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Melia Hotels International Presents In Spain Its Response To Appeal By Plaintiffs Of Case Dismissal

On 29 May 2019, descendants of Mr. Rafael Lucas Sanchez Hill, acting as Central Santa Lucia L.C., filed a lawsuit in Spain seeking US\$10 million from Palma de Mallorca, Spain-based **Meliá Hotels International** seeking damages for the use of land upon which a hotel is located in the Republic of Cuba. The lawsuit is not using provisions of Title III of the Cuban Liberty and Democratic Solidarity Act of 1996 (known as "*Libertad Act*").

On 3 September 2019, the court in Spain dismissed the lawsuit on grounds of jurisdiction. On 30 September 2019, the plaintiffs filed an appeal.

On 18 October 2019, Melia Hotels International filed its 55-page response including reference to European Council (EC) Regulation No. 2271/1996 enacted on 22 November 1996.

LINK To Response

LINK To Case Filings

On 12 March 2002, Meliá Hotels International reportedly offered **US\$5 million** to the descendants of Mr. Rafael Lucas Sanchez Hill as payment for "*trafficking*" relating to the *Sol Rio de Oro Hotel* in response to enactment in 1996 of the Libertad Act.

Title III of the Libertad Act 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 of the Libertad Act restricts entry into the United States by individuals who have connectivity to unresolved certified claims or non-certified claims. Employees of one Canada-based company is currently known to be subject to this provision based upon a certified claim.

On 26 March 2002, Sol Melia International, reportedly believing the [George W. Bush Administration; 20 January 2001 to 20 January 2009] United States Department of State would neither implement Title III nor Title IV of the Libertad Act, Melia Hotels International withdrew the offer of US\$5 million and proposed **US\$3,197.75** representing a value (.06%) based upon the twenty-nine (29) acres of land occupied by the Sol Rio de Oro Hotel of the approximately 120,000 acres of land claimed by the descendants of the owners of the property. The US\$3,197.75 was determined by Melia Hotels International as the corresponding percentage of the US\$5 million tax loss carry-forward amount with the Internal Revenue Service (IRS) in the 1960's.

If admitted as evidence by the United States District Court Southern District of Florida where a lawsuit with forty (40) plaintiffs seeking class action status using Title III of the Libertad Act was filed on 11 September 2019 that includes Melia Hotels International S.A. and Melia Hotels USA, LLC. as defendants, the offer in 2002 of US\$5 million by Melia Hotels International could be construed as an acknowledgement of culpability.

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Other hotel management companies operating in the Republic of Cuba- those already listed as defendants in lawsuits and those notified by plaintiff attorneys as potential defendants in lawsuits could be impacted by the offer in 2002 by Melia Hotels International S.A., particularly as the company has the largest number of properties under management in the Republic of Cuba, and recently inaugurated a new property. **LINK To 40-Plaintiff Case.**

LINK To Complete Analysis In PDF Format

LINK To EEOC Posts:

<https://www.cubatrade.org/blog/2019/10/3/plaintiffs-appeal-lawsuit-dismissal-in-spain-against-melia-hotels-international-plaintiffs-also-have-sued-melia-hotels-international-in-the-united-states?rq=Santa%20Lucia>

<https://www.cubatrade.org/blog/2019/9/4/2sv7ypsuz6wyb8aykm25cseuvcpacu?rq=Sanchez%20Hill>

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