

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
)	
UNITED STATES OF AMERICA,)	
555 Fourth Street, N.W.)	
Washington, D.C. 20530,)	
)	
Plaintiff,)	
)	Civil Action No.:
v.)	
)	
COMET DISTRIBUTION LTD)	
2605 Castilla Isles Drive)	
Fort Lauderdale, Florida 33301,)	
)	
Serve: Valerie Thibault)	
2605 Castilla Isles Drive)	
Fort Lauderdale, Florida 33301,)	
)	
Defendant.)	
_____)	

COMPLAINT

Comes Plaintiff, the United States of America (“United States”), by and through its undersigned counsel, and for its Complaint and causes of action against Defendant, Comet distribution Ltd (“Comet”), states as follows:

JURISDICTION AND VENUE

1. This action is brought by the United States pursuant to 28 U.S.C. § 1345 and the Federal Debt Collection Procedures Act (“FDCPA”), 28 U.S.C. § 3001 *et seq.*, to collect a debt owed to the United States for an overpayment mistakenly paid to Comet by the Smithsonian Institution (“Smithsonian”) pursuant to an agreement (hereafter “Agreement”). *See* Plaintiff’s Exhibit (“Plff. Exh.”) A (*Film License Agreement*). The United States also brings suit against Comet for unjust enrichment.

2. Venue is proper under 28 U.S.C. § 1391, because a substantial part of the events giving rise to the claim occurred in the District of Columbia. *See* Plff. Exh. A, ¶ 15.

THE PARTIES

3. Plaintiff, the United States, is the sovereign body politic.

4. Upon information and belief, Defendant Comet is a Florida company with an address of 2605 Castilla Isles, Fort Lauderdale, Florida 33301.

FACTUAL ALLEGATIONS

5. On or about February 29, 2008, Comet executed an Agreement with the Smithsonian for the licensing and exhibition of a film. *See* Plff. Exh. A.

6. On or about October 15, 2008, pursuant to the Agreement, Comet received a wire transfer from Smithsonian in the amount of \$300,000 for payment of Invoice # 1006.

7. On or about October 16, 2008, Comet received a check from Smithsonian in the amount of \$300,000 for the same invoice (# 1006) for which it had received the wire transfer described in paragraph 6 above.

8. The President of Comet has acknowledged receipt of the \$300,000 overpayment made to Comet by mistake and promised to refund the overpayment. However, to date, Comet has refunded only \$75,000 of the \$300,000 overpayment to the Smithsonian.

9. Demand for payment has been made by the United States upon Comet, but has not been honored.

10. Comet is liable to the United States in the amount of \$225,000, plus interest.

COUNT I

11. The United States incorporates paragraphs 1 through 10 of this Complaint as if fully set forth herein.

12. Comet is liable to the United States in the amount of \$225,000 for the remainder of the overpayment made by mistake to Comet.

13. The amount owed by Comet constitutes a debt to the United States under the FDCPA, 28 U.S.C. § 3002(3)(B).

COUNT II

14. The United States incorporates paragraphs 1 through 10 of this Complaint as if fully set forth herein.

15. Comet has been unjustly enriched by reason of the overpayment made to Comet by the Smithsonian.


16. Comet is liable to the United States in the amount of \$225,000 as a result of this unjust enrichment.

RELIEF REQUESTED

WHEREFORE, Plaintiff, the United States, demands:

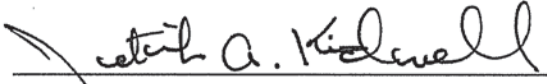
- a. Judgment against Defendant in the sum of \$225,000 plus interest and costs; and
- b. Any and all other proper relief to which Plaintiff may be entitled.

UNITED STATES OF AMERICA

RONALD C. MACHEN JR. 
United States Attorney
For the District of Columbia
D.C. Bar No. 447889

RUDOLPH CONTRERAS *u*
Chief, Civil Division
D.C. Bar No. 434122

By:



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