

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

KING RANCH, INC.  
Three Riverway, Suite 1600  
Houston, TX 77056

Plaintiff,

v.

Case No. \_\_\_\_\_

EMPRESA AGROPECUARIA NUEVITAS  
Calle Cuba No. 104, Camalote, Nuevitas, Camagüey, Cuba

GRUPO EMPRESARIAL AGRÍCOLA  
Ave. Independencia N<sup>o</sup>. 11111. Esq. Vento, Boyeros, Plaza de la  
Revolución, La Habana, Cuba

EMPRESA FORESTAL INTEGRAL DE CAMAGUEY  
Carr. Central Oeste No.km 5½, Camagüey, Cuba

GRUPO EMPRESARIAL AGROFORESTAL  
Conill y Esq. Avenida Independencia, Plaza de la Revolución, La  
Habana, Cuba

EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y  
PRODUCTOS VARIOS  
Calle 23 No. 55, 8vo Piso entre Infanta y P. Plaza de La  
Revolución, La Habana, Cuba, CP10400

EMPRESA EXTRAHOTELERA PALMARES, S.A.  
Calle Línea No. 60, esq. a M, Vedado, Plaza de la Revolución, La  
Habana, Cuba

GRUPO INTERNACIONAL DE TUOPERADORES Y  
AGENCIAS DE VIAJES HAVANATUR S.A. (HAVANATUR  
CUBA)  
5ta Avenida No. 18204 e/ 182 y 184, Playa, La Habana, Cuba

HAVANATUR, S.A. (PANAMA)  
MMG Tower, 23rd Floor, Ave, Paseo del Mar, Costa del Este,  
Panama City, Panama.

GRUPO EMPRESARIAL VIAJES CUBA  
5ta Avenida No. 18007 e/ 180 y 184, Playa, La Habana, Cuba

Defendants.

**COMPLAINT**

For its Complaint in this action, Plaintiff King Ranch, Inc. (“Plaintiff” or “King Ranch”) states as follows:

**NATURE OF ACTION**

1. Plaintiff brings this Complaint against Defendant Empresa Agropecuaria Nuevitas, Defendant Grupo Empresarial Agrícola, Defendant Empresa Forestal Integral de Camaguey, Defendant Grupo Empresarial Agroforestal, Defendant Empresa Cubana Exportadora de Alimentos y Productos Varios, Defendant Empresa Extrahotelera Palmares, S.A., Defendant Grupo Internacional de Turoperadores y Agencias de Viajes Havanatur, S.A., Defendant Havanatur S.A., and Defendant Grupo Empresarial Viajes Cuba (collectively “Defendants”) for unlawfully trafficking in Plaintiff’s Confiscated Property<sup>1</sup> in violation of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the “Act”), codified at 22 U.S.C. §§ 6081–6085.

2. Plaintiff holds a certified claim from the Foreign Claims Settlement Commission (“FCSC”) for the Confiscated Property that was expropriated by the Fidel Castro regime in 1960 in violation of international law since no compensation has been paid to the owners. The Confiscated Property includes a cattle ranch and associated land and other assets, which are still

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<sup>1</sup> The term Confiscated Property is defined below.

(Continued...)

in use today even though Plaintiff has never received any compensation for it.<sup>2</sup> Plaintiff's certified claim is attached hereto as Exhibit 1.<sup>3</sup>

3. Defendants use and continue to profit from the Confiscated Property by, among other things, operating it as a tourist attraction (called Rancho King) and monetizing its natural resources through the production of charcoal from the marabu that naturally grows on the land.

4. Title III of the Act, 22 U.S.C. §§ 6081–6085, permits Plaintiff to bring private actions against any person who, like Defendants, knowingly and intentionally traffics in confiscated property without authorization from the rightful owner. Although private rights of action were suspended for over two decades pursuant to the authority given to the President of the United States under the Act, the State Department announced a full lifting of the suspension beginning May 2, 2019.

5. Because Defendants are trafficking in Plaintiff's 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 enforce 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 (i)

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<sup>2</sup> 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.

<sup>3</sup> Foreign Claims Settlement Commission's Decision No. CU-5751 (Aug. 19, 1970).

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), (ii) the FSIA's expropriation exception under 28 U.S.C. § 1605(a)(3), because rights in property taken in violation of international law are in issue and that property (or property exchanged therefor) is "owned or operated by an agency or instrumentality of the foreign state and that agency or instrumentality is engaged in commercial activity in the United States," and/or (iii) 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 is also 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. §§ 6081-6085.

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. Alternatively, pursuant to 28 U.S.C. § 1330(b) and consistent with the United States Constitution and laws, 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) due to Defendants' contacts with the United States as a whole as a result of their unlawful trafficking activities and their commercial activities, which are explained in detail below.

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

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

12. Contemporaneously with this Complaint, Plaintiff will pay the special fee for filing an action under Title III of the Helms-Burton Act, which is \$6,800 pursuant to the fee schedule adopted by the Judicial Conference as of December 1, 2020.

### **PARTIES**

13. Plaintiff King Ranch, Inc. is a U.S. national. It is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at Three Riverway, Suite 1600 Houston, TX 77056. Plaintiff is the recipient and owner of the certified claim attached as Exhibit 1.

#### **Defendants Involved in Charcoal-Related Trafficking**

14. Defendant Empresa Agropecuaria Nuevitas (“Agropecuaria Nuevitas”) is the Cuban state-owned entity that manages the Confiscated Property. Agropecuaria Nuevitas was created by Resolution No. 439 of the Minister of Economy and Planning on August 23, 2010. After the New Political-Administrative Division in the late 1980s, Agropecuaria Nuevitas acquired the assets and lands of the former Empresa de Cultivos Varios Camalote, Empresa Rectangulo from Guáimaro, and the Agropecuaria Noel Fernández from Minas. Today, Agropecuaria Nuevitas supervises and controls the work carried out by the 5 Base Business Units (State-owned entities), 2 UBPC (state-owned cooperatives), 4 CPA (farmers’ cooperatives) and 9 CCS (integrated by small farmers and usufructuaries) in its territory.

15. On information and belief, Agropecuaria Nuevitas’s principal place of business is at Calle Cuba No. 104, Camalote, Nuevitas, Camagüey, Cuba.

16. Agropecuaria Nuevitas is totally controlled and dominated by the government of Cuba, over and above the normal supervisory control exercised by a parent over a subsidiary.

Also, Agropecuaria Nuevitas is rightfully treated as an agent of the government of Cuba with respect to the conduct at issue here.

17. On information and belief, Defendant Grupo Empresarial Agrícola (“GAG”) is a Cuban state-owned entity controlled by the Cuban Ministry of Agriculture. It is also the parent of Agropecuaria Nuevitas. GAG directs, coordinates, and controls all the entities of the group to produce agricultural products for domestic and international markets as well as the population, tourism and exports. The group is made up of 25 agricultural companies, 28 agroindustrial companies, 6 provincial companies, 12 provincial storage companies, 1 seed production and marketing company, 1 select fruit trading company, 3 import and export companies, the Ceballos Agroindustrial Company (Charcoal producer), 1 joint venture company called Taichi S.A., and 6 research entities. One of GAG’s leading products is charcoal.

18. GAG’s principal place of business is at Ave. Independencia N<sup>a</sup>. 11111. Esq. Vento, Boyeros, Plaza de la Revolución, La Habana, Cuba.

19. GAG is totally controlled and dominated by the government of Cuba, over and above the normal supervisory control exercised by a parent over a subsidiary. Also, GAG is properly treated as an agent of the government of Cuba with respect to the conduct at issue here.

20. Defendant Empresa Forestal Integral de Camaguey (“EFIC”) was created by Resolution No. 9 on December 15, 1976 by the then President of the Instituto Nacional de Desarrollo y Aprovechamiento Forestal, which is currently integrated in the Grupo Empresarial Agroforestal controlled by the Cuban Ministry of Agriculture.

21. On information and belief, EFIC is currently harvesting marabu, a woody plant that provides a source of charcoal, in an area of over 500,000 acres in the province of Camaguey including the Confiscated Property. The marabu is used to produce marabu charcoal for export.

22. EFIC's principal place of business is at Carr.Central Oeste No.km 5½, Camagüey, Cuba.

23. Defendant Grupo Empresarial Agroforestal ("GAF") was created by the Cuban Ministry of Agriculture with the aim of unifying under a single entity all of the productive activities of the mountainous areas and of forestry and beekeeping in Cuba. It was formed by the merger of the assets of the Cuba-Café Group, the For Cuba Group, and the National Apiculture Company, which occurred in July 2000, integrating certain Cuban industries including forestry, coffee, cacao, beekeeping and henequén as well as the production of various crops and livestock. GAF is also involved in the production of marabu charcoal.

24. GAF is totally controlled and dominated by the government of Cuba, over and above the normal supervisory control exercised by a parent over a subsidiary. Also, GAF is properly treated as an agent of the government of Cuba with respect to the conduct at issue here.

25. GAF's principal place of business is at Conill y Esq. Avenida Independencia. Plaza de la Revolucion, La Habana, Cuba.

26. Defendant Empresa Cubana Exportadora de Alimentos y Productos Varios ("CUBAEXPORT") was created in 1965 by the Cuban Ministry of Foreign Trade to develop the export of food and various products in the international market. In 2013, CUBAEXPORT was integrated into the business group for foreign trade GECOMEX subordinated to the Cuban Ministry of Foreign Trade and Foreign Investment ("MINCEX").

27. On information and belief, CUBAEXPORT has been designated by the Cuban government to execute contracts with US entities for the export of charcoal and to enter into negotiations executing memorandum of understandings with US entities for the exportation of Cuban honey and coffee to the US market directly and indirectly.

28. CUBAEXPORT is totally controlled and dominated by the government of Cuba, over and above the normal supervisory control exercised by a parent over a subsidiary. Also, CUBAEXPORT is properly treated as an agent of the government of Cuba with respect to the conduct at issue here.

29. CUBAEXPORT'S principal place of business is at Calle 23 No. 55, 8vo Piso entre Infanta y P. Plaza de La Revolución. La Habana, Cuba.

### **Defendants Involved in Tourism-Related Trafficking**

30. Defendant Empresa Extrahotelera Palmares, S.A. ("PALMARES") was originally created in 2004 and updated in 2015 by the Cuban Ministry of Tourism under the entity Grupo Empresarial Extrahotelero Cubasol.

31. On information and belief, PALMARES offers recreational and gastronomic tourism services to national and international tourists interested in the history, culture, and nature of Cuba. PALMARES is composed of 14 Base Business Units called Branches, four of them in the Cuban capital and the rest located in the provinces of the country. PALMARES manages around 851 facilities in different categories such as nature tourism sports tourism, art and entertainment, restaurants, event and convention centers, fast food establishments, franchises of important Cuban brands, and accommodation and specialized trade, among others. PALMARES also manages a group of properties in Cuba (specifically in Pinar del Rio, Havana, Ciego de Avila and Camagüey) that offer ranch activities, horseback riding, and other opportunities to experience the local culture.

32. PALMARES's principal place of business is at Calle Linea No. 60, esq. a M, Vedado, Plaza de la Revolución. La Habana, Cuba.

33. PALMARES is totally controlled and dominated by the government of Cuba, over and above the normal supervisory control exercised by a parent over a subsidiary. Also,



PALMARES is properly treated as an agent of the government of Cuba with respect to the conduct at issue here.

34. Defendant Grupo Internacional de Turoperadores y Agencias de Viajes Havanatur, S.A (“HAVANATUR CUBA”) is a group of more than 15 agencies and branches, in America, Europe, and the Caribbean. It has two agencies, the Receptivo Havanatur Tour & Travel (1993) and Havanatur Celimar (1978) that serve customers. It also has ten representative offices in the main tourist destinations of Cuba.

35. Havanatur Celimar has more than 30 years of experience, specializing in travel to and from the United States. It offers services throughout the country and direct flights from Miami, New York and Los Angeles to Havana and other cities such as Cienfuegos, Camagüey, Holguín, and Santiago de Cuba. It provides aeronautical, general aviation and air cargo services. It boasts the largest automated air ticket management system on the Island, guaranteeing sales and assistance at more than 20 points of sale and tourist information belonging to HAVANATUR CUBA.

36. HAVANATUR CUBA is totally controlled and dominated by the government of Cuba, over and above the normal supervisory control exercised by a parent over a subsidiary. Also, HAVANATUR CUBA is properly treated as an agent of the government of Cuba with respect to the conduct at issue here.

37. HAVANATUR CUBA’s principal place of business is at 5ta Avenida No. 18204 e/ 182 y 184, Playa, La Habana, Cuba.

38. Defendant Havanatur, S.A. (“HAVANATUR PANAMA”) is a Panamanian “sociedad anonima” founded in 1978 as a small operation ordered by Fidel Castro under the

supervision of Corporación CIMEX, S.A. Both entities are owned and controlled by the Cuban government.

39. On information and belief, the initial goal of HAVANATUR PANAMA was to promote Cuba to tourists from the United States, with flights and services designed to reunite families and a view to growing Cuba's image as an international tourist destination. After 42 years of operations, HAVANATUR PANAMA is considered the "Cuba Tourism Specialist" working in different parts of the world, expanding and consolidating its position as leader in the Cuban market through a network of tour operators, including branches of its own as well as representative agents. HAVANATUR PANAMA does business directly with persons and entities in the United States.

40. HAVANATUR PANAMA is totally controlled and dominated by the government of Cuba, over and above the normal supervisory control exercised by a parent over a subsidiary. Also, HAVANATUR PANAMA is properly treated as an agent of the government of Cuba with respect to the conduct at issue here.

41. HAVANATUR PANAMA's principal place of business is at Edificio Torre Swiss Bank, Piso 16 Apartado Postal 1824, Ciudad de Panama, Panama.

42. Defendant Grupo Empresarial Viajes Cuba ("VIAJES CUBA") is a group of tourism enterprises subordinated to the Cuban Ministry of Tourism which includes HAVANATUR CUBA, HAVANATUR PANAMA, CUBATUR, VIAJES CUBANACAN and ECOTUR.

43. On information and belief, all the entities under VIAJES CUBA sell tours to Rancho King, located on the Confiscated Property in Cuba.

44. VIAJES CUBA is totally controlled and dominated by the government of Cuba, over and above the normal supervisory control exercised by a parent over a subsidiary. Also,

VIAJES CUBA is properly treated as an agent of the government of Cuba with respect to the conduct at issue here.

45. VIAJES CUBA's principal place of business is at 5ta Avenida No. 18007 e/ 180 y 184, Playa, La Habana, Cuba.

### **BACKGROUND**

#### **Plaintiff's Certified Claim**

46. Prior to 1960, King Ranch maintained a cattle ranch in Cuba, operated through a Cuban enterprise known as Compañía Ganadera Becerra, S.A. (the "Ranch"). King Ranch had a 50 percent ownership interest in the Ranch and also owned certain cattle located on land owned by the Ranch.

47. On November 1, 1960, King Ranch's property rights in the Ranch and in its cattle were expropriated by the Cuban Government in violation of international law. Specifically, the Cuban Government nationalized the Ranch and all associated assets, including cattle and other livestock. As a result, King Ranch was deprived of its interest therein and was forced to abandon further operations in Cuba.

48. The assets that were expropriated by the Cuban Government in violation of international law consist of the following:

(a) 50 percent ownership interest in the Ranch, which held the following assets:

- i. Land and buildings valued at \$4,298,879.79;
- ii. Cattle and other livestock valued at \$951,786.47;
- iii. Equipment, furniture, fixtures, etc. valued at \$310,667; and
- iv. Cash and other assets in excess of liabilities valued at \$101,943.98.

(b) 178 purebred Santa Gertrudis cattle valued at \$356,000.

49. These assets are hereinafter referred to as the "Confiscated Property."

50. 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**

51. In response to the expropriation of the Confiscated Property, King Ranch 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.

52. 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.”

53. 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 . . . .”

54. As required by the International Claims Settlement Act, the FCSC reviewed the evidence and determined the validity and amount of King Ranch's claim and the value of the expropriated properties, rights, or interests in the Confiscated Property.

55. The FCSC certified that King Ranch suffered a loss of \$3,216,084.97 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 6.

56. King Ranch has never settled the outstanding certified claim 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**

57. 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).

58. Section 302 implements a key purpose of the Act, which is to permit U.S. 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).

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

60. 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).

61. 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).

62. Since King Ranch 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 King Ranch 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**

63. Section 302(d) of the Act mandates a presumption in favor of King Ranch’s certified claim:

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).

64. 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).

65. 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).

66. 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. H.R. Rep. 104-468, at 63 (1996).

67. Under the text of the Act and in accordance with the intent of Congress, King Ranch’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 King Ranch’s ownership of the Confiscated Property; and (3) a judgment on the claim that includes treble damages.

#### **Defendants’ Trafficking in Plaintiff’s Property**

68. Each Defendant has trafficked, and continues to traffic, in King Ranch’s Confiscated Property by engaging in activities involving the operation of the Confiscated Property as a tourist attraction and/or in activities with the purpose of monetizing its natural resources through the production of charcoal.

69. The tourism-related trafficking revolves around Rancho King, which offers foreign tourists the opportunity to experience various ranching activities and local culture and cuisine during their stay at the property. PALMARES is responsible for the operations and the management of the confiscated buildings and other property used to serve tourists. HAVANATUR CUBA, HAVANATUR PANAMA, and CUBA VIAJES are responsible for the sales and marketing to tourists. On information and belief, these tourism-related activities have involved commercial dealings with U.S. travel agencies, including Cuba Travel Services Inc., Fancy Free Holidays (a division of Legacy Travel Group), and Legacy Tour & Travel.

70. The charcoal-related trafficking revolves around the harvesting of marabu from the many acres of confiscated land. After harvesting, the marabu is then used to produce charcoal for domestic use and for exporting to foreign markets including the United States, including the delivery of at least two shipments of charcoal to a U.S. distributor for sale in the United States. Agropecuaria Nuevitas and GAG are responsible for the operation and management of the confiscated land. EFIC and GAF are responsible for the harvesting of marabu. CUBAEXPORT is responsible for the sale and exporting of the finished charcoal product.

71. More specifically, Agropecuaria Nuevitas has engaged, and continues to engage, in at least the following trafficking activities involving the Confiscated Property:

- a. Managing the Confiscated Property and renting it for various commercial purposes;
- b. Facilitating the use of the Confiscated Property for production of agricultural products, including livestock and charcoal; and
- c. Facilitating tourism at the Confiscated Property.

72. GAG has engaged, and continues to engage, in at least the following trafficking activities involving the Confiscated Property:



- a. Directing, coordinating, and controlling the trafficking activities of Agropecuaria Nuevitas;
- b. Facilitating the use of the Confiscated Property for production of agricultural products, including livestock and charcoal; and
- c. Arranging for the sale of those products to hotels and resorts.

73. EFIC has engaged, and continues to engage, in at least the following trafficking activities involving the Confiscated Property:

- a. Harvesting marabu and producing charcoal; and
- b. Arranging for the commercial sale of the charcoal to buyers.

74. GAF has engaged, and continues to engage, in at least the following trafficking activities involving the Confiscated Property:

- a. Directing, coordinating, and controlling the trafficking activities of EFIC;
- b. Harvesting marabu and producing charcoal; and
- c. Packaging and distributing the charcoal to buyers.

75. CUBAEXPORT has engaged, and continues to engage, in at least the following trafficking activities involving the Confiscated Property:

- a. Exporting marabu charcoal to different markets, including the United States; and
- b. Delivering at least two shipments of marabu charcoal to a U.S. distributor for sale to customers in the United States. Specifically, the two shipments consisted of two containers of marabu charcoal and were delivered through Port Everglades, Florida to Alabama-based GulfWise Commerce LLC.

76. PALMARES has engaged, and continues to engage, in at least the following trafficking activities involving the Confiscated Property:

- a. Providing tourist attractions, including ranching activities; and
- b. Selling agricultural products to tourists and others.

77. HAVANATUR CUBA and HAVANATUR PANAMA have engaged, and continue to engage, in the following trafficking activities in the Confiscated Property:

- a. Marketing tourist attractions and arranging travel to and from the Confiscated Property; and
- b. Marketing and selling additional products and services to tourists that travel to the Confiscated Property.

78. VIAJES CUBA has engaged, and continues to engage, in the following trafficking activities involving the Confiscated Property:

- a. Directing, coordinating, and controlling the trafficking activities of HAVANATUR CUBA and HAVANATUR PANAMA; and
- b. Facilitating the sale of tours involving the Confiscated Property.

79. Congress explicitly found that trafficking in confiscated property has direct effects in the United States when it passed the Act. Specifically, Congress found that trafficking (i) poses a national security threat to the United States by supporting the Castro regime, (ii) undermines U.S. foreign policy, (iii) jeopardizes the rightful claims of U.S. nationals, (iv) impedes the ability of the U.S. government to return confiscated property to the rightful owners, and (v) undermines the “free flow of commerce.” *See* 22 U.S.C. §§ 6021, 6022, 6081.

80. Defendants’ unlawful trafficking, as set forth above, materially contributes to these direct effects in the United States.

81. Plaintiff's investigation is ongoing, and Plaintiff reasonably believes that discovery is likely to reveal additional trafficking and commercial activities conducted by Defendants or their agents either in the United States or directly affecting the United States.

82. Defendants' unlawful trafficking also unjustly enriches Defendants at the expense of Plaintiff by denying Plaintiff both capital and the continued use of the Confiscated Property, which is another effect that Congress found when it passed the Act. *See* 22 U.S.C. § 6081(8).

83. Defendants' unlawful trafficking, as set forth herein, is, and has been, conducted without Plaintiff's authorization, which Defendants are, and have been, required to obtain from Plaintiff in the United States. *See* 22 U.S.C. § 6023(13)(A).

84. Nor have Defendants paid any compensation to Plaintiff. If any such compensation was paid, it would have to be paid to Plaintiff in the United States.

85. 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, pre-judgment and post-judgment interest, costs and reasonable attorney's fees, pursuant to 22 U.S.C. § 6082.

#### **Cuba's Extensive Control over Defendants**

86. The Cuban Government permits Defendants to use Plaintiff's Confiscated Property for various commercial purposes, but Defendants' operations remain subject to the control of the Cuban Government, which retains ownership of the Confiscated Property.

87. The control that the Cuban Government exercises over Defendants is extensive and exceeds the normal supervisory control exercised by a parent over a subsidiary.

88. This is demonstrated by applying the five factors that U.S. courts use to analyze the level of control exerted over a state-owned entity: (i) the level of economic control by the government; (ii) whether the entity's profits go to the government; (iii) the degree to which

government officials manage the entity or otherwise have a hand in its daily affairs; (iv) whether the government is the real beneficiary of the entity's conduct; and (v) whether adherence to separate identities would entitle the foreign state to benefits in U.S. courts while avoiding its obligations. *See Crystallex Int'l Corp. v. Bolivarian Republic of Venezuela*, 932 F.3d 126, 141 (3d Cir. 2019).

89. *Cuban Government's Economic Control*: Under Cuban law, the government has total control over each Defendant's operations and assets, and government officials dictate the economic plans by which each Defendant must operate. The government's economic control includes requiring implementation of economic policies, setting prices for commercial transactions, dictating business partners, directing the uses of cash flows, and requiring payment of subsidies to support government programs and policies.

90. *Profits to Cuban Government*: All profits from each Defendant's activities flow back to the Cuban government and government officials. Defendants do not have *bona fide* private ownership.

91. *Government Management of Daily Affairs*: Each Defendant's daily affairs are controlled by the Cuban government. The government dictates the appointment of control persons, such as directors and officers, who must implement the government's directives. The Cuban Communist Party, acting through various ministries and other government agencies, decides who will serve as the managers of Defendants' daily affairs. This is an entirely political process. Furthermore, each Defendant's business plan must align with the government's economic plan and the many laws and directives that the government uses to ensure that its plan is followed.

92. *Government as the Real Beneficiary*: The Cuban government requires each Defendant to take actions that favor the government's interests even if the Defendant's own

economic interest is harmed. For example, the government requires Defendants to engage in transactions with other government-controlled entities at below-market prices, effectively subsidizing other entities at the expense of Defendants. Also, the government requires Defendants to conduct business in the Cuban Convertible Peso at an artificial exchange rate compared to foreign currencies, thereby providing support for the government's preferred currency.

93. *Avoidance of Obligations:* as set forth herein, all Defendants are participating in illegal trafficking activities and benefitting therefrom. Any claim of separate entity status should be disregarded to the extent it would allow one or more Defendants to continue these violations of U.S. law while avoiding the obligation to either refrain from illegal trafficking in the Confiscated Property and/or to obtain Plaintiff's authorization for use of the Confiscated Property.

**COUNT I – TRAFFICKING IN CONFISCATED PROPERTY**

**(22 U.S.C. § 6082)**

94. Plaintiff incorporates the foregoing paragraphs as if alleged fully herein.

95. 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.

96. Each Defendant is a person under the Act, as defined by 22 U.S.C. § 6023(11).

97. Based on the facts alleged herein and on information and belief, each Defendant has trafficked, and continues to traffic, in the Confiscated Property to which Plaintiff owns the claim, including by engaging in activities involving the operation of the Confiscated Property as a tourist attraction and/or by engaging in activities with the purpose of monetizing its natural resources through the production of charcoal.

98. Additionally, each Defendant has generated revenues, obtained profits, and realized other benefits from these activities.

99. Thus, each Defendant has 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.

100. At all relevant times, each Defendant has 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.

101. Each Defendant has 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.

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

103. 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, attorney’s 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 \$3,216,084.97;
- b. Awarding Plaintiff pre-judgment interest at the rate of 6% per annum from November 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 at law or in equity that the Court deems just and proper.

Date: March 5, 2021

Respectfully submitted,

By: /s/ Steven K. Davidson  
Steven K. Davidson (DC Bar #407137)  
Jared R. Butcher (DC Bar #986287)  
STEPTOE & JOHNSON LLP  
1330 Connecticut Ave NW  
Washington, DC 20036  
Telephone: 202-429-3000  
Facsimile: 202-429-3902  
sdavidson@steptoe.com  
jbutcher@steptoe.com

*Counsel for Plaintiff*

JS-44 (Rev. 10/2020 DC)

<p><b>I. (a) PLAINTIFFS</b> King Ranch, Inc.</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>Houston, TX</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Steven K. Davidson Step toe &amp; Johnson LLP 1330 Connecticut Avenue, NW Washington, DC 20036 (202) 429-3000</p>	<p><b>DEFENDANTS</b> 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 Turoperadores Y Agencias De Viajes Havanatur S.A.; Havanatur, S.A. (Panama); Grupo Empresarial Viajes Cuba</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> <p>ATTORNEYS (IF KNOWN)</p>																								
<p><b>II. BASIS OF JURISDICTION</b> (PLACE AN x IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff      <input checked="" type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 2 U.S. Government Defendant      <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b></p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> <b>A. Antitrust</b></p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> <b>B. Personal Injury/ Malpractice</b></p> <p><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel &amp; Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> <b>C. Administrative Agency Review</b></p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><b>Social Security</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))</p> <p><b>Other Statutes</b> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b></p> <p>Any nature of suit from any category may be selected for this category of case assignment.  *(If Antitrust, then A governs)*</p>
<p><input checked="" type="radio"/> <b>E. General Civil (Other)</b>      OR      <input type="radio"/> <b>F. Pro Se General Civil</b></p>			
<p><b>Real Property</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease &amp; Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property</p> <p><b>Personal Property</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><b>Bankruptcy</b> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><b>Prisoner Petitions</b> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus &amp; Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><b>Property Rights</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)</p>	<p><b>Federal Tax Suits</b> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><b>Forfeiture/Penalty</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other</p> <p><b>Other Statutes</b> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks &amp; Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation</p>	<p><input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced &amp; Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>



<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <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"/> <b>H. Employment Discrimination</b>  <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"/> <b>I. FOIA/Privacy Act</b>  <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"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <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"/> <b>L. Other Civil Rights (non-employment)</b>  <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"/> <b>M. Contract</b>  <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"/> <b>N. Three-Judge Court</b>  <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 of the Helms-Burton Act, 22 U.S.C. Section 6081-6085.

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

<b>DATE:</b> 3/5/2021	<b>SIGNATURE OF ATTORNEY OF RECORD</b> /s/ Steven K. Davidson
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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**

KING RANCH, INC.

\_\_\_\_\_  
*Plaintiff*

v.

EMPRESA AGROPECUARIA NUEVITAS, et al.

\_\_\_\_\_  
*Defendant*

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Civil Action No.

**SUMMONS IN A CIVIL ACTION**

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

EMPRESA AGROPECUARIA NUEVITAS  
Calle Cuba No. 104, Camalote, Nuevitas, Camagüey, 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 K. Davidson  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, 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: \_\_\_\_\_

\_\_\_\_\_  
*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**

KING RANCH, INC.

\_\_\_\_\_  
*Plaintiff*

v.

EMPRESA AGROPECUARIA NUEVITAS, et al.

\_\_\_\_\_  
*Defendant*

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)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

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

GRUPO EMPRESARIAL AGRÍCOLA  
Ave. Independencia N<sup>a</sup>. 11111.  
Esq. Vento, Boyeros, Plaza de la Revolución, La Habana, 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 K. Davidson  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, 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: \_\_\_\_\_

\_\_\_\_\_  
*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

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\_\_\_\_\_ 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**

KING RANCH, INC.

\_\_\_\_\_  
*Plaintiff*

v.

EMPRESA AGROPECUARIA NUEVITAS, et al.

\_\_\_\_\_  
*Defendant*

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)  
)  
)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

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

EMPRESA FORESTAL INTEGRAL DE CAMAGUEY  
Carr. Central Oeste No.km 5½, Camagüey, 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 K. Davidson  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, 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: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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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

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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**

KING RANCH, INC.

\_\_\_\_\_  
*Plaintiff*

v.

EMPRESA AGROPECUARIA NUEVITAS, et al.

\_\_\_\_\_  
*Defendant*

)  
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)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

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

GRUPO EMPRESARIAL AGROFORESTAL  
Conill y Esq. Avenida Independencia,  
Plaza de la Revolución, La Habana, 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 K. Davidson  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, 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: \_\_\_\_\_

\_\_\_\_\_  
*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**

KING RANCH, INC.

\_\_\_\_\_  
*Plaintiff*

v.

EMPRESA AGROPECUARIA NUEVITAS, et al.

\_\_\_\_\_  
*Defendant*

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Civil Action No.

**SUMMONS IN A CIVIL ACTION**

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

EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS  
VARIOS  
Calle 23 No. 55, 8vo Piso entre Infanta y P.  
Plaza de la Revolución, La Habana, Cuba, CP 10400

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 K. Davidson  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, 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: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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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**

KING RANCH, INC.

\_\_\_\_\_  
*Plaintiff*

v.

EMPRESA AGROPECUARIA NUEVITAS, et al.

\_\_\_\_\_  
*Defendant*

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Civil Action No.

**SUMMONS IN A CIVIL ACTION**

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

EMPRESA EXTRAHOTELERA PALMARES, S.A.  
Calle Línea No. 60,  
esq. a M, Vedado, Plaza de la Revolución, La Habana, 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 K. Davidson  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, 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: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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This summons for *(name of individual and title, if any)* \_\_\_\_\_  
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\_\_\_\_\_ 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**

KING RANCH, INC.

\_\_\_\_\_  
*Plaintiff*

v.

EMPRESA AGROPECUARIA NUEVITAS, et al.

\_\_\_\_\_  
*Defendant*

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Civil Action No.

**SUMMONS IN A CIVIL ACTION**

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

GRUPO INTERNACIONAL DE TUOPERADORES Y AGENCIAS DE VIAJES  
HAVANATUR S.A. (HAVANATUR CUBA)  
5ta Avenida No. 18204 e/ 182 y 184, Playa, La Habana, 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 K. Davidson  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, 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: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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This summons for *(name of individual and title, if any)* \_\_\_\_\_  
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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

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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**

KING RANCH, INC.

\_\_\_\_\_  
*Plaintiff*

v.

EMPRESA AGROPECUARIA NUEVITAS, et al.

\_\_\_\_\_  
*Defendant*

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)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*  
HAVANATUR, S.A. (PANAMA)  
MMG Tower, 23rd Floor  
Ave. Paseo del Mar,  
Costa del Este  
Panama City, Panama

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 K. Davidson  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, 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: \_\_\_\_\_

\_\_\_\_\_  
*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)* \_\_\_\_\_  
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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**

KING RANCH, INC.

\_\_\_\_\_  
*Plaintiff*

v.

EMPRESA AGROPECUARIA NUEVITAS, et al.

\_\_\_\_\_  
*Defendant*

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Civil Action No.

**SUMMONS IN A CIVIL ACTION**

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

GRUPO EMPRESARIAL VIAJES CUBA  
5ta Avenida No. 18007 e/ 180 y 184, Playa, La Habana, 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 K. Davidson  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, 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: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

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Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# **Exhibit 1**

IN THE MATTER OF THE CLAIM OF

KING RANCH, INC.

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1507

Decision No. CU **5751**

Counsel for claimant:

Leroy G. Denman, Jr., Esquire

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 \$3,131,638.62, was presented by KING RANCH, INC. based upon the asserted loss of cattle in Cuba and a stock interest in a Cuban enterprise.

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.

An officer of the claimant corporation has certified that at all times since the firm was incorporated in 1934 in Texas, all of its outstanding capital stock has been owned by nationals of the United States. The Commission holds that claimant is a national of the United States within the meaning of Section 502(1)(B) of the Act.

Claim is asserted herein for \$2,831,638.62 for claimant's fifty percent ownership interest in Compania Ganadera Becerra, S.A. and \$300,000.00 for claimant's separately owned cattle located on the Compania Ganadera Becerra property in Cuba. The record shows and the Commission finds that claimant and the Manati Sugar Company each owned a fifty percent interest in Compania Ganadera Becerra, S.A. which was nationalized by the Government of Cuba on November 1, 1960. At the time of nationalization claimant owned 178 head of cattle which were on the land belonging to Compania Ganadera Becerra, S.A. pursuant to an agreement between the parties made in 1955. Since Compania Ganadera Becerra, S.A. was a Cuban enterprise and not organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, it does not qualify as a corporate "national of the United States" within the meaning of Section 502(1)(B) of the Act. In this type of situation, it has been held that an American stockholder is entitled to file a claim for his indirect ownership interest. (See Claim of Avon Products, Inc. Claim No. CU-0772, Amended Proposed Decision, 1967 FCSC Ann. Rep. 35.)

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 the "most appropriate to the property and equitable to the claimant." This phraseology does not differ from the international legal standard that would normally prevail in the evaluation of nationalized property. It is designed to strengthen that standard by giving specific bases of valuation that the Commission shall consider.

Compania Ganadera Becerra, S. A.

The values asserted for the assets of Compania Ganadera Becerra, S.A. are

Land and buildings	\$4,298,879.79
Cattle and other livestock	951,786.47
Equipment, furniture & fixtures, etc.	310,667.00
Cash and other assets in excess of liabilities	<u>101,943.98</u>
Total	<u>\$5,663,277.24</u>

The record includes copies of audited balance sheets for Compania Ganadera Becerra, S.A. for the years 1957, 1958 and 1959, a profit and loss statement for the years 1956, 1957, 1958 and 1959, a copy of the claim filed by the Cuban company with the Department of State in 1961, and statements of company officials concerning the value of its property, and the status of its current assets and current liabilities as of June 30, 1960.

On the basis of all the evidence of record and information available to the Commission concerning the value of similar property, the Commission finds that the total value of the assets of Compania Ganadera Becerra, S.A. on November 1, 1960 was \$5,687,928.42 and the total liabilities were \$2,309,849.69 making a net worth to be divided between the two stockholders of \$3,378,078.73. Included in the liabilities is the amount of \$1,005,000.00 with interest of \$109,152.91 owed to Manati Sugar Company and \$1,060,000.00 with interest of \$111,045.60 owed to the claimant herein. The Commission concludes that by reason of its ownership interest in Compania Ganadera Becerra, S.A., claimant suffered a loss in the amount of \$1,689,039.37 on November 1, 1960 when the Cuban corporation was nationalized by the Government of Cuba, within the meaning of Title V of the Act.

Claimant suffered an additional loss for debts due and owing from the Cuban company in the amount of \$1,171,045.60 which represents debts owed claimant by a nationalized enterprise and is an additional loss within the meaning of Title V of the Act, making a total loss for claimant of \$2,860,084.97.

#### Cattle

Claimant asserts a further loss in the amount of \$300,000.00 for the taking of 178 head of purebred Santa Gertrudis cattle. The record shows and the Commission finds that claimant owned a separate herd of cattle totalling 178 head which was confiscated by the Government of Cuba on November 1, 1960 at the same time as the confiscation of Compania Ganadera Becerra, S.A. By agreement entered into in 1955, claimant delivered 52 head of its own purebred Santa Gertrudis cattle to be cared for by the Cuban company with certain benefits accruing to each from the production of the herd. By November 1, 1960, the herd had increased to 178.



- 5 -

Claimant states that it is difficult to assign a specific monetary value to the herd because the KING RANCH, INC. had never sold any purebred female Santa Gertrudis cattle for breeding. The breed was developed by claimant in Texas for a hot environment and claimant holds its exclusive ownership of the foundation herd to be of substantial value with its loss resulting from the Cuban confiscation amounting to a sum of not less than \$300,000.00. The purebred cattle lost were as follows:

6 full grown breeding bulls  
93 full grown breeding cows  
44 male yearlings  
35 female yearlings  
178

Based upon information available to the Commission concerning the value of Santa Gertrudis cattle in the years 1959 and 1960, the Commission finds that \$356,000.00 is a fair and reasonable value for a herd of the above composition. Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$356,000.00 for the confiscation of its cattle by the Government of Cuba on November 1, 1960 within the meaning of Title V of the Act, and a total loss of \$3,216,084.97 for the confiscation of all its property in Cuba.

It will be noted that the total amount of loss found herein is in excess of the amount asserted by claimant. However, in determining the amount of loss sustained, the Commission is not bound by any lesser or greater amounts which may be asserted by claimant as the extent thereof.

The Commission has decided that in certifications of loss 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).

CU-1507

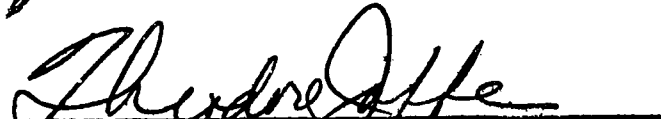
CERTIFICATION OF LOSS

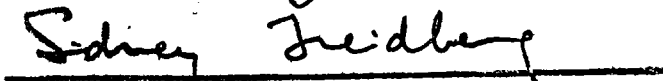
The Commission certifies that KING RANCH, INC. suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Million Two Hundred Sixteen Thousand Eighty-four Dollars and Ninety-seven Cents (\$3,216,084.97) with interest thereon at 6% per annum from November 1, 1960 to the date of settlement.

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

**AUG 19 1970**

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

  
Sidney Freidberg, Commissioner

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).)