

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FORT LAUDERDALE DIVISION

PRESTON HENN

Plaintiff,

v.

FERRARI NORTH AMERICA, INC.

Defendant.

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Case No.: _____

VERIFIED COMPLAINT FOR DAMAGES
(Jury Trial Demanded)

1) Preston Henn sues Ferrari North America, Inc., for damages based upon the published statements of its agents and employees that Preston Henn is not qualified to purchase a LaFerrari Spider Automobile; statements which injured Henn's reputation in his profession, trade, occupation, and in the world of high end automobile organizations, associations, and exhibitions and their individual participants. He seeks damages for reputational injury and the mortification caused by declaring him to be not qualified to purchase a LaFerrari Spider.

2) Preston Henn is a citizen of the State of Florida and resides in Hillsboro Beach (Broward County), Florida.

3) Ferrari North America Inc., (a subsidiary of Ferrari, N.V.) is a company incorporated in Delaware with its principal place of business in Englewood Cliffs, New Jersey.

4) The amount in controversy exceeds \$75,000 exclusive of interest and costs. Jurisdiction is based upon diversity of citizenship, pursuant to 28 U.S.C. Section 1332.

FACTS

5) Preston Henn is an 85 year old driver and collector of classic and modern racing automobiles. He owns the Swap Shop in Fort Lauderdale, Florida, where he maintains a Museum of Automobiles for the delight and education of the millions of visitors to the Swap Shop.

6) Henn has been a “Ferrarista” (a Ferrari owner) for approximately 60 years. He had a relationship, and drove with Luigi Chinetti, who in the 1960s, “made a deal with Enzo Ferrari to be a Ferrari factory agent in the United States [who] owned the first – and for a while – the only Ferrari dealership in the country [United States].” *See* Wikipedia: Luigi Chinetti. Thus Henn has been involved with Ferrari and its cars almost since its entry into the United States market.

7) Among the Ferraris presently owned by Henn and shown by him at the Swap Shop is the 275 GTB 6885 Speciale; a car which Sergio Marchionne, the President of Fiat Chrysler Automobiles (which owns Ferrari North America) has told Henn is his “favorite Ferrari.” The 6885 has been said to possibly be the world’s first \$100 million dollar car.

8) Ferrari announced earlier this year that it would produce a convertible version of the LaFerrari which would be known as the LaFerrari Spider. Henn already owns a LaFerrari.

9) Preston Henn immediately informed the Ferrari dealer with whom he had an arrangement, that he wished him to place an order for the automobile on his behalf. The owner of the dealership seeking to place the order was told by Ferrari North America officials that a LaFerrari Spider would not be sold to Henn.

10) Henn, disappointed that Ferrari North America refused to sell him the LaFerrari Spider despite his long and loyal and beneficial-to-Ferrari relationship with the manufacturer, sought to determine the reason why his order was not going to be honored by Ferrari.

11) Henn enlisted friends in the Ferrari world, seeking Ferrari's rationale. They were informed by Ferrari officials that Henn was not qualified to purchase the LaFerrari Spider.

12) Hoping that such a comment was not accurate, and that Ferrari officials had somehow overlooked his credentials as a Ferrari owner and purchaser, Henn wrote to Edwin Fenech, President of Ferrari North America, to Enrico Galleria, Ferrari's Senior Vice President for Commercial and Marketing, and to Sergio Marchionne, the Chairman of Ferrari Chrysler Automobiles, recounting his long commitment to Ferrari, seeking approval for his order.

13) Henn's July 13, 2016 letter to Marchionne, who has told Henn that Henn's 275 GTB 6885 Speciale is his (Marchionne's) "favorite car," included a check for \$1,000,000 as a deposit on the LaFerrari Spider. On July 18, 2016, Enrico Galleria responded to Henn on behalf of Chairman Marchionne. Galleria wrote that "all units have been already sold" and "[A]s a consequence, I am sending you back herewith your deposit" and asked Henn "not to send any of those check [sic] directly to Ferrari or our managers. We cannot be responsible for checks or advances directly provided to us which bear the high risk of being lost." See Composite Exhibit: Henn's letter, his \$1,000,000 check, and Galliera's reply.

14) Thus, the decision to refuse to sell a LaFerrari Spider to Preston Henn because he was not qualified has become a *fait accompli*, because by deeming him to be not qualified, Ferrari deprived Henn of the opportunity to purchase the automobile, demeaning him in the process.

15) By deeming Henn not qualified and publishing to third parties that Preston Henn was not qualified, Ferrari, acting through its employees and agents, uttered to unrelated third parties a false and defamatory statement, harming Henn's reputation in the universe of Ferrari aficionados.

16) Preston Henn is the most qualified, or at least among the 10 most qualified persons in the United States with regard to the standards that Ferrari has historically used to determine who would have “the privilege” of purchasing unique Ferrari automobiles.

17) Since the 1960s, Preston Henn has owned the following Ferraris:

1965 275 GTB
1971 Daytona Spider
1972 BBC 512
1985 F 40
1986 black Testarossa
1986 white Testarossa
1995 F 50
2003 Enzo
2005 FXX
2015 458 Speciale
2015 488
2015 LaFerrari
550 Barchetta
599
BBLM
MC 12 (Enzo with a different body)
Super America
Schumacher Ferrari Formula 1

18) Preston Henn’s 275 GTB 6885 Speciale Ferrari is displayed at the Swap Shop, along with most of the cars listed above. Henn has, at Ferrari’s request, and sometimes at his own expense, transported the 6885 Speciale to Ferrari events over the past years, including the 2015 Pebble Beach Concours d’Elegance event where the car was shown on a special pedestal created by Ferrari. The 6885 and other Ferrari supercars owned by Henn, including the FXX and Enzo, have been shown by Henn for years at the annual Cavalino Classic at the Breakers in Palm Beach; a cavalcade of Ferraris attracting thousands of viewers and “considered by some to be the world’s premier event dedicated to honoring Ferraris.”¹

¹ *2015 Cavallino Classic: The annual Palm Beach gathering that celebrates old and new Ferraris.* available at: <https://blog.hemmings.com/index.php/2015/02/02/2015-cavallino-classic-the-annual-palm-beach-gathering-that-celebrates-old-and-new-ferraris/>.

19) Henn was one of 30 purchasers of the Ferrari FXX, cars that Ferrari transported to race tracks around the world within recent years allowing Henn, and the other 29 owners, to meet and to drive and race their cars on those tracks and where Ferrari engineers would monitor the cars' performance in order to make set-up and engineering decisions for future Ferraris.

20) The combination of ownership, driving, racing, displaying and cooperating with Ferrari to enhance the Brand, and allowing the most valuable automobile in the world – the 6885 – to be used by Ferrari to promote the history and richness of the Ferrari Brand, makes the untrue statement “not qualified” to purchase the LaFerrari Spider a public insult to Henn, as well as the basis for this defamation action.

DEFAMATION

21) Plaintiff Henn repeats and realleges paragraphs 1-20 above.

22) The publication of the statement that Preston Henn is not qualified to purchase a LaFerrari Spider is an untrue statement which harms Henn's reputation, and holds him up to ridicule, disrespect, and disrepute in his profession, trade, occupation, avocation, and among his friends and business and social associates.

23) Plaintiff seeks damages in excess of \$75,000 exclusive of interests and costs as compensation for the damage to his reputation.

24) Plaintiff requests that the Court take jurisdiction of this case and award damages for defamation.

25) Plaintiff demands a trial by jury.

Respectfully submitted,

By: /s/ Bruce S. Rogow
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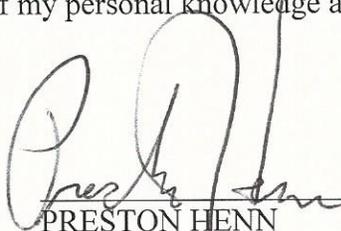
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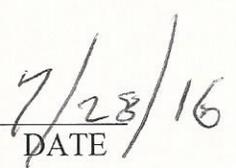
I HEREBY CERTIFY that on July 29, 2016, I electronically filed the foregoing Verified Complaint for Damages with the Clerk of Court using CM/ECF.

By: /s/ Bruce S. Rogow
BRUCE S. ROGOW

VERIFICATION BY PRESTON HENN

Under penalties of perjury, I declare that I have read the above Verified Complaint and state that the foregoing facts are true to the best of my personal knowledge and belief.


PRESTON HENN


DATE