IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

LEAGUE OF WOMEN VOTERS OF NEW HAMPSHIRE, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES, NANCY MARASHIO, JAMES FIESEHER, AND PATRICIA GINGRICH, Plaintiffs, v. **STEVE KRAMER, LINGO TELECOM, LLC, VOICE BROADCASTING CORPORATION, and LIFE CORPORATION,** Defendants.	Civil Action No. 1:24-cv-73-SM-TSM **FIRST AMENDED COMPLAINT**

NATURE OF THE CASE

1.   Plaintiffs League of Women Voters of New Hampshire ("LWV-NH"), League of Women Voters of the United States ("LWV-US"), Nancy Marashio, James Fieseher, and Patricia Gingrich (collectively, "Plaintiffs") bring this action to protect the right to vote free from intimidation, threats, or coercion, which was unlawfully infringed upon as a result of the actions and threatened actions of Defendants Steve Kramer, Voice Broadcasting Corporation, Life Corporation, and Lingo Telecom, LLC (collectively, "Defendants").

2.   On January 21, 2024, two days before the 2024 New Hampshire Presidential Primary Election ("the New Hampshire Primary"), Defendants sent thousands of robocalls (the "New Hampshire Robocalls") to people they thought were likely Democratic voters, including, but not limited to, members of Plaintiffs LWV-US and LWV-NH. The New Hampshire Robocalls featured a voice generated with voice cloning artificial intelligence ("AI") technology, also known

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as a "deepfake,"[1] that simulated the voice of President Joe Biden. To add to the deception, at least some of the New Hampshire Robocalls "spoofed" a personal phone number associated with a prominent former state Democratic Party leader known to be organizing a write-in campaign for President Biden.[2] The New Hampshire Robocalls urged recipients not to vote in the primary in order to "save" their vote for the November 2024 U.S. Presidential Election (the "General Election"), falsely and maliciously stating that casting a vote in the New Hampshire Primary would "only enable[] the Republicans in their quest to elect Donald Trump again."

3.   Defendants sent the New Hampshire Robocalls to New Hampshire voters for the purpose of intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce them, into not voting in the New Hampshire Primary.

4.   This is an action pursuant to Section 11(b) of the Voting Rights Act (52 U.S.C. § 10307(b)), the Telephone Consumer Protection Act (47 U.S.C. § 227(b)), and the New Hampshire Election Laws (RSA 664:14-a, 664:14-b) for declaratory and injunctive relief, and damages, for the unlawful infringement of voting rights and the distribution of unlawful robocalls.

5.   Plaintiffs are individual United States citizens who reside in New Hampshire and organizations that are incorporated in or have chapters in New Hampshire.

6.   As described below, Defendants orchestrated a deceitful and malicious scheme, bolstered by artificial intelligence and caller ID spoofing, to suppress Democratic voter participation in the New Hampshire Primary. The Defendants sent robocalls to thousands of New

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[1] "Deepfake" is "an image or recording that has been convincingly altered and manipulated to misrepresent someone as doing or saying something that was not actually done or said." Deepfake, Merriam-Webster, https://www.merriam-webster.com/dictionary/deepfake#dictionary-entry-1 (last visited Mar. 13, 2024).

[2] "Spoofed" is defined as deliberately falsifying the information transmitted via caller ID display to disguise the caller's identity. *See* FCC, Caller ID Spoofing, https://www.fcc.gov/spoofing (last visited Mar. 13, 2024).

Hampshire residents, falsely insinuating that they could lose their ability to vote if they participated in the New Hampshire Primary.

7.   The Defendants' actions must be declared unlawful, punished, and enjoined nationwide to prevent Defendants from engaging in the same deception in other elections, and to prevent irreparable harm to voters in advance of the General Election.

JURISDICTION

8.   This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 because this action arises under federal law, specifically Section 11(b) of the Voting Rights Act of 1965, 52 U.S.C. § 10307(b), and the Telephone Consumer Protection Act, 47 U.S.C. § 227(b).

9.   This Court has authority to issue declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202.

10.   This Court has supplementary jurisdiction over the state law claims alleged herein pursuant to 28 U.S.C. § 1367(a) because the state claims are related to the federal claims and form part of the same case or controversy.

PARTIES

11.   Plaintiff LWV-US is a nonpartisan, non-profit civic engagement organization with the mission to encourage informed and active participation in government, increase understanding of major public policy issues, and influence public policy through education and advocacy. LWV-US's chapters in all 50 states and Washington, D.C. conduct state and local advocacy, voter registration and engagement, civic education, and member enrichment programs. Because the LWV-US is nonpartisan, it neither supports nor opposes candidates or political parties at any level of government, but always works on vital civic issues of concern to members and the public. LWV-US has over 70,000 dues-paying members in over 700 state and local chapters throughout

the United States. At least some of its members received the New Hampshire Robocalls. Because

voter suppression is a fundamental issue of concern to LWV-US members and the public, LWV-

US has had to divert money, time, and other resources from its critical election-year civic

engagement and election support programs to address Defendants' threatening, intimidating, and

coercive tactics.

12.   Plaintiff LWV-NH is the LWV-US's affiliate in New Hampshire. LWV-NH has

over 300 dues-paying members across 3 local chapters. At least some of its members received the

New Hampshire Robocalls. LWV-NH shares LWV-US's nonpartisan mission to encourage

informed and active participation in government, increase understanding of major public policy

issues, and influence public policy through education and advocacy. Because voter suppression is

a fundamental issue of concern to LWV-NH members and the public, LWV-NH must similarly

divert money, time, and other resources to address Defendants' threatening, intimidating, and

coercive tactics.

13.   During the relevant period, Plaintiff Nancy Marashio was a lawfully registered

voter in New London, New Hampshire, and a member of LWV-NH and LWV-US.

14.   During the relevant period, Plaintiff James Fieseher, M.D., was a lawfully

registered voter in Dover, New Hampshire.

15.   During the relevant period, Plaintiff Patricia Gingrich was a lawfully registered

voter in Barrington, New Hampshire, and a member of LWV-NH and LWV-US.

16.   Defendant Steve Kramer is a resident of New Fairfield, Connecticut.

17.   Defendant Voice Broadcasting Corporation ("Voice Broadcasting"), is a business

entity with a principal place of business, head office, or otherwise valid mailing address at 1527

South Copper Street, Arlington, Texas 76110.

18.   Defendant Life Corporation ("Life Corp") is a business entity with a principal place of business, head office, or otherwise valid mailing address at 1527 South Copper Street, Arlington, Texas 76110.

19.   Defendant Lingo Telecom, LLC ("Lingo") is a Michigan corporation, with additional operations in Texas, Alabama, and Georgia. Since 2016, Lingo has operated under at least eleven different corporate names.[3]

BACKGROUND

20.   "[S]ince the right to exercise the franchise [of voting] in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized." *Reynolds v. Sims,* 377 U.S. 533, 562 (1964). It is essential that voters be able to exercise their right to vote free of deception, coercion, threat, intimidation, or any attempt thereof, to safeguard all other rights guaranteed by the Constitution. *See McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185, 191 (2014) ("There is no right more basic in our democracy than the right to participate in electing our political leaders.").

21.   While bad faith actors have long sought to undermine the electoral process through threats, intimidation, and coercion, the Defendants' malicious use of artificial intelligence poses a novel and dangerous threat to American democracy. Using inexpensive and widely available technology, Defendants were able to send a message seemingly from the President of the United States, and *de facto* leader of the Democratic Party, to thousands of voters, threatening the loss of their right to vote in the General Election if they participated in the New Hampshire Primary. To

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[3] Lingo has operated or is currently operating under the following names: Americatel, Bullseye Comm, Clear Choice Communications, Excel Telecommunications, Impact Telecom, Lingo, Lingo Communications, Matrix Business Technologies, Startec Global Communications, Trinsic Communications, and VarTec Telecom. *See* Mich. Dept. of Licensing and Regulatory Affairs, https://cofs.lara.state.mi.us/CorpWeb/UAA/UAAAssumedNames.aspx?CID=6C3UB4&PageType=VIEW   (last visited Mar. 28, 2024).

add legitimacy to the threat, Defendants spoofed the call by misappropriating the identity of a local Democratic party leader known to be organizing a write-in campaign on behalf of President Biden.

22.   If Defendants' threatening, intimidating, and coercive tactics are not immediately declared unlawful, enjoined, and punished, citizens' ability to exercise their right to vote free and unimpaired—the linchpin of all other civil and political rights—will be imperiled. Defendants have demonstrated that they are capable of executing a mass voter suppression scheme, less than 48 hours before an election, at minimal costs. Unless enjoined, Defendants can be expected carry on with business as usual and engage in future unlawful, intimidating, threatening, and coercive schemes, impacting even more consequential elections, with even more devastating consequences.

Steve Kramer is a Long-Time Political Consultant with a Track Record of Misconduct

23.   Defendant Steve Kramer is a political consultant with over 20 years' experience organizing robocalls, ballot access initiatives, and voter turnout operations.   He claims to have worked on political campaigns in 38 different states and handled campaigns for 59 members of Congress.

24.   Kramer is the sole owner of Get Out the Vote, a political consulting firm, which provides a variety of services to political campaigns, including automated calling (i.e., robocalls), live calling, texting, and door-to-door (e.g., ballot access) campaigns. Kramer has claimed that he is "one of the largest automated call vendors in the country," and has the ability to transmit "15.4 million calls in a day."[4] He purports to operate three call centers in the United States, with locations in Arlington, TX, and East Hartford, CT, and employs 18 to 50 people at any one time. Kramer also claims he is able to send 5.5 million texts per day via his "blast texting" services.[5]

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[4] Kramer Deposition Excerpts, *Sarah Tirschwell for Mayor, Inc. v. Kramer*, No. 154123/2021, 14 (N.Y. Sup. Ct. Oct. 20, 2023), NYSCEF Doc. No. 83.

[5] *Id.* at 25.

25.   Kramer has been accused of malfeasance, misconduct, and fraud in connection with his political consulting work.

26.   In April 2019, Kramer was the subject of a complaint filed with the New York City Campaign Finance Board by a compliance aide to a local campaign for New York City Public Advocate.[6]   The compliance aide grew suspicious upon receiving a $90,000 invoice from a Kramer-affiliated consulting firm the day after the campaign received $500,000 in public matching funds from New York City.   A subsequent media investigation of the allegations revealed that Kramer and his associates concealed the identities of the recipients of campaign funds, altered invoices to inflate the costs of services provided, falsified canvassing records to misrepresent the extent of the services provided, and failed to properly disclose the nature of certain services provided to the campaign, including the organization of robocalls.

27.   In April 2021, Kramer was sued and accused of malfeasance by a former client who had paid him $80,000 to gather signatures to secure her appearance on the New York mayoral primary ballot.[7]   Per the court's findings, nearly 90% of the signatures that Kramer submitted were later ruled invalid by the New York City Board of Elections, and, in the course of litigation, Kramer was able to produce timecards for only a fraction of the petitioners and person-hours worked that he promised under the contract.[8]

28.   In September 2023, Kramer sent robocalls featuring an AI-generated voice of Senator Lindsey Graham to 300 South Carolina likely Republican primary voters asking whom

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[6] Laura Nahmias and Dana Rubinstein, *With taxpayer dollars flowing in, Konst's public advocate campaign accused of fraud*, Politico (May 1, 2019), https://www.politico.com/states/new-york/city-hall/story/2019/05/01/with-taxpayer-dollars-flowing-in-konsts-public-advocate-campaign-accused-of-fraud-997007.

[7] Summons and Verified Complaint, *Sarah Tirschwell for Mayor, Inc. v. Kramer*, No. 154123/2021 (N.Y. Sup. Ct. Apr. 28, 2021), NYSCEF Doc. No. 1.

[8] Decision + Order on Motion, *Sarah Tirschwell for Mayor, Inc. v. Kramer*, No. 154123/2021 (N.Y. Sup. Ct. Jan. 4, 2024), NYSCEF Doc. No. 115.

they supported in the 2024 South Carolina Republican Presidential Primary.[9] On information and belief, Kramer was testing the technology to assess its effectiveness as he was pitching AI-generated robocall services to potential clients around this time. Kramer has since claimed that the deepfake robocalls achieved a response rate four times higher than robocalls using a generic automated voice because Senator Graham's voice was familiar to South Carolina voters.

Voice Broadcasting & Life Corp are Affiliate Companies that Deliver Millions of Political Robocalls with Little to No Vetting

29.   Defendants Voice Broadcasting and Life Corp are part of a constellation of companies owned, controlled, or operated by Walter Monk, via the holding company Voice Ventures Inc. Monk's companies provide robocalling, political advertising, polling, fundraising and text messaging services. In November 2021, Monk claimed that his firm sent "millions of text messages and phone calls for both the Trump and Biden campaigns," and that it had sent messages and phone calls on "thousands of smaller races throughout the U.S."[10] Monk claimed that his firm generated $14.6 million in sales in 2020, and that it had updated its facility in Arlington, Texas to have more than 500 servers running in that location.

30.   Defendant Voice Broadcasting leases equipment and software to clients who wish to conduct election-related and other calling campaigns.

31.   Voice Broadcasting's website advertises its ability to help clients "create a powerfully persuasive set of recorded phone messages" and that its team "will call a targeted list of your prospects and play your message to them."[11] Voice Broadcasting also offers to "furnish a

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[9] Alex Seitz-Wald, *Democratic operative admits to commissioning fake Biden robocall that used AI*, NBC News (Feb. 25, 2024), https://www.nbcnews.com/politics/2024-election/democratic-operative-admits-commissioning-fake-biden-robocall-used-ai-rcna140402.

[10] *Meet Our 2021 Entrepreneurs of Excellence*, Fort Worth Inc. (Nov. 24, 2021), https://fortworthinc.com/awards-programs/eoe/2021-entrepreneur-of-excellence/.

[11] Voice Broadcasting, Inc., https://voicebroadcasting.com/default/.

phone list to dial to, for free," and maintains a "list database with hundreds of millions of records, which we will search through to find the people most likely to be interested in talking to you."[12]

32.   A previous iteration of Voice Broadcasting's website claimed that the company "pioneered the automated calling industry for countless political campaigns."[13] It further stated, "We use cutting-edge technologies and best practices to contact millions of registered voters with your automated message, giving you a definite edge over your competition."[14] On information and belief, these technologies include robocalls.

33.   On information and belief, Voice Broadcasting's platform allows clients to select the phone number and/or information that appears on the Caller ID display of the recipients of calling campaigns. This functionality allows clients to "spoof" Caller ID information, i.e., to deliberately falsify the information transmitted to the Caller ID display. On information and belief, Voice Broadcasting does not maintain any compliance protocols to detect or prevent its clients from unlawfully using Caller ID spoofing.

34.   On information and belief, Voice Broadcasting does not possess or employ technology to detect or prevent clients from transmitting audio recordings featuring unlawful artificially-generated or "deepfake" audio recordings.

35.   Defendant Steve Kramer is a longstanding client of Voice Broadcasting. Per a Lease Agreement executed by the parties on April 19, 2010, Voice Broadcasting provided Kramer automated dialing equipment, bandwidth and technical support for the purpose of initiating phone calls. Voice Broadcasting also provided Kramer with an "internet site to control dialing and to

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[12] *Id.*

[13] *The Company Behind Fake, AI-Generated Biden Robocalls Used to Run a Singles Hotline*, Texas Monthly (Feb. 16, 2024), https://www.texasmonthly.com/news-politics/company-behind-fake-ai-biden-robocalls/.

[14] *Id.*

view detail[ed] reports of dialing." During Kramer's time as a Voice Broadcasting client, he used Voice Broadcasting services for "hundreds of projects involving millions of election-related calls."

36.   Defendant Life Corp provides communications services to Voice Broadcasting to enable calling capabilities on the Voice Broadcasting platform.

37.   Life Corp has been cited for failing to comply with federal laws and regulations governing the dissemination of robocalls.

38.   On July 29, 2003, the Federal Communications Commission ("FCC") issued a citation to Life Corp, stating that Life Corp had delivered one or more prerecorded unsolicited advertisements to residential telephone lines without a valid exemption in violation of Section 503(5) of the Communications Act of 1934.[15] The FCC letter further stated that Life Corp had failed to disclose required information in its prerecorded messages and telephone solicitations in violation of 47 C.F.R. § 64.1200(e)(2)(iv).

Lingo is a Voice Service Provider Who Profits from Facilitating Unlawful Robocalls and has Repeatedly Failed to Implement Adequate Controls

39.   Defendant Lingo is a telecommunications voice service provider, registered in the Federal Communication Commission's ("FCC") Form 499 Filer Database as Filer ID No. 802572. It is registered to provide telecommunication services in all 50 states, Washington, D.C., and Puerto Rico.

40.   As a voice service provider, Lingo is required to fully implement a STIR/SHAKEN framework authentication framework in its internet protocol network,[16] and to use know-your-

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[15] Citation from Kurt Schroeder, Deputy Chief, Enforcement Bureau, to Life Corporation (July 29, 2003), https://docs.fcc.gov/public/attachments/DOC-237113A1.pdf.

[16] STIR/SHAKEN digitally validates the handoff of phone calls passing through the complex web of networks, allowing the phone company of the consumer receiving the call to verify that a call is in fact from the number displayed on Caller ID. *See* FCC, *Combating Spoofed Robocalls with Caller ID Authentication*, https://www.fcc.gov/call-authentication (last visited Mar. 13, 2024).

client ("KYC") protocols, to verify that the party transmitting a call has the authority to use the Caller ID information they designate.[17]

41.   Lingo has been the subject of investigations, cease-desist-orders, and a civil penalty for facilitating and profiting from unlawful robocall call activity.

42.   On April 12, 2022, the Social Security Administration's Office of the Inspector General ("SSA OIG") issued a subpoena to Impact Telecom (one of Lingo's corporate names) following an investigation into violations of Section 1140 of the Social Security Act. Section 1140 prohibits people, companies, and other organizations, from misleading consumers by giving a false impression of association with, or authorization or endorsement by, the Social Security Administration ("SSA"), through any type of communication, such as telephone solicitations. The subpoena was issued in connection with a broader initiative to crack down on gateway carriers "who profit[] by accepting scam calls into the U.S. telecommunications system and passing them on to unsuspecting consumers."[18]   Lingo subsequently paid a $20,000 civil monetary penalty pursuant to a settlement agreement with the SSA OIG.

43.   On August 21, 2022, the Anti-Robocall Multistate Litigation Task Force (the "Multistate Task Force")[19] issued a Civil Investigative Demand ("CID") to Lingo to identify, investigate, and mitigate suspected illegal call traffic transmitting from its network.[20] The CID

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[17] *See* 47 C.F.R. § 64.1200(n)(4) (outlining voice service providers' KYC obligations); 47 CFR § 64.6301(a) (requiring voice service providers to implement STIR/SHAKEN authentication framework).

[18] Federal Trade Commission, *Operation Stop Scam Calling* (Jul. 18, 2023), 57 https://www.ftc.gov/system/files/ftc_gov/pdf/OSSC-ACTION-LIST-07-18-2023.pdf.

[19] The Anti-Robocall Multistate Litigation Task Force is a 51-member collective of State Attorneys General, which is focused on actively investigating and pursuing enforcement actions against various entities in the robocall ecosystem that are identified as being responsible for significant volumes of illegal and fraudulent robocall traffic routed into and across the country.

[20] *See* Letter from Tracy Nayer, Special Deputy Attorney General, North Carolina Dept. of Justice, to Lingo Telecom, LLC (Nov. 3, 2023), https://ncdoj.gov/wp-content/uploads/2023/11/State-AG-Task-Force-NOTICE-Letter-to-LINGO.pdf.

was issued after Lingo received at least 517 traceback notices from USTelecom's Industry Traceback Group ("ITG"),[21] which cited "recurrent high-volume illegal and/or suspicious robocalling campaigns concerning SSA government imposters, financial impersonations, utilities disconnects, suspicious Amazon charges, student loans, and others," with Lingo "serving in various roles in the call path."[22]

44.   On August 23, 2022, the Federal Trade Commission ("FTC") issued Matrix Telecom, LLC (Lingo's prior corporate name) a Cease-and-Desist Demand (the "FTC Letter") directing Matrix to cease and desist from routing and transmitting illegal robocall traffic.[23] Specifically, Matrix was involved, directly or indirectly, in routing or transmitting illegal robocall traffic calls for numerous imposter campaigns, including callers impersonating Amazon, Apple, DirecTV, Customs and Border Protection, the SSA, law enforcement, and utility providers. From February 4, 2021 to July 19, 2022, ITG investigated 49 prerecorded voice message calls that law enforcement, voice service providers using honeypots (i.e., unassigned numbers held by providers to detect illegal robocalls), and customers of YouMail had flagged as illegal robocalls made without consent of the called party. Using the traceback notices, the ITG determined that Matrix was responsible for routing and transmitting the calls. The ITG notices stated that Matrix was "apparently routing and transmitting illegal robocall traffic knowingly."[24]   The FTC Letter directed Matrix to certify within three business days that it had ceased engaging in the activities described above.

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[21] The ITG is a collaborative effort of more than 30 companies from across the wireline, wireless, VoIP and cable industries that actively trace and identify the source of illegal robocalls.

[22] *Id.*

[23] *See* Letter from Jon Miller Steiger, Regional Director, Bureau of Consumer Protection, Fed. Trade Comm'n, to Matrix Telecom, LLC (Aug. 23, 2022), https://www.ftc.gov/system/files/ftc_gov/pdf/pointofnoentry-matrixtelecomcdletter.pdf.

[24] *Id.*

45.   On November 3, 2023, the Multistate Task Force demanded that Lingo take steps

to protect its network after observing that Lingo continued to transmit suspected illegal traffic.[25]

The notice cited another 173 traceback notices since August 2022, the majority of which were

received after the Multistate Task Force issued the CID. The notice also identified 439 suspicious

calls transmitted by Lingo, approximately 34% of which were marked with an A-Level

STIR/SHAKEN attestation, which "indicat[ed] that Lingo both knows the identities of the calling

parties that originated these suspicious calls and knows that those callers have legitimately

acquired volumes of numbering resources that are being used to make these calls."[26] The Task

Force expressed concern that Lingo's upstream call sources were "failing to affix an A- or B-

attested signature of their own," and that Lingo's "acceptance of these calls despite that failure is

evidence of Lingo's culpability."[27] The Task Force warned that this could violate the TCPA among

other statutes designed to protect consumers.

46.   Defendant Life Corp has been a client of Lingo, or its predecessor Matrix Telecom

LLC, since at least July 2, 2021.

The Scheme to Suppress Democratic Voter Participation in the New Hampshire Presidential Primary Election

47.   On information and belief, in or around the fall of 2023, Steve Kramer began

receiving requests from unspecified consultants, corporations, political action committees

("PACs"), and Super PACs requesting that Kramer use AI-generated robocalls in connection with

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[25] *See supra* n. 11. *See* Letter from Tracy Nayer, Special Deputy Attorney General, North Carolina Dept. of Justice, to Lingo Telecom, LLC (Nov. 3, 2023), https://ncdoj.gov/wp-content/uploads/2023/11/State-AG-Task-Force-NOTICE-Letter-to-LINGO.pdf.

[26] *Id.* at 3.

[27] *Id.*

unspecified campaigns.[28]   Around this time, Kramer was introduced to Paul Carpenter through mutual acquaintances. Carpenter is a transient magician and self-described "digital nomad" with no fixed address.[29] Carpenter also provides freelance social media and web design services and has some familiarity with AI technology.

48.   In January 2024, shortly before the New Hampshire Primary, Kramer commissioned Carpenter to create a deepfake recording impersonating the voice of President Joe Biden. On Saturday, January 20, 2024, Kramer emailed Carpenter a script for the robocall. Carpenter used publicly available software developed by Elevenlabs to generate the deepfake of President Biden's voice.[30] Kramer claims to have written the script himself, and specifically included the word "malarkey" in the script because of its association with President Biden.

49.   Kramer directed Carpenter to Kramer's father, Bruce Kramer, to receive payment for generating the deepfake of President Biden's voice. On January 20, 2024, a Venmo account belonging to Bruce Kramer sent two wires totaling $150 to Carpenter.

50.   On Friday, January 19, 2024, Kramer solicited Voice Broadcasting to procure "a Sunday night robo[call], probably 25k [calls] range."[31] On Saturday, January 20, Kramer emailed Voice Broadcasting a list of names and numbers for the "robo-call tomorrow," which Kramer later explained was a list of potential New Hampshire voters likely to vote for a Democrat in the Primary Election.[32] Kramer's instructions to Voice Broadcasting were as follows: "Call[s] should go out at 6:15 p.m. EST Sunday. Run to answer machines and live pickup . . . we should be able to finish

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[28] *See* Marcia Kramer, *Steve Kramer explains why he used AI to impersonate President Biden in New Hampshire*, CBS News (Feb. 26, 2024), https://www.cbsnews.com/newyork/news/steve-kramer-explains-why-he-used-ai-to-impersonate-president-biden-in-new-hampshire/.

[29] *See supra* n. 8.

[30] ElevenLabs is a software company that specializes in developing natural-sounding speech synthesis and text-to-speech software, using AI and deep learning.

[31] Notice of Apparent Liability for Forfeiture, *In re Matter of Steve Kramer*, FCC 24-59, 6 (May 24, 2024).

[32] *Id.*

by 8:45 p.m."[33] About a half-hour later, Kramer sent another email to Voice Broadcasting with the AI-generated audio created by Paul Carpenter.

51.   On Sunday, January 21, 2024, Kramer instructed Voice Broadcasting to use a personal cell phone number belonging to Kathy Sullivan, a former New Hampshire Democratic Party Chair, as the phone number that would appear on the Caller ID display. At that time, Ms. Sullivan was running an independent Super PAC, Granite for America, that was leading a public effort to ask Democrats to write in President Biden's name in the New Hampshire Primary. Kramer selected the phone number associated with Ms. Sullivan for two reasons: First, Ms. Sullivan's phone number had a New Hampshire area code, which would make it more likely for New Hampshire residents to pick up the phone. Second, Kramer wanted to use the phone number of someone associated with President Biden's write-in campaign. Kramer located Ms. Sullivan's phone number by searching FEC filings for Granite for America.

52.   On Sunday, January 21, 2024, Voice Broadcasting sought Kramer's permission to add a sentence to the end of the deepfake recording of President Biden that instructed potential voters to call the cell phone number associated with Kathy Sullivan to opt out of future calls. Kramer assented to the request.

53.   On Sunday, January 21, 2024, Voice Broadcasting, using service and equipment provided by Life Corp, initiated 9,851 robocalls, including Kathy Sullivan's spoofed caller ID information, to New Hampshire residents. Neither Voice Broadcasting nor Life Corp had authorization to use Ms. Sullivan's personal cell phone number on the Caller ID display.

54.   On Sunday, January 21, 2024, Life Corp routed a portion of the calls to Lingo. Lingo served as the originator for 3,978 calls, providing each call with the highest level of

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[33] *Id.*

attestation available under the STIR/SHAKEN framework, an "A-level" attestation.[34]   In other words, Lingo attested that it verified a relationship between Ms. Sullivan's phone number and Life Corp that did not exist. On information and belief, Lingo did not take any steps to verify that Life Corp was authorized to use Ms. Sullivan's phone number. By affixing an A-level attestation to the calls, Lingo made it less likely that providers could detect the calls as potentially spoofed and prevented the false and malicious calls from being detected before they could reach voters.

55.   On the evening of Sunday, January 21, 2024, the following audio recording, featuring the AI-generated voice of President Biden and spoofed caller ID information, i.e., the New Hampshire Robocalls, were transmitted to thousands of New Hampshire residents:

> This coming Tuesday is the New Hampshire Presidential Preference Primary. Republicans have been trying to push nonpartisan and Democratic voters to participate in their primary. What a bunch of malarkey. We know the value of voting Democratic when our votes count. It's important that you save your vote for the November election. We'll need your help in electing Democrats up and down the ticket. Voting this Tuesday only enables the Republicans in their quest to elect Donald Trump again. Your vote makes a difference in November, not this Tuesday. If you would like to be removed from future calls, please press two now. Call [personal cell phone of Kathy Sullivan] to be removed from future calls.

56.   On information and belief, the only portion of the New Hampshire Robocalls that was not generated using AI technology was the final sentence conveying the opt-out message.

57.   On information and belief, the caller ID information for the New Hampshire Robocalls indicated that the calls came from the phone number of Kathy Sullivan. The name of Ms. Sullivan's husband appeared on the caller ID display as he is the subscriber on their account.

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[34] The STIR/SHAKEN framework is a key component in the fight against illegally spoofed robocalls. The framework uses three attestation levels that indicate the level of the signing provider's validation of the caller ID information, and the Federal Communications Commission has mandated that voice services providers like Lingo fully implement STIR/SHAKEN and adhere to its technical standards. An "A" attestation or "Full Attestation" means that the originating provider can identify the customer and has determined that the customer is authorized to use the telephone number displayed as the caller ID. Downstream providers (intermediate and terminating providers) rely on the attestation given by originating providers. Those who would seek to send illegally spoofed robocalls exploit the services of originating providers who provide false STIR/SHAKEN attestations.

Neither Sullivan nor her husband were in any way involved in making the calls, and neither authorized the number to be used in connection with the calls.

58.   On Monday, January 22, 2024, following an NBC News report on the New Hampshire Robocalls, Kramer texted Carpenter a link to the story and the message, "Shhhhhhh."[35] Carpenter responded, "Gtfooh," an acronym for "Get the f*** out of here."[36]   Carpenter subsequently spoke with Kramer over the telephone. On the call, Kramer admitted to Carpenter that he had spoofed the New Hampshire Robocalls, or deliberately falsified the information transmitted via caller ID display to disguise their identity.[37]   Kramer also directed Carpenter to delete his emails concerning the robocalls.

The New Hampshire Robocalls Deceived Voters

59.   On January 21, 2024, around 6:25 p.m., New Hampshire voter Gail Huntley received one of the New Hampshire Robocalls. Huntley immediately recognized the voice on the call as President Biden, explaining, "I didn't think about it at the time that it wasn't his real voice. That's how convincing it was[.]"[38]   Huntley initially believed that President Biden's words were being taken out of context. Huntley only later realized the robocall was fraudulent because what Biden was saying, in her view, did not make sense.

60.   On January 21, 2024, around 6:30 p.m., Plaintiff James Fieseher received the robocall on his residential landline. Fieseher had not consented to receiving telephone calls from Defendants. Fieseher immediately recognized the voice of President Biden and assumed that the

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[35] *See supra* n. 8.

[36] *Id.*

[37] Liz Jassin, *'I never knew': Magician paid by Dem for fake Biden robocall*, NewsNation (Feb. 23, 2024), https://www.newsnationnow.com/cuomo-show/magician-fake-biden-robocall/.

[38] *See* Ali Swenson and Will Weissert, *New Hampshire investigating fake Biden robocall meant to discourage voters ahead of primary*, Associated Press (Jan. 22, 2024), https://apnews.com/article/new-hampshire-primary-biden-ai-deepfake-robocall-f3469ceb6dd613079092287994663db5.

call was coming from President Biden's presidential campaign. After listening for 15 to 20 seconds, Fieseher realized the call was not legitimate because the robocall was urging him not to vote. At that time, Fieseher recognized that the robocall had used artificial intelligence to duplicate President Biden's voice and hung up.

61.   On January 21, 2024, around dinner time, Plaintiff Nancy Marashio received the robocall on her residential landline. Marashio had not consented to receiving telephone calls from Defendants. Marashio thought the voice on the robocall sounded like President Biden, but the content of the message did not make sense. As a long-time member of the LWV-NH, Marashio was able to discern that the call was not legitimate, but was concerned that others without her experience would be taken in by the message.

62.   On January 21, 2024, around dinner time, Plaintiff Patricia Gingrich received the robocall on her residential landline. Gingrich had not consented to receiving telephone calls from Defendants. She recognized the voice as President Biden's voice, but as a consistent voter and Chair of the Barrington Democrats, she knew that the message was faked.

63.   On January 21, 2024, following the distribution of the New Hampshire Robocalls, Kathy Sullivan received at least a dozen calls from upset voters who believed that Sullivan was behind the New Hampshire Robocalls.[39] The following day, Sullivan was forced to release a statement clarifying that the New Hampshire Robocalls were fake. She also filed a complaint with the New Hampshire Attorney General's Office and spoke with New Hampshire Department of Justice officials concerning the New Hampshire Robocalls.

The Unraveling of the New Hampshire Robocall Scheme

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[39] *Id.*

64.   On February 6, 2024, the Multistate Task Force issued a notice to Life Corp and its executives, outlining the company's involvement in suspected illegal robocall traffic and referencing the New Hampshire Robocalls.[40] In its letter, the Multistate Task Force indicated that its investigation—based on 10 traceback notices from the US Telecom's Industry Traceback Group ("ITG")—identified Life Corp as the originator of all 10 calls traced by the ITG. The letter further indicated that the calls were illegally spoofed, "likely in a further attempt to confuse potential voters."[41] The letter explained that some portion of the calls had been marked with A-level STIR/SHAKEN attestations by Lingo. By affixing an A-level attestation, "not only did Life Corp wrongfully use this calling number, but that Lingo improperly attested that Life Corp had the legal right to use the allegedly spoofed number."[42] The Multistate Task Force further indicated that certain of the calls exhibited patterns consistent with a TDoS attack.[43] The Multistate Task Force warned Life Corp that its actions may have violated the Telephone Consumer Protection Act, the Truth in Caller ID Act, and the Telemarketing Sales Rules, and that Life Corp. could be subject to damages, civil penalties, injunctions, and other available relief as a result.

65.   On February 6, 2024, the FCC issued a notice of suspected illegal traffic to Lingo, identifying Lingo as the originating provider for the New Hampshire Robocalls.[44] The FCC letter indicated that Lingo had previously responded to the ITG's investigation of the calls, and in those responses, did not contest that the calls were illegal. The FCC letter further noted that as a result of originating the illegal calls, Lingo potentially faced permissive blocking under 47 C.F.R.

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[40]   *See* Letter from the Multistate Task Force to Life Corp. (Feb. 6, 2024), https://oag.ca.gov/system/files/attachments/press-docs/State-AG-Task-Force-NOTICE-Letter-to-LIFE-CORP-Feb.-2024-1.pdf.

[41]   *Id.* at 2.

[42]   *Id.* at 3.

[43]   *Id.*

[44]   *See* Letter from Loyaan A. Egal, Bureau Chief, FCC Enforcement Bureau, to Lingo Telecom, LLC (Feb. 6, 2024), https://docs.fcc.gov/public/attachments/DOC-400264A1.pdf.

§ 64.1200(k)(4), mandatory blocking under 47 C.F.R. § 64.1200(n), and potential removal from the Robocall Mitigation Database pursuant to 47 C.F.R. § 64.6305(g).

66.   On February 6, 2024, New Hampshire Attorney General John Formella held a press conference announcing that his office had launched a criminal investigation into the New Hampshire Robocalls.

67.   In February 2024, upon learning of the New Hampshire Attorney General's criminal investigation, Carpenter contacted a reporter at NBC News and revealed his and Kramer's involvement in the New Hampshire Robocalls.

68.   On February 23, 2024, based on the information provided by Carpenter, NBC News published a story identifying Kramer as the architect of the voter suppression scheme.

69.   On February 25, 2024, Kramer released a self-serving statement acknowledging his involvement in commissioning and distributing the New Hampshire Robocalls but claiming that he orchestrated the scheme to raise awareness about the use of AI for "misleading and disruptive purposes," and the need for greater regulation of AI in political campaigns.[45] He further claimed that he was prompted to act after receiving multiple calls from companies and political organizations to use artificial intelligence for nefarious purposes.[46]   Kramer asserted that he had paid only $500 total to organize and distribute the New Hampshire Robocalls, and, as a result, achieved a $5 million impact.[47]   Kramer also acknowledged that he tested the effectiveness of deepfake robocalls in South Carolina prior to deploying them in New Hampshire.[48]

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[45] *See* Alex Seitz-Wald, *supra* note 6 ("Even individuals acting alone can quickly and easily use A.I. for misleading and disruptive purposes").

[46] *See* Marcia Kramer, *supra* note 15 ("I got sick of it. . . . I've got calls or texts or emails or things from different consultants, corporations, PACs, Super PAC. The only group that hasn't called me about doing something nasty is labor unions.").

[47] *Id.*

[48] *See* Alex Seitz-Wald, *supra* note 6.

70.   On May 22, 2024, Kramer was indicted by the State of New Hampshire on 13 charges of felony voter suppression and 13 charges of misdemeanor impersonation of a candidate. Kramer was charged in four New Hampshire counties based on the residence of thirteen New Hampshire residents who received the robocalls impersonating President Joseph R. Biden.

71.   On May 23, 2024, the FCC voted to adopt Notices of Apparent Liability against both Kramer and Lingo Telecom. The FCC has proposed a $6,000,000 fine for Kramer for apparent spoofing violations and a $2,000,000 fine for Lingo, for apparent violations of the Commission's caller ID authentication rules. The FCC found Kramer's actions "run afoul" of the FCC's rules prohibiting knowingly causing the transmission of inaccurate caller ID information with the intent to defraud, cause harm, or wrongly obtain anything of value. The FCC found that Lingo willfully and repeatedly violated FCC rules, which require voice service providers to fully implement STIR/SHAKEN authentication framework. The FCC further found that Lingo took no steps to verify the relationship between Life Corp and the phone number that appeared on the Caller ID display of the recipients of the New Hampshire Robocalls.

The New Hampshire Robocalls Require
LWV-US and LWV-NH To Divert Resources

72.   The New Hampshire Robocalls materially damage the LWV-US's mission by requiring it to divert resources to address and defend against Defendants' actions. LWV-US activities include helping assure voters that their vote will count and that elections will be safe, secure, and trustworthy. Following the 2020 U.S. Presidential Election, LWV-US noticed an increase in mis- and disinformation to the public, causing the LWV-US to carve out programming and staff dedicated to tracking and supporting LWV-US chapters to inform voters of changing laws and counter mis- and disinformation with accurate information.

73.   Internally, LWV-US maintains a threat matrix of various election scenarios that it works with state leagues to assess and respond to if such a scenario occurs. Before the New Hampshire Primary, the LWV-US rated disruptive vote-suppressing robocalls relatively low on the threat scale and allocated resources accordingly.

74.   As a result of the New Hampshire Robocalls, LWV-US has raised its assessment of the threat level of similar robocalls in other states and for the General Election, to the second-highest ranking. Accordingly, LWV-US has expended resources providing additional guidance and training to staff tracking robocalls from its members or via media coverage, and in working directly with staff and any impacted state to provide education to voters who may be contacted via robocall and negatively impacted, including those who become confused about their right to vote and who may need additional information to cast their ballot.

75.   In addition, LWV-US will incur monetary costs to prepare for, and respond to, these calls. LWV-US will continue to prioritize voter education, and the upcoming elections, to encourage higher voter turnout and participation. With Defendants' recent voter intimidation efforts, LWV-US is concerned that voters will be discouraged from voting and that the damage created by the Defendants' efforts will be long-lasting and detrimental to the LWV-US's mission to encourage registration and voting.

76.   For example, because of the New Hampshire Robocalls, LWV-US has implemented changes to its VOTE411.org website. The website is intended to provide election-related information to voters. In the aftermath of the New Hampshire Robocalls, LWV-US created a new VOTE411.org alert to inform voters of deceptive, threatening, or intimidating robocalls. LWV-US had to divert staff resources to creating the new alert, and will have to dedicate staff time to

updating the website and translating alerts into Spanish to update voters about deceptive, threatening, or intimidating robocall campaigns.

77.   The New Hampshire Robocalls similarly materially damages LWV-NH's mission by forcing it to divert scarce resources away from its core functions and toward activities that combat Defendants' attempts to misinform voters and suppress the vote. LWV-NH must now quell current and potential voters' concerns about their right to vote in the General Election. LWV-NH must perform extra and different work to reassure voters that votes will be counted fairly, and that voters do not lose their right to vote in the General Election if they cast a vote in the New Hampshire Primary.

78.   By way of example, on January 22 and 23, 2023, the President of the LWV-NH, Elizabeth Tentarelli, devoted more hours to monitoring the LWV-NH office phone in case any voters called to inquire whether they could participate in both the New Hampshire Primary and the General Election.

79.   Further, LWV-NH must now prepare specifically for similar efforts to dissuade or pressure people not to vote in the General Election. Typically, LWV-NH volunteers schedule time distributing voter registration information at public events. But these voter-suppression calls affect voters who are already registered to vote, not potential new registrants. LWV-NH must expend additional volunteer labor hours to respond to future such voter-suppression calls. Furthermore, this additional volunteer time will be unusually challenging because of its unpredictable nature. LWV-NH's voter registration efforts are generally planned and predictable; rapid-response to robocall voter suppression will severely tax or drain LWV-NH's limited volunteer-time resources.

80.   In addition, LWV-NH will incur monetary costs to prepare for, and respond to, these new false and malicious tactics. This includes changing LWV-NH's standard printed information

about voter registration to include warnings about fake phone calls. To incorporate this new cautionary language, LWV-NH will likely have to expand its printed materials to two pages. This will double the cost of making copies, causing LWV-NH to incur several hundred dollars in new printing costs that LWV-NH would otherwise not incur.

81.   LWV-NH must now also budget for unforeseen, additional paid promotion (several hundred dollars or more) of Facebook posts to reach more New Hampshire voters as quickly as possible, and purchase space for last-minute newspaper informational advertisements to reach voters who may receive these calls but do not use social media.

82.   At this point in the election cycle, LWV-NH's priority is voter education on current state legislative issues and local (town meeting) elections, and to encourage high voter participation. However, LWV-NH is concerned that Defendants' misappropriation of the voice of the President of the United States via artificial intelligence and the identity of a local Democratic Party leader via caller ID spoofing will cause voters to distrust or second guess authoritative sources of information about elections. The LWV-NH fears that this distrust will cause long-lasting damage to its mission to encourage registration and voting.

Defendants Must Be Enjoined from Causing Irreparable Harm

83.   There remains substantial risk that Defendants will continue to transmit intimidating, threatening, coercive, or otherwise unlawful AI-generated robocalls, as well as unlawfully spoofed communications, unless enjoined by this Court.   Defendants are financially incentivized to continue transmitting such messages, and have not been deterred from engaging in malfeasance or unlawful conduct by previous regulatory scrutiny, civil penalties, or lawsuits.

84.   Defendant Steve Kramer is a prolific disseminator of robocalls, having delivered millions to U.S. voters over the past decade. He was actively seeking ways to profit from AI-

generated technology immediately prior to his creation of the New Hampshire Robocalls. He has significant resources at his disposal, including claiming to operate three U.S. call centers, and reportedly having anywhere from 18 to 50 employees at his disposal. Most critically, he has stated that AI-generated robocalls are cheap, easy to produce, and effective, and that there is a market for delivering these types of malicious robocalls to voters.

85.   Although Kramer was recently indicted by the State of New Hampshire, public scrutiny and fallout from his misconduct has not deterred him from continuing to engage in dishonest and deceptive tactics in his work as a political consultant.   Indeed, Kramer was actively defending himself against claims that he engaged in malfeasance in his work for a New York mayoral campaign when he conceived of and executed the distribution of the New Hampshire Robocalls.   Kramer tried to conceal his involvement by hiring a transient individual, Paul Carpenter, to generate the robocalls, paying for the calls through his father's Venmo account, and asking Carpenter to delete their correspondence after the scheme was revealed. Absent court intervention, there remains a serious risk that Kramer will again seek to profit from intimidating, threatening, coercive, or otherwise unlawful robocalls, while learning to better conceal his involvement in their distribution.

86.   Defendants Voice Broadcasting and Life Corp have similarly delivered tens if not hundreds of millions of political robocalls to voters in recent years, generating millions of dollars in revenue for the companies. Voice Broadcasting and Life Corp have failed to employ controls to prevent their clients from misusing their platforms.   On information and belief, Voice Broadcasting and Life Corp do not have *any* controls in place to ensure clients have legal authorization to use the phone number and contact information that appears on caller ID display before delivering that information to millions of voters. Nor have Voice Broadcasting and Life

Corp adopted technology to screen for AI-generated audio recordings. Absent judicial intervention, Voice Broadcasting and Life Corp's inadequate controls, paired with the voluminous political phone calls and texts that they disseminate, poses a substantial risk that they will continue to deliver—and profit from—intimidating, threatening, coercive, or otherwise unlawful robocalls on behalf of bad faith actors like Kramer.

87.   Defendant Lingo has been repeatedly investigated and cited for facilitating robocall scams and schemes. On information and belief, in the year prior to distributing the New Hampshire Robocalls to voters, the SSA OIG assessed a $20,000 civil penalty for profiting from social security scams, the ITG accused Lingo of knowingly facilitating illegal robocall traffic, and the Multistate Task Force warned Lingo that it was improperly providing A-level attestations to phone calls. Despite numerous opportunities to enhance its application of the STIR/SHAKEN framework, and to implement adequate KYC controls, Lingo has failed to do so. Absent court intervention, Lingo is likely to continue to provide false attestations for—and profit from—intimidating, threatening, coercive, or otherwise unlawful robocalls, preventing these robocalls from being blocked before they can reach and harm voters.

88.   A permanent injunction is necessary to prevent intimidating, threatening, coercive, or otherwise unlawful robocalls from causing irreparable harm to voters, including Plaintiffs. Kramer intentionally and wrongfully chose and used an AI-generated voice of the President of the United States to misuse the authority, credibility, and influence of the President to change the voting practice of Democratic voters. Intimidating, threatening, or coercing voters not to vote is an irreparable harm; once the desired outcome happens—stopping the voter from voting—the harm has occurred. If voters are intimidated, threatened, or coerced, or otherwise prevented from voting in any of the remaining Democratic or Republican primaries, or the upcoming General

Election, because of the Defendants' actions, there will be no way to undo or remedy this damage. If Plaintiffs, or other potential voters, do not vote in these or other elections as a result of the Defendants' actions, their vote in that election is permanently lost.

89.   Critically, the Defendants were able to reach thousands of voters in the course of just a few hours on a single day. The damage was done quickly, and within just two days of the New Hampshire Primary. The nature of robocalls enables Defendants to intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce thousands of individuals within a short period of time, using a single recording. The damage can be fast, widespread, and—particularly if repeated on the eve of an election—irreparable. While the Plaintiffs in this matter are frequent voters and closely follow local elections, the impact on voters who are not as informed and are consequently misled could be devastating.

90.   Defendants' misconduct must be declared unlawful for the sake of protecting the long-term health of American democracy. The Defendants disseminated a convincing audio recording ostensibly of the President of the United States and leader of the Democratic Party to thousands of potential or likely Democratic voters who trust him, falsely and coercively stating that by participating in the New Hampshire Primary they would be lose their vote in the General Election. To add to the ruse, the Defendants spoofed the call to deceive voters into believing the call came from another trusted source, a former leader of the local Democratic Party who was known to be spearheading efforts to help President Biden win a write-in campaign. The Defendants' pernicious combination of deepfake audio and spoofed caller ID can inflict untold damage on Americans' ability to cast their vote free of impairment. Moreover, if Defendants are not enjoined and punished, their conduct is likely to be adopted by others, thereby inflicting further harm to other voters.

CLAIMS FOR RELIEF

<u>COUNT ONE</u>

Intimidating, Threatening, or Coercing Voters or Attempting to Intimidate, Threaten, or Coerce Voters in Violation of Section 11(b) of the Voting Rights Act of 1965

91.   Plaintiffs reallege and incorporate by reference as if fully set forth herein each of the preceding paragraphs and allegations.

92.   Section 11(b) of the Voting Rights Act, 52 U.S.C. § 10307(b), provides:

> No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under [other provisions of this law].

93.   Kramer orchestrated a deceptive and coercive robocall campaign threatening New Hampshire voters that if they participated in the New Hampshire Primary, they would lose their ability to participate in the General Election.

94.   Kramer's actions were undertaken with the purpose of intimidating, threatening, or coercing lawfully registered voters, so that they would be fearful or reluctant to exercise their right to vote in the 2024 New Hampshire Primary.

95.   Kramer targeted likely or potential Democratic voters with the robocall campaign in an effort to intimidate, threaten, or coerce Democratic voters into not voting in the New Hampshire Primary and thereby suppress their votes.

96.   Voice Broadcasting transmitted the intimidating, threatening, and coercive AI-generated robocalls, with spoofed caller ID information, to thousands of New Hampshire voters, despite having had the chance to review and modify the New Hampshire Robocalls' message.

97.   Life Corp falsely represented that it had the legal authority to use the personal cell phone number of Kathy Sullivan when it delivered thousands of intimidating, threatening, and

coercive robocalls to New Hampshire voters. The spoofing of Kathy Sullivan's phone number, a former Democratic state party chair who was contemporaneously organizing of President Biden's write-in campaign, was critical to ensuring that the New Hampshire Robocalls reached their intended target, and had their intended effect.

98.   Lingo provided the New Hampshire Robocalls with the highest level of attestation available under the STIR/SHAKEN framework, i.e., an "A-level" attestation. By affixing an A-level attestation to the New Hampshire Robocalls, Lingo made it less likely that providers could detect the calls as potentially spoofed. Lingo's failure to implement an adequate STIR/SHAKEN framework and reasonable KYC protocols was knowing and willful. As a direct result of Lingo's knowing and willful actions, Lingo originated thousands of threatening, intimidating, and coercive robocalls to thousands of New Hampshire residents.

99.   Defendants' conduct violates Section 11(b) of the Voting Rights Act.

100.   Unless and until enjoined by the Court, Defendants are likely to continue to intimidate, threaten, and/or coerce, or attempt to intimidate, threaten, and/or coerce, lawfully registered voters, including the individual Plaintiffs, members of LWV-NH and of LWV-US, and other voters across the United States whom LWV-NH and LWV-US seek to protect in their right to vote, in violation of Section 11(b) of the Voting Rights Act.

COUNT TWO

Disseminating Unlawful Artificial or Prerecorded-Voice Telephone Calls in Violation of Section 272 of the Telephone Consumer Protection Act

101.   Plaintiffs reallege and incorporate by reference as if fully set forth herein each of the preceding paragraphs and allegations.

102.   Defendants orchestrated or facilitated a scheme to send artificial or prerecorded-voice telephone calls to Plaintiffs Marashio, Fieseher, and Gingrich.

103.   Defendants spoofed the artificial or prerecorded-voice telephone calls to falsely reflect that the calls were coming from a phone number unaffiliated with the Defendants.

104.   Defendants informed Plaintiffs Marashio, Fieseher, and Gingrich that they could opt out of future calls by calling a phone number unaffiliated with the Defendants.

105.   Defendants' actions violated the Telephone Consumer Protection Act ("TCPA"), and federal regulations promulgated thereto, in multiple respects.

106.   The TCPA prohibits any person or entity from initiating any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes, or some other exemption applies. 47 U.S.C. § 227(b)(1)(B).

107.   Plaintiffs did not consent to receiving artificial or prerecorded-voice telephone calls from the Defendants.

108.   Defendants did not initiate the artificial or prerecorded-voice telephone calls for "emergency purposes."

109.   Defendants' artificial or prerecorded-voice telephone calls do not qualify for any other exemptions, including the exemption for certain non-commercial telephone calls set forth in 47 C.F.R. § 64.1200(a)(3)(ii) (described below).

110.   Federal regulations exempt certain artificial or prerecorded-voice telephone calls to residential telephone lines if: (a) the call is not made for a commercial purpose; (b) the caller makes no more than three calls within any consecutive 30-day period to the residential line; and (c) the caller honors the called party's request to opt out of future calls as required by 47 C.F.R. § 64.1200(b) and (d).   47 C.F.R. § 64.1200(a)(3)(ii).   The Defendants did not meet the basic

requirements to qualify for the exemption, nor should the exemption be construed to exempt calls made for an unlawful purpose.

111. Federal regulations require all artificial or prerecorded-voice telephone messages to clearly state, at the beginning of the message, the identity of the business, individual, or other entity that is responsible for initiating the call. 47 C.F.R. § 64.1200(b)(1).

112. Federal regulations require all artificial or prerecorded-voice telephone messages to clearly state, at the beginning or the end of the message, the telephone number of the business, individual, or entity responsible for initiating the call. 47 C.F.R. § 64.1200(b)(2).

113. Federal regulations require all artificial or prerecorded-voice telephone messages relying on the exemption set forth in 47 C.F.R. § 64.1200(a)(3)(ii) to provide an automated, interactive voice- and/or key press-activated opt-out mechanism for the called person to make a do-not-call request, including brief explanatory instructions on how to use such mechanism, within two seconds of providing the identification information required by 47 C.F.R. § 64.1200(b)(1). 47 C.F.R. § 64.1200(b)(3).

114. Federal regulations require anyone who initiates an artificial or prerecorded-voice telephone call relying on the exemption set forth in 47 C.F.R. § 64.1200(a)(3)(ii) to maintain a list of consumers who have requested not to receive such calls made by or on behalf of that person or entity. 47 C.F.R. § 64.1200(d).

115. Defendants did not state at the beginning of the call the identity of the business, individual, or entity responsible for initiating the call, in contravention of 47 C.F.R. § 64.1200(b)(1). To the contrary, they actively misrepresented this information by simulating President Biden's voice and providing a false phone number.

116.   Defendants failed to provide the telephone number of the business, individual, or entity responsible for initiating the call, in contravention of 47 C.F.R. § 64.1200(b)(2). To the contrary, they actively misrepresented this information by providing a false phone number.

117.   Defendants failed to provide a legitimate automated, interactive voice- and/or key press-activated opt-out mechanism, in contravention of 47 C.F.R. § 64.1200(b)(3). To the contrary, they provided call recipients a false and misleading opt-out mechanism, thwarting called parties' ability to prevent future calls.

118.   Defendants failed to maintain a list of individuals who no longer wished to receive calls from Defendants, in contravention of 47 C.F.R. § 64.1200(d).

119.   Defendants violated 47 C.F.R. §§ 64.1200(b) and (d), and have not met the basic requirements to qualify for an exemption pursuant to 47 C.F.R. § 64.1200(a)(3)(ii).

120.   Each call initiated by the Defendants in violation of the TCPA constitutes a separate violation.

121.   The Defendants' violations of the TCPA were knowing and willful.

COUNT THREE

Delivering or Knowingly Causing to be Delivered a Prerecorded Political Message Without Required Disclosure in Violation of RSA 664:14-a

122.   Plaintiffs reallege and incorporate by reference as if fully set forth herein each of the preceding paragraphs and allegations.

123.   New Hampshire law requires all prerecorded political messages to contain or by live operator provide, within the first 30 seconds of the message, the following information: the name of the candidate or of any organization or organizations the person is calling on behalf of, the name of the person or organizations paying for the delivery of the message, and the name of the fiscal agent, if applicable. RSA 664:14-a(II).

124.   Defendants did not state within the first 30 seconds of the message either the name

of the candidate or of any organization the call was made on behalf of or the name of the person

or organization that paid for the delivery of the message, in violation of RSA 664:14-a(II). To the

contrary, they actively misrepresented this information.

125.   Each call initiated by the Defendants in violation of RSA 664:14-a(II) constitutes a

separate violation.

126.   The Defendants' violations of RSA 664:14-a(II) were knowing and willful.

COUNT FOUR

Knowingly Misrepresenting the Origin of a Telephone Call Advocating for the Success or Defeat of a Person or Containing Information About a Candidate or Party in Violation of RSA 664:14-b.

127.   Plaintiffs reallege and incorporate by reference as if fully set forth herein each of

the preceding paragraphs and allegations.

128.   New Hampshire law prohibits any person from knowingly misrepresenting the

origin of a phone call which expressly or implicitly advocates the success or defeat of any party,

measure, or person at any election, or contains any information about any candidate or party. RSA

664:14-b(I).

129.   Defendants caused the displayed caller identification information to indicate that

the call originated from a source other than Defendants or the political campaign that employed

Kramer. At least some calls displayed caller identification that indicated that the call originated

from Kathy Sullivan, a former New Hampshire Democratic Party chair, and thereby knowingly

misrepresented the origin of the phone call in violation of RSA 664:14-b(I).

130.   Defendants used AI to deepfake a recording that impersonated President Biden's

voice, so that the call seemed to be from the President of the United States, and de facto leader of

the Democratic Party, and thereby knowingly misrepresented the origin of the phone call in violation of RSA 664:14-b(I).

131.   Each call initiated by the Defendants in violation of RSA 664:14-b(I) constitutes a separate violation.

132.   The Defendants' violations of RSA 664:14-b(I) were knowing and willful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request judgment be entered in their favor and against Defendants as follows:

a)   Declaring that Defendants' actions as described above violate Section 11(b) of the Voting Rights Act, 52 U.S.C. § 10307(b), the Telephone Consumer Protection Act, 47 U.S.C. § 227(b), and New Hampshire Election Laws, RSA 664:14-a and 664:14-b.

b)   Entering a permanent, nationwide injunction enjoining Steve Kramer, Voice Broadcasting Corporation, Life Corporation, and Lingo Telecom LLC from producing, generating, or distributing AI-generated robocalls impersonating any person, without that person's express, prior written consent;

c)   Entering a permanent, nationwide injunction enjoining Steve Kramer, Voice Broadcasting, Life Corporation, and Lingo Telecom LLC from distributing spoofed telephone calls, spoofed text messages, or any other form of spoofed communications without the express, prior written consent of the individual or entity upon whose half the communication is being sent;

d)   Entering a permanent injunction requiring Voice Broadcasting and Life Corporation to establish policies and procedures to prevent their clients from misusing their platforms to deliver unlawful, intimidating, threating, or coercive robocalls to voters, including, but not limited to, procedures to ensure clients have the legal authorization to utilize the phone number and contact

information that appears on voters' caller ID displays, and procedures to detect and prevent clients from unlawfully utilizing AI-generated voice cloning technology;

e) Entering a permanent injunction requiring Lingo Telecom, LLC to establish policies and procedures to prevent the company from facilitating unlawful, intimidating, threating, or coercive robocalls, including, but not limited to, implementing necessary enhancements to its STIR/SHAKEN framework and know-your-client protocols;

f) Entering a permanent, nationwide injunction enjoining Steve Kramer, Voice Broadcasting, Life Corporation, and Lingo Telecom LLC from distributing telephone calls, text messages, or other mass communications that do not fully comply with all applicable state and federal law or that are made for an unlawful purpose;

g) Awarding monetary damages in the amount of $500 for each violation of 47 U.S.C. § 227(b)(1)(B) of the TCPA, as authorized by 47 U.S.C. § 227(b)(3), which damages Plaintiffs request be trebled by the Court because Defendants' violations of the TCPA were knowing and willful;

h) Awarding monetary damages in the amount of $1,000 for each violation of RSA 664:14-a, as authorized by 664:14-a(IV)(b), which damages Plaintiffs request be trebled by the Court because Defendants' violations of the New Hampshire Election Laws were knowing and willful;

i) Awarding monetary damages in the amount of $1,000 for each violation of RSA 664:14-a, as authorized by 664:14-b(II)(b), which damages Plaintiffs request be trebled by the Court because Defendants' violations of the New Hampshire Election Laws were knowing and willful;

j) Awarding punitive damages in an amount to be determined at trial;

k)   Awarding reasonable attorneys' fees and costs; and

l)   Awarding such other and further relief that the Court deems reasonable and just.

Dated: May 28, 2024   Respectfully submitted,

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                                        By: /s/Mark R. Herring

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2024, I caused a true copy of the above document to be served upon the attorney of record for each party via the Court's Electronic Court Filing System. A hard copy of the filing has been sent via U.S. Mail to Defendant Steve Kramer at the following address: 20 Cloverfield Drive, New Fairfield, CT 06812.

/s/Mark R. Herring
Mark R. Herring