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8 CPA06-367/953720

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 STATE OF ARIZONA, *ex rel.* TERRY  
12 GODDARD, Attorney General,

13 Plaintiff,

14 -vs-

15 BRENT D. EMERSON and LOUISE  
16 JAYNE GORE, husband and wife;  
17 ANTHONY WHITE and LISA K. WHITE,  
18 husband and wife; GARY MURDIE and  
19 JANE DOE MURDIE, husband and wife,  
20 dba GUARANTEED PRESCRIPTIONS;  
21 GUARANTEED ADVERTISING;  
22 PREMIER MARKETING GROUP;  
23 PHARMACEUTICAL WEALTH  
24 NETWORK, NATIONAL PHARMACY  
25 NETWORK; VIP MARKETING and  
EXECUTIVE MARKETING GROUP,  
INC., a New York Corporation,

Defendants *in personam*.

REAL PROPERTY LOCATED AT  
10629 E. TROON NORTH DRIVE,  
SCOTTSDALE, ARIZONA,

Defendant *in rem*.

Case No:

**VERIFIED COMPLAINT AND  
APPLICATION FOR INJUNCTIVE  
AND OTHER RELIEF**

(Consumer Fraud; Civil Racketeering;  
*In Rem* Forfeiture)

1 JP MORGAN CHASE BANK, NA;  
2 WELLS FARGO BANK, NA; BANK  
3 OF AMERICA, NA; COMPASS BANK,

4 Relief Defendants.

5 Plaintiff, State of Arizona, alleges:

6 **JURISDICTION AND VENUE**

7 1. This action is brought pursuant to the Arizona Consumer Fraud Act, A.R.S.  
8 § 44-1521, *et seq.* and the Arizona Racketeering Act, A.R.S. § 13-2301, *et seq.* and § 13-  
9 4301, *et seq.* Plaintiffs seek injunctive relief, restitution, civil penalties, investigative  
10 expenses, costs and attorneys' fees and other relief. Additionally, the racketeering action  
11 is brought to obtain treble damages; to prevent, restrain or remedy racketeering as defined  
12 by A.R.S. § 13-2301(D)(4); and to forfeit to the State of Arizona all interest in the  
13 property described herein, pursuant to A.R.S. § § 13-2314 and 13-4301, *et seq.*

14 2. Each defendant has transacted business within or from Maricopa County at  
15 all material times.

16 3. Each defendant has caused events to occur in this state out of which the  
17 claims which are the subject of this complaint arose.

18 4. This Court has jurisdiction to enter appropriate orders both prior to and  
19 following a determination of liability pursuant to A.R.S. § § 44-1528, 13-2314, including  
20 forfeiture order pursuant to §§ 13-2314 and 13-4301, *et seq.* particularly § 13-4302.

21 5. Venue is proper in this county pursuant to A.R.S. § 13-2314 and A.R.S. §  
22 13-4303 as the defendants have transacted business and engaged in conduct in Maricopa  
23 County and the property seized for forfeiture is located in this county.

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25 ...

1 **THE PARTIES**

2 6. The party bringing this action is the State of Arizona, *ex rel.* Terry  
3 Goddard, Attorney General.

4 7. Defendants Brent D. Emerson, Louise Jayne Gore, Anthony White and  
5 Gary Murdie are residents of Maricopa County, Arizona. At all times relevant hereto,  
6 each of these defendants conducted business in the State of Arizona under the names  
7 Guaranteed Prescriptions, Guaranteed Advertising, Premier Marketing Group,  
8 Pharmaceutical Wealth Network, National Pharmacy Network and VIP Marketing.  
9 Defendants promote and sell internet-based business opportunities to consumers  
10 nationwide.

11 8. Defendant Executive Marketing Group, Inc. is a New York corporation,  
12 conducting business in the State of Arizona. Defendant Executive Marketing Group, Inc.  
13 facilitates the unlawful activities of defendants Brent D. Emerson, Louise Jayne Gore,  
14 Anthony White and Gary Murdie by collecting payments from consumers solicited by  
15 said defendants. Defendant Executive Marketing Group, Inc. utilizes the following  
16 Arizona addresses to further defendants' unlawful activities: 9015 E. Via Linda, Suite  
17 107, Box 224, Scottsdale, Arizona; 2833 N. Central Avenue, Box 480, Phoenix, Arizona,  
18 and 3219 E. Camelback Road, Box 530 in Phoenix, Arizona.

19 9. Defendant Lisa K. White is and at all relevant times was the wife of  
20 defendant Anthony White. Defendant Anthony White acted on behalf of their marital  
21 community with respect to the allegations contained in this Complaint.

22 10. Defendant Jane Doe Murdie is and at all relevant times was the wife of  
23 defendant Gary Murdie. Defendant Gary Murdie acted on behalf of their marital  
24 community with respect to the allegations contained in this Complaint.  
25

1           11. Defendants utilize numerous individuals and/or entities in carrying out the  
2 plan or scheme described in this Complaint. These individuals and/or entities may be  
3 named as defendants herein when the nature and extent of their activities and culpability  
4 are determined.

5           12. Whenever in this complaint reference is made to any act of defendants,  
6 such allegations shall be deemed to mean that each defendant, acting individually, jointly  
7 and/or severally, did such act or is accountable for it.

8           13. The property interest against which forfeiture is asserted in this action is  
9 listed in Appendix One, consisting of property interests seized for forfeiture to date and  
10 not released, which is forfeited to the State of Arizona pursuant to the Arizona  
11 Racketeering Act, A.R.S. § 13-2301, *et seq.* and § 13-4301, *et seq.*

12           14. Defendant Wells Fargo Bank, whose main office is located at 420  
13 Montgomery Street, San Francisco, California and who conducts business in Maricopa  
14 County, Arizona, is named as a defendant herein solely due to the possible existence in  
15 its possession of proceeds of the consumer fraud alleged herein and not for the purpose of  
16 alleging that the bank participated in the unlawful acts. Any reference to defendants does  
17 not include Wells Fargo Bank.

18           15. Defendant J.P Morgan Chase Bank, whose main office is located at 270  
19 Park Avenue, New York, New York, and who conducts business in Maricopa County,  
20 Arizona, is named as a defendant herein solely due to the possible existence in its  
21 possession of proceeds of the consumer fraud alleged herein and not for the purpose of  
22 alleging that the bank participated in the unlawful acts. Any reference to defendants does  
23 not include J.P. Morgan Chase Bank.

24           16. Defendant Compass Bank, whose main office is located in Birmingham,  
25 Alabama and who conducts business in Maricopa County, Arizona is named as a

1 defendant herein solely due to the possible existence in its possession of proceeds of the  
2 consumer fraud alleged herein and not for the purpose of alleging that the bank  
3 participated in the unlawful acts. Any reference to defendants does not include Compass  
4 Bank.

5 17. Defendant Bank of America, who main office is located in Charlotte, North  
6 Carolina and who conducts business in Maricopa County, Arizona, is named as a  
7 defendant herein solely due to the possible existence in its possession of proceeds of the  
8 consumer fraud alleged herein and not for the purpose of alleging that the bank  
9 participated in the unlawful acts. Any reference to defendants does not include Bank of  
10 America.

#### 11 **DEFENDANTS' BUSINESS PRACTICES**

12 18. From 2003 and continuing to the present, defendants market and sell  
13 internet-based business opportunities using direct mail, internet advertising and  
14 telemarketing.

15 19. Defendants purport to design, setup and sell websites to consumers through  
16 which the general public can order prescription medications at discounted prices.  
17 Defendants represent that their customers can earn thousands of dollars in commissions  
18 which are paid each time a prescription medication is purchased from the customers'  
19 websites.

20 20. Defendants initially sent mailers to consumers nationwide in order to  
21 market their internet business opportunity. Defendants' mailer contains the following  
22 deceptive statements and misrepresentations:

23 A. "We've teamed up with Pfizer, Merck, Bristol Myers, Johnson and  
24 Johnson and many others to create a completely automated online pharmacy website!"  
25

1 B. "Every order placed at your pharmacy is filled by a U.S. based  
2 manufacturer. Every prescription order is reviewed by a licensed U.S. based physician!  
3 This practice is in accordance with FDA regulations and is perfectly legal."

4 C. Pfizer, Merck, Bristol Myers and Johnson and Johnson pay  
5 commissions directly to website owners each time a prescription is purchased from the  
6 owner's website.

7 D. The general public could purchase the following prescription drugs  
8 online, without a prescription from their personal physicians: Viagra, Xanax,  
9 Hydrocodone, Codine, Vicodin and Valium.

10 21. Defendants eventually discontinued the use of their mailer and instead  
11 solicited consumers using outbound telemarketing and internet advertising. Defendants  
12 employed telephone representatives to cold-call consumers or respond to inquiries made  
13 through the internet. Defendants made various false and deceptive statements in order to  
14 induce the consumer to purchase defendants' business opportunity, including but not  
15 limited to:

16 A. Defendants have established relationships with major prescription drug  
17 manufacturers;

18 B. Defendants are authorized to set up a limited number of on-line drug  
19 pharmacies to process prescription drug orders generated over the internet;

20 C. The federal government approved the sale of prescription drugs on the  
21 internet, opening up a whole new market for prescription drug buyers;

22 D. Consumers can operate their business without owning a computer;

23 E. Consumers need only possess \$500 to \$1,000 of established credit in  
24 order to start their web-based business.

1           22. In all of their marketing efforts, defendants consistently make false income  
2 claims, including, but not limited to:

3           A. “We are lunging forward at the speed of technology and right now is  
4 a great time to be aware that you can choose to be one of the millions of millionaires  
5 created by the Internet worldwide!”

6           B. If you get started now, you could generate thousands of dollars every  
7 single week!

8           C. Are you going to be one of the many people that make a lot of  
9 money and continue to turn a profit day after day, week after week, year after year from  
10 their customers purchasing prescription drugs from your website?

11           D. Commissions in excess of \$20,000 per month can be earned;

12           E. As many as 500 prescriptions could be sold per second.

13           23. Defendants assure potential customers that their entire pharmacy website  
14 will be built for them for a “one-time set-up fee,” typically less than \$1,000.00.  
15 Consumers are told by defendants that they will receive various services for the set-up  
16 fee, including a personal website with e-commerce capabilities, a domain name and  
17 “guaranteed” visitors within the first 90 days that the website is established.

18           24. The web pages set-up by defendants for their clients are all identical and  
19 stem from a common URL. An ID number at the end of each URL identifies the  
20 individual consumer.

21           25. Soon after purchasing a website, consumers receive a call from a  
22 telemarketer employed by one of defendants’ marketing companies – Guaranteed  
23 Advertising, Premier Marketing Group or VIP Marketing. Defendants engage in high-  
24 pressure sales tactics to persuade consumers to purchase advertising services, such as  
25 pop-up ads and search engine submission packages to promote their individual websites.

1 Defendants tell consumers that their websites will be profitable only if they purchase the  
2 internet marketing packages. Consumers pay between \$500 to \$40,000 for defendants'  
3 advertising packages.

4 26. Few, if any, consumers who purchase defendants' business opportunity  
5 and/or advertising services make any money. When customers complain to defendants  
6 that they are not receiving any commission checks, defendants' sales representatives  
7 attempt to sell additional internet marketing packages at an added expense.

8 27. Defendants claim to provide their customers with a written "risk free  
9 guarantee", promising to provide refunds to customers who do not earn 100% of their  
10 money back after the first 12 months of operating their pharmacy website. Few, if any,  
11 consumers receive refunds from defendants.

12 **FIRST CLAIM FOR RELIEF:**  
13 **VIOLATIONS OF CONSUMER FRAUD ACT**  
14 **A.R.S. § § 44-1521, et seq.**

15 28. In connection with the advertisement and sale of pharmaceutical websites  
16 and advertising to support those businesses, defendants engaged in the act, use or  
17 employment of deception, deceptive acts or practices, fraud, false pretenses, false  
18 promises, misrepresentations, or the concealment, suppression or omission of material  
19 facts with the intent that consumers rely upon such concealment, suppression or  
20 omission, including but not limited to the following:

21 a. Defendants made deceptive and misleading claims to consumers  
22 regarding the amount of earnings that they could make by selling pharmaceutical drugs  
23 via the internet;

24 b. Defendants made deceptive and misleading claims to consumers  
25 regarding the effectiveness of its advertising and the increased earnings that consumers  
would realize by its use;



1 c. Defendants made deceptive and misleading claims to consumers  
2 regarding their ability to obtain full refunds if their earnings did not equal or exceed their  
3 expenses in purchasing a web site;

4 d. Defendants made deceptive and misleading claims to consumers  
5 regarding the legality of selling certain prescriptions drugs, particularly narcotic drugs,  
6 over the internet.

7 **SECOND CLAIM FOR RELIEF**  
8 **Racketeering by Schemes and Artifices to Defraud**  
9 **A.R.S. § 13-2310**

10 29. Plaintiff realleges the prior allegations of the Complaint as if fully set forth  
11 herein.

12 30. Defendants Brent D. Emerson, Louise Jayne Gore, Anthony White, Gary  
13 Murdie and Executive Marketing Group, Inc., all doing business as Guaranteed  
14 Advertising, Guaranteed Prescriptions, Premier Marketing Group, Pharmaceutical  
15 Wealth Network, National Pharmaceutical Network and/or VIP Marketing, committed  
16 acts for financial gain which are chargeable or indictable under the laws of Arizona and  
17 punishable by imprisonment for more than one year, involving schemes and artifices to  
18 defraud (A.R.S. § 13-2310), within and from Arizona, in which defendants operated a  
19 business in a manner which was designed to and did improperly divert monies to their  
20 own use.

21 31. Defendants Brent D. Emerson, Louise Jayne Gore, Anthony White, Gary  
22 Murdie and Executive Marketing Group, Inc., all doing business as Guaranteed  
23 Advertising, Guaranteed Prescriptions, Premier Marketing Group, Pharmaceutical Wealth  
24 Network, National Pharmaceutical Network and/or VIP Marketing, violated A.R.S. § 13-  
25 2310 by engaging in a scheme or artifice to defraud another person by means of false or

1 fraudulent pretenses, representations, promises or material omissions, including , without  
2 limitation, the acts alleged elsewhere in this Complaint.

3 31. Defendants Brent D. Emerson, Louise Jayne Gore, Anthony white, Gary  
4 Murdie and Executive Marketing Group, Inc. knowingly obtained benefits by means of  
5 the scheme or artifice alleged herein.

6 **THIRD CLAIM FOR RELIEF**  
7 **Racketeering by Theft**  
8 **A.R.S. § 13-2301; A.R.S. § 13-1802**

9 32. Plaintiff realleges the prior allegations of the Complaint as if set forth fully  
10 herein.

11 33. Defendants Brent D. Emerson, Louise Jayne Gore, Anthony White, Gary  
12 Murdie and Executive Marketing Group, Inc., all doing business as Guaranteed  
13 Advertising, Guaranteed Prescriptions, Premier Marketing Group, Pharmaceutical  
14 Wealth Network, National Pharmaceutical Network and/or VIP Marketing, committed  
15 acts for financial gain which are chargeable or indictable under the laws of Arizona and  
16 punishable by imprisonment for more than one year, involving theft in which defendants  
17 have violated the provisions of A.R.S. § 13-1802.

18 34. Defendants Brent D. Emerson, Louise Jayne Gore, Anthony White, Gary  
19 Murdie and Executive Marketing Group, Inc., all doing business as Guaranteed  
20 Advertising, Guaranteed Prescriptions, Premier Marketing Group, Pharmaceutical Wealth  
21 Network, National Pharmaceutical Network and/or VIP Marketing violated A.R.S. § 13-  
22 1802 by: controlling the property of another with the intent to deprive him or her of the  
23 property; obtaining the property from another by means of material misrepresentations  
24 with the intent to deprive him or her of such property, or; converting for an unauthorized  
25 term or use property of another entrusted to defendants or placed in the defendants'

1 possession for a limited, authorized term or use, or all of such conduct, including, without  
2 limitation, the acts alleged elsewhere in this Complaint.

3 **FOURTH CLAIM FOR RELIEF**  
4 **In Rem Forfeiture**  
5 **A.R.S. §§ 13-2314, 13-4313**

6 35. Plaintiff realleges the prior allegations of the Complaint as if set forth fully  
7 herein.

8 36. Defendants acquired or maintained a gain through the above-described  
9 offenses, which are included in the definition of racketeering in A.R.S. § 13-2301(D)(4),  
10 in an amount in excess of \$1 Million. The property representing said gains, which would  
11 be subject to forfeiture, cannot be located; has been transferred or conveyed to, sold to or  
12 deposited with a third party; has been substantially diminished in value by an act or  
13 omission of the defendants; or has been commingled with other property which cannot be  
14 divided without difficulty. The property described in Appendix One to this Verified  
15 Complaint is subject to forfeiture to the State of Arizona as a substitute asset as provided  
16 under A.R.S. § 13-4313(A).

17 **REQUEST FOR RELIEF**

18 WHEREFORE Plaintiff respectfully requests that this Court:

19 37. Pursuant to A.R.S. 44-1531, order defendants Brent D. Emerson, Louise  
20 Jayne Gore, Anthony White, Lisa K. White, Gary Murdie, Jane Doe Murdie and  
21 Executive Marketing Group, Inc., jointly and severally, to pay civil penalties as deemed  
22 appropriate in an amount not to exceed ten thousand dollars (\$10,000.00) per violation.

23 38. Order each defendant, jointly and severally, to restore to any person in  
24 interest any monies or property which any defendant acquired by means of any unlawful  
25 practice alleged herein under A.R.S. § 44-1522(A), in such amount as the Court deems  
proper pursuant to A.R.S. § 44-1528.

1           39. Enter a preliminary and permanent injunction against the defendants,  
2 enjoining them from engaging in the acts and practices alleged in the Complaint, pursuant  
3 to A.R.S. §§ 44-1528 and 13-2314.

4           40. Pursuant to A.R.S. § 13-2314, enter a preliminary and permanent  
5 injunction, enjoining and restraining defendants, and any person acting in concert with  
6 them directly or indirectly, from:

7           A. Destroying, secreting, defacing, transferring or otherwise altering or  
8 disposing of any books, records, accounts, mail, papers, memos or any documents or  
9 things of any kind or nature, or relating to any and all business property and finances of  
10 defendants; and transferring, secreting, dissipating, altering, selling, pledging, assigning,  
11 encumbering, expending, concealing, conveying, liquidating or otherwise disposing of  
12 any assets, funds or property or rights in property owned controlled or in the possession  
13 of defendants, or proceeds thereof, obtained or maintained by them or any of them by  
14 means of the acts and practice described in this Complaint including, without limitation,  
15 any and all property or evidence of rights in property, or any books or records or other  
16 items described herein, located in or concerning any safe deposit repository or other  
17 safekeeping facility owned or controlled by defendants.

18           41. Pursuant to § 13-2314, issue preliminary and permanent injunctions  
19 enjoining defendants, and any person acting in concert with them, directly or indirectly,  
20 from transferring, receiving, dissipating, altering, selling, pledging, assigning, liquidating,  
21 concealing or otherwise disposing of any proceeds traceable to racketeering and all  
22 monies, negotiable instruments, securities and other things of value used or intended to  
23 be used to facilitate the commission of racketeering as alleged above and any property or  
24 other interest subject to damages, forfeiture or other restraints pursuant to A.R.S. §§ 13-  
25 2314 and 13-4301 *et seq.*

1           42. Pursuant to A.R.S. § 13-2314, order the defendants to pay treble damages  
2 to those persons injured by the racketeering alleged in this Complaint.

3           43. Pursuant to A.R.S. §§ 13-2314 and 13-4301 *et seq.*, enter an order  
4 forfeiting to the State of Arizona, to the extent not already ordered to be paid as other  
5 damages, any property or other interest acquired or maintained in violation of A.R.S. §§  
6 13-2310 and 13-1802; all proceeds traceable to an offense included in the definition of  
7 racketeering, in A.R.S. § 13-2301(D)(4) and all monies, negotiable instruments, securities  
8 and other things of value used or intended to be used to facilitate commission of the  
9 offenses.

10           44. Pursuant to A.R.S. §§ 13-2313 and 13-4301 *et seq.*, enter an order  
11 forfeiting to the State of Arizona, to the extent not already ordered to be paid as other  
12 damages, the property described in Appendix One to this Verified Complaint, which is a  
13 substitution asset for property otherwise subject to forfeiture which cannot be located;  
14 has been transferred or conveyed to, sold to or deposited with a third party, has been  
15 substantially diminished in value by an act or omission of the defendants, or has been  
16 commingled with other property which cannot be divided without difficulty.

17           45. Enter an order providing that this Court retain jurisdiction of this action in  
18 order to implement and carry out the terms of all orders and decrees that may be entered  
19 herein, and in order to entertain any suitable applications or motions by the State for  
20 additional relief within the jurisdiction of the Court.

21           46. Enter an order providing that the owners of any interest in forfeited  
22 property pay to the State, agency, or instrumentality of the State to which that owner's  
23 real property is forfeited, the dollar amount of the taxes, penalties, and interest on that  
24 forfeited property which were unpaid as of the date the court ordered forfeiture of the real  
25 property.

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47. Order defendants to pay the State's costs and expenses incurred in the investigation and prosecution of the defendants' activities alleged in this Complaint, including reasonable attorneys' fees, pursuant to A.R.S. § 13-2314 and 44-1534.

48. Retain jurisdiction of this action in order to implement and carry out the terms of all orders, decrees and judgments that may be entered herein and in order to entertain any applications or motions by plaintiff for additional relief.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

TERRY GODDARD  
Attorney General

\_\_\_\_\_  
Nancy V. Anger  
Assistant Attorney General  
Attorneys for the State of Arizona

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1 **APPENDIX ONE**

2 Property Description

3 **10629 East Troon North Drive, Scottsdale, Arizona 85262** with a legal  
4 description of Lot 93, Boulder Crest Estates, Unit III at Troon North according to Book  
5 435 of Maps, Page 1 and Affidavit of Correction recorded July 29, 1997 in instrument  
6 no. 97-0510427, records of Maricopa County, Arizona.

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1 **VERIFICATION**

2 STATE OF ARIZONA )  
3 )  
4 County of Maricopa )

5 FRANK ARVIZU, first being duly sworn, upon his oath, states as follows:

6 1. I am a Special Agent with the Special Investigations Section of the Office of  
7 the Attorney General, and am duly authorized to make this verification.

8 2. I have read the foregoing Verified Complaint and Application for Injunctive  
9 and Other Relief and know the contents thereof.

10 3. The statements contained therein are true and correct to the best of my  
11 knowledge, information and belief.

12 4. Further Affiant sayeth not.

13  
14 \_\_\_\_\_  
15 Frank Arvizu

16 SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_,  
17 2006.

18  
19 \_\_\_\_\_  
20 Notary Public

21 My Commission Expires:

22 \_\_\_\_\_  
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25