

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 19-cv-22529-FAM

MARISELA MATA and BIBIANA  
HERNANDEZ, as individuals and  
on behalf of all others similarly situated,

Plaintiffs,

v.

TRIVAGO GmbH, a German limited  
liability company,

Defendant.

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**NOTICE OF RELATED ACTIONS AND  
MOTIONS FOR TRANSFER TO THIS COURT**

Plaintiffs file this notice to inform the Court that the following four related actions were filed on June 24 and 25, 2019:

1. *Del Valle, et al. v. Trivago GmbH, et al.*, Case No. 19-cv-22619-BB;
2. *Echevarria, et al. v. Trivago GmbH, et al.*, Case No. 19-cv-22620-KMW;
3. *Echevarria, et al. v. Trivago GmbH, et al.*, Case No. 19-cv-22621-UU; and
4. *Trinidad v. Trivago GmbH, et al.*, Case No. 19-cv-22629-RNS.<sup>1</sup>

The plaintiffs in the four newly-filed Trivago actions have filed motions to transfer them to this Court pursuant to Southern District of Florida Internal Operating Procedures 2.06.00 and 2.15.00, because this action the lowest-numbered of the five pending Trivago Actions, all of which involve the same subject matter, questions of law and fact, and principal defendants.

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<sup>1</sup> The four newly filed actions, together with this one, collectively will be referred to as the “Trivago Actions.”

Each of the four newly-filed Trivago Actions was assigned to a different District Judge. In situations like this, where multiple cases present identical or very similar questions of law and fact, their transfer and coordination or consolidation before one District Judge is preferred, to promote judicial economy and eliminate the possibility of inconsistent rulings. In fact, the Manual on Complex Litigation recommends that “[a]ll related civil cases pending in the same court should initially be assigned to a single judge to determine whether consolidation, or at least coordination of pretrial proceedings, is feasible and is likely to reduce conflicts and duplication.” Manual for Complex Litigation, Fourth, § 20.11.

This District’s operating procedures provide for later-filed related actions to be transferred to the Judge presiding over the first-filed action. Therefore, because this action is the lowest numbered of the five related Trivago Actions, the four newly-filed Trivago Actions should be transferred to this Court.

### **ARGUMENT**

Section 2.15.00(c) of this District’s Internal Operating Procedures, entitled “Transfer of Refiled and Similar Actions and Procedures,” states as follows:

Whenever an action or proceeding is filed in the Court which involves *subject matter which is a material part of the subject matter of another action* or proceeding then pending before this Court, or for other reasons the disposition thereof would appear to entail the *unnecessary duplication of judicial labor if heard by a different Judge*, the Judges involved shall determine whether the newly filed action or proceeding shall be transferred to the Judge to whom the earlier filed action or proceeding is assigned.

S.D. Fla. IOP § 2.15.00(c) (emphasis added).

Here, all relevant factors weigh in favor of transferring the four newly-filed Trivago Actions to this Court. The subject matter of the Trivago Actions and their claims all are materially identical and based on materially identical law and facts. Each arises from the defendants’ trafficking in property that was confiscated from its rightful owners by the

communist Castro regime, and each seeks damages for that trafficking under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 (the “Act”), 22 U.S.C. § 6082. It is critical to note that *no court* ever has construed the Act, its requirements or remedies, because the Act was dormant for 23 years after its passage, until now. Further, each of the Trivago Actions is a class action that presents materially identical issues under Fed. R. Civ. P. 23, which no court ever has applied to a claim arising under the Act, until now.

Thus, all five Trivago Actions present not only identical issues, but identical *issues of first impression* under a statute that never before has been construed, as well as Rule 23 class certification issues that never before have been adjudicated by any court in a LIBERTAD Act case. Having five different District Judges decide these issues of first impression would require a wholly unnecessary quintuplication of judicial labor. Moreover, absent transfer to this Court, the risk of inconsistent rulings would loom large, because five different District Judges would be called on to adjudicate the same issues, which *no court ever before has adjudicated*. There will seldom, if ever, be a more archetypal motion for transfer of related cases than this one.

Finally, transferring the four newly-filed Trivago Actions to this Court will promote judicial economy, because this action, like all the Trivago Actions, involves the same operative facts, the same claims, and the same legal theories on behalf of putative classes of plaintiffs. Transfer will allow this Court to uniformly and efficiently decide identical questions (of first impression) of law and fact presented by all the Trivago Actions. No party will be prejudiced by this transfer, because the Trivago Actions are in their very earliest stages, and transfer of the newly-filed Trivago Actions to this Court will promote the goal of Rule 1 of the Federal Rules, to secure the “just, speedy, and inexpensive” determination of these related actions.

For all the foregoing reasons, plaintiffs respectfully request that the newly-filed Trivago Actions be transferred to this Court.

Dated: June 27, 2019

Respectfully submitted,

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