



## US lawsuit filed under Title III of the Helms-Burton Act is dismissed

For the third time, South Florida District Judge Robert N. Scola, dismissed the lawsuit brought by Mario del Valle, Enrique Falla and Mario Echevarría, hereinafter "Plaintiffs", against Expedia, Hotels, Orbitz and Booking, hereinafter "Defendants". The Plaintiffs filed their first lawsuits in 2019, seeking compensation under Title III of the Helms-Burton Act, hereinafter "the Act" or "HBA", for allegedly trafficking in land that Defendants had inherited. On these lands, the Cuban government built hotel facilities "Starfish Cuatro Palmas" in Varadero and "Memories Jibacoa" in Jibacoa, Havana, both of which were marketed by the Defendants.

Remember that Title III of the HBA, activated in 2019 by the Donald Trump administration, allows US nationals to bring claims against any person who knowingly and intentionally traffics in property that was confiscated from them by the Cuban government after the triumph of the Cuban revolution in 1959. The definition of "trafficking" includes the purchase, receipt, possession, control, management, use or holding of an interest in confiscated property without the owner's consent. It also includes engaging in commercial activities that use or benefit in any way from confiscated property without the owner's consent.

In addition to having to prove trafficking in the confiscated property, the HBA requires several conditions to be met for the exercise of a Title III claim, including: (1) the claimant must be a citizen of the United States; (2) the court will accept as conclusive evidence of ownership a certification issued by the Foreign Claims Settlement Commission (FCSC) under Title V of the International Claims Settlement Act of 1949; (3) in the case of property seized before 12th March 1996, a US national may bring an action if he acquired title to the claim before that date, and provided that he is the same US national bringing the law suit under Title III.

In this third decision, the judge reiterates the arguments made in the two previous decisions that the Claimants cannot assert a claim for relief under the HBA because they inherited the claims after the (12th March 1996) statute of limitations date which is stipulated under the Act. Furthermore, the judge found that the Claimants have not adequately proved that the Defendants knowingly and intentionally trafficked in the forfeited properties.

Due to this reason, the judge considered that these arguments are enough to reject the third claim and, therefore, that there are no grounds to initiate compensation proceedings and ends the proceedings once again without going into the merits of the case.

This new judgement ratifies the case law relating to the application of Title III of the HBA, which rejects claims brought by heirs of confiscated assets acquired after 12th March 1996.

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