

**EXHIBIT 29**

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

RICHARD S. LEHMAN, individually  
and RICHARD S. LEHMAN, P.A., a  
professional association,

CASE NO:

EG 9887 04 0 176 7 0207 17

Plaintiffs,

vs.

PANAMA AMERICA, S.A., a  
foreign corporation,

Defendant.

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**COMPLAINT**  
(Jury Trial Demanded)

Plaintiffs, Richard S. Lehman, individually and Richard S. Lehman, P.A., a  
Professional Association, sue Defendant Panama America, S.A. and allege:

**JURISDICTION, PARTIES AND VENUE**

1. This is a defamation action against the largest newspaper in Panama for damages in excess of \$50,000,000.00, exclusive of interest, attorneys' fees and court costs. In an effort to intimidate and coerce Plaintiff Richard S. Lehman ("Lehman") into resigning from his position as personal representative of a large Panamanian testamentary estate whose primary beneficiary is the poor children of Panama, the powerful Arias family of Panama has made outrageous and untrue allegations against Lehman in Panama and Florida courts, subjected him to false criminal charges, and

now has used the newspaper the family owns to defame Lehman and ruin his reputation in Panama and the United States. The Arias family is doing this out of greed and avarice to deprive the poor children of Panama of their bequest of approximately \$50 million and instead use the money to fund their lavish lifestyles.

2. Lehman is an attorney licensed to practice law in the state of Florida. He is a prominent tax attorney in Palm Beach County, practicing through Plaintiff Richard S. Lehman, P.A. ("Lehman P.A."). Lehman served as an attorney for Wilson C. Lucom ("Lucom") for over 31 years. Lucom was a former prominent citizen of Palm Beach County who moved to the Republic of Panama in 1995. He died in Panama on June 2, 2006. Pursuant to an Order entered by the probate court in Panama on July 5, 2006, Lehman was appointed as the Albacea (personal representative) of Lucom's domiciliary estate. Pursuant to an Order entered by the Probate Division of this Court on July 19, 2006, Lehman was appointed as the Ancillary Personal Representative of Lucom's estate (hereinafter "the Estate").

3. Defendant Panama America, S.A. ("Panama America") is a Panamanian newspaper published here in Florida through its site on the worldwide web at [www.pa-digital.com](http://www.pa-digital.com). Panama America is owned and controlled by the influential Arias family in Panama. This Court has jurisdiction over Panama America under Florida Statute §48.193(1)(a),(1)(b), and (2). Through its web site, Panama America

is engaging in substantial and not isolated activity within Florida and is operating, conducting and engaging in business within Florida. Further, as set forth in the allegations below, Panama America has committed the tortious act of defamation in Florida.

4. Venue is proper in Palm Beach County, Florida because the cause of action accrued in Palm Beach County, Florida.

### **SUMMARY OF THE CASE**

5. This is a defamation law suit based upon the publication of untrue facts in an effort to damage the reputation of Lehman and Lehman PA. It is a law suit that will demonstrate how the powerful Arias family and their attorneys have abused the Panamanian criminal justice system and the Panamanian free press in an effort to deprive the poor children of Panama of Lucom's generous bequest made in their behalf. To understand the gravamen of this action, it is necessary to plead the detailed facts set forth below.

6. In June of 2006, Lucom, an expatriate American living in Panama, passed away in Panama leaving a fortune in excess of \$50 million dollars, almost all of which by virtue of his Last Will and Testament was left to the poor children of Panama via the Wilson C. Lucom Trust Fund Foundation (the "Foundation"). This would be the largest gift of its kind in Panama's history.

7. Lucom was survived by his widow and second wife, Hilda Piza Lucom (“Hilda”). This was Lucom’s and Hilda’s second marriage. Hilda’s first marriage was to Gilberto Arias, the son of a former President of Panama and the scion of one of the most powerful and influential families in Panama, who count among their ancestors two Presidents of Panama, one of whom is Gilberto’s father. Hilda’s first marriage produced five children, two of whom remain in Panama and two of whom reside in the U.S., one in Florida, the other in New York City. The other lives in Switzerland.

8. Lucom’s Will is a notarial will which in Panama’s civil law system is extremely difficult to overturn. The will left specific instructions for all of Lucom’s assets and on July 5, 2006 Lucom’s will was accepted into probate by the Panama Courts. The Foundation was accepted as the principal heir to Lucom’s fortune and Lucom’s trusted attorney and friend of 31 years, Lehman, was appointed the sole Albacea of Lucom’s Estate in Panama.

9. After the will was accepted to probate administration in July 2006, the powerful Arias family reacted immediately and adversely to the fact that, under Lucom’s Will, his fortune would go to the poor children of Panama. To preclude Lehman from carrying out Lucom’s testamentary intent and distributing substantial assets to the poor children of Panama, Hilda appealed Lehman’s appointment as sole

Albacea. Shortly thereafter, she filed suit in Panama to nullify Lucom's will in its entirety. If this suit is successful, Lucom's entire fortune would go to Hilda and her children, and not to the poor children of Panama.

10. In May 2007, the Appellate Court affirmed Lehman's appointment as Albacea, but construed Lucom's will to also add Hilda and non-party Christopher Ruddy ("Ruddy") as Albaceas. Hilda then appealed this May 2007 appellate decision to the Panama Supreme Court which must now decide the ultimate validity of Lucom's will and the identity of the Albaceas.

11. For over a year since Lucom's death, Hilda and the Arias family have recognized that Lehman is the sole obstacle to their greed. In addition to the appeal of Lehman's appointment as Albacea and a challenge to the validity of the will, members of the Arias family, including Hilda and her children, as well as Panamanian attorneys Hector Infante ("Infante") and Edna Ramos Chue ("Chue"), set up a plan that is continuing today to abuse the judicial process of the courts of both Panama and Florida in an attempt to intimidate, bribe and extort Lehman in a concerted effort to coerce him to resign in favor of Hilda as the Albacea and as Lucom's Personal Representative in Florida.

12. To fully understand the plan, it is necessary to understand Panama's

criminal justice system. Under Panama law, a private citizen may commence a criminal action against another person by filing a “Denuncia” with any prosecutor’s office. The person initiating the Denuncia may call for the arrest and pretrial detention of the accused and for the seizure of the accused’s assets. This is all based on minimal evidence, much less than probable cause. Although a Denuncia cannot proceed forward until reviewed by a Panamanian prosecutor and judge, it can be used by people such as the Arias family to extort and intimidate others in order to achieve self-serving personal goals.

13. Hilda’s plan, commenced by Infante and Chue, included the instigation of multiple Denuncias and criminal investigations in Panama against Lehman that included the false charge of intentional homicide of Lucom by Lehman and Ruddy. Other false charges were filed against Lehman for being the head of a criminal enterprise whose purpose was to steal Lucom’s fortune. The members of the alleged enterprise included Lucom’s Florida physician and Lucom’s most trusted employees. In the charging papers, Hilda, Infante and Chue not only asked for a sentence against Lehman of 5 to 10 years, but for the immediate preventive detention of Lehman in a Panamanian prison. The plan also included using the Florida courts to sue Lehman and place him under personal financial pressures to resign. In slightly over one year since Lucom’s death, Hilda, Infante and Chue abused Denuncias by accusing Lehman

of fourteen crimes, all because he was fulfilling his fiduciary duties to the Estate to fund the Foundation for the benefit of the poor children of Panama.

14. With all of this hanging over Lehman's head, in November 2006, Infante made Lehman a financial offer "he could not refuse" by offering Lehman \$3 million to resign as Albacea and ancillary personal representative. Lehman refused and for the past sixteen months has devoted substantial amounts of his professional time and resources to ensure Lucom's testamentary intent is satisfied and the poor children of Panama receive Lucom's generous gift.

15. The criminal charges described against Lehman in paragraph 13 have since been dismissed by Panamanian authorities. Hilda and her lawyers also tried to bring false criminal contempt charges against Lehman here in the probate division of this Court which were summarily dismissed. Since the failed bribe and dropping of criminal charges, Lehman has been successful in the Courts of Panama, the British Virgin Islands and Florida by obtaining injunctive and other relief to protect Lucom's generous bequest to the poor children of Panama. Yet, Hilda and her children remain steadfast in their efforts to deprive the poor children of Panama of Lucom's gift.

16. Hilda, her children, Infante and Chue are frustrated by their prior failed efforts to intimidate Lehman. They also realize that the lower Panama appellate court has upheld the validity of Lucom's will and is likely to be affirmed by the Panama



Supreme Court. Realizing that they are about to lose any chance of taking Lucom's fortune from the poor children of Panama. Hilda, her children, Infante and Chue recently filed yet another recent Denuncia against Lehman, and his associate, Victor Crosbie ("Crosbie") alleging fraud, document forgery, illegal practice of law and illegal association to commit offenses.

17. As alleged in detail below, on September 12 and 13, 2007, Panama America published two false and defamatory articles that Lehman faces manslaughter charges and is fleeing arrest for numerous crimes and the illegal practice of law in Panama. The articles also falsely state that Lehman is a fugitive from justice.

### **GENERAL ALLEGATIONS**

#### **A. The Estate of Wilson C. Lucom**

18. The primary administration of the Estate is in the Republic of Panama. Lucom's will was admitted to probate in Panama on July 5, 2006 and Lehman was appointed by the Panamanian Court as sole Albacea on the same date.

19. In a Motion filed with the Panama Probate Court on July 14, 2006, Hilda did not challenge the validity of the will, but did appeal the appointment of Lehman as sole Executor. According to papers prepared by Hilda's Panamanian lawyer at the time, Jose Salvador Munoz, Hilda desired to be appointed as Albacea, despite the fact

that she is 83 years old, in poor health, and has no business experience. As alleged in paragraph 10, Lehman's and Hilda's appointments as Albaceas remain on appeal.

20. In his will, Lucom bequeathed to Hilda a life estate of at least \$240,000 per year to pay for her comfort, health, support and well-being. Lucom also bequeathed his 50 percent interest in the marital apartment home in Panama to Hilda, along with a life estate of all personalty in the marital apartment home. Lucom also bequeathed a life estate not to exceed \$200,000 per year payable to his step daughter from his previous marriage. In addition, Lucom bequeathed \$1,000,000 to the Mayo Clinic in Rochester, Minnesota and approximately \$2,000,000 to various employees and family members. Lucom left only a small portion of his estate to Hilda's five children. Consequently, the Arias family is upset that they will not enjoy all of Lucom's substantial estate.

21. The remainder of the Estate's assets, valued at approximately \$45 million, was bequeathed to the Foundation which Lucom established to benefit the poor children of Panama. Lucom grew up a poor boy in a Pennsylvania mining town and expressly wanted to use his wealth to benefit the poor children of Panama. As Albacea, Lehman has devoted numerous hours setting up this gift to charity to carry out Lucom's wishes. Lehman has already made preliminary arrangements with several of Panama's leading charities for the acceptance of Lucom's gift. Lehman

has no financial or beneficial interest in any of these charities nor has Lehman paid himself a single cent as compensation for his services as Albacea or ancillary personal representative. Yet, Hilda, her children, Infante and Chue on the other hand, are doing everything possible to deprive the poor children of Panama of Lucom's generous gift.

22. The Estate's primary asset is a 7,000 acre working ranch on the Pacific coast of Panama that is owned 100% by Hacienda Santa Monica S.A., a Panamanian corporation. Hacienda Santa Monica, S.A. is owned 100% by the Estate. The ranch is worth in excess of \$40 million.

**B. The Arias' Plan to Avoid Probate of the Will and Take Over The Estate**

23. As a vulnerable 83 year old adult with poor health, Hilda is being used as a tool by Infante, Chue and her children to obtain control of the Estate's assets and avoid funding the Foundation. At the insistence and urging of her children and lawyers, Hilda has now decided that she is not satisfied with her inheritance under the will. Therefore, after initially not challenging the validity of will and with the aid of Infante and Chue, Hilda is now challenging the validity of the will in Panama. This has resulted in an ugly fight in both Panama and in Florida by which Hilda and her lawyers are doing anything and everything, legal and illegal, to take over control of the Estate and its substantial assets and thereby avoid the funding of the Foundation

thereby preventing Lucom's testamentary intent of a generous gift to the poor children of Panama. This includes the use of Panama America, owned and controlled by members of the Arias family related to Hilda and her children, to publish defamatory statements about Lehman.

24. Hilda and her children intend to coerce Lehman to resign and then use the more than \$45 million intended as Lucom's testamentary gift to the Foundation to finance the continuation of the lavish Arias lifestyle. They know full well that Lehman intends to fulfill his fiduciary duties to the Estate and the poor children of Panama which includes funding the Foundation pursuant to Lucom's intent. Hilda, the Arias family, Infante and Chue recognize that Lehman is the sole obstacle to their greed. Therefore, they have filed knowingly false civil and criminal actions including, without limitation, completely frivolous charges of the homicide of Lucom against Lehman in an effort to intimidate him and force him to resign as Albacea in Panama and Ancillary Personal Representative in Florida.

25. On September 11, 2006, Hilda, Infante and Chue filed their first Denuncia against Lehman. Through her lawyers, Hilda and her children falsely claimed that Lehman caused himself to be appointed Albacea by fraud to allow himself to subsequently obtain Lucom's property. The Denuncia also accused Lehman of hiring "false lawyers to perform proceedings in Panama" and being the

head of a gang involved in a criminal enterprise whose purpose was to steal Lucom's fortune. The same Denuncia named Ospina, Lucom's bookkeeper, as a co-conspirator. These allegations against Ospina were obviously intended to intimidate her with respect to her testimony regarding Hilda's theft of the Valores shareholder certificates. As to Lehman, again these criminal allegations were false and were not intended to bring a criminal to justice, but to extort and intimidate Lehman into resigning as Albacea and Ancillary Personal Representative. These charges have since been dropped by Panamanian authorities as being totally without merit.

26. Also on September 11, 2006 Hilda filed another Denuncia containing homicide charges against Lehman related to the death of Lucom. Hilda, her lawyers and children claimed that Lehman participated with Ruddy to disconnect medical devices which were keeping Lucom alive, which disconnection resulted in his death. In fact, all that Lehman and Ruddy actually did was prepare the hospital's administrative paperwork to move Lucom, at Lucom's unequivocal written request and also the request of Lucom's American physician, to a better hospital in Panama run by the Johns Hopkins hospital group. Lucom was never disconnected from any medical support devices. Again these criminal allegations are false and were not intended to bring a criminal to justice, but instead to extort and intimidate Lehman

into resigning. These charges of intentional homicide were also dropped by the Panamanian prosecutor's office and the Panamanian Superior Court.

27. As a result of all of this outrageous conduct directed against Lehman in Panama and Florida, Lehman and Lehman PA were forced to file an abuse of process lawsuit against Hilda, Chue, Infante and other members of the Arias family. The suit, styled as *Richard S. Lehman and Richard S. Lehman, PA v. Hilda Piza Lucom et. al.*, Case Number 50 2007 CA000478XXXXMBAO, was filed on January 11, 2007. Defendant Chue's Motion to Dismiss the complaint for failure to state a cause of action was denied in May 2007 by and the case is proceeding forward.

28. Because Lehman refused the bribe described in paragraph 18 above and remains devoted to carrying out his duties to the Estate and the poor children of Panama as its beneficiaries, and due to their frustration with Lehman's success to date in the abuse of process action, Hilda, Infante and Chue filed yet another recent Denuncia falsely accusing Lehman and Crosbie of fraud, document forgery, illegal practice of law and illegal association to commit offenses. They then used their control of Panama America to defame Lehman by publishing that he faces manslaughter charges, is fleeing arrest for numerous crimes and the illegal practice of law and is a fugitive from justice.

29. All conditions precedent to the filing of this action, including pre-suit

notice under § 770.01, *Fla. Stat.*, have been met, waived or otherwise been satisfied.

**COUNT I**  
**DEFAMATION BY A MEDIA DEFENDANT AS TO A PRIVATE CLAIMANT**

30. Lehman realleges and incorporates by reference the allegations contained in paragraphs 1 through 29 as if fully set forth herein.

31. On September 12 and 13, 2007, Panama America published two articles reporting that Lehman and Crosbie were charged with fraud, document forgery, illegal practice of law and illegal association to commit offenses. These two articles, entitled “Indagatoria contra sujeto que se hizo pasar por abogado” dated September 13, 2007 and “Ordenan captura contra supuestos abogados” dated September 12, 2007, were published and circulated in Florida on Panama America’s website.

32. The articles falsely state that Lehman faces manslaughter charges and is fleeing arrest for numerous crimes and the illegal practice of law. The articles also falsely state that Lehman is a fugitive from justice.

33. The articles contain significant false statements of fact which tend to expose Lehman and Lehman, P.A. to hatred, ridicule and contempt and also tend to expose Lehman and Lehman, P.A. to damages to their business and reputations. The

articles also falsely charge that Lehman committed the crime of negligent homicide. These statements are defamatory *per se* and were published to third parties in Florida.

34. Panama America either made the statements intentionally or was negligent in printing and publishing the false and defamatory statements. Consequently, Lehman and Lehman, P.A. have been damaged.

35. Lehman and Lehman, P.A. reserve their right to amend this Complaint to assert a claim for punitive damages under Section 768.72, *Fla. Stat.*

WHEREFORE, Plaintiff, Richard S. Lehman, individually and Richard S. Lehman, P.A., demand judgment against Defendant Panama America, S.A. for compensatory damages as set forth above, interest, costs and for such other relief as this Court deems just and proper.

#### **DEMAND FOR JURY TRIAL**

Lehman and Lehman, P.A. demand a jury trial of all issues so triable as of right.


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DATED this **11<sup>th</sup> day of October, 2007.**

Respectfully submitted:

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