

IN THE CIRCUIT COURTS OF THE  
17<sup>TH</sup> JUDICIAL CIRCUIT IN AND  
FOR BROWARD COUNTY,  
FLORIDA

CIVIL DIVISION

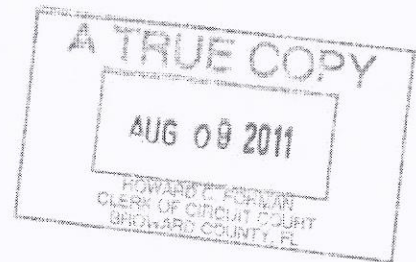
CASE NO: 09-057623

DON DOWE

Plaintiff,

v

USIMO  
WACHOVIA BANK,  
JOSEPH ISSA  
DAVID SMITH  
JARED MARTINEZ  
MARKET TRADERS INSTITUTE, INC.  
OVERSEES LOCKET INTERNATIONAL CORPORATION,  
a Foreign Corporation  
I-TRADE FX, LLC  
HALLMARK BANK AND TRUST LTD., a Foreign Corporation  
COOL CARD, a Jamaican Corporation  
BUTTERFIELD BANK, a Cayman Islands Bank  
MZ HOLDINGS  
COOL PETROLEUM  
COOL CORP LIMITED



Defendants

Amended Complaint

Plaintiff DON DOWE hereby files his complaint against Defendant USIMO,

WACHOVIA BANK, JOSEPH ISSA, MZ HOLDINGS LIMITED, DAVID SMITH, HALLMARK

BANK AND TRUST LTD, (collectively referred to as "Defendants") and alleges as follows:

## JURISDICTIONAL ALLEGATIONS

1. Plaintiff Don Dowe is a U.S. Citizen, who resides in Broward County, Florida.
2. This is a civil action for damages in excess of \$15,000, excluding interest, cost and attorney's fees.
3. Defendant USIMO is a company used by JOEY ISSA to engage in money laundering together with David Smith. USIMO was used to collect deposits from OLINT depositors and then was used to launder money into ISSA'S personal accounts and/or into Mr. Joseph Issa Cool Corp Limited.
4. Defendant WACHOVIA BANK is a banking corporation that was engaged in facilitating David Smith's Ponzi scheme by receiving and forwarding monies by wire.
5. Defendant JOSEPH ISSA is an Hotelier from Jamaica who is know for his aggressive investment strategies in Jamaica. Joseph Issa associates himself with criminals in Jamaica whom he uses to intimidate and hurt numerous business competitors. Joseph Issa is a business co-conspirator with David Smith. Joseph Issa and David Smith actively conspired to steal OLINT's money from the general investment community in the United States and in Jamaica.
6. Defendant MZ HOLDINGS AND COOL PETROLEUM are corporations that were used by Joseph Issa as a front to collect OLINT's money. COOL CORP LTD owns 10% or more of the stock of MZ HOLDINGS CAYMAN LIMITED. COOL CORP CAYMAN LIMITED owns 998 shares of CoolOasisLimited. COOL CORP Ltd was registered in Jamaica as a Jamaica Corporation on June 19, 2007. COOL CORP LIMITED

7. Defendant I-Trade FXLLC ("I-Trade") is a Florida limited liability corporation, which presently maintains its principal place of business in Seminole County, Florida. During times relevant to the issues presented in this case, I-Trade previously maintained its principal place of business in Orange County, Florida.
8. Defendant Overseas International Locket Corporation ("OLINT") is a Jamaica corporation with its principal place of business in the Turks and Caicos Islands
9. OLINT operated the fraudulent scheme that is the subject of this litigation, had substantial business contacts with the state of Florida, including Orange County and Miami Dade County, and committed torts in Miami Dade County, Florida.
10. Defendant David Smith is a Jamaican national with substantial business contacts with the State of Florida; including, but not limited to promoting the sale of financial seminars in Orlando, Florida. David Smith was formerly a principal of Defendant OLINT, which committed torts in Miami-Dade County, Florida that are the subject of this litigation and had substantial business contacts with the State of Florida, including making and directing several wire transfers to and from the Turks and Caicos Islands (TCI) and the State of Florida. Joseph Issa is a close friend and collaborator with David.
11. This corporation has significant business contacts with the State of Florida. This Corporation, in using allowing Compass Debit Card payment system to be used by several of the defendants, was a party to the fraud committed on investors.

12. Defendant HALLMARK BANK AND TRUST LTD. Is a foreign corporation, operating out of the Turks & Caicos Islands. This banking institution used the Federal wire transfer facility to transfer funds from OLINT to individuals and corporations without the consent of the Plaintiff.
13. Defendant BUTTERFIELD BANK is a Cayman Island Bank that does significant business with the State of Florida, and facilitated the money laundering activities of several of the defendants by knowingly moving the funds in and out of the banks accounts held by the Defendants. It handled over 2,000 deductions from OLINT'S account at the bank. The bank is currently under investigation in the Cayman Islands.
14. Venue is proper in this district as one or more of the individual defendant entities owns business entities whose principal place of business in Orange County and owns real property in Orange County, Florida.
15. All conditions precedent to the filing of this action have occurred, been performed been waived or otherwise excused.
16. In proceeding in this case, the Plaintiff is paying reasonable Attorney's fees.

#### GENERAL ALLEGATIONS

17. This matter involves a Ponzi scheme promoted to the Jamaica-American community living in the United States and Jamaican Diaspora living in the Eastern Caribbean. This scheme was conceived by David Smith and Joseph Issa.

18. Defendant DAVID SMITH, a self proclaimed religious genius, operated a Ponzi scheme known as the OVERSEAS LOCKET INTERNATIONAL CORPORATION (OLINT). He convinced over six thousand investors that he and agents of OLINT could produce a return of ten percent (10%) per month by participating in foreign currency trading. His sales office was located at 1C Braemar Avenue, Kingston 5, Jamaica. The Financial Services Commission of Jamaica investigated David Smith's financial operation and after being forced to ceased and desist his operations in Jamaica by that governing body he moved his operation to the Turks and Caicos Islands (TCI).
19. Defendant SMITH, JOSEPH ISSA and OLINT targeted American investors directly or indirectly to invest in the OLINT hedge fund. Based on their aggressive advertising of the high rate of returns, OLINT raked in over \$1 billion U.S> dollars from investors who were based in the USA, TCI, Jamaica, St. Kitts, Panama, Grenada, he Cayman Islands and the Dominican Republic. Smith achieved this by fraudulent advertising on the Internet. The Ponzi scheme was supported by many feeder clubs such as "LewfFam" and "Regency". Defendant Smith used St. Kitts, a Caribbean Island as an intermediary location to funnel illegal wire transfers from OLINT TCI. He also sent illegal wire transfers to OLINT through Wachovia Bank. He was able to evade the SEC's and Federal Reserves' scrutiny in this manner. Wachovia Bank was aware of the illegal activity and supported and condoned the money laundering.
20. David Smith, as a result of the large number of investor complaints, was arrested and charged with money laundering, fraud and theft by the Royal TCI Police Financial Crimes Unit.

21. The National Futures Associations (NFA), a self-regulatory organization for the U.S. futures industry whose function is to enact rules, programs and services that safeguard market integrity and to protect investors, learned that David Smith transferred the amount of \$100 million dollars from OLINT using Hallmark Bank and Trust Ltd. To JIJ INVESTMENTS. This transfer of OLINT investors funds, including those of the Plaintiff, was done without permission, as is clearly required per the legal contract between OLINT and its investors. (Please see exhibit 3). In response to the above, the Federal Bureau of Investigation and the Internal Revenue Service have commenced an investigation into the OLINT Ponzi scheme and its co-conspirators. Federal investigators are examining the records and have interviewed Chester Stewart of Regency. Federal investigators have also focused on the role of USIMO and Joseph Issa.
22. Upon information and belief, OLINT and SMITH sent multiple wire transfers to the United States through Defendant WACHOVIA BANK in order to evade the Jamaican and Turks & Caicos authorities who were investigating OLINT and SMITH's business practices. (Please see Exhibit 10). Smith had depositors give money to USIMO to hide his racketeering activity from Jamaican regulators and US. Joseph Issa co-conspired with his subterfuge.
23. Plaintiff DON DOWE never authorized the transfer of his funds from his Olint account to any other person or business entity.

24. All the Defendant has refused several-repeated request to return the Plaintiff's money. Instead, the Defendant lives a lavish lifestyle. Defendant DAVID AMITH has refused to return any money to the Plaintiff. (See Ezhbit 1. Agreement for Sale involving David Smith). Defendant Joseph Issa does not return telephone calls. Defendant I\_TRADE FX LLC has refused to return the money to the Plaintiff (See Exhibit 6).
25. Upon information and belief, OLINT's DAVID SMITH AND TRACEY ANN SMITH, have fled Jamaica, avoided the Jamaican authorities and have absconded with the Plaintiffs funds and deposited and/or invested them into several entities with the intent to hinder, delay or defraud the Plaintiff in his effort to recover his funds. USIMO's principals have refused any responsibility for their interest in the OLINT matter, and have refused to repay the Plaintiff his principal. USIMO banked with Butterfield Bank and Cayman National Bank, which was highly aware of the illegality of the USIMO deposits and laundered these deposits, it knowingly facilitated or should have known that it was facilitating these unlawful deposits of stolen money on behalf of these companies.
26. Defendant JARED MARTINEZ is a resident of Seminole Count, Florida. Additionally, he is an officer Defendant MARKET TRADERS INSTITUTE, which has maintained its principal place on business in Orange Counts and Seminole County, but additionally did business with residents of Broward County, Florida.
27. Defendant MARKET TRADERS INSTITUTE did business with residents of Florida by fraudulently representing itself as an investment education firm. Instead, however, it

merely acted as an agent of Defendant OLINT by wrongfully soliciting investments in OLINT

28. Defendant MARKET TRADERS INSTITUTE specifically did business with DON DOWE and sold him seminar services and has solicited business from him continually.
29. MARKET TRADERS INSTITUTE accepted as fees its fraudulent activity money paid through accounts that were represented by USIMO to be intended for OLINT. Would-be investors were told by USIMO to deposit their money with OLINT office directly. USIMO acted as an agent for OLINT, represented itself as such to unwitting investors and directed these deposits to OLINT.
30. By this action, Plaintiff DOWE is seeking to recover the principal and profit of his account with USIMO and OLINT. According to the terms of the Agreement, OLINT was to use Plaintiff's funds for foreign currency trading. However, due to Defendant DAVID SMITH'S and JOSEPH ISSA'S fraudulent misconduct, the plaintiff has loss access to his funds and/or has completely lost his funds, and as a result the apparent conspiratorial misconduct of David smith AND THE OTHER DEFENDANTS HAVE SUFFERED SUNTANTIAL DAMAGES. Plaintiff Dowe has learned that the COOL CORP LIMITED entity played an integral role in the co-mingling of Olint funds leading to the theft of these funds. Furthermore, Mr. Dowe learned from the authorities in Cayman that Mr. Issa's modus operandi is to leverage the similarity of the names of his various corporate entities to facilitate ease of banking in various offshore jurisdictions. This created a conduit for Mr. Issa's money laundering activities.



31. The Plaintiff is also seeking damages for OLINT'S breach of the Agreement by failing to honor request made by the Plaintiff for the withdrawal of his funds AND depriving Plaintiff of his property for an indefinite period of time, which resulted in OLINT and its principal being unjustly enriched.
32. The Plaintiff has had to hire the undersigned attorney, as well as counsel in Jamaica and England in an attempt to recover his funds and had has to pay attorney's fees for the same.
33. The Plaintiff has suffered losses of approximately \$20 million United States dollars due to the misconduct of the Defendants.

#### COUNT 1 – CONVERSION

34. Plaintiff re-alleges the allegations in paragraph 1 through 35 above, as it fully set fort here.
35. The Plaintiff invested funds with OLINT for the express purpose of investing in FOREX trading.
36. The Plaintiff investment was not used for trading, but was used to fund the fraudulent scheme of the Defendants.
37. All Defendants have benefitted from fraudulent scheme, having used investment funds for their own again.

38. The Plaintiff has made demand for the return of his investment, but Defendants have failed and refused to meet that demand and re indefinitely depriving the Plaintiff of the use of the money deposited into his OLINT account.
39. As a result of his conversion, Plaintiff DON DOWE has suffered damages in the amount of \$20 million U.S. dollars. WHEREFORE, Don Dowe request judgment against all Defendants for \$20,000,000, interest, cost and such further relief as this Court deems just and proper.

#### COUNT 11 - CIVIL THEFT

40. Plaintiff re-alleges the allegation in paragraph 1 through 35, above, as it fully set forth here.
41. Plaintiff discover that the Defendant had knowingly obtained and used \$1.2 million which belonged to Plaintiff with the felonies intent to, either temporarily or permanently, deprive the Plaintiff of the right to the money and to appropriate the money to defendant's own use in violation of 772.11, Fla. Stat.
42. As a result, Plaintiff has been injured because of the violation of 772.11 Fla. Stat. and has lost the above sum plus interest from the date of the theft.
43. Defendant did not accept this restitution offer.
44. Plaintiff has retained the undersigned attorney and is obligated to pay a reasonable fee for his services. Pursuant to 772.11 Fla. Stat.; Plaintiff is entitled to an award of attorney's fees.

45. Before filling this suit, Plaintiff on November 11, 2011 served on Defendant a written demand of payment of three times the amount of money taken by Defendant. The amount demanded was \$3.6 million which amount represents three times the amount of the dollar amount of the theft. A copy of this written demand is attached to this complaint.
46. Defendant has failed and refuse to pay the amount demanded or any other amount WHEREFORE, Plaintiff demands judgment for three times the amount due as damages, judgment interest, attorney's fees and costs, and any other or further relief this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury of all claims triable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Rowe". The signature is stylized and cursive.

DAVID P. ROWE, ESQ

Florida Bar#373575

110 E. Broward Boulevard

Suite 1700 7074