

**THE UNITED DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

NORIS DIAZ, a.k.a. TAINA

Plaintiff,

v.,

**EMMANUEL GAZMEY SANTIAGO
a.k.a. ANUEL AA,**

Defendant.

CIVIL NO.

RE: DEFAMATION

JURY TRIAL IS DEMANDED

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW the plaintiff, by and through the undersigned counsel, and respectfully alleges, states and requests, as follows:

I. Introduction

1.1 Plaintiff, a famous female model and television host, brings this action for defamation and false light invasion of privacy against Defendant, a famous male rapper and trapper, based on the derogatory and misogynistic lyrics about her that this singer included in one of his song that was recently released and placed on musical Websites that are accessible, through the Internet, to audiences worldwide.

1.2 Plaintiff seeks compensation for the mental anguish and distress she suffered as result of Defendant's abusive attack against her reputation, honor and integrity.

II. Jurisdiction and Venue

2.1 This Honorable Court has jurisdiction over the subject matter of this litigation pursuant to 28 U.S.C. § 1332, where all the parties on either part of the controversy are of diverse citizenship and the matter in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

2.2 The Court has personal jurisdiction over Defendant because he does business within the District of Puerto Rico and the causes of action arise out of the impact of his actions within the District of Puerto Rico.

2.3 The facts set forth in this complaint are actionable under sections 4 and 8 of Article II of the Constitution of the Commonwealth of Puerto Rico, the Libel and Slander Act of February 19, 1902 (32 L.P.R.A. §§ 3141-3149) and Article 1802 of the Puerto Rico Civil Code (31 L.P.R.A. §§ 5141 and 5299).

2.4 Venue lies under 28 U.S.C. § 1391(b) & (c), and 31 U.S.C. §3732(a) because Defendant transacts business within this district and the act forming the basis of this Complaint caused Plaintiff to sustain her damages within the District of Puerto Rico.

III. Trial by Jury Demand

3. Pursuant to the Seventh Amendment of the United States Constitution, the Plaintiff demands a trial by jury in the instant case. Fed. R. Civ. P. 38b.

IV. Parties To The Action

4.1 Plaintiff **Noris Diaz**, also known as **La Taina** (“**Diaz**” or “Plaintiff”), is an adult female individual, resident of the Commonwealth of Puerto Rico and citizen of the United States of America.

4.2 Since 1996 **Diaz** has worked as a model and television host, and appeared in numerous commercials and ads for various products. She also had brief roles in two feature films, hosted radio programs and produced several calendars showing photographs of her in various poses. On August 1, 2011, the Plaintiff announced, via a press release, that she is HIV Positive, but has never disclosed to the public how she contracted this infection.

4.3 Defendant **Emmanuel Gazmey Santiago**, also known as **Anuel AA** (“**Gazmey**” or “Defendant”), is an adult female individual and resident of the State of Florida. He is a rap, trap and reggaeton artist. He has authored, recorded and released numerous compositions and songs, including the song object of this Complaint.

V. Factual Allegations

5.1 On September 11, 2018, **Gazmey** released a song, in the Spanish language, named “*Intocable -- Tirarera pa Coscuelluela*,” (henceforth “*Intocable*”),¹ primarily intended to disparage and insult rival rapper **Rafael Castillo**, also known as **Coscuelluela** (“**Coscuelluela**”). This type of musical attack is known in the rapper-trapper genre as a “diss track” or “diss song” and is usually aimed at a competing artist.

¹ The English language translation of the name of this song is “Untouchable” - RIP Coscuelluela.”

5.2 On September 11, 2018, **Gazmey** placed *Intocable* on YouTube and Twitter; and, on September 12, 2018, he posted its lyrics on various other Websites. Up to this day, the sound and video recording and the text of the lyrics of the song remain uncensored and accessible, via Internet, to audiences worldwide.

5.3 Immediately after its release, *Intocable* went viral on the Internet. To date, one of the various versions of this song alone has registered 4,188,273 views and generated 5,283 comments by music fans on YouTube. See, **Exhibit 1**.

5.4 The lyrics of *Intocable* are homophobic, misogynistic and denigrating. **Gazmey** insults and disparages **Cosculluela** in this song by portraying him as a closeted homosexual and referring to him as “pato” (gay), “maricón” (queer), “bugarrón” (man that fucks homosexual men for money), clavapatos (gay fucker), “mamabicho” (cocksucker) and the like. The lyrics also explicitly refer to homosexual and bisexual oral and anal sex performed amongst individuals that are identified by their nicknames in the song. See, copy of the lyrics of *Intocable* attached hereto as **Exhibit 2**.

5.5 Within the context of the sexual promiscuity mentioned in the foregoing paragraph and with allusions to drugs and alcohol, the lyrics refer to **Diaz**, as follows:

Calvito, you did the micro-pigmentation (ha ha)
Pitcher-face that you were drunk
And in Miami drugged you even screwed a male (uy)
Albino, snitched to Gina
And I am untouchable from the feet to the bangs (ha ha)
Keep screwing gays in the cabin
That is going to give you AIDS like the slut Taina (ahh)

See, **Exhibit 2**, at p. 5 (emphasis supplied).

5.6 The passage of *Intocable* transcribed above, portraying **Diaz** as a promiscuous female and implying that she contracted AIDS by engaging indiscriminately in anal intercourse with males, is injurious on its face and, therefore, defamatory *per se*.

5.7 On September 12, 2018, **Diaz** learned that **Gazmey** had slut-shamed and insulted her in his song *Intocable* when a third party sent the content of the song to her.

5.8 The controversial nature of the lyrics of *Intocable*, in particular the verse alluding to **Diaz**, unleashed a barrage of commentaries and criticisms in the social networks, sparked multiple articles in local newspapers, such as *El Vocero* and *Nueva Hora*, and was subject of discussion in local television shows.

VI. First Cause of Action -- Defamation

6.1 Plaintiff repeats and reasserts by reference each and every allegation contained the preceding paragraphs and incorporates the same herein as though fully set forth.

6.2 The passage of *Intocable* regarding **Diaz** is false and **Gazmey**, with knowledge of its falsity or with reckless disregard for its truthfulness, maliciously released the song's audio and video recording and published its

lyrics on various Websites that are accessible, through the Internet, to the public at large in all countries around the globe.

6.3 The lyrics of *Intocable* in question subjected **Diaz** to public hatred and contempt, deprived her of the benefit of public confidence and social interrelations, and has thrown discredit and dishonor upon her.

6.4 As a direct result of **Gazmey's** tortuous behavior, **Diaz** suffered, is suffering and will continue to suffer severe mental, psychological, moral and emotional pain, anguish and distress; and, she has sustained a loss of happiness, a loss of the capacity enjoy life, a loss of the capacity to enjoy professional endeavors, and an impairment of the capacity to perform activities common to a woman of her age. Plaintiff is entitled to receive a just and fair compensation for these damages.

VII. Second Cause of Action -- False Light Invasion of Privacy

7.1 Plaintiff repeats and reasserts by reference each and every allegation contained the preceding paragraphs and incorporates the same herein as though fully set forth.

7.2 The passage of *Intocable* regarding **Diaz** is false and **Gazmey**, with knowledge of the falsity or with reckless disregard for the truthfulness of its lyrics and the false light in which Plaintiff would be placed, publicized such lyrics to the public at large or to so many persons that the matter must be regarded substantially certain to become public knowledge.

7.3 *Intocable's* subject lyrics are highly offensive and embarrassing to any reasonable person of ordinary sensibilities. Such lyrics publicly casted **Diaz** in a false light and created a false implication about her to audiences worldwide.

7.4 As a direct result of **Gazmey's** tortuous behavior, **Diaz** suffered, is suffering and will continue to suffer severe mental, psychological, moral and emotional pain, anguish and distress; and, she has sustained a loss of happiness, a loss of the capacity enjoy life, a loss of the capacity to enjoy professional endeavors, and an impairment of the capacity to perform activities common to a woman of her age. Plaintiff is entitled to receive a just and fair compensation for these damages.

VIII. Temerity

8.1 Plaintiff repeats and reasserts by reference each and every allegation contained the preceding paragraphs and incorporates the same herein as though fully set forth.

8.2 In the event Defendant denies responsibility for the damages claimed herein, pursuant the provisions of Rule 44 of the Rules of Civil Procedure of the Commonwealth of Puerto Rico, Plaintiff would also be entitled to an award of pre-judgment and post-judgment interest, to be computed from the amount finally adjudged to Plaintiff, plus a reasonable amount for attorneys' fees, due to such obstinate and temerarious denial.

IX. Prayer for Relief

WHEREFORE, it is respectfully requested that Judgment be entered by this Honorable Court in favor of **Diaz** and against **Gazmey**:

a. awarding Plaintiff the amount of **FIVE MILLION DOLLARS (\$5,000,000.00)** for mental and emotional damages;

b. imposing upon Defendant the payment of all costs and expenses to be incurred in this lawsuit;

c. awarding Plaintiff pre-judgment and post-judgment interests, plus a reasonable amount for attorneys' fees; and,

d. granting Plaintiff any other relief that she may be entitled to as a matter of law.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 16th day of October, 2018.

S/José F. Quetglas Jordán
USDC-PR #203411

QUETGLAS LAW FIRM, P.S.C.
1353, Luis Vigoreaux Ave.
PMB 657
Guaynabo, PR 00966
Tel:(787) 406-8915
Email: jfquetglas@gmail.com;
quetglaslawpsc@gmail.com