

# U.S.-Cuba Trade and Economic Council, Inc.

New York, New York

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**The Trump-Pence Administration (2017-2021) on 2 May 2019 made operational Title III of the Cuban Liberty and Democratic Solidarity Act of 1996 (known as “*Libertad Act*”).**

Title III authorizes lawsuits in United States District Courts against companies and individuals who are using a certified claim or non-certified claim where the owner of the certified claim or non-certified claim has not received compensation from the Republic of Cuba or from a third-party who is using (“trafficking”) the asset.

**44 Lawsuits Filed (15 certified claimants & 29 non-certified claimants)**

**1 Clerk Default Judgement**

**1 Settlement (certified claimants)**

**1 District Court Verdict (certified claimant against four cruise lines)**

**1 Lawsuit Sought Review By United States Supreme Court (Denied)**

**10 Current Lawsuits At Courts Of Appeals**

**6 Of Dismissed Lawsuits At Court Of Appeals**

**US\$285,600.00+ Court Filing Fees (not including attorney court appearance fees)**

**90+ Law Firms**

**262+ Attorneys**

**65,000+ Filed Court Documents**

**US\$36.5+ Million Law Firm Billable Hours (estimated 75% by defendants)**

**16 Countries Impacted**

**121 Plaintiffs (some in multiple cases)**

**4 Class Action Requests**

**82 Defendants (including corporate parent, subsidiaries; some sued in multiple lawsuits)**

**26 United States Defendants (not including subsidiaries)**

**15 Republic of Cuba Initial Defendants (eleven remaining)**

**31 Non-United States Defendants**

**10 European Union-Based Defendants**

**5 Companies Notified As Potential Defendants**

**Lawsuits Filed In United States District Courts** in Southern Florida (28), Middle District Florida (1), Washington DC (2), Western Washington State (1), Nevada (1), Southern District New York (2), Eastern District Louisiana (1), Northern Texas (1), New Jersey (1), Southern Texas (2), and Delaware (4). Some of the lawsuits have been transferred, some cases have been consolidated, and some cases have been dismissed. For filing an action brought under Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114, 110 Stat. § 785 (1996) the fee is US\$6,800.00.

**90+ Law Firms Retained By Plaintiffs/Defendants:** Ainsworth & Clancy; Allen & Overy;; Akerman; Andrews & Springer; Arent Fox; Arnold & Porter Kaye Scholer; Aronovitz Law; Astigarraga Davis Mullins & Grossman; Baker & McKenzie; Ballard Spahr; Barakat Law; Berenthal & Associates; Berliner Cooch & Taylor; Berliner Corcoran & Rowe; Bird & Bird; Boies Schiller Flexner; Bracewell; Broad & Cassel; Carlton Fields; Clement & Murphy; Coffey Burlington; Cleary Gottlieb Steen & Hamilton; Colson Hicks Eidson; Cooch and Taylor; Corcoran & Rowe; Cross & Simon; Creed & Gowdy; CrossCastle; Cueto Law Group; De Leo & Kuylenstierna; Duane Morris, Dubbin & Kravetz; Ellis George Cipollone; Ewusiak Law; Fields PLLC; Gibson, Dunn & Crutcher; Hirzel Dreyfuss and Dempsey; Hogan Lovells; Holland & Knight; Horr, Novak & Skipp, P.A.; IPS Legal Group; Jones Day; Jones Walker; Kantrowitz, Goldhamer, & Graifman; Kelly Hart & Hallman; Kozyak Tropin & Throckmorton; Law Office of Alexander Villarreal; Law Office of Andre G. Raikhelson; Law Offices of John S. Gaebe; Law Offices of Paul Sack; Law Offices of Robert L. Muse; Mandel & Mandel; Manuel Vazquez PA; McGuire Woods; MoloLamken; Margol & Margol; Mayer Brown; Morgan, Lewis & Bockius; Morris James; Morris Nichols Arsht & Tunnell; Murphy

& Anderson; Murphy, Rogers, Sloss, Gambel & Tompkins; Nelson Mullins; Pacifica Law Group; Pillsbury Winthrop Shaw Pittman; Potter Anderson & Corroon; Pusateri, Johnston, Guillot & Greenbaum; Rabinowitz, Boudin, Standard, Krinsky & Lieberman; Rasco Klock Perez & Nieto; Reed Smith; Reid Collins & Tsai; Rice Reuther Sullivan & Carroll; Rivero Mestre; Rodriguez Tramont & Nunez; Roig, Tutan, Rosenberg, Martin & Bellido; Roig & Villarreal; Rosenthal, Monhait & Goddess; Scott Douglass & McConnico; Sidley Austin; Stearns Weaver Miller Weissler Alhadeff & Sitterson; Steptoe & Johnson; Strook & Strook & Lavan; Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullins; Venable; Walden Macht & Haran; Wicker Smith O'Hara McCoy & Ford; Xander Law Group; Young, Conaway, Stargatt & Taylor; Wilkie, Farr & Gallagher; Wilmer Cutler Pickering Hale and Dorr; Winston & Strawn; Zumpano Patricios.

**Countries Impacted:** Canada, Chile, China, Denmark, France, Germany, Netherlands, Panama, Republic of Cuba, Singapore, Spain, Switzerland, Thailand, United Kingdom, United States.

**Certified Claimant Participation:** Of the 5,913 claimants certified by the United States Foreign Claims Settlement Commission (USFCSC), these (original claim value in parenthesis) have filed Libertad Act lawsuits: **2<sup>nd</sup>** largest certified claimant North American Sugar (US\$97,373,414.72); **8<sup>th</sup>** largest certified claimant Exxon Mobil Corporation (US\$71,611,002.90 and US\$173,157.12); **9<sup>th</sup>** largest certified claimant The Francisco Sugar Company (US\$53,389,438.37); **31<sup>st</sup>** largest certified claimant Havana Docks Corporation (US\$9,179,700.08); **37<sup>th</sup>** largest certified claimant Helen Claflin (US\$7,508,689.96); **67<sup>th</sup>** largest certified claimant King Ranch (US\$3,216,084.97); **72<sup>nd</sup>** largest certified claimant Mary Rentschler (US\$2,929,577.88); **88<sup>th</sup>** largest certified claimant Julies Shepard (US\$2,033,959.17); **181<sup>st</sup>** largest certified claimant William Claflin (US\$623,674.31); **182<sup>nd</sup>** largest certified claimant Anne Allen (US\$623,674.00); **195<sup>th</sup>** largest certified claimant Javier Garcia-Bengochea (US\$547,365.24); **3,953<sup>rd</sup>** largest certified claimant John Weeks (US\$3,114.00).

In the third quarter of 2019, the then twenty-eight, now twenty-seven member Brussels, Belgium-based European Union (EU) confirmed its intention to issue a Request For Proposal (RFP) to law firms in the United States. The law firm(s) would be retained to file "*amicus curiae*" (friend-of-the-court) motions and other motions on behalf of each Libertad Act Title III lawsuit defendant who is domiciled in the EU. The RFP has yet to materialize.

Since 2 May 2019, some filings have been appealed, consolidated, dismissed, refiled, reversed, and transferred within districts and from district to district. Some defendants have been dismissed, but the case continues with other defendants.

	<b>Entity Listed As Defendant Or Potential Defendant I- Cases Where Plaintiff Reported Notifying Of Potential Litigation Unless Settlement Forthcoming</b>	<b>Number Of Cases Listed As Defendant</b>	<b>Subsequently Removed As Defendant- R</b>
1	Accor S.A.		I
2	Air Europa		I
3	Amazon.com, Inc.	1	
4	American Airlines, Inc.	2	
5	A.P. Moller-Maersk A/S	1	
6	ASR Group International, Inc.	3	
7	BBC Chartering USA, LLC	2	
8	BBC Chartering Singapore PTE Ltd.	1	
9	BNP Paribas S.A.	2	
10	BBVA, USA (Banco Bilbao Vizcaya Argentaria, S.A.)	1	
11	Barcelo Group		I
12	Blue Diamond Resorts		I
13	Booking.com B.V.	5	
14	Booking Holdings, Inc.	6	
15	Burson Cohn & Wolfe LLC	1	
16	Carnival Corporation	2	
17	CMA CGM S.A.	1	
18	Corporacion Cimex (Cuba)	1	
19	Corporacion Cimex (Panama)	1	
20	Corporacion de Comercio Y Turismo Internacional Cubanacan S.A.	4	R R R R
21	Corporacion Habanos, S.A.	1	

22	Crowley Maritime Corporation	1	
23	DSV Air & Sea Inc.	2	
24	Empresa Agropecuaria Nuevitas	1	
25	Empresa Cubana Exportadora De Alimentos Y Productos Varios	1	
26	Empresa Extrahotelera Palmares, S.A.	1	
27	Empresa Forestal Integral De Camaguey	1	
28	Expedia, Inc.	8	
29	Expedia Group, Inc.	4	
30	Goldwind International Holdings (HK) Ltd.	1	
31	Grupo De Turismo Gaviota S.A.	4	R R R R
32	Grupo Empresarial Agrícola	1	
33	Grupo Empresarial Agroforestal	1	
34	Grupo Empresarial Viajes Cuba	1	
35	Grupo Internacional De Turoperadores Y Agencias De Viajes Havanatur S.A. (Havanatur Cuba)	1	
36	Grupo Hotelero Gran Caribe	4	R R R R
37	Havanatur S.A. (Panama)	1	
38	Hotels.com GP, LLC	6	
39	Hotels.com L.P.	6	
40	Iberia Airlines S.A.		I
41	Iberostar Hoteles y Apartamentos S.L.	1	I
42	Imperial Brands PLC	1	
43	Jolly Hotels U.S.A., Inc.	1	
44	Kayak Software Corporation	2	
45	LafargeHolcim Ltd.	1	
46	LATAM Airlines Group, S.A.	1	
47	Mariela Roe 1-5	4	R R R R
48	Mastercard Incorporated	1	
49	Mastercard International Incorporated	1	
50	Melia Hotels International S.A.	1	R
51	Melia Hotels USA, LLC	1	R
52	MSC Cruises SA Co.	1	
53	MSC Cruises (USA) Inc.	1	
54	MSC Mediterranean Shipping Company SA.	1	
55	National Bank of Canada (National Bank Of Canada Financial Group)	1	
56	NH Hotel Group, S.A.	1	
57	NH Hotels USA, Inc.	1	
58	Norwegian Cruise Line Holdings, Ltd.	2	
59	Orbitz, LLC	5	
60	Pernod Ricard	1	
61	Raul Doe 1-5	4	R R R R
62	Royal Caribbean Cruises, LTD.	2	
63	Seaboard Marine, Ltd.	1	
64	Societe Generale, S.A. (SG Americas, Inc.)	2	
65	Susshi International, Inc. (Fogo Charcoal)	1	
66	Sunwing Travel Group		I
67	Teck Resources Limited	1	
68	Trafigura Trading LLC	1	
69	Trafigura PTE LTD	1	
70	Trafigura Group PTE LTD	1	
71	Travelscape LLC (DBA Travelocity)	2	
72	Tripadvisor, Inc.	1	
73	Tripadvisor LLC	2	
74	Trip Network, Inc. (DBA Cheaptickets)	2	
75	Trivago GmbH	3	R
76	Union Cuba-Petroleo	1	
77	Visa, Inc.	1	
78	Visa U.S.A., Inc.	1	
79	Visa International Service Association	1	
80	WPP PLC	1	
81	Xinjiang Goldwind Science & Technology Co. Ltd.	1	
82	Young & Rubicam LLC	1	

**CENTRAL SANTA LUCIA, L.C., PLAINTIFF, V. EXPEDIA GROUP, INC., DEFENDANT. (1:22-CV-00367; Delaware District)**

Cross & Simon, LLC (plaintiff)  
Berliner Corcoran & Rowe LLP (plaintiff)  
Fields LLC (plaintiff)  
Ballard Spahr LLP (defendant)

**SIERRA ET AL V. TRAFIGURA TRADING, LLC (1:22-cv-00366; Delaware District).**

Cross Castle LLC (plaintiff)  
Berliner Corcoran & Rowe LLP (plaintiff)  
McGuire Woods LLP (defendant)

**ODETTE BLANCO DE FERNANDEZ née BLANCO ROSELL; EMMA RUTH BLANCO, in her personal capacity, and as Personal Representative of the ESTATE OF ALFREDO BLANCO ROSELL, JR; HEBE BLANCO MIYARES, in her personal capacity, and as Personal Representative of the ESTATE OF BYRON BLANCO ROSELL; SERGIO BLANCO DE LA TORRE, in his personal capacity, and as Administrator Ad Litem of the ESTATE OF ENRIQUE BLANCO ROSELL; EDUARDO BLANCO DE LA TORRE, as Administrator Ad Litem of the ESTATE OF FLORENTINO BLANCO ROSELL; LIANA MARIA BLANCO; SUSANNAH VALENTINA BLANCO; LYDIA BLANCO BONAFONTE; JACQUELINE M. DELGADO; BYRON BLANCO, JR.; MAGDELENA BLANCO MONTOTO; FLORENTINO BLANCO DE LA TORRE; JOSEPH E. BUSHMAN; CARLOS BLANCO DE LA TORRE; and GUILLERMO BLANCO DE LA TORRE; Plaintiffs, v. MSC MEDITERRANEAN SHIPPING COMPANY SA. [1:21-cv-23400; Florida Southern District]. *Clerk Default Judgement Entered By Court On 1/25/22.***

Horr, Novak & Skipp, P.A. (plaintiff)  
Law Offices Of John S. Gaebe P.A. (plaintiff)  
Berliner Corcoran & Rowe LLP (plaintiff)  
Fields PLLC (plaintiff)  
Arnold & Porter Kaye Scholer LLP (defendant)

**ODETTE BLANCO DE FERNANDEZ née BLANCO ROSELL; EMMA RUTH BLANCO, in her personal capacity, and as Personal Representative of the ESTATE OF ALFREDO BLANCO ROSELL, JR; HEBE BLANCO MIYARES, in her personal capacity, and as Personal Representative of the ESTATE OF BYRON BLANCO ROSELL; SERGIO BLANCO DE LA TORRE, in his personal capacity, and as Administrator *Ad Litem* of the ESTATE OF ENRIQUE BLANCO ROSELL; EDUARDO BLANCO DE LA TORRE, as Administrator *Ad Litem* of the ESTATE OF FLORENTINO BLANCO ROSELL; LIANA MARIA BLANCO; SUSANNAH VALENTINA BLANCO; LYDIA BLANCO BONAFONTE; JACQUELINE M. DELGADO; BYRON BLANCO, JR.; MAGDALENA BLANCO MONTOTO; FLORENTINO BLANCO DE LA TORRE; JOSEPH E. BUSHMAN; CARLOS BLANCO DE LA TORRE; and GUILLERMO BLANCO DE LA TORRE; Plaintiffs, v. CMA CGM S.A. (a/k/a CMA CGM THE FRENCH LINE; a/k/a CMA CGM GROUP); CMA CGM (AMERICA) LLC. [1:21-cv-22778; Southern Florida District]**

Berliner Corcoran & Rowe LLP (plaintiff)  
Horr, Novak & Skipp P.A. (plaintiff)  
Fields PLLC (plaintiff)  
Law Offices of John S. Gaebe P.A. (plaintiff)

**Francisco Industries, Inc. v. ASR Group International, Inc. [2:21-cv-14188; Florida Southern District].**

Kozyak Tropin & Throckmorton PA (plaintiff)

**Francisco Industries, Inc. v. ASR Group International, Inc. [2:21-cv-14189; Florida Southern District].**

Kozyak Tropin & Throckmorton PA (plaintiff)

**Francisco Industries, Inc. v. ASR Group International, Inc. [1:21-cv-21679; Florida Southern District].**

Kozyak Tropin & Throckmorton PA (plaintiff)

Rasco Klock Perez & Nieto, P.L. (defendant)

**KING RANCH, INC. v. EMPRESA AGROPECUARIA NUEVITAS et al [EMPRESA AGROPECUARIA NUEVITAS; GRUPO EMPRESARIAL AGRÍCOLA; EMPRESA FORESTAL INTEGRAL DE CAMAGUEY; GRUPO EMPRESARIAL AGROFORESTAL; EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS; EMPRESA EXTRAHOTELERA PALMARES, S.A.; GRUPO INTERNACIONAL DE TUOPERADORES Y AGENCIAS DE VIAJES HAVANATUR S.A. (HAVANATUR S.A.); HAVANATUR S.A. (PANAMA); GRUPO EMPRESARIAL VIAJES CUBA] [1:21-cv-00594; District of Columbia District].**

Step toe & Johnson (plaintiff)

**HILDA M. CASTANEDO ESCALON, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HILDA CASTANEDO AND THE ESTATE OF EMMA DIAZ, Plaintiffs, v. TRAFIGURA TRADING, LLC, TRAFIGURA PTE LTD, TRAFIGURA GROUP PTE LTD, Defendants. (4:21-cv-00659; Texas Southern District). Dismissed 3/15/22.**

Cross Castle LLC (plaintiff)

McGuire Woods LLP (defendant)

**ODETTE BLANCO DE FERNANDEZ née BLANCO ROSELL; EMMA RUTH BLANCO, in her personal capacity, and as Personal Representative of the ESTATE OF ALFREDO BLANCO ROSELL, JR; HEBE BLANCO MIYARES, in her personal capacity, and as Personal Representative of the ESTATE OF BYRON BLANCO ROSELL; SERGIO BLANCO DE LA TORRE, in his personal capacity, and as Administrator Ad Litem of the ESTATE OF ENRIQUE BLANCO ROSELL; EDUARDO BLANCO DE LA TORRE, as Administrator Ad Litem of the ESTATE OF FLORENTINO BLANCO ROSELL; LIANA MARIA BLANCO; SUSANNAH VALENTINA BLANCO; LYDIA BLANCO BONAFONTE; JACQUELINE M. DELGADO; BYRON DIAZ BLANCO, JR.; MAGDELENA BLANCO MONTOTO; FLORENTINO BLANCO DE LA TORRE; JOSEPH E. BUSHMAN; CARLOS BLANCO DE LA TORRE; and GUILLERMO BLANCO DE LA TORRE VERSUS A.P. MOLLER-MAERSK A/S (a/k/a A.P. MOLLER-MAERSK GROUP); MAERSK A/S (a/k/a MAERSK LINE A/S); MAERSK, INC.; and MAERSK AGENCY U.S.A., INC [2:21-cv-00339; Eastern District of Louisiana].**

Pusateri, Johnston, Guillot & Greenbaum, LLC (plaintiff)

Berliner Corcoran & Rowe LLP (plaintiff)

Fields PLLC (plaintiff)

**ODETTE BLANCO DE FERNANDEZ née BLANCO ROSELL, Plaintiff, v. CROWLEY MARITIME CORPORATION, Defendant. [3:20-cv-01426 Middle District Florida; Transferred To Florida Southern District 1:21-cv-20443].**

Murphy & Anderson, P.A. (plaintiff)

Berliner Corcoran & Rowe LLP (plaintiff)

Fields PLLC (plaintiff)

Law Offices of John S. Gaebe P.A. (plaintiff)

Horr, Novak & Skipp P.A. (plaintiff)

Venable LLP (defendant)

**ODETTE BLANCO DE FERNANDEZ née BLANCO ROSELL, Plaintiff, v. SEABOARD MARINE, LTD., Defendant. [1:20-cv-25176; Southern Florida District].**

Horr, Novak & Skipp, P.A. (plaintiff)  
Law Offices of John S. Gaebe (plaintiff)  
Berliner Corcoran & Rowe LLP (plaintiff)  
Fields (plaintiff)  
Barakat Law (plaintiff)  
MoloLamken (plaintiff)  
Morgan, Lewis & Bockius LLP (defendant)  
Venable (defendant)  
Arnold & Porter Kaye Scholer (defendant)  
Winston & Strawn (defendant)

**JUAN B. PUJOL MOREIRA, in his personal capacity, and as Personal Representative and Administrator of the ESTATE OF NIEVES PUJOL, a/k/a NIEVES MOREIRA MARTINEZ, MARIA JULIA PUJOL MOREIRA, INES MARIA PUJOL FAGET, as Personal Representative and Executor of the ESTATE OF ARCADIO JOAQUIN PUJOL IZQUIERDO, SARA L. PUJOL, as Personal Representative and Administrator of the ESTATE OF LAUREANO PUJOL ROJAS, LUIS R. PUJOL ROJAS, ANA H. FRAGA, LORENZO PEREZ PUJOL, FRANCISCO PUJOL MENESES, PILAR M. PUJOL MENESES, and RAUL PUJOL MENESES, Plaintiffs, v. SOCIETE GENERALE, S.A. and BNP PARIBAS, S.A. [1:20-cv-09380; Southern District Of New York].**

Kozyak Tropin & Throckmorton, LLP (plaintiff)  
MoloLamken LLC (plaintiff)  
Mayer Brown LLP (defendant)  
Cleary Gottlieb Steen & Hamilton LLP (defendant)

**LUIS MANUEL RODRIGUEZ, MARIA TERESA RODRIGUEZ, a/k/a MARIA TERESA LANDA, ALFREDO RAMON FORNS, RAMON ALBERTO RODRIGUEZ, RAUL LORENZO RODRIGUEZ, CHRISTINA CONROY, and FRANCISCO RAMON RODRIGUEZ, Plaintiffs, v. IMPERIAL BRANDS PLC, CORPORACIÓN HABANOS, S.A., WPP PLC, YOUNG & RUBICAM LLC, and BCW LLC, a/k/a BURSON COHN & WOLFE LLC [1:20-cv-23287; Southern Florida District].**

Berenthal & Associates (plaintiff)  
Rodriguez Tramont & Nunez (plaintiff)  
Nelson Mullins (defendant)  
Allen & Overy (defendant)  
Wilmer Cutler Pickering Hale and Dorr (defendant)  
Broad & Cassel (defendant)  
Akerman (defendant)  
Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis (defendant)  
Rabinowitz, Boudin, Standard, Krinsky & Lieberman (defendant)  
Strook & Strook & Lavan (defendant)

**WILLIAM H. CLAFLIN ET AL V. LAFARGEHOLCIM LTD; INVERSIONES IBERSUIZAS S.A.; HOLCIM TRADING SA (F/K/A) UNION MARITIMA INTERNACIONAL SA; DE RUITER OUDERLANDE B.V.; LAS PAILAS DE CEMENTO S.A.U.; and UNKNOWN SUBSIDIARY OF THE LAFARGEHOLCIM GROUP [1:20-cv-23787; Southern Florida District]. *Settlement reported on 6/22/21.***

Berliner Corcoran & Rowe LLP (plaintiff)  
Roig Lawyers (plaintiff)  
Fields PLLC (plaintiff)  
Roig, Tutan, Rosenberg, Martin & Bellido (plaintiff)  
Wilkie, Farr & Gallagher (defendant)

**OSVALDO SOTO V. BOOKING.COM B.V. AND BOOKING HOLDINGS INC. [1:20-cv-24044; Southern Florida District]**

Rivero Mestre LLP (plaintiff)

Manuel Vazquez PA (plaintiff)

**NORTH AMERICAN SUGAR INDUSTRIES INC., V. XINJIANG GOLDWIND SCIENCE & TECHNOLOGY CO., LTD., GOLDWIND INTERNATIONAL HOLDINGS (HK) LTD., DSV AIR & SEA INC., BBC CHARTERING USA, LLC, and BBC CHARTERING SINGAPORE PTE LTD., [1:20-cv-22471; Southern Florida District].**

Gibson, Dunn & Crutcher (plaintiff)  
Mandel & Mandel (plaintiff)  
Morgan, Lewis & Bochius (defendant)  
Akerman (defendant)  
Hogan Lovells LLP (defendant)  
Leto Law Firm (defendant)  
Venable LLP (defendant)  
Strook & Strook & Lavan LLP (defendant)

**NORTH AMERICAN SUGAR INDUSTRIES INC., Plaintiff, v. DSV AIR & SEA INC., Defendant. [2:21-cv-00080; New Jersey District].**

Gibson, Dunn & Crutcher (plaintiff)  
Morgan, Lewis & Bochius (defendant)

**NORTH AMERICAN SUGAR INDUSTRIES INC., Plaintiff, V. BBC CHARTERING USA, LLC, Defendant. [4:21-cv-00012; Southern District Texas]**

Gibson, Dunn & Crutcher (plaintiff)

**JOHN S. SHEPARD FAMILY TRUST, THROUGH JOHN S. SHEPARD AND LAWRENCE JAFFE, AS CO-TRUSTEES, V. NH HOTELS USA, INC., NH HOTEL GROUP, S.A., AND JOLLY HOTELS U.S.A., INC. [1-19-cv-09026; Southern District New York]. *Case dismissed by plaintiff without prejudice on 26 February 2020.***

Aronovitz Law (plaintiff)  
Kantrowitz, Goldhamer, & Graifman (plaintiff)  
Bracewell (defendant)  
Bird & Bird (defendant)  
Law Offices of Robert L. Muse (defendant)

**SUCESORES DE DON CARLOS NUNEZ Y DONA PURA GALVEZ, INC., BDA BANO NUNEZ V. SOCIÉTÉ GÉNÉRALE, S.A., D/B/A SG AMERICAS, INC.; THE BANK OF NOVA SCOTIA, D/B/A SCOTIA HOLDINGS (US) INC., A/K/A THE BANK OF NOVA SCOTIA, MIAMI AGENCY; THE NATIONAL BANK OF CANADA, D/B/A NATIONAL BANK OF CANADA FINANCIAL GROUP, INC.; AND BANCO BILBAO VIZCAYA ARGENTARIA, S.A., D/B/A BBVA, USA., [1:19-cv-22842; Southern Florida District].** NOTE: Case transferred to New York Southern District On 2 February 2020 [1:20-cv-00851]. Current defendants Societe Generale, S.A. and BNP Paribas, S.A.

Kozyak Tropin & Throckmorton, LLP (plaintiff)  
Law Offices Of Paul Sack P.A. (plaintiff)  
MoloLamken LLC (plaintiff)  
Cleary Gottlieb Steen & Hamilton (defendant)  
Mayer Brown LLP (defendant)  
Reed Smith LLP (defendant)  
Astigarraga Davis Mullins & Grossman (defendant)

**DIEGO TRINIDAD v. EXPEDIA, INC., HOTELS.COM L.P., HOTELS.COM GP, LLC, ORBITZ, LLC, BOOKING.COM B.V., BOOKING HOLDINGS INC. [1:19-cv-22629; Southern Florida District]** Case dismissed with leave to amend on 16 November 2020.

Rivero Mestre (plaintiff)  
Manuel Vazquez (plaintiff)  
Akerman LLP (defendant- Expedia Group, Inc., Expedia, Inc.)  
Scott Douglass & McConnico LLP (defendant- terminated 2/12/20))  
Baker & McKenzie (defendant- Booking Holdings, Inc., Booking.com B.V.)

**MARICELA MATA, ET. AL., V. MELIA HOTELS INTERNATIONAL, S.A., ET AL. [1:19-cv-22529; Southern Florida District]. NOTE:** On 2 January 2020, thirty-five plaintiffs were dismissed, and eight defendants were dismissed without prejudice Melia Hotels International, S.A.; Melia Hotels USA LLC, Trivago GMBH, Grupo Hotelero Gran Caribe, Corporacion de Comercio y Turismo Internacional Cubanacan S.A.; Grupo de Turismo Gaviota S.A.; Raul Doe 1-5, and Mariela Roe 1-5. The case is now known as Maricela Mata, et al. v. Expedia, Inc., et. al.

Rivero Mestre LLP (plaintiff)  
Manuel Vazquez, P.A. (plaintiff)  
Arent Fox (defendant- Melia Hotels)  
Coffey Burlington, P.P. (defendant- Melia Hotels)  
Akerman LLP (defendant) for Expedia, Inc.; Hotels.com L.P.; Hotels.com GP, LLC; Orbitz, LLC; and Travelocity.com, LP  
Scott Douglass & McConnico LLP (defendant) for Expedia, Inc.; Hotels.com L.P.; Hotels.com GP, LLC; Orbitz, LLC; and Travelocity.com, LP  
Baker & McKenzie LLP (defendant) for Booking Holdings Inc. and Booking.com B.V.

**HAVANA DOCKS CORPORATION VS. CARNIVAL CORPORATION D/B/A/ CARNIVAL CRUISE LINES [Consolidated to 1:19-cv-23591; 1:19-cv-21724; Southern Florida District]; Judgement Entered 12/30/22.**

Colson Hicks Eidson, P.A. (plaintiff)  
Margol & Margol, P.A. (plaintiff)  
Jones Walker (defendant)  
Boies Schiller Flexner LLP (defendant)  
Akerman (defendant)

**HAVANA DOCKS CORPORATION V. MSC CRUISES SA CO, AND MSC CRUISES (USA) INC. [Consolidated to 1:19-cv-23591; 1:19-cv-23588; Southern Florida District]; Judgement Entered 12/30/22.**

Colson Hicks Eidson, P.A. (plaintiff)  
Margol & Margol, P.A. (plaintiff)  
Venable (defendant)

**HAVANA DOCKS CORPORATION V. NORWEGIAN CRUISE LINE HOLDINGS, LTD. [Consolidated to 1:19-cv-23591; 1:19-cv-23591; Southern Florida District]; Judgement Entered 12/30/22.**

Colson Hicks Eidson, P.A. (plaintiff)  
Margol & Margol, P.A. (plaintiff)  
Hogan Lovells US LLP (defendant)

**HAVANA DOCKS CORPORATION VS. ROYAL CARIBBEAN CRUISES, LTD. [Consolidated to 1:19-cv-23591; 1:19-cv-23590; Southern Florida District]; Judgement Entered 12/30/22.**

Colson Hicks Eidson, P.A. (plaintiff)  
Margol & Margol, P.A. (plaintiff)  
Holland & Knight (defendant)

**JAVIER GARCIA-BENGOCHEA V. NORWEGIAN CRUISE LINE HOLDINGS, LTD. [1:19-cv-23593; Southern Florida District]**  
Colson Hicks Eidson, P.A. (plaintiff)



Margol & Margol, P.A. (plaintiff)  
Creed & Gowdy, P.A. (plaintiff)  
Hogan Lovells US LLP (defendant)

**JAVIER GARCIA-BENGOCHEA V. CARNIVAL CORPORATION D/B/A/ CARNIVAL CRUISE LINE, A FOREIGN CORPORATION [1:19-cv-21725 Southern Florida District; 20-12960 11<sup>th</sup> Circuit Court of Appeals]**

Colson Hicks Eidson, P.A. (plaintiff)  
Margol & Margol, P.A. (plaintiff)  
Creed & Gowdy (plaintiff- appellate)  
Jones Walker (defendant)  
Boies Schiller Flexner LLP (defendant)  
Akerman (defendant)

**JAVIER GARCIA-BENGOCHEA VS. ROYAL CARIBBEAN CRUISES, LTD. [1:19-cv-23592; Southern Florida District; 20-14251 11<sup>th</sup> Circuit Court of Appeals]**

Colson Hicks Eidson, P.A. (plaintiff)  
Margol & Margol, P.A. (plaintiff)  
Creed & Gowdy, P.A. (plaintiff)  
Holland & Knight (defendant)

**ROBERT M. GLEN V. EXPEDIA GROUP, INC., EXPEDIA GROUP, INC., TRIP ADVISOR LLC, TRIP ADVISOR, INC., ORBITZ, LLC, TRIP NETWORK, INC. D/B/A CHEAPTICKETS, KAYAK SOFTWARE CORPORATION, BOOKING HOLDINGS, INC., HOTELS.COM GP, LLC, HOTELS.COM L.P., TRAVELSCAPE LLC D/B/A TRAVELOCITY [1:19-cv-01809; Delaware District]. Third Circuit Court of Appeals Dismissed (8/18/22)**

Reid Collins & Tsai (plaintiff)  
Rosenthal, Monhait & Goddess, P.A. (plaintiff; law firm since closed; replaced by Andrews & Springer)  
Ewusiak Law, P.A. (plaintiff)  
Andrews & Springer (plaintiff)  
Morris, Nichols, Arshat & Tunnell (defendant- Booking Holdings & Kayak Software Corporation)  
Baker & McKenzie (defendant- Booking Holdings & Kayak Software Corporation)  
Scott Douglass & McConnico (defendant- Expedia, Inc.; Expedia Group, Inc.; Hotels.com, L.P.; Hotels.com GP, LLC; Travelscape LLC d/b/a/ Travelocity; Orbitz, LLC; Trip Network, Inc. d/b/a/ Cheap Tickets)  
Potter Anderson & Corroon (defendant- TripAdvisor)  
Ballard Spahr LLP (defendant- Expedia, Inc.; Expedia Group, Inc.; Hotels.com, L.P.; Hotels.com GP, LLC; Travelscape LLC d/b/a/ Travelocity; Orbitz, LLC; Trip Network, Inc. d/b/a/ Cheap Tickets)  
Cooch & Taylor, P.A. (amicus)

**ROBERT M. GLEN V. AMERICAN AIRLINES, INC., [1:19-cv-23994 Southern Florida District; 4:20-cv-00482-A Transferred To Northern Texas District; 5<sup>th</sup> Circuit Court of Appeals 20-10903; 15 December 2021- Seeking Review From United States Supreme Court [Denied 1/18/22]**

Reid Collins & Tsai (plaintiff)  
Ewusiak Law, P.A. (plaintiff)  
Jones Day (defendant)  
Kelly Hart & Hallman LLP (defendant)

**ROBERT M. GLEN VS. TRIPADVISOR LLC, TRIPADVISOR, INC., ORBITZ, LLC, TRIP NETWORK, INC. D/B/A CHEAPTICKETS, KAYAK SOFTWARE CORPORATION, BOOKING HOLDINGS, INC., EXPEDIA, INC., EXPEDIA GROUP, INC., HOTELS.COM, L.P., HOTELS.COM GP, LLC, and TRAVELSCAPE LLC D/B/A TRAVELOCITY [2:19-cv-01683; Nevada District] On 16 December 2019, plaintiff requested dismissal without prejudice, which was granted; action consolidated with 1:19-cv-01809 in Delaware District. Third Circuit Court of Appeals Dismissed (8/18/22)**

Rice Reuther Sullivan & Carroll, LLC (plaintiff)  
Reid Collins & Tsai LLP (plaintiff)  
Andrews & Springer LLC (plaintiff)  
Walden Macht & Haran (defendant- Trip Advisor)  
Potter Anderson & Corroon, LLP (defendant- Trip Advisor)  
Scott Douglass McConnico (defendant- Expedia)  
Morris, Nichols, Arsht & Tunnell LLP (defendant- Booking)  
Dubbin & Kravetz (amicus)  
Baker McKenzie (defendant- Booking)  
Ballard Spahr LLP (defendant- Expedia)  
Morris James LLP (defendant- Booking)  
Duane Morris LLP (defendant- Booking)  
Cooch and Taylor, P.A. (amicus)

**ROBERT M. GLEN V. EXPEDIA, INC.; EXPEDIA GROUP, INC.; HOTELS.COM, L.P.; AND HOTELS.COM GP, LLC [2:19-cv-01538; Washington Western District]. Third Circuit Court of Appeals Dismissed (8/18/22)**

Pacifica Law Group LLP (plaintiff)  
Reid Collins & Tsai LLP (plaintiff)

**ROBERT M. GLEN V. VISA, INC., VISA U.S.A., INC., VISA INTERNATIONAL SERVICE ASSOCIATION, MASTERCARD INCORPORATED, MASTERCARD INTERNATIONAL INCORPORATED [1:19-cv-01870; Delaware District]. Third Circuit Court of Appeals Dismissed (8/18/22)**

Reid Collins & Tsai LLP (plaintiff)  
Andrews & Springer LLC (plaintiff)  
Sidley Austin LLP (defendant- Mastercard)  
Akerman (defendant- Visa)  
Ballard Shahr LLP (defendant- Visa)  
Young, Conaway, Stargatt & Taylor (defendant- Mastercard)

**HEREDEROS DE ROBERTO GOMEZ CABRERA, LLC v. TECK RESOURCES LIMITED [1:20-cv-21630; Southern Florida District]**

Hirzel Dreyfuss & Dempsey, PLLC (plaintiff)  
Roig & Villarreal, P.A. (plaintiff)  
Law Office of David A. Villarreal, P.A. (plaintiff)  
Pillsbury Winthrop Shaw Pittman (defendant)

**EXXON MOBIL CORPORATION V. CORPORACION CIMEX, S.A. (Cuba) et al., CORPRACION CIMEX, S.A. (Panama), AND UNION CUBA-PETROLEO [1:19-cv-01277; Washington DC]. 31 October 2021 to Court of Appeals for the District of Columbia (21-7127).**

Steptoe & Johnson (plaintiff)  
Cross Castle, PLLC (plaintiff)  
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C. (defendant)

**EXXON MOBIL CORPORATION V. CORPRACION CIMEX, S.A. (Panama), AND UNION CUBA-PETROLEO [1:19-cv-01277; Washington DC]. 31 October 2021 to Court of Appeals for the District of Columbia (21-8010).**

Steptoe & Johnson (plaintiff)  
Cross Castle, PLLC (plaintiff)  
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C. (defendant)

**DANIEL A. GONZALEZ VS. AMAZON.COM, INC., AND SUSSHI INTERNATIONAL, INC., D/B/A/ FOGO CHARCOAL [1:19-cv-23988; Southern Florida District; 20-12113-F 11<sup>th</sup> Circuit Court of Appeals]**

Cueto Law Group, P.L. (plaintiff)  
Daniel Gonzalez (plaintiff- Pro Se appeal)  
Wicker Smith O'Hara McCoy & Ford (defendant- Susshi International)  
Morgan, Lewis & Bockius (defendant- Amazon)

**MARIO ECHEVARRIA, ESTHER SANCHEZ, CONSUELO CUEVAS, AND CARMEN FLORIDO V. EXPEDIA, INC., TRIVAGO GMBLJ, A GERMAN LIMITED LIABILITY COMPANY, BOOKING.COM B.V., A DUTCH LIMITED LIABILITY COMPANY, GRUPO HOTELERO GRAN CARIBE, CORPORACION DE COMERCIO Y TURISMO INTERNACIONAL CUBANACAN S.A., GRUPO DE TURISMO GAVIOTA S.A., RAUL DOE 1-5, AND MARIELA ROE 1-5, [1:19-cv-22620; Southern Florida District]. Lawsuit dismissed with leave to amend on 16 November 2020.**

Rivero Mestre LLP (plaintiff)  
Manuel Vazquez, P.A. (plaintiff)  
Baker & McKenzie (defendant- Booking Holdings, Inc., Booking.com B.V.)  
Scott Douglas & McConnico LLP (defendant- Expedia, Inc., Hotels.com GP, LLC, Hotels.com L.P., Orbitz, LLC)  
Akerman LLP (defendant- Expedia, Inc., Hotels.com GP, LLC, Hotels.com L.P., Orbitz, LLC)

**MARIO ECHEVARRIA, ESTHER SANCHEZ, CONSUELO CUEVAS, AND CARMEN FLORIDO V. EXPEDIA, INC., HOTELS.COM L.P., HOTELS.COM GP, LLC, ORBITZ, LLC, BOOKING.COM B.V., AND BOOKING HOLDINGS, INC.** Initial defendants were: TRIVAGO GMBH, BOOKING.COM B.V., GRUPO HOTELERO GRAN CARIBE, CORPORACION DE COMERCIO Y TURISMO INTERNACIONAL CUBANACAN S.A., GRUPO DE TURISMO GAVIOTA S.A., RAUL DOE I-5, AND MARIELA ROE 1-5, [1:19-cv-22621; Southern Florida District]. Lawsuit dismissed with leave to amend on 16 November 2020.

Rivero Mestre LLP (plaintiff)  
Manuel Vazquez, P.A. (plaintiff)  
Baker & McKenzie, LLP (defendant- Booking Holdings, Booking.com. B.A.)

**MARIO DEL VALLE, ENRIQUE FALLA, MARIO ECHEVARRIA V. EXPEDIA, INC., HOTELS.COM L.P., HOTELS.COM GP, ORBITZ, LLC, BOOKING.COM B.V., BOOKING HOLDINGS INC.** Initial defendants were: TRIVAGO GMBH, BOOKING.COM B.V., GRUPO HOTELERO GRAN CARIBE, CORPORACION DE COMERCIO Y TURISMO INTERNACIONAL CUBANACAN S.A., GRUPO DE TURISMO GAVIOTA S.A., RAUL DOE I-5, AND MARIELA ROE 1-5, [1:19-cv-22619 Southern Florida District; 20-12407 11<sup>th</sup> Circuit Court of Appeals; Dismissed (8/10/23)]

Rivero Mestre LLP (plaintiff)  
Manuel Vazquez, P.A. (plaintiff)  
Baker & McKenzie, LLP (defendant)  
Scott Douglass & McConnico (defendant)  
Akerman (defendant)

**JOSE RAMON LOPEZ REGUEIRO V. AMERICAN AIRLINES INC. AND LATAM AIRLINES GROUP, S.A. [1:19-cv-23965; Southern Florida District]. Dismissed with prejudice on 6/30/22**

Rivero Mestre LLP (plaintiff)  
Manuel Vazquez, P.A. (plaintiff)  
Jones Day (defendant)  
Akerman (defendant)

**MARIA DOLORES CANTO MARTI, AS PERSONAL REPRESENTATIVE OF THE ESTATES OF DOLORES MARTI MERCADE AND FERNANDO CANTO BORY V. IBEROSTAR HOTELES Y APARTAMENTOS SL [1:20-cv-20078; Southern Florida District; 21-11906 11<sup>th</sup> Circuit Court of Appeals]**

Zumpano Patricios P.A. (plaintiff)  
Bird & Bird (defendant)  
Holland & Knight (defendant)

**MARLENE CUETO IGLESIAS AND MARIAM IGLESIAS ALVAREZ V. PERNOD RICARD [1:20-cv-20157; Southern Florida District; 21-12398 11<sup>th</sup> Circuit Court of Appeals]**

Xander Law Group (plaintiff)  
IPS Legal Group, P.A. (plaintiff)  
Law Offices of Andre G. Raikhelson LLC (plaintiff)  
Ainsworth & Clancy PLLC (plaintiff)  
Carlton Fields P.A. (defendant)

### **Libertad Act**

The Trump Administration has made operational Title III and further implemented Title IV of the Cuban Liberty and Democratic Solidarity Act of 1996 (known as “*Libertad Act*”).

Title III authorizes lawsuits in United States District Courts against companies and individuals who are using a certified claim or non-certified claim where the owner of the certified claim or non-certified claim has not received compensation from the Republic of Cuba or from a third-party who is using (“trafficking”) the asset.

Title IV restricts entry into the United States by individuals who have connectivity to unresolved certified claims or non-certified claims. One Canada-based company and one Spain-based company are currently known to be subject to this provision based upon a certified claim and non-certified claim.

### **Suspension History**

Title III was suspended every six months since the Libertad Act was enacted in 1996- by President William J. Clinton (1993-2001), President George W. Bush (2001-2009), President Barack H. Obama (2009-2017) and through the first two years of President Donald J. Trump (2017-2021).

- On 16 January 2019, The Honorable Mike Pompeo, United States Secretary of State, reported a suspension for forty-five (45) days.
- On 4 March 2019, Secretary Pompeo reported a suspension for thirty (30) days.
- On 3 April 2019, Secretary Pompeo reported a further suspension for fourteen (14) days through 1 May 2019.
- On 17 April 2019, the Trump Administration reported that it would no longer suspend Title III.
- On 2 May 2019, certified claimants and non-certified claimants were permitted to file lawsuits in United States courts.

### **Certified Claims Background**

There are 8,821 claims of which **5,913** awards valued at **US\$1,902,202,284.95** were certified by the United States Foreign Claims Settlement Commission (USFCSC) and have not been resolved for nearing sixty years (some assets were officially confiscated in the 1960’s, some in the 1970’s and some in the 1990’s). The USFCSC permitted simple interest (not compound interest) of 6% per annum (approximately

US\$114,132,137.10); with the approximate current value of the 5,913 certified claims is approximately **US\$8,750,130,510.77**.

The first asset (along with 382 enterprises the same day) to be expropriated by the Republic of Cuba was an oil refinery on 6 August 1960 owned by White Plains, New York-based **Texaco, Inc.**, now a subsidiary of San Ramon, California-based Chevron Corporation (USFCSC: CU-1331/CU-1332/CU-1333 valued at **US\$56,196,422.73**).

*From the certified claim filed by Texaco:* “The Cuban corporation was intervened on June 29, 1960, pursuant to Resolution 188 of June 28, 1960, under Law 635 of 1959. Resolution 188 was promulgated by the Government of Cuba when the Cuban corporation assertedly refused to refine certain crude oil as assertedly provided under a 1938 law pertaining to combustible materials. Subsequently, this Cuban firm was listed as nationalized in Resolution 19 of August 6, 1960, pursuant to Cuban Law 851. The Commission finds, however, that the Cuban corporation was effectively intervened within the meaning of Title V of the Act by the Government of Cuba on June 29, 1960.”

The largest certified claim (*Cuban Electric Company*) valued at US\$267,568,413.62 is controlled by Boca Raton, Florida-based **Office Depot, Inc.** The second-largest certified claim (*International Telephone and Telegraph Co, ITT as Trustee, Starwood Hotels & Resorts Worldwide, Inc.*) valued at US\$181,808,794.14 is controlled by Bethesda, Maryland-based **Marriott International**; the certified claim also includes land adjacent to the Jose Marti International Airport in Havana, Republic of Cuba. The third-largest certified claim valued at US\$97,373,414.72 is controlled by New York, New York-based **North American Sugar Industries, Inc.** The smallest certified claim is by *Sara W. Fishman* in the amount of US\$1.00 with reference to the Cuban-Venezuelan Oil Voting Trust.

The two (2) largest certified claims total US\$449,377,207.76, representing **24%** of the total value of the certified claims. Thirty (30) certified claimants hold **56%** of the total value of the certified claims. This concentration of value creates an efficient pathway towards a settlement.

Title III of the Cuban Liberty and Democratic Solidarity (**Libertad**) Act of 1996 requires that an asset had a value of US\$50,000.00 when expropriated by the Republic of Cuba without compensation to the original owner. Of the 5,913 certified claims, 913, or **15%**, are valued at US\$50,000.00 or more. Adjusted for inflation, US\$50,000.00 (3.70% per annum) in 1960 has a 2021 value of approximately US\$162,850.00. The USFCSC authorized 6% per annum, meaning the 2021 value of US\$50,000.00 is approximately US\$233,000.00.

### **The ITT Corporation Agreement**

In July 1997, then-New York City, New York-based **ITT Corporation** and then-Amsterdam, the Netherlands-based STET International Netherlands N.V. signed an agreement whereby STET International Netherlands N.V. would pay approximately US\$25 million to ITT Corporation for a ten-year right (after which the agreement could be renewed and was renewed) to use assets (telephone facilities and telephone equipment) within the Republic of Cuba upon which ITT Corporation has a certified claim valued at approximately US\$130.8 million. *ETECSA*, which is now wholly-owned by the government of the Republic of Cuba, was a joint venture controlled by the Ministry of Information and Communications of the Republic of Cuba within which Amsterdam, the Netherlands-based Telecom Italia International N.V. (formerly Stet International Netherlands N.V.), a subsidiary of Rome, Italy-based Telecom Italia S.p.A. was a shareholder. Telecom Italia S.p.A., was at one time a subsidiary of Ivrea, Italy-based Olivetti S.p.A. The second-largest certified claim (*International Telephone and Telegraph Co, ITT as Trustee, Starwood Hotels & Resorts Worldwide, Inc.*) valued at US\$181,808,794.14 is controlled by Bethesda, Maryland-based Marriott International.

### **What Is “Trafficking” According To Libertad Act?**

(13) Traffics.--(A) As used in title III, and except as provided in subparagraph (B), a person "traffics" in confiscated property 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.

(B) The term "traffics" does not include-- (i) the delivery of international telecommunication signals to Cuba; (ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national; (iii) transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or (iv) transactions and uses of property by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

#### **“DETERMINATION OF OWNERSHIP OF CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES**

"Sec. 514. Notwithstanding any other provision of this Act and only for purposes of section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, a United State district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996), resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba."

#### **TITLE III--SEC. 302. LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES NATIONALS.**

(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 in an amount equal to the sum of-- (i) the amount which is the greater of-- (I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest; (II) the amount determined under section 303(a)(2), plus interest; or (III) the fair market value of that property, calculated as being either the current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and (ii) court costs and reasonable attorneys' fees. (B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of confiscation of the property involved to the date on which the action is brought under this subsection.

(2) Presumption in favor of the certified claims.--There shall be a presumption that the amount for which a person is liable under clause (i) of paragraph (1)(A) is the amount that is certified as described in subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) Increased liability.-- (A) Any person that traffics in confiscated property for which liability is incurred under paragraph (1) shall, if a United States national owns a claim with respect to that property which was certified by the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949, be liable for damages computed in accordance with subparagraph (C).

(B) If the claimant in an action under this subsection (other than a United States national to whom subparagraph (A) applies) provides, after the end of the 3-month period described in paragraph (1) notice to-- (i) a person against whom the action is to be initiated, or (ii) a person who is to be joined as a defendant in the action, at least 30 days before initiating the action or joining such person as a defendant, as the case may be, and that person, after the end of the 30-day period beginning on the date the notice is provided, traffics in the confiscated property that is the subject of the action, then that person shall be liable to that claimant for damages computed in accordance with subparagraph (C).

(C) Damages for which a person is liable under subparagraph (A) or subparagraph (B) are money damages

in an amount equal to the sum of-- (i) the amount determined under paragraph (1)(A)(ii), and (ii) 3 times the amount determined applicable under paragraph (1)(A)(i). (D) Notice to a person under subparagraph (B)-- (i) shall be in writing; (ii) shall be posted by certified mail or personally delivered to the person; and (iii) shall contain-- (I) a statement of intention to commence the action under this section or to join the person as a defendant (as the case may be), together with the reasons therefor; (II) a demand that the unlawful trafficking in the claimant's property cease immediately; and (III) a copy of the summary statement published under paragraph (8). (4) Applicability.--(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, a United States national may not bring an action under this section on a claim to the confiscated property unless such national acquires ownership of the claim before such date of enactment. (C) In the case of property confiscated on or after the date of the enactment of this Act, a United States national who, after the property is confiscated, acquires ownership of a claim to the property by assignment for value, may not bring an action on the claim under this section.

(5) Treatment of certain actions.--(A) In the case of a United States national who was eligible to file a claim with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, that United States national may not bring an action on that claim under this section. (B) In the case of any action brought under this section by a United States national whose underlying claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court shall accept the findings of the Commission on the claim as conclusive in the action under this section.

(C) A United States national, other than a United States national bringing an action under this section on a claim certified under title V of the International Claims Settlement Act of 1949, may not bring an action on a claim under this section before the end of the 2-year period beginning on the date of the enactment of this Act.

(D) An interest in property for which a United States national has a claim certified under title V of the International Claims Settlement Act of 1949 may not be the subject of a claim in an action under this section by any other person. Any person bringing an action under this section whose claim has not been so certified shall have the burden of establishing for the court that the interest in property that is the subject of the claim is not the subject of a claim so certified. (6) Inapplicability of act of state doctrine. No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(7) Licenses not required. (A) Notwithstanding any other provision of law, an action under this section may be brought and may be settled, and a judgment rendered in such action may be enforced, without obtaining any license or other permission from any agency of the United States, except that this paragraph shall not apply to the execution of a judgment against, or the settlement of actions involving, property blocked under the authorities of section 5(b) of the Trading with the Enemy Act that were being exercised on July 1, 1977, as a result of a national emergency declared by the President before such date, and are being exercised on the date of the enactment of this Act.