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Suit Over Soap Operas Becomes One

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A lawsuit pitting an 80-year-old Miami man against the world's largest producer of telenovelas is itself a soap opera, rife with allegations of family back stabbing, diverted millions and a battle over the will of a long-dead relative whose works inspired wildly popular television shows themselves, Miami's Daily Business Review reports.

Mexico's Grupo Televisa struck gold when it acquired rights to the work of the late Cuban playwright Ines Rodena. But the playwright's brother claims Televisa never legally secured the rights.

The brother, Oscar Collado, said he was cut out of deals worth almost \$7 million, even though his sister designated him and four other siblings as her heirs.

Collado is asking a Miami-Dade Circuit Court judge to invalidate the agreement giving the Spanish-language media giant the right to turn Rodena manuscripts into telenovelas, the serialized melodramas that are the backbone of Spanish-language television.

Named in the suit filed Sept. 17 are the Mexico City-based Televisa, the U.S. Spanish-language TV network Univision and two Televisa licensing subsidiaries — one domestic and another also based in Mexico. He is suing his family members in a separate lawsuit.

The publicly traded Grupo Televisa (NYSE: TV) is the largest media company in the Spanish-speaking world with interests in broadcasting, cable television, radio, film and TV production, music and magazine publishing. The company owns 15 percent of Univision, the dominant Spanish-language network in the United States, which broadcasts locally on Channel 23.

Collado, 80, wants Televisa to account for its profits. His suit alleges that the \$6.6



million that Grupo Televisa paid for licensing agreements in 1988 and 2000 “grossly undervalued” manuscripts that are worth “tens if not hundreds of millions of dollars.”

Collado claims his siblings broke Florida law by selling Ines Rodena’s literary estate without first probating her will. The lawsuit also alleges that Ines Rodena’s nephew Jose Rodena Jr. misled the court by failing to disclose he knew about the deals he helped negotiate; and that Televisa deliberately ignored its own attorney’s advice that the Rodena relatives might not have had authority to sign the licensing agreement at all.

Collado had no idea until recently that his sister’s works were worth anything at all, said Andrew B. Hellinger of Meland Budwick, P.A. in Miami. He only learned of licensing agreements after he initiated probate proceedings in March 2001, a few months after his relatives contacted him and 16 years after his sister died.

The Cuba-born Ines Rodena came to the United States in 1975 and lived on Southwest Sixth Street in Miami’s Little Havana section until she died 10 years later at the age of 80. Rodena contributed to 17 television programs during her lifetime; 19 more have been adapted from her work since she died.

Programs based on her work — “Marimar,” for example, along with “La Duena,” “Maria Mercedes” and “La Usurpadora” — attracted huge followings and made millions both for Televisa and Univision.

In 1988, Televisa paid a group of Rodena’s relatives about \$635,000 for rights to 28 of the playwright’s manuscripts and nearly 10 times that amount — \$6 million — when it negotiated a second licensing deal with the relatives in 2000.

But Collado and a now-dead brother were not included in the deal. A sister and two other brothers did participate, either directly or through their children.

Attorney Dennis Kainen of Weisberg & Kainen in Miami, who represents Jose Rodena Jr., said Collado wasn’t included because he couldn’t be located, adding that he was estranged from his family after they became angry at him for failing to support a daughter and granddaughter still in Cuba.

But Hellinger said Collado could have been located easily because his relatives had his Social Security number from a 1992 legal matter and could have reached him



through a Social Security mail forwarding service.

Collado's suit alleges that Televisa used Rodena's manuscripts "knowingly and fraudulently" in the 2000 agreement, abandoning an attempt to renegotiate the 1988 agreement in a way that complied with Florida probate law.

The complaint references two letters written in July and August 2000 from Televisa's attorney, Diane Zeydel, a trust and estates lawyer with Greenberg Traurig in Miami, to Antonio Alonso, a solo practitioner in Miami who represented Jose Rodena Jr., his brother and cousins in the most recent licensing agreement.

In both letters, Zeydel asked Alonso to submit proof he represented all the heirs to the will. In the Aug. 16 letter, Zeydel asked for a signed power-of-attorney affidavit from Collado.

The complaint also points to a draft licensing agreement allegedly prepared by Zeydel that required the sellers "to commence a probate proceeding ... and a personal representative to be appointed ... to Rodena's estate."

"Zeydel got it right the first time by recommending they open up a probate estate and probate the assets." Hellinger said.

Televisa disregarded that advice, he said, and instead invited Ines Rodena's nieces and nephews to Mexico where they signed the deal. The transaction papers, the suit claims, referred to the group as Rodena's "presumed heirs," a hint that Televisa knew there could be a problem.

Zeydel declined to comment for this story. Greenberg Traurig, which also represents Televisa in the litigation, denied the allegations.

"We intend to defend this vigorously," said Holly Skolnick, a litigator and Greenberg Traurig shareholder who blasted the suit as "frivolous." She said that the lawsuit is based on an improper premise that the law required the relatives to work together.

"If Collado has a problem, he should be going after the other heirs and seeking an accounting from them," she said.

In fact, Collado has filed a petition in probate asking the court to order Jose Rodena



Jr. and his cousins to return the \$6 million to the estate.

“Under Florida law, all estates with assets need to be probated,” said Hellinger. “They had no right to convey anything and Televisa knew that.”

Harris Buchbinder, a probate practitioner at Miami’s Buchbinder & Elegant, agreed. “There’s no question,” that whomever licensed the works “will have to account for any monies he’s received,” said Buchbinder, who is not involved in the case.

According to the complaint, the will gives each heir a 20 percent, undivided interest. That would mean that “one co-owner cannot dispose of another’s interest.” Buchbinder said.

Rodena’s will eventually was probated in March 2001 and the court named Jose Rodena Jr. to be personal representative of the estate in January of this year.

But Probate Judge Maria M. Korvick removed Rodena Jr. from the position on Sept. 9, agreeing with Collado’s allegation that he deliberately withheld knowledge of the 1988 licensing agreement in a probate affidavit.

Rodena Jr.’s lawyer, Richard Wolfe, of Pathman Lewis in Miami, said he plans to appeal the decision and said that a failure to hold a trial on the issue violated due process.

In any event, it was Collado’s own fault that he wasn’t included in the deal, said Rodena Jr.’s lawyer, Kainen.

“He voluntarily estranged himself from the family,” Kainen said, “in part because of his failure to support his daughter and grandchildren in Cuba.”