BRACEWELL

November 6, 2019

BY ECF

Hon. Analisa Torres
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *John S. Shepard Family Trust, through John S. Shepard and Lawrence Jaffee, as Co-Trustees v. NH Hotels USA, Inc. and NH Hotel Group, S.A.*, Civil Action No. 19-cv-9026

Dear Judge Torres:

We represent NH Hotels USA, Inc. ("NH Hotels USA") and NH Hotel Group ("NH Hotel Group") in the above-referenced action. We write to respectfully request (i) an extension of time, from November 7, 2019 to January 16, 2020, for Defendants to respond to the Complaint, dated September 27, 2019; and (ii) a corresponding adjournment of the dates set forth in the Court's Initial Pretrial Conference Order, dated September 30, 2019, until after Defendants' time to respond to the Complaint. This is Defendants' first request for the relief requested herein. Plaintiff does not oppose this request.

The requested extension is necessary because this case raises complex and novel issues of international law which have not previously been addressed in U.S. Courts. More specifically, Plaintiff brings this action under Title III of the Cuban Liberty and Democratic Solidarity Act of 1996, 22 U.S.C. §§ 6081-6085 (the "Helms-Burton Act"), which until May 2, 2019, had been suspended by every presidential administration since the legislation was enacted. In responding to the Complaint, Defendants must consider, among other things, the effect of a European Union blocking statute that expressly prevents a Spanish entity such as NH Hotel Group from complying with the Helms-Burton Act or any decision, ruling or award based thereon. In this regard, it is not clear whether NH Hotel Group even has the ability to respond to the Complaint, and we respectfully submit that this letter motion constitutes neither a consent to the Court's jurisdiction nor an act that constitutes NH Hotel Group's compliance with the Helms-Burton Act.[1]

[1] In addition, while Plaintiff filed an Affidavit of Service purporting to show that NH Hotel Group was served on October 17, 2019 (*see*, Dkt. No. 13), Defendants dispute the validity of such service because service upon NH Hotel Group must be made in accordance with the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Hague Convention).

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Additionally, given that the relief Plaintiff seeks is based upon a statute that has lain dormant for nearly 25 years, it will not suffer any prejudice as a result of this relatively short extension.

Defendants recognize that the Court's individual practices require that letter motions seeking extensions of time be made at least 48 hours prior to the existing deadline. However, given that we were not formally retained until today, we ask that the Court nevertheless consider this request made one day before the existing deadline.

Accordingly, Defendants respectfully requests that the Court extend their time to respond to the Complaint until January 16, 2020, and that the dates set forth in the Court's Initial Pretrial Conference Order be extended until after Defendants' time to respond to the Complaint.

We appreciate the Court's consideration of this matter.

Respectfully submitted,

/s/ Daniel S. Connolly

Daniel S. Connolly

cc: Gary S. Graifman, Esq.
Tod Aronovitz, Esq.
Barbara Perez, Esq.