

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

MICHAEL VICÉNS-SEGURA, KATGIE
TORRENS-BETANCOURT BY THEMSELVES
AND AS REPRESENTATIVES OF THE
COMMUNITY PROPERTY PARTNERSHIP
CONSTITUTED BY THEM; AND ON BEHALF OF
THEIR MINOR CHILDREN MARLEY VICENS-
TORRENS AND ENZO VICENS-TORRENS

Plaintiffs,

v.

STEPHEN GLOVER A/K/A STEVE O, CHRIS
PONTIUS, MUDFLAP MEDIA LLC, SCOTT
RANDOLPH, AND XYZ UNKNOWN
DEFENDANTS,

Defendants.

CIVIL NO. 19-01189

TORTS pursuant to Article 1802 of the Civil
Code of Puerto Rico

(Trial by Jury Demanded)

COMPLAINT

TO THE HONORABLE COURT:

Plaintiffs through the undersigned counsel respectfully alleges and prays as follows:

**I.
JURISDICTION AND VENUE**

1. This court has subject matter jurisdiction pursuant to 28 U.S.C. §1332 (diversity) since the plaintiffs are citizens of the Commonwealth of Puerto Rico and the defendants are citizens of the United States and citizens of one of the States other than the Commonwealth of Puerto Rico since upon information and belief Mudflap Media LLC is a Florida Limited Liability Company, and the other defendants are citizens of the state of New York. Moreover, the amount in controversy exceeds \$75,000.00 exclusive of interests and costs.

2. Venue is proper in this District pursuant to 28 U.S.C. §1391(b)(1) and (2) since the incident that is the subject matter of this complaint took place in Rincón Puerto Rico while defendants were conducting business.

**II.
THE PARTIES**

3. Co-plaintiff Michael Vicéns-Segura (Vicéns-Segura) is a citizen of the Commonwealth of Puerto Rico and citizen of the United States of America. Vicéns-Segura is a natural person married to Katjie Torrens-Betancourt (Torrens-Betancourt) another natural person who is also a citizen of Puerto Rico. Between them a community property partnership exists. Marley Vicéns-Torrens and Enzo Vicéns-Torrens are the minor children of plaintiffs' Vicéns-Segura and Torrens-Betancourt.

4. Stephen Glover (Glover) and Chris Pontius (Pontius) are actors that on March 11, 2018 were going to film in Rincón a stunt act for a television”.

5. Mudflap Media LLC was the producer of the show and upon knowledge and belief Scott Randolph was the Director of the show being filmed.

6. XYZ are unknown persons that scripted, produced or directed the stunt scene that was going to be filmed on March 11, 2011 in Rincón and are the insurance companies that issued public liability policies that cover the claims filed herein.

**III.
THE FACTS**

7. On March 11, 2018 co-plaintiff Michael Vicéns-Segura (Vicéns-Segura) was approached at the Black Eagle Marina in Rincón to allow the use of his jetski for filming a scene of a TV show that would be filmed shortly thereafter.

8. At approximately 1:00 p.m. while the crew started to prepare for the scene, Vicéns-Segura became aware for the first time that co-defendants Glover and Pontius would drive two jetskis in opposite directions with a bungee cord attached to themselves for the purpose of determining which of the actors would be thrust off the jetski first.

9. Co-defendant Glover would operate Vicéns' jetski.

10. The scene was to be filmed from cameras installed in a boat named Katmatu, a 35 foot boat, and from cameras installed in the jetskies.

11. At approximately 1:30 p.m. with the jetskies in close proximity to each other and the Katmatu, Vicéns-Segura was asked to disbar his jetski and to hold it in place since the wind and waves were causing it to move out of position.

12. The two actors sped off in opposite directions while Vicéns-Segura and another person who had held the other jetski remained in the water swimming away from the scene.

13. The bungee cord snapped off Glover's harness and struck Vicéns in the head causing a skull fracture, severe pain and pressure in the right temporal lobe area. He felt like he had received four electrical shots.

14. Initially Vicéns-Segura was transported to the Rincón Emergency Clinic where his injuries were sutured, then he was transported by ambulance to the Mayagüez Medical Center and finally, while intubated he was transported by helicopter to Centro Médico in Río Piedras since he had a skull fracture and brain bleeding.

15. Vicéns-Segura lost consciousness and was subjected to an emergency craniotomy at the Río Piedras Medical Center on the night of March 11, 2018 which required a cut as far down as to the jaw muscle.

16. As a result of the incident, in addition to the head injuries and contusion he suffered, which required the placing of metal plates in Vicéns-Segura's right temporal lobe, an MRI showed that Vicéns-Segura suffered from herniated C5, C6 disk pressing against his spinal cord.

17. Since the incident Vicéns-Segura suffers from constant pain on his right side of his head and jaw, shaking hands, pain in the right hand like electric shots, difficulty in keeping his balance, has trouble sleeping, he is unable to open his mouth all the way, has trouble remembering things, has pain in his neck and middle back.

18. Vicéns-Segura was denied on June 18, 2018 a medical certificate from the Federal Aviation Administration and therefore cannot work as an Air Traffic Controller, his

main professional endeavor, until at least March 11, 2020, if he will ever be qualified for said job.

19. The aforementioned condition, the loss of income and the medical stress caused by his inability to earn a living as an Air Traffic Controller has caused deep depression on Vicéns-Segura and his wife which are receiving professional psychological help.

III. THE NEGLIGENCE

20. The defendants at all times acted negligently inasmuch as they concurrently did not take the most basic precaution that a reasonably prudent person would have taken while engaging in the dangerous activity they undertook in clear disdain to the safety of Vicéns-Segura and others. Such negligence was the proximate cause (“causa adecuada”) of the damages claimed herein.

IV. THE DAMAGES

21. As a proximate result of defendants’ negligence plaintiffs suffered the following damages that are being claimed pursuant to the provisions of Article 1802 of the Civil Code of Puerto Rico:

- A. Vicéns-Segura’s pain and suffering in not less than \$200,000.00, mental anguish in not less than \$800,000.00; loss of income estimated in not less than \$3,500,000.00 and necessary medical care expenses past, present and future estimated in not less than \$200,000.00.
- B. Co-plaintiff Katgie Torrens-Betancourt: mental anguishes in not less than \$500,000.00.
- C. Marley Vicéns-Torrens: mental anguishes in the amount of \$200,000.00.
- D. Enzo Vicéns-Torrens: mental anguishes in the amount of \$150,000.00.

V.

PRAYER FOR RELIEF

The plaintiff request that damages be assessed in the amounts claimed beforehand and that defendants be assessed costs and a reasonable amount of attorney fees.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 27th day of February, 2019.

s/ Rubén T. Nigaglioni
Rubén T. Nigaglioni
UDSC-PR No. 119901
Nigaglioni Law Offices PSC
Attorneys for Plaintiffs
P. O. Box 9023865
San Juan, Puerto Rico 00902-3865
Telephone: (787)765-9966
Telefax: (787)751-2520
rtn@nigaglioniilaw.com