

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

GENERAL JURISDICTION DIVISION

CASE NO. 08 -20584 CA 13

MOORE & BODE CIGARS, INC.,

Plaintiffs,

vs.

BAD BOYS ENTERTAINMENT, INC.,
a foreign corporation, SEAN COMBS,
an individual, and JOHN DOE, INC.
a Florida corporation,

Defendants.

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U.S. DISTRICT COURT
CIVIL #102

COMPLAINT AND JURY DEMAND

COMES NOW the Plaintiff, MOORE & BODE CIGARS, INC., a Florida corporation, (hereinafter M&B) and sues the Defendants BAD BOYS ENTERTAINMENT, INC., a foreign corporation (hereinafter BAD BOYS), SEAN COMBS, (COMBS) an individual, and JOHN DOE, INC., Florida corporation, presently unknown to the Plaintiffs; and states:

1. This is an action for trespass, invasion of privacy and theft of trade and business secrets, with damages in excess of Fifteen Thousand Dollars (\$15,000.00) the minimum jurisdictional amount of this Court.

2. At all times material hereto, Plaintiff was a Florida corporation, licensed

to do business and doing business in Miami-Dade County, Florida.

3. Defendant, BAD BOYS, is and was a foreign corporation doing business in Miami-Dade County, Florida where it filmed the music video which is the subject matter of this lawsuit.

4. Defendant, COMBS, is and was doing business in Miami-Dade County, Florida, where he was the producer and/or director and/or collaborated in the production of the music video which is the subject matter of this lawsuit.

5. Defendant, JOHN DOE, INC., upon information and belief is a Florida corporation licensed to do business and doing business in Miami-Dade County, Florida and performed the actual filming of the subject music video.

GENERAL ALLEGATIONS

6. Plaintiff is known as a boutique cigar manufacturer, producing under one million cigars annually, each rolled by hand.

7. Over the past thirteen years, Plaintiff has spent millions of dollars in time and expense developing it's unique process of cigar making.

8. The process employs secret combinations of tobacco known only to the Plaintiff and a unique method of rolling the cigars.

9. During the thirteen years of developing the process, it has been carefully guarded.

10. In June of 2003, Plaintiff opened a factory location and retail store on S.W. 8th Street in Miami, known as the "Little Havana" district.

11. This location was a tourist destination in Miami, and people were

permitted to briefly observe the cigar making process, take still photographs, and purchase cigars.

12. Filming of the cigar making process was never permitted in order to protect it's secret formula of blends and unique rolling process, nor were people permitted to stand and observe the process closely.

13. The aforementioned process is highly valuable to the Plaintiff and is the basis for it's unique product in the market place.

14. In June of 2003, the Defendant, JOHN DOE and an entire film crew employed by and working for said Defendant, entered the Plaintiff's premises while the owners and managers were absent. Several cigar rollers were present.

15. JOHN DOE was repeatedly told by the cigar makers that filming of the process was not permitted.

16. JOHN DOE was told to cease filming the process.

17. JOHN DOE ignored the instructions of the Plaintiff's employees and set up a tripod directly in front of one of the cigar makers and filmed the secret process for cigar making.

18. Approximately an hour later the owners of M&B returned to their factory and discovered the JOHN DOE film crew recording the cigar making process.

19. JOHN DOE was ordered to leave the premises immediately but did not do so and refused to turn over the tape which had purloined the trade secrets of M&B to M&B.

20. In turn, JOHN DOE delivered said tape to BAD BOYS and COMBS who then incorporated small portions of the film into a music video which was shown

nationally on television, in conjunction with the Bad Boys II Movie.

21. In addition, it is unknown to M&B, the present location of the bulk of the filming that was recorded in their factory location.

22. At no time have any of the defendants obtained a contract, agreement, or release for the use of said film footage in the subject music video.

COUNT I: INVASION OF PRIVACY

23. Plaintiff adopts paragraphs 1 through 22 as if set forth in their entirety.

24. Plaintiff has enjoyed an excellent reputation in the cigar manufacturing business based upon its private and secret processes.

25. Plaintiff had an expectation of privacy within its own factory location and had a specific policy of prohibiting recording of its secret process.

26. Defendant, JOHN DOE, in violation of film industry standards entered the premises of the Plaintiff without its permission and failed to obtain their written agreement to the filming of said secret process.

27. Defendants, BAD BOYS and COMBS then used the film of the cigar making process without obtaining a release, contract or agreement, or without otherwise obtaining the permission of the Plaintiff, and without the knowledge and consent of the Plaintiff.

28. By reason of the foregoing action of the defendants, Plaintiff's heretofore secret process has been exposed to the general public and to its competitors.

29. As a direct and proximate result of the wrongful acts of the defendants as aforesaid, the Plaintiff has lost control of the secret process, has suffered an

business, has been subjected to the unlicensed use of its logo and images, and has sustained damages.

30. The filming and distribution of the process through the music video was an invasion of the Plaintiff's right to privacy.

WHEREFORE, Plaintiffs sue the defendants for compensatory damages and court costs and demands trial by jury of all issues triable by jury as a matter of right.

COUNT II: TRESPASS

31. Plaintiff adopts paragraphs 1 through 22 as if set forth in their entirety.

32. On or about June of 2003, the Plaintiff was lawfully possessed of the premises more fully described above as lessee of the building which housed its factory location.

33. At the same time and place the Defendant, JOHN DOE, on behalf of the Defendants, BAD BOYS and COMBS entered the above-described premises without permission and continued to stay on said premises even after they had been instructed to leave.

34. The actions of the defendants at all times material hereto were taken in furtherance of their own business interests, to wit: in order to film the cigar making process for use in the subject music video and for other purposes presently unknown to the Plaintiff.

35. As a direct and proximate result of the wrongful acts of the defendants Plaintiffs suffered disruption of its business, and the theft of its trade secrets.

BEFORE, Plaintiffs sue the Defendants and demand damages and costs and trial by jury of all issues triable as a matter of right.

COUNT III: THEFT

36. Plaintiff adopts and realleges paragraphs 1 through 29 as if set forth in their entirety.

37. Plaintiff was the owner of a secret process for the blending and construction of hand-rolled cigars.

38. This secret process is critical to the continued existence and success of the Plaintiff and is carefully guarded.

39. Defendants entered the premises of the Plaintiff without permission and filmed said process.

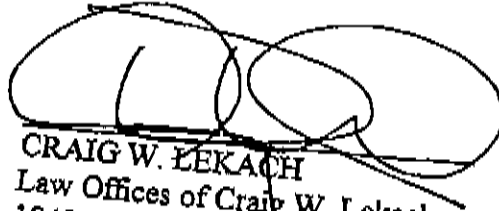
40. Defendants then used the film as aforesaid for their own gain and profit.

41. The Defendants willfully, wantonly and intentionally stole the trade secrets which belonged to the Plaintiff.

42. The defendant, by and through its employees and agents, obtained and used the filming of the Plaintiff's process with the intent to deprive plaintiff of a right to the property or a benefit there from and to appropriate plaintiff's property to their own use or the use of other persons not entitled to it.

43. The defendant, wantonly, willfully, and intentionally refused to release the film to the plaintiff.

WHEREFORE the Plaintiff demands judgment against the defendants for damages, the court costs of this action, and demands trial by jury of all issues triable by jury as a matter of right.



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