the Power of Attorney reads. *Id.* ¶ 6.

61. In addition to the forged signature of Mr. Pitts and Ms. Bryda, the Power of Attorney contains a forged apostille purportedly issued by the Secretary of State of the State of Delaware on November 27, 2008. The Secretary of State of the State of Delaware issues apostilles certifying public documents, including those signed by a notary public, signed in the State of Delaware. The purported authentication number of the fraudulent apostille on the Power of Attorney is 0363574.

62. The records of the Office of the Secretary of State reflect that an apostille bearing authentication number 0363574 was, in fact, issued. However, the apostille bearing

authentication number 0363574 was issued on September 9, 2008 instead of November 27, 2008. *See* Affidavit of Richard J. Geisenberg, Chief Deputy Secretary of State, ¶ 7, attached hereto as Exhibit B.

63. Further, the apostille bearing authentication number 0363574 did *not* certify that a public document was signed by Laura Engels Bryda as a validly appointed Delaware notary. Instead, the apostille bearing authentication number 0363574 certified that a public document was signed by Jaime Rivera, M.D. acting in the capacity of State Registrar of Vital Statistics and bore the seal/stamp of the Division of Public Health, Office of Vital Statistics. *Id.*, ¶ 8

E. The Wrongful Acts of Real Property Theft Perpetrated by Defendants

64. Prior to the time that the wrongful acts occurred, Plaintiff CIG acquired ownership of commercial real estate in Ukraine. The properties are held under its own name and under the name of US-Ukraine LLC CIG, UkrAntConsulting, Ukrainian Tobacco and a number of other corporate and/or limited liability subsidiaries that were formed under Ukraine law.

65. Two properties owned by CIG are commercial real estate. They are located at 58 Komsomolska Street and 55 Pushkina Street in the Dnepropetrovsk oblast of Ukraine. An “oblast” is the equivalent of a “state” in the United States.

66. On September 09, 2009 the Ukrainian representatives of Plaintiff CIG accessed the Internet site of the Ukraine Unified State Registry of Court Decisions and saw the name of their corporation as a litigant in two lawsuits. The forged Power of Attorney was used to file those suits.

67. The two lawsuits were filed in the Economic Court in the Kherson oblast. The Dnepropetrovsk oblast in which the real property is located and the Kherson oblast in which the lawsuits were filed are geographically separated. CIG does not do business in Kherson.

68. The Kherson court files show that Eryomenko transferred the properties to Ferum using the forged Power of Attorney.

69. CIG never had any contact with or knowledge of Eryomenko prior to reviewing this court file. The court records identify Oleg Vitaliyovich Eryomenko, as a Ukraine citizen having an address of 73A Privilna Street, Apt. 50, Mikolaiv, Ukraine. A passport number of 195545 was listed, with an issue date of June 6, 1996.

70. The two filed court cases referred to above were not the start of the litigation. The Kherson court file shows that the purported property transfer was initiated on January 19, 2009.

71. On February 20, 2009, conspirators Eryomenko and Ferum signed arbitration agreements.

72. The transfers were unauthorized. CIG did not transfer the properties to Ferum and did not sign or authorize anyone to sign an arbitration agreement with Ferum.

73. With the false arbitration agreements in place, an additional conspirator, Yenchnev, was added.

74. Ferum demanded arbitration of a pretended dispute with Eryomenko regarding the transfer.

75. The fraudulent agreement provided that the Arbitrator determines his own jurisdiction, and, on March 16, 2009, an arbitrator named Yenchnev decreed that he had jurisdiction and appointed himself an arbitrator.

76. On March 26, 2009 Yenchnev issued his decision under the auspices of the Arbitration Court for International Commercial Arbitration. He wrongfully awarded CIG's

properties to Ferum even though Ferum did not demonstrate that it provided any consideration or compensation to CIG for the property Eryomenko purportedly agreed to sell to Ferum.

77. Yenchev, the alleged arbitrator, allegedly recognized the validity of the purchase contracts and required that the Ukraine governmental entity that registers property ownership register the property rights for the real properties to "Ferum Invest Plus."

78. Yenchev, the alleged arbitrator, did not have the power to order a state agency to file a document. Therefore, on March 26, 2009, G. M. Harik, a director of Ferum, initiated the two court cases in the Kherson court to enforce the fraudulent arbitration decision. The cases were officially opened the next day.

79. On April 6, 2009, Eryomenko, still pretending to represent CIG, took part in the court hearing. The court affirmed the arbitration decision and ruled that the real estate should be transferred to "Ferum Invest Plus."

80. The Power of Attorney is referred to in the court file, but no copy is in that file. Nor could there be, for it does not truly exist. The translation of the Power of Attorney shows that it is a false document created by defendants.

81. The arbitration decision and the court decision put two layers of official proceedings on the thefts, thus making it possible for Ferum to register the properties in its name.

82. Additional court decisions were sought by Eryomenko and Ferum. Ferum applied to a higher court, the Kherson District Administrative Court, and obtained further decisions on July 29, 2009.

83. The District Administrative Court directly ordered the state agency that manages registration of property to register the real estate located at 58 Komsomolska Street and 55 Pushkin Avenue, in the name of "Ferum Invest Plus."

F. The Theft of the Ukrainian LLCs That Belong to Plaintiff

84. For each of the Ukrainian LLCs, CIG elected a single director and registered this director with the “State Registry of Judicial Persons and Physical Persons and Entrepreneurs.”

85. No other person was lawfully entitled to act for the corporation absent a proper corporate vote and registration.

86. On September 25, 2009, during a visit of the corporate bookkeeper for the Ukrainian LLCs, to the State Tax Inspection in Kirov district of Dnepropetrovsk, where the limited liability companies are registered, the bookkeeper was informed that, on September 23, 2009, the Ukrainian LLCs had new directors and new addresses.

87. Such a change was never authorized by CIG, and no vote of that type ever took place.

88. The records of the state ministry revealed that Eryomenko used the forged Power of Attorney to sign documents on behalf of CIG to transfer CIG’s share in Ukrainian LLCs to Ferum without any compensation. Thereafter, Ferum registered new directors and took control over the Ukrainian LLCs.

89. By giving up CIG’s share in the LLC’s, Eryomenko unlawfully transferred control of the Ukrainian LLCs to “Ferum Invest Plus” without any authorization, consideration or compensation flowing to CIG or any of the LLC’s wrongfully taken.

90. The transfers of the LLC’s has continued with Ferum transferring the Ukrainian LLCs to individuals and corporations owned and/or controlled by Korban and VKorban.

91. As the result of the investigation into the illegal transfer of the Ukrainian LLCs, Eryomenko appeared in person at the State Committee of Ukraine for Regulatory Policies and

Entrepreneurship claiming to have the legitimate Power of Attorney from CIG's director Gerald Pitts.

92. CIG's representatives received correspondence from the Deputy Chairman of the State Committee of Regulatory Policies and Entrepreneurship, S. I. Tret'yakov, stating that he had communicated with O. V. Eryomenko and seen the Power of Attorney allegedly signed by Gerald Pitts and allegedly notarized by Laura Bryda used to transfer the properties and the Ukrainian LLCs.

93. In a conversation with CIG's representatives, Mr. Tret'yakov stated that Eryomenko categorically refused to hand over a copy of the Power of Attorney. However, Mr. Tret'yakov declared that he personally read the document and said it was purportedly issued by Gerald Pitts. He could not determine whether the signature was genuine or not. He said the Power of Attorney was not notarized in the state of Wyoming.

COUNT I
DECLARATORY JUDGMENT

94. Plaintiff realleges and repeats the allegations in the paragraphs above, as if fully set forth herein.

95. An actual controversy exists between plaintiff and defendants regarding the authenticity of the forged Power of Attorney.

96. Plaintiff never issued a power of attorney to Oleg Vitaliyovich Eryomenko. The purported signature of Gerald Pitts, notarization by Laura Engels Bryda and apostille by the Secretary of State of the State of Delaware on the Power of Attorney are forged.

97. Plaintiff therefore seeks a judgment declaring that CIG never issued a power of attorney to any of the defendants for any purpose, and that the forged Power of Attorney, itself, and any past or future uses of the forged Power of Attorney null and void.

COUNT II
TEMPORARY, PRELIMINARY &
FINAL INJUNCTIVE RELIEF

98. Plaintiff realleges and repeats the allegations in the paragraphs above, as if fully set forth herein.

99. As a result of the foregoing, monetary damages are insufficient to remedy the wrongs and plaintiff has no recourse at law.

100. Plaintiff is likely to succeed on the merits of its claims for declaratory judgment and damages.

101. Plaintiff will suffer immediate and irreparable injury, in the absence of the issuance of an injunction.

102. The harm Plaintiff will suffer in the absence of temporary, preliminary and permanent injunctive relief greatly outweighs the harm defendants will suffer if such relief is granted.

103. Plaintiff therefore seeks equitable relief, for temporary, preliminary and final injunctive relief prohibiting the defendants from using any power of attorney allegedly issued by CIG to defendants or any of them.

COUNT III
ACTION FOR DAMAGES

104. Plaintiff realleges and repeats the allegations in the paragraphs above, as if fully set forth herein.

105. Defendant wrongfully used a forged Power of Attorney to seize CIG's real property and interests in the Ukrainian LLCs.

106. As a result of this theft and conversion, the plaintiff has been damaged in a sum in excess of \$75,000.00.

RELIEF REQUESTED

WHEREFORE, Plaintiff demands judgment:

- A. Declaring the forged Power of Attorney and associated notarization and apostille and any past or future use of the Power of Attorney null and void;
- B. Declaring that CIG never issued a power of attorney to any of the defendants for any purpose
- C. Temporarily, preliminarily and permanently enjoining defendants or their agents or representatives from using the fraudulent Power of Attorney;
- D. Awarding plaintiff compensatory damages;
- E. Awarding plaintiff costs, attorneys' fees and pre and post-judgment interest;
- F. Awarding such other and further relief as is just and proper.

DRINKER BIDDLE & REATH LLP

Dated: February 12, 2010

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