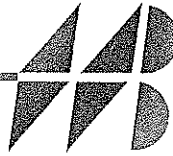


HERTEN BURSTEIN

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Please reply to Hackensack

December 3, 2009

Civil Case Processing
Middlesex County Courthouse
56 Paterson Street
New Brunswick, New Jersey 08903

Re: Apex Technology Group, Inc. and Sarvesh Kumar Dharayan v. John Does, et al.

**Docket No.: MID-L-7879-09
1248.91076**

Dear Sir or Madam:

This office represents the Plaintiffs, Apex Technology Group, Inc. and Sarvesh Kumar Dharayan with respect to the above-entitled matter. Enclosed for filing on behalf of the Plaintiffs is an original and one (1) copy of an Order to Show Cause with Temporary Restraints; Brief in Support of Order to Show Cause; Certification of Sarvesh Kumar Dharayan; Certification of Counsel; and Certification of Service. Kindly file the enclosed documents and return a "filed" copy in the self-addressed stamped envelope provided for your convenience. Kindly charge our Attorney Collateral Account No. 140660 for fees associated with filing of same. Please use our reference number: 1248.91076

Should you have any questions, please do not hesitate to contact my office.

Very truly yours,


PATRICK PAPALIA

PP/dkm

Enclosures

Via Hand Delivery

cc: Honorable Diane Pincus, J.S.C.
admin@endh1b.com via email
mmillere2006@yahoo.com via email

CERTIFICATION OF SERVICE

On December 3, 2009 the original and one copy of plaintiff's notice of cross-motion was delivered to the Clerk's Office, Civil Case Processing, Middlesex County Courthouse, 56 Paterson Street, New Brunswick, New Jersey 08903, Via Hand Delivery; and

A courtesy copy was Hand Delivered to:

Hon. Diane Pincus, J.S.C.
Middlesex County Courthouse
56 Paterson Street
Chambers 405
New Brunswick, New Jersey 08903

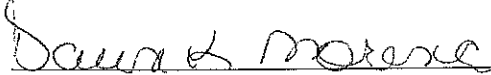
A copy of the aforementioned motion was forwarded, Via Email to:

Admin@endh1b.com

and

mmillere2006@yahoo.com

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Dawn K. Morena, Legal Secretary
**HERTEN, BURSTEIN, SHERIDAN,
CEVASCO, BOTTINELLI
LITT & HARZ, LLC**

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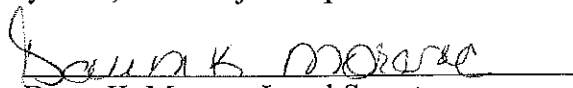
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I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Dawn K. Morena, Legal Secretary
**HERTEN, BURSTEIN, SHERIDAN,
CEVASCO, BOTTINELLI
LITT & HARZ, LLC**

Reference No. 2009.91076

Account No. 140660

**HERTEN, BURSTEIN, SHERIDAN, CEVASCO,
BOTTINELLI, LITT & HARZ, L.L.C.**

Counsellors at Law

Court Plaza South, West Wing

21 Main Street - Suite 353

Hackensack, New Jersey 07601

(201) 342-6000

Attorneys for Plaintiffs

Apex Technology Group, Inc. and Sarvesh Kumar Dharayan

APEX TECHNOLOGY GROUP, INC., and
SARVESH KUMAR DHARAYAN,

Plaintiffs,

v.

JOHN DOE (S) 1-10 (being fictitious names
for persons not yet identified), JOHN DOE
(S) 11-20 (being fictitious names for persons
not yet identified), ABC Corporation (s) 1-10
(being fictitious names for legal entities not
yet identified).

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. MID-L-7879-09

CIVIL ACTION

**ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS**

THIS MATTER, having been opened to the Court by Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, L.L.C., attorneys for plaintiffs, Apex Technology Group, Inc. ("Apex") and Sarvesh Kumar Dharayan, (collectively "Plaintiffs") Patrick Papalia, Esq. appearing for the entry of the Order to Show Cause, on notice to admin@endh1b.com, H1BScam and mmillere2006@yahoo.com, and the Court, having considered the Verified Complaint, Legal Brief and Certification annexed hereto, and having heard oral argument, if any, and for good cause shown;

IT IS on this _____ day of December, 2009,

ORDERED, that the third party posting under the username admin@endh1b.com show cause before the Honorable Diane Pincus, J.S.C. of the Superior Court of New Jersey, Law Division, Middlesex County, at the Court House, 56 Paterson Street, New Brunswick, New Jersey 08903 in Room _____ on the _____ day of December, 2009 at 9:00 a.m. or as soon thereafter as counsel may be heard, as to why and Order should not be entered granting the following relief, including, but not limited to:

1. A preliminary injunction enjoining the third party posting and corresponding under the usernames admin@endh1b.com, H1BScam, and mmillere2006@yahoo.com from posting any false, defamatory and/or negative statements related to Apex and/or its officers and directors;
2. A preliminary injunction compelling the third party posting and corresponding under the usernames admin@endh1b.com, H1BScam, and mmillere2006@yahoo.com to produce to Plaintiffs any and all information in that party's possession which would assist in identifying any individual posting any information about Plaintiffs on www.endh1b.com including, but not limited to IP addresses, email addresses and/or names; and it is further
3. A preliminary injunction enjoining the third party posting and corresponding under the usernames admin@endh1b.com, H1BScam, and mmillere2006@yahoo.com from destroying the IP address and any other identifying information of the individuals posting on www.endh1b.com in their possession, and shall remove and/or delete any postings regarding Plaintiffs or any of their employees, officers or agents;

ORDERED that, pending the return date of the Order to Show Cause, the third party posting and corresponding under the usernames admin@endh1b.com, H1BScam, and mmillere2006@yahoo.com shall not destroy the IP address and/or any other identifying information of the defendants in their possession, and shall remove and/or delete any postings regarding Plaintiffs or any of their employees, officers or agents; and it is further

ORDERED that, pending the return date of this Order to Show Cause, the third party posting and corresponding under the usernames admin@endh1b.com, H1BScam, and

mmillere2006@yahoo.com shall not post any false, defamatory and/or negative statements regarding Apex and/or its officers and directors; and it is further

ORDERED that the third party posting and corresponding under the usernames admin@endh1b.com, H1BScam, and mmillere2006@yahoo.com shall immediately produce to Plaintiffs any and all information in that party's possession which would assist in identifying any individual posting any information about Plaintiffs on www.endh1b.com including, but not limited to IP addresses, email addresses and/or names; and it is further

ORDERED that Plaintiffs be and hereby are required to email to the third party posting and corresponding under the usernames admin@endh1b.com, H1BScam, and mmillere2006@yahoo.com notice of this Order to Show cause, and that if anyone wishes to respond to this proceeding that they must do so in accordance with this Court's Order which can be obtained by contacting the Middlesex County Superior Court; and it is further

ORDERED that the third party posting and corresponding under the usernames admin@endh1b.com, H1BScam, and mmillere2006@yahoo.com shall file and serve any answering affidavits, certifications, briefs or motions returnable on the return date hereof no later than eight (8) days before the return date, and any reply thereto shall be filed at least four (4) days prior to the return date; and it is further

ORDERED that the third party posting and corresponding under the usernames admin@endh1b.com, H1BScam and mmillere2006@yahoo.com may move to modify or dissolve the temporary restraints contained herein on not less than three (3) days' notice.

J.S.C.

APEX TECHNOLOGY GROUP, INC., and
SARVESH KUMAR DHARAYAN,

Plaintiff,

v.

JOHN DOE(S) 1-10 (being fictitious names for
persons not yet identified) JOHN DOE (S) 11-
20 (being fictitious names for persons not yet
identified, ABC Corporation(s) 1-10 (being
fictitious names for legal entities not yet
identified,

Defendants.

SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY: LAW DIVISION
DOCKET NO. MID-L-7879-09

CIVIL ACTION

**BRIEF OF APEX TECHNOLOGY GROUP, INC. AND SARVESH KUMAR
DHARAYANIN SUPPORT OF THEIR APPLICATION FOR
AN ORDER TO SHOW CAUSE**

HERTEN, BURSTEIN, SHERIDAN, CEVASCO,
BOTTINELLI, LITT & HARZ, LLC
Attorneys for Plaintiff
21 Main Street
Hackensack, New Jersey 07601
(201) 342-6000 Fax: (201) 342-6611

Of Counsel & On the Brief:
Patrick Papalia, Esq.

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STATEMENT OF FACTS

Apex Technology Group, Inc. ("Apex") is a New Jersey corporation engaged in the business of providing skilled computer consultants to its customers, or the end-clients of its customers for the purposes of providing computer consulting services. Plaintiff Sarvesh Kumar Dharyan is a principal of Apex. In the course of Apex' business they recruit highly qualified professionals from overseas, and will work to secure H1B visa status for those individuals. Apex relies on its reputation in the field and with the population of this and other countries such as India in order to continue to recruit highly trained personnel in the competitive world of computer consulting services.

Endh1b.com is a website which promotes itself as a portal for information related to the H1B visa program. Endh1b.com also offers message boards whereby individuals may post messages on a variety of topics, or start a topic thread. On or about December 1, 2009 Apex became aware of several postings on endh1b.com from an anonymous person or persons making defamatory statements against Apex, its agents, officers, and employees. See postings from endh1b.com attached as Exhibit A to the Certification of Sarvesh Kumar Dharayan ("Dharayan Cert."). These individuals posted statements including:

Apex Technology Group Inc is a H-1B slave trader.

" There are several Indian companies operating from United States, like the Apex Technology Group Inc that you mentioned, employee complaints range from non-payment of salary which is illegal by the law of the country and using employee as a tool to pump jobs and illegally placing someone else. There are resumes with unreal names and imaginary characters, these set of people attend job interviews and are basically used (I heard this as grievance) to get the other set of dumb people jobs. These people dont get paid and are considered to be "on-bench" and are given food and accomodation just as some refugees of a war would be. Do not get stuck with these companies like Apex

Technology Group Inc. If you find that the company does not give you salary / you are attending interviews that are going no where/ you find something fishy, report to the Immigration / US Consulate or Authorities Immediately. Recession applies to all bodies and no just worker class and labourers."

* * *

Fraud at Apex Technology Group, Inc.

Apart from above, employees don't receive their salary at the end of the month. It is usually received @ a random date in the following month, provided you are lucky. Else you would have to chase HR/Accounting to get your pay check. This process helps Apex technology group inc to hold back pay incase you choose to accept employment at another location.

The most important aspect of your transaction's with Apex Technology Group Inc is that they tell you one thing before you transfer your H1B to their consulting firm and then later do not stick to what they say(aka lies & cheating). In other words once you file/transfer your H1B to them you more or less become their slave and you will get entangled in thier web of lies and legal documents.

Sarvesh and his wife Chhavi run the company, they are very unprofessional and treat employees with no respect. They will speak with employees as if they are doing a favor on them. They do not have any direct client's and their marketing folks in Noida would chase posting's on job websites to set you up for interviews.

Also some past history about this company:

Apex Technology Group Inc, was started by Alok Kumar Dharayan. At some point Alok inducted his brother Sarvesh who eventually took over and Alok moved out due to some differences but both the brother's play along so that they don't get into trouble.

During the time when Alok was the President of the company, he filed several I-485/Labor's which he was able to transfer to H1B employees for filing their green cards. Those employees spread the word by mouth and Apex grew in numbers.However those days are now over and any intention's/incentives of green card will not come to fruition or will come

at a cost of several years of servitude. So please be aware and do not be deluded.

Apex Technology Group Inc was able to quell their x/-employee's voices on www.goolti.com by using legal threat's. You can find more info at the following location http://www.goolti.com/reviewdetail.php?company_id=195 .Also I thought you would be interested in knowing that they were the biggest spammer's on www.goolti.com, where they initially tried to cover up their deeds You can find more info at the following location <http://goolti.blogspot.com/2008/07/this-months-biggest-spammers.html>

Apex has, individually and through counsel, contacted the endh1.com website in a good faith attempt to have such false and defamatory statements removed. Apex received responses from a person or persons on behalf of the website, alternately using screen names admin@endh1b.com and mmillere2006@yahoo.com. A full recitation of the correspondence between Plaintiffs and www.endh1b.com is set forth in the Dharayan Cert., and in Exhibit B to that Certification. As of the date of this filing, www.endh1b.com has not only failed and refused to remove the false and defamatory posts, but has launched a campaign of harassing and combative communications to both Plaintiffs and Plaintiffs' counsel which that individual which contain false and defamatory statements regarding Plaintiffs and Plaintiffs' counsel, and levels baseless threats against both Plaintiffs and Plaintiffs' counsel. See Exhibit B to Dharayan Cert. and Exhibit A to Certification of Patrick Papalia, Esq. ("Papalia Cert."). Apex complies with all Federal Immigration and labor and employment laws. To Apex knowledge, they are not under any investigation, State, Federal or otherwise, nor is any individual employee or their immigration status under investigation. All of the allegations by these posters are false, and therefore defamatory and actionable at law.

The world of computer consulting is both high paced and competitive. Each agency strives to secure the most qualified individuals to become part of their team. The recruitment of these individuals is based almost entirely upon the reputation of the company within the field and community. Additionally, it is its reputation in the field, along with skilled individuals recruited by Apex that allows Apex to maintain and attract new customers. These defamatory, harassing, and untrue postings made by these unscrupulous individuals, which postings are being allowed to remain public by www.endh1b.com, have caused irreparable damage to Apex' reputation in the field and to Apex' ability to recruit. The failure of www.endh1b.com to immediately remove these blatantly defamatory statements has caused irreparable injury to Apex. Over the course of the past ten (10) days, Apex has had three (3) consultants refuse to report for employment with Apex as a direct result of the foregoing, and has been advised that several of its current employees are aware of the false and defamatory information contained on www.endh1b.com and communicated by the individual or individuals posting and communicating under the usernames admin@endh1b.com and mmlilere2006@yahoo.com. The failure of www.endh1b.com to disclose the identity of the poster or posters and the individual or individuals posting and communicating under the usernames admin@endh1b.com and mmlilere2006@yahoo.com has delayed Apex ability to seek the appropriate legal remedies.

ARGUMENT

- I. APEX IS ENTITLED TO A TEMPORARY RESTRAINING ORDER COMPELLING PRODUCTION OF THE IDENTITY OF THE THIRD PARTY POSTING AND COMMUNICATING UNDER USERNAMES ADMIN@ENDH1B.COM AND MMILLERE2006@YAHOO.COM; PREVENTING THE THIRD PARTY POSTING AND COMMUNICATING UNDER USERNAMES ADMIN@ENDH1B.COM AND MMILLERE2006@YAHOO.COM FROM POSTING ANY FURTHER DEFAMATORY STATEMENTS ON ENDH1B.COM'S WEBSITE; PROHIBITING ENDH1B.COM FROM DESTROYING ANY OF IDENTIFYING INFORMATION FOR THESE OR OTHER SIMILAR USERS; COMPELLING THE DISCLOSURE OF ANY IDENTIFYING INFORMATION FOR THE INDIVIDUAL OR INDIVIDUALS POSTING ABOUT PLAINTIFFS ON ENDH1B.COM**

In determining whether to issue temporary restraints the Court must consider: (1) such relief should not issue except when necessary to prevent irreparable harm; (2) the legal right underlying plaintiffs' claim is settled; (3) there is a reasonable probability of ultimate success on the merits of its underlying claim; and (4) the respective hardships to the parties favor the granting of injunctive relief. *Crowe v. DeGioia*, 90 N.J. 126 (1982); see also *Citizen Coach Co. v. Camden Horse RR Co.*, 29 N.J.Eq. 299 (1878). In the matter at hand, it is clear that Apex continues to be irreparably harmed by the actions of an individual or individuals alternatively utilizing the usernames admin@endh1b.com and mmillere2006@yahoo.com, as well as the individual or individuals www.endh1b.com is permitting to post on its site, through the use of public message boards on www.endh1b.com. There is no question that these statements which have been posted on the website are defamatory in nature, as a defamatory statement is defined as one which is false and (1) injures another person's reputation; (2) subjects the person to hatred, contempt or ridicule; or (3) causes others to lose goodwill or competence in that person.

Romine v. Kallinger, 102 N.J. 282, 289 (1988). Defamatory statements harm the reputation of another in a way that lowers the estimation of a community about the person or deters third-person from associating or dealing with him. *McLaughlin v. Rosanio, Ailets and Talamo, Inc.*, 331 N.J.Super. 303, 312 (App. Div. 2000). Additionally New Jersey Courts have ruled that when the words themselves are so defamatory on their face that they damage an individual's reputation face, a matter is actionable per se. *Printing Mart-Morristown v. Sharp Electronics Corp.*, 116 N.J. 739, 765 (1989). Apex is aware that in the past ten (10) days alone, three (3) consultants have refused to report to work for Apex and abandoned their employment with Apex as a direct result of the false and defamatory statements at issue. Apex management is also aware of growing concern about Apex status among its current employees, which concern has been triggered by the statements at issue. Apex business is centered entirely on its ability to provide qualified consultants to its customers. Apex continuing loss of consultants as a result of these statements constitutes clear irreparable harm.

As noted above, the standard regarding defamation is clear, and these statements are defamatory on their face, giving Apex at very least a reasonable likelihood of success on the merits. Finally, www.endh1b.com stands to suffer no harm from removal of the false and defamatory postings or disclosure of the identity of the individual or individuals posting on the website and/or posting and corresponding using the usernames admin@endh1b.com and mmillere2006@yahoo.com. On the contrary, Apex is has and continues to suffer damage based on the statements at issue.

Based on the foregoing, there is no question that Apex is entitled to injunctive relief as they have suffered and continue to suffer irreparable injury in the form of lost employees; that

the legal standard regarding defamation is well-settled; that Apex has a reasonable likelihood of success on the merits; and that the balance of the equities weighs in favor of Apex.

II. VISION IS ENTITLED TO THE DISCLOSURE OF THE IDENTITIES OF THESE ANONYMOUS POSTERS.

Under Federal and State law individuals are granted protections for speech. *U.S. Constitution First Amendment; N.J.S.A Const. Art. I, Para. 6.* However, Courts have acknowledged that in the age of internet technology and the advancement of the world wide web as a source for a new form for the people, individuals deserve a right to be protected from defamatory and damaging statements which are baseless. The Courts have held that although the conditions of anonymity have been generally protected, at times, upon appropriate application, an internet site will be required to release all identifying information regarding its members, users or posters if necessary to protect others from damaging speech. *Dendrite International, Inc. v. John Doe, No. 3, 342 N.J.Super. 134, 141 (App. Div. 2001).* New Jersey has further recognized that “[a]lthough anonymous speech on the Internet is protected, there must be an avenue for redress for those who are wronged. Individuals choosing to harm another or violate an agreement through speech on the Internet cannot hope to shield their identity and avoid punishment through invocation of the First Amendment.” *Immunomedics, Inc. v. Doe, 342 N.J. Super. 160, 167 (App. Div. 2001).* In the instant matter, an individual or individuals have anonymously made false, defamatory and baseless claims regarding Plaintiffs which have caused and continue to cause damage to Plaintiffs.

The Court in *Dendrite, supra*, set forth a four part test regarding the application of a party for the identification of anonymous posters and users of an internet website. The four parts are: (1) plaintiff should undertake efforts to notify the anonymous posters that they are subject of a subpoena or application for an order of disclosure; (2) the Court shall also require the plaintiff to identify and set forth the exact statements purportedly made by each anonymous poster that the

plaintiff alleges constitutes actionable speech; (3) plaintiff must demonstrate that its action can withstand a motion to dismiss for failure to state a claim; and (4) plaintiff must produce sufficient evidence supporting each element of its cause of action, on a *prima facie* basis, prior to the Court ordering the disclosure of the identity of an unnamed defendant. *Id.* If the plaintiff satisfies the test, the Court will balance the defendant's First Amendment Right of anonymous speech against the strength of the *prima facie* case presented. *Id.*

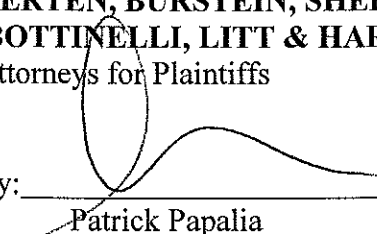
In the case at bar, Apex meets the required standards set forth in *Dendrite* and is therefore entitled to disclosure of the identity of both the individual alternatively using the username admin@endh1b.com and mmillere2006@yahoo.com; as well as the anonymous individuals who have posted negative and defamatory comments against the Plaintiffs and their directors and/or employees. As per the relief requested in this Order to Show Cause plaintiff has already forwarded this filing to the individual alternatively using the username admin@endh1b.com and mmillere2006@yahoo.com, and will notice the anonymous users subject to the subpoena being issued, that this application has been filed and set forth for the return date. Additionally, per the Certification of Suresh Kumar Dharayan, and attached exhibits, plaintiffs have sufficiently set forth all of the defamatory statements which have been made by the defendant John Does. Furthermore, the Plaintiffs set forth the standard for defamation and defamation per se, and clearly demonstrated that they meet the standard and pursue and *prima facie* case against the individual or individuals posting on www.endh1b.com, as well as the individual or individuals posting and corresponding using the usernames admin@endh1b.com and mmillere2006@yahoo.com. As evidenced by the statements which were listed in the Dharayan Certification, and attached as Exhibit A to said Certification, these

statements made by the anonymous posters clearly meet the standard of defamation as they are false, and are damaging to Apex' reputation within the community and their field. Additionally as demonstrated by Plaintiffs, these statements have subject Plaintiffs to the loss of employees in an industry centered on recruiting and retaining qualified employees, and therefore have directly damaged Plaintiffs through the loss of contracts as well as the loss of qualified individuals who are current or prospective employees of a company. Individuals are not protected when they make knowingly false and defamatory statements which cause damage to other individuals or entities. In the case *sub judice*, Plaintiffs clearly demonstrated that they are and continue to be damaged by the defamatory postings of the anonymous individual or individuals posting on www.endh1b.com, as well as the postings and correspondence by the individual or individuals under the usernames admin@endh1b.com and mmillere2006@yahoo.com and that they are entitled to the relief requested.

CONCLUSION

For the foregoing reasons Plaintiffs respectfully requests that the Court grant their Order to Show Cause in its entirety.

**HERTEN, BURSTEIN, SHERIDAN, CEVASCO,
BOTTINELLI, LITT & HARZ, L.L.C**
Attorneys for Plaintiffs

By: 

Patrick Papalia

Dated: December 2, 2009

Reference No. 2009.91076

Account No. 140660

**HERTEN, BURSTEIN, SHERIDAN, CEVASCO,
BOTTINELLI, LITT & HARZ, L.L.C.**

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Attorneys for Plaintiffs

Apex Technology Group, Inc. and Sarvesh Kumar Dharayan

APEX TECHNOLOGY GROUP, INC., and
SARVESH KUMAR DHARAYAN,

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Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. MID-L-7879-09

CIVIL ACTION

**CERTIFICATION OF SARVESH
KUMAR DHARAYAN**

Suresh Kumar Dharayan, of full age, hereby certifies as follows:

1. I, Suresh Kumar Dharayan, am the President of Apex Technology Group, Inc. ("Apex"), the plaintiff in the above-entitled action, and am an individual plaintiff in this matter. I am the duly authorized agent for the plaintiff for purposes of making this Certification. I am fully familiar with the facts set forth herein. I make this Certification in support of Plaintiffs' Order to Show Cause.

2. On or about November 30, 2009 Apex became aware that an anonymous person or individuals were posting untrue, defamatory, harassing and damaging statements about Apex, its officers and agents on www.endh1b.com, and were communicating such statements under usernames admin@endh1b.com and mmillere2006@yahoo.com.

3. Plaintiffs contacted endh1b.com directly and informed its administration of these defamatory and untrue statements, thereby making it aware that these statements are causing damage to Apex' reputation and business. A true and accurate copy of the correspondence between Plaintiffs and an individual alternately using the usernames admin@endh1b.com and mmlere2006@yahoo.com is attached to this Certification as Exhibit B.

4. Endh1b.com has failed to work with Plaintiffs in removing the defamatory postings, and preventing any additional defamatory postings. Endh1b.com has also refused to provide Plaintiffs with the identity or whatever identifying information it may have regarding the identity of the posters.

5. By way of example, the individual known as "pjainatapextgi" made a post entitled "Fraud @ Apex Technology Group Inc.," wherein that individual falsely and for the sole purpose of defaming Apex, stated:

Apart from above, employees don't receive their salary at the end of the month. It is usually received @ a random date in the following month, provided you are lucky. Else you would have to chase HR/Accounting to get your pay check. This process helps Apex technology group inc to hold back pay incase you choose to accept employment at another location.

The most important aspect of your transaction's with Apex Technology Group Inc is that they tell you one thing before you transfer your H1B to their consulting firm and then later do not stick to what they say(aka lies & cheating). In other words once you file/transfer your H1B to them you more or less become their slave and you will get entangled in thier web of lies and legal documents.

Sarvesh and his wife Chhavi run the company, they are very unprofessional and treat employees with no respect. They will speak with employees as if they are doing a favor on them. They do not have any direct client's and their marketing folks in Noida would chase posting's on job websites to set you up for interviews.

Also some past history about this company:

Apex Technology Group Inc, was started by Alok Kumar Dharayan. At some point Alok inducted his brother Sarvesh who eventually took over

and Alok moved out due to some differences but both the brother's play along so that they don't get into trouble.

During the time when Alok was the President of the company, he filed several I-485/Labor's which he was able to transfer to H1B employees for filing their green cards. Those employees spread the word by mouth and Apex grew in numbers. However those days are now over and any intention's/incentives of green card will not come to fruition or will come at a cost of several years of servitude. So please be aware and do not be deluded.

Apex Technology Group Inc was able to quell their x/-employee's voices on www.goolti.com by using legal threat's. You can find more info at the following location http://www.goolti.com/reviewdetail.php?company_id=195 .Also I thought you would be interested in knowing that they were the biggest spammer's on www.goolti.com, where they initially tried to cover up their deeds You can find more info at the following location <http://goolti.blogspot.com/2008/07/this-months-biggest-spammers.html>

(Emphasis added.)

6. Another individual, under username "H1B Scam," which is believed to be the same person, posted a headline stating "Apex Technology Group Inc is a H-1B slave trader," with the following false and defamatory comments:

" There are several Indian companies operating from United States, like the Apex Technology Group Inc that you mentioned, employee complaints range from non-payment of salary which is illegal by the law of the country and using employee as a tool to pump jobs and illegally placing someone else. There are resumes with unreal names and imaginary characters, these set of people attend job interviews and are basically used (I heard this as greivance) to get the other set of dumb people jobs. These people dont get paid and are considered to be "on-bench" and are given food and accomodation just as some refugees of a war would be. Do not get stuck with these companies like Apex Technology Group Inc. If you find that the company does not give you salary / you are attending interviews that are going no where/ you find something fishy, report to the Immigration / US Consulate or Authorities Immediately. Recession applies to all bodies and no just worker class and labourers."

(Emphasis added.)

7. That same individual posted another comment titled "More Apex Technology Group Frauds Exposed," which stated:

"Read ur postings. fst of all let me make it cler to u all that Apex Technology Group Inc. and Apex Technology Systems, Inc. r not d same one. As posted by Krishna, Apex Technology Systems, Inc. may be a gud co but Apex Technology Group Inc., pls 4 god sake don't even dream of joining them. This company is run by a big cheat Sarvesh and one of his CHAMCHA, Alok. One of my friends applied 4 H1b thru them last yr. these cheats charged him a huge amount and lured him by giving all sort of temptations. He was told that they have their own projects and own development center. But he realized the truth after paying them when they didn't send his docs for appearing before the consulate for interview. He had to chase them like mad for getting his docs. They don't entertain ur mails if u seek any info. They don't reply to ur calls. They always try to hold u responsible for every mistake even committed by them. Especially the so called president of the company, Sarvesh. Their system is not transparent at all. They don't send u the docs to appear for the consulate interview in time. If at all they send, it will be incomplete and supported by fake project report. They do it intentionally because when u appear for d interview with these type of docs, u r caught at the consulate and ur visa is rejected and this so called president and his CHAMCHA blame you by saying that you were not prepared well and could not perform before the consulate. So now they are not responsible if ur visa gets rejected and they wud not refund ur money too. Actually this is their modus operandi for making money. So pls. for god sake don't waste ur or ur parents hard earned money by giving it to these cunning people. They r not trust worthy at all – believe me. "

In an effort to have these false, defamatory and damaging posts removed from the website, Apex, contacted endh1b.com through an email address provided on the site for contact purposes. That email address is admin@endh1b.com. The full text of that initial contact is as follows:

Dear Sir or Madam;

On 11/23/2009 Apex Technology Group, Inc. came to an attention about your website www.endh1b.com <<http://click.icptrack.com/icp/relay.php?r=15468897&msgid=152212&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Fwww.endh1b.com%2F>> which provided artificial and untruthful statement to the public which can't even confirmed by this specific individuals who claim himself as Mr. Pankaj Jain and is defaming Apex Technology Group reputation in many other websites which are currently cooperating with our Attorney. I would like to bring this to you attention that our Attorney has went forward with legal proceedings against this culprit. As per you if owner is not responsible for the information posted on this website has full right to remove the article requested by Apex TGI.

I am disappointed because your services didn't check the authenticity of the person who posted our legal document which has defamed our Apex Technology Group's image and could lead to heavy losses to the revenue which has reputation and been in the business since 2001. To further minimizing the damage to Apex Technology Group's reputation I purpose you remove the article linked to your website. I further request you to provide us the contact details of the individual who posted this legal agreement without permission since we are the copyright owner of the legal document. We request that you investigate the substance of our complaint, and provide us with the contact details of the individual in fault, pursuant to Section 512(f) of the DMCA, any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability, as suggested in your website, if these allegation are found valid. Please respond to us in writing.

To resolve the problem I would appreciate and require you to take the action to remove the link attached below:

<http://endh1b.com/Web/blogs/endh1b/archive/2009/11/19/indentured-servitude-is-part-of-the-business-model.aspx>
<<http://click.icptrack.com/icp/relay.php?r=15468897&msgid=152212&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Fendh1b.com%2FWeb%2Fblogs%2Fendh1b%2Farchive%2F2009%2F11%2F19%2Findentured-servitude-is-part-of-the-business-model.aspx>>

I look forward to hearing from you and to a resolution of this problem. I will wait till 12/04/2009 before arranging for the matter to be removed from your website by a third party (Company's Attorney) at your cost or seeking help from Consumer Protection Agency. Please feel free to reach me for any further inquiries at the contact information below.

8. In response we received an email from admin@endh1b.com which stated, in pertinent part:

We at www.endh1b.com received this email from what appears to be an Indian bodyshop in New Jersey. They want us to take down a post from Desicruch, and "provide contact details of the individual who posted this legal agreement." We have not posted a legal agreement and don't have the contact details of anyone of our contributors. We will also protect the privacy of any members of our community.

This is clearly an attempt to apply Indian legal standards to American citizens. We will not be intimidated and are ready to defend our 1st Amendment Rights. If you would like to contribute to this cause, please make a donation that well help us defer our legal costs.

9. Notwithstanding the combative nature and plainly incorrect and defamatory statements of that email, we again attempted to resolve this matter by requesting assistance from the website. Plaintiff's response email stated:

Dear Sir or Madam;

Our email was not to threat your organization instead a request to cooperate with us to guide us through a process in which we could reach out to the individual who has been harassing and defaming our companies reputation by posting wrong information on the other websites. Our company has been in good standing from the day 1 it started. Again I would really appreciate if you could come out with a feedback on this issue. Looking forward to hear from you.

10. That individual, under username admin@endh1b.com sent further correspondence to Plaintiffs again refusing to remove any of the false postings.

11. The same individual who was corresponding with Plaintiffs under username admin@endh1b.com then continued corresponding with Plaintiffs using the email address mmillere2006@yahoo.com. In that correspondence, the individual forwarded an email titled "Re: Apex of New Jersey Engaging in Extortion," to askconsumeraffairs@lps.state.nj.us, an

email address apparently affiliated with the State of New Jersey, Department of Consumer Affairs. A true and accurate copy of that email is attached to this Certification as Exhibit A.

12. The full text of the postings and this correspondence is attached to this Certification as Exhibits A and B, respectively.

13. In response, we received another refusal to cooperate which contained threats of a baseless referral to the USCIS. At that time, we referred this matter to our legal representation.

14. The aforementioned postings must be stopped immediately since they are irreparably damaging the company. These postings allege unlawful activity against my company and I, which allegations are false, baseless and malicious.

15. As an example, three employment candidates scheduled to begin work for Apex have declined to take up employment with Apex in the last ten (10) days, citing these postings and emails as their reason. Additionally, current Apex employees have approached management and advised that they are concerned about 1) whether the statements contained herein are truthful; and 2) what effect this will have on the company moving forward. These postings are causing severe damage to the company and must cease or the business of Apex will be destroyed.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Sarvesh Kumar Dharayan

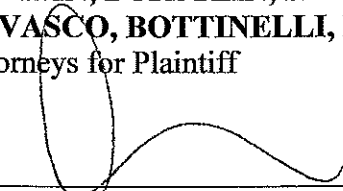
Dated: December 2, 2009

CERTIFICATION OF FACSIMILE SIGNATURE

Pursuant to R. 1:4-4(c) of the Rules Governing the Courts of the State of New Jersey, I do hereby certify that the affiant has acknowledged the genuineness of the signature attached to the certification. I will provide the Court with a copy of this Certification and an original signature affixed thereto if I am requested to do so by the Court or a party to this action.

**HERTEN, BURSTEIN, SHERIDAN,
CEVASCO, BOTTINELLI, LITT & HARZ**
Attorneys for Plaintiff

By: _____


Patrick Papalia

Dated: December 2, 2009

Patrick Ascolese

From: millere2006 millere2006 [mmillere2006@yahoo.com]
Sent: Monday, November 30, 2009 6:03 PM
To: Shawn.Gibson@apextgi.com
Subject: ALIPAC Exposes Truth About Apex
Follow Up Flag: Follow up
Flag Status: Flagged

<http://www.alipac.us/ftopicp-987113.html#987113>

Oversight of the H-1B labor program is so lax that Indian companies are adding illegal riders to work contracts that force payment from workers that are against the law:

http://www.desicrunch.com/DisplayReviews.aspx?company=Apex_Technology_Systems,_Inc.

Not so good things About Apex Technology Systems, Inc. :

Title:- Fraud,cheating,lies and legal agreement @ Apex Technology Group Inc www.apextgi.com

This information is being mailed to you as a reply to your post regarding fraud @ Apex Technology Group Inc (<http://www.apextgi.com/>). Please find the employment agreement letter <http://www.docstoc.com/docs/10702214/agreement>, which I received after I started working for Apex at a client location. None of the terms were part of the initial agreement between me and Apex Technology Group Inc. I would like to take this opportunity to highlight several aspect"s of the 9 page legal agreement which might be important for you. For example: 30 day termination notice or forget your last paycheck when you quit, If you join a company (including any level between you and Apex) then pay \$35000 or face a law suit, \$9000 for legal,training and guest services when you quit. \$35000 if you quit in between a contract...etc. The legalities of the agreement are convoluted,complex and can/will be used against you if you displease Apex technology Group Inc. So once you sign that document you are at the mercy of the employer and much worse than a bonded labour in India. Apart from above, employees don"t receive their salary at the end of the month. It is usually received @ a random date in the following month, provided you are lucky. Else you would have to chase HR/Accounting to get your pay check. This process helps Apex technology group inc to hold back pay incase you choose to accept employment at another location. The most important aspect of your transaction"s with Apex Technology Group Inc is that they tell you one thing before you transfer your H1B to their consulting firm and then later do not stick to what they say(aka lies & cheating). In other words once you file/transfer your H1B to them you more or less become their slave and you will get entangled in thier web of lies and legal documents. They run the company, they are very unprofessional and treat employees w

[Another website ran the above letter and got this response from an American legal representative of Apex who wrote in mysteriously bad English.]

<http://endh1b.com/Web/blogs/endh1b/archive/2009/11/30/threatening-email-from-indian-bodyshop.aspx>

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I am disappointed because your services didn't check the authenticity of the person who posted our legal document which has defamed our Apex Technology Group's image and could lead to heavy losses to the revenue which has reputation and been in the business since 2001. To further minimizing the damage to Apex Technology Group's reputation I purpose you remove the article linked to your website. I further request you to provide us the contact details of the individual who posted this legal agreement without permission since we are the copyright owner of the legal document. We request that you investigate the substance of our complaint, and provide us with the contact details of the individual in fault, pursuant to Section 512(f) of the DMCA, any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability, as suggested in your website, if these allegation are found valid. Please respond to us in writing.

To resolve the problem I would appreciate and require you to take the action to remove the link attached below:

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Thanks and Regards

Shawn Gibson

HR/Legal Department

12/2/2009

Apex Technology Group Inc.

2 Kilmer Road., Suite# C

Edison, NJ 08817

Tel: (732) 572-1800

Direct: (732) 964-1300

Fax: (732) 572-7900

Website: www.apextgi.com

Email: Shawn.Gibson@apextgi.com

ENOUGH IS ENOUGH! TELL CONGRESS TO END THE EVIL H-1B VISA PROGRAM!!!

Patrick Ascolese

From: millere2006 millere2006 [mmillere2006@yahoo.com]
Sent: Monday, November 30, 2009 6:37 PM
To: Shawn.Gibson@apextgi.com
Cc: askconsumeraffairs@lps.state.nj.us
Subject: New Jersey Division of Consumer Affairs to hear complaint against Apex
Follow Up Flag: Follow up
Flag Status: Flagged

Re: Apex of New Jersey Engaging in Extortion

Monday, November 30, 2009 6:17 PM

From:
"AskConsumerAffairs AskConsumerAffairs" <AskConsumerAffairs@dca.lps.state.nj.us>
Add sender to Contacts

To:
"millere2006 millere2006" <mmillere2006@yahoo.com>

Dear Consumer,

Thank you for your e-mail to the New Jersey Division of Consumer Affairs. This is an initial automated response to your inquiry so please do not respond. Your question will be forwarded to the appropriate unit here at the Division.

Information about how to file a complaint with the Office of Consumer Protection can be found at:
<http://www.state.nj.us/lps/ca/comp.htm>

If you want to fill out our complaint form on line, please go to:
<http://www.state.nj.us/lps/ca/ocp/ocpform.htm>
Once your complaint has been received, it will be subjected to review.

Please call either 1-800-242-5846 or (973)504-6200 if you would like to speak with a Consumer Service Center representative.

Licensee Search is available at:
<http://www.state.nj.us/cgi-bin/consumeraffairs/search/searchentry.pl>

Tips regarding Home Improvements can be found at:
<http://www.state.nj.us/lps/ca/brief/improve.pdf>

If you would like to be added to the Division's e-mailing list to receive electronically distributed consumer news and updates, please fill out the form at:
<http://www.state.nj.us/lps/ca/mailing/maillist.htm>

Thank You
>>> millere2006 millere2006 <mmillere2006@yahoo.com> 11/30/09 18:12 >>>

Apex of New Jersey Engaging in Extortion

askconsumeraffairs@lps.state.nj.us

Shawn.Gibson@apextgi.com

Oversight of the H-1B labor program is so lax that Indian companies are adding illegal riders to work contracts that force payment from workers that are against the law:

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Title:- Fraud,cheating,lies and legal agreement @ Apex Technology Group Inc www.apextgi.com

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I am disappointed because your services didn't check the authenticity of the person who posted our legal document which has defamed our Apex Technology Group's image and could lead to heavy losses to the revenue which has a reputation and has been in the business since 2001. To further minimize the damage to Apex Technology Group's reputation I request you to remove the article linked to your website. I further request you to provide us the contact details of the individual who posted this legal document without permission since we are the copyright owner of the legal document. We request that you investigate the substance of our complaint, and provide us with the contact details of the individual in fault, pursuant to Section 512(f) of the DMCA, any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability, as suggested in your website, if these allegations are found valid. Please respond to us in writing.

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Thanks and Regards

Shawn Gibson

HR/Legal Department

Apex Technology Group Inc.

2 Kilmer Road., Suite# C

Edison, NJ 08817

12/2/2009

Tel: (732) 572-1800

Direct: (732) 964-1300

Fax: (732) 572-7900

Website: www.apextgi.com

Email: Shawn.Gibson@apextgi.com

Patrick Ascolese

From: admin endh1b [admin@endh1b.com]
Sent: Monday, November 30, 2009 7:06 PM
To: Shawn.Gibson@apextgi.com
Subject: Threatening Email From Indian Bodyshop
Follow Up Flag: Follow up
Flag Status: Flagged

?

[Sign in](#) | [Join](#)A dark, textured banner with the website address "www.endh1b.com" in white, bold, sans-serif font.

EndH1b.com Newsletter v 11.0 - Nov 30th, 2009

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This message was sent from admin endh1b to Shawn.Gibson@apextgi.com. It was sent from: admin endh1b, P.O. Box 887 , Beverly Hills, CA 90210. You can modify/update your subscription via the link below.



 To be removed click here  **FORWARD TO A FRIEND**

View this message in the iContact Community:  View message  Comment on this message  Receive as RSS

Share this message with others:  del.icio.us  Digg  reddit  Facebook  StumbleUpon

Patrick Ascolese

From: admin@endh1b.com
Sent: Monday, November 30, 2009 9:19 PM
To: 'Shawn Gibson'
Subject: RE: Threatening Email From Indian Bodyshop
Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Gibson,

I doubt that your name is Shawn Gibson. You sound like an Indian who is trying to intimidate American citizens exercising their First Amendment rights. We are not in the business of helping exploitative Desi bodyshops target their H-1B victims for harassment, retribution, or violence.

Since you are not a U.S. citizen, you have no standing and your empty threats will be ignored. We have already contacted the USCIS to investigate your firm. And this newsletter goes out to thousands of executives in the I.T. industry and hundreds of media contacts. Be prepared to answer some questions from the feds and the press.

BTW, one of the members of our organization is Business Week writer Steve Hamm and he has received this newsletter. You may be familiar with him -- he wrote this cover story:

America's High-Tech Sweatshops

U.S. companies may be contributing unwittingly to the exploitation of workers imported from India and elsewhere by tech-services outfits

http://www.businessweek.com/magazine/content/09_41/b4150034732629.htm

Regards,
Admin
www.endh1b.com

From: Shawn Gibson [mailto:shawn.gibson@apextgi.com]
Sent: Monday, November 30, 2009 4:21 PM
To: 'admin endh1b'
Subject: RE: Threatening Email From Indian Bodyshop

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Shawn Gibson
HR/Legal Department

12/2/2009

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Tel: (732) 572-1800
Direct: (732) 964-1300
Fax: (732) 572-7900
Website: www.apextgi.com
Email: Shawn.Gibson@apextgi.com



Please consider the environment before printing this email.

"Winner of 2007 NJBIA Awards for Excellence in the Job Creation Category" .

"Winner of 2008 & 2007 NJBIZ New Jersey's Finest Award" honoring 50 Fastest Growing Companies in NJ" .

We respect your Online Privacy. This is not an unsolicited mail. Under Bills. 1618 Title III passed by the 105th U.S. Congress this mail cannot be considered Spam as long as we include Contact Information and a method to be removed from our mailing list. If you are not interested in receiving our emails then please reply with a "REMOVE" in the subject line and mention all the email addresses to be removed with any email addresses.

From: admin endh1b [mailto:admin@endh1b.com]
Sent: Monday, November 30, 2009 7:06 PM
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Subject: Threatening Email From Indian Bodyshop

?

[Sign in](#) | [Join](#)

www.endh1b.com

EndH1b.com Newsletter v 11.0 - Nov 30th, 2009

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This is clearly an attempt to apply Indian legal standards to American citizens. We will not be intimidated and are ready to defend our 1st Amendment Rights. If you would like to contribute to this cause, please make a donation that well help us defer our legal costs.

Dear Sir or Madam;

On 11/23/2009 Apex Technology Group, Inc. came to an attention about your website www.endh1b.com which provided artificial and untruthful statement to the public which can't even confirmed by this specific individuals who claim himself as Mr. Pankaj Jain and is defaming Apex Technology Group reputation in many other websites which are currently cooperating with our Attorney. I would like to bring this to you attention that our Attorney has went forward with legal proceedings against this culprit. As per you if owner is not responsible for the information posted on this website has full right to remove the article requested by Apex TGI.

*I am disappointed because your services didn't check the authenticity of the person who posted our legal document which has defamed our Apex Technology Group's image and could lead to heavy losses to the revenue which has reputation and been in the business since 2001. To further minimizing the damage to Apex Technology Group's reputation I purpose you remove the article linked to your website. I further request you to provide us the contact details of the individual who posted this legal agreement without permission since we are the copyright owner of the legal document. We request that you investigate the substance of our complaint, and provide us with the contact details of the individual in fault, pursuant to **Section 512(f) of the DMCA**, any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability, as suggested in your website, if these allegation are found valid. Please respond to us in writing.*

To resolve the problem I would appreciate and require you to take the action to remove the link attached below:

<http://endh1b.com/Web/blogs/endh1b/archive/2009/11/19/indentured-servitude-is-part-of-the-business-model.aspx>






I look forward to hearing from you and to a resolution of this problem. I will wait till 12/04/2009 before arranging for the matter to be removed from your website by a third party (Company's Attomey) at your cost or seeking help from Consumer Protection Agency. Please feel free to reach me for any further inquiries at the contact information below.

This message was sent from admin endh1b to Shawn.Gibson@apextgl.com. It was sent from: admin endh1b, P.O. Box 887 , Beverly Hills, CA 90210. You can modify/update your subscription via the link below.

Email Marketing by
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 To be removed click here  **FORWARD TO A FRIEND**

View this message in the iContact Community:  View message  Comment on this message  Receive as RSS

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No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.709 / Virus Database: 270.14.87/2535 - Release Date: 11/29/09 23:31:00

Fraud at Apex Technology Group Inc

Fraud@ Apex Technology Group Inc

October 30, 2009 by pjainatapextgi

This information is being mailed to you as a reply to your post regarding fraud @ Apex Technology Group Inc (www.apextgi.com) visit <http://ripoffatapextgi.blogspot.com/>

Please find the employment agreement letter <http://www.docstoc.com/docs/10702214/agreement> , which I re client location. None of the terms were part of the initial agreement between me and Apex Technology Group Inc

I would like to take this opportunity to highlight several aspects of the 9 page legal agreement which might be termination notice or forget your last paycheck when you quit, If you join a company (including any level between law suit, \$9000 for legal, training and guest services when you quit. \$35000 if you quit in between a contract...e

The legalities of the agreement are convoluted, abstract and can/will be used against you if you displease Apex document you are at the mercy of the employer and much worse than a bonded labour in India.

Apart from above, employees don't receive their salary at the end of the month. It is usually received @ a random are lucky. Else you would have to chase HR/Accounting to get your pay check. This process helps Apex technology choose to accept employment at another location.

The most important aspect of your transaction's with Apex Technology Group Inc is that they tell you one thing consulting firm and then later do not stick to what they say (aka lies & cheating). In other words once you file/trade become their slave and you will get entangled in their web of lies and legal documents.

Sarvesh and his wife Chhavi run the company, they are very unprofessional and treat employees with no respect are doing a favor on them. They do not have any direct clients and their marketing folks in Noida would chase interviews.

Also some past history about this company:

Apex Technology Group Inc, was started by Alok Kumar Dharayan. At some point Alok inducted his brother Sa moved out due to some differences but both the brothers play along so that they don't get into trouble.

During the time when Alok was the President of the company, he filed several I-485/Labor's which he was able green cards. Those employees spread the word by mouth and Apex grew in numbers. However those days are green card will not come to fruition or will come at a cost of several years of servitude. So please be aware and

Apex Technology Group Inc was able to quell their ex-employee's voices on www.goolti.com by using legal tactics following location http://www.goolti.com/reviewdetail.php?company_id=195 . Also I thought you would be interested in spammer's on www.goolti.com , where they initially tried to cover up their deeds You can find more info at the <http://goolti.blogspot.com/2008/07/this-months-biggest-spammers.html>

I would like to take this opportunity and ask other fellow victims who are current or were past employees to rep available @ http://www.dol.gov/esa/whd/forms/fts_wh4.htm

Also you need mail the documents to

Pat Reilly

District Director

Southern New Jersey District Office

US Dept. of Labor

ESA Wage & Hour Division

3131 Princeton Pike, Bldg. 5, Rm. 216 Lawrenceville, NJ 08648

or you can call them @Phone: (609) 538-8310, 1-866-4-USWAGE, (1-866-487-9243)

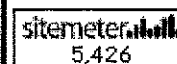
Remember one thing, any inconsistencies with your pay can only be solved by the department of labour, if the from the time it has been committed.

<http://ripoffatapextgi.wordpress.com/>

<http://www.complaintsblog.com/Company/apex-technology-group-inc-www-apextgi-com.html>

Posted 1 Dec 2009 8:45 PM by H1B Scam
Filed under: h1b, fraud, apex technology group inc

| [More](#)



Apex Technology Group Inc is a H-1B slave trader.

" There are several Indian companies operating from United States, like the Apex Technology Group Inc that y from non-payment of salary which is illegal by the law of the country and using employee as a tool to pump job: are resumes with unreal names and imaginary characters, these set of people attend job interviews and are ba the other set of dumb people jobs. These people dont get paid and are considered to be "on-bench" and are gi refugees of a war would be. Do not get stuck with these companies like Apex Technology Group Inc. If you find you are attending interviews that are going no where/ you find something fishy, report to the Immigration / US C Recession applies to all bodies and no just worker class and labourers."

<http://goolti.blogspot.com/2008/07/this-months-biggest-spammers.html>

Posted 1 Dec 2009 5:24 AM by H1B Scam
Filed under: [h1b](#), [slave](#), [apex technology group inc](#)

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sitemeter.com
5,426

Threatening Email From Indian Bodyshop

We at www.endh1b.com received this email from what appears to be an Indian bodyshop in New Jersey. They talk about the experiences a quest worker had with the bodyshop, and "provide contact details of the individual who posted a legal agreement and don't have the contact details of anyone of our contributors. We will also protect our community.

This is clearly an attempt to apply Indian legal standards to American citizens. We will not be intimidated and defend our Rights. If you would like to contribute to this cause, please make a donation that will help us defer our legal costs.

Dear Sir or Madam;

On 11/23/2009 Apex Technology Group, Inc. came to an attention about your website www.endh1b.com statement to the public which can't even be confirmed by this specific individual who claims himself as Mr. Pan. This has damaged Apex Technology Group's reputation in many other websites which are currently cooperating with our Attorney. I would like to have you move forward with legal proceedings against this culprit. As per you if the owner is not responsible for the damage, we have the right to remove the article requested by Apex TGI.

*I am disappointed because your services didn't check the authenticity of the person who posted our legal agreement. This has damaged Apex Technology Group's image and could lead to heavy losses to the revenue which has a reputation and has been minimizing the damage to Apex Technology Group's reputation. I purpose you remove the article linked to us that contains the contact details of the individual who posted this legal agreement without permission since we are the owner. I request that you investigate the substance of our complaint, and provide us with the contact details of the individual who posted the article. **of the DMCA**, any person who knowingly materially misrepresents that material or activity is infringing our website, if these allegations are found valid. Please respond to us in writing.*

To resolve the problem I would appreciate and require you to take the action to remove the link attached to the article.

<http://endh1b.com/Web/blogs/endh1b/archive/2009/11/19/indentured-servitude-is-part-of-the-business-model>

I look forward to hearing from you and to a resolution of this problem. I will wait till 12/04/2009 before arranging legal action against your website by a third party (Company's Attorney) at your cost or seeking help from Consumer Protection Agency. Please provide further inquiries at the contact information below.

Thanks and Regards

Shawn Gibson

HR/Legal Department

Apex Technology Group Inc.

2 Kilmer Road., Suite# C

More Apex Technology Group Frauds Exposed

"Read ur postings. fst of all let me make it cler to u all that Apex Technology Group Inc. and Apex Technology Inc. r not d same one. As posted by Krishna, Apex Technology Systems, Inc. may be a gud co but Apex Techn Inc., pls 4 god sake don't even dream of joining them. This company is run by a big cheat Sarvesh and one of l CHAMCHA, Alok. One of my friends applied 4 H1b thru them last yr. these cheats charged him a huge amount by giving all sort of temptations. He was told that they have their own projects and own development center. Bu realized the truth after paying them when they didn't send his docs for appearing before the consulate for inter. He had to chase them like mad for getting his docs. They don't entertain ur mails if u seek any info. They don't to ur calls. They always try to hold u responsible for every mistake even committed by them. Especially the so president of the company, Sarvesh. Their system is not transparent at all. They don't send u the docs to appea consulate interview in time. If at all they send, it will be incomplete and supported by fake project report. They c intentionally because when u appear for d interview with these type of docs, u r caught at the consulate and ur rejected and this so called president and his CHAMCHA blame you by saying that you were not prepared well : perform before the consulate. So now they are not responsible if ur visa gets rejected and they wud not refund too. Actually this is their modus operandi for making money. So pls. for god sake don't waste ur or ur parents h earned money by giving it to these cunning people. They r not trust worthy at all – believe me. "

<http://web.archive.org/web/20080801032709/www.goolti.com/reviewdetail.php?company>

Posted 2 Dec 2009 9:28 PM by H1B Scam
Filed under: h1b, fraud, slave, apex technology group inc

| [More](#)



sitemeter.[statik](#)
5,615

The Latest Harassment From Apex Tech

The last we heard, Apex's lawyer Patrick Papalia was sending emails to our organization, talking about "false, I demanding the name of our lawyer and law firm:

Dear Sir/Madam:

Please provide me with the name of your lawyer and law firm. This is a serious matter defamatory statements you have made as to Apex will not go unaddressed. Any further ur will further expose you to punitive damages for your intentional and malicious conduct

Patrick Papalia, Esq.

We don't want to waste our money on legal counsel over what is clearly an attempt to intimidate and silence us with our lawyer. We spoke with our attorney yesterday, and he assures that these threats are bogus.

Thanks to all who made contributions to our cause. We are now prepared to make contact with Apex's clients they are dealing with. This was our last response to Mr. Papalia:

Mr. Papalia,

Sorry, we are not some exploited visa workers that take your threats seriously. Our organization knows th H-1B workers who Apex has sponsored and abused by sending them phony legal threats. And I have evi India of visa workers who dare to expose the labor violations and visa fraud committed by Apex.

You are complicate in human trafficking and have now encountered an adversary that is more than happy practices of bodyshops like Apex and predatory law firms like yours.

Be prepared to account for your actions and the actions of your client in the court of public opinion. We h; Programmer's Guild, WashTech, the Communications Workers Of America, Numbers USA, Bright Future

Together we are talking about tens of thousands of I.T. workers that can donate funds and resources to t; You and I both know that there are no "unlawful and disparaging publications" and your case has no meril comment from another website.

But it is useful for our cause – to expose the high-tech slave trade that you profit from and the bullying tac displace millions of American tech workers. And we have more information from other victims of Apex, ar

As for your client, you should counsel them not to pick a fight with well-funded groups who are not afraid c www.endh1b.com. And because of that, our organization is preparing to share this entire dialogue with al begin our protest, it is highly unlikely these companies will want to do business with a firm engaged in suc

AIG Insurance

- # Ajilon
- # All State Insurance
- # Alliance Consulting
- # Ameriprise Financial
- # Avon
- # AT&T
- # AXA Financial, Inc.
- # Bank of America
- # Bank of New York
- # Barclays Capital
- # Blue Cross Blue Shield
- # BMW North America
- # Brown Brothers Harriman
- # Bunge
- # Capital One
- # Cingular Wireless
- # Cognizant Technology Solutions
- # Comcast
- # Commerce Bank
- # Comsys
- # CooperVision
- # Country Wide Insurance
- # Credit Suisse
- # Doreen Evans Associates
- # Dow Jones
- # Eliassen Group

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ETS

Fannie Mae

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Fidelity Investments

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JP Morgan Chase

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KPMG

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MetLife

Miami Dade County

Microsoft Corporation

Modis IT

Moody's Investors Service

National Basketball Association

National City Corporation

Nationwide Insurance

New York Stock Exchange

Optical Research Associates

Pfizer, Inc

Price Waterhouse Coopers

Sapphire Technologies

Scanbuy

Schering Plough

Siemens Health Services

State Street

Sun Microsystems

Sun Trust Bank

Tek Systems

The Hartford

Thompson Reuters

UBS

UNFCU

United Healthcare

Verizon Wireless

Wells Fargo

Willkie Farr & Gallagher

Regards,

Admin

www.endh1b.com

Posted 3 Dec 2009 2:48 PM by [EndH1BAdmin](#)

Filed under: [apex technology group inc](#)



-----Original Message-----

From: admin@endh1b.com [mailto:admin@endh1b.com]
Sent: Tuesday, December 01, 2009 1:04 PM
To: 'Shawn Gibson'
Subject: RE: Threatening Email From Indian Bodyshop

Shawn,

The agent at USCIS wants to know the correct address of your firm for the complaint I am filing.

Is 2 Kilmer Road the correct address, or is 2703 Merrywood Drive your actual address?

Also, what address should our lawyers send the C &D to?

Finally, I have been in touch with the "individual" that you have been targeting and have helped him get legal counsel, and steered him to the proper federal authorities.

Regards,

Admin

www.endh1b.com

From: Shawn Gibson [mailto:shawn.gibson@apextgi.com]
Sent: Monday, November 30, 2009 4:21 PM
To: 'admin endh1b'
Subject: RE: Threatening Email From Indian Bodyshop

Dear Sir or Madam;

Our email was not to threat your organization instead a request to cooperate with us to guide us through a process in which we could reach out to the individual who has been harassing and defaming our companies reputation by posting wrong information on the other websites. Our company has been in good standing from the day 1 it started. Again I would really appreciate if you could come out with a feedback on this issue. Looking forward to hear from you.

Thanks and Regards

Shawn Gibson

HR/Legal Department

Apex Technology Group Inc.

2 Kilmer Road., Suite# C

Edison, NJ 08817

Tel: (732) 572-1800

Direct: (732) 964-1300

Fax: (732) 572-7900

Website: www.apextgi.com <<http://www.apextgi.com/>>

Email: Shawn.Gibson@apextgi.com <<mailto:Tarwinder@apextgi.com>>

P Please consider the environment before printing this email.

"Winner of 2007 NJBIA Awards for Excellence in the Job Creation Category" .

"Winner of 2008 & 2007 NJBIZ New Jersey's Finest Award" honoring 50 Fastest Growing Companies in NJ" .

We respect your Online Privacy. This is not an unsolicited mail. Under Bills. 1618 Title III passed by the 105th U.S. Congress this mail cannot be considered Spam as long as we include Contact Information and a method to be removed from our mailing list. If you are not interested in receiving our emails then please reply with a "REMOVE" in the subject line and mention all the email addresses to be removed with any email addresses.

From: admin endh1b [mailto:admin@endh1b.com]
Sent: Monday, November 30, 2009 7:06 PM
To: Shawn.Gibson@apextgi.com
Subject: Threatening Email From Indian Bodyshop

?

Sign in <<http://click.icptrack.com/icp/relay.php?r=15468897&msgid=152212&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Fendh1b.com%2FWeb%2Flogin.aspx%3FReturnUrl%3D%252fWeb%252fblogs%252fendh1b%252farchive%252f2009%252f09%252f01%252fa-homeless-it-worker-keeps-fighting.aspx>> | Join <<http://click.icptrack.com/icp/relay.php?r=15468897&msgid=152212&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Fendh1b.com%2FWeb%2Fuser%2FCreateUser.aspx%3FReturnUrl%3D>>

<<http://click.icptrack.com/icp/relay.php?r=15468897&msgid=152212&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Fwww.endh1b.com>>

EndH1b.com Newsletter v 11.0 - Nov 30th, 2009 <<http://click.icptrack.com/icp/relay.php?r=15468897&msgid=152212&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Fwww.endh1b.com%2FWeb%2FNewsletterV11.htm>>

Threatening Email From Indian Bodyshop <<http://click.icptrack.com/icp/relay.php?r=15468897&msgid=152212&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Fendh1b.com%2FWeb%2Fblogs%2Fendh1b%2Farchive%2F2009%2F11%2F30%2Fthreatening-email-from-indian-bodyshop.aspx>>

We at www.endh1b.com received this email from what appears to be an Indian bodyshop in New Jersey. They want us to take down a post from Desicruch, and "provide contact details of the individual who posted this legal agreement." We have not posted a legal agreement and don't have the contact details of anyone of our contributors. We will also protect the privacy of any members of our community.

This is clearly an attempt to apply Indian legal standards to American citizens. We will not be intimidated and are ready to defend our 1st Amendment Rights. If you would like to contribute to this cause, please make a donation that well help us defer our legal costs.

Dear Sir or Madam;

On 11/23/2009 Apex Technology Group, Inc. came to an attention about your website www.endh1b.com <<http://click.icptrack.com/icp/relay.php?r=15468897&msgid=152212&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Fwww.endh1b.com%2F>> which provided artificial and untruthful statement to the public which can't even confirmed by this specific individuals who claim himself as Mr. Pankaj Jain and is defaming Apex Technology Group reputation in many other websites which are currently cooperating with our Attorney. I would like to bring this to you attention that our Attorney has went forward with legal proceedings against this culprit. As per you if owner is not responsible for the

information posted on this website has full right to remove the article requested by Apex TGI.

I am disappointed because your services didn't check the authenticity of the person who posted our legal document which has defamed our Apex Technology Group's image and could lead to heavy losses to the revenue which has reputation and been in the business since 2001. To further minimizing the damage to Apex Technology Group's reputation I purpose you remove the article linked to your website. I further request you to provide us the contact details of the individual who posted this legal agreement without permission since we are the copyright owner of the legal document. We request that you investigate the substance of our complaint, and provide us with the contact details of the individual in fault, pursuant to Section 512(f) of the DMCA, any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability, as suggested in your website, if these allegation are found valid. Please respond to us in writing.

To resolve the problem I would appreciate and require you to take the action to remove the link attached below:

<http://endh1b.com/Web/blogs/endh1b/archive/2009/11/19/indentured-servitude-is-part-of-the-business-model.aspx> <<http://click.icptrack.com/icp/relay.php?r=15468897&msgid=152212&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Fendh1b.com%2FWeb%2Fblogs%2Fendh1b%2Farchive%2F2009%2F11%2F19%2Findentured-servitude-is-part-of-the-business-model.aspx>>

I look forward to hearing from you and to a resolution of this problem. I will wait till 12/04/2009 before arranging for the matter to be removed from your website by a third party (Company's Attorney) at your cost or seeking help from Consumer Protection Agency. Please feel free to reach me for any further inquiries at the contact information below.

This message was sent from admin endh1b to Shawn.Gibson@apextgi.com. It was sent from: admin endh1b, P.O. Box 887 , Beverly Hills, CA 90210. You can modify/update your subscription via the link below.

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<http://app.icontact.com/icp/static/images/icons/email_manage_subscription.png> To be removed click here <<http://app.icontact.com/icp/mmail-mprofile.pl?r=15468897&l=4467&s=RFFI&m=152212&c=546921>> <<http://app.icontact.com/icp/sub/forward?m=152212&s=15468897&c=RFFI&cid=546921>>

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&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Freddit.com%2Fsubmit%3Furl%3Dhttp%253A%
252F%252Fcommunity.icontact.com%252Fp%252Fendhlb%252Fnewsletters%252Fv20%252Fposts%
252Fthreatening-email-from-indian-bodyshop%26title%3DThreatening%2BEmail%2BFrom%2BIndian%
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3Dhttp%253A%252F%252Fcommunity.icontact.com%252Fp%252Fendhlb%252Fnewsletters%252Fv20%
252Fposts%252Fthreatening-email-from-indian-bodyshop%26title%3DThreatening%2BEmail%2BFrom%
2BIndian%2BBodyshop> StumbleUpon <http://click.icptrack.com/icp/relay.php?r=15468897
&msgid=152212&act=RFFI&c=546921&admin=0&destination=http%3A%2F%2Fwww.stumbleupon.com%
2Fsubmit%3Furl%3Dhttp%253A%252F%252Fcommunity.icontact.com%252Fp%252Fendhlb%
252Fnewsletters%252Fv20%252Fposts%252Fthreatening-email-from-indian-bodyshop%26title%
3DThreatening%2BEmail%2BFrom%2BIndian%2BBodyshop>

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Version: 9.0.709 / Virus Database: 270.14.87/2535 - Release Date: 11/29/09 23:31:00

Reference No. 2009.91076

Account No. 140660

**HERTEN, BURSTEIN, SHERIDAN, CEVASCO,
BOTTINELLI, LITT & HARZ, L.L.C.**

Counsellors at Law

Court Plaza South, West Wing

21 Main Street - Suite 353

Hackensack, New Jersey 07601

(201) 342-6000

Attorneys for Plaintiffs

Apex Technology Group, Inc. and Sarvesh Kumar Dharayan

APEX TECHNOLOGY GROUP, INC., and
SARVESH KUMAR DHARAYAN,

Plaintiffs,

v.

JOHN DOE (S) 1-10 (being fictitious names
for persons not yet identified), JOHN DOE
(S) 11-20 (being fictitious names for persons
not yet identified), ABC Corporation (s) 1-10
(being fictitious names for legal entities not
yet identified).

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION; MIDDLESEX COUNTY
DOCKET NO. MID-L-7879-09

CIVIL ACTION

**CERTIFICATION OF PATRICK
PAPALIA, ESQ.**

PATRICK PAPALIA, ESQ., of full age, hereby certifies as follows:

1. I am an attorney-at-law of the State of New Jersey and partner in the firm of Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, L.L.C., counsel for Plaintiffs Apex Technology Group, Inc. and Sarvesh Kumar Dharayan ("Plaintiffs") in connection with the above-captioned action. I am fully familiar with the facts and circumstances of this case. I make this Certification in support of Plaintiffs' Order to Show Cause with Temporary Restraints.

2. On behalf of my client I forwarded a letter dated December 1, 2009 to admin@endh1b.com advising that this office was counsel for Plaintiffs, and that any and all

disparaging remarks regarding Plaintiffs must cease immediately. A true and accurate copy of that letter is attached to this certification as Exhibit A.

3. Several emails were subsequently exchanged. A true and accurate copy of those emails is attached as Exhibit A.

4. Following receipt of the email below, wherein the individual or individuals corresponding using the email address admin@endh1b.com accused me of being complicit in “intimidating” H-1B workers, “human trafficking,” and profiting from a “high-tech slave trade,” I ceased direct communications with the individual or individuals. The full text of the final correspondence is below, and is also attached as an exhibit to this certification:

From: admin@endh1b.com [<mailto:admin@endh1b.com>]
Sent: Wednesday, December 02, 2009 11:36 AM
To: Patrick Papalia
Cc: 'Shawn Gibson'; sales@apextgi.com; training@apextgi.com;
info@apextgi.com; resume@apextgi.com
Subject: RE: Apex Technology Group

Mr. Papalia,

Sorry, we are not some exploited visa workers that take your threats seriously. Our organization knows that you are in the business of intimidating the H-1B workers who Apex has sponsored and abused by sending them phony legal threats. And I have evidence that Apex threatens the families in India of visa workers who dare to expose the labor violations and visa fraud committed by Apex.

You are complicate in human trafficking and have now encountered an adversary that is more than happy to engage in a public battle over the practices of bodyshops like Apex and predatory law firms like yours.

Be prepared to account for your actions and the actions of your client in the court of public opinion. We have contacted the media and groups like Programmer's Guild, WashTech, the Communications Workers Of America, Numbers USA, Bright Future Jobs and FAIR.

Together we are talking about tens of thousands of I.T. workers that can donate funds and resources to take on thugs like you and your illiterate

client. You and I both know that there are no "unlawful and disparaging publications" and your case has no merit. The only thing we have ever published is a comment from another website.

But it is useful for our cause -- to expose the high-tech slave trade that you profit from and the bullying tactics of agencies like Apex that have helped displace millions of American tech workers. And we have more information from other victims of Apex, and will decimate that when the time comes.

As for your client, you should counsel them not to pick a fight with well-funded groups who are not afraid of their tactics. They picked this fight, not www.endh1b.com. And because of that, our organization is preparing to share this entire dialogue with all the alleged "clients" of Apex. Once we begin our protest, it is highly unlikely these companies will want to do business with a firm engaged in such sordid tactics:

- # AIG Insurance
- # Ajilon
- # All State Insurance
- # Alliance Consulting
- # Ameriprise Financial
- # Avon
- # AT&T
- # AXA Financial, Inc.
- # Bank of America
- # Bank of New York
- # Barclays Capital
- # Blue Cross Blue Shield
- # BMW North America
- # Brown Brothers Harriman
- # Bunge
- # Capital One
- # Cingular Wireless
- # Cognizant Technology Solutions
- # Comcast
- # Commerce Bank
- # Comsys
- # CooperVision
- # Country Wide Insurance
- # Credit Suisse
- # Doreen Evans Associates
- # Dow Jones
- # Eliassen Group
- # emc

ETS
Fannie Mae
Fairleigh Dickinson University
Fidelity Investments
Goldman Sachs
Heinz
Helios & Matheson
IBM
JP Morgan Chase
Kforce Technology Staffing
KPMG
Loews Corporation
McGraw Hill
Medco
Mercer
Merck
Merrill Lynch
MetLife
Miami Dade County
Microsoft Corporation
Modis IT
Moody's Investors Service
National Basketball Association
National City Corporation
Nationwide Insurance
New York Stock Exchange
Optical Research Associates
Pfizer, Inc
Price Waterhouse Coopers
Sapphire Technologies
Scanbuy
Schering Plough
Siemens Health Services
State Street
Sun Microsystems
Sun Trust Bank
Tek Systems
The Hartford
Thompson Reuters
UBS
UNFCU
United Healthcare
Verizon Wireless
Wells Fargo
Willkie Farr & Gallagher

Regards,
Admin
www.endh1b.com

5. Subsequently, in a further effort to defame the Plaintiffs and distort the facts of this matter, the individual or individuals operating under the username admin@endh1b.com posted my letter to admin@endh1b.com, on the website www.endh1b.com. In that correspondence I requested the contact information for admin@h1b.com's counsel. That correspondence stated:

Dear Sir/Madam:

Please provide me with the name of your lawyer and law firm. This is a serious matter and the false, tortious and defamatory statements you have made as to Apex will not go unaddressed. Any further unlawful action at this time by you will further expose you to punitive damages for your intentional and malicious conduct in any ensuing litigation.

Patrick Papalia, Esq.

Below the full text of that correspondence, the individual operating under username admin@endh1b.com posted the statement:

We don't want to waste our money on legal counsel over what is clearly an attempt to intimidate and silence us with our lawyer.

6. That statement is taken out of context, and is simply another example of admin@endh1b.com's blatant attempts to paint my client and now my office in a false and negative light. The clear insinuation is that I was attempting to unilaterally compel admin@endh1b.com to incur counsel fees. What the website failed to include was the email to me that prompted the correspondence above. That email, which I received from admin@endh1b.com indicated that after deciding on a plan of action, they may provide contact

information of their legal counsel. In the spirit of seeing if I could resolve this matter without the need for judicial intervention, I requested the contact details for their legal counsel. The admin@endh1b.com email stated in pertinent part, "Is the Hackensack address of your firm the correct address for our lawyers to contact your firm?" A true and accurate copy of that exchange is attached to this Certification as Exhibit B.

7. False and defamatory comments regarding Plaintiffs and my firm taken from www.endh1b.com have also been posted on www.itgrunt.com. That website does not allow for direct printing of the web page, but a true and accurate copy of those false and defamatory comments are attached to this Certification as Exhibit C. The introductory comment, titled "Apex Tech and their Soprano-ish Lawyer" states:

Apex Tech and Their Soprano-ish Lawyer

Tunnel Rat posted on December 3, 2009 10:26

The last we heard, our fellow insurgents were getting threatening emails from a one Patrick Papalia, Esq. of the law firm Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, LLC, who appears to be representing the Desi douchebags at notorious bodyshop Apex Technology Group:

Dear Sir/Madam:

Please provide me with the name of your lawyer and law firm. This is a serious matter and the false, tortious and defamatory statements you have made as to Apex will not go unaddressed. Any further unlawful action at this time by you will further expose you to punitive damages for your intentional and malicious conduct in any ensuing litigation.

Patrick Papalia, Esq.

Judging by his online profile, Patrick Papalia appears to be more suited for defending clients in the "sanitation" industry, if you know what I mean.



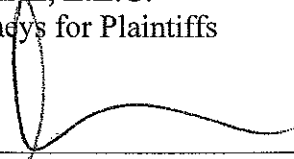
But corrupt Desi bodyshops like Apex are not far removed from that industry, so they are a good source of income for folks like Mr. Papalia, Esq.

The admin at end1hb.com had a good response to Mr. Desi Doucebag Lawyer, and it revealed that many of Apex's clients got TARP funds. Yep, this is how B of A, etc. get around TARP restrictions and hire slumdogs -- they go through bodyshops like Apex. And WTF is the NBA doing hiring slumdogs?

8. The foregoing demonstrates a sample of the campaign of defamation and distortion of facts which now includes my law firm that has been undertaken by www.endh1b.com, the individual or individuals posting and corresponding under the usernames admin@endh1b.com and mmillere2006@yahoo.com, and the individuals posting defamatory content on www.endh1b.com.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**HERTEN, BURSTEIN, SHERIDAN,
CEVASCO, BOTTINELLI, LITT
& HARZ, L.L.C.**
Attorneys for Plaintiffs

By: 

Patrick Papalia

Dated: December 3, 2009

HERTEN BURSTEIN

HERTEN BURSTEIN SHERIDAN CEVASCO BOTTINELLI LITT & HARZ LLC
Counsellors at Law



21 MAIN STREET, SUITE 353
COURT PLAZA SOUTH - WEST WING
HACKENSACK, NEW JERSEY 07601-7095
TEL: (201) 342-6000
FAX: (201) 342-6611

PATRICK PAPALIA
MEMBER OF THE FIRM

MEMBER OF NJ, NY & DC BARS
WRITER'S DIRECT DIAL: (201) 498-8504
WRITER'S EMAIL: ppapalia@HertenBurstein.com

747 THIRD AVENUE
37TH FLOOR
NEW YORK, NEW YORK 10017
TEL: (212) 363-1380

WWW.HERTENBURSTEIN.COM

Please reply to Hackensack

December 1, 2009

NOTICE TO CEASE & DESIST

Admin
admin@endh1b.com

**Re: Apex Technology Group Inc.
Our File No. 1248.**

Dear Sir/Madam:

This firm represents Apex Technology Group Inc. ("Apex"). I am in receipt of various e-mails that you have forwarded to third parties making disparaging comments regarding Apex. Apex is a lawful company and complies with all rules and regulations. Your e-mails are unlawful and must cease immediately. Please cease from forwarding any further disparaging e-mails related to Apex otherwise Apex will proceed with filing suit to cease your unlawful conduct.

Additionally, you have contacted Apex requesting information. Please be advised that all communications must be directed through my firm. You are not to contact Apex under any circumstances.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Patrick Papalia', with a long horizontal flourish extending to the right.

PATRICK PAPALIA

PP/js
VIA E-MAIL

Patrick Ascolese

From: Patrick Papalia
Sent: Wednesday, December 02, 2009 8:38 AM
To: 'admin@endh1b.com'
Subject: Apex Technology Group

Dear Sir/Madam:

It is clear from your response and failure to provide your purported legal advisors contact information that you are a rogue anonymous poster attempting to cause unlawful damage to Apex, an upstanding and exceptional organization in the business community. As a result you have left me no choice but to seek legal redress to address and enjoin your unlawful and disparaging publications. I will be serving you with the papers shortly.

Regards,

Patrick Papalia, Esq.

Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, LLC

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Hackensack, New Jersey 07601

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To: Patrick Papalia
Subject: RE: Apex Technology Group

Dear Sir/Madam:

Please keep in mind that your client contacted us in an attempt to intimidate our organization and reveal the identity of visa worker that was victimized by them. We did not publish any "false, tortious [sic] and defamatory statements" as to Apex and only reposted the contents of comments made on another website.

Once Apex sent us a threatening email, we were obligated to notify our membership that we would need to raise funds for any defensive legal activity. We were in our rights to do so, and will continue to communicate to our members the status of this matter via our weekly newsletter that goes out to the media and the I.T. community. Once our executive committee decides on a plan of action, we may provide you the contact information for our legal representation at that time.

As for the other matter at hand, the USCIS needs to know the correct business address of Apex so that they can investigate the complaint that we have made. We have numerous documents and evidence provided by our members that indicate that Apex is engaged in widespread visa and labor fraud and are prepared to release it to the public. Please provide me with that information so that we can complete the complaint.

Regards,

Admin
endh1b.com

-----Original Message-----

From: Patrick Papalia [mailto:ppapalia@hertenburstein.com]
Sent: Tuesday, December 01, 2009 3:23 PM
To: admin@endh1b.com
Subject: Apex Technology Group

Dear Sir/Madam:

Please provide me with the name of your lawyer and law firm. This is a serious matter and the false, tortious and defamatory statements you have made as to Apex will not go unaddressed. Any further unlawful action at this time by you will further expose you to punitive damages for your intentional and malicious conduct in any ensuing litigation.

Patrick Papalia, Esq.

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-----Original Message-----

From: admin@endh1b.com [<mailto:admin@endh1b.com>]
Sent: Tuesday, December 01, 2009 5:47 PM
To: Judy Stankiewicz; Patrick Papalia
Subject: RE: Apex Technology Group

Mr. Papalia,

Thanks for your correspondence. The USCIS wants to know the correct address of Apex for the immigration fraud complaint that we are filing. We have received evidence from our members that Apex is illegally keeping visa workers on the bench, charging for visas, and withholding passports and pay of the H-1B workers that it has sponsored. Should we use the 2 Kilmer Road address or 2703 Merrywood address?

And it appears that your client has been trying to harass U.S. citizens who are exercising their First Amendment rights in an attempt to track down one of their H-1B guest workers that they sponsored and cheated. Someone name "Shawn Gibson" from Apex has been sending us threatening emails written in broken English with threats of legal action concerning some mysterious "legal document" that we never published. Since the emails were so incoherent, we at first ignored them. Now we are prepared to defend ourselves and are raising money for our legal efforts.

Is the Hackensack address of your firm the correct address for our lawyers to contact your firm?

As for disparaging emails, all correspondence between Apex, Herten Burtenstein, and our organization will be made a matter of public record, including this C & D.

Regards,
Admin
www.endh1b.com

-----Original Message-----

From: Judy Stankiewicz [<mailto:jstankiewicz@hertenburstein.com>]
Sent: Tuesday, December 01, 2009 11:53 AM
To: Admin@endh1b.com
Cc: Patrick Papalia
Subject: Apex Technology Group

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.709 / Virus Database: 270.14.87/2535 - Release Date: 11/30/09 23:59:00

From: Patrick Papalia [mailto:ppapalia@hertenburstein.com]
Sent: Tuesday, December 01, 2009 3:23 PM
To: admin@endh1b.com
Subject: Apex Technology Group

Dear Sir/Madam:

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Patrick Papalia, Esq.

Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, LLC

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As for disparaging emails, all correspondence between Apex, Herten Burtenstein, and our organization will be made a matter of public record, including this C & D.

Regards,
Admin
www.endh1b.com

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Subject: Apex Technology Group

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 9.0.709 / Virus Database: 270.14.87/2535 - Release Date:
11/30/09
23:59:00

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 9.0.709 / Virus Database: 270.14.87/2535 - Release Date: 12/01/09
11:32:00

Patrick Ascolese

From: Patrick Papalia
Sent: Wednesday, December 02, 2009 11:57 AM
To: 'Sarvesh Kumar Dharayan'
Cc: Patrick Ascolese
Subject: FW: Apex Technology Group

Dear Sarvesh:

Please see below, the emails continue, I will not respond further and just file the suit papers.

Patrick Papalia, Esq.

Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, LLC

Court Plaza South

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Cc: 'Shawn Gibson'; sales@apextgi.com; training@apextgi.com; info@apextgi.com; resume@apextgi.com
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Mr. Papalia,

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Be prepared to account for your actions and the actions of your client in the court of public opinion. We have contacted the media and groups like Programmer's Guild, WashTech, the Communications Workers Of America, Numbers USA, Bright Future Jobs and FAIR.

Together we are talking about tens of thousands of I.T. workers that can donate funds and resources to take on thugs like you and your illiterate client. You and I both know that there are no "unlawful and disparaging publications" and your case has no merit. The only thing we have ever published is a comment from another website.

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- # AIG Insurance
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- # Alliance Consulting
- # Ameriprise Financial
- # Avon
- # AT&T
- # AXA Financial, Inc.
- # Bank of America
- # Bank of New York
- # Barclays Capital
- # Blue Cross Blue Shield
- # BMW North America
- # Brown Brothers Harriman
- # Bunge
- # Capital One
- # Cingular Wireless
- # Cognizant Technology Solutions
- # Comcast
- # Commerce Bank
- # Comsys
- # CooperVision
- # Country Wide Insurance
- # Credit Suisse
- # Doreen Evans Associates
- # Dow Jones
- # Eliassen Group
- # emc
- # ETS
- # Fannie Mae
- # Fairleigh Dickinson University
- # Fidelity Investments
- # Goldman Sachs
- # Heinz
- # Helios & Matheson
- # IBM

JP Morgan Chase
Kforce Technology Staffing
KPMG
Loews Corporation
McGraw Hill
Medco
Mercer
Merck
Merrill Lynch
MetLife
Miami Dade County
Microsoft Corporation
Modis IT
Moody's Investors Service
National Basketball Association
National City Corporation
Nationwide Insurance
New York Stock Exchange
Optical Research Associates
Pfizer, Inc
Price Waterhouse Coopers
Sapphire Technologies
Scanbuy
Schering Plough
Siemens Health Services
State Street
Sun Microsystems
Sun Trust Bank
Tek Systems
The Hartford
Thompson Reuters
UBS
UNFCU
United Healthcare
Verizon Wireless
Wells Fargo
Willkie Farr & Gallagher

Regards,
Admin
www.endhlb.com

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Regards,

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Regards,

Admin
endh1b.com

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Patrick Papalia, Esq.

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If you receive this electronic transmission in error, please immediately notify the sender by telephone at (201) 342-6000 or by electronic mail at mailto: ppapalia@hertenburstein.com and delete this message.

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-----Original Message-----

From: admin@endh1b.com [mailto:admin@endh1b.com]
Sent: Tuesday, December 01, 2009 5:47 PM
To: Judy Stankiewicz; Patrick Papalia
Subject: RE: Apex Technology Group

Mr. Papalia,

Thanks for your correspondence. The USCIS wants to know the correct address of Apex for the immigration fraud complaint that we are filing. We have received evidence from our members that Apex is illegally keeping visa workers on the bench, charging for visas, and withholding passports and pay of the H-1B workers that it has sponsored. Should we use the 2 Kilmer Road address or 2703 Merrywood address?

And it appears that your client has been trying to harass U.S. citizens who are exercising their First Amendment rights in an attempt to track down one of their H-1B guest workers that they sponsored and cheated. Someone name "Shawn Gibson" from Apex has been sending us threatening emails written in broken English with threats of legal action concerning some mysterious "legal document" that we never published. Since the emails were so incoherent, we at first ignored them. Now we are prepared to defend ourselves and are raising money for our legal efforts.

Is the Hackensack address of your firm the correct address for our lawyers to contact your firm?

As for disparaging emails, all correspondence between Apex, Herten Burtenstein, and our organization will be made a matter of public record, including this C & D.

Regards,
Admin
www.endh1b.com

-----Original Message-----

From: Judy Stankiewicz [mailto:jstankiewicz@hertenburstein.com]
Sent: Tuesday, December 01, 2009 11:53 AM
To: Admin@endh1b.com
Cc: Patrick Papalia
Subject: Apex Technology Group

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.709 / Virus Database: 270.14.87/2535 - Release Date:

11/30/09

23:59:00

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.709 / Virus Database: 270.14.87/2535 - Release Date: 12/01/09

11:32:00

Apex Tech and Their Soprano-ish Lawyer

Tunnel Rat posted on December 3, 2009 10:26

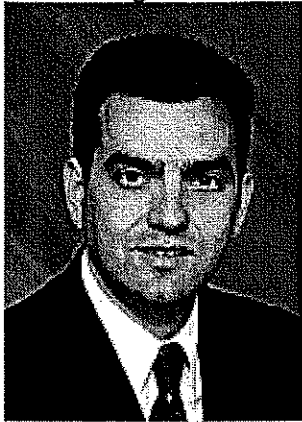
The last we heard, our fellow insurgents were getting threatening emails from a one Patrick Papalia, Esq. of the law firm Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, LLC, who appears to be representing the Desi douchebags at notorious bodyshop Apex Technology Group:

Dear Sir/Madam:

Please provide me with the name of your lawyer and law firm. This is a serious matter and the false, tortious and defamatory statements you have made as to Apex will not go unaddressed. Any further unlawful action at this time by you will further expose you to punitive damages for your intentional and malicious conduct in any ensuing litigation.

Patrick Papalia, Esq.

Judging by his online profile, Patrick Papalia appears to be more suited for defending clients in the "sanitation" industry, if you know what I mean.



But corrupt Desi bodyshops like Apex are not far removed from that industry, so they are a good source of income for folks like Mr. Papalia, Esq.

The admin at end1hb.com had a good response to Mr. Desi Doucebag Lawyer, and it revealed that many of Apex's clients got TARP funds. Yep, this is how B of A, etc. get around TARP restrictions and hire slumdogs -- they go through bodyshops like Apex. And WTF is the NBA doing hiring slumdogs?

We need to get to the bottom of this, people. If you work at anyone of these firms mentioned in this email to Mr. Papalia, Esq., please provide us with some info on who is responsible for using contractors from Apex. We want to make life hell for those collaborators:

Mr. Papalia,

Sorry, we are not some exploited visa workers that take your threats seriously. Our organization knows that you are in the business of intimidating the H-1B workers who Apex has sponsored and abused by sending them phony legal threats. And I have evidence that Apex threatens the families in India of visa workers who dare to expose the labor violations and visa fraud committed by Apex.

You are complicate in human trafficking and have now encountered an adversary that is more than happy to engage in a public battle over the practices of bodyshops like Apex and predatory law firms like yours.

Be prepared to account for your actions and the actions of your client in the court of public opinion. We have contacted the media and groups like Programmer's Guild, WashTech, the Communications Workers Of America, Numbers USA, Bright Future Jobs and FAIR.

Together we are talking about tens of thousands of I.T. workers that can donate funds and resources to take on thugs like you and your illiterate client. You and I both know that there are no "unlawful and disparaging publications" and your case has no merit. The only thing we have ever published is a comment from another website.

But it is useful for our cause -- to expose the high-tech slave trade that you profit from and the bullying tactics of agencies like Apex that have helped displace millions of American tech workers. And we have more information from other victims of Apex, and will decimate that when the time comes.

As for your client, you should counsel them not to pick a fight with well-funded groups who are not afraid of their tactics. They picked this fight, not www.endh1b.com. And because of that, our organization

is preparing to share this entire dialogue with all the alleged "clients" of Apex. Once we begin our protest, it is highly unlikely these companies will want to do business with a firm engaged in such sordid tactics:

- # AIG Insurance
- # Ajilon
- # All State Insurance
- # Alliance Consulting
- # Ameriprise Financial
- # Avon
- # Avon
- # AT&T
- # AXA Financial, Inc.
- # Bank of America
- # Bank of New York
- # Barclays Capital
- # Blue Cross Blue Shield
- # BMW North America
- # Brown Brothers Harriman
- # Bunge
- # Capital One
- # Cingular Wireless
- # Cognizant Technology Solutions
- # Comcast
- # Commerce Bank
- # Comsys
- # CooperVision

Country Wide Insurance
Credit Suisse
Doreen Evans Associates
Dow Jones
Eliassen Group
emc
ETS
Fannie Mae
Fairleigh Dickinson University
Fidelity Investments
Goldman Sachs
Heinz
Helios & Matheson
IBM
JP Morgan Chase
Kforce Technology Staffing
KPMG
Loews Corporation
McGraw Hill
Medco
Mercer
Merck
Merrill Lynch
MetLife
Miami Dade County
Microsoft Corpotation

Modis IT
Moody's Investors Service
National Basketball Association
National City Corporation
Nationwide Insurance
New York Stock Exchange
Optical Research Associates
Pfizer, Inc
Price Waterhouse Coopers
Sapphire Technologies
Scanbuy
Schering Plough
Siemens Health Services
State Street
Sun Microsystems
Sun Trust Bank
Tek Systems
The Hartford
Thompson Reuters
UBS
UNFCU
United Healthcare
Verizon Wireless
Wells Fargo
Willkie Farr & Gallagher

Regards,

Admin

www.endh1b.com

Dumbass Desi Bodyshop Sends Phony Legal Threats

Tunnel Rat posted on December 1, 2009 20:21

Geez, Desis are so fuckin' dumb. I'm talking about the ones that showed up here in the last few years and write at a 3rd grade level and think that they can bully and harass the locals. Are all you curry-scented scumbags dumb, delusional, or both?

Take for instance this cow-urine drinker from Apex Technology Group that is harassing our fellow insurgents at www.endh1b.com. After that site posted a testimonial from that forum for H-1B horror stories, Desicrunch.com, the Desi douchebag at Apex thought that he could start threatening legal action and get www.endh1b.com to not only remove the post, but reveal the identity of the slumdog that was victimized by that bodyshop. The post at issue was on Desicrunch but has since been removed (after Apex threatened to kill the owner of Desicrunch, rape his wife, and throw acid in the face of his children, allegedly), but is available on www.endh1b.com :

*Fraud,cheating,lies and legal agreement @ Apex Technology Group Inc
www.apextgi.com This information is being mailed to you as a reply to your post regarding fraud @ Apex Technology Group Inc (<http://www.apextgi.com/>). Please find the employment agreement letter <http://www.docstoc.com/docs/10702214/agreement>, which I received after I started working for Apex at a client location. None of the terms were part of the initial agreement between me and Apex Technology Group Inc. I would like to take this opportunity to highlight several aspect"s of the 9 page legal agreement which might be important for you. For example : 30 day termination notice or forget your last paycheck when you quit, If you join a company (including any level between you and Apex) then pay \$35000 or face a law suit, \$9000 for legal,training and guest services when you quit. \$35000 if you quit in between a contract...etc. The legalities of the agreement are convoluted,complex and can/will be used against you if you displease Apex technology Group Inc. So once you sign that document you are at the mercy of the employer and much worse than a bonded labour in India. Apart from above, employees don"t receive their salary at the end of the*

month. It is usually received @ a random date in the following month, provided you are lucky. Else you would have to chase HR/Accounting to get your pay check. This process helps Apex technology group inc to hold back pay incase you choose to accept employment at another location. The most important aspect of your transaction"s with Apex Technology Group Inc is that they tell you one thing before you transfer your H1B to their consulting firm and then later do not stick to what they say(aka lies & cheating). In other words once you file/transfer your H1B to them you more or less become their slave and you will get entangled in their web of lies and legal documents. They run the company, they are very unprofessional and treat employees ...

Yesterday, the administrator at www.endh1b.com received this Hinglish email from a "Shawn Gibson" with nebulous threats of legal action:

Dear Sir or Madam;

On 11/23/2009 Apex Technology Group, Inc. came to an attention about your website www.endh1b.com which provided artificial and untruthful statement to the public which can't even confirmed by this specific individuals who claim himself as Mr. Pankaj Jain and is defaming Apex Technology Group reputation in many other websites which are currently cooperating with our Attorney. I would like to bring this to you attention that our Attorney has went forward with legal proceedings against this culprit. As per you if owner is not responsible for the information posted on this website has full right to remove the article requested by Apex TGI.

*I am disappointed because your services didn't check the authenticity of the person who posted our legal document which has defamed our Apex Technology Group's image and could lead to heavy losses to the revenue which has reputation and been in the business since 2001. To further minimizing the damage to Apex Technology Group's reputation I purpose you remove the article linked to your website. I further request you to provide us the contact details of the individual who posted this legal agreement without permission since we are the copyright owner of the legal document. We request that you investigate the substance of our complaint, and provide us with the contact details of the individual in fault, pursuant to **Section 512(f) of the DMCA**, any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability, as suggested in your website, if these allegation are found valid. Please respond to us in writing.*

To resolve the problem I would appreciate and require you to take the action to remove the link attached below:

<http://endh1b.com/Web/blogs/endh1b/archive/2009/11/19/indentured-servitude-is-part-of-the-business-model.aspx>

I look forward to hearing from you and to a resolution of this problem. I will wait till 12/04/2009 before arranging for the matter to be removed from your website by a third party (Company's Attorney) at your cost or seeking help from Consumer Protection Agency. Please feel free to reach me for any further inquiries at the contact information below.

Thanks and Regards

Well, fuck you very much, "Shawn." First off this is nothing more than an Indian's attempt at thuggery, the kind practiced in India. There is clearly no obligation for www.endh1b.com to remove the post, much less help Apex track down a one "Mr. Pankaj Jain" so that his family can be attacked by the agents of Apex in India. This is not surprising -- Indians are some of the dumbest, most delusional creeps that have ever walked the face of the earth, and the Desi bodyshop owner is in a class of its own. Even the Indians hate them.

But this maderchad, "Shawn" has made the mistake of fucking with the wrong people. The folks over at www.endh1b.com published his threats in their newsletter, which goes out to thousands of I.T. professionals, and hundreds of media personalities, not to mention a few federal agencies like the USCIS, DOL, and DOJ. Apex also happened to get a copy of the newsletter in their inbox, and here was their response:

Dear Sir or Madam;

Our email was not to threat your organization instead a request to cooperate with us to guide us through a process in which we could reach out to the individual who has been harassing and defaming our companies reputation by posting wrong information on the other websites. Our company has been in good standing from the day 1 it started. Again I would really appreciate if you could come out with a feedback on this issue. Looking forward to hear from you.

Ah, so talk about getting a "Company's attorney at your cost" was not a threat, just an attempt to track down a disobedient slumdog. This "Shawn" guy is one sick fuck. My research into Apex revealed the following:

- a. 2 Kilmer Rd, Edison N.J., the address of "Shawn", appears to be either a dumpy apartment above a seedy dinner, or a farmer's market.
- b. Apex appears to have a history of human trafficking and visa fraud:

This employer filed numerous Labor applications before retrogression with all the resumes from Internet; some without the candidates signature. He has been selling those pre-approved labors to people who approach him; above all when approached for some employee references, he boasted of 1 million turnover etc., but never gave a single employee reference. It looks like these guys are into squeezing your \$\$s with the lure of green card. BEWARE!!!

- c. According to LinkedIn, they have 9 employees, one with the name of "Waiting Opportunity" but no one with the name of "Shawn Gibson

At last word, the folks over at www.endh1b.com had pretty much told "Shawn Gibson" to go take a flying fuck:

Mr./Ms. Gibson:

I doubt that your name is Shawn Gibson. You sound like an Indian who is trying to intimidate American citizens exercising their First Amendment rights. We are not in the business of helping exploitative Desi bodyshops target their H-1B victims for harassment, retribution, or violence.

Since you are not a U.S. citizen, you have no standing and your empty threats will be ignored. We have already contacted the USCIS to investigate your firm. And this newsletter goes out to thousands of executives in the I.T. industry and hundreds of media contacts. Be prepared to answer some questions from the feds and the press.

BTW, one of the members of our organization is Business Week writer Steve Hamm and he has received this newsletter. You may be familiar with him -- he wrote this cover story:

America's High-Tech Sweatshops

U.S. companies may be contributing unwittingly to the exploitation of workers imported from India and elsewhere by tech-services outfits