

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

WILLIAM ANTHONY COLON, *

Plaintiff *

v. *

RUBEN BLADES, *

Defendant. *

CIV. NO. 07-1380 JAG

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW plaintiff in the above captioned matter, and by and through his attorneys, respectfully states and prays as follows:

1. This is an action for breach of contract and collection of monies.
2. This Court has jurisdiction over this action under 28 U.S.C. § 1332 (diversity of citizenship) with the amount in controversy exceeding \$75,000.00.
3. Venue is proper in this district under 28 U.S.C. §1391 and §1400 because the defendant is found in the District of Puerto Rico by himself or through

his agents inasmuch as he transacts business in this District or because a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

4. William Anthony Colón is a resident of the State of New York.

5. Upon information and belief, Blades is a resident and national Panama.

6. In January, 2003, plaintiff Colón agreed with defendant Blades to perform at a musical concert in San Juan, Puerto Rico, for a \$350,000 to be evenly split between them.

7. Pursuant to the agreement between them, Blades would be in charge of the business aspects of the concert, including collecting the fee, making payments to Colón. Colón, in turn, would be in charge of the concert's production.

8. To manage the business aspects of the concert, Blades used the firm of Martínez, Morgalo & Associates and its partners Arturo Martínez and Robert Morgalo. That firm was to handle the collection of the \$350,000 for Blades and Colón.

9. Martínez, Morgalo & Associates acted at all times as Blades's agent.

10. According to his deal with Blades, plaintiff Colón had to be paid his full fee prior to traveling from New York to San Juan, Puerto Rico for the concert. However, Blades informed Colón a few days prior to the concert, that Martínez had disappeared with the money to be paid to Colón.

11. On the concert day Colón informed Blades that under the circumstances he would not perform at the concert.

12. Blades informed Colón that he would personally be responsible for his full payment and would pay Colón any amounts due. Colón accepted Blades representation and performed at the concert.

13. After the concert, Blades breached his promise and did not pay Colón the amount due. Blades still owes Colón the sum of \$115,000, based on an agreed fee of \$175,000 minus \$60,000 advanced to Colón.

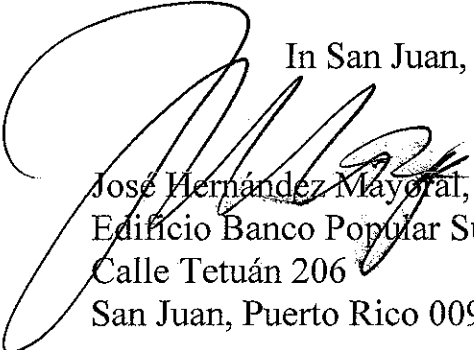
15. Colón has made repeated efforts to collect from Blades, without success.

16. As a result of the foregoing, Colón demands payment of \$115,000 from Blades, plus interests, costs and reasonable attorneys' fees.

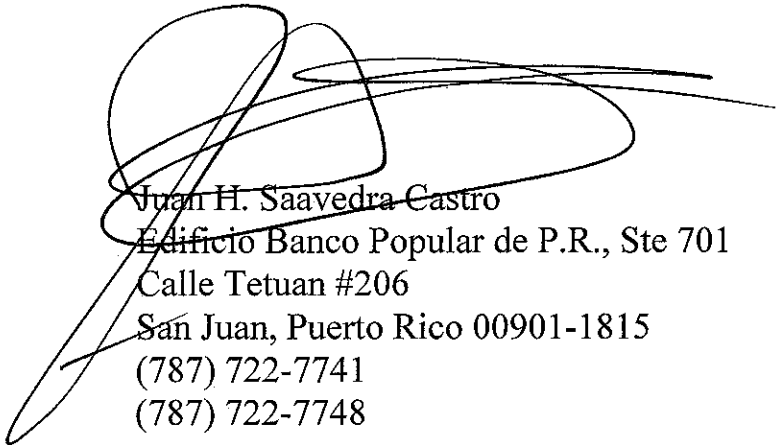
17. Plaintiff demands trial by jury of all issues so triable.

WHEREFORE, Colón respectfully requests that the Court enter judgment in his favor, and against Blades, in the sum of \$115,000, plus interest, costs and reasonable attorneys' fees.

In San Juan, Puerto Rico, this 3rd day of May, 2007.



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JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

WILLIAM ANTHONY COLON

(b) County of Residence of First Listed Plaintiff NEW YORK
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

RUBEN BLADES

REPUBLIC OF
County of Residence of First Listed PANAMA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)
JOSE A. HERNANDEZ MAYORAL
BANCO POPULAR BUILDING, SUITE 702
206 TETUAN ST.
SAN JUAN, PR 00901 787-722-7782

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 390 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Breach of contract and collection of monies

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** 115,000.00 **CHECK YES only if demanded in complaint:** **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): attorneys' fees
 JUDGE: _____ DOCKET NUMBER: _____

DATE: MAY 3, 2007
 SIGNATURE OF ATTORNEY OF RECORD: JOSE A. HERNANDEZ MAYORAL

RECEIPT: _____ AMOUNT: _____ APPLYING FEE: _____ JUDGE: _____ MAG. JUDGE: _____



United States District Court for the District of Puerto Rico

CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

WILLIAM ANTHONY COLON VS.
RUBEN BLADES,

2. Category in which case belongs: (See Local Rules)

 X ORDINARY CIVIL CASE
 SOCIAL SECURITY
 BANK CASE
 INJUNCTION

3. Title and number, if any, of related cases (See Local Rules)

NONE

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

YES NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

YES NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

YES NO

(Please Print)

USDC ATTORNEY'S ID NO. 205307

ATTORNEY'S NAME: José A. Hernández Mayoral, Esq.

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