

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EXXON MOBIL CORPORATION
5959 Las Colinas Boulevard
Irving, TX 75039

Plaintiff,

v.

CORPORACIÓN CIMEX S.A.
Edificio Sierra Maestra,
Calle 1 E/ 0 y 2
La Puntilla, Miramar
Havana, Cuba

AND

UNIÓN CUBA-PETRÓLEO
Oficios 154 E / Amargura y Tte Rey,
Habana Vieja
Havana, Cuba

Defendants.

Case No. 19-CV-1277

COMPLAINT

For its Complaint in this action, Plaintiff Exxon Mobil Corporation (“Plaintiff” or “ExxonMobil”) states as follows:

NATURE OF ACTION

1. Plaintiff brings this Complaint against Defendant Corporación CIMEX S.A. (“CIMEX”) and Defendant Unión Cuba-Petróleo (“CUPET”) (collectively “Defendants”) for unlawful trafficking in Plaintiff’s confiscated property in violation of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the “Act”), and specifically Title III of the Act, codified at 22 U.S.C. §§ 6081–6085.

2. Plaintiff holds a certified claim from the Foreign Claims Settlement Commission (“FCSC”) for property that was expropriated by the Fidel Castro regime in 1960, including oil refineries and service stations, which are still in use today even though Plaintiff has never received any compensation for this property.¹ Plaintiff’s certified claim is attached hereto as Exhibit 1. CIMEX uses and continues to profit from the confiscated property by, among other things, operating service stations in cooperation with CUPET, the state-owned oil company of Cuba. CUPET additionally uses and continues to profit from the confiscated property through its use of the Níco Lopez Refinery (formerly known as the Belot Refinery) and certain terminals and plants used in conjunction with the refinery operations.

3. Title III of the Act, 22 U.S.C. §§ 6081–6085, permits Plaintiff to bring private actions against any person who, like CIMEX and CUPET, knowingly and intentionally traffics in confiscated property without authorization from the rightful owner. However, Plaintiff has not yet had the opportunity to do so because, until recently, private rights of action were suspended pursuant to the authority given to the President of the United States under the Act.

4. The President has delegated the suspension authority to the United States Secretary of State. On March 4, 2019, the State Department announced a partial lifting of the suspension to permit private actions to proceed, beginning March 19, 2019, against Cuban entities or sub-entities identified on the State Department’s restricted entities list. On or about April 2, 2019, the partial lifting of the suspension was extended again through May 1, 2019.

¹ Congress established the FCSC, a quasi-judicial, independent agency within the Department of Justice, which adjudicates claims of U.S. nationals against foreign governments for expropriation and other issues.

Most recently, on April 17, 2019, the State Department announced a full lifting of the suspension beginning May 2, 2019. In his remarks regarding the decision, Secretary of State Pompeo made clear that “[e]ffective May 2nd ... the right to bring an action under Title III of the Libertad Act will be implemented in full.”

5. Because Defendants CIMEX and CUPET are trafficking in confiscated property in violation of the Act, they are subject to private actions under Title III of the Act. Accordingly, Plaintiff brings this statutory action to vindicate its long-outstanding claim and obtain the compensation it is rightfully due under the Act.

JURISDICTION AND VENUE

6. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. § 1330 because this action is a nonjury civil action against agencies or instrumentalities of a foreign state, as that term is defined in 28 U.S.C. § 1603(b), on a claim for judgment with respect to which there is no sovereign immunity under the Foreign Sovereign Immunities Act (“FSIA”) pursuant to both (i) the FSIA’s commercial activity exception for acts that occur “outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States” under 28 U.S.C. § 1605(a)(2), and (ii) Title III of the Act, which imposes civil liability on any person (including agencies or instrumentalities of foreign states) who traffics in property confiscated by the Cuban Government and which mandates that the provisions of Title III of the Act control over the provisions of Title 28 of the U.S. Code. *See* 22 U.S.C. §§ 6023(11), 6082.

7. Subject matter jurisdiction also is conferred upon this Court by 28 U.S.C. § 1331 because this action arises under the laws of the United States, specifically Title III of the Act, codified at 22 U.S.C. § 6021 *et seq.*

8. Pursuant to 28 U.S.C. § 1330(b), personal jurisdiction over the Defendants exists as to every claim for relief over which this Court has jurisdiction under 28 U.S.C. § 1330(a) once service has been made under 28 U.S.C. § 1608.

9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(f)(4).

10. The amount in controversy exceeds \$50,000 as required by 22 U.S.C. § 6082(b).

11. Contemporaneous with this filing, Plaintiff will pay the special fee for filing an action under Title III of the Helms-Burton Act, which is \$6,548 pursuant to the fee schedule adopted by the Judicial Conference in September 2018.

PARTIES

12. Plaintiff Exxon Mobil Corporation is a U.S. national and a corporation organized and existing under the laws of the state of New Jersey, with its principal place of business at 5959 Las Colinas Boulevard, Irving, Texas 75039. Plaintiff was formerly known as the Standard Oil Company (“Standard Oil”) and is the recipient and owner of the certified claim attached as Exhibit 1.

13. Defendant CIMEX is a “sociedad anónima” incorporated in Cuba, with its principal place of business at Edificio Sierra Maestra, Calle 1 E/ 0 y 2, La Puntilla, Miramar, Havana, Cuba.

14. CIMEX reportedly is a holding company owned by the government of Cuba.

15. CIMEX reportedly operates in a variety of industries, including operating hundreds of service stations in cooperation with CUPET.

16. Defendant CUPET is the Cuban state-owned oil company, with its principal place of business at Oficinas 154 E / Amargura y Tte Rey, Habana Vieja, Havana, Cuba.

17. Among other things, CUPET operates Cuba’s oil refineries and supplies domestic needs for petroleum products.

BACKGROUND

18. Over 100 years ago, when Plaintiff was known as Standard Oil, it initiated business operations in Cuba by obtaining an interest in a refinery near Havana, Cuba.

19. As Standard Oil grew its business in Cuba, it established several subsidiaries. These subsidiaries included: (1) Esso Standard Oil, S.A. (“Essosa”), a wholly owned Panamanian subsidiary, formed in 1951, with responsibility for operations in the Caribbean Basin and headquartered in Havana until 1959; and (2) Esso Standard (Cuba) Inc. and Esso (Cuba) Inc., two Delaware corporations organized in 1957 and qualified to do business in Cuba for exploring for and producing crude oil (collectively, the “Exploration Companies”).

Expropriation by the Cuban Government

20. Plaintiff’s certified claim involves the property formerly owned by Essosa and the Exploration Companies.

21. Prior to 1959, the Exploration Companies maintained an office in Cuba for geological studies and owned assets incident to the functioning of the office.

22. On October 30, 1959, Cuban government inspectors from Fomento Nacional (National Development) arrived at the office of the Exploration Companies and confiscated and copied all files, maps, and other records of geological exploration. After the copying incident and the passage of Law 625 of November 29, 1959, which changed the basis for granting mineral concessions, the Exploration Companies stopped all exploration efforts on the island. On February 1, 1960, the Exploration Companies closed their office in Cuba.

23. On July 1, 1960, Essosa’s property rights were expropriated pursuant to Resolution No. 33 issued by the Cuban Petroleum Institute, which was issued pursuant to Resolution No. 190 of June 30, 1960 by Cuban Prime Minister Fidel Castro. The Director

General of the Cuban Petroleum Institute appointed Major Onelio Pino as “Interventor” of Essosa for “all the properties and installations that [Essosa] may have in Cuba.”

24. As a result, Essosa not only lost control over its assets, but it was also forced to end its ongoing operations. Essosa was prohibited from operating its expanded Belot Refinery, which was completed in early 1958 and employed 530 people. Essosa was also forced to abandon its Cuban-based marketing operation with over 500 employees who were engaged in selling and distributing products through more than one thousand retail outlets. And Essosa was also forced to cease operating its service stations in Cuba.

25. Essosa subsequently appeared on the list of nationalized entities published in Resolution No. 1 of August 6, 1960 pursuant to Cuba’s Law 851.

26. The Cuban Government expropriated the following assets from Essosa:

(a) Belot Refinery (Havana), a new 35,000 barrel-per-day refinery, including:

- i. a marine terminal;
- ii. a 8,800 pounds-per-day grease plant;
- iii. a 205 barrel-per-day lube blending and packaging plant; and
- iv. 109 storage tanks with a total capacity of 2.4 million barrels.

(b) Bulk products terminals, including:

- i. three ocean terminals;
- ii. seven inland terminals; and
- iii. seven bulk and packaging plants.

(c) Service station properties, including:

- i. 117 service station properties; and
- ii. 176 loans outstanding to service station owners secured by mortgages.

27. These assets are hereinafter referred to as the “Confiscated Property.”

28. Cuba has never paid, and Plaintiff has never received, compensation for the expropriation of the Confiscated Property.

Certification of Plaintiff's Claim by the Foreign Claims Settlement Commission

29. In response to the expropriation of the Confiscated Property, Standard Oil filed a claim with the FCSC pursuant to Title V of the International Claims Settlement Act of 1949, which gives the FCSC jurisdiction over expropriation claims of U.S. nationals against the Government of Cuba.

30. Pursuant to 22 U.S.C. § 1643b(a), the FCSC “shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba . . . for losses resulting from the nationalization, expropriation, intervention, or other taking of . . . property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.”

31. Pursuant to 22 U.S.C. § 1643a(3), “property” is defined as “any property, right, or interest, including any leasehold interest, and debts owed by the Government of Cuba . . . or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba . . . and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba”

32. As required by the International Claims Settlement Act, the FCSC determined the validity and amount of Standard Oil's claim and the value of the expropriated properties, rights, or interests by the valuation most appropriate to the Confiscated Property.

33. After reviewing Standard Oil's ownership, the FCSC found that Standard Oil qualified as a U.S. national within the meaning of the International Claims Settlement Act. *See* Ex. 1 at 2.²

34. The FCSC then evaluated Standard Oil's property claim. It noted that Standard Oil provided "extensive evidence in support of the claim" including a balance of Essosa's assets that was prepared by Essosa's employees following the expropriation of Essosa. This balance of assets was even approved by the Cuban Institute of Petroleum before the Cuban Government permitted it to be delivered to the comptroller of Essosa for the permanent records of the company.

35. The FCSC also reviewed various documents and affidavits in support of Standard Oil's claim, including records pertaining to: "[banking balances,] cash on hand, accounts receivable, investments, inventories, property, plant and equipment, as well as prepaid and deferred charges, and extensive data pertaining to the liabilities of Essosa." Ex. 1 at 5.

36. After an extensive review of Essosa's assets and liabilities, the FCSC certified that Standard Oil suffered a loss of \$71,611,002.90 as a result of the Cuban government's expropriation of the Confiscated Property. The FCSC certified the claim in this amount and further awarded interest on this amount at the rate of 6 percent per annum from the date of loss to the date of settlement. Ex. 1 at 9.

37. Standard Oil changed its name to Exxon Corporation in 1972. In 1999, Exxon Corporation changed its name to Exxon Mobil Corporation, the Plaintiff in this action.

² Exhibit 1 is the Foreign Claims Settlement Commission's Decision No. CU-3838 (Sept. 3, 1969).

38. Plaintiff has never settled the outstanding certified claims or received any payment from any entity with respect to the principal or interest due on its certified claim.

The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

39. On March 12, 1996, President Clinton signed into law the LIBERTAD Act of 1996 (also known as the “Helms-Burton Act” and referred to herein as the “Act”). Title III of the Act provides a right of action to U.S. nationals who owned property in Cuba that was confiscated on or after January 1, 1959.

40. Title III authorizes the President to suspend the right of action for sequential periods of up to six months. On July 16, 1996, President Clinton notified Congress that he would be allowing the Act to go into effect on August 1, 1996, but that he would suspend the right of action under Title III for six months. Since that decision, every President (or Secretary of State) has issued a sequential six-month suspension of the right of action until recently.

41. On January 16, 2019, Secretary of State Pompeo reported to Congress that Title III would be suspended for forty-five days beyond February 1, 2019 as the State Department conducted a “careful review of the right to bring action under Title III in light of the national interests of the United States and efforts to expedite a transition to democracy in Cuba.”

42. On March 4, 2019, Secretary Pompeo reported to Congress that the suspension of Title III would be maintained for 30 days through April 17, 2019 except as to certain Cuban entities or sub-entities that were identified by name on the State Department’s List of Restricted Entities and Sub-entities Associated with Cuba (known as the Cuba Restricted List).

43. On April 3, 2019, Secretary Pompeo announced his decision to continue this partial suspension of Title III for two additional weeks, through May 1, 2019.

44. On April 17, 2019, Secretary Pompeo announced that Title III will go into full effect as of May 2, 2019. In his remarks, Secretary Pompeo re-affirmed the commitment of the United States to stand with the Cuban people and against the current Cuban Government, which “continues to deprive its own people of the fundamental freedoms of speech, press, assembly, and association” and which “undermines the security and stability of countries throughout the [Western Hemisphere], which directly threatens United States national security interests.” The Secretary concluded, “[t]oday we are holding the Cuban Government accountable for seizing American assets.”

45. Section 302 of the Act provides the following civil remedy:

SEC 302: (a) Civil Remedy.—

(1) Liability for trafficking.--(A) Except as otherwise provided in this section, any person that, after the end of the 3-month period beginning on the effective date of this title, traffics in property which was confiscated by the Cuban Government on or after January 1, 1959, shall be liable to any United States national who owns the claim to such property for money damages . . . 22 U.S.C. § 6082(a)(1).

46. Section 302 implements a fundamental purpose of the Act, which is to permit US nationals to bring claims against Cuban ministries and state-owned enterprises that engage in unlawful trafficking. For example:

- a. Congress found that trafficking in property confiscated from U.S. nationals benefits “the current Cuban Government” and “undermines the foreign policy of the United States.” 22 U.S.C. § 6081(6).
- b. Regarding remedies, Congress found that “[t]he international judicial system . . . lacks fully effective remedies” thereby permitting unjust enrichment “by governments and private entities at the expense of the rightful owners of the property.” *Id.* § 6081(8).
- c. Congress further recognized the U.S. Government’s “obligation to its citizens to provide protection against wrongful confiscations by foreign nations and their citizens, including the provision of private remedies.” *Id.* § 6081(10).

47. Given these findings, Section 302 of the Act unsurprisingly includes Cuban governmental entities within its scope.

48. Specifically, the definition of a “person” who may be liable for trafficking includes “any person or entity, including any agency or instrumentality of a foreign state” as defined by the FSIA, 28 U.S.C. § 1603(b). *See* 22 U.S.C. § 6023(1), (11).

49. A person is liable for trafficking in confiscated property under the Act “if that person knowingly and intentionally—

- i. sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,
- ii. engages in a commercial activity using or otherwise benefiting from confiscated property, or
- iii. causes, directs, participates in, or profits from, trafficking (as described in clause (i) or (ii)) by another person, or otherwise engages in trafficking (as described in clause (i) or (ii)) through another person, without the authorization of any United States national who holds a claim to the property.”

22 U.S.C. § 6023(13).

50. Since Plaintiff has never authorized any person to engage in the activities covered by the Act’s definition of trafficking with respect to the Confiscated Property, Section 302 provides Plaintiff with a private right of action against any person—including Cuba’s state-owned enterprises—that has trafficked in the Confiscated Property.

The Act’s Presumption in Favor of Certified Claims

51. Section 302(d) of the Act mandates a presumption in favor of the Plaintiff’s certified claims:

“There **shall be a presumption** that the amount for which a person is liable . . . is the amount that is certified [by the FCSC under the International Claims Settlement Act of 1949].” 22 U.S.C. § 6082(a)(2) (emphasis added).

52. The Act’s presumption in favor of certified claims extends not only to the amount of liability, but also to the claimant’s ownership and entitlement to treble damages. According to Section 303(a)(1), which deals with the “[c]onclusiveness of certified claims,” in any action brought under Title III, “the court shall accept as **conclusive proof of ownership** of an interest in property a certification of a claim to ownership of that interest that has been made by the [FCSC under Title V of the International Claims Settlement Act of 1949].” 22 U.S.C. § 6083(a)(1) (emphasis added).

53. Under Section 302(a)(3) of the Act, “[a]ny person that traffics in confiscated property for which liability is incurred” shall be liable for treble damages if a U.S. national owns a certified claim to that property. 22 U.S.C. § 6082(a)(3)(A) & (3)(C).

54. Congress intentionally conferred these entitlements on certified claims. The utilization of the certified claim process was viewed as a positive feature of the Act. The Conference Report from the Committee of Conference states that “courts shall give a strong presumption to the findings of the FCSC.” The Conference report continued:

The committee of conference recognizes the importance of a decision by the Foreign Claims Settlement Commission in certifying a claim and, accordingly, believes that no court should dismiss a certification in an action brought under [Title III]. The committee of conference also notes the recognized special expertise of the FCSC in determining the amount and validity of claims to confiscated properties overseas.

55. Under the text of the Act and in accordance with the intent of Congress, Plaintiff’s certified claim is entitled to (i) a presumption of accuracy with regard to its amount; (ii) be treated as conclusive proof with regard to Plaintiff’s ownership of the Confiscated Property; and (3) a judgment on the claim that includes treble damages.

Defendants' Businesses and Their Trafficking of Plaintiff's Property

56. CIMEX, which is Cuba's largest commercial corporation with annual revenues reportedly as high as \$1.3 billion, engages in a variety of foreign commerce across a variety of industries. For example, CIMEX reportedly maintains a financial division that manages all remittance wire transfers from the United States and a tourism company that is the exclusive provider of travel from the United States.

57. CUPET is a Cuban state-owned oil company and engages in a variety of commercial activities for the purpose of producing, refining, and distributing petroleum products.

58. For example, CUPET and CIMEX operate over 300 service stations across Cuba under the brand "Servi-Cupet", as many media reports have confirmed.³

59. Upon information and belief, some of the service stations operated by CIMEX and CUPET involve Confiscated Property and have been, and continue to be, operated and used by CIMEX and CUPET for their own profit and benefit, as well as the benefit of others, without Plaintiff's authorization.

60. Upon information and belief, some of the gasoline and other petroleum products available at these service stations are produced using the Confiscated Property, specifically the Belot Refinery and the plants and terminals used in conjunction with the Belot Refinery's operations and the production of petroleum products.

³ *E.g.*, *Reuters*, Cuban state-run media confirms gasoline shortage (Apr. 21, 2017), <https://www.reuters.com/article/us-cuba-energy-shortage/cuban-state-run-media-confirms-gasoline-shortage-idUSKBN17N2FZ> (reporting that CIMEX and CUPET jointly operate most service stations in Cuba); *Reuters*, Factbox: Cimex, Cuba's largest commercial corporation (Sept. 27, 2010), <https://uk.reuters.com/article/us-cuba-corporation-factbox-idUSTRE68Q55320100927> (reporting that CIMEX operates 363 Servi-Cupet gas stations); *BN Americas*, Unión Cuba Petróleo, <https://subscriber.bnamericas.com/company-profile/en/union-cubapetroleo-cupet> (reporting that CUPET runs a service station chain in association with CIMEX).

61. The Belot Refinery is now known as the Ñico López Refinery. Essosa operated the refinery in the 1950s before it was nationalized in 1960 by the Government of Cuba. Thereafter, the Belot Refinery was merged with another refinery and became known as the Ñico López Refinery, which remains in operation today.

62. According to CUPET's website, the Ñico López Refinery is one of four Cuban refineries. (The others are Sergio Soto, Camilo Cienfuegos, and Hermanos Diaz). One of the refineries' main objectives is to supply the domestic needs for petroleum products, including gasoline, diesel, and fuel oil.

63. CUPET also reportedly has business agreements with foreign companies. Among other things, these agreements allow CUPET to import crude oil to supply the domestic needs for petroleum products.

64. Upon information and belief, CUPET imports and refines crude oil using Plaintiff's Confiscated Property, specifically the Belot Refinery and the plants and terminals used in conjunction with the Belot Refinery's operations and the production of petroleum products.

65. Plaintiff has not authorized CIMEX or CUPET to refine crude oil using Plaintiff's Confiscated Property, nor has Plaintiff authorized them to produce, transport, make available for sale, or otherwise engage in any commercial activity involving any petroleum products that are or have been produced using Plaintiff's Confiscated Property.

66. Accordingly, Defendants have violated the Act by trafficking in the Confiscated Property after the expiration of the grace period under the Act. Plaintiff is therefore entitled to all relief available under the Act, including actual damages, treble damages, prejudgment and postjudgment interest, costs and reasonable attorneys' fees, pursuant to 22 U.S.C. § 6082.

COUNT I – TRAFFICKING IN CONFISCATED PROPERTY

(22 U.S.C. § 6082)

67. Plaintiff is a U.S. national and owns the claim to property that was confiscated by the Cuban Government after January 1, 1959 (*i.e.*, the Confiscated Property). The claim is certified and is attached as Exhibit 1.

68. CIMEX and CUPET are persons under the Act, as defined by 22 U.S.C. § 6023(11).

69. Based on the facts alleged herein and on information and belief, CIMEX and CUPET have and continue to traffic in the Confiscated Property to which Plaintiff owns the claim, including (i) by extracting, importing, and refining crude oil, (ii) by operating service stations in Cuba, and (iii) by engaging in commercial transactions involving petroleum products that are or have been produced using the Confiscated Property.

70. Additionally, CIMEX and CUPET have generated revenues, obtained profits and realized other benefits from these activities.

71. Thus, CIMEX and CUPET have engaged in trafficking in violation of Title III of the Act through, at a minimum: (i) managing, possessing, and using the Confiscated Property; (ii) engaging in commercial activities using or otherwise benefiting from the Confiscated Property; and (iii) causing, directing, participating in, and profiting from trafficking in the Confiscated Property by another person, in furtherance of their operations.

72. At all relevant times, CIMEX and CUPET have conducted this trafficking “without the authorization of any United States national who holds a claim to the property” (22 U.S.C. § 6023(13)) in violation of Title III of the Act.

73. CIMEX and CUPET have engaged in unlawful trafficking after November 1, 1996, the end of the 3-month grace period after the Act became effective on August 1, 1996.

74. Because Plaintiff holds a certified claim, it is not required to give notice under 22 U.S.C. § 6082(a)(3).

75. Therefore, Plaintiff is entitled to damages in the amount of the certified claim, plus pre-judgment interest at the rate of 6 percent awarded by the FCSC. Plaintiff also is entitled to treble damages, attorneys' fees, costs, and post-judgment interest.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that judgment be entered in its favor and against Defendants:

- a. Awarding Plaintiff actual damages in the amount of \$71,611,002.90;
- b. Awarding Plaintiff pre-judgment interest at the rate of 6% per annum from July 1, 1960, as set forth in the FCSC's award;
- c. Awarding Plaintiff treble damages pursuant to 22 U.S.C. § 6082(a)(3);
- d. Ordering Defendants to pay Plaintiff's reasonable attorney's fees and costs incurred in this action pursuant to 22 U.S.C. § 6082(a);
- e. Awarding Plaintiff post-judgment interest; and
- f. Granting all other relief that the Court deems just and proper.

Date: May 2, 2019

Respectfully submitted,

By: /s/ Steven K. Davidson

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Counsel for Plaintiff

Exhibit 1

FOREIGN CLAIMS SETTLEMENT COMMISSION

Washington, D.C. 20579

OCT 13 1969

RE: Claim No. CU_ 938

On September 3, 1969 the Foreign Claims Settlement Commission issued a proposed decision on the above claim. In accordance with paragraph 531.5(g) of the Commission Regulations the decision has been entered as the final determination and decision of the Commission.

Francis J. Macfarlan

Clerk of the Commission.

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20577

IN THE MATTER OF THE CLAIM OF

STANDARD OIL COMPANY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0938

Decision No. CU 3838

Counsel for claimant:

LeRoy Marceau, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$71,686,002.90, was presented by the STANDARD OIL COMPANY, based upon the loss of real and personal property of a Cuban corporation known as Esso Standard Oil, S.A.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated,

intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 502(1)(B) of the Act defines the term "national of the United States" as a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity.

The claimant, STANDARD OIL COMPANY, was organized under the laws of the State of New Jersey in 1882. An officer of claimant has certified that at all times pertinent to this claim more than 50% of its outstanding capital stock has been owned by nationals of the United States, and that as of December 31, 1966, at least 80% of its outstanding capital stock was held by nationals of the United States. The Commission holds that claimant qualifies as a national of the United States within the meaning of Section 502(1)(B) of the Act.

STANDARD OIL COMPANY, hereinafter referred to as claimant, has asserted this claim for loss of the Cuban assets of Esso Standard Oil, S.A., hereinafter referred to as Essosa, a Panamanian corporation and a wholly-owned subsidiary of claimant. The claimant initiated operations in Cuba over 80 years ago when it obtained an interest in a company owning a small refinery located near Havana. In 1895 the refinery was moved to its present site on Havana Harbor and over the years it was expanded. In 1922 the claimant acquired 100% ownership of the company owning such refinery. In 1957 a substantial investment was made to expand refinery capacity from 9,300 to 34,500 barrels of crude petroleum per day. Essosa had extensive marketing operations in Cuba and in connection with such operations, owned three ocean terminals, one island terminal and seven bulk and package plants at commercially strategic points throughout the island.

CU-0938

Essosa was intervened on July 1, 1960, by Resolution No. 33 of that date, issued by the Instituto Cubano de Petroleo, pursuant to Resolution No. 190, of June 30, 1960, issued by the Prime Minister of the Revolutionary Government, Fidel Castro Ruz. Subsequently, this firm was listed as nationalized in Resolution No. 1 of August 6, 1960, pursuant to Cuban Law 851. The Commission finds, however, that the Essosa enterprise was effectively intervened within the meaning of the Act by the Government of Cuba on July 1, 1960.

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value, or cost of replacement.

The question, in all cases, will be to determine the basis of valuation which, under the particular circumstances, is "most appropriate to the property and equitable to the claimant". The Commission has concluded that this phraseology does not differ from the international legal standard that would normally prevail in the evaluation of nationalized property and that it is designed to strengthen that standard by giving specific bases of valuation that the Commission shall consider; i.e., fair market value, book value, going concern value, or cost of replacement.

The claimant has asserted this claim for loss of Essosa, submitting book values of the enterprise while stating the amount of claim which might be based on some other method, would be supplied later. Such evaluation has not been forthcoming, although claimant has been reminded thereof.

Accordingly, the Commission finds that the book value of the enterprise, as further discussed below, represents the most appropriate basis of evaluation.

Claimant has asserted that Essosa enjoyed the good will of its suppliers and customers which gave it a value over that of its measurable assets, but

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no evidence has been submitted to establish the extent of value of such a "going concern". The Cuban assets and liabilities of Essosa are reflected in the following balance sheet which claimant submitted as Exhibit A with its claim application in support of Item 18 thereof:

<u>ASSETS</u>		
<u>Current</u>		
Cash	\$ 7,942,693.19	
Receivables and Other Current Assets	18,481,691.11	
Inventories - Crude Products and Other	6,035,603.32	
Inventories, Materials and Supplies	<u>2,319,569.60</u>	
<u>Total Current Assets</u>		\$34,779,557.22
<u>Investments</u>		
Long Term Notes and Accounts Receivable (Net)	\$ 4,054,581.25	
Other Investments	<u>2,265,497.04</u>	6,320,078.29
<u>Deposits and Other Special Funds</u>		5,456.62
<u>Property, Plant & Equipment (Net)</u>		38,949,536.42
<u>Prepaid and Deferred Charges</u>		<u>1,405,839.44</u>
<u>Total Assets</u>		\$81,460,467.99
<u>LIABILITIES</u>		
<u>Current</u>		
Reserve for Income Tax	\$(1,747,161.21)	
All Other Current Liabilities	<u>(5,122,022.29)</u>	
<u>Total Current Liabilities</u>		\$(6,869,183.50)
<u>Long Term Debt</u>		(1,332,878.65)
<u>Deferred Interest Income</u>		(17,711.94)
<u>Reserve for Annuities</u>		<u>(1,554,691.00)</u>
<u>Total Liabilities</u>		(9,774,465.09)
<u>NET WORTH</u>		<u>\$71,686,002.90</u>

The claimant has submitted extensive evidence in support of the claim including a Trial Balance prepared under the supervision of the Cuban Interventor during July 1960. This Trial Balance was prepared by Essosa employees

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who temporarily continued to perform their employment under the direction of the Interventor; and, following preparation of the Trial Balance, it was approved by the Interventor and forwarded to the Comptroller of Essosa for the permanent records of the firm. Additionally, claimant has made certain adjustments to supplement data contained in the Trial Balance. Such material clarifies transactions pertaining to refining operations and other transactions which occurred on or shortly before June 30, 1960, or immediately before the Trial Balance was prepared.

The file includes various records and affidavits in support of the claim, including claimant's records, those of Essosa or another wholly-owned subsidiary of claimant, Esso Export Corporation, now known as Esso International, Inc., a Delaware corporation. These records, pertaining to the items of claim designated by claimant as Items 1 through 63, include banking records, data pertaining to cash on hand, accounts receivable, investments, inventories, property, plant and equipment, as well as prepaid and deferred charges, and extensive data pertaining to the liabilities of Essosa. The Interventor's Trial Balance, with claimant's adjustments, based on its available records, is set out below:

I. ASSETS

Current

Cash

Cash in banks and on hand:		
Interventor Trial Balance	\$ 7,923,918.19	
Recovered	<u>5,000.00</u>	\$ 7,918,918.19
Petty cash funds		23,775.00

Receivables and Other Current Assets

Trade notes receivable		909,347.02
Reserve for doubtful notes receivable		(64,346.72)
Trade accounts receivable - current:		
I.T.B.	13,245,168.62	
Received from Esso affiliates	<u>29,077.24</u>	13,274,245.86
Trade accounts receivable - suspended		230,594.18
Remittances unapplied (credit)		(179.58)
Cash sales		63,202.41
Unpaid cash sale checks		15,597.41
Agents and employees accounts receivable (shortages)		4,880.89
Advance expense funds:		
I.T.B.	25,058.53	
Late Plane Ticket Adjustment	<u>165.58</u>	25,224.11
Claims receivable:		
I.T.B.	4,264,792.98	
Steamship claim collected	<u>156.81</u>	4,264,636.17

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Trade creditors (Debit)	\$	350.00	
Other accounts receivable		59,316.87	
Reserve for doubtful accounts receivable		(439,032.91)	
Accrued interest receivable		137,855.40	
Inventories - Crude Products and Other:			
Inventory - crude oil		208,682.57	
Inventory - products, finished and unfinished		4,997,913.01	
Inventory - other saleable merchandise		829,007.74	
Inventories, Materials and Supplies:			
I.T.B.	\$	2,316,083.35	
Purchased from affiliates		<u>3,486.25</u>	2,319,569.60
Investments			
Long Term Notes and Accounts Receivable (Net)			
Long-term notes receivable		34,935.63	
Loans receivable		2,421,634.54	
Accounts receivable - deferred		1,842,615.16	
Reserve for loss in investment		(244,804.08)	
Other Investments			
Stock owned - other than affiliated companies		117,400.00	
Miscellaneous investments:			
I.T.B.		2,146,597.04	
Club membership		<u>1,500.00</u>	2,148,097.04
			5,456.62
Deposits and Other Special Funds			
Property, Plant and Equipment (Net)			
Plant and equipment		41,290,843.33	
Other lands, leases and easements		5,542,845.99	
Incomplete construction		792,839.71	
Surplus property available for sale		72,301.60	
Reserve for amortization of plant and equipment		(127,260.43)	
Reserve for depreciation of plant and equipment:			
I.T.B.		(12,725,680.39)	
Elimination of double depreciation		<u>4,118,000.00</u>	(8,607,680.39)
Reserve for depreciation - surplus property for sale			(14,353.39)
Prepaid and Deferred Charges			
Prepaid taxes:			
I.T.B.		992,000.52	
Additional taxes paid		<u>2,664.10</u>	994,664.62
Stationery and office supplies			25,613.04
Job orders:			
I.T.B.		378,183.24	
Additional expenditures		<u>7,378.54</u>	<u>385,561.78</u>
TOTAL ASSETS (as adjusted)			<u>\$81,460,467.99</u>

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II. LIABILITIES

<u>Current</u>		
Reserve for Income Tax:		
I.T.B.	\$ (528,387.42)	
Non-assessed deficiencies	399,982.00	
Credit	<u>(1,618,755.79)</u>	\$ (1,747,161.21)
<u>All Other Current Liabilities</u>		(598,028.06)
Vouchers payable		
Liabilities for goods received - not invoiced:		
I.T.B.	(3,289,543.68)	
Payable to Esso Export	<u>2,074,938.58</u>	(1,214,605.10)
Individuals and companies:		
I.T.B.	(475,612.46)	
Payable to Esso Export	<u>29,793.70</u>	(445,818.76)
Excise, sale and gasoline taxes:		
I.T.B.	(2,845,689.39)	
Payment	<u>644,728.68</u>	(2,200,960.71)
Income and other taxes collected:		
I.T.B.	(39,179.66)	
Payment by Esso Export	<u>132.50</u>	(39,047.16)
Unclaimed wages		(1,130.25)
Deposits of cash		(25,556.58)
Salaries, wages and commissions payable		(52,923.65)
Thrift, annuity and vacation savings plans		(4,692.45)
Disability benefits payable		(4,724.25)
Survivors' benefits payable		(25,514.15)
Other accrued taxes payable:		
I.T.B.	(664,714.82)	
Tax accrual not assessed	<u>206,867.00</u>	(457,847.82)
Accrued insurance payable:		
I.T.B.	(12,449.98)	
Insurance payment	<u>4,500.00</u>	(7,949.98)
Accrued rentals payable		(11,800.00)
Miscellaneous accrued liabilities		(926.47)
Unredeemed merchandise coupons		(6,701.86)
Liabilities - deposit on returnable containers		(13,395.00)
Long Term Debt		
Long term notes payable		(1,298,755.83)
Purchase obligations		(34,122.82)
Deferred Interest Income		(17,711.94)
Reserve for Annuities		<u>(1,554,691.00)</u>
TOTAL LIABILITIES (as adjusted)		(\$ 9,774,465.09)
NET WORTH (as claimed)		<u>\$71,686,002.90</u>

In connection with "Other Investments", the claimant has included "Stock Owned" which pertains to 1,174 shares of stock of the Ferrocarriles Occidentales de Cuba, S.A., and has claimed the cost of such shares in the total

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amount of \$117,400.00. In support of the claim for loss of stock interests in this corporation, claimant has submitted photostatic copies of the certificates and data concerning the purchase of the shares in question. The certificates were originally held in the Havana Office of The First National Bank of Boston but no quotations were available after the purchase date indicating the market value of the shares. Thus, the Commission has previously held that the value of these shares is the original cost of such shares, or \$100.00 per share. (See Claim of Ruth Anna Maskeu, Claim No. CU-0849.) The Commission now finds that claimant has sustained a loss in the claimed amount of \$117,400.00 for its stock interest in Ferrocarriles Occidentales de Cuba, S.A.

It is noted that the item of Loans Receivable in the amount of \$2,421,834.54 includes a loan of Essosa, as of March 21, 1960, to Cia. Cubana de Electricidad in the amount of \$75,000.00. The records of the Commission reveal that Cia. Cubana de Electricidad is a corporation organized under the laws of the State of Florida. Pursuant to the provisions of Section 505(a) of the Act, a claim based upon a debt of a corporation qualifying as a national of the United States, within the contemplation of the Act, may not be considered unless the debt was a charge on property which was nationalized or otherwise taken by Cuba. There is no evidence to establish that the instant loan was secured by property taken by Cuba. Accordingly, the Commission finds that this sum of \$75,000.00 is not within the purview of Section 505(a) of the Act and therefore

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must be deducted from the total assets, reducing the asset figure to \$81,385,467.99. (See Claim of Anaconda American Brass Company, Claim No. CU-0112, 1967 FCSC Ann. Rep. 60.)

Essosa was a corporation organized in Panama and the Commission has been determining the extent of loss arising from the operations of Essosa in Cuba. Consequently, the Commission will determine the net worth of the Cuban branch, not merely its Cuban assets, when arriving at the extent of the losses in the instant claim. Accordingly, the amount of \$9,774,465.09, the total liabilities, including taxes, debts and accounts payable, as enumerated above, must be deducted from the adjusted value of the assets to reach the net value of the Cuban branch of Essosa resulting in a net worth of \$71,611,002.90.

The Commission concludes that claimant herein, STANDARD OIL COMPANY, suffered a loss in the total amount of \$71,611,002.90 within the meaning of Title V of the Act, as a result of the intervention on July 1, 1960, of the Cuban branch of Essosa, a Panamanian corporation, wholly owned by claimant.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

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CERTIFICATION OF LOSS

The Commission certifies that STANDARD OIL COMPANY suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seventy-one Million Six Hundred Eleven Thousand Two Dollars and Ninety Cents (\$71,611,002.90), with interest at 6% per annum from July 1, 1960, to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

SEP 3 1969

Leonard v. B. Sutton
Leonard v. B. Sutton, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

Sidney Freidberg
Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities for the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

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<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Title III, Helms Burton Act, 22 USC § 6081-6085

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: <u>05/02/2019</u>	SIGNATURE OF ATTORNEY OF RECORD <u>/s/ Steven Davidson</u>
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EXXON MOBIL CORPORATION

Plaintiff

v.

CORPORACION CIMEX S.A., et al.

Defendant

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)
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)
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)
)

Civil Action No. 19-CV-1277

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

CORPORACIÓN CIMEX S.A.
Edificio Sierra Maestra,
Calle 1 E/ 0 y 2
La Puntilla, Miramar
Havana, Cuba

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Steven Davidson
Steptoe & Johnson LLP
1330 Connecticut Ave NW
Washington, DC 20036

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: 05/02/2019

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EXXON MOBIL CORPORATION

Plaintiff

v.

CORPORACION CIMEX S.A., et al.

Defendant

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)

Civil Action No. 19-CV-1277

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

UNIÓN CUBA-PETRÓLEO
Oficios 154 E / Amargura y Tte Rey,
Habana Vieja
Havana, Cuba

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Steven Davidson
Steptoe & Johnson LLP
1330 Connecticut Ave NW
Washington, DC 20036

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: 05/02/2019

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: