

Henry V. Vaccaro – Pro Se Plaintiff
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RECEIVED

DEC 17 2014

AT 8:30 AM
WILLIAM T. WALSH
CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HENRY V. VACCARO,

Plaintiff,

v.

JOHN BRANCA, JOHN DOES 1-10 and ABC
CORPORATIONS 1-10,

Defendants.

Civil Action No.

**COMPLAINT AND
JURY DEMAND**

Pro Se Plaintiff Henry V. Vaccaro ("Plaintiff"), with an address of 26 Sequoia Parkway, Ocean, NJ 07712, by way of complaint against defendants John Branca, John Does 1-10 and ABC Corporations 1-10 (collectively "defendants"), states as follows:

NATURE OF THE ACTION

1. This is a defamation action arising out of the misconduct of John Branca who communicated false and defamatory statements of which Plaintiff learned on December 18, 2013 regarding Plaintiff to persons other than the Plaintiff. As a direct and proximate result of the defamatory statements made by John Branca, Plaintiff has incurred damages.

THE PARTIES

2. At all relevant times, Plaintiff was a citizen of the State of New Jersey.
3. At all relevant times, defendant John Branca ("Defendant") was a citizen of the State of California and an attorney with a business address of Katten Muchin Rosenman, LLP, Century

Park East, Suite 2600, Los Angeles, CA 90067-3012.

4. Defendants John Does 1-10 are individuals, the identities of which are presently unknown to Plaintiff, that engaged in improper conduct that caused injury and damages to Plaintiff.

5. Defendants ABC Corporations 1-10 are corporations or other business entities, the identities of which are presently unknown to Plaintiff, that engaged in improper conduct that caused injury and damages to Plaintiff.

JURISDICTION AND VENUE

6. This Court possesses jurisdiction pursuant to 28 U.S.C. §1332 because the matter in controversy exceeds the sum or value of \$75,000.00 exclusive of interest and costs, and is between citizens of different states.

7. Plaintiff resides in New Jersey and Defendant resides in California. Thus, the parties are citizens from different states and therefore complete diversity of citizenship exists among the parties to this matter.

8. Venue is proper pursuant to 28 U.S.C. 1391(b)(2) in the United States District Court for the District of New Jersey because the events giving rise to the claims herein occurred within this federal district, which includes but is not limited to the injuries and damages incurred by Plaintiff.

BACKGROUND

9. Vintage Associates, LLC ("Vintage") is a New Jersey limited liability company. Plaintiff is the managing member of Vintage.

10. Vintage is the owner of a collection of original memorabilia regarding the late entertainer, Michael Jackson.

11. In or about May 2013, Core Media, a Public Company and then-owner of the Elvis

Presley Estate including Elvis Presley memorabilia, expressed an interest in purchasing some or all of Vintage's Michael Jackson memorabilia collection.

12. Thereafter, John Branca, as executor of the Estate of Michael Jackson, contacted Core Media with the clear purpose of defaming Plaintiff.

13. Upon information and belief, by email that Plaintiff learned of on December 18, 2013, defendant John Branca stated to Core Media, "Henry Vaccaro [Plaintiff] is guilty of fraud. We have obtained a judgment against him and he is bankrupt." A copy of this email was also sent to Howard Weitzman, Esq., who is defendant Branca's attorney.

14. As a result of the foregoing statement made by defendant Branca to Core Media, Core Media declined to do any business with Vintage and its principal, Plaintiff Henry Vaccaro. In particular, Core Media declined to purchase Michael Jackson memorabilia from Vintage.

15. As a direct and proximate result of the statements made by defendant Branca to Core Media, Plaintiff was deprived of a lucrative business opportunity.

16. The statements made by defendant Branca to Core Media were false.

17. Defendant Branca knew that the statements he made to Core Media were false and/or he made such statements with a reckless disregard to the statements' truth or falsity.

COUNT I
(Defamation)

18. Plaintiff repeats, incorporates and realleges paragraphs 1-17 as if they were set forth at length herein.

19. On December 18, 2013, Plaintiff, Henry Vaccaro, learned that defendant Branca had advised Core Media by email, "Henry Vaccaro is guilty of fraud. We have obtained a judgment against him and he is bankrupt." A copy of this email was also sent to Howard Weitzman, Esq.

20. At the time of defendant Branca's statements, Core Media had expressed an interest

in purchasing Michael Jackson memorabilia from Vintage.

21. As a direct and proximate result of said statements, Core Media decided not to do any business with Vintage and specifically refused to purchase Michael Jackson memorabilia. Therefore, Mr. Branca's statements destroyed Plaintiff's business opportunity.

22. The statements made by defendant Branca to Core Media were false.

23. Mr. Branca made the statements to Core Media knowing that they were false and/or with a reckless disregard of the statements' truth or falsity.


24. Defendant Branca also acted negligently by failing to determine the falsity of the statements he made to Core Media.

25. As a direct and proximate result of the foregoing wrongful conduct committed by defendant Branca, Plaintiff has sustained damages.

WHEREFORE, Plaintiff demands judgment against defendant John Branca as follows:

- (a) Compensatory damages;
- (b) Interest;
- (c) Costs of the suit;
- (d) Punitive damages;
- (e) Attorney's fees;
- (f) Such other and further relief as the court deems fair and just.

Dated: December 17, 2014

By: 

 HENRY VACCARO
 Pro Se Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury on all of the triable issues of the Complaint.

Dated: December 17, 2014


By: 

 HENRY VACCARO
 Pro Se Plaintiff

DESIGNATION OF TRIAL COUNSEL

Henry Vaccaro, Pro Se, is hereby designated as trial counsel for the Plaintiff in the within matter.

Dated: December 17, 2014

By: 
HENRY VACCARO
Pro Se Plaintiff

JS 44 (Rev. 12/12)

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 NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Henry V. Vaccaro

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

(c) Attorneys (Firm Name, Address, Email and Telephone Number)

Pro Se

AT 8:30
WILLIAM T. WALSH
CLERK

DEFENDANTS

John Branca

County of Residence of First Listed Defendant Los Angeles
(IN U.S. PLAINTIFF CASES ONLY)

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

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)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" 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 type="checkbox"/> 2	<input checked="" 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 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"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	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 checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<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 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (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	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §1332
 Brief description of cause:
 Claim for defamation.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 20,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See Instructions): JUDGE n/a DOCKET NUMBER

DATE 12/17/2014 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE