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## Argentina Soccer Star Fails to Provide ‘Scintilla of Evidence’ in Estate Match



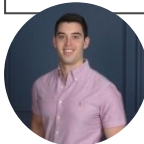
The Miami state court judge wrote seven times in the 15-page order that the soccer star’s estate provided “zero evidence” or “no evidence” of its claims.



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Litigation



Michael A. Mora

- Miami-Dade Circuit Judge Carlos Lopez entered a stern opinion against the plaintiff.
- One of the biggest challenges for the defendant was the aggressive media blitz by the plaintiff’s attorneys.
- A deposition by the defense was a game changer in the litigation.

A Miami state court judge ruled that late Argentina star Diego Maradona failed to provide a “scintilla of evidence” in his claims that his ex-wife hid assets and stole millions of dollars from him to purchase properties in South Florida.

Paula Aguila and Monica Amador, partners at the MPA Law Firm in Miami, said among the challenges in representing the defendant, Claudia Villafañe, was that her ex-husband, Maradona, who sued her in four courts in Argentina and in the Miami-Dade Circuit Court, was such a beloved figure in South America.

“In Argentina, both Maradona and his Argentinan counsel were on the news on a daily basis misrepresenting the developments and the evidence of the case,” Aguila said. “That really damaged her name. For clients in her situation, don’t engage with those accusations because it’s a waste of time and whenever you have real information, you make sure it’s known.”

Eduardo Rodríguez, the managing partner at the EFR Law Firm in Coral Gables who was among the attorneys for Maradona's estate, did not respond to a request seeking comment.

Now, Miami-Dade Circuit Judge Carlos Lopez ruled that Maradona's estate has less than 30 days to appeal the ruling and will likely have to pay substantial attorney fees and costs to Villafañe.

Villafañe and Maradona married in Argentina in November 1989 and had two daughters together. But they separated a decade later and legally divorced in 2003. In 2013, they entered into a marital settlement agreement. Two years later, Maradona sued his ex-wife for unjust enrichment, breach of fiduciary duty, conversion, constructive fraud, and equitable accounting.

Maradona's estate alleged that Villafañe misappropriated funds from him while still married but before their separation to purchase six condominiums in South Florida. Maradona's estate supported these claims with warranty deeds and mortgages for the properties in which Villafañe identified herself as single, while separated, but not legally divorced.

Maradona claimed that Villafañe concealed the theft, failed to declare the properties in her tax declarations in Argentina, held a position of trust and confidence and owed Maradona a duty of care to maintain and preserve his wealth without misappropriating his funds without his authority. In supporting the allegations, the estate submitted a declaration by Maradona.

While the deposition of a plaintiff in a civil case is generally granted as a right, Maradona fought against his deposition being taken, even having his Argentine doctor, Leopoldo Luque, appear before the circuit court and attest to his medical conditions, including his mental and physical state, which Luque argued should prohibit Maradona's testimony in his own case.

And because of the delays caused by the coronavirus pandemic and Maradona's death, the circuit court did not hear the soccer star's deposition. Aguila, Villafañe's counsel, deposed Maradona's manager and Argentine counsel, Matias Morla, who admitted that he never saw any financial records of Maradona nor performed a financial audit of his finances.

Lopez has since sanctioned Maradona's estate for misrepresenting the existence of a 2014 audit in the complaint and in discovery. The estate has to pay the attorney fees for the work necessary to uncover the misrepresentations, and Aguila will move for attorney fees for the last five years.

And Lopez, in his ruling, faulted Maradona's estate seven times for having "zero evidence" or "no evidence" for any of its allegations, and at one point holding that "at best, plaintiff has provided the court with a suspicion, which is unsupported by the record and insufficient under the law."

"The summary judgment order is not only the end of the case," Aguila said, "but it clears Villafañe's name of these false allegations, which both Morla and Maradona repeated publicly for years."

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