

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

gr-327.com

CARLOS (TOPY) MAMERY

PLAINTIFF

v.

**JORGE REYNOSO, NOELIA
LORENZO and INSURANCE
COMPANY X**

DEFENDANT

CIVIL NO: 2007 -

**PLAINTIFF DEMANDS
TRIAL BY JURY**

VERIFIED COMPLAINT

TO THE COURT:

COMES NOW PLAINTIFF, through the subscribing **ATTORNEY**, who very respectfully alleges and prays:

1. At all times herein mentioned, **PLAINTIFF CARLOS (TOPY) MAMERI** is a resident of the Commonwealth of Puerto Rico.

2. **DEFENDANTS, JORGE REYNOSO and NOELIA LORENZO** are citizens of the City of Los Angeles of the State of California.

3. **DEFENDANT Insurance Company X** is the insurance carrier, who has issued an insurance **policy** on behalf of defendant **Jorge Reynoso**, who is further liable to the plaintiff.¹

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The plaintiff reserves his right to amend the complaint once the true identity of this insurance company is known and/or discovered.

JURISDICTION AND VENUE


4. The Court has jurisdiction over the parties and subject matter of this litigation because of the diversity of citizenship of the parties and because the amount in controversy exceeds, exclusive of interests and costs, the amount of **SEVENTY FIVE THOUSAND DOLLARS (\$75,000)**, pursuant to **28 U.S.C. §1332**.

5. Venue is proper in this District pursuant to **28 U.S.C. § 1391(a)(2)**

NATURE OF THIS ACTION

6. Plaintiff seeks injunctive relief and money damages for defamation and libel per se premised upon diversity of citizenship.

THE FACTS



7. Plaintiff at present is the **Senior Vice President of Operations** of Spanish **Broadcasting System of Puerto Rico (SBS)**, entity devoted to the Broadcasting of Music and diverse radio programs, which covers the Commonwealth of Puerto Rico.

8. The Plaintiff has been a devoted business man and publicist for the last thirty (30) years of his life, for which reason is well known in the Commonwealth of Puerto Rico in said industry and has always kept an impeccable image.

9. The Plaintiff is presently the husband of the popular known singer, **Yolandita Monge (Yolandita)** who is the mother of defendant **Noelia Lorenzo (Noelia)**, who is also a pop singer.

10. On or about **June 2007**, defendant **Reynoso** launched a vicious and false

attack on the integrity of the Plaintiff, whereas Reynoso this time, who is interviewed by journalist of the **El Nuevo Día Newspaper**, states that the Plaintiff was the responsible for displaying for displaying over the **World Wide Web (Internet)**, a **pornographic video** where **Noelia** was being depicted in it.

11. On or about **October 2007**, defendant **Reynoso** launches another vicious and false attack on the integrity of the Plaintiff, whereas Reynoso in a live Television Program, transmitted on **WAPA TV, Channel 4**, known as the **Super Exclusivo** was interviewed by the program's character known as **La Comay**, having stated that the plaintiff had sexually abused **Noelia**, further having several sexual relations with her.

12. On or about the month of **August 2007**, both defendants appeared on the Television Program known as **Cristina**, which was being broadcasted through **Univision de Puerto Rico, Channel 11**, where the defendants once again launch another vicious and false attack on the integrity of the Plaintiff, whereas the defendants state that the plaintiff had sexually abused **Noelia** and had had several sexual relations with her, and who further was the responsible for displaying over the **World Wide Web (Internet)**, a **pornographic video** where **Noelia** was being depicted in it.

13. From **June 16th through October 2007**, defendant **Reynoso**, on several occasions was interviewed on a Miami Radio Station (which radio show was simultaneously being transmitted over the **World Wide Web (Internet)**), known as **Clasica 92**, where **Reynoso**, each time interviewed would confirm that the Plaintiff had

sexually abused **Noelia** and had had several sexual relations with her, and who further was the responsible for displaying over the **World Wide Web (Internet)**, a **pornographic video** where **Noelia** was being depicted in it.

14. On or about late **September or early October 2007**, defendant **Noelia**, was interviewed by People Magazine in Español, where she once again launched another vicious and false attack on the integrity of the Plaintiff, whereas she stated that the plaintiff had sexually abused **Noelia** and had had several sexual relations with her, and who further was the responsible for displaying over the **World Wide Web (Internet)**, a **pornographic video** where **Noelia** was being depicted in it.

15. Upon information and belief, the defendants' remarks and/or comments or references, were necessarily intended to disparage Plaintiff's reputation as the **Senior Vice President of Operations** of Spanish **Broadcasting System of Puerto Rico (SBS)**, and was further intended to hold Plaintiff up to embarrassment in the industry he has part of for the last thirty (30) years, affecting his professional endeavors.

16. The defendants' remarks were made with actual malice, fully knowing that the statements to be false as a statement of fact and in reckless disregard to the truth, for the defendant **Reynoso** knew that he was the sole responsible for the marketing and offer for sale, over the **World Wide Web (Internet)**, a **pornographic video** where **Noelia** was being depicted in it. This was done through a **Web Site** registered under the domain name of **noeliashop.com**

17. Because defendants' defamation of the Plaintiff has been disseminated widely throughout the planet, their remarks were also likely and possibly intended to hold the Plaintiff to embarrassment in his business relationships as a Broadcaster and Publicist, and in his social relationships.

18. The defendants' defamatory remarks have caused the Plaintiff considerable mental and emotional distress.

19. The defendants' defamatory remarks further disparage Plaintiff's reputation and maliciously and tortuously interfere with Plaintiff's business relationships.

20. Defendants' intentional and per se defamation of the Plaintiff has caused him to suffer, inter alia, the special damages referenced to in ¶ 18 supra, and gross impairment of his good name, public embarrassment, humiliation, impairment to his professional reputation, public impairment of his abilities and integrity, anxiety, emotional upset and public ridicule, for which reason the plaintiff has been damaged in the amount of **FIVE MILLION DOLLARS (\$5,000,000)**.

**AS AND FOR THE FIRST CLAIM
DECLARATORY RELIEF**

21. Plaintiff repeats and realleges the averments of paragraphs 1 through 19 as if fully set forth herein.

22. By reason of the foregoing, the defendants willful and malicious defamatory statements about the Plaintiff constitute libel per se for which they are answerable under Puerto Rico Law.

23. That this Court order the defendants be enjoined immediately from continuing to issue libelous and defamatory statements about the Plaintiff.

AS AND FOR THE SECOND CLAIM

24. Plaintiff repeats and alleges the averments of paragraphs 1 through 19 as if fully set forth herein.

25. By reason of the foregoing the defendants maliciously and willful defamatory published statements have damaged the plaintiff and are actionable for damages under the Law of the Commonwealth of Puerto Rico.

26. Accordingly defendants should be held liable for damages to the Plaintiff for the sum of at least **TEN MILLION DOLLARS (\$10,000,000)**.

27. Pursuant to the Laws of the Commonwealth of Puerto Rico, a party that causes, foments, or prolongs litigation as a result of its obstinacy, is liable for the successful party's reasonable Attorney's fees.

28. The **DEFENDANTS** herein have been obstinate and are responsible for the **PLAINTIFF'S** reasonable Attorney's fees.

29. Pursuant to **Rule 44.3** of the Rules of Civil Procedure of the Commonwealth of Puerto Rico, a finding of obstinacy by the Court requires a mandatory imposition of pre-judgment interest from the date of the filing of the complaint.

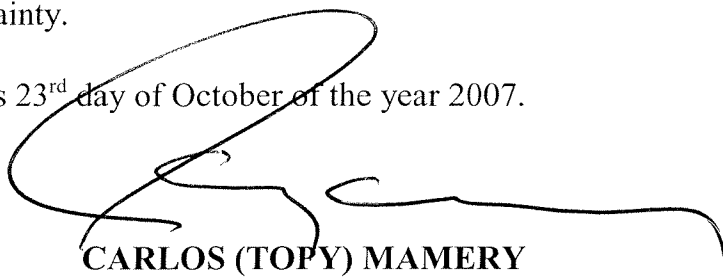
WHEREFORE, PLAINTIFF demands judgment against the **DEFENDANTS**, jointly and severally, in the sum of **FIFTEEN MILLION DOLLARS (\$15,000,000)**,

together with the interests there on from the date of the filing of the present complaint, costs, and reasonable Attorney's fees.

STATEMENT UNDER PENALTY OF PERJURY

I, **CARLOS (TOPY) MAMERY**, of legal age, married, employed and resident of the Capital City of San Juan of the Commonwealth of Puerto Rico, under the penalty of perjury state as follows: that I am the person of the personal circumstances stated, that I have read the preceding complaint, which was drafted by my Attorney as per the instructions given by me, that all the statements herein above mentioned are nothing but the truth, except that information which has been made available to me by information, which I believe to be true in good, faith, for which reason I affix my hand signature herein below, attesting to such certainty.

In San Juan Puerto Rico, this 23rd day of October of the year 2007.

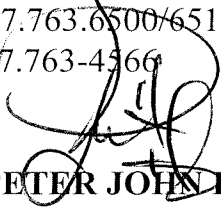


CARLOS (TOPY) MAMERY

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 23rd day of October of the year 2007.

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By:  **PETER JOHN PORRATA**
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