

STATE OF INDIANA  
COUNTY OF MARION

SS:

**FILED**  
233 JUL 30 2015  
*Michael R. Finkbeiner*  
CLERK OF THE MARION SUPERIOR COURT

IN THE MARION SUPERIOR COURT

INDIANA STATEWIDE 911 BOARD,

PLAINTIFF,

V.

VIRGIN MOBILE USA, L.P.,  
TRACFONE WIRELESS, INC.,  
I-WIRELESS, LLC, AND  
BUDGET PREPAY, INC.,

Cause No.

48202 15 07 PL 025306

DEFENDANTS.

**COMPLAINT**

COMES NOW, the Indiana Statewide 911 Board (hereafter, "the Board" or "Plaintiff"), by counsel, Bamberger, Foreman, Oswald & Hahn, LLP, and brings this action against the defendants Virgin Mobile USA, L.P. (hereafter, "Virgin Mobile"), TracFone Wireless, Inc. (hereafter, "TracFone"), I-Wireless, LLC (hereafter "I-Wireless"), and Budget Prepay, Inc. (hereafter, "Budget Prepay") (hereafter, collectively, "Defendants"), and in support of its claims would show unto the Court as follows:

**SUMMARY OF THE CASE**

1. Plaintiff brings this action in order to require Defendants to pay past-due charges to the Indiana Department of State Revenue (hereafter, "Department") for deposit into the statewide 911 fund (hereafter, "the 911 Fund").

2. As providers of prepaid wireless telecommunications services, Defendants were obligated to collect and remit to the Department, for deposit into the 911 Fund,

enhanced prepaid wireless charges (hereafter, "911 Fee") equal to fifty cents (\$0.50)<sup>1</sup> for each retail transaction in order to fund the uniform statewide 911 system (hereafter, "911 System").

3. In addition, as providers designated by the Indiana Utility Regulatory Commission (hereafter, the "IURC") as eligible telecommunications carriers ("ETCs") for purposes of receiving payment from the Universal Service Fund, Defendants are directly liable for all 911 Fees in connection with providing Lifeline wireless service ("Lifeline").

4. The Universal Service Fund was established by the federal government and is funded by non-governmental users of the telecommunications system in the United States to subsidize services such as Lifeline.

5. Lifeline is a federal government benefit program designed to provide discounts on monthly telephone service for eligible low-income subscribers to help ensure they can connect to the nation's communications networks, find jobs, access health care services, connect with family and their children's schools, and call help in an emergency.

6. Before a provider is declared eligible to receive payment from the Universal Service Fund for its provision of Lifeline service, the provider must demonstrate that the Lifeline service it will provide includes access to 911.

7. Each of the IURC orders granting the Defendants' respective ETC applications includes an obligation "to pay applicable fees, such as" the 911 Fee.<sup>2</sup>

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<sup>1</sup> The 911 Fee increased to \$1.00 on July 1, 2015.

<sup>2</sup> Typical is the language from Virgin Mobile's IURC order, issued on November 10, 2010 in Cause No. 41052 ETC-55: "Virgin Mobile shall continue to pay applicable fees, such as ... the wireless emergency enhanced 911 fee pursuant to IC 36-8-16.5-30.5 and any other applicable fees." See *a/so* IURC orders in

8. Defendants have failed and refused to pay the Department the 911 Fees as required by law for the Lifeline service that they provide to customers in Indiana despite having collectively received in excess of \$68 million in payments from the Universal Service Fund for providing that same service.

#### PARTIES

9. The Board is a body corporate and politic (sometimes termed a "quasi-state government agency") established by Indiana Code §36-8-16.7-24 to oversee the statewide 911 System, which the Indiana General Assembly has determined to be an essential government function.

10. Defendant Virgin Mobile is incorporated in the state of Delaware with its home office in Shawnee Mission, Kansas. Virgin Mobile's registered office and agent in Indiana is: Corporation Service Company, 251 E. Ohio Street, Suite 500, Indianapolis, Indiana 46204. Virgin Mobile filed suit in the U.S. District Court for the Southern District of Indiana on July 15, 2015 concerning prospective 911 fee payments that will be coming due under a recently-enacted Indiana statute that is not at issue in the instant cause. The Board has agreed to stay Virgin Mobile's obligations under the new statute pending resolution of Virgin Mobile's request for a preliminary injunction in that matter.

11. Defendant TracFone is incorporated in the state of Delaware with its home office in Miami, Florida. TracFone's registered office and agent in Indiana is: Corporate Creations Network Inc., 105 E. Jefferson Blvd, #800, South Bend, Indiana 46601.

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Cause Nos. 41052 ETC-54 (TracFone, issued June 29, 2011); 41052 ETC-56 (I-Wireless, issued August 3, 2011); and 41052 ETC-63 (Budge Prepay, issued September 26, 2012).

12. Defendant I-Wireless is incorporated in the state of North Carolina with its home office in Newport, Kentucky. I-Wireless' registered office and agent in Indiana is: Incorp Services Inc., 120 E. Market Street, Suite 808, Indianapolis, Indiana 46204.

13. Defendant Budget Prepay is incorporated in the state of Louisiana with its home office in Bossier City, Louisiana. Budget Prepay's registered office and agent in Indiana is: National Registered Agents, Inc., 150 West Market Street, Suite 800, Indianapolis, Indiana 46204.

#### **JURISDICTION AND VENUE**

14. This Court has jurisdiction and venue is proper inasmuch as Defendants, through their transactions, including but not limited to the sale and advertisement of Lifeline telecommunications services, are doing business in the state of Indiana.

15. Jurisdiction and venue are further proper in this court as each Defendant has been designated by the IURC as an ETC pursuant to which Defendants provide Lifeline wireless service to customers in Indiana.

#### **FACTUAL ALLEGATIONS**

16. The Indiana General Assembly has established in this state the 911 System.

17. In order to fund the 911 System, the Indiana General Assembly has further established the 911 Fund.

18. Defendants are providers of prepaid wireless telecommunications services and are designated by the IURC as ETCs for purposes of the Lifeline wireless service program.

19. Upon information and belief, Defendants have submitted payment requests and received payments from the Universal Service Fund in the following amounts, as of June 12, 2015, for Lifeline wireless service to Indiana customers:

- a. Virgin Mobile: \$37,441,094;
- b. TracFone: \$11,173,309;
- c. I-Wireless: \$10,730,910;
- d. Budget Prepay: \$9,427,531.

20. Based on such payments, the Board believes that each Defendant has provided Lifeline service for the following total number of customer service months as of May 31, 2015:

- a. Virgin Mobile: 4,047,686;
- b. TracFone: 1,207,926;
- c. I-Wireless: 1,160,098;
- d. Budget Prepay: 1,019,192.

21. The 911 Fees owed but not paid through May, 2015 by each Defendant based on their provision of Lifeline service are estimated to be:

- a. Virgin Mobile: \$2,023,843;
- b. TracFone: \$603,963;
- c. I-Wireless: \$580,049;
- d. Budget Prepay: \$509,596.

22. The estimated total for 911 Fees associated with the Defendants' Lifeline wireless service through May, 2015 is \$3,717,451, none of which has been paid to the Department. This amount grows with each passing month.

23. Pursuant to Indiana Code § 36-8-16.5-30.5 and its successor statute, § 36-8-16.6-13, as providers of prepaid wireless telecommunications services, Defendants were obligated to remit the 911 Fees to the Department for deposit into the 911 Fund.

24. In addition, pursuant to Indiana Code § 36-8-16.6-11, as providers designated by the IURC as ETCs for purposes of receiving payment from the Universal Service Fund, Defendants were liable for the 911 Fees imposed on ETCs.

25. Despite collecting some \$70 million through June, 2015 from the Universal Service Fund, Defendants have refused to remit and pay the Department the approximately \$4 million in 911 Fees owed as required by law.

26. In order to confirm the amount owed by each of the Defendants to the Department, each Defendant should be required to make an accounting of all Lifeline service provided by such Defendant in the state of Indiana, including the number of Lifeline customers in each month, as well as any other information required to determine the amount owed by Defendants to the Department.

27. Defendants should be required to pay all past due amounts owed to the Department for deposit in the 911 Fund, plus applicable statutory interest and any penalties and fees assessed pursuant to the Department's guidelines.


#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, the Indiana Statewide 911 Board, by counsel, Bamberger, Foreman, Oswald & Hahn, LLP, prays:

1. for an accounting from each Defendant;

2. for judgment against each Defendant of all past due amounts owed to the Department, plus any applicable statutory interest, penalties and fees;
3. for judgment against each Defendant for the Board's attorneys' fees and costs in this case; and
4. for all other relief just and proper in the premises.

Respectfully Submitted,



---

Clayton C. Miller #17466-49  
BAMBERGER, FOREMAN, OSWALD AND HAHN, LLP  
201 N. Illinois Street, Suite 1225  
Indianapolis, IN 46204

Terry G. Farmer #8243-82  
Daniel R. Robinson, Jr. #27309-82  
BAMBERGER, FOREMAN, OSWALD AND HAHN, LLP  
20 NW 4<sup>th</sup> Street, 7<sup>th</sup> Floor  
PO Box 657  
Evansville, IN 47704

ATTORNEYS FOR PLAINTIFF,  
INDIANA STATEWIDE 911 BOARD

IN THE MARION SUPERIOR COURT NO. 2  
STATE OF INDIANA

INDIANA STATEWIDE 911 BOARD,	)	CAUSE NO. 49D02-1507-PL-025306
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
VIRGIN MOBILE USA, L.P.,	)	
TRACFONE WIRELESS, INC.,	)	
I-WIRELESS, LLC, AND	)	
BUDGET PREPAY, INC.,	)	
	)	
Defendants.	)	

FILED

27 AUG 12 2015

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

APPEARANCE BY ATTORNEY IN CIVIL CASE

Initiating:  Responding:  Intervening:

Check if *Pro Se*

1. **Defendant TracFone Wireless, Inc.**

Name of Party \_\_\_\_\_

2. Attorney information (as applicable service of process):

Name:	Robert L. Hartley	Attorney No.:	7563-49
	FROST BROWN TODD LLC	Phone:	317-237-3949
Address:	201 N. Illinois Street, Suite 1900	FAX:	317-237-3900
	P.O. Box 44961	Email:	rhartley@fbtlaw.com
	Indianapolis, IN 46244-0961		

3. Will accept Fax or E-mail service: Yes  No

4. Are there now or have there been within the last twelve months pending related cases?

Yes  No  If yes, list case and cause number below.

If the caption has a name other than that of the parties, please explain.

Caption \_\_\_\_\_ Cause No. \_\_\_\_\_

Status \_\_\_\_\_

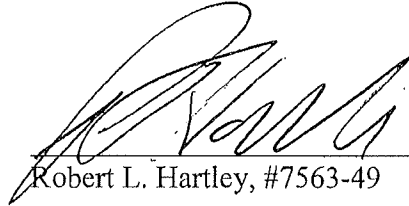
5. *If first initiating party filing this case*, the clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): PL.



6. Additional information required by state or local rule:  
None

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7. This appearance form has been served on all parties and/or counsel.
8. I have reviewed and discussed the **Commitment to Respect and Civility** with my client and agree to aspire to its goals.



---

Robert L. Hartley, #7563-49

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[arom@fbtlaw.com](mailto:arom@fbtlaw.com)

Attorneys for Defendant  
TracFone Wireless, Inc.

CERTIFICATE OF SERVICE

Service of the foregoing was made by placing a copy of the same into the United States

Mail, first class postage prepaid, this 12th day of August, 2015, addressed to:

Clayton C. Miller  
BAMBERGER, FOREMAN, OSWALD &  
HAHN, LLP  
201 North Illinois Street  
Suite 1225  
Indianapolis, IN 46204

Terry G. Farmer  
Daniel R. Robinson, Jr.  
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HAHN, LLP  
20 NW 4th Street, 7th Floor  
P.O. Box 657  
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Attorneys for Plaintiff  
Indiana Statewide 911 Board

Attorneys for Plaintiff  
Indiana Statewide 911 Board

Richard E. Aikman  
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cjames@kelleydrye.com

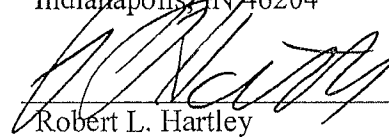
Attorneys for Defendant  
Virgin Mobile USA, L.P.

Attorneys for Defendant  
Virgin Mobile USA, L.P.

BUDGET PREPAY, INC.  
c/o National Registered Agents, Inc.,  
150 West Market Street, Suite 800  
Indianapolis, IN 46204.

I-WIRELESS, LLC  
c/o Incorp Services, Inc.  
120 E. Market Street, Suite 808  
Indianapolis, IN 46204

FROST BROWN TODD LLC  
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317-237-3800  
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rhartley@fbtlaw.com  
arom@fbtlaw.com

  
Robert L. Hartley

IN THE MARION SUPERIOR COURT NO. 2  
STATE OF INDIANA

INDIANA STATEWIDE 911 BOARD,	)	CAUSE NO. 49D02-1507-PL-025306
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
VIRGIN MOBILE USA, L.P.,	)	
TRACFONE WIRELESS, INC.,	)	
I-WIRELESS, LLC, AND	)	
BUDGET PREPAY, INC.,	)	
	)	
Defendants.	)	

FILED

27 AUG 12 2015

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

APPEARANCE BY ATTORNEY IN CIVIL CASE

Initiating:

Responding:

Intervening:

Check if *Pro Se*

1. **Defendant TracFone Wireless, Inc.**

Name of Party

2. Attorney information (as applicable service of process):

Name:	Abigail T. Rom	Attorney No.:	29459-49
	FROST BROWN TODD LLC	Phone:	317-237-3923
Address:	201 N. Illinois Street, Suite 1900	FAX:	317-237-3900
	P.O. Box 44961	Email:	arom@fbtlaw.com
	Indianapolis, IN 46244-0961		

3. Will accept Fax or E-mail service: Yes  No

4. Are there now or have there been within the last twelve months pending related cases?

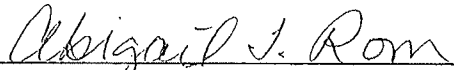
Yes  No  If yes, list case and cause number below.

If the caption has a name other than that of the parties, please explain.

Caption \_\_\_\_\_ Cause No. \_\_\_\_\_  
Status \_\_\_\_\_

5. *If first initiating party filing this case*, the clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): PL.

6. Additional information required by state or local rule:  
None
- 
7. This appearance form has been served on all parties and/or counsel.
8. I have reviewed and discussed the **Commitment to Respect and Civility** with my client and agree to aspire to its goals.

  
Abigail T. Rom, #29459-49

FROST BROWN TODD LLC  
201 North Illinois Street, Suite 1900  
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317-237-3800  
Fax: 317-237-3900  
rhartley@fbtlaw.com  
arom@fbtlaw.com

Attorneys for Defendant  
TracFone Wireless, Inc.

**CERTIFICATE OF SERVICE**

Service of the foregoing was made by placing a copy of the same into the United States

Mail, first class postage prepaid, this 12th day of August, 2015, addressed to:

Clayton C. Miller  
BAMBERGER, FOREMAN, OSWALD &  
HAHN, LLP  
201 North Illinois Street  
Suite 1225  
Indianapolis, IN 46204

Terry G. Farmer  
Daniel R. Robinson, Jr.  
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20 NW 4th Street, 7th Floor  
P.O. Box 657  
Evansville, IN 47704

Attorneys for Plaintiff  
Indiana Statewide 911 Board

Attorneys for Plaintiff  
Indiana Statewide 911 Board

Richard E. Aikman  
Anne E. Becker  
LEWIS & KAPPES, P.C.  
One American Square, Suite 2500  
Indianapolis, IN 46282

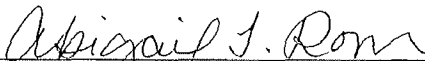
Henry T. Kelly  
Catherine E. James  
KELLEY DRYE & WARREN, LLP  
333 W. Wacker Drive, Suite 2600  
Chicago, IL 60606

Attorneys for Defendant  
Virgin Mobile USA, L.P.

Attorneys for Defendant  
Virgin Mobile USA, L.P.

BUDGET PREPAY, INC.  
c/o National Registered Agents, Inc.,  
150 West Market Street, Suite 800  
Indianapolis, IN 46204

I-WIRELESS, LLC  
c/o Incorp Services, Inc.  
120 E. Market Street, Suite 808  
Indianapolis, IN 46204

  
\_\_\_\_\_  
Abigail T. Rom

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arom@fbtlaw.com

0109989.0569050 4849-0064-2086v1

STATE OF INDIANA ) MARION COUNTY SUPERIOR COURT
) SS:
COUNTY OF MARION ) CAUSE NO. 49D02-1507-PL-025306

INDIANA STATEWIDE 911 BOARD,
)
)
Plaintiff, )
)
v. )
)
VIRGIN MOBILE USA, L.P., TRACFONE )
WIRELESS, INC., I-WIRELESS, LLC, and )
BUDGET PREPAY, INC., )
)
Defendants. )

FILED
AUG 19 2015
Mylan A. Eldredge
Attorney at Law

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating \_\_\_\_\_ Responding X Intervening \_\_\_\_\_

1. The undersigned attorney and all attorneys listed on this form now appear in this case for following party member(s): Budget Prepay, Inc.

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: Alan S. Townsend Attorney Number: Attorney No. 16887-49
Nikki G. Shoultz Attorney No. 16509-41
Bradley M. Dick Attorney No. 29647-49
Address: BOSE MCKINNEY & EVANS LLP Phone: (317) 684-5000
111 Monument Circle, Suite FAX: (317) 684-5173
2700
Indianapolis, IN 46204 Computer Address: atownsend@boselaw.com
nshoultz@boselaw.com
bdick@boselaw.com

[List on continuation page the additional attorneys appearing for above party member(s)]

3. There are other party members: Yes \_\_\_\_\_ No X (If yes, list on continuation page.)

4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): \_\_\_\_\_

5. I will accept service by FAX at the above noted number: Yes \_\_\_ No X
6. This case involves support issues. Yes \_\_\_ No X (If yes, supply social security numbers for all family members on separate page.)
7. There are related cases: Yes \_\_\_ No X (If yes, list on continuation page)
8. This form has been served on all other parties. Certificate of Service is Yes X No \_\_\_ attached: \_\_\_\_\_
9. Additional information required by local rule: \_\_\_\_\_
- 

Respectfully submitted,



Alan S. Townsend  
Attorney No. 16887-49  
Nikki G. Shultz  
Attorney No. 16509-41  
Bradley M. Dick  
Attorney No. 29647-49

BOSE MCKINNEY & EVANS LLP  
111 Monument Circle, Suite 2700  
Indianapolis, IN 46204  
(317) 684-5000 (Phone)  
(317) 684-5173 (Fax)

*Attorneys for the Defendant, Budget Prepay, Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing "Appearance by Attorney in Civil Case" has been served upon the following by first class, United States mail, postage prepaid, this 19<sup>th</sup> day of August, 2015:

Clayton C. Miller  
Bamberger, Foreman, Oswald and Hahn, LLP  
201 N. Illinois St., Suite 1225  
Indianapolis, IN 46204

Terry G. Garner  
Daniel R. Robinson, Jr.  
Bamberger, Foreman, Oswald and Hahn, LLP  
20 NW 4<sup>th</sup> Street, 7<sup>th</sup> Floor  
P.O. Box 657  
Evansville, IN 47704

Robert L. Hartley, Jr.  
Abigail T. Rom  
Frost Brown Todd LLC  
201 N. Illinois St., Suite 1900  
P.O. Box 44961  
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Richard E. Aikman  
Anne E. Becker  
Lewis & Kappes, P.C.  
One American Square, Suite 2500  
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Henry T. Kelly  
Catherine E. James  
Kelley Drye & Warren, LLP  
333 W. Wacker Dr., Suite 2600  
Chicago, IL 60606

  
\_\_\_\_\_  
Alan S. Townsend



STATE OF INDIANA ) MARION COUNTY SUPERIOR COURT  
 ) SS:  
COUNTY OF MARION ) CAUSE NO. 49D02-1507-PL-025306

INDIANA STATEWIDE 911 BOARD, )  
 )  
Plaintiff, )

v. )

VIRGIN MOBILE USA, L.P., TRACFONE )  
WIRELESS, INC., I-WIRELESS, LLC, and )  
BUDGET PREPAY, INC., )  
 )  
Defendants. )

**FILED**

AUG 19 2015

*Myla A. Eldredge*  
CLERK OF THE MARION COUNTY COURT

**NOTICE OF AUTOMATIC ENLARGEMENT OF TIME**

The Defendant, Budget Prepay, Inc. (“Budget Prepay”), by counsel and pursuant to Rule 6(B)(1) of the Indiana Rules of Trial Procedure and LR49-TR05 Rule 203(D) of the Marion Circuit and Superior Court Civil Division Rules, respectfully notifies the Court and the parties that the time within which the Budget Prepay must answer or otherwise respond to the Complaint filed by Plaintiff, Indiana Statewide 911 Board, has been enlarged for a period of thirty (30) days, to and including September 28, 2015. Based on information and belief, Budget Prepay was provided with a copy of the Complaint on or about August 5, 2015. Before this enlargement, Budget Prepay’s answer or response to the Complaint was due on or before August 28, 2015.

Respectfully submitted,



---

Alan S. Townsend  
Atty. No. 16887-49  
Nikki Gray Shoultz  
Attorney No. 16509-41  
Bradley M. Dick  
Attorney No. 29647-49

Bose McKinney & Evans LLP  
111 Monument Circle, Suite 2700  
Indianapolis, IN 46204  
Phone (317) 684-5000  
Fax (317) 684-5173

*Attorneys for the Defendant, Budget Prepay,  
Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing "Notice of Automatic Enlargement of Time" has been served upon the following counsel of record, by first class United States mail, this 19<sup>th</sup> day of August, 2015:

Clayton C. Miller  
Bamberger, Foreman, Oswald and Hahn, LLP  
201 N. Illinois St., Suite 1225  
Indianapolis, IN 46204

Terry G. Garner  
Daniel R. Robinson, Jr.  
Bamberger, Foreman, Oswald and Hahn, LLP  
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Kelley Drye & Warren, LLP  
333 W. Wacker Dr., Suite 2600  
Chicago, IL 60606



Alan S. Townsend

2822787\_1/14894-3

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE MARION COUNTY SUPERIOR COURT  
CAUSE NO. 49D02-1507-PL-025306

INDIANA STATEWIDE 911 BOARD )  
 )  
Plaintiff )

v. )

VIRGIN MOBILE USA, L.P., )  
TRACFONE WIRELESS, INC. )  
I-WIRELESS, LLC, AND )  
BUDGET PREPAY, INC. )

Defendants )

**FILED**

27 AUG 27 2015

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

**APPEARANCE BY ATTORNEY IN CIVIL CASE**

Initiating: \_\_\_\_\_ Responding:  X  Intervening: \_\_\_\_\_

\_\_\_\_\_ Check if *Pro Se*

1. Virgin Mobile USA, L.P. and I-Wireless, LLC  
Name of Party

2. Attorney information (as applicable service of process):

Name:	Anne E. Becker	Attorney No.:	14185-03
	Lewis Kappes P.C.	Phone:	(317) 639-1210
Address:	One American Sq., Ste. 2500	Fax:	(317) 639-4882
	Indianapolis, IN 46282	Email:	<a href="mailto:abecker@lewis-kappes.com">abecker@lewis-kappes.com</a>

3. Will accept Fax or Email service: Yes  X  No \_\_\_

4. Are there now or have there been within the last twelve months pending related cases?

Yes \_\_\_ No  X  If yes, list case and cause number below.

If the caption has a name other than that of the parties, please explain.

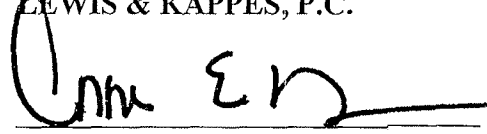
Caption: \_\_\_\_\_ Cause No. \_\_\_\_\_  
Status: \_\_\_\_\_

5. If first initiating party filing this case, the clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3):  PL .

6. Additional information required by state or local rule:  
None.
7. This appearance form has been served on all parties and/or counsel.
8. I have reviewed and discussed the Commitment to Respect and Civility with my client and agree to aspire to its goals.

Respectfully submitted,

LEWIS & KAPPES, P.C.



Anne E. Becker, Atty. No. 14185-03  
Lewis Kappes P.C.  
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[ABecker@Lewis-Kappes.com](mailto:ABecker@Lewis-Kappes.com)

*Attorney for Defendants,  
Virgin Mobile USA, L.P., and I-Wireless, LLC*

CERTIFICATE OF SERVICE

Service of the foregoing was made by placing a copy of the same into the United States Mail, first class postage prepaid, this 27<sup>th</sup> day of August, 2015, addressed to:

Clayton C. Miller  
BAMBERGER, FOREMAN, OSWALD &  
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201 North Illinois Street, Suite 1225  
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*Attorneys for Plaintiff*  
*Indiana Statewide 911 Board*

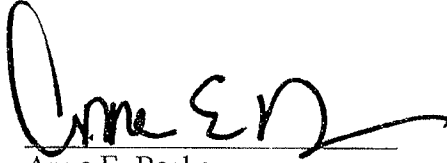
Alan S. Townsend  
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Bradley M. Dick  
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FROST BROWN TODD LLC  
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*TracFone Wireless, Inc.*

*Courtesy copies to:*

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Chicago, IL 60606

  
Anne E. Becker

**LEWIS & KAPPES, P.C.**  
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(317) 639-4882 fax  
[abecker@lewis-kappes.com](mailto:abecker@lewis-kappes.com)

STATE OF INDIANA ) IN THE MARION COUNTY SUPERIOR COURT  
 ) SS:  
COUNTY OF MARION ) CAUSE NO. 49D02-1507-PL-025306

INDIANA STATEWIDE 911 BOARD )  
 )  
Plaintiff )  
 )  
v. )  
 )  
VIRGIN MOBILE USA, L.P., )  
TRACFONE WIRELESS, INC. )  
I-WIRELESS, LLC, AND )  
BUDGET PREPAY, INC. )  
 )  
Defendants )

**FILED**

27 AUG 27 2015

*Myla A. Eldredge*  
CLERK OF THE MARION CIRCUIT COURT

**APPEARANCE BY ATTORNEY IN CIVIL CASE**

Initiating: \_\_\_\_\_ Responding:  X  Intervening: \_\_\_\_\_

\_\_\_\_\_ Check if *Pro Se*

1. Virgin Mobile USA, L.P. and I-Wireless, LLC  
Name of Party

2. Attorney information (as applicable service of process):

Name: Manuel Herceg Attorney No.: 29956-06  
Lewis Kappes P.C. Phone: (317) 639-1210  
Address: One American Sq., Ste. 2500 Fax: (317) 639-4882  
Indianapolis, IN 46282 Email: [mherceg@lewis-kappes.com](mailto:mherceg@lewis-kappes.com)

3. Will accept Fax or Email service: Yes  X  No \_\_\_

4. Are there now or have there been within the last twelve months pending related cases?

Yes \_\_\_ No  X  If yes, list case and cause number below.

If the caption has a name other than that of the parties, please explain.

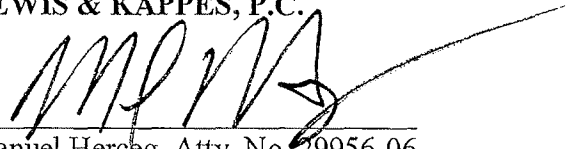
Caption: \_\_\_\_\_ Cause No. \_\_\_\_\_  
Status: \_\_\_\_\_

5. If first initiating party filing this case, the clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3):  PL .

6. Additional information required by state or local rule:  
None.
7. This appearance form has been served on all parties and/or counsel.
8. I have reviewed and discussed the Commitment to Respect and Civility with my client and agree to aspire to its goals.

Respectfully submitted,

**LEWIS & KAPPES, P.C.**



Manuel Herceg, Atty. No. 29956-06  
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One American Square, Suite 2500  
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MHerceg@Lewis-Kappes.com

*Attorney for Defendants,  
Virgin Mobile USA, L.P., and I-Wireless, LLC*



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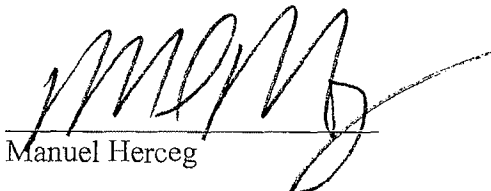
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*TracFone Wireless, Inc.*

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Manuel Herceg

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IN THE MARION SUPERIOR COURT NO. 2  
STATE OF INDIANA

INDIANA STATEWIDE 911 BOARD,	)	CAUSE NO. 49D02-1507-PL-025306
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
VIRGIN MOBILE USA, L.P.,	)	
TRACFONE WIRELESS, INC.,	)	
I-WIRELESS, LLC, AND	)	
BUDGET PREPAY, INC.,	)	
	)	
Defendants.	)	

FILED

27 AUG 27 2015

*Mylene A. Eldredge*  
CLERK OF THE MARION CIRCUIT COURT

TRACFONE WIRELESS, INC.'S NOTICE OF AUTOMATIC INITIAL EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT

TracFone Wireless, Inc. ("TracFone"), by counsel, and pursuant to Indiana Rule of Trial Procedure 6(B)(1) and Marion County LR49-TR5-203(D), provides notice of an automatic enlargement of time to respond to Plaintiff's Complaint. In support of this notice, TracFone states:

1. The undersigned attorneys were recently retained by TracFone.
2. TracFone was served on or about August 5, 2015, making TracFone's response due on or before August 28, 2015, which time has not yet expired.
3. Pursuant to Indiana Rule of Trial Procedure 6(B)(1) and Marion County LR49-TR5-203(D), TracFone provides notice of their automatic enlargement of time of thirty days from August 28, 2015, to and including September 28, 2015, to respond to Plaintiff's Complaint.

WHEREFORE, Defendant TracFone Wireless, Inc., by counsel, provide notice of an enlargement of time to and including September 28, 2015, in which to file an answer and/or respond to Plaintiff's Complaint, and for all other just and proper relief.

FROST BROWN TODD LLC

By: Abigail J. Rom

Robert L. Hartley, #7563-49

Abigail T. Rom, #29459-49

FROST BROWN TODD LLC

201 North Illinois Street, Suite 1900

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Indianapolis, IN 46244-0961

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Fax: 317-237-3900

rhartley@fbtlaw.com

arom@fbtlaw.com

Attorneys for TracFone Wireless, Inc.

CERTIFICATE OF SERVICE

Service of the foregoing was made by placing a copy of the same into the United States Mail, first class postage prepaid, this 27th day of August, 2015, addressed to:

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Budget Prepay, Inc.

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rhartley@fbtlaw.com  
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Indianapolis, IN 46282

Attorneys for Defendant  
I-Wireless, LLC

  
Abigail T. Rom

STATE OF INDIANA	)	IN THE MARION COUNTY SUPERIOR COURT
	) SS:	
COUNTY OF MARION	)	CAUSE NO. 49D02-1507-PL-025306
INDIANA STATEWIDE 911 BOARD	)	
	)	
Plaintiff	)	
	)	
v.	)	
	)	
VIRGIN MOBILE USA, L.P.,	)	
TRACFONE WIRELESS, INC.	)	
I-WIRELESS, LLC, AND	)	
BUDGET PREPAY, INC.	)	
	)	
Defendants	)	

**VIRGIN MOBILE, USA, L.P. AND I-WIRELESS, LLC’S MOTION FOR AUTOMATIC INITIAL EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF’S COMPLAINT**

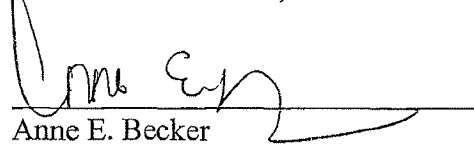
Defendants Virgin Mobile USA, L.P. (“Virgin Mobile”) and I-Wireless, LLC (“I-Wireless”) by counsel, and pursuant to Indiana Rule of Trial Procedure 6(B)(1) and Marion County LR49-TR5-203(D), provides notice of an automatic enlargement of time to respond to Plaintiff’s Complaint. In support of this notice, Virgin Mobile and I-Wireless state:

1. The undersigned attorneys were recently retained by Virgin Mobile and I-Wireless.
2. Virgin Mobile and I-Wireless were served by certified mail on or about August 5, 2015, making Virgin Mobile and I-Wireless’ response due on or before August 28, 2015, which time has not yet expired.
3. Pursuant to Indiana Rule of Trial Procedure 6(B)(1) and Marion County LR49-TR5-203(D), Virgin Mobile and I-Wireless provide notice of their automatic enlargement of time of thirty days from August 28, 2015, to and including September 28, 2015, to respond to Plaintiff’s Complaint.

WHEREFORE, Defendants Virgin Mobile and I-Wireless, by counsel, provide notice of an enlargement of time to and including September 28, 2015, in which to file an answer and/or respond to Plaintiff's Complaint, and for all other just and proper relief.

Respectfully submitted,

**LEWIS & KAPPES, P.C.**



Anne E. Becker

Manuel Herceg

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[MHerceg@Lewis-Kappes.com](mailto:MHerceg@Lewis-Kappes.com)

*Attorneys for Defendants,*

*Virgin Mobile USA, L.P., and I-Wireless, LLC*

**CERTIFICATE OF SERVICE**

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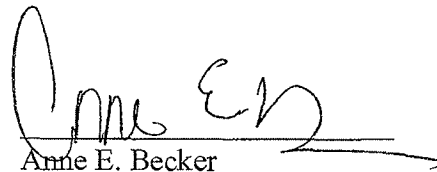
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*Attorneys for Defendant*  
*TracFone Wireless, Inc.*

  
Anne E. Becker