

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

MOSSACK FONSECA & CO., S.A, BUFETE	:	CIVIL ACTION NO:
MF & CO., JÜRGEN MOSSACK and	:	
RAMÓN FONSECA	:	
	:	
	:	
	:	
	:	
Plaintiffs	:	<u>VERIFIED COMPLAINT:</u>
v.	:	
	:	
	:	
NETFLIX INC.	:	
Defendant	:	OCTOBER 13, 2019

PRELIMINARY STATEMENT

Plaintiffs bring this action for damages and injunctive relief against Defendant Netflix for Defamation (Libel and Libel Per Se), False Light Invasion of Privacy, Trademark Infringement by Dilution, and Federal False Advertising.

In its movie “The Laundromat,” the Defendant defames and portrays the Plaintiffs as ruthless uncaring lawyers who are involved in money laundering, tax evasion, bribery and/or other criminal conduct. Academy award winner Gary Oldman plays Plaintiff, **JÜRGEN MOSSACK**, whose real name is used in the film. Antonio Banderas plays Plaintiff, **RAMÓN FONSECA**, whose real name is also used in the film. In the movie’s trailer, <https://www.youtube.com/watch?v=wuBRcfe4bSo>, the opening clips state the movie is “based on some real shit” and several screens appear asking the question “how do 15 million millionaires in 200 countries stay rich . . . [answer] with lawyers like these,” followed by a screen shot of Oldman and Banderas laughing sinisterly, dressed in

flashy clothing. Throughout the trailer and movie Oldman and Banderas narrate as close-up bookends, faces to easily attribute criminal and negative innuendo.

Famous academy award winning actress Meryl Streep, playing recently widowed Ellen Martin who lost her beloved husband on a fall boat tour, pursues justice after being told by her lawyer that her de minimis settlement with the tour operator was related to a recent change in their insurer. Essentially, their new offshore insurance company was defunct, if it ever existed, and Streep's lawyer states "so there is confusion over who has to pay." The trailer, designed to attract future moviegoers and boost sales, follows this comment with Streep responding to the lawyer: "so they drown you and 20 twenty other innocent people," while another background voice adds "and somebody's making money off it." The dialogue spans clips of Streep mourning at a funeral, then reverting back to her lawyer's office where she is given her settlement check and told by her lawyer: "and it all goes back to this law firm Mossack Fonseca." In an immediately subsequent clip Oldman and Banderas, dressed in flamboyant gold colored suits and sporting bowties, smile and look at one another while elderly people appear to be playing table games at a flashy nightclub casino in the background.

The viewer quickly learns that **MOSSACK** and **FONSECA** are villains profiting from the death of 20 people killed in the small town boat tour, as the lawyer chimes in stating "they're getting away with murder." The imputed criminal conduct is supplemented seconds later when the **FONSECA** character asks the audience: "So how does it all work?" In the immediately following clip depicting Streep and her daughter pushing a cart in a grocery store, the answer is provided as Streep exclaims: "bribery, corruption, money laundering, millions and millions and millions of dollars," as the scene

pans away to clip showing a “download” of hacked “Panama papers” in progress at “508, 905” of “11, 528, 218.” The files being downloaded are the notorious 11.5 million hacked documents imparted to a German reporter who enlisted the International Consortium of Investigative Journalists (ICIJ) to unleash the stolen data, worldwide, in articles and other media accounts of politicians, criminals, and other wealthy people using offshore companies to hide assets and launder money.

The “download” frames are followed by a statement echoing the message of the film: “somebody needs to sound the alarm,” whereupon Banderas is bombarded with ringing and beeping of multiple phones. Immediately thereafter, other clips of people apparently connected to offshore accounts through the law firm of Mossack Fonseca exclaim “shit” and/or other expletives in different languages, including an English speaking lady at a bar, a gentlemen dressed in garb resembling a Sheik, two Russian gangsters, and the wife of a Chinese politician driving by some soldiers. The clear implication is that all of these people are associated with criminal activity, and they have been “outed” in the “hack and release” of the firm’s client information. As the scene returns, it depicts Oldman and Banderas in a Board Room in front of a huge shot of the law firm’s logo, which includes the names of Plaintiffs **MOSSACK** and **FONSECA**. The two actors are depicted with concerned “we’ve been outed” expressions. The implications and innuendo converge to cast Plaintiffs in the light of mastermind criminals whose crimes include, but are not limited to, murder, bribery, money laundering and/or corruption. Defendant’s trailer and movie have clearly defamed the Plaintiffs and cast them in the false light of criminality.

In the course of the movie the Defendant also uses the Plaintiffs' already public, famous and/or notorious trademarked logo in disparaging ways. The trailer and movie incorporate a trademarked logo which is registered in Colombia and protected under the 1929 General Inter-American Convention for Trade Mark and Commercial Protection, a self-executing Treaty, wherein both Colombia and the United States are member States, and wherein member states are authorized to pursue protection and infringement claims using the legal system in the member State of the offending party.

The Plaintiffs did not authorize, permit, assign, or license Defendant's use of their protected logos. The Defendant's use and display of the logo in the "Laundromat," greatly diminishes and/or dilutes its value and goodwill. Defendant's trailer and movie also utilize the logo unnecessarily, placing it in scenes that allow the viewer to associate it with very serious criminal and unethical behavior. In doing so, the Defendant infringes upon the protected logos, disparaging and tarnishing the same for no necessary or colorable artistic purpose, or other constitutional benefit of expression. The logo is used approximately 8 times between the trailer and the movie proper, exposed on the side of a building, on a client folder, twice behind a transparent door in an office, on a background re-broadcast of a CNN news segment, and three times in scene backgrounds projected on large screen televisions, including one instance lasting approximately 30 seconds. Clearly, the Defendant uses the logo in its trailer to attract moviegoers and generate revenue, and in the movie to benefit economically from the reality the logo lends to its scenes. Defendant's use is not incidental. When viewing the logo placement in both the trailer and the movie, the viewer will assume that the Plaintiffs endorse and/or approve the use, however, the manner in which the logo is used would cause most viewers a

mental association that would be unsavory, damaging, and/or unwelcomed by the Plaintiff owners of the logo. Accordingly, the Defendant has diluted and falsely advertised the logo, all to the detriment of the Plaintiffs.

While the preview has been in the public domain for several weeks, the movie has been released in two limited public engagements to date at the Venice and Toronto film festivals. The movie's expected release date to a general public audience in theatres was September 27, 2019 and, thereafter, to millions of **NETFLIX** subscribers worldwide on or about October 18, 2019.

Notably, the anticipated release dates correspond with times during which the Plaintiffs will be defending criminal charges against them in Panama. Moreover, the charges against the Defendants were instituted notitia criminis - merely because the news and/or media alleged or implied that the Plaintiffs were engaged in criminal activity. The significance for this case is that new implications that arise in "The Laundromat," will likely precipitate Panamanian prosecutors to investigate any accusation or criminal implications revealed therein. Thus, while the Plaintiffs have no connection to Cartel murders or Russian gangster money laundering, an investigation into allegations made directly and/or via innuendo in the movie, may subject Plaintiffs to unnecessary and unwanted legal attention. Notably, the two current prosecutions have resulted in "country arrest" and bail, and both cases were precipitated by media accounts of "Panama Papers" allegations. With the release of the movie in Panama expected on October 18, 2019, and elsewhere even earlier, the Plaintiffs could be subjected to additional bail and/or conditions for each new crime imputed to them in the movie.

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