

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI DADE COUNTY, FLORIDA

MAX MATUS,

Plaintiff,

v.

Case No.

GOLDIN AUCTIONS, LLC,
CHRIS BELANSKI, and
KELVIN RAMIREZ,

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Max Matus (“Max”), by and through undersigned counsel, files the following complaint against the Defendants, Goldin Auctions, LLC (“Goldin”), Chris Belanski (“Belanski”) and Kelvin Ramirez (“Ramirez”), and in support states as follows:

INTRODUCTION

1. On September 19, 2024, Max attended the Miami Marlins vs. Los Angeles Dodgers (“LA Dodgers”) game to celebrate his 18th birthday. Max is an avid sports fan and was excited to have seats in left field and get to watch the game up close.
2. In the seventh inning, Max was recording the game on his phone when he saw that Shohei Ohtani (“Ohtani”) had hit a home run. Max saw the ball (the “50/50 Ball”) coming right towards him and quickly went to obtain possession of it.
3. Max was able to firmly grab the ball in his left hand, successfully obtaining possession of the 50/50 Ball.

4. However, shortly after he obtained possession, Defendant Belanski wrapped his legs around Max's arm and used his hands to wrangle the ball out of Max's hand, stealing the ball for himself.
5. This interaction between Max and Defendant Belanski was captured on video by multiple fans who were at the game.



6. Stills from one video recorded by a fan are depicted above. Defendant Belanski can be seen trapping Max's hand between his legs and wrangling the 50/50 Ball out of his hand (left and center photo). Defendant Belanski can later be seen holding up the 50/50 Ball while Max looks on in pure shock that the ball was stolen from him by Defendant Belanski by force (right photo).
7. What should have been an unforgettable birthday for Max turned into an unwanted attack from Defendant Belanski, who used force to pry the 50/50 Ball from Max's left hand to try to enrich himself.

8. Since the game, Defendant Belanski has appeared on social media indicating that he intends to sell the 50/50 Ball and was “ready to die” to catch the 50/50 Ball.
9. Moreover, Goldin has posted on social media indicating that they have the 50/50 Ball. Specifically, the Founder and CEO of Goldin, Ken Goldin, appears in the video holding the 50/50 Ball and locking it in a safe. The video further indicated that the 50/50 Ball will be auctioned by Goldin starting on September 27, 2024. *See Exhibit A.*
10. Goldin has represented on their social media account that the opening bid for the 50/50 Ball will be \$500,000. *See Exhibit B.*
11. Goldin has made the following representations to ESPN:

"This was one of the easiest [consignments] ever," Ken Goldin, founder and CEO of Goldin, told ESPN. "Ohtani [hits 50] on Thursday, literally Friday we heard from the guy, he contacted Goldin on his own through social media, flew a security guard down to Miami on Monday with a representative from Goldin, met him, flew back Monday."

The opening bid with Goldin, now owned by eBay, is \$500,000. Prospective buyers "will have a chance to purchase the baseball outright for \$4,500,000 exclusively between September 27 to October 9; if bidding reaches \$3,000,000 prior to October 9 however, the option to purchase privately will no longer be available, and interested parties must compete and bid for the baseball."¹

PARTIES, JURISDICTION, AND VENUE

12. Plaintiff Max Matus is a resident of Broward County, Florida.
13. Defendant Goldin Auctions, LLC, is a Nevada limited liability company with its principal place of business located at 160 East Ninth Avenue, Suite C, Runnemede, New Jersey, 08078.
14. Upon information and belief, Defendant Chris Belanski is a resident of the State of Florida.

¹ Dan Hajducky, *Shohei Ohtani's historic 50/50 home run ball to be auctioned*, ESPN, available at https://www.espn.com/mlb/story/_/id/41438953/shohei-ohtani-historic-50-50-home-run-ball-auctioned.

15. Defendant Kelvin Ramirez is a resident of Miami-Dade County, Florida.
16. This is an action seeking civil damages in excess of \$50,000, exclusive of interest and costs. This Court has jurisdiction pursuant to Chapter 26, Florida Statutes, and § 86.011.
17. Venue is appropriate in Miami-Dade County, Florida, pursuant to § 47.011, Florida Statutes, as the actions which gave rise to the Complaint accrued in Miami-Dade County, Florida.
18. This Court has personal jurisdiction over Defendant Goldin Auctions, LLC, based on both the Florida long-arm statute, § 48.193, Florida Statutes, and the Due Process Clause of the United States Constitution.
19. In particular, this Court has personal jurisdiction over Defendant Goldin Auctions, LLC, because the need for injunctive relief arises out of their operation, conducting in, engaging in, and carrying out business in Florida that would subject them to the jurisdiction of this Court pursuant to Florida Statute § 48.193(1)(a)(1).
20. Under the Due Process Clause, sufficient “minimum contacts” have been deemed by the courts to create personal jurisdiction when the defendant’s conduct and connection with the forum state are such that (1) they should reasonably anticipate being haled into court there and (2) the maintenance of the suit does not offend traditional notions of fair play and substantial justice.
21. An agent of Defendant Goldin Auctions, LLC, transported the 50/50 Ball from Miami, Florida, to Ken Goldin, the founder and CEO of Goldin Auctions, LLC.
22. Goldin has a website that sells sports memorabilia through the internet all around the Country.
23. All conditions precedent to the bringing of this action have been complied with or waived.

FACTUAL BACKGROUND

24. On or about September 19, 2024, Max and Defendants Belanski and Ramirez attended the Miami Marlins vs. LA Dodgers game at LoanDepot Park in Miami, Florida, though not together.
25. Max, a huge sports fan, chose to attend the game to celebrate his 18th birthday, which was that same day, September 19, 2024.
26. Shohei Ohtani (“Ohtani”) plays for the LA Dodgers and is widely regarded to be the best baseball player in the United States, and perhaps the world.
27. During the game, Max was seated in left field.
28. In the seventh inning, Ohtani hit his 50th home run of the season, creating a new record for a player having hit 50 home runs and 50 stolen bases in one season. The home run was hit to left field directly towards Max.
29. Max had been recording the game with his phone shortly before the homerun and was able to see that the 50/50 Ball was coming right towards him when it occurred. As a result, Max quickly went to obtain possession of the 50/50 Ball.
30. Max successfully grabbed the 50/50 Ball in his left hand and intended to keep it.
31. Based upon the express and implied promises of Major League Baseball, fans are entitled to keep any balls that are caught in the stands. Accordingly, Max successfully obtained possession of the 50/50 Ball.
32. Within seconds of Max obtaining possession of the 50/50 Ball, Defendant Belanski placed his legs around Max’s hand which contained the 50/50 Ball. Belanski used his legs to hold Max’s arm in place while he wrangled the 50/50 Ball out of his hand, stealing it for himself.

33. This interaction has been filmed on video and published by multiple outlets. Defendant Belanski can be seen trapping Max's hand between his legs and wrangling the 50/50 Ball out of Max's hand. After Defendant Belanski holds the ball in the air, Max can be seen in shock and screaming after Defendant Belanski forcibly removed the 50/50 Ball from his hand.
34. Defendant Ramirez attended the game with Defendant Belanski and has (wrongfully) claimed ownership interest in the 50/50 Ball on social media.
35. Based on Belanski's actions, he was able to obtain control over the 50/50 Ball by wrestling it out of Max's left hand.
36. Shortly after Belanski stole the 50/50 Ball away from Max, security personnel arrived and escorted Belanski to an unknown location.
37. The 50/50 Ball is incredibly valuable and will only increase in value over time.
38. Besides breaking records with that particular homerun, Ohtani "put together the best single-game individual performance we have ever seen..."²
39. In the days after the game, Defendant Ramirez posted a picture with Defendant Belanski holding the 50/50 Ball and has appeared on social media with Defendant Belanski speaking about the 50/50 Ball and the sale of the 50/50 Ball, and wrongfully implying that Defendant Ramirez shares title to the 50/50 Ball with Defendant Belanski.
40. However, since Defendant Belanski and Ramirez appeared on social media, Goldin Auctions, LLC, has posted on social media indicating that they have the 50/50 Ball.

² Sarah Langs, *11 stats and facts as amazing as Ohtani's record setting day at the plates*, Major League Baseball, available at <https://www.mlb.com/news/shohei-htani-50-50-season-stats-and-fun-facts#:~:text=Shohei%20Ohtani%20homers%2C%20creates%20the%2050%2D50%20club&text=Three%20home%20runs%20and%20two,and%20what%20was%20at%20stake.>

Specifically, the Founder and CEO of Goldin, Ken Goldin, appears in the video holding the 50/50 Ball and locking it in a safe. The video further indicated that the 50/50 Ball will be auctioned by Goldin starting on September 27, 2024. *See Exhibit A.*

**COUNT I – INJUNCTIVE RELIEF
(Against all Defendants)**

41. Plaintiff Max Matus incorporates and realleges paragraphs 1 through 40 as if fully set forth herein.
42. Max has established and will establish a likelihood of success on the merits of his claims for conversion, trespass to chattel and civil battery.
43. As a direct and proximate result of the conversion, trespass to chattel and battery by Defendant Belanski, Max has suffered irreparable harm because of the nature of the unique, irreplaceable 50/50 Ball. Ohtani is currently the best baseball player in the country, and this ball represents a new record established by Ohtani. As a result, there is no adequate remedy at law that can replace this unique and extraordinary 50/50 Ball.
44. Max is entitled to injunctive relief to preserve the status quo by enjoining the 50/50 Ball from being sold or altered to prevent irreparable injury.
45. The balance of harms weighs in favor of Max because he had possession of the 50/50 Ball prior to Defendant Belanski's conversion, trespass to chattel and battery; thus, he is the rightful owner of the 50/50 Ball.
46. The public interest also militates in favor of injunctive relief for Max because he is the rightful owner of the 50/50 Ball as described in detail herein.
47. Since the game, Defendants Belanski and Ramirez have appeared on social media platforms indicating that they intend to sell the 50/50 Ball.

48. As of the filing of this Complaint, Goldin, has posted on social media indicating that they have the 50/50 Ball. Specifically, the Founder and CEO of Goldin, Ken Goldin, appears in the video holding the 50/50 Ball and locking it in a safe. The video further indicated that the 50/50 Ball will be auctioned by Goldin starting on September 27, 2024. *See Exhibit A.*
49. Goldin has represented that the opening bid for the 50/50 Ball is \$500,000. *See Exhibit B.*
50. Goldin has made the following representations to ESPN:

"This was one of the easiest [consignments] ever," Ken Goldin, founder and CEO of Goldin, told ESPN. "Ohtani [hits 50] on Thursday, literally Friday we heard from the guy, he contacted Goldin on his own through social media, flew a security guard down to Miami on Monday with a representative from Goldin, met him, flew back Monday."

The opening bid with Goldin, now owned by eBay, is \$500,000. Prospective buyers "will have a chance to purchase the baseball outright for \$4,500,000 exclusively between September 27 to October 9; if bidding reaches \$3,000,000 prior to October 9 however, the option to purchase privately will no longer be available, and interested parties must compete and bid for the baseball."³

51. Therefore, Max respectfully asks this Court to:

- a. Enter an injunction preventing Defendant Goldin Auctions, LLC, or its agents or assigns from transferring, encumbering, selling, or concealing the 50/50 Ball.
- b. Enter an injunction preventing Defendant Belanski, his agents or assigns from transferring, encumbering, selling, or concealing the 50/50 Ball.
- c. Enter an injunction preventing Defendant Ramirez, his agents or assigns from transferring, encumbering, selling, or concealing the 50/50 Ball.
- d. Enter an injunction or writ of possession ordering and preventing Defendant Belanski, his agents or any persons acting in concert with him, that the 50/50 Ball

³ Dan Hajducky, *Shohei Ohtani's historic 50/50 home run ball to be auctioned*, ESPN, available at https://www.espn.com/mlb/story/_/id/41438953/shohei-ohtani-historic-50-50-home-run-ball-auctioned

or any funds related to the sale or licensing of the 50/50 Ball be placed into safekeeping with a mutually agreed upon third party, or in the case of cash proceeds, a blocked account, pending the completion of this action or further order from the Court determining title.

- e. Enter an Order in favor of Max that the title of the 50/50 Ball and that it belongs to him.

**COUNT II – CONVERSION
(Against Defendant Belanski)**

- 52. Plaintiff Max Matus incorporates and realleges paragraphs 1 through 40 as if fully set forth herein.
- 53. Max successfully grabbed Ohtani's 50/50 home run baseball at the game at Marlins Park on September 19, 2024.
- 54. Max obtained control and possession of the ball in his left hand.
- 55. Based on implied and express promises of Major League Baseball, fans are entitled to keep any balls that are caught in the stands. Accordingly, Max successfully obtained possession of the 50/50 Ball.
- 56. Shortly after obtaining possession of the 50/50 Ball, Defendant Belanski wrapped his legs around Max's left arm to prevent him from being able to move and then wrestled the ball out of Max's hand.
- 57. As a direct and proximate cause of the conduct described herein, Defendant Belanski was able to obtain control of the baseball, wrongfully converting the baseball to his own use and possession.

58. As a direct and proximate result of the conversion by Defendant Belanski, Max has suffered the lost value of the 50/50 Ball. Current estimates put the value of the 50/50 Ball that was wrongfully taken from Max at over \$1 million, although its value is bound to increase.

59. Alternatively, as described more fully in Count I, as a direct and proximate result of the conversion by Defendant Belanski, Max has suffered irreparable harm by losing a unique, irreplaceable baseball, namely, the 50/50 Ball. Ohtani is currently the best baseball player in the country, and this ball represents a new record established by Ohtani. As a result, there is no adequate remedy at law that can replace this unique 50/50 Ball.

**COUNT III – TRESPASS TO CHATTEL
(Against Defendant Belanski)**

60. Plaintiff Max Matus incorporates and realleges paragraphs 1 through 40 as if fully set forth herein.

61. Max obtained possession of the 50/50 Ball at the Marlins game that occurred on September 19, 2024.

62. Based on implied and express promises of Major League Baseball, fans are entitled to keep any balls that are caught in the stands. Accordingly, Max successfully possessed the 50/50 Ball.

63. Defendant Belanski trapped Max's left arm that held the ball between his legs and wrangled the ball out of Max's hand to obtain control of the 50/50 Ball. Therefore, Defendant Belanski interfered with Max's possession and ownership of the 50/50 Ball.

64. As a direct and proximate result of the trespass to chattel by Defendant Belanski, Max has suffered the lost value of the 50/50 Ball. Current estimates put the value of the 50/50 all that was wrongfully taken from Max at over \$1 million, although its value is bound to increase.

65. Alternatively, as described more fully in Count I, as a direct and proximate result of the trespass to chattel by Defendant Belanski, Max has suffered irreparable harm by losing a unique, irreplaceable baseball, namely, the 50/50 Ball. Ohtani is currently the best baseball player in the country, and this ball represents a new record established by Ohtani. As a result, there is no adequate remedy at law that can replace this unique 50/50 Ball.

**COUNT IV – BATTERY
(Against Defendant Belanski)**

66. Plaintiff Max Matus incorporates and realleges paragraphs 1 through 40 as if fully set forth herein.

67. At all times material, Defendant Belanski intended to inflict a harmful or offensive contact with Max's arm when he trapped his arm between his legs and wrangled the 50/50 Ball out of Max's left hand.

68. Defendant Belanski's actions occurred without Max's consent and without justification.

69. The above-mentioned conduct constitutes an unlawful battery against Max.

70. As a direct and proximate result of the aforementioned unpermitted contact by Defendant Belanski, Max suffered monetary damages in an amount to be proven at trial as a result of losing his rightful possession and control of the 50/50 Ball.

71. Alternatively, as described more fully in Count I, as a direct and proximate result of the battery by Defendant Belanski, Max has suffered irreparable harm by losing a unique, irreplaceable baseball, namely, the 50/50 Ball. Ohtani is currently the best baseball player in the country, and this ball represents a new record established by Ohtani. As a result, there is no adequate remedy at law that can replace this unique 50/50 Ball.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Max Matus respectfully requests that this Court enter judgment against the Defendants as follows:

1. Enter an Order finding and declaring that Plaintiff Max Matus is entitled to the title of the 50/50 Ball.
2. Enter an injunction preventing Defendant Goldin Auctions, LLC, or its agents or assigns from transferring, encumbering, selling, or concealing the 50/50 Ball.
3. Enter an injunction preventing Defendant Belanski, his agents or any persons acting in concert with him from transferring, encumbering, selling, or concealing the 50/50 Ball.
4. Enter an injunction preventing Defendant Ramirez, his agents or any persons acting in concert with him from transferring, encumbering, selling, or concealing the 50/50 Ball.
5. Enter an injunction or writ of possession ordering and preventing Defendant Belanski, his agents or any persons acting in concert with him, that the 50/50 Ball or any funds related to the sale or licensing of the 50/50 Ball be placed into safekeeping with a mutually agreed upon third party, or in the case of cash proceeds, a blocked account, pending the completion of this action or further order from the Court determining title.
6. That Plaintiff recovers actual and compensatory damages for the Defendants' wrongdoing in an amount to be established at trial, together with pre-judgment and post-judgment interest thereon at the maximum legal rate.
7. Awarding such other and further relief that the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff respectfully demands a trial by jury on all claims and issues so triable.

Dated: September 25, 2024

Respectfully submitted,

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