

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1: 20-CV-23287-DPG

LUIS MANUEL RODRIGUEZ, *et al.*,

Plaintiffs,

v.

IMPERIAL BRANDS PLC, *et al.*,

Defendants.

**DEFENDANT CORPORACIÓN HABANOS, S.A.'S
NOTICE OF CONSTITUTIONAL QUESTION**

Pursuant to Rule 5.1 of the Federal Rules of Civil Procedure and Rule 24.1 of the Local Rules for the United States District Court for the Southern District of Florida, Defendant Corporación Habanos, S.A. (“Habanos, S.A.”) provides this Notice of Constitutional Question.

Habanos, S.A. has filed a written motion drawing into question the constitutionality of a federal statute, namely, Title III of the Cuban Liberty and Democratic Solidarity (Libertad) Act, 22 U.S.C. §§ 6081–6085 (“Title III”). The constitutional question is raised in Defendant Habanos, S.A.’s Motion to Dismiss [DE 89]. The constitutional question raised is: does the Due Process Clause of the Fifth Amendment to the United States Constitution prohibit the application of Title III to Habanos, S.A.’s concededly “non-U.S.” Cuban-cigar business under the circumstances alleged in the Amended Complaint due to lack of legislative jurisdiction.

In accordance with Federal Rule of Civil Procedure 5.1(a)(2), on April 29, 2021, the undersigned counsel for Habanos, S.A. sent a copy of this notice, together with copies of the above-mentioned papers, Defendants’ Joint Motion to Dismiss [DE 91], Imperial Brands PLC’s Motion to Dismiss [DE 88] and Plaintiffs’ Amended Complaint and Exhibits thereto [DE 82-83], to the Attorney General of the United States by certified mail to:

U.S. Department of Justice
Attn: Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

This is the address provided on the website of the U.S. Department of Justice for “Correspondence to the Department, including the Attorney General”:

<https://www.justice.gov/contact-us>.

Dated: April 29, 2021

Respectfully submitted,

/s/ Charles Murray Harris, Jr.

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