UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

HAVANA DOCKS CORPORATION,
Plaintiff,
v.
CARNIVAL CORPORATION,
Defendant.
_____/

Case No. 19-cv-21724
BLOOM/MCALILEY

HAVANA DOCKS CORPORATION,
Plaintiff,
v.
MSC CRUISES SA, et al.,
Defendants.
_____/

Case No. 19-cv-23588
BLOOM/LOUIS

HAVANA DOCKS CORPORATION,
Plaintiff,
v.
ROYAL CARIBBEAN CRUISES, LTD.,
Defendant.
_____/

Case No. 19-cv-23590
BLOOM/LOUIS

HAVANA DOCKS CORPORATION,
Plaintiff,
v.
NORWEGIAN CRUISE LINE HOLDINGS, LTD.,
Defendant.
_____/

Case No.: 19-cv-23591
BLOOM/LOUIS

PLAINTIFF HAVANA DOCKS CORPORATION'S RESPONSE TO DEFENDANTS' EXPEDITED MOTION TO REMOVE CASES FROM TRIAL CALENDAR AND CONTINUE REMAINING PRETRIAL DEADLINES

Plaintiff Havana Docks Corporation ("Havana Docks") files this response to the expedited motion to remove cases from trial calendar and continue remaining pretrial deadlines (the "Motion")[1] filed by defendants Carnival Corporation, Royal Caribbean Cruises Ltd., Norwegian Cruise Line Holdings, Ltd., MSC Cruises S.A., MSC Cruises S.A. Co., and MSC Cruises (USA), Inc. (collectively, the "Defendants").

1. This case is presently set for the two-week trial period beginning on May 23, 2022 on the issue of damages. The deadline to file motions *in limine* is April 8, 2022.

2. On April 1, 2022, Magistrate Judge McAliley issued a report recommending that all of Havana Docks' experts be excluded, including its damages experts. (the "Report," *Carnival* Case, D.E. 485.) The Report also recommends excluding two (out of three) opinions rendered by the Defendants' damages expert.[2] The current deadline to object to the Report is April 15, 2022. *Id.* at 45.

3. Havana Docks intends to file an objection to the Report and, due to the complexity and importance of the issues involved, will be seeking a two-week enlargement of its deadline to do so. Further, in its objection, Havana Docks intends to request a *Daubert* hearing, which would permit the Court to explore Havana Docks' experts' methodology and approach to valuation.

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[1] *Carnival* Case, No. 19-cv-21724, ECF No. 482; *MSC* Case, No. 19-cv-23588, ECF No. 336; *Royal* Case, 19-cv-23590, ECF No. 259; *Norwegian* Case, No. 19-cv-23591, ECF No. 372.

[2] The Report does not recommend exclusion of the current fair market valuation of Defendants' expert, Dr. Pablo Spiller. Both parties list Dr. Spiller as a witness on the current fair market value of Havana Docks' confiscated property.

4. Considering that the fair market value of Havana Docks' confiscated property is the only issue remaining for trial, and that the Report recommends that all but one valuation witness be precluded from testifying on that issue, Havana Docks agrees with the Defendants that trial preparation and presentation will be meaningfully informed by the Court's resolution of the *Daubert* motions. (Mot. at 4.) Thus, Havana Docks joins the Defendants in requesting an enlargement of the remaining pretrial deadlines and the present trial setting.

5. Havana Docks, however, disagrees with Defendants' request to remove the cases from the trial docket altogether and "lift" all pretrial deadlines.

6. The Court possesses broad discretion to manage its docket however it sees fit. Defendants' concerns can be fully addressed by resetting the trial date and other pre-trial deadlines to account for the briefing and adjudication of *Daubert* motions, as the Court deems appropriate. This would provide the parties the benefit of the Court's rulings on the admissibility of experts in preparing for trial, while keeping the parties on track to achieve a timely and efficient resolution of these matters. Indeed, Havana Docks believes that removing these cases from the trial calendar would be antithetical to reaching a resolution.

7. Considering counsels' personal family commitments and travel arrangements this summer (*see* Mot. at 6 n.2), resetting these cases for a consolidated trial in mid or late September 2022 does not appear to pose any conflict, should the Court's schedule permit. Havana Docks is available for a trial at that time.

For the foregoing reasons, Havana Docks respectfully requests that the Court deny the Motion.

Date: April 4, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of the Court. I also certify that the foregoing document is being served this 4 April 2022, on all counsel of record or pro se parties either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/ Roberto Martínez
Roberto Martínez