

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

GENERAL JURISDICTION

CASE NO. _____

OPERA TOWER, LLC, a Florida
Limited Liability Company and
TIBOR HOLLO, Individually,

Plaintiffs,

vs.

LUCAS LECHUGA, Individually,
and ESSLINGER-WOOTEN-MAXWELL,
INC. d/b/a EWM REALTORS, a Florida
Corporation.

Defendants.

_____ /

**COMPLAINT FOR DEFAMATION
AND DEMAND FOR JURY TRIAL**

Plaintiffs OPER TOWER, LLC (“Opera Tower”) and TIBOR HOLLO (collectively, “Plaintiffs”), by and through undersigned counsel hereby sues Defendants LUCAS LECHUGA (“Lechuga”) and ESSLINGER-WOOTEN-MAXWELL, INC. d/b/a EWM REALTORS (“EWM Realtors”) (collectively “Defendants”) and avers as follows:

1. This is an action for damages in the amount of \$25,000,000.00, exclusive of interest, costs and attorneys fees.
2. Opera Tower is a Florida Limited Liability Company with its principal place of business in Miami-Dade County, Florida.
3. Tibor Hollo is an individual over 18 years of age, and is a resident of Miami-Dade County, Florida.

4. Lechuga is an individual over 18 years of age, and, upon information and belief, is a resident of Miami-Dade County, Florida.

5. EWM Realtors is a Florida Corporation, which does business in Miami-Dade County, Florida.

6. Venue lies in Miami-Dade County, Florida because the Defendants reside in Miami-Dade County, Florida, and the cause of action accrued in Miami-Dade County, Florida.

7. Tibor Hollo is a highly regarded developer. He has been building luxury condominium and other commercial developments in Florida for more than 50 years. He makes a living from his good name and reputation in the community.

8. Opera Tower is a development company, in which Mr. Hollo is the managing member.

9. Opera Tower recently built a beautiful high-rise condominium building on the Bay in downtown Miami near the Carnival Center. The Opera Tower condominium complex has 635 residential units, all of which have been sold.

10. Because the construction on nearly all of the floors of the condominium complex is now complete, Opera Tower has been closing on units since late last year and is continuing to do so now.

11. Lechuga is a real estate agent for EWM Realtors. He writes a regular internet blog called "Miami Condo Investments."

12. Lechuga holds himself out as a public figure and an authority on the

condominium market in Miami. According to his website: “The Miami Condo Investments blog aims to be the authoritative source for all news relating to Miami and Miami Beach real estate, with a specific focus on condominiums and lofts. I will provide investors with the best information relating to Miami and Miami Beach real estate investment opportunities.”

13. Lechuga writes and publishes the Miami Condo Investments blog.

14. The blog is published on the internet, and so is available to anyone who has access to the internet. However, the blog is intended to reach those interested in the South Florida condominium market, including many of the individuals who purchased condominium units in Opera Towers.

15. At all relevant times, Lechuga held himself out as an agent of EWM Realtors and acted within the course and scope of EWM Realtors’ apparent authority.

16. The publication of the blog is within the scope of Lechuga’s employment as a real estate agent for EWM Realtors and was, at all times relevant to this action, in furtherance of EWM Realtor’s interests. There are extensive links in the blog to EWM Realtors and Lechuga is identified as an EWM real estate agent. Accordingly, EWM Realtors is liable for Lechuga’s misconduct.

17. Despite Tibor Hollo’s long history as a successful developer in Florida and despite the timely completion of a beautiful high-rise condominium by Opera Tower, Lechuga and EWM Realtors have engaged in a fear and smear campaign directed at Tibor Hollo and Opera Tower.

18. On November 25, 2007, Lechuga reported in his blog that Opera Tower will have a high default rate, and that “we will see a majority of these condos owned by the bank that loaned money to the developer of Opera Tower by April 2008.”

19. To lend credibility to these predictions, Lechuga falsely reported: “The developer went bankrupt in the 1980s and I think we’ll see a repeat performance within the next 6 months.”

20. On July 30, 2007, after once again predicting that “Opera Tower will have a lot of people who won’t close,” Lechuga falsely stated: “Tibor Hollo, the developer of Opera Tower, went under in the 1980s. It wouldn’t surprise me if this occurred again.”

21. Neither Opera Tower, nor its managing member, Tibor Hollo or any of his affiliated entities, has, at any time, declared bankruptcy.

22. The statements published by Lechuga are false, and were made to support and give credibility to Lechuga’s dire and unsupported predictions concerning the default rates at Opera Tower, at the expense of Opera Tower, Tibor Hollo and their respective reputations.

23. On January 10, 2008, to once again give credibility to false and unsupportable predictions that “Opera Tower will have **at least** a 50 percent default rate” (emphasis in original) and that “this development is doomed,” Lechuga stated: “**Opera Tower is delaying closings another month. . . .** What the hell is going on with this development? It keeps delaying its closings.” (Emphasis in original).

24. To give further credibility to the report that Opera Tower was delaying

closings, Lechuga reported: "I've heard this one from multiple sources as well."

25. In fact, Opera Towers did not delay its closings another month as reported by Lechuga. Opera Towers has been closing since late last year. Lechuga's report of delay in closings was false.

26. Lechuga knew or should have known at the time that he published these statements in his blog that they were false.

27. Lechuga made no effort to verify the accuracy of the statements he reported in his blog. Had he called and spoken with Tibor Hollo, he would have learned that neither Tibor Hollo nor Opera Tower has ever declared bankruptcy. Indeed, a simple search of the public records would have revealed this. Had he called and spoken with anyone from Opera Tower, he would have also learned that closings had begun for Opera Tower before the end of the year.

28. The statements made by Lechuga in his blog about Tibor Hollo and Opera Tower are part of a larger campaign by Lechuga and EWM Realtors to smear and malign a highly regarded developer and interfere with and injure Opera Towers', Tibor Hollo's and his affiliated entities' trade and business.

29. In his blog, Lechuga holds himself out as a person with specialized knowledge and insight in the condominium real estate market of South Florida. Lechuga's false statements and fear mongering was undertaken to maliciously, knowingly and intentionally injure Tibor Hollo and Opera Tower.

30. All conditions precedent to the bringing of this action have been

performed, waived, satisfied or excused.

31. Lechuga published false statements with the requisite intent to injure and harm Tibor Hollo and Opera Tower; that is negligence and/or actual malice. The relevant portions of Lechuga's blog, which contain the false statements, are attached hereto as Composite Exhibit "A."

32. Lechuga and EWM Realtors published these false statements to a broad internet audience.

33. Tibor Hollo and Opera Tower have suffered damages as a result of the publication of the false and scandalous statements by Lechuga and EWM Realtors.

34. Tibor Hollo and Opera Tower are entitled to the damages they have incurred as a result of the publication of the false and defamatory statements, and reserve the right to seek punitive damages pursuant to Florida law.

WHEREFORE, Tibor Hollo and Opera Tower demand judgment against the Defendants, jointly and severally, for damages in the amount of \$25,000,000.00, as well as all other and further relief as this Court deems just and proper.

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DEMAND FOR JURY TRIAL

Plaintiffs Tibor Hollo and Opera Tower hereby demand a jury trial for all issues so triable.

Dated: January 18, 2008.

Respectfully submitted,

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