

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, ss.

SUPERIOR COURT

CIVIL NO. PC11-2486
Filed 4-28-11

MICHAEL ALAN CROOKER,)
)
) PLAINTIFF,)
)
 V.)
)
) GLOBAL TEL LINK,)
)
) DEFENDANT.)

COMPLAINT FOR BREACH OF
CONTRACT AND FOR VIOLATION
OF THE SHERMAN ACT
R.I. GEN LAWS 8-2-14
15 U.S.C. § 1, et seq.

JURISDICTION

(1) This is a civil action for monetary damages against a foreign corporation telephone company engaged in business in Rhode Island. Global Tel Link has and is participating in an unlawful scheme to establish a monopoly and to charge exorbitant rates, giving kickbacks to Rhode Island actors. It has also breached a written contract. This court has jurisdiction under R.I.G.L. 8-2-14 as well as under the Sherman Antitrust Act.

PARTIES

(2) The plaintiff, Michael Alan Crooker, ("Crooker"), is a pretrial detainee currently housed at the private, for-profit Wyatt Detention Facility, 950 High St., Central Falls, Rhode Island 02863.

(3) The defendant, Global Tel Link, ("Global"), is a Delaware corporation with its business headquarters in Mobile, Alabama. Its mailing address is P.O. Box 3068, Mobile, AL 36652.

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FACTS

(4) The Central Falls Detention Facility Corporation ("CFDFC") owns and operates the private, for-profit, jail known as the Donald W. Wyatt Detention Facility ("Wyatt").

(5) Wyatt currently houses only federal pretrial detainees for the U.S. Marshals Service ("USMS") for a per diem of \$101.76. As of December 17, 2010 Wyatt was housing 645 detainees and collecting per diems of \$65,634.20 per day.

(6) The CFDFC has other profit-making ventures, all involving federal pretrial detainees. They provide guard service and transport service to the USMS by transporting and guarding detainees at Federal Courthouses and during hospital, health care and funeral trips. For these services CFDFC collects hourly fees.

(7) One of CFDFC's profit-making ventures is their partnership and conspiracy with Global to provide exclusive detainee telephone service. CFDFC has granted a monopoly to Global to provide telephone service to pretrial detainees in return for a percentage of the revenue generated by detainee telephone calls.

(8) Global charges exorbitant rates for the telephone calls and gives a 50% "commission" or kickback to CFDFC. The higher the rate charged, the higher the kickback.

(9) On or about November 1, 2010 Global and CFDFC placed advertisements on detainee bulletin boards at Wyatt stating that telephone calls would henceforth cost \$1.35 plus 30¢ per minute

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for up to 20 minutes, with a 20-minute call costing \$7.35. The advertisement stated that the rate would be the same regardless of whether the call was collect, prepaid, or Advance Pay.

(10) Crooker quickly learned that the above advertised rates were completely false. A single 20-minute collect call on Crooker's elderly mother's telephone bill came to \$12.00.

(11) Crooker then switched to prepaid calls where his mother would send funds to Crooker's jail account so Crooker could direct amounts transferred to an institutional prepaid telephone account.

(12) All such prepaid calls however had an audibly announced cost of \$1.65 plus 30¢ per minute, not the advertised \$1.35 plus 30¢. And the calls were costing way beyond either set of figures. Crooker's 1-minute calls deducted \$2.10, 2-minutes costed \$2.54, 4-minutes costed \$3.32, 10-minutes were \$5.66, 11-minutes were \$6.05, 13-minutes were \$6.83, 14-minutes were \$7.22, 18-minutes were \$8.79 and 20-minutes had \$9.57 deducted from Crooker's prepaid balance.

(13) Furthermore, on at least five occasions the billing would commence after one or two rings, but with the called telephone still ringing. Hence Crooker would be charged even if no one answered the telephone. Global's automated system would, mistakenly or on purpose, classify a ring as an answer and announce "Thank you," beginning the billing charges even when the called telephone had not answered. This caused Crooker on at least two occasions to leave messages on answering machines or Voice-Mail when he would otherwise not have, due to the fact that

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he knew that he was being debited a minimum of \$2.10 in any event.

(14) A third method of calling involves something called Advance Pay where the called party is the one who sets up the prepaid account which is then debited just like the calls described in ¶11 and ¶12 above are from the institutional prepaid account. However with Advance Pay there is a further extortion in that an additional \$9.50 is charged for every \$50.00 deposited to the Advance Pay account.

LEGAL CLAIMS

(15) The facts described above constitute a breach of contract, to wit, the advertised rates posted on the detainee bulletin boards.

(16) The facts described above constitute an illegal conspiracy and an illegal monopoly in violation of the Sherman Antitrust Act, 15 U.S.C. § 1, et seq.

(17) The Federal Communications Commission has issued an order that criticizes the economic arrangement that is at issue in this lawsuit. In Re Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, 17 FCC Rcd. 6347 (F.C.C. 2002).

(18) That FCC Order states:

Detainees only have access to payphones, not cellular phones, and detainees lack dial-around capacity. Therefore neither the detainee who initiates the call nor the individuals who bear the cost of detainee calls - most often the detainees' families - have a choice among providers. Second, the competition

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that does exist - among detainee calling service providers in the bidding process - does not exert downward pressure on rates for consumers. Instead, perversely, because the bidder who charges the highest rates can afford to offer the confinement facilities the largest location commissions, the competition bidding process may result in higher rates.

RELIEF

(19) WHEREFORE, Crooker requests \$20,000 in compensatory damages, attorney's fees and costs, appointment of counsel, a jury trial on all issues triable, and such other and further relief as the court deems just and proper.

Respectfully submitted,



Michael Alan Crooker, pro se
Wyatt Detention Facility
950 High St.
Central Falls, RI 02863

Dated: April 26, 2011

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



SUPERIOR COURT

xx *Providence County*

Licht Judicial Complex
250 Benefit Street
Providence, Rhode Island 02903

___ *Kent County*

Kent County Judicial Complex
222 Quaker Lane
Warwick, Rhode Island 02886

___ *Newport County*

Murray Judicial Complex
45 Washington Square
Newport, Rhode Island 02840

___ *Washington County*

McGrath Judicial Complex
4800 Tower Hill Road
Wakefield, Rhode Island 02879

CIVIL ACTION, FILE No. PC11-2486

Michael Alan Crooker

Plaintiff

Global Tel Link

Defendant

Summons

To the above-named Defendant:

Secretary, Treasurer or President
Global Tel Link Corporation
2609 Cameron St., Mobile, AL 36607

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon Michael Alan Crooker, pro se, Plaintiff's attorney, whose address is Wyatt Detention Facility, 950 High St., Central Falls, RI 02863 an answer to the complaint which is herewith served upon you within 20 days after service of this summons upon you, exclusive of the day of service.

If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

CLERK

Dated: April 26, 2011

(Seal of the Superior Court)