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12 *Attorneys for Plaintiff*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 ESCOBAR INC.,

16 Plaintiff

17 v.

18 DANIEL D. REITBERG,

19 Defendant

Case No.:

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

**JURY DEMAND**

1 Plaintiff Escobar Inc., (“Escobar”) hereby brings this Complaint for Damages and Injunctive  
2 Relief against Defendant Daniel D. Reitberg (“Defendant” or “Reitberg”) and in support thereof avers  
3 as follows:

4 **NATURE OF ACTION**

5 1. Escobar is a general holding company organized to monetize the intellectual  
6 property rights related to Pablo Escobar and his family. Among other things, Escobar utilizes a  
7 YouTube channel entitled “Escobar Inc. Official” (the “YouTube Channel”) to promote and sell  
8 various products to its followers and subscribers. While serving as the Chief Operating Officer  
9 (“COO”) of Escobar, Reitberg was a trusted fiduciary who had access to Escobar’s proprietary and  
10 trade secret information, including bank accounts and the designated username and password  
11 required to access, manage, and/or modify the content on the YouTube Channel. Towards the end  
12 of his employment, and prior to abandoning his position, Reitberg, in bad faith, destroyed  
13 proprietary financial banking information and deliberately hijacked Escobar’s YouTube Channel  
14 by purposefully changing the designated password, and thus, preventing Escobar from accessing  
15 its own YouTube Channel. Now, upon information and belief, Reitberg is using this information  
16 as ransom and a means to extort significant sums of money from Escobar. As a result of Reitberg’s  
17 conduct, Escobar asserts claims for: Violation of the Defend Trade Secrets Act; Violations of the  
18 Computer Fraud and Abuse Act; Violation of the Nevada Uniform Trade Secrets Act; Breach of  
19 Fiduciary Duty/Duty of Loyalty; Conversion; and Unjust Enrichment.

20 **THE PARTIES**

21 1. Plaintiff Escobar is a corporation, organized and existing under the laws of the  
22 Commonwealth of Puerto Rico with its principle place of business located at Metro Office Park 7  
23 Calle 1 Suite 204 Guaynabo, Puerto Rico 00968.



1 8. Reitberg was employed as the Chief Operating Officer (“COO”) for Escobar. In  
2 that position, Reitberg was primarily responsible for overseeing the operations of Escobar,  
3 including setting up and monitoring company bank accounts as well as performing an accounting  
4 of current sales.

5 9. In 2019, Reitberg setup the YouTube Channel for Escobar, Inc, including the  
6 designated username and password required for accessing the YouTube Channel in order to  
7 manage and/or modify its content. The YouTube Channel can be viewed using the following  
8 link: <https://youtube.com/escobarinofficial>.

9 10. The YouTube Channel serves as Escobar’s primary advertising platform, and in  
10 the last couple years, has accumulated over 4,500,000 views by customers and potential  
11 customers and has thousands of individual subscribers, who through their own accounts, share  
12 the YouTube Channel’s content with millions of their followers.

13 11. Since 2019, the YouTube Channel has enjoyed tremendous success, generating  
14 over One Million dollars (\$1,000,000) in sales for advertised products.

15 12. On November 7, 2019, Reitberg’s employment with Escobar was terminated for  
16 failing to provide proper oversight of operations and, in particular, failing to ensure outstanding  
17 invoices and creditors were paid.

18 13. A few months later, around March 10, 2020, Reitberg convinced Escobar to re-  
19 hire him in his former capacity as COO. Reitberg, therefore, occupied an executive-level position  
20 of particular trust and confidence within Escobar. At the time, Escobar had no reason to believe  
21 that Reitberg had some hidden, underlying untoward purpose for seeking his former job.

22 14. Reitberg subsequently set up corporate bank accounts which were created for the  
23 purpose of collecting payments for Escobar merchandise.

1 15. Only Reitberg and Escobar's owner, Olof Gustafsson, knew the designated  
2 username and password to the YouTube Channel. Indeed, given the popularity and its reputation,  
3 Escobar not only took steps to limit the number of people who would have access to and control  
4 over the YouTube Channel, but also took reasonable steps to protect the required access  
5 information, including the necessary password.

6 16. Not long after being rehired, around March 19, 2020, Reitberg's true intentions  
7 were made known after he abandoned his position without any notice to Escobar.

8 17. Escobar has since learned that Reitberg, while still having access to confidential  
9 and proprietary information belonging to Escobar, closed the corporate bank accounts and made  
10 off with thousands of dollars in earned revenues belonging to Escobar. It is further believed that  
11 Reitberg destroyed all evidence linking the money in the bank accounts to Escobar purchase  
12 orders.

13 18. Moreover, upon information and belief, before abandoning his position, Reitberg  
14 deliberately, without authorization, and with the sole intention of depriving Escobar use of its  
15 YouTube Channel, changed the protected password of the YouTube Channel, allowing him to  
16 steal and take control of Escobar's official YouTube Channel.

17 19. Since Escobar learned of the Reitberg's theft, Escobar has made numerous  
18 attempts to contact Reitberg in order to get the password and take back control of the YouTube  
19 Channel; however, those attempts have been met with unwarranted demands for money.

20 20. Reitberg's theft of the YouTube Channel as a means to extort money from Escobar  
21 has forced this lawsuit.

22 21. As of the filing of this lawsuit, Reitberg has refused to return the YouTube  
23 Channel or money he has taken from Escobar.

**FIRST CLAIM FOR RELIEF**

**(Violation of Defend Trade Secrets Act, 18 U.S.C. §1836)**

22. Escobar incorporates the allegations set forth in the preceding paragraphs as if set forth in full herein.

23. Escobar's passwords and access information to its YouTube Channel as well as the financial information related to consumers who purchased products through the YouTube Channel are trade secrets within the meaning of the Defend Trade Secrets Act, 18 U.S.C. §1836.

24. Escobar took adequate measures and maintained the foregoing information and technology as trade secrets, which secrecy was guarded and not readily available to others. Indeed, these trade secrets were only known to Reitberg and Escobar's chief executive officer, Olof Gustaffson.

25. Escobar is headquartered in Puerto Rico but regularly transacts business in other states and around the world, including selling the products advertised on its YouTube Channel to subscribers, followers, and consumers throughout the United States. Escobar's trade secrets are frequently used by Escobar in interstate commerce.

26. Reitberg acquired Escobar's trade secrets by improper means, including but not limited to, stealing Escobar's proprietary access codes to its YouTube Channel, and refusing to turn over financial bank account information related to company sales and consumers.

27. Reitberg's acts of misappropriation were willful and malicious.

28. As a direct and proximate result of Reitberg's acts of misappropriation, Escobar has suffered and will suffer irreparable harm and damages.

1           29.     Under the Defend Trade Secrets Act, Escobar is entitled to and requests preliminary  
2 and permanent injunctive relief against Reitberg to prohibit his actual and/or threatened  
3 misappropriation of Escobar's trade secrets.

4           30.     Under the Defend Trade Secrets Act, Escobar is entitled to and requests an award  
5 of damages in its favor for actual loss caused by the misappropriation, damages for all unjust  
6 enrichment caused by the misappropriation that is not addressed in computing damages for actual  
7 loss, and/or damages measured by imposition of liability for a reasonable royalty for the  
8 unauthorized disclosure or use of Escobar's trade secrets.

9           31.     Under the Defend Trade Secrets Act, as a result of Defendant's willful and  
10 malicious misappropriation, Escobar is entitled to and requests exemplary damages in an amount  
11 not more than two times Escobar's actual damages, plus reasonable attorneys' fees.

12   **SECOND CLAIM FOR RELIEF**

13                           **(Violation of Nevada Uniform Trade Secrets Act, NRS 600A et. et seq.)**

14           32.     Escobar incorporates the allegations set forth in the preceding paragraphs as if set  
15 forth in full herein.

16           33.     Escobar's passwords and access credentials to its YouTube Channel, as well as the  
17 financial banking information relating to consumer purchase orders, are trade secrets within the  
18 meaning of Nevada Uniform Trade Secrets Act, NRS 600A et seq.

19           34.     Escobar took adequate measures and maintained the foregoing information and  
20 technology as trade secrets, which secrecy was guarded and not readily available to others. Indeed,  
21 these trade secrets were only known to Reitberg and Escobar's chief executive officer, Olof  
22 Gustaffson.

1           35.    Reitberg misappropriated Escobar's trade secrets when he stole Escobar's  
2 proprietary access codes to its YouTube Channel with the sole intention of depriving Escobar use  
3 of its property.

4           36.    Reitberg misappropriated Escobar's trade secrets when, after abandoning his duties  
5 at COO, he closed corporate bank accounts and refused to turn over financial information related  
6 to company sales and consumers.

7           37.    Reitberg's acts of misappropriation were willful and malicious.

8           38.    As a direct and proximate result of Reitberg's acts of misappropriation, Escobar  
9 has suffered and will suffer irreparable harm and damages.

10          39.    Under the Nevada Uniform Trade Secrets Act, Escobar is entitled to and requests  
11 preliminary and permanent injunctive relief against Reitberg to prohibit his actual and/or  
12 threatened misappropriation of Escobar's trade secrets.

13          40.    Under the Nevada Uniform Trade Secrets Act, Escobar is entitled to and requests  
14 an award of damages in its favor for actual loss caused by the misappropriation, damages for all  
15 unjust enrichment caused by the misappropriation that is not addressed in computing damages for  
16 actual loss, and/or damages measured by imposition of liability for a reasonable royalty for the  
17 unauthorized disclosure or use of Escobar's trade secrets.

18          41.    Under the Nevada Uniform Trade Secrets Act, as a result of Defendant's willful  
19 and malicious misappropriation, Escobar is entitled to and requests exemplary damages in an  
20 amount not more than two times Escobar's actual damages, plus reasonable attorneys' fees.

21                                   **THIRD CLAIM FOR RELIEF**

22                                   **(Violation of Computer Fraud and Abuse Act, 18 U.S.C. §1030)**

23          42.    Escobar incorporates the allegations set forth in the preceding paragraphs as



1 if set forth in full herein.

2 43. In his capacity as COO for Escobar, Reitberg owed a fiduciary duty to Escobar not  
3 to use or disclose Escobar's confidential or trade secret information except in the course of  
4 performing his duties for, and for the benefit of, Escobar.

5 44. In reliance on and in consideration of his fiduciary obligations to Escobar, Escobar  
6 gave Reitberg access to its computer systems, financial systems, including access to Escobar's  
7 YouTube Channel and financial banking accounts.

8 45. Through the conduct described above, Reitberg knowingly and with the intent to  
9 defraud Escobar, and in violation of his fiduciary duties to Escobar, improperly accessed Escobar's  
10 proprietary and confidential electronic data that is stored on its secure and protected computer  
11 system. Among other things, Reitberg hijacked Escobar's YouTube Channel and deleted  
12 proprietary financial data regarding past sales before abandoning his employment.

13 46. Through the conduct described above, Reitberg acted without authorized access  
14 and/or he exceeded his authorized access to Escobar's computers.

15 47. Escobar has incurred and/or will incur expenses in excess of \$5,000 over a one-  
16 year period in investigating the wrongful acts committed by Reitberg, assessing the resulting  
17 damages, and restoring or attempting to restore its computer systems and the data stored thereon  
18 to their condition prior to Reitberg's wrongful acts.

19 48. Escobar has suffered damage and loss by reason of these violations, including but  
20 not limited to, harm to Escobar's data, programs, and computer systems and other losses and  
21 damage in an amount to be proved at trial, but, in any event, in an amount exceeding \$5,000  
22 aggregated over a one-year period.



**FIFTH CLAIM FOR RELIEF**

**(Conversion)**

1  
2  
3 56. Escobar incorporates the allegations set forth in the preceding paragraphs as if set  
4 forth in full herein.

5 57. The YouTube Channel's designated username and password is the only way to  
6 access and control the content displayed on the YouTube Channel, which constitutes valuable  
7 property belonging to Escobar.

8 58. As alleged herein, Reitberg, in an unauthorized manner, accessed and then  
9 subsequently changed the username and password to the YouTube Channel.

10 59. As alleged herein, Reitberg is now in wrongful possession of the YouTube Channel.

11 60. As alleged herein, Reitberg took and exercised control over the YouTube Channel  
12 without authorization, and upon information and belief, is now using or is planning to use the  
13 YouTube Channel in a manner that is inconsistent with Escobar's use and enjoyment of the  
14 property.

15 61. As alleged herein, Reitberg has been wrongfully exercising dominion and control  
16 over the YouTube Channel.

17 62. As alleged herein, Reitberg has used and converted the YouTube Channel for his  
18 own benefit.

19 63. Escobar has demanded that Reitberg return the YouTube Channel, but Reitberg has  
20 refused to do so.

21 64. Escobar has suffered damages as a direct and proximate result of Reitberg's  
22 conversion of the YouTube Channel.

1 65. The corporate bank accounts set up and controlled by Reitberg, in his capacity as  
2 COO, were the sole bank accounts used to deposit payments from purchase orders of Escobar  
3 merchandise (“Escobar Revenue”).

4 66. As alleged herein, Reitberg, in an unauthorized manner, terminated those corporate  
5 bank accounts and is now in wrongful possession of the Escobar Revenue contained in those  
6 accounts.

7 67. As alleged herein, Reitberg took and exercised control over the corporate bank  
8 accounts without authorization, and upon information and belief, is now using or is planning to  
9 liquidate the bank accounts and use the Escobar Revenue from those accounts in a manner that is  
10 inconsistent with Escobar’s use and enjoyment of the property.

11 68. As alleged herein, Reitberg has been wrongfully exercising dominion and control  
12 over the corporate bank accounts.

13 69. As alleged herein, Reitberg has converted or is planning to convert the corporate  
14 bank accounts, including the Escobar Revenue for his own benefit.

15 70. Escobar has demanded that Reitberg return the Escobar Revenue, but Reitberg has  
16 refused to do so.

17 71. Escobar has suffered damages as a direct and proximate result of Reitberg’s  
18 conversion of the corporate bank accounts containing the Escobar Revenue.

19 **SIXTH CLAIM FOR RELIEF**

20 **(Unjust Enrichment)**

21 72. Escobar incorporates the allegations set forth in the preceding paragraphs as if set  
22 forth in full herein.

1           73. By virtue of his conduct alleged herein, Reitberg has been enriched by his unlawful  
2 acquisition and/or use of Escobar's YouTube Channel, earned revenues, and financial banking  
3 information.

4           74. As a consequence of Reitberg's unlawful acquisition and/or use of Escobar's  
5 YouTube Channel, earned revenues, and financial banking information, Escobar has suffered an  
6 impoverishment.

7           75. Reitberg's enrichment and Escobar's impoverishment were without justification or  
8 cause.

9           76. In the event Escobar is found to have no other remedy at law, then Reitberg is bound  
10 to compensate Escobar in an amount equal to Reitberg's enrichment or Escobar's impoverishment,  
11 whichever is less.

12  
13 **WHEREFORE**, Plaintiff Escobar, Inc. respectfully requests that this Court:

14           1. Enter judgment in its favor and against Defendant Daniel D. Reitberg, and order  
15 Defendant to pay damages to Plaintiff, in an amount to be proved at trial, plus interest,  
16 costs, exemplary damages, and attorneys' fees as allowed by law;

17           2. Enter a temporary restraining order and preliminary and permanent injunction  
18 ordering that Defendant:

19                   (a) be restrained and enjoined from, directly or indirectly, disclosing or making any  
20 use of any trade secrets, confidential information, knowledge, data or other  
21 information of Escobar;

22                   (b) must return to Escobar, within 48 hours, any confidential information or trade  
23 secrets that are in Defendant's possession, custody, or control, including but not

1 limited to the access codes to the YouTube Channel and any and all company  
2 financial information;

3 3. Grant Plaintiff such other and further relief as the Court deems just and proper.

4 **PLAINTIFF DEMANDS A TRIAL BY JURY.**

5  
6 DATED this 24<sup>th</sup> day of April, 2020.

7 Respectfully submitted,

8 /s/ Stephen Kepper

9 STEPHEN KEPPER, ESQ. (LA Bar No. 34618)  
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10 400 Poydras Street, Suite 1400  
New Orleans, LA 70130  
Telephone: (504) 322-7166  
11 Facsimile: (504) 322-7184  
Pro Hac Vice Applications to Be Submitted

12 *AND*

13 /s/ Jason Wiley

14 JASON M. WILEY, ESQ. (Nevada Bar 9274)  
E. DANIEL KIDD, ESQ. (Nevada Bar 10106)  
15 WILEY PETERSEN  
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16 Las Vegas, Nevada 89145  
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17 Facsimile: (702) 553-3467

18 *Attorneys for Plaintiff*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ESCOBAR INC., a Puerto Rico corporation

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jason M. Wiley, Esq. and E. Daniel Kidd, Esq. WILEY PETERSEN, 1050 Indigo Drive, Suite 200-B Las Vegas, Nevada 89145 702.910.3329

DEFENDANTS

DANIEL D. REITBERG, an individual

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. 1332. Brief description of cause: Diversity of Citizenship

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 04/24/2020 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

ESCOBAR INC., a Puerto Rico corporation

Plaintiff(s)

v.

DANIEL D. REITBERG, an individual

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) DANIEL D. REITBERG
1504 French Merlot Court
Las Vegas, Nevada 89144-1128

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jason M. Wiley, Esq.
E. Daniel Kidd, Esq.
WILEY PETERSEN
1050 Indigo Drive, Suite 200-B
Las Vegas, Nevada 89145
(702) 910-3329

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: