

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

ARCIS INTERNATIONAL TRUST, S.A.,  
and IGNACIO DE VICENTE EGIDO,

Plaintiffs,

v.

COMUNICAN S.A., FIDEL CANO  
CORREA, ELESPECTADOR.COM,  
LEONARDO RODRÍGUEZ, and  
NORBEY QUEVEDO H.,

Defendants.

CIVIL NO.

TRIAL BY JURY REQUESTED

**COMPLAINT**

**TO THE HONORABLE COURT:**

**COMES NOW** the Plaintiff, Arcis International Trust, S.A., (“Arcis”), and Mr. Ignacio de Vicente Egido (“de Vicente”), through the undersigned counsel and very respectfully alleges and prays:

**I. INTRODUCTION**

1. This is an action for defamation brought by the Plaintiffs, Arcis and de Vicente, against elespectador.com, Leonardo Rodríguez, Mr. Norbey Quevedo H., Comunican S.A., and Mr. Fidel Cano Correa, arising from a story published on their on-line newspaper elespectador.com on December 17, 2009 (hereafter the “Article”). The Article falsely communicated that de Vicente, as director of Arcis, had previous charges against him in his home country of Spain since 2005 for fraud and had been investigated for money laundering and drug trafficking, and that both Plaintiffs had police records.

## **II. JURISDICTION**

2. The parties in this case are citizens of different countries and the matter in controversy exceeds the sum of \$75,000, exclusive of interests and costs; therefore, this Court has jurisdiction over the parties and subject matter of this Complaint pursuant to 28 U.S.C. § 1332. Venue is proper in this District pursuant to 28 U.S.C. § 1391, because it is where a substantial part of the events or omissions giving rise to the claim occurred.

## **III. PARTIES**

3. Arcis is a boutique financial services consulting firm, with its principal place of business in Inca, Balearic Islands, Spain.

4. De Vicente, a Spanish national, and resident of Inca, Balearic Islands, Spain, is the President and C.E.O of Arcis.

5. The Defendant Comunican S.A. is a media corporation with its principal place of business in Bogotá, Colombia. It is the publisher of *elespectador.com*, the on-line version of its primary publication *El Espectador*, with a worldwide circulation. It is distributed on-line throughout Puerto Rico and the entire United States, and it actively solicits business from throughout the United States for its on-line publication, actively solicits readers and viewers from throughout the United States, and avails itself of the protection of the laws of the United States.

6. The Defendant Fidel Cano Correa is the Publisher of *elespectador.com*'s owner. As such he is chiefly responsible for making the final decision to publish the Article.

7. The Defendant elespectador.com is a media publication with a worldwide circulation with its principal place of business in Bogotá, Colombia. It is distributed on-line throughout Puerto Rico and the entire United States, and it actively solicits business from throughout the United States, actively solicits readers and viewers from throughout the United States, and avails itself of the protection of the laws of the United States, boasting to have more than one million U.S. citizens and residents as readers.

8. The Defendant Leonardo Rodríguez is the executive editor of elespectador.com. He was the editor with supervisory authority over, and chiefly responsible for, the drafting and editing of the defamatory Article, and for making the final decision to publish the false statements therein.

9. The Defendant Norbey Quevedo H. is a reporter for elespectador.com and was the author of the defamatory Article. He resides in Bogotá, Colombia.

#### **IV. THE DAFAMATORY ARTICLE**

10. The defamatory article giving rise to this defamation claim is entitled "*The Trouble that has CNTV in the Public Eye*".

11. The defamatory article was published in elespectador.com on December 17, 2009, and distributed globally.

12. The defamatory portion of the Article stated the following (the entire Article, originally in the Spanish language, is attached as Exhibit A to this Complaint; the text immediately below is the excerpt from the official federal court certified translation, by Mr. Daniel Tomlinson, is attached as Exhibit B to this Complaint):

*“Likewise, it was established that the administrator of Arcis International Trust, Mr. Ignacio de Vicente Egido, has been the subject of a financial audit in his country, because since 2005 he has had a criminal background for fraud and was being investigated for money laundering and drug trafficking. In other words, both the Arcis company and its administrator had police records that should have been taken into consideration by CNTV.”*

**V. THE CAUSES OF ACTION – DEFAMATION PER SE**

13. Under Puerto Rico law, defined within Title 32, Section 3142, a defamatory publication is one that is false, exposing a person or entity to hatred, ridicule or contempt, or injures him / it in his / its’ business or trade. Some false statements are so egregious that they will always be considered defamatory, are assumed to harm a Plaintiff’s reputation, and accordingly require no further need to prove such harm; false allegations of a criminal offense, and those of matters incompatible with a Plaintiff’s business, trade, profession or office, are universally known as defamation *per se*, and specifically recognized under Puerto Rico law even though a common-law based principle.

14. Plaintiff de Vicente has never been investigated for money laundering, nor for drug trafficking, contrary to the direct false statements of the defamatory Article stating he has.

15. Plaintiff Arcis has never been investigated for money laundering, nor for drug trafficking, contrary to the direct false statements of the defamatory Article stating he has.

16. Neither of the Plaintiffs have police records, contrary to the direct false statements of the defamatory Article stating they do.

