

STATE OF MICHIGAN
IN THE 6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND

DANA NESSEL, ATTORNEY GENERAL
OF THE STATE OF MICHIGAN, *ex rel* The
People of the State of Michigan,

Case No. 23- -CZ

Plaintiff,

HON.

2023-203744-CZ

JUDGE MARTHA D. ANDERSON

v

ASBESTOS REMOVAL TECHNOLOGIES,
& DOUGLAS [REDACTED] LLC and
SILVERR EAGLE LLC,

Defendants.

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*There is no pending or resolved civil action arising out of the
same transaction or occurrence as alleged in the complaint.*

COMPLAINT TO DISSOLVE ENTITIES AND FOR INJUNCTIVE RELIEF

I. Introduction

There is a form of business identity theft called cloning. Cloning involves a fraudster creating a new legal entity with a name that is the same as, or very similar to, an existing company name. Depending on the nature of the scam, the fraudster might also use address, telephone number, or other information belonging to the legitimate business that has been cloned.

This is a civil lawsuit to dissolve two clones. Both were created by someone using the alias Perry Davis, Jr. Both were created for the purpose of attempting to cash stolen checks intended for the legitimate businesses that had their identities compromised. Dissolution of the clones will prevent them from being used again to the detriment of the real businesses. And, as the criminal justice system works to identify the fraudster, an injunction is sought to guard against further use of this persona in the creation of new business entities.

II. Parties and venue

1. The Plaintiff in this lawsuit is Attorney General Dana Nessel. She is a constitutional officer charged with enforcing the laws of the State of Michigan. In this capacity, the Attorney General has authority to bring an action to dissolve a limited liability company that has been organized through fraud, or that repeatedly and willfully conducts its business in an unlawful manner. See MCL 450.4803(1).

2. Defendant Asbestos Removal Technologies, & Douglas ████████ LLC, was created with the Michigan Department of Licensing and Regulatory Affairs (LARA) on August 18, 2023. The resident agent is listed as Perry Davis Jr., and the resident agent address purports to be an address on Hilltop Street in Southfield, Michigan. This Defendant shall be referred to in this Complaint as “Clone #1.”

3. Defendant Silverr Eagle LLC was created with LARA on March 6, 2023. The resident agent is listed as Perry Davis, Jr., and the resident agent address purports to be at an apartment in Fraser, Michigan. This Defendant shall be referred to in this Complaint as “Clone #2.”

4. This Court has jurisdiction over this matter pursuant to MCL 450.4803. The purported creation of Clone #1 in Southfield, Michigan makes this Court an appropriate venue in this matter.

III. Factual Background

5. There is in Southfield, Michigan a legitimate business called Asbestos Removal Technologies, Inc. It was formed with LARA in 1987. A review of the Michigan Department of Attorney General's database shows it has not received any complaints against this entity. This legitimate business does business from the address on Hilltop Street in Southfield, Michigan that was used by Clone #1 as alleged in paragraph 2 above.

6. Earlier this year, a Michigan resident named Douglas [REDACTED] and his wife contracted with Asbestos Removal Technologies for an asbestos abatement project that became necessary because of flooding in the basement of their home. Arrangements were made for the abatement project to be paid for by the company with which the [REDACTED]'s had their homeowners' insurance policy, Safeco Insurance—which is a Liberty Mutual Insurance company.

7. Following completion of the work, a check in the amount of \$15,064.50 was generated by the [REDACTED]'s insurance company for mailing to Asbestos Removal Technologies, Inc. The check was made payable to "Asbestos Removal Technologies, Inc & Douglas [REDACTED], 21421 Hilltop St. Ste. 10, Southfield, MI 48033-4009."

8. The aforementioned check was not received by Asbestos Removal Technologies. Upon information and belief, it was intercepted at some point before, during or after its mailing by the person who created Clone #1.

9. Upon information and belief, the fraudster opened a bank account in the name of Clone #1, and then had the funds from that check deposited into that account.

10. Asbestos Removal Technologies reported the theft of the check to the Southfield Police Department and to the United States Postal Inspector. It is also working with Liberty Mutual in hopes of getting a replacement check. But it is experiencing an ongoing hardship as it has been advised this process may take six to nine months.

11. The legitimate company called Silver Eagle, LLC was created with LARA in 2006. Notably, Clone #2 was formed with a spelling of "Silverr" whereas the legitimate entity uses the correct spelling of that word. Silver Eagle, LLC provides business consulting services and is located in Plymouth, Michigan. A review of the database at the Michigan Department of Attorney General reveals that it has not received any complaints against Silver Eagle, LLC.

12. One of Silver Eagle, LLC's clients attempted to mail it a check for consulting services in early March of this year. Upon information and belief, that check was intercepted at some point before, during or after its mailing by the person who created Clone #2.

13. On or about March 8, 2023, the fraud department at Credit Union One contacted Silver Eagle, LLC advising that a check intended for that company had been stolen, and that someone was attempting to cash it using a bank account set up in the name of Clone #2. Upon information and belief, Credit Union One prevented the check from being cashed, and Silver Eagle, LLC arranged for a replacement payment from its client.

14. The creation of Clone #1 and Clone #2 using the same resident agent persona, Perry Davis, Jr., together with the similar factual scenarios involved, demonstrates the creation of these entities is part of a common scheme being perpetrated by the same fraudster.

IV. Claim for dissolution of Clone #1

15. The Attorney General incorporates paragraphs 1 through 14 of this Complaint as though fully set forth here.

16. Clone #1 procured its organization with LARA through fraud. It has repeatedly and willfully conducted its business in a fraudulent manner. Clone #1 should be dissolved pursuant to MCL 450.4803(1).

V. Claim for dissolution of Clone #2

17. The Attorney General incorporates paragraphs 1 through 16 of this Complaint as though fully set forth here.

18. Clone #2 procured its organization with LARA through fraud. It has repeatedly and willfully conducted its business in a fraudulent manner. Clone #2 should be dissolved pursuant to MCL 450.4803(1).

VI. Conclusion and relief sought

Accordingly, for the reasons set forth above, the Attorney General respectfully requests that this Court grant the following relief:

- A. Issue a temporary restraining order and preliminary injunctions preventing Clone #1 and Clone #2 from conducting business and barring the creation of any new legal entities in Michigan with Perry Davis Jr. as registered agent;
- B. Issue an order dissolving Clone #1 and Clone #2; and
- C. Issue a permanent injunction preventing a new business entity from being created in Michigan for the next year by anyone using the name Perry Davis Jr., whether as an officer, member or resident agent of such entity unless such person can satisfactorily document to the satisfaction of the Attorney General that he is not associated with the fraudster persona described in this Complaint.

Respectfully submitted,



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Dated: November 8, 2023