



IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

ALPHA COMM ENTERPRISES, INC.,)
Plaintiff,)
v.) Case No. 14.A.752-7
ROCKDOC, LLC, a Georgia Limited)
Liability company, TOMMY DISCO,)
SCOTTI MADISON, ARMANDO CHRISTIAN)
PEREZ, SAGESSE GENERALE, LLC,)
MIKE CALDERON, and JOSE SABATES,)
Defendants.)
JURY TRIAL DEMANDED

COMPLAINT

For its complaint against RockDoc, LLC, Tommy Disco, Scotti Madison, Armando Christian Perez, Sagesse Generale, LLC, Mike Calderon and Jose Sabates (collectively, the “Defendants”), Plaintiff Alpha Comm Enterprises, Inc. shows the Court the following:

THE PARTIES

1. Alpha Comm Enterprises, Inc. (“Alpha Comm”) is a leading provider of custom private label wireless accessory programs for carriers, major retailers and distributors. Its headquarters are located at 1500 Lakes Parkway, Lawrenceville, Gwinnett County, Georgia 30043.

2. RockDoc LLC (“RockDoc”) is a privately-held Georgia limited liability company located in Kennesaw, Cobb County, Georgia, that holds itself out as a manufacturer of high quality portable speakers and wireless products that are available online and through many retail outlets worldwide. RockDoc claims that its products are unique to the market utilizing memory capability inside the speakers as well as SD memory cards to play music. RockDoc may be served by service of summons and complaint upon its registered agent, Brianne Peterson, at 245 Townpark Drive, Suite 525, Kennesaw, Cobb County, Georgia 30144.

3. Defendant Tommy Disco is a member of RockDoc who resides at 5685 Brookstone Walk, Acworth, Cobb County, Georgia 30301, where he may be served with the summons and complaint.

4. Defendant Scotti Madison is a member of RockDoc who resides at 6110 Cedarcrest Road, Suite 350-249, Acworth, Cobb County, Georgia 30101, where he may be served with the summons and complaint.

5. Defendant Armando Christian Perez, a/k/a Pitbull, Mr. Worldwide and Mr. 305 (“Pitbull”), is a globally successful musician, performer, business entrepreneur, fashion icon and actor whose career sales exceed 5 million albums and 40 million singles worldwide. Pitbull has had #1 hits in more than 15 countries and his videos have been viewed more than 3 billion times. Upon information and belief, Defendant Pitbull may be served with summons and complaint at the following address: 2100 Ponce de Leon Blvd., Suite 1045, Coral Gables, FL 33134.

6. Jose Sabates is a member of RockDoc who resides at 2919 Ashebrooke Drive, Marietta, Cobb County, Georgia, 30068, where he may be served with the summons and complaint.

7. Sagesse Generale, LLC (“Sagesse”) is a member of RockDoc. Its principal address is 4744 Talleybrook Drive, Kennesaw, Cobb County, Georgia 30152, where it may be served with the summons and complaint upon its registered agent, Brianne Peterson, at 245 Townpark Drive, Suite 525, Kennesaw, Cobb County, Georgia 30144.

8. Mike Calderon is Pitbull’s agent and manager, and is the coordinator of “Team Pitbull.” He resides and may be served with summons and complaint at 15555 Old Cutler Road, Miami, Florida 33157.

STATEMENT OF JURISDICTION AND VENUE

9. Defendants RockDoc, Disco, Madison, Sagesse and Sabates are each residents and citizens of Georgia, and the exercise of personal jurisdiction over each of them is therefore appropriate and reasonable.

10. Defendants Pitbull and Calderon each resides in Florida, but the exercise of personal jurisdiction upon each person is authorized by the Georgia Long Arm Statute and the 14th Amendment to the United States Constitution. Specifically, the Long Arm Statute authorizes the exercise of personal jurisdiction in this case because each person has (a) transacted business within this state personally and through one or more agents, (b) committed one or more tortious acts and omissions within this state (described further herein); (c) committed a tortious injury in this state suffered by Alpha Comm as described herein, and caused by an act and/or omission outside this state, considering that Pitbull and Calderon each regularly does or solicits business in this state, engages in persistent courses of conduct in this state, and derives substantial revenue from goods used and/or consumed and/or services rendered in this state. For example, these Defendants helped organize and participate, to their financial profit, multiple music concerts held in Georgia, most recently at Centennial Olympic Park, Atlanta, Georgia on June 27, 2013. They have also organized and participated in multiple marketing promotions in Georgia dedicated to promoting sales of Pitbull music and related Pitbull concert ticket sales.

11. Venue is appropriate because Alpha Comm is headquartered in this county, and this county is where the tortious activity outlined herein originated and resulted in injury to Alpha Comm.

THE ROCKDOC BY PITBULL PRODUCT LINE

12. RockDoc has made, sold and offered for sale the “RockDoc by Pitbull” portable speaker line. The RockDoc by Pitbull portable speaker line is comprised of three products. They are RockDoc POWER, with internal 4GB memory, 1-reflex floating speaker that includes two Pitbull songs; the RockDoc BOOM with internal 4GB memory, 2-way portable speakers and two Pitbull songs and the RockDoc Bluetooth 2-way portable speaker.

DEFENDANTS PRESENT AN OPPORTUNITY TO ALPHA COMM

13. Alpha Comm held multiple meetings and calls from its principal place of business with the Defendants starting in February 2013. The purpose of the meetings was to discuss the potential for Alpha Comm to take on a role as a distributor of the RockDoc by Pitbull brand of portable audio speakers and accessories to the North American wireless industry.

14. Another meeting was held in Miami on or about May 1, 2013. Present at this meeting were Jad Daye for Alpha Comm; Defendant Jose Sabates, co-owner of RockDoc; Bob Anderson, V-P of Sales for RockDoc; Defendant Armando Christian Perez, better known by his stage name “Pitbull”; and Defendant Mike Calderon, Pitbull’s manager.

15. At the Miami May 1, 2013 meeting, the Defendants explained the sales distributorship opportunity to Alpha Comm for the RockDoc by Pitbull product line. The Defendants held out to Alpha Comm that Defendant Pitbull was a co-owner of RockDoc. Defendant Pitbull outlined for Alpha Comm his vision of a major launch of the RockDoc by Pitbull product line, which all parties to the meeting anticipated would take place within a year. Thus, Alpha Comm understood that time was of the essence in connection with the project.

16. The Defendants understood as a result of a series of communications that Alpha Comm provided extensive strategic expertise to accelerate the growth of the RockDoc by Pitbull brand in the wireless industry. A partnership with Alpha Comm would facilitate further growth in sales of the RockDoc by Pitbull accessory line.

17. At the May 1 meeting, Pitbull was enthusiastic about an expansive RockDoc by Pitbull product line and indicated his endorsement of the product line, his support for the product line and, like the other Defendants in the meeting, encouraged Alpha Comm to take on the RockDoc by Pitbull product line as not only a distributor, but a manufacturer as well.

18. After this meeting, Alpha Comm agreed to manufacture and distribute the RockDoc by Pitbull product line to wireless carrier store owners, operators and independent dealers in the United States, leveraging its specialized expertise and product design and manufacture experience within this unique channel.

19. In a joint statement published on the Alpha Comm web site, the parties stated:

“We’re excited to enter into this partnership with the RockDoc team and provide a channel for our wireless carrier customers to experience the RockDoc by Pitbull brand,” said Jad Daye, President and CEO of Alpha Comm. “As consumers rely more and more on their electronic devices, the demand for superior-sounding portable audio solutions will continue to be in high demand,” Daye added. “We’re looking forward to meeting with our customers and dealers at CTIA and introducing them to this exciting new brand.”

20. The parties proceeded in the immediate months that followed to confer, design and launch the Alpha Comm booth at CTIA, the largest wireless industry conference in the country, held at the Sands Expo and Convention Center in Las Vegas.

21. In addition to the foregoing efforts, Alpha Comm invested heavily in the RockDoc by Pitbull product line after the May 1 meeting, working closely with Defendants and their representatives to create professional sales and marketing materials. Further, Alpha Comm

invested significant time and resources alerting its own customers to the opportunity to stock their stores with the RockDoc by Pitbull product line.

22. After the May 1 meeting, Alpha Comm invested in creating its own manufacturing line for RockDoc by Pitbull, including, for example, incurring expenses associated with tooling, research and development, engineering design and product certification, in order to take advantage of the opportunity presented by the Defendants.

23. At all times from February 2013 until early December 2013, all of the Defendants proceeded in a manner that led Alpha Comm to reasonably believe that they were committed to the continuing commercial exploitation of the RockDoc by Pitbull. This includes words and actions by each Defendant that signified commitment on their part to use the name and image of Pitbull as an essential component of the marketing and sales strategy for the product line.

24. Specifically, Defendants Pitbull and Sabates, as well as other representatives of Pitbull, including Defendant Calderon, were involved in reviewing and approving the various product packaging and marketing materials for the RockDoc by Pitbull product line. Each used words and actions clearly indicating to Alpha Comm that they were promising Alpha Comm the continuing use the Pitbull name and image in marketing and sales efforts relating to the RockDoc by Pitbull product line.

HOW ALPHA COMM WAS MISLED

25. Alpha Comm's efforts were based in whole or in part on a good faith belief that Defendant Pitbull was a co-owner of RockDoc, had already given the necessary approvals for the RockDoc by Pitbull product line to move forward into mass commercialization, and was lending his stage name and image to the RockDoc by Pitbull product line in order to assist with sales and marketing. As indicated above, all Defendants made these representations to Alpha Comm.

26. Among other promises, Defendant Pitbull promised to allow Alpha Comm to use his stage name and image for the sale, manufacture and promotion of the RockDoc by Pitbull product line.

27. Alpha Comm was defrauded by the Defendants into expending these significant efforts and costs. Defendant Pitbull was not a co-owner of RockDoc. Furthermore, at all relevant times, the Defendants knew or should have known that Pitbull was not a co-owner of RockDoc. Yet they each intentionally and falsely represented to Alpha Comm that Pitbull was a co-owner of RockDoc, in an effort to induce Alpha Comm to take on the manufacture and distribution of the RockDoc by Pitbull product line.

28. Defendant Pitbull and his agent Calderon also deliberately concealed additional important information from Alpha Comm during meetings held in May 2013 and October 2013. For example, they concealed the fact that Pitbull was in negotiations relating to use of his name and image rights for the 2014 World Cup. Given Sony's sponsorship of the World Cup, and its role as both a purveyor of speaker equipment and its leverage over Defendants Pitbull and Calderon owing to its control over the production and distribution of Pitbull's music recordings, this information was material to Alpha Comm as a harbinger of potential conflicts of interest on the part of Defendants Pitbull and Calderon.

29. Defendant Pitbull also deliberately concealed from Alpha Comm that there were specific representatives, including product specialists, marketeers and legal representatives, that needed to be consulted before he could commit his name or image to the RockDoc by Pitbull product line.

30. Had Alpha Comm known of these material misstatements and concealments described above, it would not have agreed to lend its experience, efforts, capital and customer contacts to sell RockDoc by Pitbull.

31. On or about December 2013, Alpha Comm learned from a lawyer for Defendant Pitbull that Defendant Pitbull had consummated an agreement with FIFA relating to the 2014 World Cup giving rise to a potential conflict of interest between Sony, a World Cup sponsor, and Alpha Comm. Defendant Pitbull refused as of that time to continue with the RockDoc by Pitbull line, insisting that Alpha Comm not use his name or image in connection with the product line at issue.

32. At this same time, Alpha Comm learned for the first time that there was a group of product specialists, marketeers and a legal team for Defendant Pitbull, all of which Pitbull was aware of and had previously concealed from Alpha Comm. The fact that Alpha Comm had not been made aware of these channels prejudiced Alpha Comm's abilities to develop the RockDoc by Pitbull product line and materials in a way that would have been more acceptable to the Pitbull team. It would also have enhanced the chances that Alpha Comm would have discovered the true facts relating to the extent of Defendant Pitbull's commitment, or lack thereof, earlier, before Alpha Comm was prejudiced by the fraudulent information and concealments of Defendant Pitbull and the other Defendants.

**COUNT I: FRAUD, FRAUDULENT CONCEALMENT AND CONSTRUCTIVE FRAUD
(ALL DEFENDANTS)**

33. Alpha Comm reasserts and re-alleges the allegations set forth in paragraphs 1-32 above as though fully set forth herein.

34. As fully set forth above, Defendants made several intentional misrepresentations of material fact and/or failed to disclose material information intentionally.

35. As set forth herein, Defendants Pitbull and Calderon made intentional material false representations of fact to Alpha Comm and concealed material factual information, including: Pitbull's ownership in RockDoc; Alpha Comm's ability to utilize his stage name and image in connection with the manufacture, sale and promotion of the RockDoc by Pitbull product line; concealment of the fact that Pitbull was in discussions with others giving rise to likely conflicts of interest; and intentional concealment of the fact that there were specific representatives, including product specialists, marketeers and legal representatives, that needed to be consulted before Pitbull could commit his name and image to the RockDoc by Pitbull project.

36. Upon information and belief, Defendant Pitbull may have made other material false representations of fact to Alpha Comm.

37. Defendant RockDoc and its members made material false representations of fact to Alpha Comm and omitted material factual disclosures in connection with Defendant Pitbull's ownership in RockDoc in connection with the manufacture, sale and promotion of the RockDoc by Pitbull product line.

38. Defendants knew these representations were false when they made them and knew of their material omissions.

39. Defendants intended their material omissions and false representations to induce Alpha Comm to invest in the manufacture and promotion of the RockDoc by Pitbull product line.

40. Defendants were obligated to communicate the material omissions to Alpha Comm because of the particular circumstances of the case. Specifically, the materially omitted information was not equally accessible to Alpha Comm and at the time the information was

falsely presented or concealed, Alpha Comm could not have discovered the omissions through the exercise of ordinary prudence and caution.

41. Alpha Comm inquired regarding Defendant Pitbull's ability to use his stage name and image to assist with sales and marketing of the RockDoc by Pitbull product line and what the proper channels within Defendant Pitbull's team were for developing and approving the product, and Pitbull was not candid or truthful in his answers and the responsive information provided.

42. Defendants knowingly took advantage of Alpha Comm, which labored under a misimpression regarding the true facts outlined above, due to the material misrepresentations made by Defendants.

43. Alpha Comm reasonably relied upon Defendants' false representations in deciding to invest in the manufacture and promotion of the RockDoc by Pitbull product line.

44. As a direct, proximate and foreseeable result of Alpha Comm's reliance on Defendants' false representations and/or omissions of material fact, Alpha Comm have suffered substantial damages.

COUNT II: NEGLIGENT MISREPRESENTATION AND NEGLIGENT OMISSIONS (ALL DEFENDANTS)

45. Alpha Comm reasserts and re-alleges the allegations set forth in paragraphs 1-44 above as though fully set forth herein.

46. Alpha Comm reasonably and justifiably relied on Defendants' false representations and material concealments of fact, outlined herein above, in investing in the manufacture and promotion of the RockDoc by Pitbull product line.

47. Had Defendants not made the false representations and omissions, Alpha Comm would not have incurred the significant investment of time and money in developing the manufacture and promotion of the RockDoc by Pitbull product line.

48. Defendants failed to exercise reasonable care in their representations and omissions to Alpha Comm.

49. Defendants had a duty to communicate the material omissions to Alpha Comm because of the particular circumstances of the case. Specifically, prior to the acts of reliance described herein, the materially-omitted information was not equally accessible to Alpha Comm and Alpha Comm could not have discovered the omissions through the exercise of ordinary prudence and caution.

50. As a result of Defendants' negligent misrepresentations and omissions, Alpha Comm is entitled to compensatory damages.

COUNT III: PROMISSORY ESTOPPEL
(DEFENDANT PITBULL ONLY)

51. Alpha Comm reasserts and re-alleges the allegations set forth in paragraphs 1-50 above as if fully set forth herein.

52. Defendant Pitbull made certain promises and signified commitment to Alpha Comm through his words and deeds to, among other things, allow Alpha Comm to use Pitbull's trade name and image with regard to the manufacture, sale and promotion of the RockDoc by Pitbull product line.

53. Defendant Pitbull should have reasonably expected that Alpha Comm would rely on such promises.

54. Alpha Comm did in fact reasonably rely on such promises to its detriment.

55. As a result of the reliance, Alpha Comm changed its position to its detriment by surrendering, forgoing, or rendering a valuable right, and investing considerably in the development and marketing of the RockDoc by Pitbull product line.

56. An injustice can only be avoided by the enforcement of the promise.

57. Alpha Comm is accordingly entitled to recovery of such damages from Defendant Pitbull which are equitable and necessary to prevent injustice from occurring.

COUNT IV: EXPENSES OF LITIGATION
(ALL DEFENDANTS)

58. Alpha Comm reasserts and re-alleges the allegations set forth in paragraphs 1-57 above as if fully set forth herein.

59. Each of the Defendants has acted in bad faith and put Alpha Comm to unnecessary burden and expense. Defendant Pitbull has also been stubbornly litigious. As such, Defendants are each liable for Alpha Comm's expenses of litigation, including reasonable attorney's fees, pursuant to O.C.G.A. § 13-6-11.

COUNT V: PUNITIVE DAMAGES
(ALL DEFENDANTS)

60. Alpha Comm reasserts and realleges the allegations set forth in paragraphs 1-59 above as if fully set forth herein.

61. Defendants' actions as set forth above show willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscience indifference to consequences.

62. Pursuant to O.C.G.A. § 51-12-5.1, Alpha Comm is entitled to punitive damages from Defendants.

INTEREST

For any and all damages awarded, Alpha Comm respectfully demands prejudgment and post-judgment interest at the maximum permissible legal rate allowed by law.

JURY TRIAL DEMANDED

Alpha Comm respectfully demands a trial before a jury of twelve on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Alpha Comm prays for the following relief:

- A. Judgment be entered in favor of Alpha Comm and against Defendants on all Counts of the Complaint;
- B. That Alpha Comm recovers from Defendants monetary damages in an amount to be determined at trial;
- C. That Alpha Comm be awarded its reasonable attorney's fees, expenses of litigation and taxable costs as provided for by law, pursuant to O.C.G.A. § 13-6-11;
- D. That the Court award Alpha Comm punitive damages pursuant to O.C.G.A. § 51-12-5.1.
- E. That Alpha Comm have such other and further relief as the Court may deem just and proper.

This 28th day of March, 2014.

Respectfully submitted,



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