

April 17, 2007 – Online Version

A telecommunications company has won an emergency injunction in Miami-Dade Circuit Court against a fired executive it accuses of stealing trade secrets and using his office and staff to help a rival firm which secretly employed him.

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VOIP Services filed a lawsuit requesting injunctive relief and damages for use of trade secrets and tortious interference against Christian Ibarra, its former manager of business development in Mexico and competitor TeleVoIP Cards of Miami. The lawsuit filed March 28 also alleges breach of fiduciary duty against Ibarra.

Judge Victoria Sigler issued the injunction April 4. The injunction ordering Ibarra and TeleVoIP to stop using Miami-based VOIP's trade secrets and equipment, and to stop "doing business with, soliciting or interfering with VOIP's advantageous or contractual relationships."

Sigler issued the injunction even though the case is before Judge Gil Freeman in Miami-Dade's new complex business litigation court.

Freeman was out of town.

Ibarra "actually was running the competing business out of his office, using [VOIP's] routing system and their own employees," said Melanie Damian of Damian & Valori in Miami, who is representing VOIP. "It's just an incredible breach of fiduciary duty."

Court records indicate that Ibarra has no counsel of record in the suit, and he could not be located for comment. A phone number could not be located for TeleVoIP and calls to its registered agent were not returned before deadline Monday.

Damian said that process servers were trying to locate Ibarra in Mexico to notify him of the suit.

"Carlos Ibarra is now in Mexico, basically avoiding service," Damian said. "We expect to be able to serve him soon."

According to the complaint, VOIP is a Florida corporation supplying clients with voice-over-Internet telecommunication services. Ibarra worked in VOIP's offices in Mexico City for three years as manager of business development. In 2003, Ibarra left VOIP to work for another company.

In 2005, Miami-Dade businessman John Reyes, a friend of Ibarra's, established TeleVoIP, a direct competitor of VOIP.

In May 2006, Ibarra left TeleVoIP and returned to work for VOIP in Mexico City. According to the VOIP's complaint, he went back to VOIP under false pretenses, and was planning, along with Reyes, "to steal VOIP's customers and technology."

While in VOIP's employ, according to the complaint, Ibarra told Reyes about VOIP's pricing and rates, cloned VOIP's computers, and stole its proprietary software. Ibarra also paid VOIP employees to work secretly for TeleVoIP, the complaint states.

VOIP executives discovered the alleged fraud March 5, almost a year after Ibarra returned to work for the company. Ibarra and a number of other VOIP employees in the Mexico City office were fired on March 6, Damian said.

Damian said VOIP executives didn't notice that their executive and his staff were performing work for a competing company because Ibarra "was such a high-level, trusted employee."

VOIP has filed legal action against Ibarra in Mexico as well.

Written by Forrest Norman

