

CAUSE NO. 2018-06526

FREE AND SOVEREIGN STATE
OF VERACRUZ DE IGNACIO DE
LA LLAVE,

Plaintiffs

VS.

JOSE A. MANSUR, JR., M1
WOODLANDS, LLC, M1 VILLAGE,
LLC, TEXAS SOUTHMAN, INC.
AND JAVIER DUARTE DE OCHOA,

Defendants

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IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

190TH JUDICIAL DISTRICT

DEFENDANT JOSE MANSUR, JR.'S COUNTERCLAIM

TO THE HONORABLE COURT:

COMES NOW, Jose Mansur, Jr. and files his Counterclaim and in support thereof respectfully shows the following:

Parties.

1. Jose Mansur, Jr. ("Mansur") is a Mexican citizen.
2. Free and Sovereign State of Veracruz de Ignacio de la Llave ("Veracruz") purports to be the Mexican state of Veracruz and has previously filed an action in the instant proceeding as the plaintiff.

Discovery Level

3. Mansur affirmatively pleads that discovery should be conducted in accordance with a discovery control plan under Civil Procedure Rule 190.3 or a tailored discovery control plan under Civil Procedure Rule 190.4).

Venue

4. Venue is proper in this county as at least one Defendant maintains a principal office here and most of the real properties are in this County. Furthermore, Yunes made trips to Harris County, Texas where he videotaped making defamatory statements about Mansur. Additionally, his co-conspirators and representatives held meetings with Mansur and his family members in Harris County, Texas for the purposes of trying to carry out their plan of extortion against Mansur.

Facts

1. On December 1, 2010, Mansur was hired by the State of Veracruz to serve as the Veracruz Sub-Secretary of Finance (Head of State Income). His duties in that position required him to administer the receipt of taxes and the auditing of companies for tax purposes. The governor of the State of Veracruz during the term of Mansur's employment was Javier Duarte, who held the position of governor from December 1, 2010 thru October 12, 2016, when he was succeeded by Flavio Rios as interim governor and subsequently on December 1, 2016 by Yunes as the newly elected governor of Veracruz.
2. In March 2012, Mansur left his position as Sub-Secretary of Finance for the state of Veracruz because of differences between he and then governor Duarte and the Veracruz Secretary of Finance. After leaving that position,

he was employed as vice president of Rojos del Aguila baseball club and, later, in April 2013, he was appointed by Mexican president Enrique Pena Nieto to serve as a federal economic delegate for the State of Veracruz until he left that position in August 25, 2016.

3. Beginning in March 2016, Yunes, who at that time had announced as a candidate for governor of the Mexican state of Veracruz, began a campaign to malign and wrongfully accuse many people, including Mansur and members of his family.
4. In April, 2016, prior to becoming governor Yunes, who then was a candidate for the position of governor filed, and caused to be filed, a legal criminal proceeding in a Mexican state court (“Mexican State Proceeding”) against members of the Mansur family, and others, in which he claimed that the Members of the Mansur family and the other defendants were enriching themselves by conspiring to convert funds belonging to the state of Veracruz. In the Mexican State Proceeding, Yunes, as the accuser, claimed that Mansur, along with the other individuals, was engaged in criminal conduct and sought to have criminal and civil sanctions imposed against them. Yunes’ accusations were levelled principally against Javier Duarte, the then governor of Veracruz, but also included at least 30 other individuals associated with the state of Veracruz, including Mansur.

Yunes accused them of having engaged in a conspiracy with others to steal and divert monies from the State of Veracruz for their own personal

use. Included within the list of individuals were Mansur and other members of his family.

5. In July, 2016, Yunes, as the newly-elected governor who had not yet assumed the position of governor, either caused the transfer of the Mexican State Proceeding to a federal court in Mexico or caused another identical proceeding to a federal court in Mexico. He sought the same imposition of criminal and civil sanctions in the Mexican federal court proceedings (“Mexican Federal Proceeding”).
6. To date, no action or charges arising out of the Mexican State Proceeding or the Mexican Federal Proceeding has ever been taken by the Mexican authorities against Mansur or his family members. Yunes claimed in both of those Mexican courts that Mansur had used ill-gotten proceeds from Veracruz to purchase specific properties in the United States. The same properties may be the basis of Plaintiff’s claims in this lawsuit. The reason no indictment, prosecution or proceeding has resulted in Mexico, is because the authorities were provided with irrefutable proof that the United States homes owned by Mansur’s family were purchased with funds obtained from the sale of real property in Mexico in 2004 and that the homes were purchased long before Mansur ever began working for the State of Veracruz.
7. In January, 2018, Veracruz filed in the instant case (“Texas Proceeding”) against Mansur and several companies owned by members of the Mansur

family alleging that the defendants engaged in (i) theft or conversion of Veracruz's funds, (ii) were part of a conspiracy to steal and embezzle monies belonging to Veracruz, (iii) were engaged in fraudulent actions with other to accomplish the theft and embezzlement of such monies and were engaged in criminal actions.

8. At the time of the initiation of the above referenced Proceeding, Veracruz and Yunes began a public campaign against Mansur and members of the Mansur family wherein he publically accused them of having engaged in criminal conduct consisting of the theft of Veracruz public monies and utilizing such monies to acquire real property in The Woodlands, Texas; Magnolia, Texas; Montgomery County, Texas; Spring, Texas; and Harris County, Texas.
9. The form of the publication of the accusations consisted of video and recorded statements made to, or provided to, news media as well as written allegations made in the Proceedings and other documents. The statements are defamatory and libelous because they are not true and they disparaged the character and honesty of Mansur. These statements constitute statutory libel because they tended to injured Mansur's reputation and expose months were to public hatred, contempt, ridicule, and financial injury, and impeached his honesty and integrity.

10. These defamatory statements constitute defamation per se in that they make an affirmative statement that Mansur was guilty of criminal activity and benefited from such criminal activity.
11. Veracruz and Yunes caused the wrongful and false allegations to be made against Mansur. Yunes was acting in the course and scope of his employment as the governor of the state of Veracruz at the time that he made such statements. All persons who heard or read the defamatory statements made, or cause to be made, by Veracruz and/or Yunes understood that the statements were defamatory in the manner described above. Some of the defamatory statements were made by Yunes while he was present at the Woodlands, Texas.
12. The defamatory statements made and caused to be made by Yunes set forth above are false. The truth is that the subject real properties were acquired long prior to the time that Mansur ever worked for or held any position with the state of Veracruz. Further, there is a clear record of the purchase costs of these properties having come directly from the sale of other real estate long owned by the Mansur Family in Mexico, which sale was prior to Mansur having any connection with the State of Veracruz. Therefore, it was impossible, in this instance, for Mansur, members of this family, to have illegally acquired monies from the state of Veracruz when, at no time, was Mansur, or any member of his family ever employed by, or

associated with, the state of Veracruz or any of the other persons with whom Mansur was accused of having conspired.

13. Veracruz and Yunes did not limit their publication of their false and defamatory statements to those who might have a legitimate interest in the information. Rather, they voluntarily published these false statements to the entire Republic of Mexico, and over the internet to the world, without having any factual basis for making such accusations and for the apparent purpose of enhancing Yunes' reputation as a politician very publicly attempting to "protect" the treasury funds of Veracruz.
14. Veracruz and Yunes published the defamatory statements either with knowledge that they were false or with substantial grounds for knowing that they might be false and with reckless disregard for whether they were true or false.
15. In addition to the defamatory statements made by Veracruz and Yunes, Yunes also engaged in a conspiracy with others to extort monies and a "settlement" from Mansur and his family by threatening to fabricate criminal charges against he and some of his family members in exchange for the transfer of some of the properties. Unless certain properties were delivered to person designated by him, Yunes threatened to have certain Mansur family members arrested and criminally charged.
16. In June 2018, Yunes spoke one time directly with Mansur and three times directly with Mansur's father. In those meetings Yunes threatened to

have Mansur and family members arrested in Mexico and placed in jail for charges which Yunes admitted and knew were false. Yunes told Mansur that if Mansur did not have his family turn over some of the Woodlands properties, Mansur and another family member would be arrested and jailed; however, if those properties were transferred to Yunes' designated representative, then Mansur and his family would be cleared of all wrongdoing in Mexico, and this lawsuit would be dismissed. Yunes was making these threats because his term as governor was expiring and his son was running for his position. Yunes apparently engaged in this extortion effort to create publicity to support his son's candidacy for governor of Veracruz. Yunes wanted to show the public that he had accomplished his task of cleaning up Veracruz politics by recouping properties for Veracruz. Therefore, in order to obtain good press coverage, Yunes at the beginning of his term and up through the end of his term, Yunes accused Mansur of criminal activity which he knew that there was no evidence to support any accusation of same.

17. All of the wrongful actions of Yunes and his agents described herein have been ratified by Veracruz and its agents and representatives by their continued participation with Yunes in perpetrating the wrongful actions against Mansur.
18. Yunes knew that his wrongful acts would subject Mansur to severe emotional distress because the Yunes knew that Mansur would be

destroyed financially and professionally by the false accusations publicly made against him by Yunes and those under his direction. Yunes' conduct was extreme and outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious and utterly intolerable in a civilized community. In particular, the conduct was outrageous because Yunes knew that the public accusations made on nation-wide television would cause Mansur's business associates and social friends to distance themselves from him and that this would severely affect his well-being. Yunes' conduct caused Mansur to suffer severe emotional distress.

19. Prior to the publication of the defamatory statements and threats made against him, Mansur enjoyed a reputation for honesty, professionalism, dependability and openness. As a direct and proximate result of the defamatory statements made by Veracruz and Yunes, Mansur's reputation has been severely injured. The allegations contained in the defamatory statements have caused Mansur to suffer extreme mental anguish public humiliation and embarrassment. Mansur and members of his family have been asked to resign from certain positions of honor and trust as a result of Yunes' defamatory statements. The publication of the defamatory statements has caused Mansur to suffer extreme emotional strain which have resulted in physical injury. The damages suffered by Mansur exceed the minimum jurisdictional limits of this court.

20. Mansur is also entitled to and hereby sues for exemplary damages from Veracruz and Yunes, jointly and severally, because they acted with malice and acted either with the specific intent to cause injury to Mansur or with conscious indifference to the rights safety or welfare of Mansur with actual, subjective awareness that their conduct involved an extreme degree of risk of harm to Mansur.

21. Mansur, requests that on final trial, that he have and recover the following:

- a. judgment against Veracruz for actual damages in a sum within the jurisdictional limits of the court;
- b. award of exemplary damages against each defendant in a sum determined by the trier of fact;
- c. pre-and post-judgment interest as provided by law;
- d. costs of suit;
- e. such other and further relief to which Mansur may be justly entitled.

Respectfully submitted,
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By: /s/ Dennis Sanchez
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing answer has been served on all counsel of record electronically, on this 30th day of November, 2018.

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