

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

GOLD & ASSOCIATES, P.A. d/b/a  
The Ticket Clinic, a Florida professional  
Association/corporation,

Plaintiff,

vs.

CASE NO.

TIKD HOLDINGS CORPORATION d/b/a  
TIKD.COM and/or TIKD, a Delaware corporation not  
Registered to do business in the State of Florida,  
CHRISTOPHER RILEY and TIM BERTHOLD,

Defendants.

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**COMPLAINT**

Plaintiff hereby sues Defendants and alleges:

GENERAL ALLEGATIONS

1. Plaintiff (“The Ticket Clinic”) is a duly licensed Florida professional association and corporation with offices in Broward County, Florida. The Ticket Clinic is one of the nation’s first and oldest law firms to concentrate on defending drivers charged with traffic offenses. Established in 1987, 30 years ago, The Ticket Clinic’s success has created a myriad of imitators, who, until recently, have all been attorneys, bound by all professional and ethical rules.

2. Defendant TIKD HOLDINGS CORPORATION (“TIKD”) is a Delaware Corporation doing business in the State of Florida, including doing business in Broward County, Florida, under the name TIKD.COM and/or TIKD; and Defendant CHRISTOPHER RILEY is the CEO of TIKD, and Defendant TIM BERTHOLD is the COO of TIKD – both are residents of the State of Florida.

3. TIKD, a foreign corporation, is not registered to do business in the State of Florida.

4. While maintaining offices in Florida, and doing business in Florida, TIKD has failed to register to do business in Florida and does not maintain a registered agent in Florida.

5. The Ticket Clinic has been in business for many years in the State of Florida as a law firm that provides legal services to persons receiving traffic violations ranging from simple civil traffic infractions to criminal traffic infractions for DUI, and the like.

6. TIKD is engaged in a business, as more fully described below, which is unfairly, improperly and illegally competing with the business of The Ticket Clinic as it relates to providing legal services to persons in 13 counties in the State of Florida, including Broward County, who have received civil traffic infractions.

7. As detailed herein, TIKD, a corporation headed by Christopher Riley, its CEO, and Tim Berthold, its COO, both of whom are non-lawyers, in addition to doing business in Florida without being properly registered to do so, is illegally operating a law firm run by non-lawyers to unfairly and improperly compete with The Ticket Clinic, while deceiving consumers in Florida in the process and while not being subject to Rules that properly licensed lawyers are bound by and obligated to follow which Rules are designed specifically to protect consumers such as those persons in Florida that have received a civil traffic infraction.

8. Consumers who choose The Ticket Clinic to represent them to defend a civil traffic infraction actually hire the law firm of their choosing.

9. Consumers who choose TIKD to deal with their civil traffic infraction are falsely led to believe that they are selecting an alternative to hiring a lawyer, when in fact said consumers choosing TIKD are obtaining legal representation chosen solely by TIKD – not the consumer.

10. While TIKD, marketed as an app for your cell phone, falsely advertises on tikd.com that it is offering an alternative to hiring a lawyer, the consumers who actually submit their civil

traffic infractions to TIKD are, in turn, represented by lawyers chosen solely by TIKD without any discretion by the consumer.

11. A consumer that submits a civil traffic infraction to TIKD has no idea of the qualifications or expertise of the lawyer representing said consumer, while legitimate and properly licensed lawyers like those at The Ticket Clinic who advertise their services are required to provide such information about the qualification or expertise of its lawyers upon request at any time.

12. On its website, TIKD, while operating illegally as a law firm run by two non-lawyers, is making a myriad of false and deceptive advertising claims to deceive the public and to unfairly, improperly and illegally compete with The Ticket Clinic, which a legitimate and proper law firm would not be permitted to make, including:

a) comparing TIKD services to other lawyers, claiming, among other things, that: “with TIKD you save as much or more than if you hired a lawyer;”

b) making guarantees to pay financial penalties imposed by courts and/or the “full cost of their ticket”;

c) promising to “get rid of your traffic ticket” in 2 minutes or less;

d) guaranteeing savings;

e) promising that you can “sit back and relax” after retaining TIKD;

f) claiming that, when using TIKD, “you will always be better off than if you chose to not to challenge the ticket and just paid for it;”

g) promising to “cover the full cost of your ticket no matter the price – even if the cost is higher than what you paid us;”

h) as to legitimate and duly licensed lawyers like The Ticket Clinic, claiming that “lawyers get about the same outcome as individuals who challenge their own ticket;”

i) as to legitimate and duly licensed lawyers like The Ticket Clinic, claiming that “[l]awyer costs vary but the average seems to be about \$150 per ticket.”

j) as to legitimate and duly licensed lawyers like The Ticket Clinic, claiming that “handling your ticket using a lawyer is more expensive than using TIKD.”

k) when comparing TIKD’s services to other phone apps, claiming “these apps are essentially the same thing as hiring a lawyer;”

l) improperly and illegally claiming that TIKD will “absorb[ ] the risk of the outcome.”

m) improperly holding themselves out as a law firm, claiming: “since we handle many cases, we can afford the randomness,” and “For all the tickets that TIKD accepts, we will handle the court appearance, if required, on your behalf with a fully licensed and qualified lawyer.” Not only is this in violation, as are other matters claimed by Tikd in its advertisement, of the Florida Rules of Professional Responsibility, these matters constitute the Unauthorized Practice of Law pursuant to §454.23, which provides that a person holding themselves out as a lawyer commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084; and

n) improperly guaranteeing results, claiming to “Guarantee that you will not receive any points on your license.

13. The false and deceptive representations made by TIKD, in addition to being false and deceptive, are representations that duly licensed lawyers and legitimate law firms are not permitted to make to consumers or the general public.

14. Additionally, TIKD is improperly and illegally giving legal advice, claiming that the resolution of a ticket is “random,” rather than based upon the facts and circumstances of each case, as well as the defenses that may apply to particular facts.

15. While claiming, in a false and misleading manner, to be an alternative to hiring a lawyer, TIKD does: i) hire lawyers; ii) collect the entire legal fee; and iii) keep most of that fee after paying a fee to a “covering” attorney – all in a manner that involves and constitutes illegal “fee-splitting” with a non-lawyer.

16. The Ticket Clinic, a business and law firm, is a “Consumer” within the meaning of §501.203(7), and is an entity or person that has been “aggrieved,” within the meaning of §501.211(1), thereby entitling The Ticket Clinic to seek and obtain relief under §501.201, et. seq., the “Florida Deceptive and Unfair Trade Practices Act,” especially where many of the deceptive practices and acts are directed at The Ticket Clinic to improperly compete with The Ticket Clinic.

17. Defendants are engaged in trade or commerce as defined in §501.203(8), by advertising, soliciting and offering services.

18. By the acts described above, including all quotations of advertising on TIKD’s website, Defendants have engaged in unfair methods of competition, unfair and deceptive acts or practices in the conduct of trade and commerce, and unconscionable acts or practices in violation of §501.204(1).

19. All of the false and deceptive claims by TIKD, detailed in ¶12 above, have not been approved by The Florida Bar, nor has approval even been sought by TIKD.

20. The damages caused by TIKD’s unfair and deceptive acts cannot properly be measured, and The Ticket Clinic does not have an adequate remedy at law.

21. Further, and notwithstanding whether or not The Ticket Clinic has an adequate remedy at law, The Ticket Clinic has the legal right to injunctive relief provided for in §501.211(1), by being a “consumer” who has been “aggrieved” by the deceptive and unfair practices of Defendants, as well as costs and attorney’s fees under §501.2105.

22. Defendants have violated, are violating and will continue to violate the Florida Deceptive and Unfair Trade Practices Act, unless enjoined from doing so.

23. The Ticket Clinic, by being a “consumer” who has been “aggrieved” by the deceptive and unfair practices of Defendant, are also entitled to declaratory relief, in addition to injunctive relief, under §501.211(1).

24. The improper and illegal nature of TIKD cannot be cured by enjoining any single act or combination of acts by virtue of the fact that TIKD is tantamount to an illegal law firm run by two non-lawyers through a corporate entity, engaging in the unauthorized practice of law, with improper and illegal fee-splitting, while making deceptive and false claims in improper and illegal solicitations of consumers that a legitimate law firm could never make, all being carried out to illegally compete with The Ticket Clinic and other legitimate and proper law firms.

25. TIKD is not a law firm, and its founders and officers, RILEY and BERTHOLD are not lawyers; yet, TIKD, RILEY and BERTHOLD make legal representations about traffic law, accept fees from clients and make promises regarding the outcome.

26. TIKD, RILEY and BERTHOLD are not bound by or subject to any Rules or Regulations promulgated by The Florida Bar, including, but not limited to, Rules regarding advertising, and therefore are making outrageous, deceptive and false claims.

27. TIKD, RILEY and BERTHOLD are practicing law without a license, and the public consumers are their victims. While claiming to have a magic algorithm that takes the guesswork

out of defending traffic tickets, there is no substitute for a law degree and such defense is a legal matter left to lawyers under proper regulation and supervision for the benefit of the public.

28. In promising to pay a fine if they lose at no additional cost, TIKD, RILEY and BERTHOLD make a promise that a lawyer or law firm cannot possibly make, and they essentially “rob Peter (those persons whose cases are dismissed with no fine or court cost after paying TIKD 75-80% of the fine stated in the citation) to pay Paul (those persons who are directed to pay the fine in full or greater, with costs)” which is a “house of cards” that will eventually fall, leaving clients with no remedy.

29. In addition to unfairly and illegally competing with The Ticket Clinic in violation of Ch. 501.201, et. seq., TIKD, RILEY and BERTHOLD are damaging the public, as well, by operating a “law firm” that is not legitimate, and not subject to professional and ethical rules designed to protect the public, and said Defendants must, therefore, be enjoined.

WHEREFORE The Ticket Clinic demands judgment against Defendants in the following manner:

a) permanently enjoining each Defendant from operating TIKD through its mobile app and website;

b) permanently enjoining the individual Defendants from creating another entity to run a similar business that operates as law firm engaging in the unauthorized practice of law with improper fee-splitting, while making deceptive and false claims;

c) an award of attorney’s fees and costs under §501.2015; and

d) any other relief deemed just and proper.

*/s/ Louis Arslanian*

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