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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15
16 EMMANUEL PACQUIAO, a Philippines
resident,

17 Plaintiff,

18 v.

19 FLOYD MAYWEATHER, JR., a Nevada
20 resident; FLOYD MAYWEATHER, SR., a
Michigan resident; ROGER
21 MAYWEATHER, a Nevada resident;
MAYWEATHER PROMOTIONS LLC, a
22 Nevada limited liability company;
RICHARD SCHAEFER, a California
23 resident; OSCAR DE LA HOYA, a
California resident,

24 Defendants.

Case No.

19 **COMPLAINT**

21 **DEMAND FOR JURY TRIAL**

25
26 COMES NOW Emmanuel "Manny" Pacquiao for his Complaint states, alleges,
27 and avers as follows:
28

INTRODUCTION

1
2 1. Calling a professional athlete a cheater is the most serious charge one can make,
3 and in today’s world, accusing an athlete of using performance-enhancing drugs—however
4 baseless and lacking in evidence—is toxic.

5 2. Manny Pacquiao is the world’s premier “Pound for Pound” professional boxer.
6 Blessed with an unmatched combination of speed, power, skill, and guile, Pacquiao is the only
7 boxer in history to win world titles in seven different weight classes. He is a three-time Ring
8 Magazine Fighter of the Year and was voted the “2008 Fighter of the Year” by the Boxing
9 Writers Association of America. Sports Illustrated named Pacquiao “2009 Fighter of the Year.”

10 3. Pacquiao is a fan favorite—and the sport’s biggest draw—in part because of the
11 controlled fury with which he fights. In the last few years, the Southpaw who throws “punches in
12 bunches” earned victories, including devastating knockouts, of former world champions and some
13 of the biggest names in the sport, such as future Hall of Famers Oscar de la Hoya, Miguel Cotto,
14 Ricky Hatton, Marco Antonio Barrera, and Erik Morales.

15 4. Pacquiao is also a fan favorite and a hero in his native Philippines because of the
16 grace with which he approaches his fights and the respect he displays toward his opponents and
17 the sport itself. Pacquiao has an unblemished reputation and, prior to the events giving rise to this
18 case, had never been accused of cheating in any way.

19 5. However, beginning in September 2009, boxer Floyd Mayweather, Jr., and
20 numerous associates, including his father Floyd Mayweather, Sr., his uncle and trainer Roger
21 Mayweather, his promotion company Mayweather Promotions, and boxing promoters Richard
22 Schaefer and Oscar De La Hoya, stated publicly that Pacquiao has used and is using performance-
23 enhancing drugs, including steroids.

24 6. These statements—which Mayweather Jr. and the others made verbally, in writing,
25 and repeatedly over the course of the next three months—are false.

26 7. Mayweather Jr. and the others knew their statements were false and that there was
27 not evidence to substantiate them. All the evidence is to the contrary. For more than 10 years,
28 Pacquiao has undergone random drug tests—before and after his fights—administered by state

1 boxing and athletic commissions and has *never* tested positive for any performance-enhancing or
2 other drug.

3 8. But the truth did not stop Mayweather Jr. and the others. That is because they are
4 motivated by ill-will, spite, malice, revenge, and envy. Mayweather Jr. and the others set out on a
5 course designed to destroy Pacquiao's career, reputation, honor, and legacy, and jeopardize his
6 ability to earn the highest levels of compensation.

7 9. Precisely as they intended, Pacquiao has suffered irreparable damage to his career
8 and reputation. In the court of public opinion, "illegal performance enhancement is the new witch
9 hunt, the new red scare... [i]f you were accused of it, you were it, until you proved otherwise."¹
10 But this is a court of law and the defendants must answer for their false statements.

11 **PARTIES**

12 10. Plaintiff Manny Pacquiao ("Pacquiao" or "Plaintiff") is, and at all times herein
13 mentioned was, an individual with his primary residence in the Philippines.

14 11. Plaintiff is informed and believes, and on that basis alleges, that Defendant Floyd
15 Mayweather, Jr. ("Mayweather, Jr.") is, and at all times herein mentioned was, an individual with
16 his primary residence in Clark County, Nevada.

17 12. Plaintiff is informed and believes, and on that basis alleges, that Defendant Floyd
18 Mayweather, Sr. ("Mayweather, Sr.") is, and at all times herein mentioned was, an individual
19 with his primary residence in Michigan. Mayweather Sr. regularly conducts business in Clark
20 County, Nevada.

21 13. Plaintiff is informed and believes, and on that basis alleges, that Defendant Roger
22 Mayweather is, and at all times herein mentioned was, an individual with his primary residence in
23 Clark County, Nevada.

24 14. Plaintiff is informed and believes, and on that basis alleges, that Defendant
25 Mayweather Promotions LLC ("Mayweather Promotions") is, and at all times herein mentioned
26 was, a limited liability company existing under the laws of the State of Nevada with its principal
27

28 ¹ G. Doyel, *Boxing's bloody mess: Pacquiao meet McGwire*, CBS Sports, Dec. 27, 2009, available at
<http://www.cbssports.com/columns/story/12711653/boxings-bloody-mess-pacquiao-meet-mcgwire>

1 offices located in Las Vegas, Nevada, and at all relevant times was doing business in Clark
2 County, Nevada.

3 15. Plaintiff is informed and believes, and on that basis alleges, that Defendant
4 Richard Schaefer (“Schaefer”) is, and at all times herein mentioned was, an individual with his
5 primary residence in California. Schaefer regularly conducts business in Clark County, Nevada.

6 16. Plaintiff is informed and believes, and on that basis alleges, that Defendant Oscar
7 de la Hoya (“de la Hoya”) is, and at all times herein mentioned was, an individual with his
8 primary residence in California. de la Hoya regularly conducts business in Clark County,
9 Nevada.

10 JURISDICTION AND VENUE

11 17. This Court has jurisdiction of this matter pursuant to 28 U.S.C. section 1332(a)
12 because plaintiff and defendants are citizens of different states and the amount in controversy
13 exceeds \$75,000 exclusive of interest, attorney fees, and costs.

14 18. Venue is proper in this District pursuant to 28 U.S.C. section 1391(a)(3) because
15 certain defendants are subject to personal jurisdiction in this district at the time this action
16 commenced.

17 COMMON ALLEGATIONS

18 BACKGROUND

19 19. Manny Pacquiao is the world’s top “Pound for Pound” professional boxer. He
20 holds a record of 53 wins—38 by knock-out—with only 3 losses. Pacquiao is one of the most
21 decorated boxers of all time:

- 22 • *Ring Magazine*’s “Fighter of the Year” in 2006, 2008, and 2009—the first
23 three-time winner of the award;
- 24 • “2008 Fighter of the Year” by the Boxing Writers Association of America;
- 25 • 2009 Sports Illustrated “Fighter of the Year”;
- 26 • In a poll sponsored by HBO, fans voted Pacquiao “Fighter of the Decade”;
- 27 • Only boxer in history to win world titles in seven different weight classes.
- 28 • Only boxer in history to win the so-called “lineal championship”—beating

1 a boxer universally acclaimed as the best in the class—in four different
2 weight classes;

- 3 • Five time Philippine Sportswriters Association “Sportsman of the Year.”

4 20. Whether judged by ticket sales, pay-per-view buys, endorsements, or any other
5 relevant metric, Pacquiao is one of—if not—the most popular boxers fighting today.

6 21. But Pacquiao is much more than a boxer. *Time Magazine* named Pacquiao as one
7 of the world’s most influential people in 2009, for his success in the ring and his influence among
8 the Filipino people. *Forbes* listed Pacquiao as the world’s sixth highest-paid athlete, with total
9 earnings of \$40 million from the second half of 2008 to the first half of 2009.

10 22. Pacquiao is an icon in his native Philippines, where his life was chronicled in a
11 motion picture and he is an accomplished music recording artist and the star in an upcoming
12 movie. Pacquiao ran for the Philippine Congress in 2007 and plans to reenter politics after he
13 retires from boxing. The President of the Philippines, Gloria Arroyo, described Pacquiao as “an
14 icon of the masses” and “one of our nation’s heroes who can unite us even in times of
15 divisiveness.” Pacquiao is the first Filipino athlete featured on a Filipino postage stamp.

16 23. Pacquiao has an unblemished reputation and, prior to the events giving rise to this
17 case, had never been accused of cheating in any way. Pacquiao has undergone random drug
18 tests—before and after his fights—and has never tested positive for any performance-enhancing
19 drug. Pacquiao has passed the Nevada Athletic Commission’s drug tests at least 10 times.

20 24. Floyd Mayweather, Jr. is also an accomplished boxer. He is a former “Pound for
21 Pound” champion and also was named *Ring Magazine*’s Fighter of the Year. Mayweather Jr.,
22 who is undefeated, has twice announced his retirement from boxing, only to return to the ring for
23 lucrative matchups. Earlier this year, reporters, commentators, and the public began calling for a
24 matchup between Pacquiao and Mayweather Jr. to take place at the famed MGM Grand in Las
25 Vegas, Nevada.

26 25. Mayweather, Jr., hired boxing promoter Golden Boy Promotions, Inc. to represent
27 him in the negotiations against representatives of Pacquiao. Even before being hired by
28 Mayweather, Jr. to negotiate a deal to fight Pacquiao, Golden Boy Promotions—and its two

1 highest-ranking executives, CEO Richard Schaefer and founder Oscar de la Hoya—were upset
2 with and out to get Pacquiao because, among other reasons:

- 3 • In 2006, Pacquiao elected to be promoted by Golden Boy’s main rival in
4 the boxing promotion industry, Top Rank, Inc.;
- 5 • In 2007, Pacquiao sued Golden Boy and others because they tried to coerce
6 the Filipino boxer to break his agreement with Top Rank and sign a new
7 deal with Golden Boy;
- 8 • In October 2007, Pacquiao defeated by unanimous decision boxing legend
9 Marco Antonio Barrera, who is promoted by and an owner of Golden Boy;
- 10 • In March 2008, Pacquiao defeated Juan Manuel Marquez, another boxing
11 legend promoted by Golden Boy;
- 12 • In December 2008, Pacquiao scored such a lop-sided knockout victory over
13 Golden Boy founder Oscar de la Hoya that Mr. de la Hoya was forced into
14 retirement;
- 15 • In May 2009, Pacquiao scored an electrifying second-round knockout over
16 another fighter promoted by Golden Boy, Ricky Hatton.

17 26. Golden Boy, Schaefer, de la Hoya, and the Mayweathers conspired to destroy
18 Pacquiao’s reputation and call into question his victories over Golden Boy fighters, his career in
19 general, and his legacy as one of the greatest fighters of all time.

20 FALSE STATEMENTS ABOUT PACQUIAO

21 27. Mayweather Sr. is a boxing trainer. Among other fighters, he trains Ricky “the Hit
22 Man” Hatton. Pacquiao defeated Hatton by spectacular second-round knockout on May 3, 2009.
23 On or around September 15, 2009, shortly after a well-known boxing commentator suggested a
24 bout between Pacquiao and Mayweather, Jr., Mayweather Sr. gave an interview to the *Grand*
25 *Rapids Press*. During the interview, Mayweather, Sr. directly asserted that Pacquiao used
26 performing-enhancing drugs. After initially saying he “believes” Pacquiao was taking “some
27 type of supplements,” Mayweather Sr. stated: “The steroids aren’t going to make [Pacquiao] no
28 faster. It’s going to make him relentless and hit strong, but that’s it.” Mayweather Sr.’s statement

1 was published in the *Grand Rapids Press* on-line and circulated across numerous websites
2 including boxingscene.com, doghouseboxing.com, and univision.com.

3 28. On information and belief, in mid-September 2009, a sports reporter for the
4 Philippines publication *Manila Standard Today* and boxing website philboxing.com Ronnie
5 Nathanielsz, visited Golden Boy's offices in Los Angeles. Mr. Nathanielsz met with Golden Boy
6 CEO Schaefer to discuss several boxing topics, including Pacquiao. During the meeting,
7 Schaefer stated that he was sure Pacquiao was using performance-enhancing drugs.

8 29. On or around October 29, 2009, Mayweather Jr. gave an interview to Sirius
9 Satellite Radio's The Boxing Truth Radio. During the nationally-broadcast interview, the host
10 asked Mayweather to explain how his physical development differed from that of Pacquiao.
11 When Mayweather Jr. responded, "cause we know the Philippines got the best enhancing drugs,"
12 the host observed, "[s]o he's saying Pacquiao's taking enhancement drugs."

13 30. On November 14, 2009, Mayweather, Sr. told to Yahoo! Sports reporter Martin
14 Rogers that Pacquiao's development was not natural:

15 If I was Floyd I wouldn't fight him because of that. It just don't
16 add up. Take a look at them old pictures, man. That's a different
17 dude. And he got knocked out when he was 30 pounds lighter, but
18 now he can stand there and take Cotto's [reference to the
19 November 14, 2009 bout] best shots? Come on.

20 31. On or around November 25, 2009, Mayweather, Sr. gave an interview to *Sports*
21 *Illustrated*. During the interview, "Mayweather Sr. said Pacquiao's ability to take [a recent
22 opponent's] power punches proved the champion [Pacquiao] was taking performance-enhancing
23 substances." Mayweather Sr. added that he believes his son is the "best" fighter in the world,
24 [b]ut when [your opponent] uses something illegal, even the best can get hurt."

25 32. Having already made false public statements that Pacquiao had taken
26 performance-enhancing drugs in the past, Mayweather Jr. and his representatives began asserting
27 that Pacquiao was currently taking them. Mayweather Jr. and his representatives made these false
28 statements even though they knew Pacquiao was prepared and offered to submit to a blood test in
January 2010, another blood test 30 days before a potential fight with Mayweather Jr., a third

1 blood test immediately upon conclusion of the fight, and random urine tests at any point in
2 between. Furthermore, Pacquiao agreed to submit to any tests ordered by the Nevada Athletic
3 Commission, the body with jurisdiction over fights taking place in Nevada. This level of scrutiny
4 would be unprecedented in professional prize fighting.

5 33. On or around December 23, 2009, Leonard Ellerbe, the CEO of Mayweather
6 Promotions gave an interview to *The New York Times*. Ellerbe stated: “This is a simple question.
7 If you have nothing to hide, then why not comply [with even more blood tests]?”

8 34. The same day, Mayweather Jr. gave an interview to the British newspaper, *The*
9 *Guardian*. Mayweather Jr. stated that he had “great doubt as to the level of fairness I would be
10 facing in the ring that night.” Numerous news outlets—including ESPN, Financial News USA,
11 TIME, and Yahoo!—reported Mayweather Jr.’s statement.

12 35. de la Hoya, who was knocked out by Pacquiao one year ago, wrote on his widely-
13 read internet “blog”:

14 If Pacquiao, the toughest guy on the planet, is afraid of needles and
15 having a few tablespoons of blood drawn from his system, then
16 something is wrong. The guy has tattoos everywhere; he’s
17 tattooed from top to bottom. You’re telling me he’s afraid of
18 needles? Now I have to wonder about him. I’m saying to myself,
19 “Wow, those Mosley punches, those Vargas punches and those
20 Pacquiao punches all felt the same.” I’m not saying yes or no. I’m
21 just saying that now people have to wonder, “Why doesn’t he want
22 to do [even more blood tests]? Why is it such a big deal?”²

23 36. Directing public comments at Pacquiao, de la Hoya, added: “Why don’t you want
24 to do it? C’mon. It’s only a little bit of blood. If you have nothing to hide, then do the test.”

25 37. On December 25, 2009, the *New York Daily News* reported:

26 According to a source familiar with the talks, Pacquiao’s
27 representatives asked what penalties Pacquiao would face if he
28 tested dirty, and also if a dirty test result could be kept secret so
that the integrity of the fight wouldn’t be ruined in the public eye.

38. This is untrue and, on information and belief, was “leaked” by Mayweather, Jr.
and his representatives to further destroy Pacquiao’s professional credibility and reputation.

² de la Hoya’s references to punches from “Mosley” and “Vargas” were intentional. Fernando Vargas tested positive for performance-enhancing drugs after a 2002 fight against de la Hoya and Shane Mosley admitted taking steroids before fighting de la Hoya a year later.

1 39. Finally, in a December 30, 2009 column from BoxingScene.com, Roger
2 Mayweather—Mayweather, Jr.’s uncle and trainer—stated: “I know he’s got somethin’ in his
3 system anyway.” Roger Mayweather added: “We gonna’ find out what he got in his system when
4 these real doctors have him take the tests.”

5 HARM TO PACQUIAO

6 40. Just as Mayweather Jr. and the others intended, their false statements have had an
7 instant and devastating impact on Pacquiao’s professional and personal reputation.

8 41. As Kevin Iole of Yahoo! Sports reported, “There was never any suspicion that
9 Pacquiao had ever taken banned substances until earlier this year, when Floyd Mayweather, Sr.
10 suggested he was on steroids.”

11 42. In Rick Reeno’s December 28, 2009 BoxingScene.com column, he discussed the
12 direct and permanent effect these defamatory statements have already had on Pacquiao:

13 The entire situation has created a cloud of doubt that floats above
14 the head of Pacquiao and his career. Even if both sides agree to
15 abandon the tests, Pacquiao’s career has suffered a crack. The
16 severity of the crack is unknown but the crack is there and very
17 real. ... In the last week, I’ve received a lot of calls from people
18 within the boxing industry, and casual fans of the sport, and one of
19 the first questions to roll out of their mouths - ‘do you think Manny
20 Pacquiao is taking steroids?’

21 43. Other prominent individuals in the mixed martial arts and boxing fields have
22 stated: “Mayweather still has won, because even if Pacquiao does win the fight, there is still a
23 shadow cast on Pacquiao’s cleanliness, if you will.”

24 44. Pacquiao’s ability to earn the highest level of purses, endorsement, and other
25 contracts has been irreparably harmed.

26 FIRST CLAIM FOR RELIEF

27 (Defamation *Per Se* Against All Defendants)

28 45. Plaintiff restates and re-alleges all allegations contained in Paragraphs 1 through
44, inclusive, as though fully set forth in this paragraph.

46. The defendants, and all of them, have made and endorsed the making of statements
that Pacquiao has used and is using performance-enhancing drugs in violation of boxing

1 regulations. These statements are false and defamatory *per se*.

2 47. The defendants' statements harmed Pacquiao's reputation in the public, excited
3 derogatory opinions against him, and caused the public and others to hold Pacquiao in contempt.
4 They also impute the commission of a crime and call into question Pacquiao's fitness to perform
5 in his trade, business, and profession.

6 48. Defendants' statements were made to reporters, newspapers, and other public
7 outlets (among other places and persons). The statements were not privileged in any way.

8 49. Given Pacquiao's spotless record with drug tests over the course of his 15 year
9 career and the absence of any evidence suggesting his use of performance-enhancing drugs,
10 defendants issued these statements with actual knowledge that such statements were false and in
11 reckless disregard for their falsity. In either case, defendants issued these statements intending to
12 harm Pacquiao.

13 50. As a direct and proximate result of defendants' statements, Pacquiao has been and
14 continues to be damaged in an amount to be proven at trial in excess of \$75,000. Furthermore,
15 because defendants' conduct was undertaken in bad faith and with fraud, malice, and oppression,
16 Pacquiao is entitled to punitive damages

17 WHEREFORE, Plaintiff Emmanuel Manny Pacquiao prays for judgment against
18 defendants as follows:

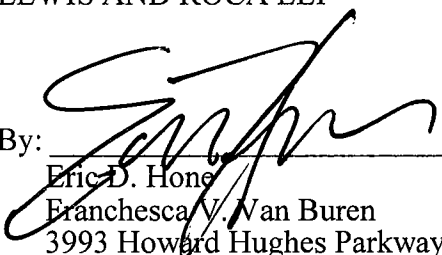
- 19 1. General and special damages in an amount to be proven at trial;
 - 20 2. Presumed damages based on, among other things, harm to Pacquiao's
21 reputation;
 - 22 3. Punitive damages;
 - 23 4. Reasonable attorney fees;
 - 24 5. All costs of suit incurred herein; and
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6. Such other and further relief as the Court may deem proper.

Dated: December 30, 2009

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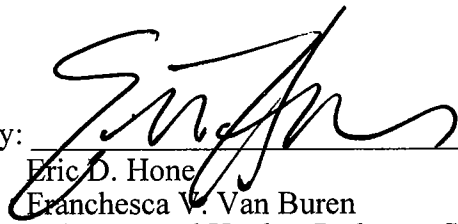
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DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, Emmanuel Pacquiao, hereby demands trial by jury on all triable issues in this action.

Dated: December 30, 2009

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