

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JON KAHEN, a/k/a JON KAEN, GLOBAL
VOICECOM, INC., GLOBAL
TELECOMMUNICATION SERVICES INC.,
and KAT TELECOM, INC.,

Defendants.

Civil Action No.

2:20-CV-00474 (BMC)

**~~PROPOSED~~ CONSENT DECREE AND FINAL JUDGMENT AS TO DEFENDANTS
JON KAHEN, a/k/a JON KAEN, GLOBAL VOICECOM, INC., AND GLOBAL
TELECOMMUNICATION SERVICES INC.**

WHEREAS the UNITED STATES OF AMERICA commenced this action against defendants Jon Kahen, a/k/a Jon Kaen, Global Voicecom, Inc., Global Telecommunication Services Inc., and KAT Telecom, Inc. (collectively, "Defendants") by filing a Complaint in this Court on January 28, 2020 (Dkt. # 1);

WHEREAS, the Complaint alleges claims for relief under the Fraud Injunction Statute, 18 U.S.C. § 1345;

WHEREAS, on January 28, 2020, this Court issued an *ex parte* Temporary Restraining Order and Order To Show Cause (the "TRO") upon a finding that (1) there was probable cause to believe that Defendants were violating and were about to violate 18 U.S.C. §§ 1343 and 1349, and that (2) the statutory conditions for granting injunctive relief under 18 U.S.C. § 1345 had therefore been met (Dkt. # 7);

U.S. v. Kahen, et al., 2:20-CV-00474 (BMC)
Consent Decree and Final Judgment as to Defendants
Jon Kahen, a/k/a Jon Kaen, Global Voicecom, Inc., and Global Telecommunication Services, Inc.

WHEREAS, Defendants Jon Kahen, a/k/a Jon Kaen (“Kahen”), Global Voicecom, Inc., and Global Telecommunication Services Inc. (collectively, the “Kahen Defendants”) consented to extend the TRO against them, and on February 9, 2020, the Court extended the TRO against Defendants pending the Court’s ruling on the United States’ application for a preliminary injunction (Dkt. # 15);

WHEREAS, the Kahen Defendants consent to entry of this Consent Decree and Final Judgment without any admission or finding of liability or wrongdoing;

WHEREAS, the United States and the Kahen Defendants hereby agree that this Consent Decree and Final Judgment shall not be offered against any Kahen Defendant in any other action, matter, or proceeding brought by the United States that arises from the allegations in the Complaint, save for any action under federal law for violation of this Consent Decree and Final Judgment;

WHEREAS, this Consent Decree and Final Judgment is not intended, and shall not be construed, as a waiver of defendant Kahen’s Fifth Amendment right against self-incrimination, or of any other defenses that any of the Kahen Defendants may assert in any other proceeding;

WHEREAS, the United States and the Kahen Defendants wish to settle this action upon the following terms without further litigation, and the Kahen Defendants agree that this Court may enter and enforce this Consent Decree and Final Judgment against them;

THEREFORE, pursuant to 18 U.S.C. § 1345 and the inherent power of this Court, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

- A. The Kahen Defendants, their agents, officers, employees, successors, affiliates, and all other persons and entities in active concert or participation with them, are permanently enjoined from:

U.S. v. Kahen, et al., 2:20-CV-00474 (BMC)

Consent Decree and Final Judgment as to Defendants

Jon Kahen, a/k/a Jon Kaen, Global Voicecom, Inc., and Global Telecommunication Services, Inc.

- i. committing or conspiring to commit wire fraud, as defined by 18 U.S.C. §§ 1343 and 1349;
- ii. using the U.S. telephone system, or causing others to use the U.S. telephone system, to convey automated telephone calls conveying recorded messages;
- iii. providing, or causing others to provide, call termination services for calls terminating in the United States or carrying any voice-over-internet-protocol calls terminating in the United States;
- iv. providing direct-inward-dial or toll-free telephone services for calls originating in the United States, including providing direct-inward-dial or toll-free phone numbers to other individuals or entities;
- v. receiving or sending payment or causing others to receive or send payment in connection with any fraudulent telephone calls, including but not limited to any payment from any victim or other individual targeted by a fraudulent telephone call;
- vi. acting as an employee, agent, or consultant for any person or entity engaged in any of the conduct described in paragraphs A(i)–(v) above;
- vii. destroying, deleting, removing, or transferring any and all business, financial, accounting, and other records concerning Defendants' operations and the operations of any other corporate entity owned or controlled, in whole or in part, by Defendants.

B. Somos, Inc., in its capacity as the entity designated by the Federal Communications Commission to administer the U.S. toll-free calling system and its database, is hereby

U.S. v. Kahen, et al., 2:20-CV-00474 (BMC)

Consent Decree and Final Judgment as to Defendants

Jon Kahen, a/k/a Jon Kaen, Global Voicecom, Inc., and Global Telecommunication Services, Inc.

authorized to reassign in the normal course of its business all toll-free numbers registered by or on behalf of any Defendant in this action.

- C. Within five (5) business days after the entry of this Consent Decree and Final Judgment, the Kahen Defendants shall provide copies of this Consent Decree and Final Judgment to all of their customers for whom they provided at any time since 2016 (1) United States call termination services, (2) United States direct-inward-dial services, or (3) United States toll-free call origination services; and to all entities (a) with whom Defendants have or have had a contractual relationship for automated or least-cost call routing at any time since 2016, and (b) from whom Defendants acquired direct-inward-dial numbers or toll-free numbers at any time since 2016. Within seven (7) business days after entry of the Consent Decree and Final Judgment, the Kahen Defendants shall provide proof of such notice to the Court and the United States, including the name and addresses of the entities and individuals to whom the notice was sent, how the notice was sent, and when the notice was sent.
- D. Within five (5) business days after the entry of this Consent Decree and Final Judgment, the Kahen Defendants are ordered to submit to the United States' counsel of record in this action a written acknowledgment of receipt of this Consent Decree and Final Judgment sworn under penalty of perjury.
- E. The Consent Decree and Final Judgment shall not be modified except in writing by Plaintiff and the Kahen Defendants and approved by the Court.
- F. Plaintiff and the Kahen Defendants agree to bear their own costs and attorney's fees in this action.

U.S. v. Kahen, et al., 2:20-CV-00474 (BMC)

Consent Decree and Final Judgment as to Defendants

Jon Kahen, a/k/a Jon Kaen, Global Voicecom, Inc., and Global Telecommunication Services, Inc.

- G. The Temporary Restraining Order entered on January 28, 2020 and extended by the Court on February 9, 2020, is superseded by this Consent Decree and Final Judgment, and is hereby vacated and dissolved as against the Kahen Defendants but remains in effect against defendant KAT Telecom, Inc.
- H. The undersigned parties and counsel each represent that he, she, or it is fully authorized to enter into the terms and conditions of this Consent Decree and Final Judgment and to execute and legally bind to this document the Party which he, she, or it represents.
- I. Each Kahen Defendant understands and acknowledges that he, she, or it may be subject to civil and criminal liability (including for contempt) upon a finding by a Court that he, she, or it has violated either (1) this Consent Decree and Final Judgment, or (2) the Temporary Restraining Order entered by the Court against, *inter alia*, the Kahen Defendants, dated January 28, 2020 (Dkt. # 7).
- J. The Kahen Defendants hereby agree to waive, release, and remit any and all claims, either directly or indirectly against the United States and its agencies, employees, representatives, and agents, including but not limited to the Department of Justice, the Social Security Administration's Office of Inspector General, the United States Postal Inspection Service, and the employees and staff of any of the foregoing agencies, with respect to this action.
- K. This Consent Decree and Final Judgment may be signed by the parties in counterparts, each of which constitutes an original and all of which constitute one of the same Consent Decree and Final Judgment. Signatures delivered by facsimile transmission, or as .pdf attachments to emails, shall constitute acceptable, binding signatures for purposes of this Consent Decree and Final Judgment.

U.S. v. Kahen, et al., 2:20-CV-00474 (BMC)
Consent Decree and Final Judgment as to Defendants
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- L. This Consent Decree and Final Judgment shall constitute a final judgment and order in this action as to the Kahen Defendants only.
- M. This Court retains jurisdiction of this action for the purpose of enforcing or modifying this Consent Decree and Final Judgment and for the purpose of granting such additional relief as may be necessary and appropriate.

SO ORDERED this 2nd day of March, 2020.

HONORABLE BRIAN M. COGAN
UNITED STATES DISTRICT JUDGE

IT IS HEREBY AGREED:

THE UNITED STATES OF AMERICA

February 28, 2020

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Eastern District of New York

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U.S. v. Kahen, et al., 2:20-CV-00474 (BMC)
Consent Decree and Final Judgment as to Defendants
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GUSTAV W. EYLER
Director
Consumer Protection Branch

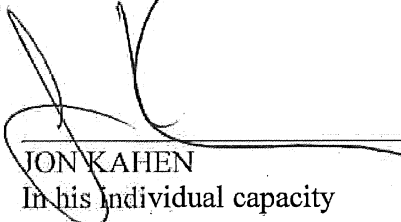
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DEFENDANTS

February 28, 2020

JON KAHEN, a/k/a JON KAEN

By: 
JON KAHEN
In his individual capacity

February 28, 2020

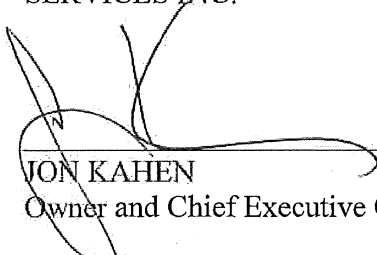
GLOBAL VOICECOM, INC.

By: 
JON KAHEN
Owner and Chief Executive Officer

U.S. v. Kahen, et al., 2:20-CV-00474 (BMC)
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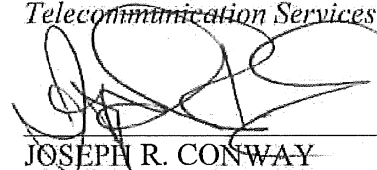
February 28, 2020

GLOBAL TELECOMMUNICATION
SERVICES INC.

By: 
JON KAHEN
Owner and Chief Executive Officer

February 28, 2020

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