

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

GENERAL JURISDICTION DIVISION

MAYRA JOLI,

CASE NO.

Plaintiff,

Vs.

UNIVISION COMMUNICATIONS INC.,
a foreign Corporation, JORGE RAMOS,
Individually, and as an agent, employee, or
servant of Univision Communications Inc.,

Defendants.

COMPLAINT FOR DAMAGES

The Plaintiff, Mayra Joli, hereby sues the Defendants, Univision Communications Inc., a foreign Corporation (hereinafter “Univision”) and Jorge Ramos (hereinafter “Ramos”), and thus alleges as follows:

JURISDICTION AND VENUE

1. This action is one for damages arising from the public, reckless, willful airing of a defamatory accusation and false portrayal of the Plaintiff of committing fraud, dishonest acts and crime against her clients.
2. The damages sought exceed \$15,000, exclusive of fees and costs.
3. Venue is proper here because Defendant, Ramos resides and works in this venue and the tort occurred in this venue. The predominant adverse impact of the defamation took place in this venue where Plaintiff’s law practice is located, and where the wrongful remarks were aired.

Venue is proper here pursuant to §770.05, F.S., and under the state's general venue statute because one defendant resides in this forum.

4. All conditions precedent have been performed including the service of the proper notice under Section 770.01, FSA. A copy of that notice is attached.

IDENTIFICATION OF PARTIES

5. Mayra Joli (Plaintiff) is sui juris, and resides in this venue where she is a licensed attorney, exclusively practicing immigration law, representing a clientele principally from Spanish speaking countries in all states.

6. Univision Communications Inc. (Univision), is a foreign corporation which owns and operates a broadcasting station and, at all times relevant, controlled the program content, managed and aired the daily evening news program "Noticiero Univision" (hereinafter "Show"). This Show airs daily in this venue at 6:30 p.m. and 11:35 p.m. EST, seven days a week, in a live broadcast feed geared to a Spanish language audience. The Show is one of the most watched news broadcasts of its kind in this venue. Univision is the owner, licensor or operator of the broadcasting station that produces and televises the Show and did so at the time of the wrongful, defamatory utterances and/or charges against the Plaintiff.

7. Jorge Ramos ("Ramos") is sui juris and resides in this venue.

COMMON FACTS

8. At all times relevant, Plaintiff practiced immigration law in Miami, Florida and throughout the United States of America. Plaintiff, as a member of the legal profession, has practiced immigration law exclusively, with her major focus on defending deportation cases for

over 15 years. Plaintiff's clientele is primarily of Hispanic nationality, Spanish speaking, who have immigration issues ranging from entry, status and/or facing deportation.

9. The Plaintiff's most significant clientele makes up the key demographic group of the largest number of viewers of the Show which is aired nightly by Univision as its flagship news broadcast.

10. Upon information and belief, the Show has one of the highest Hispanic viewership in this venue. Univision has around 60% of this market.

11. At all times relevant, Ramos was employed by Univision, and in that capacity, Ramos served as the anchorman of the Show.

12. On Monday, August 14, 2017, Univision broadcasted a news story on its 6:30 p.m. EST Show.

13. Ramos was the anchorman of that Show in that news broadcast. On the above date and time, one of the news story on the Show, in that evening broadcast, was introduced by Ramos with the following introductory remarks:

We have a story we want to tell you. An immigrant's dream to have his own restaurant was shattered when he was deported to Mexico and separated from the family he had created here in the United States, in this country... His wife and their children joined him in Mexico, where he was able to open that restaurant, not in the United States, but Zamora (Mexico).

14. The immigrant was Roberto Beristain, a client of the Plaintiff. In the same segment, another client of the Plaintiff was included in this leading news story. The other client was Armando Gonzalez. The segment went on to state that both men were deported from the United States and lost their shared dream to live and open their family business in America because both men were scammed, swindled, defrauded by the same immigration lawyer – Mayra Joli.

15. At the time those remarks were aired, there was an imposing photograph or picture of Mayra Joli prominently displayed on the screen as the segment was being aired.

16. The aforesaid remarks were false when publicly broadcasted to the public. The story falsely charged the Plaintiff, a practicing attorney, of a crime, and at all relevant times, each Defendant knew the defamatory remarks or utterance in the news story were false and/or each failed to exercise due care to determine if these serious accusations to the name, reputation, and image of a practicing attorney were bona fide and correct before the subject utterances and story were publicly aired.

17. At all times relevant, the broadcast mentioned above was done by each Defendant with malice, as each Defendant knew at the time of broadcast that the remarks reported were false and yet, the story was still aired with reckless disregard for the truth or falsity of the statements they reported in the news segment.

18. The subject remarks or content of the news story were defamatory, the broadcast referred to the Plaintiff by name, and she was damaged by said defamatory and false reporting.

COUNT I: DEFAMATION PER SE AGAINST UNIVISION

19. Plaintiff realleges 1 thru 18 herein at all times relevant,

20. Univision was the creator, originator and determined the content of the subject story.

21. At all times relevant, Univision broadcasted the foregoing statements when it aired its nightly news with that story as one of its leading segments in that evening's news for that news episode.

22. The Plaintiff was clearly identified in the subject newscast.

23. Univision aired remarks that were defamatory *per se* as the above-described statements accused the Plaintiff of a crime and fraud.

24. Univision aired those defamatory statements with complete disregard of the truth or falsity of such serious charges given the nature of Plaintiff's profession and practice without exercising that degree of due care or by refusing to undertake the most minimal investigation to ascertain the truth, validity or falsity of content of the report.

25. Before the airing, Univision did not contact the Plaintiff to ascertain the truth or falsity of the story; Univision did not review pertinent legal filings and status of the immigration proceedings or reasons behind the deportation before it aired the defamatory and false charges.

26. Univision failed to conduct any investigation or search to ascertain the validity of the remarks by the clients. Univision did not interview people (other than the accusers) with direct knowledge of the events in question, did not try to interview the Plaintiff, nor did Univision review the files of the clients or become familiar with the circumstances surrounding the deportation. Univision grossly departed from accepted standards of journalism.

27. Univision either knew that the subject reporting was false or, alternatively, Univision recklessly disregarded the truth or falsity of the reporting and/or alternatively, was negligent in its reporting of defamatory *per se* falsehoods that were injurious to the Plaintiff.

28. The Plaintiff suffered damages as a direct and proximate cause of Univision's broadcast and publication to the public of a news story that contained defamatory and false statements that accused the Plaintiff of a crime, fraud, and dishonesty that are inherently, defamatory *per se* statements.

29. The defamatory statements in the news reporting caused damage to Plaintiff's reputation, humiliation, impairment to her practice, and loss of income.

WHEREFORE, Plaintiff demands judgment for damages against Univision.

COUNT II: DEFAMATION AGAINST RAMOS

30. Plaintiff realleges 1 thru 18 herein.

31. At all times relevant, Ramos was employed by Univision.

32. At all times relevant, Ramos was the news anchorman for Univision nightly news, including the Show.

33. At all times relevant, Ramos determined or participated in the reporter's investigation of the story, editing the content – script of the news reporting at issue.

34. At all times relevant before the subject news story aired, Ramos knew or should have known that the subject statements in the news reporting concerning the Plaintiff were false and defamatory that falsely accused the Plaintiff of criminal conduct, dishonesty, theft, and fraud perpetrated on her clients.

35. Ramos knew that the Plaintiff was an immigration attorney whose primary clientele were Hispanics, who make up the demographics of the most likely viewers of the news anchored by Ramos.

36. At all time relevant before the broadcast, Ramos was aware of the content and substance of what would be reported about the Plaintiff, but Ramos did not undertake, nor did any member of its newscast or supporting cast , to investigate or conduct any material inquiry to verify or ascertain the truth or falsity of the subject statements in the story before it was publicly reported and aired.

37. Ramos either knew the news report was false and defamatory or, Ramos recklessly disregarded its truth or falsity before airing the news story or, Ramos was negligent by failing to exercise the due care that a reporter like him would exercise in light of the substance of the charges and the profession and practice of the Plaintiff.

38. As a direct and proximate cause of Ramos' publication of the false and defamatory news story concerning Plaintiff, Plaintiff suffered damages, loss of income, damage to her name and reputation, loss profits/income and damage to her and her practice.

WHEREFORE, Plaintiff demands judgment for damages against Ramos.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury as a matter of right on all issues and counts triable by a jury as a matter of right.

Dated this 8th day of December 2017.

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