

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EXXON MOBIL CORPORATION

Plaintiff,

v.

CORPORACIÓN CIMEX S.A., *et al.*,

Defendants.

Case No. 19-cv-1277 (APM)

DECLARATION OF JARED R. BUTCHER

I, Jared R. Butcher, do declare as follows:

1. I am an attorney at Steptoe & Johnson LLP, and one of the counsel to Plaintiff Exxon Mobil Corporation in the underlying litigation, *Exxon Mobil Corp. v. Corporación CIMEX S.A., et al.*, No. 19-cv-1277 (D.D.C.). I make this declaration in support of Plaintiff's Opposition to Defendants' Motion to Dismiss Action with Prejudice. For the Court's convenience, the facts and supporting documents set forth herein are organized according to the corresponding headings in Plaintiff's Second Amended Complaint.

I. Expropriation by the Cuban Government

2. Attached as Exhibit 1 is a true and correct copy of the article, *The Cuban Electric Company, 1922-1960: from American Subsidiary to State Owned Enterprise*, by William J. Hausman and John L. Neufeld, presented at the European Business History Association Annual Meeting, in Vienna, Austria on August 24-26, 2017.

3. Attached hereto as Exhibit 2 is a true and correct copy of the article, *In Talks Over Seized U.S. Property, Havana Counters With Own Claim*, at p. 3, by Frances Robles published by

the *New York Times* dated December 13, 2015, reporting that “the embargo was put in place in 1962 after a dispute that began precisely because Fidel Castro expropriated American oil companies that had refused to process Russian crude,” available at <https://www.nytimes.com/2015/12/14/world/americas/talks-begin-in-cuba-on-confiscated-us-property-worth-billions.html> (accessed September 18, 2020).

4. Attached hereto as Exhibit 3 is a true and correct copy of a press release from the U.S. Department of State Bulletin (Volume 43) entitled, *U.S. Protests Cuban Seizure of American Oil Refineries*, by the U.S. Ambassador to Cuba, Philip W. Bonsal, at pp. 3-4, dated July 5, 1960. In this letter, Ambassador Bonsal states that the U.S. views the expropriation of the Confiscated Property as “arbitrary and inequitable [and] without authority under Cuban law” and that the property “represent[s] the investment of many millions of dollars of new capital and re-investment of earnings[.]”

5. Attached hereto as Exhibit 4 is a true and correct copy of the article, *A Cuban Fight Against Exxon Mobil* by Elaine Díaz Rodríguez, at pp. 5-6, published by Connectas, dated August 3, 2020, confirming that the Cuban government expropriated Esso because Esso refused to process the Soviet Union’s crude oil, available at <https://www.connectas.org/a-cuban-fight-against-exxon-mobil/> (accessed September 18, 2020).

6. Attached hereto as Exhibit 5 is a true and correct copy of Article 24 of the Fundamental Law (as amended on December 22, 1959) that provides: “No other natural or juridical person can be deprived of his property except by competent judicial authority and for a justifiable reason of public benefit or social interest and always after payment of appropriate compensation in cash, fixed by court action.”

7. Attached hereto as Exhibit 6 is a true and correct copy of, *Esso in Cuba: 1882 to Expropriation*, an archived memo dated August 1960 from the University of Texas at Austin's ExxonMobil Historical Collection. Pages 5-6 describe the series of events leading to the Cuban government's expropriation of the Confiscated Property after Esso refused the government's demand to process Russian crude oil.

II. Cuba's Control over Plaintiff's Confiscated Property

8. There is ample evidence of the Cuban government's control over Plaintiff's Confiscated Property. The government's control over CUPET and CIMEX is described in detail in the declaration of Professor Martínez Evora. Additionally, attached hereto as Exhibit 7 is a true and correct translation of the Republic of Cuba's State Decree Number Two Hundred and Twenty-Seven on the State's Wealth dated January 8, 2002, defining the Cuban state's wealth (Article 1.1), empowering the bodies and agencies of the Cuban government to administer the Cuban state's wealth (Article 11.1 and 12.1), and prohibiting the transfer of the state's wealth to real persons or legal entities outside of the those controlled by the state except in exceptional cases (Article 138.1).

9. CUPET is the state-owned oil company of Cuba and is in charge of all aspects of oil exploration, refining, and production in that country. This is admitted on CUPET's website. Attached hereto as Exhibit 8 is a true and correct screenshot of a CUPET English-language webpage entitled *Refining*, dated November 12, 2019, available at <https://www.cupet.cu/operaciones/refinacion/?lang=en>.

9.1 Attached hereto as Exhibit 9 is a true and correct copy of the English-language home page on CUPET's website, at pp. 4-5, 9-10, showing CUPET's role in the oil and lubricant market and its operation of the *Ñico López* refinery, available at <https://www.cupet.cu/?lang=en>.

10. Attached hereto as Exhibit 10 is a true and correct copy of a press release entitled, *Treasury Designates & Blocks 10 Entities for Cuban Embargo Violations*, from the U.S. Department of the Treasury Office of Public Affairs dated February 9, 2004 (listing Corporación CIMEX S.A as a “holding company” that is “owned by the Government of Cuba”).

11. Numerous reports demonstrate the Cuban military’s control over the economy, including commercial activities conducted by CIMEX.

11.1 Attached hereto as Exhibit 11 is a true and correct copy of the article, *High on Cuba Policy Proposal: Restricting U.S. Business Deals with Cuba’s Military-Run Entities*, by Nora Gámez Torres, published by the Miami Herald, dated June 12, 2017, reporting that CIMEX was founded by the Ministry of Interior and taken over by the GAESA, a business conglomerate owned by the Revolutionary Armed Forces [“MINFAR”], in 2010 and that CIMEX engages in a variety of commercial activities including financial services, sale of luxury goods, product imports and exports, and remittances.

11.2 Attached hereto as Exhibit 12 is a true and correct translation of the article, *The Economic Empire of the Armed Forces*, by Osmar Laffita Rojas published by Primero Cuba dated September 5, 2016, explaining that CIMEX is controlled by GAESA, “which for more than three decades was directed by officials who responded directly to Fidel Castro” and, as a result, GAESA owns foreign currency collection stores, manages a national network of gas stations, and manages wholesale import companies for its stores.

11.3 Attached hereto as Exhibit 13 is a true and correct copy of the article, *Military Man to Head Cuba’s Biggest Company*, at pp. 1-2, by Marc Frank, published by *Reuters*, dated September 27, 2010, reporting that President Raúl Castro placed Colonel Hector Oroza

Busutin [*sic*], a military officer, in charge of CIMEX as part of President Castro's efforts to consolidate Cuban businesses under government ministries.

11.4 Attached hereto as Exhibit 14 is a true and correct copy of the article, *Cuba's Businessmen in Battledress*, at pp. 4-5, by Renaud Lambert, published by Le Monde Diplomatique, dated March 2018, reporting that the Revolutionary Armed Forces controls CIMEX.

11.5 Attached hereto as Exhibit 15 is a true and correct copy of excerpts of the Business Directory of the Republic of Cuba for 2015 – 2017, published by the Ministry of Foreign Trade and Investment in Cuba, showing that CIMEX is controlled by GAESA, part of MINFAR, and that CUPET is controlled by the Ministry of Energy and Mines.

11.6 Attached hereto as Exhibit 16 is a true and correct copy of the Business Directory of the Republic of Cuba for 2017 – 2019, at pp. 3-4, showing that CIMEX is controlled by GAESA and that CUPET is under the Ministry of Energy and Mines.

III. Cuba's Control over Defendants and Facilitation of Trafficking in Plaintiff's Property

12. As Professor Martínez Evora explains, Cuba is a communist state wherein the government owns and controls all property and entities. This is confirmed by many other sources as well.

12.1 Attached hereto as Exhibit 17 is a true and correct translated excerpt of Cuba's Constitution of 2019, at Art. 19 (stating that "Socialist planning constitutes the central component of the system of governance for economic and social development."), Art. 24 ("Socialist property that belongs to the entire population includes . . . general interest infrastructure, key industries . . . as well as other goods that are strategic for the country's economic and social development.")

12.2 Attached hereto as Exhibit 18 is a true and correct translated excerpt of *Cuba's Constitution of 1976 with Amendments through 2002*, at Art. 14 (“In the Republic of Cuba, the system of economy based on socialist ownership of the means of production by all the people prevails.”), Art. 15 (“The following are the socialist State property of all the people . . . all enterprises, banks, and installations that have been nationalized and expropriated”), Art. 16 (“The State organizes, directs and controls the national economic activity according to a plan that guarantees the programmed development of the country”), Art. 17 (“The State directly administers the assets comprising the socialist property of all the people; or will be able to create and organize enterprises and entities to administer them, of which the structure, attributions, functions, and regime of relations are regulated by the law.”).

12.3 Attached hereto as Exhibit 19 is a true and correct translated excerpt of the *Sixth Congress of the Communist Party of Cuba's Resolution on the Guidelines of the Economic and Social Policy of the Party and the Revolution*, at pp. 2-3, stating that the “socialist planning system will continue to be the main national management tool of the national economy” and that “[t]he management model recognizes and encourages socialist State-owned companies – the main national economic modality.”

13. CIMEX is extensively controlled by and functions as a *de facto* branch of the Cuban military, engaging in commercial activities to fund the military. The U.S. Department of State has placed CIMEX on its *List of Restricted Entities and Subentities Associated with Cuba Effective June 12, 2020*, at pp. 1-2, 12-13, in which it has identified entities, including Corporación CIMEX S.A. and FINCIMEX, that it has determined are “under the control of, or acting for or on behalf of, the Cuban military, intelligence, or security services.” A true and correct copy of the list is attached hereto as Exhibit 20. Other reports confirm this fact. Also attached hereto as Exhibit 223

is a true and correct copy of *Senior State Department Official On Title III of the LIBERTAD Act*, which is a special briefing transcript from the U.S. Department of State, dated March 4, 2019, at pp. 2-3, reporting that “U.S. nationals will have the right to bring action against Cuban entities . . . on the Cuba Restricted List . . . with this decision the U.S. is holding the Cuban regime accountable and opening a path of redress for U.S. claimants.”

13.1 Attached hereto as Exhibit 21 is a true and correct translated excerpt of the *Official Gazette Republic of Cuba’s Ministry of Justice* at 4, Issue Number 28, dated May 25, 2018, detailing the Central Bank of Cuba’s issuance of a specific license to FINCIMEX for the management and processing of family remittances from abroad to Cuba, including through the issuance of plastic cards to be used exclusively in Cuba.

13.2 Attached hereto as Exhibit 22 is a true and correct copy of Republic of Panama public records for American International Services, S.A. noting Hector Oroza Busutil, as the president and director of the entity and Mali Suris Valmaña, as a secretary and director of the entity.

13.3 Attached hereto as Exhibit 23 is a true and correct translation of Republic of Panama, Province of Panama, Public Deed Number 6,536, at pp. 2-3, dated May 10, 2017; Republic of Panama, Province of Panama, Public Deed Number 7,616, at p. 7, dated May 29, 2017; Republic of Panama, Province of Panama, Public Deed Number 17,043, at p. 11, December 27, 2016, and Panama Public Registry, Legal Entity Certificate, dated September 8, 2015 (collectively identifying CIMEX-Cuba’s President Colonel Hector Oroza Busutil, as the President and Director of the Panamanian entity and Mali Suris Valmaña, as a director of an entity named “CORPORACION CIMEX, S.A.”)

13.4 Attached hereto as Exhibit 24 is a true and correct copy of the article, *Factbox: Cimex, Cuba's largest commercial corporation*, at p. 1, by Mark Frank, Jeff Franks, and Cynthia Osterman, published by *Reuters*, dated September 27, 2010 (reporting that President Raul Castro appointed Colonel Hector Oroza Busutin [*sic*] to lead CIMEX, including its FINCIMEX division).

13.5 Attached hereto as Exhibit 25 is a true and correct copy of the article, *GRUPO GAESA, the Business Emporium of the Armed Forces*, at pp. 1-2, by the Havana Consulting Group Business Intelligence Unit, dated January 3, 2018, explaining that GAESA, an entity owned by the Cuban Ministry of the Armed Forces, controls CIMEX, the CUPET-CIMEX Gas Station Network, the Oro Negro Gas Station Network, FINCIMEX, and Cubapack, among other entities.

13.6 Attached hereto as Exhibit 26 is a true and correct copy of a Company Report for Corporación CIMEX S.A., at pp. 1-2, by the Orbis research service, identifying the State of Cuba as CIMEX's ultimate owner and depicting CIMEX's ownership structure through GAESA and MINFAR.

13.7 Attached hereto as Exhibit 27 is a true and correct copy of the press release, *Treasury Designates & Blocks 10 Entities for Cuban Embargo Violations*, by the United States Department of the Treasury, Office of Public Affairs, at p. 1, dated February 9, 2004, announcing that the Treasury Department has identified Cuba-based Corporación CIMEX, S.A. and its related entities based outside of Cuba as owned by the Cuban government and blocking U.S. transactions with the identified entities, unless such transactions are authorized by Treasury's Office of Foreign Assets Control.

13.8 Attached hereto as Exhibit 28 is a true and correct copy the article, *US Tightens Sanctions on Cuba's Military*, by Katrina Manson published by the *Financial Times* dated November 8, 2017, referring to CIMEX as a “state-owned trading company that is Cuba’s largest commercial corporation”.

14. CUPET is extensively controlled by the Cuban government and its daily operations are controlled by the Ministry of Energy and Mines.

14.1 Attached hereto as Exhibit 29 is a true and correct translation of the Republic of Cuba’s Ministry of Energy and Mines Statement on the Ministry’s Function, at 2-3, dated October 31, 2019, describing the Ministry’s functions, including the exercise of oversight, approval, and control over CUPET in furtherance of the government’s objectives.

14.2 Attached hereto as Exhibit 30 is a true and correct translation of Decree Law Number 336 from the Official Gazette Issue, at pp. 2-4, Number 58, from the Republic of Cuba’s Ministry of Justice, dated December 13, 2017, providing the Council of Ministers with the authority to create “senior business management organizations” (*e.g.*, CUPET) (Article 2.1), which are subordinate to the Council of Ministers (Article 4), and providing the Council of Ministers’ designee with authority of “guidance, coordination and control” over the senior business management organization, and applying this same scheme of management to senior business management organizations under MINFAR (Special Provision #3).

14.3 Attached hereto as Exhibit 31 is a true and correct translation of excerpts from the article, *Businesses and Entrepreneurs in Cuba (Part I)*, at pp. 3-4, by Narciso A. Cobo, published by Columbia Law School, dated March 18, 2019, describing the Cuban government’s substantial degree of control over “senior business management organizations” (*e.g.*, CUPET) and remarking that these organizations are structured and act similarly to their supervisory agencies.

IV. Defendants' Trafficking of Plaintiff's Property: Commercial Activities in the Oil Market

15. CUPET conducts all of the oil exploration and refining activities on behalf of the Cuban State.

15.1 Attached hereto as Exhibit 32 are true and correct excerpts of CUPET's English-language homepage in which CUPET states that it "is the organization that will effectively satisfy the supply of fuel and lubricant to the national market" and that this includes all aspects of upstream and downstream activities, including exploration, production, refining, trade and supply, available at www.cupet.cu.

16. CUPET's trafficking in Plaintiff's wrongfully Confiscated Property unjustly enriches CUPET at Plaintiff's expense.

16.1 Attached hereto as Exhibit 33 is a true and correct excerpt of CUPET's English-language homepage, in which CUPET touts its use of the Ñico López Refinery for its production, including its unique catalytic cracking ability, available at www.cupet.cu.

16.2 Attached hereto as Exhibit 34 is a table, based on data published by Cuba's National Office of Statistics and Information, showing, among other things, the volume and value of the tons of lubricants produced at the confiscated Ñico López refinery during the period 2007-2017. Plaintiff believes that discovery will further confirm that the lubricants are produced and distributed by CUPET through the use of Confiscated Property and sold by CUPET and CIMEX on Confiscated Property.

16.3 Attached hereto as Exhibit 35 is a table, based on data published by Cuba's National Office of Statistics and Information, showing the volume of lubricants produced at the confiscated Ñico López refinery during the period 1959-2016. Since 1996, the Ñico López refinery has yielded billions of dollars' worth of oil output.

17. CUPET engages in a number of commercial activities that, at minimum, cause a direct effect in the United States. As CUPET itself acknowledges (and as has been widely reported), these activities include, but are not limited to, soliciting investment from U.S. companies, engaging in lucrative joint ventures with foreign companies that compete directly against U.S. companies, and causing direct environmental-related effects in the United States. Plaintiff believes that discovery will further confirm that CUPET pursued business opportunities and partnerships in connection with the U.S. in furtherance of its trafficking of the Confiscated Property.

17.1 Attached hereto as Exhibit 36 is a true and correct copy of the article, *Cuban Officials Try to Spark U.S. Investment in Petroleum Sector*, published by *Greenwire*, dated February 2, 2006, describing a conference in which CUPET sought investment from American oil companies.

17.2 Attached hereto as Exhibit 37 is a true and correct excerpt of CUPET's English-language homepage touting CUPET's engagement with foreign oil companies in joint ventures and soliciting foreign investment, *available at* www.cupet.cu (accessed September 29, 2020).

17.3 Attached hereto as Exhibit 38 is a true and correct excerpt of CUPET's webpage entitled *CUPET and the World*, which describes CUPET's partnerships with foreign nations and oil companies around the world, *available at* <https://www.cupet.cu/?negocios=english-cupet-y-el-mundo&lang=en> (accessed September 29, 2020).

17.4 Attached hereto as Exhibit 39 is a true and correct copy of CUPET's webpage entitled *AEI & Joint Ventures*, which describes CUPET's joint ventures with large,

multinational companies, including Sherritt International, PDVSA, and BP, *available at* <https://www.cupet.cu/negocios/aei-empresas-mixtas/?lang=en> (accessed November 12, 2019).

17.5 Attached hereto as Exhibit 40 is a true and correct copy of CUPET's webpage entitled *Doing Business with CUPET*, through which CUPET solicits international investment in oil exploration and shows areas of exploration already under contract by CUPET's foreign partners, *available at* <https://www.cupet.cu/negocios/english-como-hacer-negocios-con-cupet/?lang=en> (accessed September 29, 2020).

17.6 Attached hereto as Exhibit 41 is a true and correct copy of the brochure for the Third Annual Cuba Energy Oil and Gas Conference, scheduled for November 26, 2019 to November 29, 2019, at pp. 3-6, describing a conference hosted by CUPET to encourage foreign investment into Cuba's oil sector, which featured multiple speakers from the United States.

17.7 Attached hereto as Exhibit 42 is a true and correct copy of the article, *Putin in Havana: Oil and Much More*, by Javier Ortiz, published by *Cuba News*, dated July 12, 2014, describing Cuba's cooperation with the Russian state oil company, Rosneft, *available at* <https://oncubanews.com/en/cuba/society-cuba/putin-in-havana-oil-and-much-more/> (accessed September 18, 2020).

17.8 Attached hereto as Exhibit 43 is a true and correct copy of the report entitled, *Cuba Block 9 Production Sharing Contract*, at pp. 1-2, by the Australian-based oil exploration company Melbana Energy, showing Melbana's joint venture with Angolan oil company Sonangol Group in Block 9 of the Cuban oil development zone, *available at* <http://www.melbana.com/site/cpfile/9a111736-f721-4e86-bc33-bd45b752b881/20200619CubaFlyerBlock9REV2.pdf> (accessed September 16, 2020).

17.9 Attached hereto as Exhibit 44 is a true and correct copy of a presentation entitled, *Cuba Oil & Gas 2017 Summit Presentation*, at pp. 8-9, 11, 17 by Australian-based petroleum exploration company Melbana Energy, dated February 2017, showing Melbana's exploration in Cuba and noting its negotiations with CUPET regarding Melbana's oil exploration area, available at http://www.melbana.com/site/PDF/2198_0/2017CubaOilandGasConferencePre (accessed September 16, 2020).

17.10 Attached hereto as Exhibit 45 is a true and correct copy of the article, *Castrol supplies lubricants in venture with Cubapetróleo*, published by Cuba News in Volume 12, Edition No. 7, dated July 2004, reporting on CUPET's partnership with British-owned Castrol to produce lubricants for Cuba and "the U.S. dollar market," available at <https://ufdcimages.uflib.ufl.edu/AA/00/06/85/63/00077/07-2004.pdf> (accessed September 15, 2020) ("In mid-April [2004], at the Cupet-Cimex gas station along Quinta Avenida in Miramar, a one-gallon jug of Castrol SAE-50 motor oil was selling for \$14.20[.]").

17.11 Attached hereto as Exhibit 46 is a true and correct copy of the article, *Cuba Seeks More Tests of Deepwater Potential*, at pp. 2, 5 by Bob Tippee, published by Oil and Gas Journal, dated December 7, 2015, reporting on CUPET's international drilling and oil exploration partners, available at <https://www.ogj.com/home/article/17236889/cuba-seeks-more-tests-of-deepwater-potential> (accessed September 16, 2020).

17.12 Attached hereto as Exhibit 47 is a true and correct copy of a report entitled, *Recent Trends in Cuba's Mining and Petroleum Industries*, at p. 3 by the U.S. Geological Survey, discussing Cuba's international partnerships in its oil sector, available at <https://pubs.usgs.gov/fs/2015/3032/fs20153032.pdf> (accessed September 16, 2020).

17.13 Attached hereto as Exhibit 48 is a true and correct copy of a report entitled *The Mineral Industry of Cuba in 2015*, at p. 4 of the U.S. Geological Survey's 2015 Minerals Yearbook, discussing CUPET's partnerships with foreign drilling and oil exploration companies, available at <https://prd-wret.s3.us-west-2.amazonaws.com/assets/palladium/production/atoms/files/myb3-2015-cuba.pdf> (accessed September 16, 2020).

17.14 Attached hereto as Exhibit 49 is a true and correct copy of a CUPET advertisement that is part of CUPET's advertising campaign in the U.S. published in *CubaTrade Magazine* (August 2017).

17.15 Attached hereto as Exhibit 50 is a true and correct copy of the article, *Cuba's Energy Revolution*, at p. 2, by Doeen Hemlock published by *CubaTrade Magazine* dated November/December 2017, reporting on CUPET's conference aimed at soliciting international investment that attracted foreign companies and investors, including from the United States.

17.16 Attached hereto as Exhibit 51 is a true and correct copy of the article *Cuba Energy Oil and Gas Conference a Huge Success*, at pp. 1-2 published by *Cuba Business Report*, reporting that 80 companies from 25 different countries attended CUPET's conference aimed at soliciting international investment and noting that an "add-on" event involved American business executives.

17.17 Attached hereto as Exhibit 52 is a true and correct translation of the article, *Some 150 Companies Explore the Potential of Cuba's Energy Sector*, published by *El Economista*, dated September 27, 2017, showing the U.S. delegation attendance at a Cuban oil conference. Plaintiff believes that discovery will confirm that CUPET's directors and/or employees traveled to the U.S. in furtherance of its trafficking of the Confiscated Property. The original Spanish-

language article is *available* at <https://www.eleconomista.net/economia/Unas-150-empresas-exploran-potencial-del-sector-energetico-de-Cuba-20170927-0098.html> (accessed September 17, 2020).

17.18 Attached as hereto as Exhibit 53 is a true and correct excerpt of a Letter by Melanie P. Rheinecker, Bryan Cave LLP, to Joshua Ravitz, U.S. Securities and Exchange Commission, regarding SEC’s inquiries about Gulfstream Air Charter, Inc.’s flights to Cuba. The letter states that Gulfstream, an American entity, receives its fuel from Cuba from Empresa Cubana de Aeropuertos y Servicios Aeronautico (“ECASA”) and pays Celimar, S.A. for that fuel.

17.19 Attached as Exhibit 54 is a graph showing 27,451 Charter flights to Cuba in the period 2013-2019, based on data from the Havana Consulting Group. Plaintiff believes that discovery will confirm that CUPET sells fuel to U.S. air carriers.

17.20 Attached hereto as Exhibit 55 is a true and correct copy of the article, *In Cuba, a Hard River to Clean*, at p. 2 by Michael Martinez, published by *Chicago Tribune*, dated September 25, 2007, identifying the Ñico López refinery as a source of environmental contamination in Havana Bay. Plaintiff believes that discovery will confirm that CUPET’s trafficking of the Confiscated Property resulted in pollution of coastal waters that impacts the United States.

17.21 Attached hereto as Exhibit 56 is a true and correct copy of the article, *Cuba’s Energy Challenge: Fueling the Engine of Future Economic Growth*, at p. 9, by Jorge R. Piñón published by the Institute for Cuban & Cuban-American Studies Occasional Papers dated 2004 (describing the Ñico López refinery as “obsolete” and an “environmental threat[]” and noting that it is one of the primary sources of the pollution of La Havana Harbor, one of the world’s ten most polluted harbors).

V. Defendants' Trafficking of Plaintiff's Property: Service Stations and Remittances

18. CIMEX operates a network of service stations in Cuba, including stations that are jointly operated with CUPET under the brand name "Servi-Cupet."

18.1 Attached hereto as Exhibit 57 is a true and correct translation of Instruction No. 02/07 of the Cuban Ministry of Economy and Planning's on the Procedure for the Acquisition, Loading and Use of Fuel Usage Cards, at pp. 2-3, dated May 25, 2007, regulating the use of fuel usage cards and directing CUPET and FINCIMEX on their implementation. Plaintiff believes that discovery will confirm that CIMEX, CUPET, and their respective Cuban government agencies profit through the trafficking of the Confiscated Property through Cuban customers' use of fuel usage cards.

18.2 Attached hereto as Exhibit 58 is a true and correct translation of CIMEX Business Group's presentation, *Words of Welcome from the CIMEX Group*, at pp. 10, 12, by Leticia Morales González, Economic Vice President of CIMEX, in 2016, stating that CIMEX operates 667 fuel service stations and that CIMEX is Western Union's exclusive agent and processes remittances through "527 locations, 264 of them of CIMEX for the payment of remittances throughout the national territory" [sic].

18.3 Attached hereto as Exhibit 59 is a true and correct copy of a summary of the local lubricating oil market in Cuba prepared by José María Aller of the Economic and Commercial Section of the Embassy of the Argentine Republic in Havana, dated February 2, 2005, at p. 7, stating that CUPET-CIMEX and Oro Negro service stations are primarily supplied with lubricants by Castrol Cuba S.A. (a joint venture between CUPET and Castrol) and Cubalub (a division of CUPET) and that CIMEX's trucking, taxi, and car rental businesses "consume high amounts" of these lubricants.

18.4 Attached hereto as Exhibit 60 is a true and correct translation of an article entitled *Castrol and Cuba, A Partnership in Successful Lubrication*, by Norland Rosendo González, published in *Excelencias del Motor*, dated June 5, 2017. The article includes an interview with Iván Soler, the chairman of Castrol Cuba, S.A. and notes that the joint ventures' products are not only sold to Cuban motorists, but also in the sectors of mining, industry, maritime, agriculture, and pharmaceuticals. And that 40% of the joint venture's products are manufactured in Havana (where the Níco López refinery is located). The original Spanish-language of the article is available at <https://www.excelenciasdelmotor.com/noticia/castrol-y-cuba-un-binomio-que-lubrica-con-exito> (accessed September 23, 2020).

19. Attached hereto as Exhibit 61 is a true and correct screenshot of Verisign's "WhoIs" Registry Database Verisign.com, <https://webwhois.verisign.com/webwhois-ui/index.jsp?language=>, confirming that *aisremesascuba.com*'s uses the ".com" top level domain name. All ".com" domain names are registered by Verisign, a United States registry. See *Almeida v. TabelaFipeBrasil.com*, No. 1:19-cv-1105(CMH/TCB), 2020 WL 3525822, at *2 (E.D. Va. Jan. 24, 2020), report and recommendation adopted, No. 1:19CV1105, 2020 WL 3525166 (E.D. Va. June 29, 2020) ("[T]he top-level domain registry operator for .COM domain names, Verisign, Inc., is located within the Eastern District of Virginia.").

20. For purposes of processing remittances, CIMEX operates at least one hundred twenty-four agent locations in Cuba, of which at least seventeen are Servi-Cupet stations co-operated with CUPET. Attached hereto as Exhibit 62 is a true and correct copy of a list of all the Western Union agencies, including locations at service stations owned or operated by CUPET and CIMEX. Western Union's listings for each of these locations are set forth below and attached hereto.

20.1 Attached hereto as Exhibit 63 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Boyeros Y Camaguey Y Boyeros at Ave Independ S N E Camaguey Y Boyeros Boyeros, La Habana.

20.2 Attached hereto as Exhibit 64 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Gran Plaza at La Vigia Esq Camino De La Matanza Camaguey, Camagey.

20.3 Attached hereto as Exhibit 65 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Los Marinos at Agramonte 56 E Maceo Y Calixto Garcia Nuevitas, Camagey.

20.4 Attached hereto as Exhibit 66 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Nueva at Cisneros No 158 E Aguero Y Boza Minas, Camagey.

20.5 Attached hereto as Exhibit 67 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Encanto at Maceo 52 Esq Gnral Gomez Camaguey, Camagey.

20.6 Attached hereto as Exhibit 68 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Libertad at Carr Central Esq Ave De La Libertad Camaguey, Camagey.

20.7 Attached hereto as Exhibit 69 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Los Dependientes at Central Oeste 5 Encrucijada, Villa Clara.

20.8 Attached hereto as Exhibit 70 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Nuevo Siglo at Linea E 4 Y 5 Vertientes Vertientes, Camagey.

20.9 Attached hereto as Exhibit 71 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Las Modas at Central 2 Esquina Ave Central Quemado De Guines, Villa Clara.

20.10 Attached hereto as Exhibit 72 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servicentro Sagua Y Besada at Ctera De Sagua No 156 Santa Clara, Villa Clara.

20.11 Attached hereto as Exhibit 73 is a true and correct copy of an agent location listing from Western Union's website for - Cimex Cupet Cifuentes at Juan Bruno Zayas 53 Cifuentes, Villa Clara.

20.12 Attached hereto as Exhibit 74 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Mariposa at Ctera Central San Pedro Y Virtudez Santa Clara, Villa Clara.

20.13 Attached hereto as Exhibit 75 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Praga at Indepen E Maximo Gomez Y Villuendas Santa Clara, Villa Clara.

20.14 Attached hereto as Exhibit 76 is a true and correct copy of an agent location listing from Western Union's website for Cimex at Juan Bruno Zayas Esq Camajuani, Villa Clara.

20.15 Attached hereto as Exhibit 77 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Encanto at Juan Bruno Zayas Norte Manicaragua, Villa Clara.

20.16 Attached hereto as Exhibit 78 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Elegante at Leoncio Vidal 73 E Marti Y Luis C Corralillo, Villa Clara.

20.17 Attached hereto as Exhibit 79 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Central at Indepen 118 Santo Domingo, Villa Clara.

20.18 Attached hereto as Exhibit 80 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Falla at Circuito Norte S N Falla Ciego De Avila, Ciego De Avila.

20.19 Attached hereto as Exhibit 81 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Sirena at Maceo 93 Esq Carmen Ribalta Sagua La Grande, Villa Clara.

20.20 Attached hereto as Exhibit 82 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Santa Isabel at Dr Machin E Goitisoló Y Marti Lajas, Cienfuegos.

20.21 Attached hereto as Exhibit 83 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Variedades at Paseo De Gomez Y Aleman Cruces, Cienfuegos.

20.22 Attached hereto as Exhibit 84 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Teresita at Juaquin Paneca 28 Camajuani, Villa Clara.

20.23 Attached hereto as Exhibit 85 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servicentro Ranchuelo at Coronel Acebo No. 27 Esq Leoncio Vidal Ranchuelo, Villa Clara.

20.24 Attached hereto as Exhibit 86 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Cartagena at Base De Camiones Cartagena Cienfuegos, Cienfuegos.

20.25 Attached hereto as Exhibit 87 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Nilo at A Machado 1 E Cfuegos Y Artime Cumanayagua, Cienfuegos.

20.26 Attached hereto as Exhibit 88 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Opera at 2da Este E C Central Y 1ra Placetas, Villa Clara.

20.27 Attached hereto as Exhibit 89 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Union at Maximo G 134 E Indepen Y Jose A Pena Remedios, Villa Clara.

20.28 Attached hereto as Exhibit 90 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Fin De Siglo at 9 E 8 Y 10 Caibarien, Villa Clara.

20.29 Attached hereto as Exhibit 91 is a true and correct copy of an agent location listing from Western Union's website for Cimex Photo Service Caibarien at Ave 9na E 8 Y 10 Caibarien, Villa Clara.

20.30 Attached hereto as Exhibit 92 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Almacen De Fomento at Cespedes 125 Aguilera Y Jose Carmen Fomento, Sancti Spiritus.

20.31 Attached hereto as Exhibit 93 is a true and correct copy of an agent location listing from Western Union's website for Cimex Cupet Rodas at Maceo 11 E Aulet Y Cespedes Rodas, Cienfuegos.

20.32 Attached hereto as Exhibit 94 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Nipe at Carlos M De Cespedes No 152 Antilla Antilla, Holgun.

20.33 Attached hereto as Exhibit 95 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Bazar at 17 S N E 12 Y 14 Carlos M De Cespedes, Camagey.

20.34 Attached hereto as Exhibit 96 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Habana at Cespedes S N Esq Cte Fajardo Sancti Spiritus, Sancti Spiritus.

20.35 Attached hereto as Exhibit 97 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Los Locos at Cardenas S N E Marti Y Cespedes Banes, Holgun.

20.36 Attached hereto as Exhibit 98 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Sirena at Ctera Central No 402 E G Y H Santa Cruz Del Sur, Camagey.

20.37 Attached hereto as Exhibit 99 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Najasa at 4 Caminos Najasa Najasa, Camagey.

20.38 Attached hereto as Exhibit 100 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet El Alamo at Ctera Central Km 651 Guaimaro, Camagey.

20.39 Attached hereto as Exhibit 101 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Colombiana at 13 S N E 20 Y C Gonzalez Colombia, Las Tunas.

20.40 Attached hereto as Exhibit 102 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Los Pinos at Sergio Reyno S N Amancio, Las Tunas.

20.41 Attached hereto as Exhibit 103 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Violetera at 4 Ctera Bolivia Y Pasaje 1ro De Enero Ciego De Avila, Ciego De Avila.

20.42 Attached hereto as Exhibit 104 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servicentro 1ro De Enero at X E X Y Final Localidad Primero Enero Primero De Enero, Ciego De Avila.

20.43 Attached hereto as Exhibit 105 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Sofia at Linea 95 A Bolivia, Ciego De Avila.

20.44 Attached hereto as Exhibit 106 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tp El Alba at Ctera A Bolivia Km 1 Y Med Venezuela, Ciego De Avila.

20.45 Attached hereto as Exhibit 107 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Amanecer at Patricio Lubumba 2 Reparto Batey 2 Jobabo, Las Tunas.

20.46 Attached hereto as Exhibit 108 is a true and correct copy of an agent location listing from Western Union's website for Cimex Pv La Banana at 1ra Norte Poblado Pesqueria Baragua Baragua, Ciego De Avila.

20.47 Attached hereto as Exhibit 109 is a true and correct copy of an agent location listing from Western Union's website for Cimex Cupet Cimex Gaspar at Ctera Central Km 488 El Centro Baragua, Ciego De Avila.

20.48 Attached hereto as Exhibit 110 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Las Caobas at Julio A Mella Nr 112 Manati, Las Tunas.

20.49 Attached hereto as Exhibit 111 is a true and correct copy of an agent location listing from Western Union's website for Cimex Ferretería La Tropical at Chicho Valdes S N Extremo Oeste Ciego De Avila, Ciego De Avila.

20.50 Attached hereto as Exhibit 112 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tp La Unica at Ave De Tarafa E 8 Y 9 Moron, Ciego De Avila.

20.51 Attached hereto as Exhibit 113 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Epoca at Vicente Garcia Esq 24 De Febrero Las Tunas, Las Tunas.

20.52 Attached hereto as Exhibit 114 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Nueva at Vicente G 28 E Fco Vega Y J Santana Las Tunas, Las Tunas.

20.53 Attached hereto as Exhibit 115 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tp Micro A at Eduardo M Fnl Y Sexta Microa Vista Herm Ciego De Avila, Ciego De Avila.

20.54 Attached hereto as Exhibit 116 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tp Ensueno at 2da No 48 E Linea Y Paseo Gaspar Baragua, Ciego De Avila.

20.55 Attached hereto as Exhibit 117 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tp Libertad at Libertad E H Castillo Y Maceo Ciego De Avila, Ciego De Avila.

20.56 Attached hereto as Exhibit 118 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Tropico at Indepen 70 E Hto Del Castillo Y Maceo Ciego De Avila, Ciego De Avila.

20.57 Attached hereto as Exhibit 119 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tp Encanto Ciego at Maceo E Libertad E Indepen Ciego De Avila, Ciego De Avila.

20.58 Attached hereto as Exhibit 120 is a true and correct copy of an agent location listing from Western Union's website for Cimex Sc Tarafa at Ave Tarafa Esq 4 Moron, Ciego De Avila.

20.59 Attached hereto as Exhibit 121 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Encanto at Marti 299 E Enrique V Y Crnel Cervantes Moron, Ciego De Avila.

20.60 Attached hereto as Exhibit 122 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Ceballo at Sc Ceballo Ctera Ciro Redo Ciego De Avila, Ciego De Avila.

20.61 Attached hereto as Exhibit 123 is a true and correct copy of an agent location listing from Western Union's website for Cimex Sc El Fortin at Antonio M No 1 Esq Ciro Redondo Ciro Redondo, Ciego De Avila.

20.62 Attached hereto as Exhibit 124 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Amistad at Ave Los Patriotas S N Ciro Redondo, Ciego De Avila.

20.63 Attached hereto as Exhibit 125 is a true and correct copy of an agent location listing from Western Union's website for Cimex Ctro Com La Reforma at Libertad E 24 02 Y Angel Ameijeiras Puerto Padre, Las Tunas.

20.64 Attached hereto as Exhibit 126 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tp El Reloj at Orlando Gonzalez Majagua, Ciego De Avila.

20.65 Attached hereto as Exhibit 127 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Nacional at Indepen S N Majagua, Ciego De Avila.

20.66 Attached hereto as Exhibit 128 is a true and correct copy of an agent location listing from Western Union's website for Cimex Cc La Molienda at C Central 46 E Cmdte Fajardo Y A Parera Holguin, Holgun.

20.67 Attached hereto as Exhibit 129 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Colonial at Marti 123 Florencia, Ciego De Avila.

20.68 Attached hereto as Exhibit 130 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Indiana at 3 S N Pueblo Viejo Jesus Menendez, Las Tunas.

20.69 Attached hereto as Exhibit 131 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Mayarisera at Jesus Menendez S N 2do Frente Segundo Frente, Santiago De Cuba.

20.70 Attached hereto as Exhibit 132 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Primavera at Marti Esq Bateria Manzanillo, Granma.

20.71 Attached hereto as Exhibit 133 is a true and correct copy of an agent location listing from Western Union's website for Cimex La Perla at Juan Blas Hndez E Maceo Y Cisnero Jatibonico, Sancti Spiritus.

20.72 Attached hereto as Exhibit 134 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Niquerena at Marti S N Esq 2 De Diciembre Niquero, Granma.

20.73 Attached hereto as Exhibit 135 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Central at Prolongacion Frexes Y Ctera Central Holguin, Holgun.

20.74 Attached hereto as Exhibit 136 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Moa at Mariana Grajales S N Moa, Holgun.

20.75 Attached hereto as Exhibit 137 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Moda Cubana at Libertad S N Esquina Frexes Holguin, Holgun.

20.76 Attached hereto as Exhibit 138 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Victoria at Carlos Cespedes Jose Marti Eduardo Cueto, Holgun.

20.77 Attached hereto as Exhibit 139 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Violeta at Jose Marti 53a E Jose A Echeverria Calixto Garcia, Holgun.

20.78 Attached hereto as Exhibit 140 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Las Baleares at Ave Libertad Esquina Angel Guerra Holguin, Holgun 12500.

20.79 Attached hereto as Exhibit 141 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Loma at Ave Emilio Nunez No 15 Yaguajay, Sancti Spiritus.

20.80 Attached hereto as Exhibit 142 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Jamaica at Bartolome Mazo Esq Manuel Tames, Guantnamo.

20.81 Attached hereto as Exhibit 143 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Plata at Ave Maso S N Bartolome Maso, Granma.

20.82 Attached hereto as Exhibit 144 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Cacocum at Ctera Central Km 10 1 2 Via Bayamo Cacocum, Holgun.

20.83 Attached hereto as Exhibit 145 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Tropical at Marti 37 E Bayamo Y Valenzuela Mayari, Holgun.

20.84 Attached hereto as Exhibit 146 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Fortuna at Ave 26 Esq 41 Gibara, Holgun.

20.85 Attached hereto as Exhibit 147 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Sierpe at 1ra No 11 E 2da Y 4ta La Sierpe, Sancti Spiritus.

20.86 Attached hereto as Exhibit 148 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tp El Alamo at Camiloc 234 Beremundo Y Nieves Morejon Cabaiguan, Sancti Spiritus.

20.87 Attached hereto as Exhibit 149 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Fragancia at Antonio G No 2 E Indepen Y Luz Y Cabal Sancti Spiritus, Sancti Spiritus.

20.88 Attached hereto as Exhibit 150 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Violeta at Gral Garcia No 151 Esq Fgdo San Juan Bayamo, Granma.

20.89 Attached hereto as Exhibit 151 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Revoltosa at Camilo Cfuegos Esq De La Libertad Cabaiguan, Sancti Spiritus.

20.90 Attached hereto as Exhibit 152 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Servi Mar at Ctera Marea Del Portillo Pilon, Granma.

20.91 Attached hereto as Exhibit 153 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Victoria at Gral Rabi 63 Y Esq Luz C Jiguani, Granma.

20.92 Attached hereto as Exhibit 154 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Progreso at 10 Esq 13 No 55 Rafael Freyre Rafael Freire, Holgun.

20.93 Attached hereto as Exhibit 155 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Baguanos at A Barrio Parra Baguanos, Holgun.

20.94 Attached hereto as Exhibit 156 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Ilusion at Carr C 107 Edif Rdguez E Carr Maffo Contra maestre, Santiago De Cuba.

20.95 Attached hereto as Exhibit 157 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Almacen De Fomento at Cespedes 125 Aguilera Y Jose Carmen Fomento, Sancti Spiritus.

20.96 Attached hereto as Exhibit 158 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet El Mambi at Ctera File Cruce De Los Banos Tercer Frente, Santiago De Cuba.

20.97 Attached hereto as Exhibit 159 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Guama at Principal S N Chivirico Guama, Santiago De Cuba.

20.98 Attached hereto as Exhibit 160 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servicentro Ranchuelo at Coronel Acebo No27 Esq Leoncio Vidal Ranchuelo, Villa Clara.

20.99 Attached hereto as Exhibit 161 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Teresita at Juaquin Paneca 28 Camajuani, Villa Clara.

20.100 Attached hereto as Exhibit 162 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Taguasco at Abel Stamaría Esquina Camilio Cfuegos Taguasco, Sancti Spiritus.

20.101 Attached hereto as Exhibit 163 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Trinidad at Ctera De Casilda Trinidad, Sancti Spiritus.

20.102 Attached hereto as Exhibit 164 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Palma at 3ra S N E Central Y Estadium Mella Mella, Santiago De Cuba.

20.103 Attached hereto as Exhibit 165 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda El Regalo at Marti Alta S N E Corombe Y 26 De Julio Palma Soriano, Santiago De Cuba.

20.104 Attached hereto as Exhibit 166 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Victoria at Maceo Esq Marti San Luis, Santiago De Cuba.

20.105 Attached hereto as Exhibit 167 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Elegante at Ave Jose Marti Yara, Granma.

20.106 Attached hereto as Exhibit 168 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servicentro Songo at Ricardo Rizo Alto Songo Songola Maya, Santiago De Cuba.

20.107 Attached hereto as Exhibit 169 is a true and correct copy of an agent location listing from Western Union's website for Cimex Muebleria Enramada at Enramada No 52 Esq Peralejo Santiago De Cuba, Santiago De Cuba.

20.108 Attached hereto as Exhibit 170 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Violeta at Sto Tomas E S Geronimo Y Enramada Santiago De Cuba, Santiago De Cuba.

20.109 Attached hereto as Exhibit 171 is a true and correct copy of an agent location listing from Western Union's website for Cimex Photoservice La Catedral at San Pedro E San Basilio Y Heredia Santiago De Cuba, Santiago De Cuba.

20.110 Attached hereto as Exhibit 172 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda 4ta. Y Garzon at Garzon S N Esq Cuarta Santiago De Cuba, Santiago De Cuba.

20.111 Attached hereto as Exhibit 173 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Nacional at Perez Carbo No 4 Songola Maya, Santiago De Cuba.

20.112 Attached hereto as Exhibit 174 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Fantasia at Ave Cespedes E D Y E Santiago De Cuba, Santiago De Cuba.

20.113 Attached hereto as Exhibit 175 is a true and correct copy of an agent location listing from Western Union's website for Cimex Punto De Venta Boniato at Antonio Robert S N Esquina Cuarta Santiago De Cuba, Santiago De Cuba.

20.114 Attached hereto as Exhibit 176 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Otono at Micro 1 Reparto Santa Maria Santiago De Cuba, Santiago De Cuba.

20.115 Attached hereto as Exhibit 177 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet El Pinar at Jose Marti No 1 Mantua, Pinar Del Ro.

20.116 Attached hereto as Exhibit 178 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Sorpresa at Bloque J S N Distrito Jose Marti Santiago De Cuba, Santiago De Cuba.

20.117 Attached hereto as Exhibit 179 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda La Sirena at Maceo 93 Esq Carmen Ribalta Sagua La Grande, Villa Clara.

20.118 Attached hereto as Exhibit 180 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cumanayagua at Cumanayagua Cfuegos Cumanayagua, Cienfuegos.

20.119 Attached hereto as Exhibit 181 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Pueblo Griffo at 63 Reparto Pueblo Griffo Cfuegos Cienfuegos, Cienfuegos.

20.120 Attached hereto as Exhibit 182 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tda Francia Moderna at Ave 52 E 33 Y 35 Cfuegos Cienfuegos, Cienfuegos.

20.121 Attached hereto as Exhibit 183 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Imago at Ave 5 De Septiembre Y 51 Cienfuegos, Cienfuegos.

20.122 Attached hereto as Exhibit 184 is a true and correct copy of an agent location listing from Western Union's website for Cimex Servi Cupet Punta Gorda at 37 Esq 16 Rpto Punta Gorda Cienfuegos, Cienfuegos.

20.123 Attached hereto as Exhibit 185 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Casa Mimbre at Ave 60 Esq 35 Cienfuegos, Cienfuegos.

20.124 Attached hereto as Exhibit 186 is a true and correct copy of an agent location listing from Western Union's website for Cimex Tienda Casa Nueva at Carr C 138 E Castaneda Y C Cienfuegos Sibanicu, Camagey.

21. Remittances procure billions of dollars of hard currency from the U.S. for the Cuban financial system and cause other direct effects in the U.S.

21.1 Attached hereto as Exhibit 187 is a true and correct translation of a table describing the volume of remittances received by CIMEX and its affiliates and a table illustrating how those remittance dollars are then used to import U.S. products.

21.2 Attached hereto as Exhibit 188 is a true and correct translation of the article, *Fincimex S.A. Remittances to Cuba: Challenges and Opportunities*, at pp. 4, 7, by Yamil Hernandez Glez, Director of FINCIMEX, presented at the 2016 IMTC Conference in Havana, Cuba, stating that FINCIMEX has processed over 10 million remittances between 2008 and 2016 and that 92% of the remittances come from the United States.

21.3 Attached hereto as Exhibit 189 is a true and correct excerpt of the U.S. Department of the Treasury, Office of Foreign Assets Control's List of Authorized Providers of Air, Travel and Remittance Forwarding Services to Cuba dated November 22, 2010.

21.4 Attached hereto as Exhibit 190 is a true and correct excerpt of the article, *Cuba's Largest Company: The Revolutionary Armed Forces*, at pp. 2-3, published by *The Havana Times*, dated June 16, 2017, reporting that GAESA continues to operate the highly profitable business of remittances and the use of Visa and Mastercard international cards through CIMEX's division FINCIMEX.

21.5 Attached hereto as Exhibit 191 is a true and correct copy of the article, *Dollar Remittances to Cuba are in Limbo after French Bank Drops Cuban Accounts*, at pp. 3-4, by Nora Gámez Torres and Mario J. Pentón, published by *The Miami Herald*, dated July 30, 2020, reporting that FINCIMEX processes remittances through the use of American International Service in Panama.

21.6 Attached hereto as Exhibit 192 is a true and correct copy of the article, *Cuba Opens Foreign Currency-only Shops, Ends Tax on Dollar*, by Andrea Rodríguez, published by *The Washington Post*, dated July 20, 2020, available at www.washingtonpost.com/world/the_americas/cuba-opens-foreign-currency-only-shops-ends-tax-on-dollar/2020/07/20/5ebad662-cadd-11ea-99b0-8426e26d203b_story.html (accessed Sept. 16, 2020).

21.7 Attached hereto as Exhibit 193 is a true and correct copy of *United States of America v. \$717,200,000 in United States Currency*, 1:2018cv10783 (S.D.N.Y. May 29, 2019) (Dkt. No. 12) (showing that Société Générale admitted that it engaged in transactions to facilitate funds to Cuba, including CUPET, through the U.S. financial system).

21.8 CIMEX uses U.S.-based websites for the purpose of soliciting remittances from Americans. Attached hereto as Exhibit 224 are true and correct copies of screenshots from CIMEX's social media accounts touting its remittance services to Americans. Plaintiff believes that discovery will further confirm that CIMEX uses U.S.-based services in furtherance of its trafficking of the Confiscated Property.

VI. Defendants' Trafficking of Plaintiff's Property: Service Stations and Consumer Goods

22. Each year, CIMEX imports hundreds of millions of dollars-worth of food and consumer goods from the United States, which "is the largest provider of food and agricultural products to Cuba" according to the State Department. Attached hereto as Exhibit 194 is a true and correct copy of the U.S. Department of State's fact sheet on U.S.-Cuba Relations, *available at* <https://www.state.gov/u-s-relations-with-cuba/> (accessed September 16, 2020).

23. Attached hereto as Exhibit 195 is a true and correct copy of the article, *Overview of Cuba's Dollar Food Market: An Exploration of the Purchasing and Distribution System*, at p. 10, by James E. Ross, published by *ASCE Cuba*, dated November 30, 2002, reporting that CIMEX "decides who to do business with, what quantity to buy based on end customers' needs, and negotiates and fixes prices."

24. Attached hereto as Exhibit 196 at pp. 1-5, is a true and correct copy of a list of two hundred and ninety-one U.S. companies, organizations, and state offices participating in the U.S. Food and Agriculture Exhibition hosted by CIMEX in 2002 to solicit business with U.S. producers of consumer goods. Business continues to be robust as evidenced by the following:

24.1 Attached hereto as Exhibit 197 is a true and correct copy of the article, *Opportunities for U.S. Agriculture Exports to Cuba*, published by *Cuba Trade Magazine and The U.S. Agriculture Coalition for Cuba, The White Paper* (2017). This exhibit shows that Alabama

producers have exported about 251 million dollars' worth of agricultural products to Cuba from 2004 until 2017.

24.2 Attached hereto as Exhibit 198 is a true and correct copy of the article, *Opportunities for U.S. Agriculture Exports to Cuba*, published by *Cuba Trade Magazine and The U.S. Agriculture Coalition for Cuba, The White Paper* (2017). This exhibit shows that Georgia producers have exported 214 million dollars' worth of agricultural exports to Cuba from 2004 to 2017.

24.3 Attached hereto as Exhibit 199 is a true and correct copy of, *Opportunities for U.S. Agriculture Exports to Cuba*, published by *Cuba Trade Magazine and The U.S. Agriculture Coalition for Cuba, The White Paper* (2017). This exhibit shows that Illinois producers have exported 41 million dollars' worth of agricultural products to Cuba from 2004 to 2017.

24.4 Attached hereto as Exhibit 200 is a true and correct copy of, *Opportunities for U.S. Agriculture Exports to Cuba*, published by *Cuba Trade Magazine and The U.S. Agriculture Coalition for Cuba, The White Paper* (2017). This exhibit shows that Louisiana producers have exported 1.9 billion dollars' worth of agricultural products to Cuba from 2004 to 2017.

24.5 Attached hereto as Exhibit 201 is a true and correct copy of *Opportunities for U.S. Agriculture Exports to Cuba*, published by *Cuba Trade Magazine and The U.S. Agriculture Coalition for Cuba, The White Paper* (2017). This exhibit shows that North Carolina producers have exported 93 million dollars' worth of agricultural products to Cuba from 2004 to 2017.

24.6 Attached hereto as Exhibit 202 is a true and correct copy of *Opportunities for U.S. Agriculture Exports to Cuba*, published by *Cuba Trade Magazine and The U.S. Agriculture Coalition for Cuba, The White Paper* (2017). This exhibit shows that Texas producers have exported 407 million dollars' worth of agricultural products to Cuba from 2004 to 2017.

24.7 Attached hereto as Exhibit 203 is a true and correct copy of *Opportunities for U.S. Agriculture Exports to Cuba*, published by *Cuba Trade Magazine and The U.S. Agriculture Coalition for Cuba, The White Paper* (2017). This exhibit shows that Virginia producers have exported 463 million dollars' worth of agricultural products to Cuba from 2004 to 2017.

24.8 With discovery, Plaintiff believes it could trace specific goods from U.S. producers to service stations operated by CIMEX.

25. Attached hereto as Exhibit 204 is a true and correct copy of a chart reflecting nearly 100 American companies that, since 2001, have exported products to Cuba on a commercial basis.

26. As an example of CIMEX's involvement, attached hereto as Exhibit 205 is a copy of an AGR Notice (Export License) granted by the US Department of Commerce describing the parties involved (ALIMPORT and CIMEX) in the food export transactions. CIMEX is listed as an approved end user of the exported goods.

27. Attached hereto as Exhibit 206 is a true and correct copy of *U.S. Agricultural Sales to Cuba: Certain Economic Effects of U.S. Restrictions*, at pp. 2-9, 2-14, and 4-22, published by the U.S. International Trade Commission, reporting that state-owned or mixed-enterprise companies, like CIMEX, have their supply sourced from imports from the rest of the world and their food sales outlets include convertible peso markets, convertible peso stores, hotels, and restaurants, available at <https://www.usitc.gov/publications/332/pub3932.pdf>.

28. Attached hereto as Exhibit 207 is a true and correct copy of a report, *Final U.S. Food & Agriculture Exhibition Report*, published by the U.S.-Cuba Trade and Economic Council, Inc., reporting that Mr. Eduardo Bencomo Zurdos, then-President of Corporación CIMEX S.A., stated that the 2002 U.S. Food & Agribusiness Exhibition in Havana “resulted in the definitive re-introduction of processed and branded foods from the United States” into Cuba; it also reports that Mr. Manuel Dominguez Jimenez, then-Vice Director of Purchasing for CIMEX, stated that CIMEX had contracted for \$9 million in U.S.-origin processed foods, branded foods, and beverages during the Exhibition.

VII. Defendants’ Other Commercial Activity in the United States

29. CIMEX avails itself of U.S. legal protections and U.S.-based services to market its products.

29.1 Attached hereto as Exhibit 209 is a true and correct copy of the United States Trademark and Patent Office Trademark Electronic Search System search results for “Cubita,” a brand of coffee that CIMEX owns and has registered in the U.S.

29.2 Attached hereto as Exhibit 210 is a true and correct copy of the Opinion issued in *Corp. Cimex, S.A. v. DM Enterprises & Distributors Inc.*, Opposition No. 91178943 (T.T.A.B. Nov. 17, 2008), at pp. 1-3, 17-18. This is a legal matter before the United States Patent and Trademark Office in which CIMEX successfully defended its Cubita trademark from infringement in the U.S.

29.3 Attached hereto as Exhibit 211 is a true and correct copy of Café Cubita products on Amazon.com.

29.4 Attached hereto as Exhibit 212 is a true and correct copy of Café Cubita products on eBay.com.

30. CIMEX also conducts commercial activities in the U.S. through its Cubapack division.

30.1 Attached hereto as Exhibit 213 is a true and correct copy of licenses granted to Alimport, a division of CIMEX, by the United States Department of Commerce Bureau of Industry and Security for the export of U.S.-origin agriculture products totaling \$3,424,000 in 2015 (*Id.* at 1-2) and the same amount in 2016 (*Id.* at 6) to Cuba. Cubapack, a division of CIMEX, is listed as an intermediate consignee on one of the licenses. *Id.* at 10. CIMEX is listed as one of the ultimate consignees for the U.S.-origin agriculture products. *Id.* at 2.

30.2 Attached hereto as Exhibit 214 is a true and correct copy of a presentation by Yudinaidy Lobaina Diaz, Commercial Manager of Cubapack, for the Conference of International Monetary Transfers in Cuba during 2016, which shows how Cubapack operates in the package delivery and distribution business in the U.S. This presentation reports that Cubapack's main market is the United States. *Id.* at 8. The presentation lists "opening of facilities from the USA and other countries," "[CIMEX]'s economic capacity and solvency," and the "[t]echnological development of CIMEX" as "Opportunities." *Id.* at 9.

30.3 Attached hereto as Exhibit 215 is a true and correct translation of a screenshot of Cubapack's official website, which describes Cubapack as a division "created within CIMEX S.A. corporation in order to deal with the reception, control and distribution of parcels and correspondence mainly from the United States of America, related to family aid."

30.4 Attached hereto as Exhibit 216 is a true and correct translation of Cubapack's website, which states that Cubapack holds contracts with foreign agencies for the delivery of packages to Cuba. Cubapack generates revenue by placing a 3.3% surcharge on sales

through a Cubapack catalogue, by supplying goods purchased by foreigners via Cubapack's websites, and charging for package delivery services for goods originating in the U.S.

30.5 Attached hereto as Exhibit 217 is a true and correct copy of a shipping form used by Crowley Logistics, Inc., a U.S.-based agent for Cubapack, which notes that all Cubapack charges are to be paid by the consignee.

30.6 Attached hereto as Exhibit 218 is a true and correct translation of an article, *Closing of Cubapack Accounts at Crédit Mutuel*, at pp. 1-2, by Nora Gámez Torres and Mario J. Pentón, published by *El Nuevo Herald*, dated July 30, 2020, reporting that French bank Crédit Mutuel has stopped providing services to FINCIMEX, Cubapack, and American International Service because of their connections to GAESA and the Cuban military.

30.7 Attached hereto as Exhibit 219 is a list of Cubapack's online marketplaces targeting U.S. and other foreign-based customers for purchases that will be fulfilled in Cuba by Cubapack. Plaintiff believes that discovery will confirm that CIMEX uses U.S.-based services to promote its business.

31. Attached hereto as Exhibit 220 is a true and correct translation of a Record of Customer Accreditation for CIMEX, which shows that CIMEX's cargo customer engaged in transactions with CIMEX through U.S. dollars.

32. Attached hereto as Exhibit 221 is a true and correct copy of an article, *COVID-19 Crushes the 'Mule' Business*, by Emilio Morales, published by the Havana Consulting Group, dated May 28, 2020. The article reports that the Cuban government earns hundreds of millions of dollars annually from the business of importing U.S. merchandise into Cuba. *Id.* at 1. Remittances and the shipment of goods between the U.S. and Cuba moves \$8 billion in money and goods annually. *Id.* at 3. Remittances grew significantly from 1993 onward: \$242 million in 1993, \$986

million in 2000, \$1.92 billion in 2010, and \$3.716 billion in 2019. *Id.* at 4. The article reports that in 2010, Cubapack, which was and continues to be managed by CIMEX, began to ship a variety of consumer and professional goods from the U.S. to Cuba, including industrial kitchen appliances, construction tools, auto parts, furniture, and hundreds of other products. *Id.* at 5. CIMEX also established travel agencies in south Florida to arrange travel for Cuban emigrants to return to Cuba as early as the mid-1980s. *Id.* at 3.

33. Attached hereto as Exhibit 222 is a true and correct translation of an article, *The Gift Parcel Business to Cuba in the US*, at p. 2, published by Cubanet, dated November 26, 2018, reporting that the flow of goods from the U.S. to Cuba “has reached levels in which it is no longer possible to handle the packages in the warehouses of the Port of Havana [and that] thousands of containers arrive in [each] week from Florida and Panama.” This activity “brings in hundreds of millions of dollars a year” according to one official with Cuba’s Customs agency.

I declare under penalty of perjury that the foregoing is true and correct.

Date: September 29, 2020

By: /s/ Jared R. Butcher
Jared R. Butcher