

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

RECMAD,
a Portuguese Company,

Plaintiff,

v.

UMG RECORDINGS, INC., a
Delaware Corporation, f/k/a
UNIVERSAL MUSIC LATINO,
INC., f/k/a UNIVERSAL MUSIC
DISTRIBUTION, CORP.; DON
OMAR, f/k/a WILLIAM OMAR
LANDRON RIVERA, a/k/a EL
REY, an individual; LUIS FILIPE
OLIVIERA, a/k/a LUCENZO, an
individual; ORFANATO MUSIC
GROUP; VI MUSIC; MACHETE
MUSIC; and IZZIE ESTEBAN, an
individual,

Defendants.

COMPLAINT

RECMAD ("Plaintiff") by and through the undersigned counsel, hereby files this Complaint for Damages and Demand for Jury Trial against Defendants UMG RECORDINGS, INC., a Delaware Corporation; DON OMAR, f/k/a WILLIAM OMAR LANDRON RIVERA, a/k/a EL REY, an individual ("Don Omar"); LUIS FILIPE OLIVIERA, a/k/a LUCENZO, an individual ("Lucenzo"); ORFANATO MUSIC GROUP ("OMG"); VI MUSIC ("VM");

MACHETE MUSIC (“Machete”); and IZZIE ESTEBAN, an individual (“Izzie”) (collectively “Defendants”) and in support thereof states as follows:

PARTIES, JURISDICTION AND VENUE

1. This is an action for monetary damages in excess of \$15,000.00, exclusive of interest, costs and attorneys’ fees.
2. The defamatory statements, images, and/or video were published within Florida.

PLAINTIFF

3. Plaintiff is a company established pursuant to the Laws of Portugal, and is otherwise *sui juris*.

DEFENDANTS

4. Defendant UMG RECORDINGS, INC. is a Delaware corporation, registered in the state of Florida, who continually does business in the state of Florida and is otherwise *sui juris*.
5. Defendant DON OMAR is an individual over eighteen (18) years of age, continually does business in the state of Florida, and is otherwise *sui juris*.
6. Defendant OMG is a company with its principal place of business in the Commonwealth of Puerto Rico, continually does business in the state of Florida, and is otherwise *sui juris*.
7. Defendant VM is a company who continually does business in the state of Florida, and is otherwise *sui juris*.
8. Defendant MACHETE is a company who continually does business in the state of Florida and is otherwise *sui juris*.
9. Defendant IZZIE is an individual over eighteen (18) years of age, continually does business in the state of Florida, and is otherwise *sui juris*.

10. Defendant LUCENZO is an individual over eighteen (18) years of age, continually does business in the state of Florida, and is otherwise *sui juris*.

GENERAL ALLEGATIONS

11. During or around the early part of the year 2010, Defendants began filming the music video for Defendants DON OMAR and LUCENZO's hit single "Danza Kuduro" (the "Video").

12. The Video was filmed on the Caribbean island of St. Martin, and was directed by music video director Defendant LUCENZO.

13. The full Video was premiered on August 17, 2010.

14. Within a few days of the Video's release, it had received over one (1) millions views.

15. Moreover, the Video has been certified a "YouTube Phenomenon" and has received to date more than 400 million views worldwide.

16. Upon information and belief, "Danza Kuduro" has become a worldwide hit, reaching Number One on the music charts of the following countries: (1) Argentina; (2) Ecuador; (3) Venezuela; (4) Italy; (5) Netherlands; (6) Spain; (7) Romania; (8) Austria; (9) Switzerland; (10) Germany; (11) Sweden; and (12) the U.S. Hot Latin Songs Chart. "Danza Kuduro" has made it to the top five songs in the music charts of the following countries: (1) Serbia; (2) Bosnia and Herzegovina; (3) Colombia; (4) Chile; (5) Central America; (6) Denmark; and (7) Norway.

17. The widespread and viral nature of the Video has helped Defendants profit substantially with the sale and marketing of both the song "Danza Kuduro" and the Video.

18. The Video shows singers Defendants DON OMAR and LUCENZO living an over-the-top lifestyle, replete with yachts, mansions, fast cars, and women in bikinis.

19. Featured prominently in the video is Plaintiff's yacht "Le Reve."

20. Le Reve appears at the two (2) minutes and fifteen (15) seconds mark of the Video. See Official Youtube Video: <http://www.youtube.com/watch?v=7zp1TbLFPP8>; (see also Exhibit "A").

21. Specifically, the Video shows Defendants DON OMAR and LUCENZO approaching women in bikinis dancing on Le Reve. After a brief interaction, the women exit Le Reve to join DON OMAR and LUCENZO. *Id.*

22. At no time did Plaintiff, nor any of its agents or employees, ever provide Defendants with authorization (express, implied, or otherwise) to use or film Le Reve for any purpose.

23. Defendants trespassed onto Le Reve and included and incorporated it into the storyline of the Video; thus, the storyline of the Video was juxtaposed on Le Reve, so as to imply a connection that the type of wrongful and suspect conduct and activity demonstrated by the Video is engaged in by Plaintiff and Le Reve.

24. The unauthorized use of Le Reve in the Video creates the implication that Le Reve and Plaintiff partake in the fast, lavish, over-the-top lifestyle (including women clad in bikinis) portrayed by the Video.

25. To the contrary, Plaintiff and Le Reve do not support or advocate the lifestyle portrayed by the Video and have suffered damages.

26. All conditions precedent to bringing this action have occurred, been waived, satisfied, discharged, or excused.

COUNT I
DEFAMATION BY IMPLICATION

27. Plaintiff re-alleges the allegations in paragraph 1 through 26, as if fully set forth herein.

28. Plaintiff never provided Defendants with authorization (express, implied, or otherwise) to use or film Le Reve for any purpose.

29. Without authorization, Defendants wrongfully used Plaintiff's yacht Le Reve in the Video, juxtaposing on Plaintiffs and Le Reve an over-the-top lifestyle, replete with yachts, mansions, fast cars, and fast women in bikinis.

30. The juxtaposition of Plaintiff's yacht Le Reve in the Video suggests that the wrongful and suspect activity described in paragraph twenty-two (24) is what Le Reve and Plaintiff engage in.

31. Plaintiff and Le Reve do not support or advocate the lifestyle portrayed by the Video and have suffered damages.

WHEREFORE, for the above and foregoing reasons, Plaintiff demands judgment for compensatory and incidental damages, Video and song royalties, interest, attorney's fees and costs, against Defendants, and any further relief that this Court deems just and proper.

COUNT II
TRESPASS

32. Plaintiff re-alleges the allegations in paragraph 1 through 26, as if fully set forth herein.

33. Defendants intentionally used and interfered with property not in their possession, without justification.

34. In particular, Defendants intentionally used and interfered with Plaintiff's property, Le Reve, without justification.

WHEREFORE, for the above and foregoing reasons, Plaintiff demands judgment for compensatory and incidental damages, Video and song royalties, interest, attorney's fees and costs, against Defendants, and any further relief that this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues so triable.

DATED this 21 day of February 2013.

Respectfully submitted;

JONES & ADAMS, P.A.
Attorneys for the Plaintiffs
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Miami, Florida 33156
Telephone: (305) 270-8858
Facsimile: (305) 270-6778
Email: steven@jones-adams.com

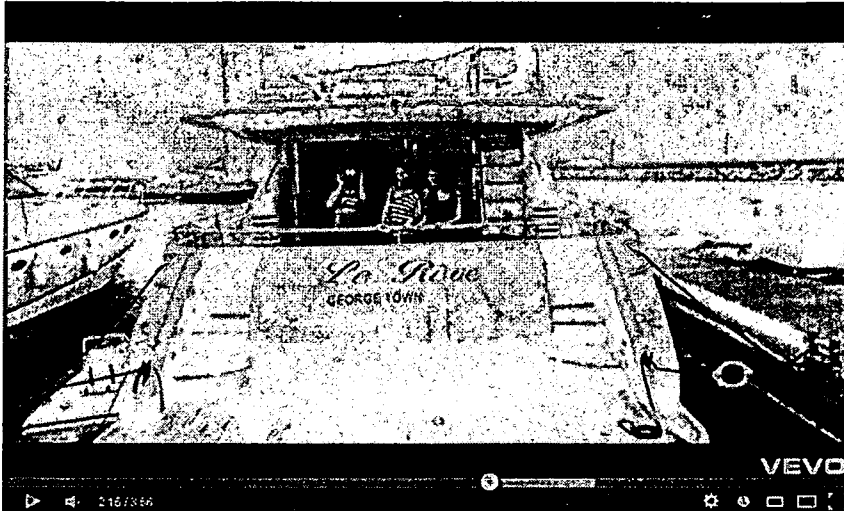
By: 

W. Steven Adams, Esq.
Florida Bar No.: 930164

Exhibit A

Danza Kuduro

Upload



DRACO ROSA "MÁS Y MÁS" FT. RICKY MARTIN **WATCH NOW**

Don Omar - Danza Kuduro ft. Lucenzo



DonOmarVEVO · 19 videos

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Uploaded on Aug 11, 2010

Music video by Don Omar performing Danza Kuduro. (C) 2010 Machete Music

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Artist

Lucenzo , Don Omar

YouTube Charts

Position #64 on the YouTube 100

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นพยศ ฤทธิวัฒน์ 1 day ago
ชอบจังเลยคับเพลง

Reply · 24

superbostonfan5 20 hours ago
I have listened to this song like everyday since it came out...

Reply · 10

Video Responses

Woody's Big HEART-ON for Yo...
by WoodyThePost
57 views

PEERS Music próximo capitulo
by ISLASVISION
312 views

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VEVO - Latin



Grupo Intocable - ASK:REPLY
by IntocableVEVO
11,535 views



Si Tú Quieres (Pa' Que Coja Alas)
by FortunaLaSuperFVEVO
120,489 views



Carlos Vives - Volvi A Nacer
by CarlosVivesVEVO
575,736 views



Horacio Palencia - Bienvenida
by HoracioPalenciaVEVO
59,890 views

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Suggestions



Top Tracks for Don Omar



Don Omar - Hasta Abajo
by DonOmarVEVO
37,809,710 views

Don Omar - Zumba Campaign Video

3:55 by DonOmarVEVO
5,778,006 views

Don Omar - Taboo

4:53 by DonOmarVEVO
115,920,282 views

Don Omar - Adiós

4:25 by DonOmarVEVO
21,417,016 views

Daddy Yankee - Ven Conmigo ft. Prince

4:54 by DaddyYankeeVEVO
70,381,780 views

will.i.am - Scream & Shout ft. Britney Spears

4:52 by williamVEVO
131,524,676 views

Enrique Iglesias - I Like It

4:04 by EnriqueIglesiasVEVO
149,462,438 views

Sean Paul - She Doesn't Mind [Official Music

4:08 by AtlanticVideos
109,866,170 views

Alexandra Stan - Mr Saxobeat (Official Video)

3:14 by blancoynegro
180,582,414 views

Joe Shmo 6 minutes ago
I have an addiction to this song...I need AA for this song!
Reply

Pangarmez 16 minutes ago
เม่นโหมไม่พามาใส่โลก...
Reply in reply to ๓๓๓๓๓๓๓๓(Show the comment)

PaetDamn 39 minutes ago
ชอบ ๆ i like this song
Reply

fatmir faca 2 hours ago
this music is nice
Reply

sait avcibaşı 2 hours ago
adooooooooo
Reply in playlist Top Tracks for Don Omar

Lookkae Areya 3 hours ago
ชอบมาก ๆ เพลง ดี
Reply

kathy cabilogan 5 hours ago
sexy music <3 it :)
Reply

ح مؤؤدی محتشمی chloride ktyr 5 hours ago
Reply

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Pitbull - Give Me Everything ft. Ne-Yo, by PitbullVEVO
4:27 277,209,503 views

Ella Y Yo by Jorge Santos
94,314,536 views
4:31

Daddy Yankee - La Despedida by DaddyYankeeVEVO
4:08 31,375,606 views

Ganga Style - Don Cheto (Video Oficial) by canalestrellatv
4:02 28,212,552 views

Carlos Baute - Colgando en tus manos (con Marta) by wamermusicspain
3:54 117,369,018 views

Flo Rida - Club Can't Handle Me ft. David by officialflo
4:08 127,228,636 views

Sean Paul - Got 2 Luv U Ft. Alexis Jordan [Official] by AtlanticVideos
3:34 113,714,986 views

The Black Eyed Peas - The Time (Dirty Bit) by BlackEyedPeasVEVO
5:13 203,309,281 views

Gustavo Lima - Balada (Tché tcherere tché tché) by CNREntertainment
3:24 18,935,679 views

MIX BANDA 2012 LO MAS NUEVO Y by TheRockpants1
43:37 1,366,873 views

Wisin & Yandel - Follow The Leader ft. Jennifer by WisinYYandelVEVO
4:59 119,599,407 views

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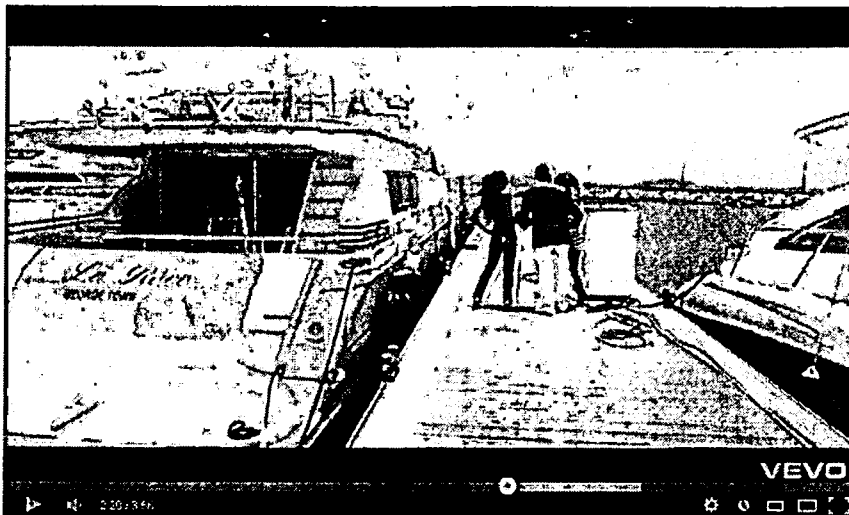
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Danza Kuduro

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kathy cabilogan 5 hours ago
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Reply

ح موزدي محتشمي 5 hours ago
chloride ktyr
Reply

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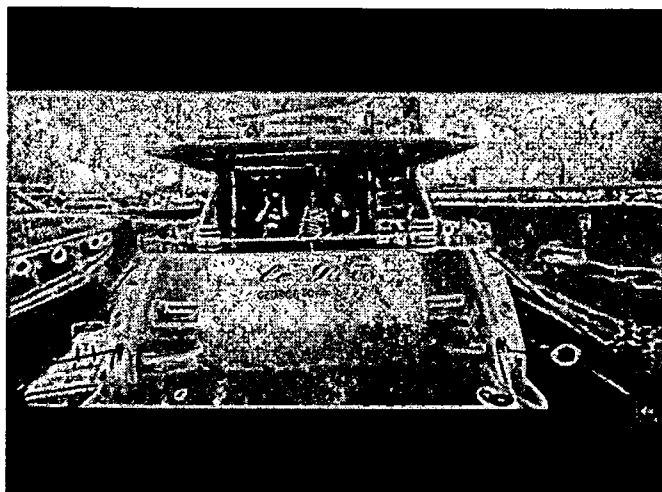


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Lucenzo - Danza Kuduro



Lucenzo

INFOS | DISCOGRAPHIE | ACTUALITÉS | BIO | VIDÉOS

Artiste **Lucenzo**

Vidéo **Danza Kuduro**

Label **Universal Music Division UMSM**

Durée **03 mins 52 secs**

Vues **47701** fois

INTÉGRER CETTE VIDÉO SUR VOTRE SITE :

<object classid="clsid:D27CDB8E-AE6D-11cf-96B8-444553540000" codeba



Commentaires sur Lucenzo - Danza Kuduro

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CONNEXION

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Dernier album



Emigrante Del Mundo
Lucenzo

ECOUTER ACHETER

Dernier single



Wine It Up
Lucenzo

ECOUTER ACHETER

Plus de vidéos de Lucenzo



Wine It Up
LUCENZO



Wine It Up
LUCENZO



Baila Morena
LUCENZO

Vous aimez Lucenzo? Vous aimerez aussi



Leçon 24 - Les...
STROMAE



Si tu es célib...
COLLECTIF MÉTISSÉ



Leçon 23 - Hum...
STROMAE

Artistes les + populaires

Inna Jena Lee Sheryfa Luna Eminem Rihanna Lady Gaga Enrique Iglesias Miley Cyrus MIKA Mylène Farmer Justin Bieber Booba U2 LMFAO Akon The Black Eyed Peas 50 Cent Jennifer The Pussycat Dolls Michel Teló

Top Vidéo Clip Booba: Kalash- will.i.am: Scream & Shout- Psy: Gangnam Style- Rihanna: Diamonds- Khaled: C'Est La Vie- Axel Tony: Avec Toi- Rihanna: We Found Love- Nolwenn Leroy: Juste Pour Me Souvenir- C2C: Down The Road- Mylène Farmer: A L'Ombre

Nouvelles VidéosUlrich Forman: See My Love- will.i.am: Scream & Shout (Remix)- Bridgit Mendler: Ready or Not- Stromae: Leçon 24 - Les leçons c'est "tous les mêmes"- Benjamin Grosvenor: Rhapsody In Blue- Collectif Métissé: Si tu es célibataire- Laylow x Sir'Klo: Crime Passionnel- Rihanna: Stay- Disiz: Fête foraine- Austin Mahone: Say You're Just a Friend

Artistes A-ZTout # A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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