

# Boxing Promoter Takes Narrow Victory in Contract Case

*Celia Ampel, Daily Business Review*

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Solo practitioner Antonio Gonzalez and Melissa Softness and Alejandro Brito of Zarco Einhorn Salkowski & Brito.*AM Holt*

A Miami-based boxing promoter emerged with a narrow win after a six-year contract kerfuffle with middleweight champion Saul "Canelo" Alvarez.

All Star Boxing Inc. won an \$8.5 million verdict in Miami-Dade Circuit Court after a three-week trial over whether the Mexican boxer had signed a binding promotion contract or a visa application.

When Alvarez was 18, he signed an agreement with All Star Boxing that included a promise from the promoter that it would sponsor a nonimmigrant visa for athletes and entertainers, allowing Alvarez to travel to the U.S. for fights.

It was also an exclusive promotional agreement that would run for four years starting in 2008, which could be extended if Alvarez became a world champion or reached certain other heights in his career, said All Star Boxing attorney Alejandro Brito of Zarco Einhorn Salkowski & Brito in Miami.

But after about 15 months, Los Angeles-based Golden Boy Promotions Inc. "made a run at" Alvarez, Brito said. Golden Boy is a large boxing promotion company owned and operated by Oscar De La Hoya, and it offered the young Mexican fighter a signing bonus of \$1 million, according to Brito.

"At that point, he jumped ship and stopped working with us and started working with Golden Boy," Brito said. "Once that happened, we notified Golden Boy of our contractual rights. At that point, Canelo Alvarez took the position that he didn't have a valid promotional agreement with us because he didn't know that what he had signed was a promotional agreement."

Alvarez said he believed he was merely signing a visa application through All Star Boxing, led by Felix Zabala. The contract was in English, but Alvarez also signed a Spanish section verifying that he knew what he was signing, Brito said.

All Star Boxing sued Alvarez and Golden Boy in April 2010, claiming Alvarez had breached the contract and unjustly enriched himself, and that Golden Boy tortiously interfered with the contractual relationship.

The defense filed fraud counterclaims alleging All Star Boxing had tricked Alvarez into signing the contract, which were later dismissed.

The court also held off the plaintiff's claim for punitive damages against Golden Boy until after the jury had made a determination on punitive liability.

At trial beginning May 23 before Miami-Dade Circuit Judge Migna Sanchez-Llorens, the defense argued there was no valid contract between Alvarez and All Star Boxing.

The plaintiff questioned how Alvarez could have mistaken the contract for a simple visa application when he had to sit for an interview with the U.S. Department of Homeland Security and bring along a copy of the agreement.

"He would have had to state at this interview that his petitioner was All Star Boxing ... who was his promoter," said Brito, who tried the case with his colleague Melissa Softness and Coral Gables solo practitioner Antonio Gonzalez.

At trial, Alvarez said he didn't remember whether the interviewer asked him about his relationship with the petitioner, Brito said.

All Star Boxing also argued it had lost profits between 2010 and 2016 as Alvarez's star continued to rise in the U.S.

"Mr. Alvarez has continued to fight and has generated a substantial amount of revenue," Brito said. "We asserted that had Mr. Alvarez continued to fight for us during that same period of time, that the profits that we would have generated would have been \$24 million."

The jury did not award \$24 million, finding June 14 that All Star Boxing didn't prove it had a promotional agreement with Alvarez. But jurors did award \$8.5 million on the unjust enrichment claim against the boxer. Brito said the plaintiff was "very satisfied" that the jury seemed to find All Star Boxing and its owner had played a substantial role in launching Alvarez' career.

"While clearly we were suing for money, [Zabala's] initial motivation for bringing the suit was to try to establish a precedent within boxing, so that it was determined that boxers would be required to honor promotional agreements and that rival promoters would be disincentivized from interfering with relationships between boxers and fighters."

But Alvarez and Golden Boy's attorneys, Michael Olin and Alaina Fotiu-Wojtowicz of Michael S. Olin P.A. in Miami, said they are ready for round two.

"We are pleased with the jury's findings on the core issues involved in the case and intend to move for a new trial or remittitur on the unjust enrichment award," the lawyers said in an emailed statement. "There is no factual or legal basis upon which the jury could award any amount even approaching seven figures. We are confident that this award will be reversed."

Case: All Star Boxing v. Saul Alvarez et al

Case no.: 10-25018 CA 31

Description: Unjust enrichment

Filing date: April 27, 2010

Verdict date: June 14, 2016

Judge: Miami-Dade Circuit Judge Migna Sanchez-Llorens

Plaintiffs attorneys: Alejandro Brito and Melissa Softness, Zarco Einhorn Salkowski & Brito, Miami; Antonio Gonzalez, Antonio S. Gonzalez P.A., Coral Gables

Defense attorneys: Michael Olin and Alaina Fotiu-Wojtowicz, Michael S. Olin P.A., Miami

Verdict amount: \$8.5 million