

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

-----X
HELLENIC PETROLEUM, LLC, a Florida
Limited liability company, as assignee of
DON ROSE and DON ROSE OIL CO., INC., a
California limited liability company,

SUMMONS WITH NOTICE

Index No.

Plaintiff,

-against-

ELLIOTT H. VERNON, ESQ.,
VERNON LAW GROUP, P.A., a New Jersey
professional association,
HARRY FRIELAND, ESQ.,
LEVITAN & FRIELAND, P.C., a New Jersey
professional corporation,
ENGEL & WISNICKI, LLC n/k/a
WISNICKI & ASSOCIATES, LLC, a New York
limited liability company, and
ELIZABETH BROWN,

Defendants.

-----X
To the Person(s) Named as Defendant(s) Above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on the Plaintiff(s) at the address set forth below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded in the complaint.

Dated: January 22, 2018
Bethpage, New York



JOHN M. STRAVATO Attorney for Plaintiff
Mailing address: PO Box 298 Bethpage, NY 11714
Office address: 100 Duffy Avenue Suite 510 Hicksville, NY
Phone (631) 845-1200 Cell (516) 633-2639 Fax (516) 224-7268

Defendants' Addresses:

**ELLIOTT H. VERNON, ESQ.
740 River Road, Suite 206
Fair Haven, NJ 07704**

**VERNON LAW GROUP, P.A.
740 River Road, Suite 206
Fair Haven, NJ 07704**

**HARRY FRIELAND, ESQ.,
7 CENTURY DRIVE SUITE 201
PARSIPPANY, NJ 07054-4609**

**LEVITAN & FRIELAND, P.C.
26 Columbia Turnpike
Florham Park, NJ 07932**

**ENGEL & WISNICKI, LLC n/k/a
WISNICKI & ASSOCIATES, LLC,
98-22 Metropolitan Avenue
Forest Hills, NY 11375**

**ELIZABETH BROWN
197-38 Nashville Blvd.
Springfield Gardens, NY 11413**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X

HELLENIC PETROLEUM, LLC, a Florida
Limited liability company, as assignee of
DON ROSE and DON ROSE OIL CO., INC., a
California limited liability company,

Plaintiff,

VERIFIED COMPLAINT

-against-

Index No.:

ELLIOTT H. VERNON, ESQ.,
VERNON LAW GROUP, P.A., a New Jersey
professional association,
HARRY FRIELAND, ESQ.,
LEVITAN & FRIELAND, P.C., a New Jersey
professional corporation,
ENGEL & WISNICKI, LLC n/k/a
WISNICKI & ASSOCIATES, LLC, a New York
limited liability company, and
ELIZABETH BROWN,

Defendants.

-----X

Plaintiff, HELLENIC PETROLEUM, LLC, a Florida Limited liability company, as assignee of DON ROSE and DON ROSE OIL CO., INC., a California limited liability company (“hereinafter “Plaintiff” or “Hellenic”), by and through its undersigned counsel, JOHN M. STRAVATO, ESQ., as and for its Complaint against Defendants, ELLIOTT H. VERNON, ESQ., VERNON LAW GROUP, P.A., a New Jersey professional association, HARRY FRIELAND, ESQ., LEVITAN & FRIELAND, P.C., a New Jersey professional corporation, ENGEL & WISNICKI, LLC n/k/a WISNICKI & ASSOCIATES, LLC, a New York limited liability company, and ELIZABETH BROWN, and alleges, on information and belief, as follows:

NATURE OF ACTION

1. This action arises from an elaborate scheme perpetrated by Defendants and led by Defendant, ELIZABETH BROWN (“Brown”), wherein Brown targeted a number of high-net worth individuals and promised high returns on investments by pretending that the investor was part of a larger, exclusive group that was purchasing gold bars and/or diamonds mined in developing nations and that the group was also providing funding for humanitarian programs in these developing nations and receiving financial support from the governments in these nations for funding these programs. Brown enlisted the assistance of several lawyers or law firms who assisted her in this fraudulent scheme. The vast majority of the money lost by Plaintiff was wired directly into the trust accounts of these lawyers/law firms, each of whom knowingly participated in the fraudulent scheme and the later attempts to cover up and/or delay discovery of this scheme. In total, Plaintiff lost the sum of \$2,752,500.00.

PARTIES

2. Donald “Don” Rose (“Don Rose”) is a resident of Visalia, Tulare County, California.

3. DON ROSE OIL COMPANY, INC. (“Don Rose Oil Co.”) is a California corporation with its principal place of business located in Visalia, Tulare County, California.

4. At all material times, Don Rose was the President and majority shareholder of Don Rose Oil Co. and had full control over its finances.

5. Plaintiff, HELLENIC PETROLEUM, LLC (“Hellenic Petroleum”), is a Florida limited liability company with its principal place of business in Palm Beach County, Florida.

6. Hellenic Petroleum is the successor in interest, by written assignment, of Don Rose and Don Rose Oil Co. in connection with the claims and/or causes of action against each of the Defendants herein with the full right, title and interest to bring this lawsuit on its own behalf as the

assignee of said claims.

7. Defendant, ELLIOTT H. VERNON, ESQ. (“Attorney Vernon”) is a licensed attorney in the State of New Jersey and participated in the acts and omissions described below. Attorney Vernon regularly does business in the State of New York and the fraudulent scheme was centered in New York.

8. Defendant, VERNON LAW GROUP, P.A. (“Vernon Law Group”) is a law firm with offices in New Jersey and New York. Attorney Vernon is, and at all material times was, the managing partner and/or owner of the Vernon Law Group.

9. Defendant, HARRY FRIELAND, ESQ. (“Attorney Frieland”) is a licensed attorney in the State of New Jersey and participated in the acts and omissions described below. At all relevant times Attorney Frieland maintained an office and conducted business at 1400 Old County Road, Suite C103 in Westbury, New York 11590 and the fraudulent scheme was centered in New York.

10. Defendant, LEVITAN & FRIELAND, P.C. (“Levitan & Frieland”) is a law firm with offices in New Jersey and New York. Attorney Frieland is, and at all material times was, a partner and/or co-owner of Levitan & Frieland which maintained an office and conducted business at 1400 Old County Road, Suite C103 in Westbury, New York 11590 and the fraudulent scheme was centered in New York.

11. Defendant, ENGEL & WISNICKI, LLC n/k/a WISNICKI & ASSOCIATES, LLC, is a law firm with offices in the State of New York.

12. Defendant, ELIZABETH BROWN (“Brown”), is a citizen and resident of the State of New York who resides in Springfield Gardens, Queens County, New York.

JURISDICTION

13. Pursuant to CPLR §§ 301, 503, this Court has jurisdiction over the parties and subject matter of this lawsuit.

FACTS APPLICABLE TO ALL COUNTS

14. At all materials times, Don Rose was the founder, President and majority shareholder of Don Rose Oil Co. Don Rose Oil Co. had gross revenues in excess of \$100 million per year, but its annual net profit was only a small fraction of its gross revenue.

15. Nonetheless, Don Rose had access to a substantial amount of available funds.

16. Don Rose was first targeted by Brown in late 2010 and was advised that she was recruiting a select number of individuals to participate in a program wherein this group of investors would collectively invest in the purchase of gold and diamonds being mined in developing nations, primarily located in Africa.

17. Brown also advised that the investors would also be funding certain humanitarian programs in these developing nations and, therefore, would be receiving financial support from the governments in these nations which would increase the value of the investments and provide them with certain preferred access to the gold and diamonds.

18. Brown's investment program will hereinafter be referred to as the Brown High Yield Investment Program or "HYIP".

19. In order to provide certain credibility to the Brown HYIP, Brown conspired with a number of lawyers or law firms in New York and New Jersey and the vast majority of the funds provided by Don Rose/Don Rose Oil Co. was wired directly to the trust account of one of these lawyers or law firms.

20. To fund the Brown HYIP, Don Rose/Don Rose Oil Co. wired a total of

\$2,752,500.00 to Brown and/or to one of these attorney/law firm co-conspirators, the funds being more specifically set forth below:

- a. As for Attorney Vernon and the Vernon Law Group, Don Rose/Don Rose Oil Co. wired a total of \$1,032,500.00 into the attorney/law firm's Trust Account as follows:
 - i. \$200,000.00 was wired on September 20, 2012;
 - ii. \$200,000.00 was wired on November 30, 2012;
 - iii. \$395,000.00 was wired on December 10, 2012;
 - iv. \$75,000.00 was wired on April 1, 2013;
 - v. \$120,000.00 was wired on April 5, 2013; and
 - vi. \$42,500.00 was wired on April 25, 2014.

- b. As for Attorney Frieland and Levitan & Frieland, Don Rose/Don Rose Oil Co. wired a total of \$1,010,000.00 into the attorney/law firm's Trust Account as follows:
 - i. \$300,000.00 was wired on November 9, 2010;
 - ii. \$25,000.00 was wired on March 18, 2011;
 - iii. \$250,000.00 was wired on April 5, 2011;
 - iv. \$200,000.00 was wired on July 11, 2011;
 - v. \$135,000.00 was wired on August 11, 2011;
 - vi. \$75,000.00 was wired on September 19, 2011; and
 - vii. \$25,000.00 was wired on October 27, 2011.

- c. As for Engel & Wisnicki, Don Rose/Don Rose Oil Co. wired a total of \$500,000.00 into the law firm's Trust Account on April 25, 2012.

d. Finally, Don Rose/Don Rose Oil Co. wired a total of \$220,000.00 directly into the account of Brown, with payments being made as follows:

- i. \$30,000.00 was wired on October 6, 2010;
- ii. \$80,000.00 was wired on October 18, 2010;
- iii. \$10,000.00 was wired on January 28, 2011;
- iv. \$50,000.00 was wired on June 6, 2011;
- v. \$15,000.00 was wired on October 17, 2011;
- vi. \$25,000.00 was wired on November 3, 2011; and
- vii. \$10,000.00 was wired on January 2012.

21. During all material times, Don Rose communicated with Attorney Vernon or others at the Vernon Law Group and was repeatedly assured that the monies were safe, were being invested on his behalf and that the return was expected to be multiples of the funds invested.

22. At all material times, Attorney Vernon and the Vernon Law Group was not only being complicit in the fraudulent scheme, but they were knowingly and voluntarily conspiring to keep the fraudulent scheme alive and entice Don Rose/Don Rose Oil Co. to continue wiring hundreds of thousands of dollars to the law firm's Trust Account.

23. During all material times, Don Rose communicated with Attorney Frieland or others at Levitan & Frieland were repeatedly assured that the monies were safe, were being invested on his behalf and that the return was expected to be multiples of the funds invested.

24. At all material times, Attorney Frieland and Levitan & Frieland was not only being complicit in the fraudulent scheme, but they were knowingly and voluntarily conspiring to keep the fraudulent scheme alive and entice Don Rose/Don Rose Oil Co. to continue wiring hundreds of thousands of dollars to the law firm's Trust Account.

25. During all material times, Don Rose communicated with lawyers of other staff members at Engel & Wisnicki and he was repeatedly assured that the monies were safe, were being invested on his behalf and that the return was expected to be multiples of the funds invested.

26. At all material times, Engel & Wisnicki was not only being complicit in the fraudulent scheme, but they were knowingly and voluntarily conspiring to keep the fraudulent scheme alive and entice Don Rose/Don Rose Oil Co. to continue wiring hundreds of thousands of dollars to the law firm's Trust Account.

27. The Brown HYIP was a fraudulent scheme designed to extract as much money as possible from Don Rose/Don Rose Oil Co. and there was never any anticipated return on investment.

28. All Defendants had knowledge of the fact that the entire Brown HYIP was a fraudulent scheme and never disclosed this to Don Rose/Don Rose Oil Co.

29. All Defendants wrongfully profited by the monies wired to their respective accounts by Don Rose/Don Rose Oil Co.

30. Plaintiff is the assignee of all claims, in law or in equity, which Don Rose and/or Don Rose Oil Co. may have against the named Defendants arising out of the facts set forth above.

31. The foregoing facts support Defendants' liability for fraud, conspiracy to defraud, conspiracy to convert, aiding and abetting a conversion, breach of fiduciary duty, violation of the New York Deceptive Acts and Practices Act, and, as to the attorney/law firm Defendants, legal malpractice and trust account violations.

FIRST CAUSE OF ACTION
Fraud/Conspiracy to Defraud

32. Plaintiff repeats and realleges paragraphs 1 through 31 of this Complaint as if set forth more fully at length herein.

33. Each of the Defendant Attorneys and Defendant Law Firms colluded with Brown and others to defraud Don Rose and/or Don Rose Oil Co.

34. Each of the Defendant Attorneys and Defendant Law Firms, having superior knowledge and while acting in the scope of his authority as a member and/or partner for each of the Defendant Law Firms, made misrepresentations or engaged in conduct amounting to active concealment and fraud.

35. At the time Defendant Attorneys and Defendant Law Firms made the above detailed misrepresentations and/or nondisclosures of fact, they knew that they were false, or made the misrepresentations recklessly, without regard to whether they were true or not, and with the intent to defraud the Don Rose and/or Don Rose Oil Co.

36. By aligning with Brown and those directly responsible for the conversion and theft of millions of dollars of Don Rose and/or Don Rose Oil Co.'s funds, by accepting the funds and using their firm's trust accounts to convey the false appearance of legitimacy, by communicating directly with Don Rose regarding the Brown HYIP and the potential return on investment, by not disclosing the fraudulent nature of the scheme and by manipulating Don Rose into wiring millions of dollars to their attorney/law firm's trust accounts, the Defendant Attorneys and Defendant Law Firms engaged in conduct amounting to active concealment.

37. These Defendants made the misrepresentations or engaged in conduct amounting to active concealment with the intent that Don Rose/Don Rose Oil Co. wire/deliver the funds set forth above and so that Don Rose/Don Rose Oil Co. would rely on same.

38. Don Rose/Don Rose Oil Co. reasonably and justifiably relied on those misrepresentations and/or nondisclosures and took the course of action advocated by Brown and the Defendant Attorneys and Defendant Law Firms.

39. As a direct and proximate result of the misrepresentations and nondisclosures made by these Defendants, Don Rose/Don Rose Oil Co. were defrauded out of \$2,752,500.00.

40. Plaintiff also is entitled to treble damages for any actions and omissions of the Attorney Defendants and/or Law Firm Defendants that are found to be in violation of New York Judiciary Law §487.

41. In doing each of the acts alleged herein, each Defendant acted with oppression, fraud and malice, and Plaintiff is, therefore, entitled to exemplary and punitive damages in an amount to be determined at trial in order to deter each Defendant from acting as herein above alleged.

SECOND CAUSE OF ACTION

Conversion, Conspiracy to Convert and Aiding and Abetting a Conversion

42. Plaintiff repeats and realleges paragraphs 1 through 31 of this Complaint as if set forth more fully at length herein.

43. Attorney Vernon and the Vernon Law Group took possession of \$1,032,500.00 that was wired by Don Rose/Don Rose Oil Co. into the attorney/law firm's Trust Account.

44. Attorney Frieland and Levitan & Frieland took possession of \$1,010,000.00 that was wired by Don Rose/Don Rose Oil Co. into the attorney/law firm's Trust Account.

45. Engel & Wisnicki took possession of \$500,000.00 that was wired by Don Rose/Don Rose Oil Co. into the attorney/law firm's Trust Account.

46. Brown took possession of \$220,000.00 that was wired by Don Rose/Don Rose Oil Co. into her personal bank account.

47. Brown may have also taken possession of some portion of the funds wired by Don Rose/Don Rose Oil Co. into the Defendant Attorney/Defendant Law Firm's trust accounts and then wired or transferred by said firm to an account Brown owns or controls.

48. Each of these parties identified in paragraphs 42, 43, 44 and 45 converted said funds deposited into their account for their own use and in contravention of the ownership rights of Don Rose/Don Rose Oil Co.

49. Each of the Defendant Attorneys and Defendant Law Firms knew or should have known of the conversion by Brown and one another of the funds belonging to Don Rose/Don Rose Oil Co.

50. Upon information and belief, each the of the Defendant Attorneys and Defendant Law Firms substantially assisted the conversion of the funds by engaging in the acts and omissions pleaded above, by knowingly and intentionally providing others with the means to defraud the Plaintiffs, and by using the guise of their 'trust accounts' to provide false legitimacy to the acts and omissions described above.

51. Neither Don Rose/Don Rose Oil Co. nor Plaintiff has recovered any of the \$2,752,500.00 converted by the perpetrators.

52. As a direct and proximate result of acts and omissions of these Defendants, Don Rose/Don Rose Oil Co. has been damaged in at least the sum of \$2,752,500.00.

53. Plaintiff also is entitled to treble damages for any actions and omissions of the Attorney Defendants and/or Law Firm Defendants that are found to be in violation of New York Judiciary Law §487.

54. In doing each of the acts alleged herein, each Defendant acted with oppression, fraud and malice, and Plaintiff is, therefore, entitled to exemplary and punitive damages in an

amount to be determined at trial in order to deter each Defendant from acting as herein above alleged.

THIRD CAUSE OF ACTION
Breach of Fiduciary Duties

55. Plaintiff repeats and realleges paragraphs 1 through 31 of this Complaint as if set forth more fully at length herein.

56. Don Rose/Don Rose Oil Co. had formed an attorney-client relationship with each of the named Defendant Attorneys and Defendant Law Firms.

57. Each of the Defendant Attorneys and Defendant Law Firms had a duty to Don Rose/Don Rose Oil Co. to act in utmost good faith, in his/its best interests and in accordance with the highest principles of morality, fidelity, loyalty and fair dealing.

58. That as fiduciaries the Defendant Attorneys and Defendant Law Firms owed the duty of full and prompt disclosure of all information which may, in any way, affect the Don Rose/Don Rose Oil Co. and its knowledge of the Brown HYIP.

59. Because each of the Defendant Attorneys and Defendant Law Firms had direct knowledge that the Brown HYIP was a fraudulent scheme, this information should have been disclosed to Don Rose/Don Rose Oil Co. and/or they should have refused to take part in said fraudulent scheme.

60. Each of the Defendant Attorneys and Defendant Law Firms failed to act in good faith and in the best interests of Don Rose/Don Rose Oil Co. when he/it each improperly failed to disclose the existence and true nature of the scheme and by refusing to take part in the fraudulent scheme.

61. As fiduciaries, each of the Defendant Attorneys and Defendant Law Firms owed Don Rose/Don Rose Oil Co. undivided and unqualified loyalty. A fiduciary's duty of loyalty to

its principal is breached when the fiduciary, as here, enters into an agreement with a third party that adversely affects the principal's interests.

62. Each of the Defendant Attorneys and Defendant Law Firms knowing participated in the fraudulent scheme with Brown and knowingly failed to disclose it to Don Rose/Don Rose Oil Co.

63. As a result of each of the Defendant Attorney's and Defendant Law Firm's breach of his/its fiduciary duties, Don Rose/Don Rose Oil Co. has been damaged in at least the sum of \$2,752,500.00.

FOURTH CAUSE OF ACTION
Violation Of New York's Deceptive Acts And Practices Act

64. Plaintiff repeats and realleges paragraphs 1 through 31 of this Complaint as if set forth more fully at length herein.

65. The acts and omissions of each of the Defendants as described above, violated New York General Business Law §349, which provides that "[d]eceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service in this state are hereby declared unlawful."

66. As a direct and proximate result of each of the Defendant's deceptive acts and practices, Plaintiff has sustained damages in an amount to be determined at trial.

FIFTH CAUSE OF ACTION
Legal Malpractice and Trust Account Violations

67. Plaintiff repeats and realleges paragraphs 1 through 31 of this Complaint as if set forth more fully at length herein.

68. Each of the Defendant Attorneys and Defendant Law Firms violated their duties owed to Don Rose/Don Rose Oil, as both an attorney and a fiduciary by participating in the conduct

described above including, but not limited to: using his/its role as trusted attorney to assist in the perpetration of the fraudulent scheme and the unlawful conversion of funds; by using his/its attorney Trust Account to lend credibility to the fraudulent scheme; by allowing the funds to be funneled through said Trust Account to be used for the benefit of those perpetrating the fraudulent and unlawful scheme; and by generally engaging in unconscionable conduct and by taking advantage of the trust that the Don Rose placed in him/it as an attorney or law firm.

69. In addition to any other violations of the Rule of Professional Conduct, each of the Defendant Attorneys and Defendant Law Firms violated Rule 1.15: Preserving Identity Of Funds And Property Of Others; Fiduciary Responsibility; Commingling And Misappropriation Of Client Funds Or Property; Maintenance Of Bank Accounts; Record Keeping; Examination Of Records.

70. As a direct and proximate result of each of the Defendant's violations and legal malpractice, Plaintiff has sustained damages in an amount to be determined at trial.

71. Plaintiff also is entitled to treble damages for any actions and omissions of the Attorney Defendants and/or Law Firm Defendants that are found to be in violation of New York Judiciary Law §487.

PRAYER FOR RELIEF

Wherefore, Plaintiffs prays for judgment against Defendants, as follows:

1. For general and compensatory damages in an amount to be determined at trial;
2. For an accounting of the sources and uses of the funds wired to each of the Defendants;
3. For return of all funds delivered to each of the Defendants;
4. For punitive and exemplary damages in amount sufficient to deter Defendants from engaging in such malicious, oppressive and fraudulent conduct in the future;

5. Where applicable, for treble damages for any actions and omissions of the Defendants that are found to be in violation of New York Judiciary Law §487.
6. Where applicable, for treble damages within the statutory limits for any actions and omissions of the Defendants that are found to be in violation of New York General Business Law §349.
7. For pre-judgment interest at the earliest date and the highest rate permitted by law;
8. For costs of suit incurred herein including reimbursement of attorney's fees; and
9. For such other and further relief as the Court may deem just and proper.

Dated: January 22, 2018
Bethpage, New York

Respectfully Submitted,



John M. Stravato, Esq.
Attorney for Plaintiff
(631)845-1200 or (516) 633-2639

VERIFICATION

STATE OF Florida }
COUNTY OF Palmer Beach }

PANAGIOTIS KECHAGIAS, being duly sworn, deposes and says:

I have read the foregoing Verified Complaint and know the contents thereof and the same are true to my knowledge, except to those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true. The reason this verification is made by me is because the Plaintiff is a limited liability company and I am the Managing Member thereof.

HELLENIC PETROLEUM, LLC,
a Florida Limited liability company

[Signature]
PANAGIOTIS KECHAGIAS,
Managing Member

The foregoing Verification was sworn to, executed and acknowledged before me on this 22 day of January, 2018, by Panagiotis Kechagias, who is personally known to me or who has produced DRIVERS LICENSE as identification.

[Signature]
Notary Public, State of Florida
Printed Name: MAC DENNIS JR
Comm. No./Exp.: 10/31/2018

