UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 19-cv-21724-BLOOM

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

CARNIVAL CORPORATION,

Defendant.
_____/

CARNIVAL CORPORATION'S MOTION TO PRECLUDE PLAINTIFF FROM USING APHRA BEHN AS A WITNESS

Defendant CARNIVAL CORPORATION ("Carnival"), pursuant to Federal Rule of Civil Procedure 37, moves the Court for the entry of an order precluding Plaintiff from using Aphra Behn as a witness to supply evidence on a motion, at a hearing, or at a trial. In support, Carnival states as follows:

INTRODUCTION

Nearly two years after filing this lawsuit, via supplemental Rule 26 initial disclosures served just over two weeks before the close of the discovery deadline, Plaintiff identified one of its longtime shareholders and a current Director—Ms. Aphra Behn—as a potential witness in this action. This is especially surprising given that Plaintiff's corporate representative had testified under oath (and Plaintiff had answered in a sworn interrogatory) that the ***only*** individuals associated with Plaintiff who have knowledge of the claims and defenses in this action are Plaintiff's President, Mickael Behn, and Plaintiff's Treasurer and Comptroller, Jerry Johnson. Despite this background, Plaintiff elected at the eleventh hour to identify Ms. Behn as someone

else likely to have discoverable information on various expansive categories and on whom Plaintiff may rely as a witness at trial.

Given Plaintiff's untimely disclosure of Ms. Behn and due to (1) the cumulative nature of her knowledge (meaning Plaintiff has other, timely-disclosed witnesses on whom it can rely instead), (2) the prejudice that Carnival will suffer if Plaintiff is allowed to use Ms. Behn as a witness, and (3) Plaintiff's lack of explanation for the delay in notice, the Court should preclude Plaintiff from relying on Ms. Behn to supply evidence on a motion, at a hearing, or at a trial.

BACKGROUND

On May 2, 2019, Plaintiff filed this lawsuit against Carnival through which Plaintiff seeks hundreds of millions of dollars in damages for Carnival's U.S. government-sanctioned passenger vessel operations to Havana, Cuba. On June 28, 2019, Plaintiff served its Rule 26 initial disclosures. Via those disclosures, Plaintiff identified Mickael Behn and Jerry Johnson as the only two people associated with Plaintiff likely to have discoverable information that Plaintiff might use to support its claims or defenses.[1] Plaintiff did not identify Ms. Behn.

On October 28, 2019, Plaintiff served its responses and objections to Carnival's first set of interrogatories. In responding to Carnival's request for the names of any individuals with knowledge of the claims and defenses in this action, Plaintiff identified only two such individuals: Plaintiff's President, Mr. Behn, and Plaintiff's Treasurer and Comptroller, Mr. Johnson.[2]

On December 8, 2020, in a parallel litigation, Norwegian Cruise Line Holdings Ltd. ("Norwegian") took the deposition of Plaintiff's Rules 30(b)(6) witness, Jerry Johnson. During that deposition, Mr. Johnson was pressed repeatedly for any other individuals, besides Mr. Behn

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[1] Plaintiff's Initial Disclosures is attached as **Exhibit 1**.

[2] Plaintiff's Responses and Objections to Carnival's First Set of Interrogatories is attached as **Exhibit 2**.

and himself, who might have relevant knowledge in this case. Mr. Johnson consistently answered that there were no such individuals. The following exchange is but one example:

> Q. Okay. So when you signed these interrogatory responses on behalf of HDC, the only two individuals that were identified specifically as Havana Docks Corporation believing to have information or knowledge that is relevant to the claims or allegations in the complaint are yourself and Mr. Behn, correct?
> Mr. Martinez: Same objection.
> A. As we understood the question, Mr. Pegg, that is correct and as our answer states.
> Q. Okay. Did you have—you personally—have any discussions with and of the other shareholders of HDC about whether or not they or any of them had any information or knowledge that was relevant to the claims or allegations in HDC's complaint?
> A. I would answer that no, we did not.

30(b)(6) Depo. of J. Johnson, Dec. 8, 2020, at 67:8–23.

On February 11, 2021, Plaintiff served its supplemental initial disclosures. Plaintiff increased the number of issues about which Messrs. Behn and Johnson were likely to have discoverable information. Plaintiff also added 13 witnesses, plus a catch-all of "All witnesses identified by Defendant."[3] But Plaintiff still did not identify Ms. Behn.

On August 16, 2021, over two years after filing suit—and a mere eighteen days from the close of discovery—Plaintiff served its second supplemental initial disclosures.[4] This supplemental disclosure again increased the number of issues about which Messrs. Behn and Johnson were likely to have discoverable information and, ***for the first time***, identified Ms. Behn in that context as well. Plaintiff now described Ms. Behn as having knowledge of the following laundry list of topics:

> knowledge of Havana Docks' certified claim, knowledge of Havana Docks' ownership of the certified claim, knowledge of Defendants' failure to compensate Havana Docks for its use of the Subject Property, knowledge of Defendants' failure to obtain authorization from Havana Docks to use the Subject Property, knowledge

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[3] Plaintiff's supplemental initial disclosures is attached as **Exhibit 3**.

[4] Plaintiff's second supplemental initial disclosures is attached as **Exhibit 4**.

> of the injury or harm suffered by Havana Docks, knowledge of certain of Havana Docks' corporate records, history, status, and actions[.]

Ms. Behn is Mickael Behn's mother, and is a member of Plaintiff's board of directors. *See* J. Johnson 30(b)(6) Dep. 37:15–20 ("Q. And aside from yourself and he, are there any other directors of Havana Docks Corporation? A. Yes, sir. There is another director. . . . The third director being Mickael Behn's mother. Her name is Aphra Behn.").[5] Ms. Behn became a director in 2020. *Id.* at 47:10 ("Q. Okay. And do you remember when [Aphra became a director]? A. I believe that was this year, 2020"). Ms. Behn also lives in France. *Id*. at 38:6 ("A. She lives in France").

Upon receiving this late disclosure, Norwegian's counsel emailed Plaintiff's counsel (and copied Carnival's counsel) to inquire as to whether Plaintiff would potentially seek to use Ms. Behn as a witness. Plaintiff's counsel did not actually answer that question, but responded that Norwegian had been previously made aware of Ms. Behn's existence in discovery and that she was "added to the initial disclosures for completeness."[6]

LEGAL ARGUMENT

Plaintiff should not be permitted to introduce the testimony of Ms. Behn at any stage of these proceedings because Plaintiff failed to timely disclose her. Allowing Plaintiff to use such testimony would thus put Carnival in a position where it would be required to respond to such testimony without having had any opportunity to examine the witness or seek documents from her.

1. Plaintiff's Failure to Timely Disclose or Supplement.

The Federal Rules are designed to avoid trial by ambush. Pursuant to Rule 26, a party has an affirmative and continuing obligation to disclose all individuals likely to have discoverable information, along with the subjects of that information, and must supplement or amend its

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[5] The deposition of Jerry Johnson is attached in relevant parts as **Exhibit 5**.

[6] The August 26, 2021 email is attached as **Exhibit 6**.

disclosures if they are incomplete or incorrect. Fed. R. Civ. P. 26(a)(1)(E), 26(e)(1). Specifically, Rule 26(e)(1)(A) requires

> [a] party who has made a disclosure under Rule 26(a) . . . [to] supplement or correct its disclosure or response . . . in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

Fed. R. Civ. P. 26(e)(1)(A).

Rule 37 governs a party's failure to comply with its obligations to supplement under Rule 26. "If a party fails to provide information or identify a witness as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or is harmless." Fed. R. Civ. P. 37(c)(1). "The party failing to comply with Rule 26 bears the burden of showing that its actions were substantially justified or harmless." *Nat'l Union Fire Ins. Co. of Puttsburgh v. Tyco Integ. Sec., LLC*, No. 13-CV-80371, 2015 WL 11251736, at *3 (S.D. Fla. Jul. 29, 2015) (Bloom) (citation omitted) (striking belatedly-disclosed trial witness and holding that "if a party fails to comply with Rule 26(a) or (e), Rule 37 acts as an automatic sanction barring the party from using that information or witness, unless the failure was substantially justified or harmless").

The court must consider three factors when determining whether to exclude the testimony of a nondisclosed witness: (1) the importance of the testimony; (2) the reason for the failure to disclose the witness earlier; and (3) the prejudice to the opposing party if the witness is allowed to testify. *Id*. Notably, the mere identification of a witness in a deposition or otherwise in discovery is insufficient to excuse a party's failure to supplement. *Id*. at *2; *Debose v. Broward Health*, No. 08-61411-CIV, 2009 WL 1410348, at *4 (S.D. Fla. May 20, 2009) (citation omitted). Here, all factors support striking Ms. Behn's untimely disclosure as a witness likely to have information on

numerous issues, which belated disclosure was neither justified nor harmless.

First, Ms. Behn's knowledge and potential testimony is, by Plaintiff's own initial disclosure proffer, cumulative of the knowledge of Plaintiff's other witnesses and therefore is not "important." *See Debose*, 2009 WL 1410348, at *6; *Roberta L. Marcus, Inc. v. New Cingular Wireless PCS, LLC*, No. 12–CV-20744, 2013 WL 4777170, at *2 (S.D. Fla. Sept. 5, 2013) ("Given this perspective, striking Moore's testimony should not prove overly harsh to the Plaintiff's case since it has other witnesses on which to rely."). When comparing Ms. Behn's alleged knowledge to Mr. Behn's and Mr. Johnson's knowledge, there is not one portion of Ms. Behn's knowledge that is unique to her. Instead, each of the topics for which she is listed to have knowledge matches topics for which Messrs. Behn and Johnson are listed (in near verbatim) as likewise knowing. *Compare* Rule 26(a)(1) Disclosures for J. Johnson, M. Behn *with* A. Behn. Therefore, Ms. Behn's cumulative knowledge renders her testimony of low importance, which weighs in favor of excluding her as a witness.

Second, Plaintiff failed to provide any explanation as to why Ms. Behn was not disclosed until more than two years into the litigation. *See* Ex. 4 (Aug. 26, 2021 email). Moreover, the fact that Plaintiff identified Ms. Behn in its amended interrogatory responses on August 20, 2021, several weeks before updating its initial disclosures, does not mean Carnival reasonably expected that Ms. Behn would be relied upon as a trial witness to support its claims. *See Clingman & Hanger Mgmt. Assocs., LLC v. Knobel*, 16-62028-CIV, 2018 WL 2694594, at *2 (S.D. Fla. Apr. 19, 2018), *R. & R. adopted*, 16-62028-CIV, 2018 WL 2688759 (S.D. Fla. May 8, 2018) (striking witnesses from initial disclosures and reasoning that "knowing of the notes' *existence* (of which Defendants clearly did know from the start of the case, as many Defendants were the Greenberg Lawyers' interviewees does not equate to Defendants knowing that the Greenberg Lawyers would

be *trial witnesses*") (emphasis in original). Indeed, nothing in Plaintiff's amended interrogatory responses, which were also updated almost two years after being first served, suggested that Ms. Behn would be a person who was likely to have discoverable information regarding numerous material issues and relied upon by Plaintiff to support its claims. In fact, the deposition testimony elicited through Messrs. Behn and Johnson concerning Ms. Behn related principally to her status as a shareholder and her familial connections to Plaintiff's President, none of which suggested that she would be relied upon ***as a witness*** by Plaintiff to support its claims. *See, e.g.*, J. Johnson 30(b)(6) Dep. at 62:13–20 ("Q. And which of the shareholders, if any, identified on Exhibit 3 is Mrs. Aphra Behn? A. Bear with me just a moment. That would be shareholder number eight. Q. Okay. And so Mrs. Behn is a U.S. citizen? A. Yes, sir. That is correct. Q. But she lives full time in France? A. Yes."). Plaintiff's lack of any explanation for the late disclosure weighs heavily in favor of excluding Aphra Behn. *See Tyco Integ. Sec., LLC*, 2015 WL 11251736, at *3.

Finally, Carnival will suffer prejudice because discovery has closed (September 3, 2021). And despite attempting to leave the door open for Ms. Behn to be called as a witness at trial, Plaintiff has refused to produce Ms. Behn for deposition, let alone systematically collect and produce her records. Such prejudice also weighs in favor of precluding Plaintiff from relying on Ms. Behn to provide testimony. *See Debose*, 2009 WL 1410348, at *6 (excluding witness for failure to timely disclose the witness and holding that dedicating time to conducting discovery on new witnesses after discovery closed constituted prejudice); *Tyco Integ. Sec., LLC*, 2015 WL 11251736, at *3 (excluding witness and holding belated disclosure of witness that required discovery after the discovery deadline constituted prejudice).

Compounding the two-year delay in disclosing Ms. Behn is the fact that the disclosure was made with just over two weeks remaining in discovery. In this District, the Local Rules provide

that "[p]arty and non-party depositions must be scheduled to occur, and written discovery requests and subpoenas seeking the production of documents must be served in sufficient time that the response is due on or before the discovery cutoff date." Local Rule 26.1(d). Under Local Rule 26.1(h), which requires fourteen days' notice for a deposition outside of Florida, Carnival was left with only four days to notice Aphra Behn's deposition because she currently lives in France. Providing Carnival with such a narrow window to depose Aphra Behn, when Plaintiff should have disclosed her years earlier, creates prejudice for Carnival. *Knobel*, 2018 WL 2694594, at *2 (recommending witnesses stricken from initial disclosures on the basis of untimely disclosure where amended initial disclosures were served just under two weeks before the close of discovery, which failed to give sufficient time for a deposition, which recommendation was adopted by the district court). Finally, with *Daubert* and dispositive Motions due in a matter of days, even if this Court were to order the deposition of Aphra Behn, Carnival is already prejudiced by the belated disclosure.

Applying these three governing factors to this case, the most appropriate remedy would be to exclude Aphra Behn due to Plaintiff's failure to timely disclose.

CONCLUSION

For the foregoing reasons, the Court should enter an Order granting this Motion and precluding Plaintiff from relying on Ms. Behn to supply evidence on a motion, at hearing, or at trial.

CERTIFICATE OF GOOD FAITH CONFERENCE; CONFERRED BUT UNABLE TO RESOLVE ISSUES PRESENTED IN THE MOTION

Pursuant to Local Rule 7.1(a)(3), I hereby certify that counsel for movant has conferred with Plaintiff in a good-faith effort to resolve the issues raised in the motion. Plaintiff's counsel opposes the relief requested.

Dated: September 13, 2021

Respectfully submitted,

By: */s/ Stuart H. Singer*

Stuart H. Singer
(Florida Bar No. 377325)
Meredith Schultz
(Florida Bar No. 29536)
Corey P. Gray
(Florida Bar No. 0115473)
BOIES SCHILLER FLEXNER LLP
401 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, Florida 33301
Telephone: (954) 356-0011
ssinger@bsfllp.com
mschultz@bsllp.com
cgray@bsfllp.com

Pedro A. Freyre
AKERMAN LLP
(Florida Bar No. 192140)
98 SE 7th St., Suite 1100
Miami, Florida 33131
Telephone: (305) 374-5600
Pedro.freyre@akerman.com

George J. Fowler, III
(*Pro Hac Vice*)
Luis Llamas
(Florida Bar No. 89822)
JONES WALKER LLP
201 St. Charles Ave.
New Orleans, LA 70170
Telephone: (504) 582-8752
gfolwer@joneswalker.com
llamas@joneswalker.com

Attorneys for Carnival Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all counsel of record via email on September 13, 2021.

Roberto Martínez, Esq.
bob@colson.com
Stephanie A. Casey, Esq.
scasey@colson.com
Aziza F. Elayan- Martínez, Esq.
aziza@colson.com
Zachary A. Lipshultz, Esq.
zach@colson.com
COLSON HICKS EIDSON, P.A.
255 Alhambra Circle, Penthouse
Coral Gables, Florida 33134-2351
Telephone: (305) 476-7400
Facsimile: (305) 476-7444

Rodney S. Margol, Esq.
Rodney@margolandmargol.com
MARGOL & MARGOL, P.A.
2029 3rd Street North
Jacksonville, Florida 32250
Telephone: (904) 355-7508

Attorneys for Plaintiff Havana Docks Corporation

By: */s/ Stuart H. Singer*
Stuart H. Singer

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No.: 1:19-cv-21724-BLOOM/MCALILEY

HAVANA DOCKS CORPORATION,

Plaintiff,

vs.

CARNIVAL CORPORATION d/b/a/
CARNIVAL CRUISE LINES,

Defendant.

_____/

HAVANA DOCKS CORPORATION RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Havana Docks Corporation ("Plaintiff") hereby serves the following initial disclosures.

Rule 26(a)(1) Disclosures

A. (i)

1. Mickael Sosthenes Behn
   c/o Colson Hicks Eidson
   (knowledge of Havana Docks Corporation and the Claim)

2. Jerry M. Johnson
   c/o Colson Hicks Eidson
   (knowledge of Havana Docks Corporation and the Claim)

Plaintiff reserves the right to provide supplemental information as it becomes available.

(ii)

1. Certified Claim from the Foreign Claims Settlement Commission.
2. Photographs, videos, and advertisements depicting Carnival's cruise ships trafficking on the Subject Property.
3. Havana Docks Corporate Documents.

Plaintiff's counsel is in possession of the above-referenced documents.

Plaintiff reserves the right to provide supplemental information as it becomes available.

(iii)

Plaintiff's damages will be calculated in accordance with 22 U.S.C. § 6082.

(iv)

Unknown to Plaintiff.

DATED: June 28, 2019.

Respectfully submitted,

COLSON HICKS EIDSON, P.A.
255 Alhambra Circle, Penthouse
Coral Gables, Florida 33134
Telephone: (305) 476-7400
Facsimile: (305) 476-7444
E-mail: eservice@colson.com

By: s/ Roberto Martinez
Roberto Martinez, Esquire
Florida Bar No. 305596
bob@colson.com
Stephanie A. Casey, Esquire
Florida Bar No. 97483
scasey@colson.com
Lazaro Fields, Esquire
Florida Bar No. 1004725
laz@colson.com

- and -

MARGOL & MARGOL, P.A.
2029 3rd Street North
Jacksonville Beach, Florida 32250
Telephone: (904) 355-7508
Facsimile: (904) 619-8741

Rodney S. Margol, Esquire
Florida Bar No. 225428
Rodney@margolandmargol.com

Attorneys for Plaintiff Havana Docks Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on June 28, 2019 on all counsel of record on the service list below.

By: s/ Roberto Martinez
Roberto Martinez

SERVICE LIST

Stuart Harold Singer
Boies Schiller & Flexner
401 E Las Olas Boulevard
Suite 1200
Fort Lauderdale, FL 33301
954-356-0011
Fax: 356-0022
Email: ssinger@bsfllp.com

George J. Fowler , III
Jones Walker, LLP
201 St. Charles Avenue
New Orleans, LA 70170-5100
504-523-2600
Fax: 523-2705
Email: gfowler@joneswalker.com

Luis Emilio Llamas
Jones Walker LLP
201 S. Biscayne Blvd. #2600
Miami, FL 33131
United Sta
305-679-5700
Email: llamas@joneswalker.com

Exhibit 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 19-cv-21724-BLOOM/McAliley

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

CARNIVAL CORPORATION d/b/a/ CARNIVAL CRUISE LINE, a foreign corporation,

Defendant.
_____/

HAVANA DOCKS CORPORATION'S ANSWERS AND OBJECTIONS TO CARNIVAL CORPORATION'S FIRST SET OF INTERROGATORIES

Plaintiff, Havana Docks Corporation ("HDC") by and through undersigned counsel, and pursuant to the Federal Rules of Civil Procedure 26 and 34 and Local Rule 26.1, serves its Answers and Objections to Carnival Corporation's First Set of Interrogatories dated September 26, 2019.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

A. HDC objects to Definition 10 (Occurrence/Transaction) as vague and overly broad to the extent that those two terms purport to mean all of the "events described in the Complaint and other pleadings" without any specificity.

B. HDC objects to Definition 11 (Parties) as overly broad, as it encompasses entities or persons who are not parties to this action within any meaning under the Federal Rules of Civil Procedure, the Local Rules of the Southern District of Florida, and applicable case law.

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

C. HDC objects to Definition 14 (You/Your), as well as accompanying Definition 12 (Person), as vague, ambiguous, and overly broad to the extent that they refer to unnamed, unspecified, and undefined entities and persons, including "all of [HDC's] agents, officers, employees, directors, controlling shareholders, representatives, and attorneys" and to the extent that they purport to include within the scope of the Requests entities or persons other than itself and requires HDC to answer on behalf of entities and persons other than itself. These answers are on behalf of HDC only, and HDC will interpret "you" or "your" to mean HDC only.

D. HDC objects to Instruction 1 as it imposes obligations beyond or different from those imposed or required by the Federal Rules of Civil Procedure, the Local Rules of the Southern District of Florida, and applicable case law, including requiring HDC to provide additional information beyond what is asked for in the interrogatory itself.

E. HDC objects to Instruction 2 as it imposes obligations beyond or different from those imposed or required by the Federal Rules of Civil Procedure, the Local Rules of the Southern District of Florida, and applicable case law, including requiring that HDC submit a sworn or certified statement for any document withheld under a claim of privilege and requiring the identification of additional information about each withheld document.

F. HDC objects to Instruction 4 as it imposes obligations beyond or different from those imposed or required by the Federal Rules of Civil Procedure, the Local Rules of the Southern District of Florida, and applicable case law.

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

G. HDC objects to Instruction 5 to the extent that it requires HDC to answer on behalf of entities and persons other than itself. These answers are on behalf of HDC only.

ANSWERS AND OBJECTIONS TO INTERROGATORIES

Interrogatory No. 1.

Identify all documents in your possession that contain information that substantiates or supports your allegations, in paragraphs 6, 7, and 10 of the Complaint, that Plaintiff "is the rightful owner" of the "Havana Cruise Port Terminal," that Plaintiff continuously owned, possessed, and used the Subject Property from 1917 to 1960, and that Plaintiff never abandoned that interest.

Answer: Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, documents Bates # HDC-CCL 000001 – 000028, 000281 - 001060 are responsive to Interrogatory No. 1 and will be made available for inspection and copying.

Interrogatory No. 2.

Identify all documents in your possession that contain information that substantiates or supports your allegation, in paragraph 12 of the Complaint, that Carnival "knowingly and intentionally commenced, conducted, and promoted its commercial cruise line business to Cuba using the Subject Property by regularly embarking and disembarking its passengers on the Subject Property without the authorization of Plaintiff or any U.S. national who holds a claim to the Subject Property."

Answer: Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, documents Bates # HDC-CCL 000029 - 000278 are responsive to Interrogatory No. 2 and will be made available for inspection and copying.

Interrogatory No. 3.

Identify all documents in your possession that contain information that substantiates or supports your allegation, in paragraph 13 of the Complaint that Carnival "knowingly and intentionally participated in and profited from the communist Cuban Government's possession of the Subject Property without the authorization of Plaintiff or any U.S. national who holds a claim to the Subject

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

Property."

Answer: See answer to Interrogatory No. 2 above.

Interrogatory No. 4.

Identify all entities or individuals who you believe have knowledge that is relevant to the claims and/or allegations set forth in the Complaint, and state with specificity:

a. The full name for each person and entity;
b. the address for each person and entity; and
c. the nature and substance of the knowledge possessed.

Answer:

a. Mickael Sosthenes Behn
b. c/o Colson Hicks Eidson
c. Knowledge of Havana Docks Corporation and its claim.

a. Jerry M. Johnson
b. c/o Colson Hicks Eidson
c. Knowledge of Havana Docks Corporation and its claim.

Further, HDC believes that employees and representatives of Carnival have knowledge of the following that will be made known in the discovery in this case through documents and testimony: Carnival's cruises to Cuba; that the communist Cuban Government confiscated the Subject Property; that Carnival used the Subject Property; that Carnival disembarked and embarked passengers on the Subject Property; that Carnival's use of the Subject Property was not necessary nor incident to its cruises to Cuba; that HDC owns a certified claim to the Subject Property; that Carnival did not obtain HDC's authorization to use the Subject Property; that Carnival did not compensate HDC for its use of the Subject Property; that Title III of the LIBERTAD Act imposed liability on anyone that trafficked after November 1, 1996 in confiscated property that belonged to a U.S. national; that lawsuits could be brought under Title III of the LIBERTAD Act for trafficking once the right to bring an action under the LIBERTAD Act was no longer suspended; and, that Carnival obtained a financial benefit and profited from its use of the Subject Property.

Interrogatory No. 5.

Identify each company, subdivision, and/or subsidiary in which you have or had

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

ownership, control, or an interest of any kind and that was involved in any way with the Subject Property from your incorporation to the present. For each entity identified, state when that entity was involved with the Subject Property and all actions the entity took with regard to the Subject Property.

Answer: HDC objects to this Interrogatory as the phrases "involved in any way" and "all actions the entity took" are vague, undefined, and overly broad in scope and time. Plaintiff further objects to this Interrogatory as it seeks information that is neither relevant to the party's claims or defenses nor proportional to the needs of the case as it requests information unlimited in time as HDC was incorporated in 1917.

Interrogatory No. 6.

Identify each company, person, and/or trust, which has had, ownership, control, or an interest of any kind in Havana Docks Corporation and that was involved in any way with the Subject Property from your incorporation to the present. For each entity or person identify when that entity or person was involved with the Subject Property, the citizenship of that entity or person, and all actions such entity or person took with regard to the Subject Property.

Answer: Plaintiff objects to this Interrogatory as the phrases "involved in any way" and "all actions the entity or person took" are vague, undefined, and overly broad in scope. HDC also objects to this Interrogatory as overly broad, unduly burdensome, and seeks documents and communications that are neither relevant to any party's claims or defenses nor proportional to the needs of the case and is unlimited in time as HDC was incorporated in 1917.

Interrogatory No. 7.

Identify each and every witness you have retained or specially employed to provide expert testimony in this case or that you have employed whose duties regularly involve giving expert testimony and whom you expect to testify at trial, and provide a complete statement of the opinions to be expressed and the basis and reasons for those opinions for each witness.

Answer: HDC has not identified at this time any experts whose opinions may be presented at trial.

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

Interrogatory No. 8.

Do you contend Carnival's use of the Subject Property was not necessary for travel to Cuba? If so:

a. state each fact on which this contention is based;
b. identify each person having knowledge of each fact;
c. identify each document containing information of each fact.

Answer: Yes, Carnival's use of the Subject Property was not necessary for travel to Cuba. Carnival's ships could have anchored off shore or used other property besides the Subject Property.

HDC believes that employees and representatives of Carnival have knowledge that Carnival's use of the Subject Property was not necessary for travel to Cuba. Those individuals and documents will be made known to HDC through the discovery in this case. HDC will supplement this response as additional information is made known during the discovery process, to the extent it may do so without waiving the privileges protected by the attorney-client privilege and work product doctrine.

Interrogatory No. 9.

Itemize and show, including by identifying documents that you intend to rely on, how you calculate any damages claimed by you in this action, whether economic, non-economic, punitive, or other.

Answer: Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, documents Bates # HDC CCL 000001 - 000013 are responsive to Interrogatory No. 9 and will be made available for inspection and copying. Damages are calculated pursuant to the formula set forth in the LIBERTAD Act at 22 U.S.C. § 6082.

Interrogatory No. 10.

Identify with specificity each and every piece of real or other tangible property that you hold a claim to that you contend Carnival trafficked in. For each piece of property you identify:

a. State what interest you held in that property before it was confiscated by the Cuban government;
b. State whether that piece of property is included in the Foreign Claims Settlement Commission claims No. CU-2492;
c. Explain precisely how Carnival trafficked in each specified property; and
d. State what you contend to be the fair market value of the property.

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

Answer: As to subparts "a" and "b," pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, documents Bates # HDC-CCL 000001 – 000013 are responsive and will be made available for inspection and copying. As to subpart "c," HDC states that Carnival used the Subject Property to disembark and embark passengers from its ships; HDC refers Carnival to its Answer to Interrogatory No. 2, above. As to subpart "d," without waiving the work-product privilege, the current fair market value has not yet been calculated, but refers Defendant to the Certified Claim and the calculation of damages under Title III of the LIBERTAD ACT.

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

VERIFICATION OF ANSWERS TO INTERROGATORIES

Upon penalties of perjury, I, Jerry M. Johnson on behalf of Havana Docks Corporation, declare that I have read the foregoing interrogatories, and the answers provided thereto are true and correct, to the best of my knowledge and belief.

By: Jerry M. Johnson

Jerry M. Johnson
Secretary-Treasurer
Havana Docks Corporation

The foregoing instrument was sworn to and subscribed before me this 28th day of October, 2019, by Jerry M. Johnson as the Secretary-Treasurer for Havana Docks Corporation, who personally appeared and has produced KY Drivers License as identification.

KATHY J. BANTA
NOTARY
PUBLIC
STATE AT LARGE, KY

Kathy J. Banta
Notary Public

Printed Name: Kathy J. Banta

Commission No.: 573422

My Commission Expires: 3/16/21

KATHY J. BANTA
Notary Public-State at Large
KENTUCKY - Notary ID # 573422
My Commission Expires 03-16-2021

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

Date: October 28, 2019.

Respectfully submitted,

COLSON HICKS EIDSON, P.A.
255 Alhambra Circle, Penthouse
Coral Gables, Florida 33134
Telephone: (305) 476-7400
Facsimile: (305) 476-7444
E-mail: eservice@colson.com

By: /s/ Roberto Martínez
Roberto Martínez, Esquire
Florida Bar No. 305596
bob@colson.com
Stephanie A. Casey, Esquire
Florida Bar No. 97483
scasey@colson.com
Aziza Elayan-Martínez
Florida Bar No. 92736
aziza@colson.com
Zachary A. Lipshultz
Florida Bar No. 123594
zach@colson.com

- and -

MARGOL & MARGOL, P.A.
2029 3rd Street North
Jacksonville Beach, Florida 32250
Telephone: (904) 355-7508
Facsimile: (904) 619-8741

Rodney S. Margol, Esquire
Florida Bar No. 225428
Rodney@margolandmargol.com

Attorneys for Plaintiff Havana Docks Corporation

Certificate of Electronic Service List

I HEREBY CERTIFY that, on October 28, 2019, I served the foregoing document via electronic mail on the following counsel for the Defendant:

Stuart H. Singer, Esq.
Evan Ezray, Esq.
BOIES SCHILLER &FLEXNER
401 E. Las Olas Blvd., Suite 1200
Ft. Lauderdale, FL 33301
Telephone: (954) 356-0011
Fax: (954) 356-0022
E-mail: ssinger@bsfllp.com
E-mail: eezray@bsfllp.com

George J. Fowler, III, Esq.
(*Pro Hac Vice*)
JONES WALKER, LLP
201 St. Charles Ave.
New Orleans, LA 70170
Telephone: (504) 523-2600
Fax: (504) 523-2705
E-mail: gfowler@joneswalker.com

Luis E. Llamas. Esq.
JONES WALKER, LLP
201 S. Biscayne Blvd., Suite 2600
Miami, FL 33131
Telephone: (305) 679-5700
E-mail: llamas@joneswalker.com

Attorneys for Carnival Corporation

/s/ Roberto Martínez
Roberto Martínez

Exhibit 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No.: 1:19-cv-21724-BLOOM/MCALILEY

HAVANA DOCKS CORPORATION,

Plaintiff,

vs.

CARNIVAL CORPORATION,

Defendant.

_____/

HAVANA DOCKS CORPORATION'S
SUPPLEMENTAL INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Havana Docks Corporation ("Havana Docks") hereby serves the following supplemental initial disclosures.

Rule 26(a)(1) Disclosures

A. (i)

1. **Mickael Sosthenes Behn**
   c/o Colson Hicks Eidson

   (knowledge of Havana Docks, including its history and the Subject Property, the certified claim, the Notices sent to Carnival, and corporate decisions and actions taken by Havana Docks, including related to its rights under Title III of the LIBERTAD ACT)

2. **Jerry M. Johnson**
   c/o Colson Hicks Eidson

(knowledge of Havana Docks, including its history and the Subject Property, the certified claim, the Notices sent to Carnival, and corporate decisions and actions taken by Havana Docks, including related to its rights under Title III of the LIBERTAD ACT)

3. **Arnaldo Perez**
c/o Boies Schiller Flexner LLP

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owned a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Carnival did not have authorization to use the Subject Property, knowledge that Carnival was taking a calculated business risk trafficking in the Subject Property, knowledge of Defendant's use of the Subject Property to disembark and embark passengers from its ships, knowledge of the deployment and itinerary planning for Defendant's cruises to Cuba, knowledge of the profits earned from Defendant's trafficking on the Subject Property, knowledge of how Defendant engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Carnival could and did use other than the Subject Property to anchor or dock its ships, knowledge that Carnival was not required by the U.S. and Cuban Governments to use the Subject Property in its cruises to Cuba, and knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel)

4. **Giora Israel**
c/o Boies Schiller Flexner LLP

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owned a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Carnival did not have authorization to use the Subject Property, knowledge that Carnival was taking a calculated business risk trafficking in the Subject Property, knowledge

of Defendant's use of the Subject Property to disembark and embark passengers from its ships, knowledge of the deployment and itinerary planning for Defendant's cruises to Cuba, knowledge of the profits earned from Defendant's trafficking on the Subject Property, knowledge of how Defendant engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Carnival could and did use other than the Subject Property to anchor or dock its ships, knowledge that Carnival was not required by the U.S. and Cuban Governments to use the Subject Property in its cruises to Cuba, and knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel)

5. **Arnold Donald**
c/o Boies Schiller Flexner LLP

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owned a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Carnival did not have authorization to use the Subject Property, knowledge that Carnival was taking a calculated business risk by trafficking in the Subject Property, knowledge of Defendant's use of the Subject Property to disembark and embark passengers from its ships, knowledge of the deployment and itinerary planning for Defendant's cruises to Cuba, knowledge of the profits earned from Defendant's trafficking on the Subject Property, knowledge of how Defendant engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Carnival could and did use other than the Subject Property to anchor or dock its ships, knowledge that Carnival was not required by the U.S. and Cuban Governments to use the Subject Property in its cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, and knowledge of Carnival's lobbying of the U. S. Government for legislative, regulatory and executive immunity from liability under

Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump)

6. **Micky Arison**
c/o Boies Schiller Flexner LLP

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owned a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Carnival did not have authorization to use the Subject Property, knowledge that Carnival was taking a calculated business risk by trafficking in the Subject Property, knowledge of Defendant's use of the Subject Property to disembark and embark passengers from its ships, knowledge of the deployment and itinerary planning for Defendant's cruises to Cuba, knowledge of the profits earned from Defendant's trafficking on the Subject Property, knowledge of how Defendant engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Carnival could and did use other than the Subject Property to anchor or dock its ships, knowledge that Carnival was not required by the U.S. and Cuban Governments to use the Subject Property in its cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, and knowledge of Carnival's lobbying of the U. S. Government for legislative, regulatory and executive immunity from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump)

7. **Enrique Miguez**
c/o Boies Schiller Flexner LLP

(knowledge of Defendant's corporate structure and cruises to Cuba)

8. **Richard Hoshal**
c/o Boies Schiller Flexner LLP

(knowledge of Defendant's records and corporate structure)

9. **Fernando Perez Monteagudo**
Carr. a Chankanaab Km. 4.5
Muelle Puerta Maya
Cozumel, Q. Roo. Mexico
Phone: +52 (987) 869 1984 /86
Fax: +52 (987) 878 4001
Mobile: +521 (987) 871 1856
Email: fperez@puertamaya.com

(knowledge of Defendant's use of the Subject Property to disembark and embark passengers from its ships, Defendant's plans to renovate the Subject Property, the renovation, construction, and improvements to the Subject Property, and how Defendant engaged in commercial activity by using and benefitting from the Subject Property)

10. **Chris Allen**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owned a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that the cruise industry was taking a calculated business risk by trafficking in the Subject Property, knowledge of cruises to Cuba, the use of the Subject Property for such cruises, port operations in Cuba, knowledge of other ports and anchorages in Cuba that Carnival could use other than the Subject Property to anchor or dock its ships, knowledge that the U.S. and Cuban Governments did not require the use of the Subject Property in cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel)

11. **Bradley Stein**
c/o Scott Ponce

Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owned a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that the cruise industry was taking a calculated business risk by trafficking in the Subject Property, knowledge of cruises to Cuba, the use of the Subject Property for such cruises, port operations in Cuba, knowledge of other ports and anchorages in Cuba that Carnival could use other than the Subject Property to anchor or dock its ships, knowledge that the U.S. and Cuban Governments did not require the use of the Subject Property in cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel)

12. **Frank del Rio**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owned a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that the cruise industry was taking a calculated business risk by trafficking in the Subject Property, knowledge of Carnival's use of the Subject Property to disembark and embark passengers from its ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Carnival could and did use other than the Subject Property to anchor or dock its ships, knowledge that the cruise industry was not required by the U.S. and Cuban Governments to use the Subject Property in its cruises to Cuba, knowledge of other ports and anchorage sites in Cuba where its

passengers could undertake People-to-People travel, and knowledge of extensive lobbying by the cruise industry, including Carnival, of the U.S. Government for legislative, regulatory and executive immunity from liability under Title III)

13. **Lincoln Vidal**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owned a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that the cruise industry was taking a calculated business risk by trafficking in the Subject Property, knowledge of Carnival's use of the Subject Property to disembark and embark passengers from its ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Carnival could and did use other than the Subject Property to anchor or dock its ships, knowledge that the cruise industry was not required by the U.S. and Cuban Governments to use the Subject Property in its cruises to Cuba, knowledge of other ports and anchorage sites in Cuba where its passengers could undertake People-to-People travel, and knowledge of extensive lobbying by the cruise industry, including Carnival, of the U. S. Government for legislative, regulatory and executive immunity from liability under Title III)

14. **Mario Parodi**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owned a certified claim to the Subject Property, knowledge that it was a violation of the

LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that the cruise industry was taking a calculated business risk by trafficking in the Subject Property, knowledge of Carnival's use of the Subject Property to disembark and embark passengers from its ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Carnival could and did use other than the Subject Property to anchor or dock its ships, knowledge that the cruise industry was not required by the U.S. and Cuban Governments to use the Subject Property in its cruises to Cuba, knowledge of other ports and anchorage sites in Cuba where its passengers could undertake People-to-People travel, and knowledge of extensive lobbying by the cruise industry, including Carnival, of the U.S. Government for legislative, regulatory and executive immunity from liability under Title III)

15. **Corporate Representative of Viking Ocean Cruises (USA) Ltd. Co.**
1201 Hays Street,
Tallahassee, FL 32301-2525

(knowledge of cruises to Cuba, the use of the Subject Property for such cruises, other ports and anchorage sites in Cuba where a cruise ship could dock or anchor its ships, knowledge of other ports and anchorage sites in Cuba where cruise passengers could undertake People-to-People travel, and knowledge of shore excursions in and to Havana without docking at the Subject Property)

16. **Corporate Representative of Viking Ocean Cruises II, Ltd.**
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

(knowledge of cruises to Cuba, the use of the Subject Property for such cruises, other ports and anchorage sites in Cuba where a cruise ship could dock or anchor its ships, knowledge of other ports and anchorage sites in Cuba where cruise passengers could undertake People-to-People travel, and knowledge of shore excursions in and to Havana without docking at the Subject Property)

17. **Corporate Representative of Informa Markets Holdings, Inc.**
80 State Street
Albany, NY 12207-2543

(knowledge of cruise-related operations in Cuba)

18. **Jose Gelabert-Navia**
c/o Laura Lieffers
Perkins+Will
2800 Ponce de Leon, #1300
Coral Gables, FL 33134

(knowledge of cruises to Cuba, the use of the Subject Property for such cruises, and renovation and modernization of the Subject Property)

19. **All witnesses identified by Defendant.**

(knowledge of the facts supporting allegations of the complaint or Defendant's defenses)

Havana Docks reserves the right to provide supplemental information as it becomes available.

(ii)

1. Certified Claim from the Foreign Claims Settlement Commission.

2. Documents from the Foreign Claims Settlement Commission.

3. Notices sent by Havana Docks to Carnival.

4. Photographs, videos, and advertisements depicting Defendant's cruise ships trafficking on the Subject Property.

5. Photographs and videos depicting the Subject Property.

6. Havana Docks' corporate documents.

7. The following administrative decrees pertaining to the concession relating to the Subject Property:

a. Decree No. 85, Official Gazette of the Republic of Cuba, February 27, 1905;

b. Decree No. 467, Official Gazette of the Republic of Cuba, November 29, 1905;

c. Decree No. 1022, Official Gazette of the Republic of Cuba, November 11, 1910;

d. Decree No. 184, Official Gazette of the Republic of Cuba, March 13, 1911;

e. Decree No. 1944, Official Gazette of the Republic of Cuba, December 13, 1920; and

f. Decree No. 2424, Official Gazette of the Republic of Cuba, September 7, 1934.

8. Official Gazette of the Republic of Cuba regarding the confiscation of the Subject Property.

9. All documents filed in the criminal case, U.S.A. v. Princess Cruise Lines, LTD., Case No.: 1:16-cr-20897-PAS-1, including, but not limited to the following docket entries:

a. D.E. 2, Plea Agreement, Joint Factual Statement, Environmental Compliance Plan, and Attachment C.

b. D.E. 20, Transcript of Change of Plea Hearing held on December 20, 2016.

c. D.E. 26, Memorandum in aid of Sentencing

d. D.E. 30, Judgment in a Criminal Case.

e. D.E. 31, Transcript of Sentencing Proceedings held on April 19, 2017.

f. D.E. 75, Order issued by Honorable U.S. District Court Judge Patricia Seitz

g. D.E. 84-2, Letter to the Honorable U.S. District Court Judge Patricia Seitz

h. D.E. 134, Proposed Agreement for the Court's Consideration Resolving Superseding Petition for Summons for Offender Under Supervision Dated April 26, 2016.

i. D.E. 138, Government's Factual Basis for Second Superseding Petition to Revoke Probation.

j. D.E. 143, Order Accepting Proposed Settlement.

k. D.E. 145, Transcript of Status Conference/Final Probation Revocation Hearing as to Princess Cruise Lines, LTD, held on June 3, 2019.

10. Documents, photos, and videos produced by Viking Ocean Cruises (USA) Ltd. Co. to Havana Docks.

11. Documents, photos, and videos produced by Viking Ocean Cruises II, Ltd. to Havana Docks.

12. Documents produced by Perkins & Will, Inc. to Havana Docks.

13. Documents produced by Informa Markets Holdings, Inc. to Havana Docks.

14. Documents produced by Florida Cruise Association, Inc. d/b/a/ Florida-Caribbean Cruise Association to Havana Docks.

15. Documents produced by Cruise Lines International Association to Havana Docks.

16. Documents produced by the National Museum of American History, Archives Center, to Havana Docks.

17. Defendant's filings with the Security Exchange Commission.

18. Documents from Miami-Dade County regarding the construction of the Carnival, MSC, NCL, and Royal cruise terminals at the Port of Miami.

19. Defendant's financial statements.

20. Documents produced by Defendant in this litigation.

21. All documents used as exhibits in the depositions.

Havana Docks' counsel is in possession of the above-referenced documents.

Havana Docks reserves the right to provide supplemental information as it becomes available.

(iii)

Havana Docks' damages will be calculated in accordance with 22 U.S.C. § 6082.

(iv)

Unknown to Havana Docks.

DATED: February 11, 2021.

Respectfully submitted,

COLSON HICKS EIDSON, P.A.
255 Alhambra Circle, Penthouse
Coral Gables, Florida 33134
Telephone: (305) 476-7400
Facsimile: (305) 476-7444
E-mail: eservice@colson.com

By: s/ Roberto Martinez
Roberto Martinez
Florida Bar No. 305596
bob@colson.com
Stephanie A. Casey
Florida Bar No. 97483
scasey@colson.com
Zachary A. Lipshultz
Florida Bar No. 123594
zach@colson.com
Aziza Elayan-Martínez
Florida Bar No. 92736
aziza@colson.com

- and -

MARGOL & MARGOL, P.A.
2029 3rd Street North
Jacksonville Beach, Florida 32250
Telephone: (904) 355-7508
Facsimile: (904) 619-8741

Rodney S. Margol
Florida Bar No. 225428
Rodney@margolandmargol.com

Attorneys for Plaintiff Havana Docks Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 11, 2021, I served the foregoing document via electronic mail on the following counsel for the Defendant:

Stuart H. Singer
Meredith Schultz
Corey P. Gray
Pascual Oliu
BOIES SCHILLER &FLEXNER
401 E. Las Olas Blvd., Suite 1200
Ft. Lauderdale, FL 33301
Telephone: (954) 356-0011
Fax: (954) 356-0022
E-mail: ssinger@bsfllp.com
E-mail: mschultz@bsfllp.com
E-mail: cgray@bsfllp.com
E-mail: poliu@bsfllp.com

George J. Fowler
(Pro Hac Vice)
JONES WALKER, LLP
201 St. Charles Ave.
New Orleans, LA 70170
Telephone: (504) 523-2600
Fax: (504) 523-2705
E-mail: gfowler@joneswalker.com

Luis E. Llamas
JONES WALKER, LLP
201 S. Biscayne Blvd., Suite 2600
Miami, FL 33131
Telephone: (305) 679-5700
E-mail: llamas@joneswalker.com

Attorneys for Carnival Corporation

/s/ Roberto Martínez
Roberto Martínez

Exhibit 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 1:19-cv-21724-BLOOM/MCALILEY

HAVANA DOCKS CORPORATION,

Plaintiff,

vs.

CARNIVAL CORPORATION,

Defendant.

_____/

HAVANA DOCKS CORPORATION'S
SECOND SUPPLEMENTAL INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Havana Docks Corporation ("Havana Docks" or "Plaintiff") hereby serves the following Second Supplemental Initial Disclosures.

Rule 26(a)(1) Disclosures

A. (i)

1. **Jerry M. Johnson**
c/o Colson Hicks Eidson

(knowledge of Havana Docks, including its history, status, and the Subject Property, knowledge of the injury or harm suffered by Havana Docks, including the damages pursuant to the LIBERTAD Act, knowledge of the certified claim, knowledge of Havana Docks' ownership of the certified claim, knowledge of the notices sent to Defendants[1],

[1] The term "Defendants" means the defendants MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc. in Case No. 19-cv-23588 (S.D. Fla. Aug. 27, 2019); the defendant Norwegian

knowledge of Defendants' failure to compensate Havana Docks for their use of the Subject Property, knowledge of Havana Docks' corporate records, knowledge of the management of Havana Docks' business and the corporate decisions and actions taken by Havana Docks, including related to its rights under Title III of the LIBERTAD ACT, knowledge of Defendants' failure to obtain authorization from Havana Docks to use the Subject Property, and knowledge of the topics on which deposition testimony was provided)

2. **Mickael Sosthenes Behn**
c/o Colson Hicks Eidson

(knowledge of Havana Docks, including its history and the Subject Property, knowledge of Defendants' failure to compensate Havana Docks for their use of the Subject Property, knowledge of Defendants' failure to obtain authorization from Havana Docks to use the Subject Property, knowledge of the injury or harm suffered by Havana Docks, including the damages pursuant to the LIBERTAD Act, knowledge of the certified claim, knowledge of Havana Docks' ownership of the certified claim, knowledge of the notices sent to Defendants, knowledge of Havana Docks' corporate records, knowledge of Havana Docks' status, knowledge of decisions and actions taken by Havana Docks, including related to its rights under Title III of the LIBERTAD ACT, and knowledge of the topics on which deposition testimony was provided)

3. **Aphra Behn**
c/o Colson Hicks Eidson

(knowledge of Havana Docks' certified claim, knowledge of Havana Docks' ownership of the certified claim, knowledge of Defendants' failure to compensate Havana Docks for its use of the Subject Property, knowledge of Defendants' failure to obtain authorization from Havana Docks to use the Subject Property, knowledge of the injury or harm

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Cruise Line Holdings, Ltd. in Case No. 19-cv-23591 (S.D. Fla. Aug. 27, 2019); and the defendant Royal Caribbean Cruises, Ltd. in Case No. 19-cv-23590 (S.D. Fla. Aug. 27, 2019).

suffered by Havana Docks, knowledge of certain of Havana Docks' corporate records, history, status, and actions)

4. **Aaron Johnson**
c/o Colson Hicks Eidson

(knowledge of certain of Havana Docks' corporate records and actions and knowledge of the topics on which deposition testimony was provided)

5. **Robert MacArthur**
c/o Raymond P. Ausrotas
Arrowood LLP
10 Post Office Square
7th Floor
Boston, MA 02109

(knowledge of Havana Docks, including its history and the Subject Property, knowledge of the certified claim, knowledge of the construction of the Subject Property, knowledge of certain of Havana Docks' corporate records, and knowledge of the topics on which deposition testimony was provided)

6. **Arnaldo Perez**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge of Carnival Corporation's acquisitions of Airtours Plc ("Airtours") and Costa Crociere S.p.A. ("Costa") and Airtours and Costa's trafficking in the Subject Property, knowledge that Defendants did not have authorization from Havana Docks to use the

Subject Property, knowledge that Defendants were taking a calculated business risk by trafficking in the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge of the profits and revenues earned from Carnival Corporation's trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of cruises to Cuba and the use of the Subject Property for such cruises, knowledge of the cruise industry's lobbying of the U. S. Government for legislative, regulatory and executive protection from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, knowledge of Carnival Corporation's criminal case, *U.S.A. v. Princess Cruise Lines, LTD.*, Case No.: 1:16-cr-20897-PAS-1, including Carnival Corporation's conduct and violation of the law, entry of guilty pleas in that case, and the punishment imposed by the Court, and knowledge of the topics on which deposition testimony was provided)

7. **Giora Israel**
c/o Stuart Singer
Boies Schiller Flexner LLP

401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge that Defendants were taking a calculated business risk by trafficking in the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of Carnival Corporation's acquisitions of Airtours Plc ("Airtours") and Costa Crociere S.p.A. ("Costa") and Airtours and Costa's trafficking in the Subject Property, knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge of the profits and revenues earned from Carnival Corporation's trafficking in the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the cruise industry's lobbying of the U. S. Government for legislative, regulatory and executive protection from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, and knowledge of the topics on which deposition testimony was provided)

8. **Arnold Donald**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge that Defendants were taking a calculated business risk by trafficking in the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge of Carnival Corporation's acquisitions of Airtours Plc ("Airtours") and Costa Crociere S.p.A. ("Costa") and Airtours and Costa's trafficking in the Subject Property, knowledge of the profits and revenues earned from Carnival Corporation's trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People

travel, knowledge of Defendants' lobbying of the U. S. Government for legislative, regulatory and executive protection from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, knowledge of Carnival Corporation's criminal case, *U.S.A. v. Princess Cruise Lines, LTD.*, Case No.: 1:16-cr-20897-PAS-1, including Carnival Corporation's conduct and violation of the law, entry of guilty pleas in that case, and the punishment imposed by the Court, and knowledge of the topics on which deposition testimony was provided)

9. **Micky Arison**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge that Defendants were taking a calculated business risk by trafficking in the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge of the profits and revenues earned from Carnival Corporation's trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of Carnival Corporation's acquisitions of Airtours Plc ("Airtours") and Costa Crociere S.p.A. ("Costa") and Airtours and Costa's trafficking in the Subject Property, knowledge of the renovations, construction, and

improvements to the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of Defendants' lobbying of the U. S. Government for legislative, regulatory and executive protection from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, knowledge of Carnival Corporation's criminal case, *U.S.A. v. Princess Cruise Lines, LTD.*, Case No.: 1:16-cr-20897-PAS-1, including Carnival Corporation's conduct and violation of the law, entry of guilty pleas in that case, and the punishment imposed by the Court, and knowledge of the topics on which deposition testimony was provided)

10. **Enrique Miguez**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge of Carnival Corporation's acquisitions of Airtours Plc ("Airtours") and Costa Crociere S.p.A. ("Costa") and Airtours and Costa's trafficking in the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge that Defendants

were taking a calculated business risk by trafficking in the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge of the profits and revenues earned from Carnival Corporation's trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of cruises to Cuba, knowledge of the use of the Subject Property for such cruises, knowledge of the cruise industry's lobbying of the U. S. Government for legislative, regulatory and executive protection from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, knowledge of Carnival Corporation's criminal case, *U.S.A. v. Princess Cruise Lines, LTD.*, Case No.: 1:16-cr-20897-PAS-1, including Carnival Corporation's conduct and violation of the law, entry of guilty pleas in that case, and the punishment imposed by the Court, and knowledge of the topics on which deposition testimony was provided)

11. **Richard Hoshal**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge of Carnival Corporation's business records and corporate structure, knowledge of other ports and anchorages in Cuba that

Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, and knowledge of the topics on which deposition testimony was provided)

12. **Rosamaria Caballero**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of shore excursions for cruise passengers sailing to Cuba, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, and knowledge of the topics on which deposition testimony was provided)

13. **Carlos Estrada**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of port operations in Cuba, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of payments

made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge that Defendants were not required by the Cuban and U.S. Governments to use the Subject Property in their cruises to Cuba, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge of the renovations, construction, and improvements to the Subject Property, and knowledge of the topics on which deposition testimony was provided)

14. **Tandy Bondi**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge of cruises to Cuba, knowledge of the use of the Subject Property for such cruises, knowledge of extensive lobbying by the cruise industry of the U.S. Government for legislative, regulatory, and executive immunity from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, and knowledge of the topics on which deposition testimony was provided)

15. **Christopher Martin**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of other ports and anchorages in Cuba that

Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of the profits and revenues earned from Carnival Corporation's trafficking in the Subject Property, and knowledge of the topics on which deposition testimony was provided)

16. **Frederick Stein**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the profits and revenues earned from Carnival Corporation's trafficking in the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, and knowledge of the topics on which deposition testimony was provided)

17. **Tara Russell**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of the profits and revenues earned from Carnival Corporation's trafficking in the Subject Property, knowledge of shore excursions for cruise passengers sailing to Cuba, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

to anchor or dock their ships, and knowledge of the topics on which deposition testimony was provided)

18. **Fernando Perez Monteagudo**
Carr. a Chankanaab Km. 4.5
Muelle Puerta Maya
Cozumel, Q. Roo. Mexico
Phone: +52 (987) 869 1984 /86
Fax: +52 (987) 878 4001
Mobile: +521 (987) 871 1856
Email: fperez@puertamaya.com

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of the renovation, construction, and improvements to the Subject Property, and knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property)

19. **Corporate Representative(s) of Defendant Carnival Corporation**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge that Defendants were taking a calculated business risk by trafficking in the Subject Property,

knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of the profits and revenues earned from Carnival Corporation's trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of Defendants' lobbying of the U. S. Government for legislative, regulatory and executive immunity from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, and knowledge of the topics on which deposition testimony was provided)

20. **Records Custodian of Defendant Carnival Corporation**
c/o Stuart Singer
Boies Schiller Flexner LLP
401 E. Las Olas Blvd., Ste. 1200
Ft. Lauderdale, FL 33301

(knowledge of documents produced by Carnival Corporation in the lawsuit brought forth by Havana Docks)

21. **Chris Allen**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge of itineraries for cruises to Cuba, knowledge that the cruise industry was taking a calculated business risk by trafficking in the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of cruises to Cuba, knowledge of the use of the Subject Property for such cruises, knowledge of port operations in Cuba, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of other ports and anchorages in Cuba that the Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that the U.S. and Cuban Governments did not require the use of the Subject Property in cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, and knowledge of the topics on which deposition testimony was provided)

22. **Bradley Stein**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge of profits and revenues earned from Royal Caribbean Cruises, Ltd.'s trafficking in the Subject Property, knowledge that the cruise industry was taking a

calculated business risk by trafficking in the Subject Property, knowledge of cruises to Cuba, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of the use of the Subject Property for such cruises, knowledge of port operations in Cuba, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that the U.S. and Cuban Governments did not require the use of the Subject Property in cruises to Cuba, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of the cruise industry's lobbying of the U. S. Government for legislative, regulatory and executive immunity from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, and knowledge of the topics on which deposition testimony was provided)

23. **Maria "Megan" Shaw**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge of Defendants' shore excursions in Cuba, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of other ports in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, and knowledge of the topics on which deposition testimony was provided)

24. **Eleni P. Kalisch**
c/o Scott Ponce
Holland & Knight LLP

701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge of extensive lobbying by the Defendants of the U.S. Government for legislative, regulatory, and executive immunity from liability under Title III, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge that the Defendants were taking a calculated business risk by trafficking in the Subject Property, and knowledge of the topics on which deposition testimony was provided)

25. **Jorge Delgado**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge that Defendants were taking a calculated business risk by trafficking in the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge of the profits and revenues earned from Royal Caribbean Cruises, Ltd.'s trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of payments made by

the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of cruises to Cuba, knowledge of the use of the Subject Property for such cruises, knowledge of the cruise industry's lobbying of the U. S. Government for legislative, regulatory and executive immunity from liability under Title III, and knowledge of the topics on which deposition testimony was provided)

26. **Tyler Rand**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the profits and revenues earned from Royal Caribbean Cruises, Ltd.'s trafficking in the Subject Property, knowledge of the renovations, construction, and improvements to the Subject Property, and knowledge of the topics on which deposition testimony was provided)

27. **Adam Goldstein**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge that the Subject Property was confiscated by the Cuban Government, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Defendants were taking a calculated business risk by trafficking in the Subject Property, knowledge of profits and revenues earned from Royal Caribbean Cruises, Ltd.'s trafficking in the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of cruises to Cuba, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of the use of the Subject Property for such cruises, port operations in Cuba, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that the U.S. and Cuban Governments did not require the use of the Subject Property in cruises to Cuba, knowledge of the cruise industry's lobbying of the U. S. Government for legislative, regulatory and executive immunity from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, and knowledge of the topics on which deposition testimony was provided)

28. **Yesenia Ortiz**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the profits and revenues earned from Royal Caribbean Cruises, Ltd.'s trafficking in the Subject Property, and knowledge of the topics on which deposition testimony was provided)

29. **Richard D. Fain**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge of the Helms-Burton Act, knowledge that Title III provides notice of liability for trafficking in confiscated property by the Cuban Government, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, and knowledge of the profits and revenues earned from Royal Caribbean Cruises, Ltd.'s trafficking in the Subject Property)

30. **Corporate Representative(s) of Royal Caribbean Cruises, Ltd.**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or docks their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of profits and revenues earned from Royal Caribbean Cruises, Ltd.'s trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge of cruises to Cuba, knowledge of the use of the Subject Property for such cruises, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorage sites in Cuba where passengers could undertake People-to-People travel, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that the Subject Property was confiscated by the Cuban Government, knowledge of extensive lobbying by the Defendants of the U.S. Government for legislative, regulatory, and executive immunity from liability under Title III, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, and knowledge of the topics on which deposition testimony was provided)

31. **Records Custodian of Royal Caribbean Cruises, Ltd.**
c/o Scott Ponce
Holland & Knight LLP
701 Brickell Ave., Ste. 3300
Miami, FL 33131

(knowledge of documents produced by Royal Caribbean Cruises, Ltd. in the lawsuit brought forth by Havana Docks)

32. **Frank del Rio**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge that Defendants were taking a calculated business risk by trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of the profits earned and revenues from Norwegian Cruise Line Holdings, Ltd.'s trafficking in the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that the Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge of other ports and anchorage sites in Cuba where passengers could undertake People-to-People travel, knowledge of the cruise industry's lobbying of

the U. S. Government for legislative, regulatory and executive immunity from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, and knowledge of the topics on which deposition testimony was provided)

33. **Lincoln Vidal**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge of the profits and revenues earned from Norwegian Cruise Line Holdings, Ltd.'s trafficking in the Subject Property, knowledge that Defendants were taking a calculated business risk by trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge of other ports and

anchorage sites in Cuba where passengers could undertake People-to-People travel, knowledge of the cruise industry's lobbying of the U. S. Government for legislative, regulatory and executive immunity from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, and knowledge of the topics on which deposition testimony was provided)

34. **Mario Parodi**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge that Defendants were taking a calculated business risk by trafficking in the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that the Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge of other ports and anchorage sites in Cuba where passengers could undertake People-to-People travel, knowledge of extensive lobbying by the cruise industry Defendants of the U. S. Government for legislative, regulatory and executive immunity from

liability under Title III, and knowledge of the topics on which deposition testimony was provided)

35. **Christine Manjencic**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, and knowledge of the topics on which deposition testimony was provided)

36. **Hugo Cancio**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of other ports and anchorages in Cuba that the cruise industry could and did use other than the Subject Property to anchor or dock their ships, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, and knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake

People-to-People travel, and knowledge of the topics on which deposition testimony was provided)

37. **Lavanya Sareen**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of the profits and revenues earned from Norwegian Cruise Line Holdings, Ltd.'s trafficking in the Subject Property, knowledge that the Defendants were taking a calculated business risk by trafficking in the Subject Property, and knowledge of the topics on which deposition testimony was provided)

38. **Edel Cruz**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of the deployment and itinerary planning for Defendants' cruises to Cuba, knowledge of extensive lobbying by the Defendants of the U. S. Government for legislative, regulatory and executive immunity from liability under Title III, knowledge of the profits and revenues earned from Norwegian Cruise Line Holdings, Ltd.'s trafficking in the Subject Property, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of shore excursions for cruise passengers

sailing to Cuba, and knowledge of the topics on which deposition testimony was provided)

39. **Daniel Farkas**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of the profits and revenues earned from Norwegian Cruise Line Holdings, Ltd.'s trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of extensive lobbying by Defendants of the U. S. Government for legislative, regulatory and executive immunity from liability under Title III, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of other ports and anchorages in Cuba that the cruise industry could and did use other than the Subject Property to anchor or dock their ships, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, and knowledge of the topics on which deposition testimony was provided)

40. **Corporate Representative(s) of Norwegian Cruise Line Holdings, Ltd.**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or docks their ships, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge of deployment and itinerary planning for Defendants' cruises to Cuba, knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of profits and revenues earned from Norwegian Cruise Line Holdings, Ltd.'s trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of cruises to Cuba, knowledge of the use of the Subject Property for such cruises, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that the Subject Property was confiscated by the Cuban Government, knowledge of extensive lobbying by the Defendants of the U.S. Government for legislative, regulatory, and executive immunity from liability under Title III, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban

Government, and knowledge of the topics on which deposition testimony was provided)

41. **Records Custodian of Norwegian Cruise Line Holdings, Ltd.**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge of documents produced by Norwegian Cruise Line Holdings, Ltd. in the lawsuit brought forth by Havana Docks)

42. **Corporate Representative of Florida Caribbean Cruise Association**
c/o Allen Pegg
Hogan Lovells US LLP
600 Brickell Ave., Ste. 2700
Miami, FL 33131

(knowledge of cruise-related operations in Cuba)

43. **Richard Sasso**
c/o J. Douglas Baldridge
Venable LLP
600 Massachusetts Ave.
Washington, D.C. 20001

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge that Defendants were taking a calculated business risk trafficking in the Subject Property, knowledge of Defendants' use of

the Subject Property to disembark and embark passengers from their ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that the cruise industry could and did use other than the Subject Property to anchor or dock their ships, knowledge that the Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of profits and revenues earned from MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc.'s trafficking in the Subject Property, and knowledge of the topics on which deposition testimony was provided)

44. **Roberto Fusaro**
c/o J. Douglas Baldridge
Venable LLP
600 Massachusetts Ave.
Washington, D.C. 20001

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of profits and revenues earned from MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc.'s trafficking in the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, including Defendants' offering of shore excursions in Cuba, and knowledge of the topics on which deposition testimony was provided)

45. **Massimiliano Mio**
c/o J. Douglas Baldridge
Venable LLP
600 Massachusetts Ave.
Washington, D.C. 20001

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of profits and revenues earned from MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc.'s trafficking in the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc.'s corporate structure, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge of other ports and anchorages in Cuba that Defendants' could and did use other than the Subject Property to anchor or dock their ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of port operations in Cuba, knowledge of extensive lobbying by the Defendants of the U.S. Government for legislative, regulatory, and executive immunity from liability under Title III, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, and knowledge of the topics on which deposition testimony was provided)

46. **Gianni Onorato**
c/o J. Douglas Baldridge
Venable LLP
600 Massachusetts Ave.

Washington, D.C. 20001

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of profits and revenues earned from MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc.'s trafficking in the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge that Defendants were taking a calculated business risk trafficking in the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property in their cruises to Cuba, and knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of Costa Crociere S.p.A.'s trafficking in the Subject Property, and knowledge of the topics on which deposition testimony was provided)

47. **Pierfrancesco Vago**
c/o J. Douglas Baldridge
Venable LLP
600 Massachusetts Ave.
Washington, D.C. 20001

(knowledge that the Subject Property was confiscated by the Cuban Government, knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of profits and revenues earned from MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc.'s trafficking in the Subject Property, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of Defendants' lobbying of the U.S. Government for legislative, regulatory and executive immunity from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Trump, and knowledge of the topics on which deposition testimony was provided)

48. **Marialuisa Iaccarino**
c/o J. Douglas Baldridge
Venable LLP
600 Massachusetts Ave.
Washington, D.C. 20001

(knowledge of Defendants' offering of shore excursions for cruise passengers sailing to Cuba, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers

could undertake People-to-People travel, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, and knowledge of the topics on which deposition testimony was provided)

49. **Captain Luigi Pastena**
c/o J. Douglas Baldridge
Venable LLP
600 Massachusetts Ave.
Washington, D.C. 20001

(knowledge of port operations in Cuba, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of itinerary planning for Defendants' cruises to Cuba, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge of the renovations, construction, and improvements to the Subject Property, and knowledge of the topics on which deposition testimony was provided)

50. **Gianluca Suprani**
c/o J. Douglas Baldridge
Venable LLP
600 Massachusetts Ave.
Washington, D.C. 20001

(knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of payments made by the cruise industry in Cuba to the Cuban government and not to the Cuban people, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of Defendants' offering of shore excursions in Cuba, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or dock their ships, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge of Airtours and Costa's trafficking in the Subject Property, and knowledge of the topics on which deposition testimony was provided)

51. **Corporate Representatives of MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc.**
c/o J. Douglas Baldridge
Venable LLP
600 Massachusetts Ave.
Washington, D.C. 20001

(knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge of Defendants' use of the Subject Property to disembark and embark passengers from their ships, knowledge of other ports and anchorages in Cuba that Defendants could and did use other than the Subject Property to anchor or docks their ships, knowledge of notices received by the Defendants from attorney Rodney Margol that they were trafficking in the Subject Property, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where passengers could undertake People-to-People travel, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge that Defendants were not required by the U.S. and Cuban Governments to use the Subject Property, knowledge of profits and revenues earned from MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc.'s trafficking in the Subject Property, knowledge of how Defendants engaged in commercial activity by using and benefitting from the Subject Property, knowledge of cruises to Cuba, knowledge of the use of the Subject Property for such cruises, knowledge of the renovations, construction, and improvements to the Subject Property, knowledge that it was a violation of the LIBERTAD Act to use the Subject Property without the authorization of Havana Docks, knowledge that the Subject Property was confiscated by the Cuban Government, knowledge of extensive lobbying by Defendants of the U.S. Government for legislative, regulatory, and executive immunity from liability under Title III, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, knowledge of deployment and itinerary planning for Defendants' cruises to Cuba, and knowledge of the topics on which deposition testimony was provided)

52. **Records Custodians of MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc.**
c/o J. Douglas Baldridge
Venable LLP
600 Massachusetts Ave.
Washington, D.C. 20001

(knowledge of documents produced by MSC Cruises SA Co., MSC Cruises SA, and MSC Cruises (USA) Inc. in the lawsuit brought forth by Havana Docks)

53. **Timothy Ashby**
Dentons
4 Thorne Passage
London SW13
Great Britain

Dentons
One Fleet Place
London EC4M 7WS
United Kingdom

(knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge of the efforts made by the cruise industry to purchase Havana Docks' certified claim to the Subject Property, knowledge of Carnival Corporation's knowledge of Havana Docks' certified claim to the Subject Property, knowledge of extensive lobbying by the cruise industry of the U.S. Government for legislative, regulatory and executive immunity from liability under Title III)

54. **Nicolai Skogland**
c/o Pedro A. Freyre
Akerman LLP
Three Brickell City Centre
98 SE Seventh St., Ste. 1100
Miami, FL 33131

(knowledge of cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where a cruise ship could dock or anchor its ships, knowledge of other ports and anchorage sites in Cuba where cruise passengers could undertake People-to-People travel, knowledge of shore excursions in and to Havana without docking at the Subject Property, and knowledge of the topics on which deposition testimony was provided)

55. **Corporate Representative of Viking Ocean Cruises (USA) Ltd. Co.**
c/o Pedro A. Freyre
Akerman LLP
Three Brickell City Centre
98 SE Seventh St., Ste. 1100
Miami, FL 33131

(knowledge of cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where a cruise ship could dock or anchor its ships, knowledge of other ports and anchorage sites in Cuba where cruise passengers could undertake People-to-People travel, knowledge of shore excursions in and to Havana without docking at the Subject Property, and knowledge of the topics on which deposition testimony was provided)

56. **Corporate Representative of Viking Ocean Cruises II, Ltd.**
c/o Pedro A. Freyre
Akerman LLP
Three Brickell City Centre
98 SE Seventh St., Ste. 1100
Miami, FL 33131

(knowledge of cruises to Cuba, knowledge of other ports and anchorage sites in Cuba besides the Subject Property where a cruise ship could dock or anchor its ships, knowledge of other ports and anchorage sites in Cuba where cruise passengers could undertake People-to-People travel, knowledge of shore excursions in and to Havana without docking

at the Subject Property, and knowledge of the topics on which deposition testimony was provided)

57. **Corporate Representative of Informa Markets Holdings, Inc.**
80 State Street
Albany, NY 12207-2543

(knowledge of cruise-related operations in Cuba)

58. **Corporate Representative of Cruise Lines International Association**
1201 F. Street NW, Ste. 250
Washington, D.C. 20004

(knowledge that Havana Docks owns a certified claim to the Subject Property, knowledge that Defendants did not have authorization from Havana Docks to use the Subject Property, knowledge of information provided by Cruise Lines International Association to the Defendants as to their liability under the LIBERTAD Act for trafficking in the Subject Property, knowledge that Defendants' trafficking in the Subject Property was a violation of the LIBERTAD Act, knowledge of cruise-related operations in Cuba, knowledge of extensive lobbying by Defendants of the U.S. Government for legislative, regulatory, and executive immunity from liability under Title III, including lobbying Secretary of State Michael Pompeo and President Donald Trump, knowledge that Title III provides notice of liability for trafficking in property confiscated by the Cuban Government, and knowledge of any topics on which deposition and declaration testimony are to be provided)

59. **Jose Gelabert-Navia**
c/o Laura Lieffers
Perkins+Will
2800 Ponce de Leon, #1300
Coral Gables, FL 33134

(knowledge of cruises to Cuba, knowledge of the use of the Subject Property for such cruises, knowledge of renovations and improvements

to the Subject Property, and knowledge of topics on which deposition testimony was provided)

60. **Luis Ajamil**
Bermello, Ajamil & Partners, Inc.
2601 S. Bayshore Drive, Ste. 1000
Miami, FL 33133

(knowledge of cruises to Cuba, knowledge of the use of the Subject Property for such cruises, knowledge of renovations and improvements to the Subject Property, and knowledge of topics on which deposition testimony was provided)

61. **Jose Octavio Busto**
Continental Shipping, Inc.
360 San Francisco St.
San Juan, PR 00901

(knowledge of Royal Caribbean Cruises, Ltd.'s knowledge of Havana Docks' certified claim to the Subject Property)

62. **Peter G. Whelpton**

(knowledge of Royal Caribbean Cruises, Ltd.'s knowledge of Havana Docks' certified claim to the Subject Property)

63. **Records Custodian of the National Museum of American History, Archives Center**
12th Street & Constitution Ave., N.W.
Washington, D.C. 20560

(knowledge of records relating to "Projecto Scovel" which are archived at the museum)

64. **Records Custodian of the Smithsonian Institution Archives**
Capital Gallery Building
600 Maryland Ave., SW, Ste. 3000

Washington, D.C. 20024

(knowledge of records that are archived at the museum relating to "Projecto Scovel" and the Compania del Puerto's concession)

65. **Records Custodian of the University of Miami, Richter Library**
1300 Memorial Drive
Coral Gables, FL 33124

(knowledge of records relating to the Subject Property which are archived at the library)

66. **Records Custodian of the University of Florida, George A Smathers Libraries – University of Florida Digital Collections**
1508 Union Rd., Bldg #0005
Gainesville, FL 32611

(knowledge of records relating to the Subject Property which are archived at the library)

67. **Records Custodian of Seaport Department of the Miami-Dade County Government**
1015 North America Way 2nd Floor
Miami, FL 33132

(knowledge of Defendants' agreements with Miami-Dade County governing use and development of cruise terminals at the PortMiami)

68. **Records Custodian of PortMiami**
1015 N. America Way, 2nd Floor
Miami, FL 33132

(knowledge of Defendant's agreements with Miami-Dade County governing use and development of cruise terminals at the PortMiami)

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

69. **All expert witnesses disclosed in this litigation**

(opinions disclosed in expert disclosures and depositions)

70. **All witnesses identified by Defendant Carnival Corporation**

(knowledge of the facts supporting allegations of the complaint)

Havana Docks reserves the right to provide supplemental information as it becomes available.

(ii)

1. Certified Claim from the Foreign Claims Settlement Commission.

2. Documents from the Foreign Claims Settlement Commission.

3. Notices sent by Havana Docks to Carnival Corporation.

4. Photographs, videos, and advertisements depicting Carnival Corporation's cruise ships trafficking in the Subject Property.

5. Photographs and videos depicting the Subject Property.

6. Havana Docks' corporate documents.

7. The following administrative decrees:
   a. Decree No. 85, Official Gazette of the Republic of Cuba, February 27, 1905;
   b. Decree No. 467, Official Gazette of the Republic of Cuba, November 29, 1905;
   c. Decree No. 1022, Official Gazette of the Republic of Cuba, November 11, 1910;
   d. Decree No. 184, Official Gazette of the Republic of Cuba, March 13, 1911;
   e. Decree No. 1944, Official Gazette of the Republic of Cuba, December 13, 1920; and

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

f. Decree No. 2424, Official Gazette of the Republic of Cuba, September 7, 1934.

8. Cuban Law No. 851 of July 6, 1960.

9. "Confiscatory Resolution," Official Gazette of the Republic of Cuba, June 10, 1960.

10. Resolution No. 3, Official Gazette of the Republic of Cuba, October 24, 1960.

11. "Acta," November 21, 1960, executed by Captain Fernandez Supervielle and Mario Rodriguez Lanza.

12. All documents filed in the criminal case, *U.S.A. v. Princess Cruise Lines, LTD.*, Case No.: 1:16-cr-20897-PAS-1, including, but not limited to the following docket entries:

a. D.E. 2, Plea Agreement, Joint Factual Statement, Environmental Compliance Plan, and Attachment C.

b. D.E. 20, Transcript of Change of Plea Hearing held on December 20, 2016.

c. D.E. 26, Memorandum in aid of Sentencing.

d. D.E. 30, Judgment in a Criminal Case.

e. D.E. 31, Transcript of Sentencing Proceedings held on April 19, 2017.

f. D.E. 75, Order issued by Honorable U.S. District Court Judge Patricia Seitz.

g. D.E. 84-2, Letter to the Honorable U.S. District Court Judge Patricia Seitz.

h. D.E. 134, Proposed Agreement for the Court's Consideration Resolving Superseding Petition for Summons for Offender Under Supervision Dated April 26, 2016.

i. D.E. 138, Government's Factual Basis for Second Superseding Petition to Revoke Probation.

j. D.E. 143, Order Accepting Proposed Settlement.

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

k. D.E. 145, Transcript of Status Conference/Final Probation Revocation Hearing as to Princess Cruise Lines, LTD, held on June 3, 2019.

13. Documents, photos, and videos produced by Viking Ocean Cruises (USA) Ltd. Co.

14. Documents, photos, and videos produced by Viking Ocean Cruises II, Ltd.

15. Documents produced by Perkins & Will, Inc.

16. Documents produced by Informa Markets Holdings, Inc.

17. Documents produced by the Florida Caribbean Cruise Association.

18. Documents produced by Cruise Lines International Association.

19. Documents produced by the National Museum of American History, Archives Center.

20. Documents produced by the Smithsonian Institution Archives.

21. Documents produced by Bermello, Ajamil & Partners, Inc.

22. Documents produced by Hugo Cancio and Fuego Enterprises, Inc.

23. Documents from Miami-Dade County regarding the construction of the Carnival, MSC, NCL, and Royal cruise terminals at the Port of Miami.

24. Carnival Corporation's financial statements, annual reports, and filings with the Security Exchange Commission from 1996 through 2021.

25. Documents produced by Robert MacArthur.

26. Airtours' financial statements and annual reports from 1996-2001.

27. Documents relied upon by Havana Docks and Defendants' experts in preparing expert reports.

28. Documents produced by the Plaintiff, Defendant(s), and non-parties in the following lawsuits:

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

a. *Havana Docks Corporation v. Norwegian Cruise Line Holdings, Ltd.*, Case No. 19-cv-23591-Bloom/Louis

b. *Havana Docks Corporation v. Carnival Corporation*, Case No. 19-cv-21724-Bloom/McAliley

c. *Havana Docks Corporation v. MSC Cruises SA, MSC Cruises SA CO, and MSC Cruises (USA) Inc.*, Case No. 19-cv-23588-Bloom/Louis

d. *Havana Docks Corporation v. Royal Caribbean Cruises Ltd.*, Case No. 19-cv-23590-Bloom/Louis

29. All documents marked as exhibits to the depositions of any individual listed in Havana Docks' supplemental disclosures.

30. William C. Behn's military records and medals.

31. The video recorded interview of Frank del Rio at the Wharton summit.

32. Service contracts between Defendants and Aries S.A.

33. Agency contracts between Defendants and Empresa Consignataria Mambisa or Agencia Maritima Mapor S.A.

Havana Docks' counsel is in possession of the above-referenced documents.

Havana Docks reserves the right to provide supplemental information as it becomes available.

(iii)

Havana Docks is entitled to all money damages allowable under the LIBERTAD Act. Such damages are calculated pursuant to 22 U.S.C. § 6082. The money damages allowable under 22 U.S.C. § 6082(a)(1)(A)(i) are three times the greater of the amounts described in 22 U.S.C. § 6082(a)(1)(A)(i)(I)-(III), plus court costs and reasonable attorneys' fees:

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

22 U.S.C. § 6082(a)(1)(A)(i)(I): Damages under this provision is the amount certified to the claimant by the Foreign Claims Settlement Commission in Claim No. CU-2492 ("Nine Million One Hundred Seventy-nine Thousand Seven Hundred Dollars and Eighty-eight Cents ($9,179,700.88) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement") plus interest (pursuant to 22 U.S.C. § 6082(a)(1)(B)), computed by the Court from the date of confiscation of the property (10/24/1960) to the date on which this action is brought.

22 U.S.C. § 6082(a)(1)(A)(i)(II): Damages under this provision, which are inapplicable in this case, apply to a claim that has not been certified by the Foreign Claims Settlement Commission, and are determined by a special master, including the Foreign Claims Settlement Commission of the United States (pursuant to 22 U.S.C. § 6083(a)(2)), should the Court make that appointment.

U.S.C. § 6082(a)(1)(A)(i)(III): Damages under this provision is the fair market value of the property, calculated as being either the current value of the property, or the value of the property when confiscated plus interest, whichever is greater. Plaintiff's valuation expert, John J. Hentschel of Hentschel Real Estate Services LLC, concluded that the fair market value as of March 1, 2021 of the concession, land, and improvements located at what is now known as The Sierra Maestra Cruise Terminal, located along the western portion of Havana Bay, as described in the Certified Claim No. CU-2492 of the Foreign Claims Settlement Commission ("Subject Property"), is $232,560,000. *See* Mr. Hentschel's expert and supplemental

Colson Hicks Eidson
255 Alhambra Circle, Penthouse, Coral Gables, Florida 33134-5008 Telephone: (305) 476-7400 Fax: (305) 476-7444

reports served on Defendant on March 19, 2021 and May 18, 2021, respectively. Mr. Hentschel arrived at this valuation with the input from, and collaboration among, a team of experts engaged by the Plaintiff (Aegir Port Property Advisers, Collins Engineers, Inc., Project Time & Cost LLC, and Patton Consultants, Ltd.), who individually brought forth their own knowledge, expertise, and skill sets required to value the property. Moreover, Defendant's valuation expert, Pablo T. Spiller, assessed the current fair market value of the property as of February 28, 2021 at $46,300,457. *See* Spiller's expert and rebuttal reports served on Havana Docks on March 19, 2021 and April 16, 2021, respectively, and Spiller Dep. 87:7 – 89:5, June 15, 2021. The Plaintiff is not offering a calculation, pursuant to 22 U.S.C. § 6082(a)(1)(A)(i)(III), of the value of the property when confiscated.

Pursuant to 22 U.S.C. § 6082(a)(3)(A)(C), damages are to be three times the amount determined applicable under 22 U.S.C. § 6082(a)(1)(A)(i), plus court costs and attorneys' fees under 22 U.S.C. 6082(a)(1)(A)(ii).

(iv)

Unknown to Havana Docks.

DATED: August 16, 2021.

Respectfully submitted,

COLSON HICKS EIDSON, P.A.
255 Alhambra Circle, Penthouse
Coral Gables, Florida 33134
Telephone: (305) 476-7400
Facsimile: (305) 476-7444
E-mail: eservice@colson.com

By: s/ Roberto Martínez
Roberto Martínez
Florida Bar No. 305596
bob@colson.com
Stephanie A. Casey
Florida Bar No. 97483
scasey@colson.com
Zachary A. Lipshultz
Florida Bar No. 123594
zach@colson.com
Aziza Elayan-Martínez
Florida Bar No. 92736
aziza@colson.com

- and -

MARGOL & MARGOL, P.A.
2029 3rd Street North
Jacksonville Beach, Florida 32250
Telephone: (904) 355-7508
Facsimile: (904) 619-8741

Rodney S. Margol
Florida Bar No. 225428
Rodney@margolandmargol.com

Attorneys for Plaintiff Havana Docks Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 16, 2021, I served the foregoing document via electronic mail on the following counsel for the Defendant:

Stuart H. Singer
Meredith Schultz
Corey P. Gray
Pascual Oliu
BOIES SCHILLER &FLEXNER
401 E. Las Olas Blvd., Suite 1200
Ft. Lauderdale, FL 33301
Telephone: (954) 356-0011
Fax: (954) 356-0022
E-mail: ssinger@bsfllp.com
E-mail: mschultz@bsfllp.com
E-mail: cgray@bsfllp.com
E-mail: poliu@bsfllp.com

George J. Fowler
(*Pro Hac Vice*)
JONES WALKER, LLP
201 St. Charles Ave.
New Orleans, LA 70170
Telephone: (504) 523-2600
Fax: (504) 523-2705
E-mail: gfowler@joneswalker.com

Luis E. Llamas
JONES WALKER, LLP
201 S. Biscayne Blvd., Suite 2600
Miami, FL 33131
Telephone: (305) 679-5700
E-mail: llamas@joneswalker.com

Attorneys for Carnival Corporation

/s/ Roberto Martínez
Roberto Martínez

Exhibit 5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
Case No. 19-cv-23591-BLOOM/Louis

HAVANA DOCKS CORPORATION,
Plaintiff,
vs.
NORWEGIAN CRUISE LINE
HOLDINGS LTD.,

Defendant.
_____/

Tuesday, December 8, 2020
10:03 a.m. - 5:30 p.m.

VIDEOTAPED DEPOSITION OF JERRY M. JOHNSON,
AS CORPORATE REPRESENTATIVE OF HAVANA DOCKS CORPORATION

Taken via Zoom videoconference on behalf of the Defendant before Elizabeth Cordoba, RMR, CRR, FPR, Notary Public in and for the State of Florida at Large, pursuant to Defendant's Notice of Taking Deposition in the above cause.

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1 comptroller, treasurer, and secretary.
2 Q. Have you ever held the title of president?
3 A. I have not.
4 Q. At all times since you have been associated
5 with Havana Docks Corporation, has Mr. Behn held the title
6 of president?
7 A. To my knowledge I believe that would be
8 accurate.
9 Q. Are you a shareholder in the company?
10 A. I am not.
11 Q. Have you ever held any equity ownership
12 interest in the company?
13 A. I have not.
14 Q. When did you become a director?
15 A. That would have been 2018, as I recall.
16 Q. Was there a shareholder vote to name you as
17 director?
18 A. Yes, sir, as I recall.
19 Q. Okay. And prior to 2018 when you became a
20 director, did you hold any position with Havana Docks
21 Corporation?
22 A. I did not.
23 Q. So in 2018, in addition to becoming a director,
24 did you likewise take on the titles of secretary,
25 treasurer, and the others that you just listed for us?

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1 A. In 2018 the titles at the time would have been
2 secretary, treasurer.
3 Q. And then since 2018 over the last couple of
4 years, you have taken on those other titles that you just
5 listed for us; is that right?
6 A. Yes, sir. That is correct.
7 Q. Have you ever participated in a meeting of the
8 Havana Docks Corporation board of directors since 2018?
9 A. Can you define "meeting" for me, please.
10 Q. Sure. A getting together, either physically
11 pre pandemic or virtually post pandemic, or at any time of
12 the directors of the Havana Docks Corporation to consider
13 and decide upon business matters of the company?
14 A. We have, but they have not been face to face.
15 And this virtual technology is relatively new, so we have
16 not had a virtual meeting. They have been by written
17 correspondence and what we have referred to as meetings in
18 lieu.
19 Q. And that written correspondence -- how many
20 meetings in lieu by written correspondence has Havana
21 Docks Corporation had since you have been a director?
22 A. I believe two.
23 Q. In what years were they?
24 A. Well, of course, we were talking about the 2018
25 sequence and then we have had one this year, 2020.

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1 Q. And those were both conducted by written
2 consent in lieu of a formal director's meeting; is that
3 right?
4 A. Yes, sir, that is correct.
5 Q. And were those written consents exchanged by
6 email?
7 A. They were not.
8 Q. How were they exchanged or how were they
9 disseminated? I am sorry. Go ahead.
10 A. They were exchanged by mail, but also, again,
11 with this new technology, maybe some of the logistics are
12 a little bit blurred. There have been some document
13 signings through secure channel, for example, with a
14 product you are probably familiar with called DocuSign.
15 Q. Yes. So has DocuSign been used for the written
16 consents in lieu?
17 A. As I recall we have used DocuSign. I can't
18 remember the specific forms that we utilized DocuSign to
19 obtain appropriate signatures.
20 Q. And DocuSign is a program that allows you to
21 obtain appropriate signatures from the signatories
22 electronically; is that right?
23 A. Yes, sir, that is correct.
24 Q. And so were the written consents in lieu signed
25 by DocuSign, to the best of your recollection?

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1 A. I believe that would be accurate.
2 Q. Okay. So you signed in your capacity as a
3 director electronically; is that right?
4 A. Yes, as I recall.
5 Q. And Mr. Behn, likewise in his capacity as a
6 director, signed those written consents electronically; is
7 that right?
8 A. Yes, sir, as I recall.
9 Q. So those would have been signed from whatever
10 location you and Mr. Behn respectively were at at the time
11 of the electronic signatures, correct?
12 A. Yes, sir, that is correct.
13 Q. Okay. And Mr. Behn is a director, correct?
14 A. Yes, sir.
15 Q. And aside from yourself and he, are there any
16 other directors of Havana Docks Corporation?
17 A. Yes, sir. There is another director. Excuse
18 me. Excuse me just a moment.
19 The third director being Mickael Behn's mother.
20 Her name is Aphra Behn.
21 Q. And was Mrs. Behn a director at the time that
22 you took on that position in 2018?
23 A. I believe she was.
24 Q. And did she likewise sign the written consent
25 in lieu in connection with the two directors meetings that

1 have been held since 2018?
2 A. A DocuSign? Is that your question?
3 Q. Yes.
4 A. Yes. That is my recollection.
5 Q. And where does she live?
6 A. She lives in France.
7 Q. To the best of your understanding, was she in
8 France when she signed by a DocuSign the written consents
9 in lieu in connection with Havana Docks Corporation's
10 board action in 2018 and 2020?
11 A. Yes, sir. I believe that is correct.
12 Q. Okay. Do you know where Mr. Behn was when he
13 signed via DocuSign the written consents in lieu that we
14 have been talking about?
15 A. I believe he was in London.
16 Q. Aside from the written consent in lieu that we
17 have been discussing, since 2018 have there been any other
18 actions taken of the board of directors of Havana Docks
19 Corporation on behalf of the company?
20 A. I am sorry. Mr. Pegg, can you narrow your
21 question a bit? A specific action or?
22 Q. Formal decisions being made on behalf of the
23 company.
24 A. Well, of course we have -- respectfully, we
25 have filed our lawsuits against Norwegian and the other

1 cruise companies, so that would be a major action.
2 Q. And was there a vote of the board of directors
3 in order to authorize the filing of this lawsuit?
4 A. To my recollection, there was not.
5 Q. So any other, aside from the written consents
6 in lieu that we have already discussed, has there been any
7 other formal voting of the Havana Docks Corporation board
8 of directors to take company action since you became a
9 director in 2018?
10 MR. MARTINEZ: Madame court reporter, may I
11 please have that question read back.
12 (A portion of the record was read by the
13 reporter.)
14 MR. MARTINEZ: Object to form. It is vague.
15 THE WITNESS: I believe the question any other
16 vote by the stockholders; is that correct, Mr. Pegg?
17 BY MR. PEGG:
18 Q. No, Mr. Johnson. I am asking about the board
19 of directors.
20 A. Oh, the board of directors.
21 Q. Yes.
22 A. Thank you. The board of directors assigned
23 responsibility of running the company to the officers,
24 that being Mr. Behn and myself. So all actions that have
25 commenced since then have been by the officers.

1 Q. Okay. So I just want to make sure I am clear
2 on this. Since 2018 when you assumed the position of
3 director, aside from the written consents in lieu that we
4 have already talked about, the board of directors itself
5 hasn't taken any formal action to make decisions on behalf
6 of the company; is that right?
7 A. They have not, would be my opinion.
8 Q. Okay. So the decisions on behalf of the
9 company since then have been made by the officers; is that
10 right?
11 A. Yes, sir. I would agree with that.
12 Q. Okay. And does Havana Docks Corporation have
13 any officers aside from yourself and Mr. Mickael Behn?
14 A. We do not.
15 Q. Okay. And when you and Mr. Behn since 2018
16 have been corresponding about Havana Docks Corporation's
17 business, has that primarily been done via email?
18 A. I would say largely by email and also by many
19 telephone conversations.
20 Q. Okay. And did you handle those phone calls and
21 email communications from Kentucky?
22 A. Yes, sir.
23 Q. And Mr. Behn, for his part, would be attending
24 to those phone calls and emails from wherever he was at
25 the time; is that right?

1 A. Yes. I would say that would be correct.
2 Q. And the majority of the time would you say that
3 Mr. Behn has been either in London or elsewhere in Europe
4 when you are having these phone calls and exchanging
5 emails as officers of Havana Docks Corporation about
6 company business?
7 A. I would clarify that just a bit. I would say
8 he has either been in London or he has been at the family
9 home in Miami where I have met with him numerous times.
10 Q. Okay. And have you had in-person meetings
11 about Havana Docks Corporation's business at the family
12 home in Miami?
13 A. We have discussed the Havana Docks Corporation
14 business at the home in Miami.
15 Q. And at the family home in Miami, do you
16 remember any occasion where you and Mr. Behn, as officers
17 of the corporation, made a decision as to what the
18 corporation should itself do? In other words, made a
19 decision to take some corporate action or not?
20 A. Again, Mr. Pegg, we have had many, many
21 conversations by telephone, by Facetime, by email, by
22 direct meetings in Miami. Where we actually made
23 decisions about the corporation's business, I can't
24 specifically say. I would say it has been a continuum of
25 all of those discussions.

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1 THE VIDEOGRAPHER: The time is now 11:03. We
2 are going off the record.
3 (Thereupon, a recess was taken.)
4 THE VIDEOGRAPHER: The time is now 11:12 and we
5 are back on the record.
6 BY MR. PEGG:
7 Q. Okay. Mr. Johnson, prior to the break, you had
8 given me sort of an overview of how you became involved in
9 Havana Docks Corporation leading up to the time that you
10 took on the position of director in 2018, so I appreciate
11 that.
12 Prior to your assuming the position of a
13 director of Havana Docks Corporation in 2018, were the
14 only directors of Havana Docks Corporation Mickael Behn
15 and his mother, Aphra Behn?
16 MR. MARTINEZ: Objection. Lack of time frame.
17 MR. PEGG: Yeah, that is fair.
18 BY MR. PEGG:
19 Q. So let's say from 2010 through 2018, whatever
20 date you became a director, Mr. Johnson, were the
21 directors of Havana Docks Corporation Mickael Behn and his
22 mother, Aphra Behn?
23 A. I don't believe that is quite accurate,
24 Mr. Pegg, but I don't have those corporate records in
25 front of me. I think there were other directors named

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1 during that time frame, as I recall.
2 Q. Okay. At the time that you became a director
3 in 2018, did you join Mickael Behn and Aphra Behn as
4 directors or was there anyone else as well being a
5 director, to the best of your recollection?
6 A. In 2018, as I recall, I think it was only
7 Mickael Behn and myself named as directors for Havana
8 Docks Corporation.
9 Q. Okay. And then at some point thereafter
10 Aphra Behn became a director?
11 A. Yes, that is correct. She came back on the
12 board.
13 Q. Okay. And do you remember when that occurred?
14 A. I believe that was this year, 2020.
15 Q. Mr. Johnson, are you compensated for your role
16 as a director?
17 A. I am not.
18 Q. You don't draw a salary?
19 A. No, sir.
20 Q. Or a stipend?
21 A. No, sir.
22 Q. Okay. Do you expect to be compensated for your
23 role at some point?
24 A. I would hope I might be someday, if the board
25 of directors feel that it is warranted.

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1 Q. What do you mean by that?
2 A. Well, I hope they would see value in my time
3 that I have helped through the years as best I could.
4 Q. And have you had any conversations with
5 Mickael Behn about potential compensation for your role as
6 an officer and director on behalf of the company?
7 A. I have.
8 Q. And what sort of compensation arrangement, if
9 any, have you two discussed?
10 A. It has been only a verbal discussion. We have
11 nothing in writing. But I think that discussion first
12 occurred probably in 2016 that -- and just to summarize, I
13 think Mr. Behn indicated that if the certified claim was
14 ever settled, that it would be his intent that I would
15 participate in that settlement.
16 Q. Have there been any discussions about at what
17 level you would participate, either amount-wise or
18 percentage-wise or any other way?
19 A. We talked about percentages generally, and I
20 think again our informal discussions we talked about five
21 percent.
22 Q. So you would receive, based on those
23 discussions, five percent of the amount of any settlement
24 of the certified claim?
25 A. Settlement of the certified claim, yes.

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1 Q. And would that also include or cover, I should
2 say, any judgment that Havana Docks Corporation may obtain
3 as a result of this lawsuit based on the certified claim?
4 MR. MARTINEZ: Objection. Can I have the
5 question read back, please, madame court reporter.
6 (A portion of the record was read by the
7 reporter.)
8 THE WITNESS: I don't know, Mr. Pegg. We have
9 not had that type of discussion.
10 BY MR. PEGG:
11 Q. So the discussion you have had so far is that
12 you may be entitled to five percent of the amount of any
13 settlement of the certified claim, but there has been no
14 discussions as to whether or not a judgment in the lawsuit
15 would qualify under those parameters; is that right?
16 A. That is correct. I don't know if that would
17 qualify or not.
18 Q. And has anyone else participated in discussions
19 on that subject as to compensation arrangement potentially
20 between you and Havana Docks Corporation aside from
21 yourself and Mickael Behn?
22 A. Not in our conversation.
23 Q. What do you mean by that, not in your
24 conversation?
25 A. I think Mr. Behn mentioned to me that he

1 were originally in the name of William S. Behn?
2 A. Yes.
3 Q. And they are currently now in the name of --
4 was it a daughter or granddaughter?
5 A. Daughter. And her name --
6 Q. She is a citizen of France?
7 A. Yes. And again, her name is Melanie Behn
8 Lucain, and she is a citizen of France.
9 Q. Yeah. And I have got Melanie, I think, and I
10 have got Behn. How do you spell Lucain?
11 A. Yes, sir. It is L-u-c-a-i-n.
12 Q. Thank you.
13 And which of the shareholders, if any,
14 identified on Exhibit 3 is Mrs. Aphra Behn?
15 A. Bear with me just a moment. That would be
16 shareholder number eight.
17 Q. Okay. And so Mrs. Behn is a U.S. citizen?
18 A. Yes, sir. That is correct.
19 Q. But she lives full time in France?
20 A. Yes.
21 Q. Okay. Mr. Johnson, say since 1996, has Havana
22 Docks Corporation ever pledged any of its equity in order
23 to obtain a loan or other financing arrangement?
24 A. Not to my knowledge, Mr. Pegg, from what I can
25 see and review in all of the corporate records.

1 Q. It's never pledged any of its stock in support
2 of a line of credit?
3 A. Not to my knowledge.
4 Q. Okay. Or to guarantee the debt of any other
5 entity or individual?
6 A. No, sir. I don't believe so. Not to my
7 knowledge.
8 Q. I want to talk, Mr. Johnson, now about the
9 concession rights that Havana Docks Corporation had in
10 Cuba. And before I do that, we just went through a number
11 of individuals who were stockowners. I want to pause. A
12 lot of individuals may have information relevant to this
13 lawsuit.
14 MR. PEGG: If we can put up HDC's answers to
15 the first interrogatories, please.
16 (Exhibit 4, Answers to Interrogatories, was
17 marked for Identification.)
18 BY MR. PEGG:
19 Q. And Mr. Johnson, just tell me when you are
20 there.
21 A. I don't have it.
22 Q. Just try to refresh. The file is still loading
23 up. It should be available now.
24 A. Yes, sir. Thank you. I have it.
25 Q. All right. So Mr. Johnson, I have marked as

1 Exhibit 4 to your deposition HDC's answers and objections
2 to Norwegian Cruise Line Holdings Ltd.'s first set of
3 interrogatories. Do you have that in front of you?
4 A. Yes, sir, I do.
5 Q. Okay. And if you could turn to page 13 of the
6 document. That is going by the page numbering of the
7 document itself.
8 A. Yes, sir, I am on page 13.
9 Q. On page 13 you see the verification of answers
10 to interrogatories --
11 A. Yes, sir, I do.
12 Q. -- that title? And that is your signature that
13 appears on page 13?
14 A. Yes, sir, it is.
15 Q. Okay. And you understood when you signed this
16 set of interrogatory responses that you were attesting
17 that the answers provided here are true and correct to the
18 best of your knowledge and belief?
19 A. Yes, sir, that is correct.
20 Q. And you were attesting to that on behalf of
21 Havana Docks Corporation, the plaintiff in this case?
22 A. Yes, sir, that is correct.
23 Q. Okay. If I could turn your attention,
24 Mr. Johnson, to interrogatory number seven. It appears on
25 page 5.

1 A. Yes, sir. Thank you.
2 Q. Sure. And the interrogatory, I will read it,
3 asks Havana Docks Corporation to "identify all entities or
4 individuals who you believe to have knowledge that is
5 relevant to the claims and/or allegations set forth in the
6 complaint, and state with specificity certain details."
7 Do you see that?
8 A. Yes, I do.
9 Q. And then the answer to that interrogatory that
10 Havana Docks Corporation gave was to identify two
11 individuals, one being yourself and the other being
12 Mr. Mickael Behn. Do you see that?
13 A. Yes, sir, I do.
14 Q. So when you signed these interrogatory
15 responses on behalf of Havana Docks Corporation, you
16 understood that you were attesting that the only
17 individuals that Havana Docks Corporation believed to have
18 knowledge that is relevant to the claims and/or
19 allegations set forth in Havana Docks Corporation's
20 complaint are yourself and Mr. Behn, right?
21 MR. MARTINEZ: Objection. Misstates the answer
22 and objections to interrogatory.
23 THE WITNESS: I believe I answered, Mr. Pegg.
24 MR. MARTINEZ: Before you answer that question,
25 this is a question about the answer given. I want to

1 instruct you to read the answer before you answer the
2 question. Read the answer in the interrogatory.
3 MR. PEGG: Bob, you can object to the form and
4 you can ask your witness questions at the end but I
5 don't think instructing your witness anything beyond
6 that is appropriate.
7 MR. MARTINEZ: I think it is. If you are going
8 to ask him a question about a document, then I would
9 like for him to read the document first. Because you
10 are asking him --
11 MR. PEGG: And Mr. Johnson, just to be clear --
12 and this will be sort of a rule of the road
13 throughout our conversation -- if at any point you
14 want to read more of a document, a different portion
15 of a document or anything of the like other than what
16 I am directing your attention to, please just let me
17 know and I am happy to accommodate, okay?
18 THE WITNESS: Yes, sir, I understand.
19 MR. MARTINEZ: But at this point I would
20 like -- I am instructing the witness to read the
21 answer to interrogatory number seven since you are
22 being asked questions about the answer.
23 MR. PEGG: Again, I am going to state my
24 position that that is an inappropriate instruction to
25 the witness. As I just said, he can feel free to

1 read as little or as much as he cares to and, Bob,
2 you also have your opportunity to ask questions as
3 well.
4 BY MR. PEGG:
5 Q. Mr. Johnson, after all that, let me just ask a
6 different question. Tell me when you are ready.
7 A. I am ready.
8 Q. Okay. So when you signed these interrogatory
9 responses on behalf of HDC, the only two individuals that
10 were identified specifically as Havana Docks Corporation
11 believing to have information or knowledge that is
12 relevant to the claims or allegations in the complaint are
13 yourself and Mr. Behn, correct?
14 MR. MARTINEZ: Same objection.
15 THE WITNESS: As we understood the question,
16 Mr. Pegg, that is correct and as our answer states.
17 BY MR. PEGG:
18 Q. Okay. Did you have -- you personally -- have
19 any discussions with any of the other shareholders of HDC
20 about whether or not they or any of them had any
21 information or knowledge that was relevant to the claims
22 or allegations in HDC's complaint?
23 A. I would answer that no, we did not.
24 Q. Did you speak with anyone other than your legal
25 counsel -- I am not asking about conversations with legal

1 counsel -- did you speak with anyone else other than
2 Mr. Mickael Behn about whether or not he or she may have
3 knowledge relevant to any of the claims or allegations set
4 forth in HDC's complaint?
5 MR. MARTINEZ: Objection. I instruct you not
6 to answer. The question invades the work product
7 privilege.
8 THE WITNESS: Respectfully, Mr. Pegg, I am not
9 an attorney but I think that may border on attorney
10 work privilege.
11 BY MR. PEGG:
12 Q. Okay. So I am not asking about anything that
13 you did either in communications with or at the direction
14 of your legal counsel.
15 So aside from that, have you ever had any
16 conversations with anyone about whether or not he or she
17 may have knowledge relevant to the lawsuit, the claims,
18 and allegations in the lawsuit that HDC has brought?
19 MR. MARTINEZ: And again, same objection, same
20 instruction. This invades the work product
21 privilege. So to the extent that your answer would
22 require you to reveal information from other folks,
23 including Mr. Behn, in connection to the lawsuit
24 (inaudible) --
25 THE REPORTER: I couldn't hear your objection.

1 You kind of faded out there.
2 MR. MARTINEZ: You are instructed not to answer
3 that question, to the extent it invades the
4 attorney-client privilege.
5 MR. PEGG: Okay. Yeah, Bob, logistically it
6 seems like when you turn your head, the audio sort of
7 fades. I think we got it. I understood you are
8 instructing the witness not to answer. But just from
9 an AV perspective, if you could stay looking forward,
10 it may help at least me here on this end.
11 MR. MARTINEZ: Will do. Thank you.
12 BY MR. PEGG:
13 Q. All right. Mr. Johnson, I want to talk a bit
14 now about the concession rights that HDC had at one time
15 in Havana, okay?
16 A. Yes, sir.
17 MR. PEGG: Okay. And I will put in front of
18 you what we will mark now as Exhibit 5 to your
19 deposition.
20 And Nathalie, this is document entry 43-3.
21 (Exhibit 5, 1905 Decree (English), was marked
22 for Identification.)
23 THE WITNESS: It is loading in now, Mr. Pegg.
24 BY MR. PEGG:
25 Q. Just let me know when it is up.

Exhibit 6

From: Casey, Stephanie
To: de Almagro, Nathalie M.; Martinez, Roberto
Cc: Lorenzo, Richard; Pegg, Allen P.; Balmori, Daniel; Stuart Singer; Pascual Oliu; Meredith Schultz; Corey Gray; Jdbaldridge@venable.com; ATHernacki@Venable.com; Nemeroff, Justin B.; Scott.Ponce@hklaw.com; Benjamin.Taormina@hklaw.com; Caitlin.Saladrigas@hklaw.com
Subject: RE: HDC Litigation: HDC's Second Supplemental Initial Disclosures
Date: Thursday, August 26, 2021 4:29:57 PM

CAUTION: External email. Please do not respond to or click on links/attachments unless you recognize the sender.

Hi Nathalie:

Aphra Behn was a director and officer of HDC, which has been disclosed in discovery already, but she has been added to the initial disclosures for completeness. At this stage, we really don't know who we will be calling as witnesses at trial.

Thanks,

Stephanie

Stephanie A. Casey | **Colson Hicks Eidson** | 255 Alhambra Circle, Penthouse | Coral Gables, FL 33134
Office: 305.476.7400 | Fax: 305.476.7444 | scasey@colson.com

From: de Almagro, Nathalie M. <nathalie.dealmagro@hoganlovells.com>
Sent: Wednesday, August 25, 2021 5:55 PM
To: Martinez, Roberto <Bob@colson.com>; Casey, Stephanie <scasey@colson.com>
Cc: Lorenzo, Richard <richard.lorenzo@hoganlovells.com>; Pegg, Allen P. <allen.pegg@hoganlovells.com>; Balmori, Daniel <daniel.balmori@hoganlovells.com>; Stuart Singer <ssinger@bsfllp.com>; poliu@bsfllp.com; Meredith Schultz <mschultz@bsfllp.com>; Corey Gray <cgray@bsfllp.com>; Jdbaldridge@venable.com; ATHernacki@Venable.com; Nemeroff, Justin B. <JBNemeroff@Venable.com>; Scott.Ponce@hklaw.com; Benjamin.Taormina@hklaw.com; Caitlin.Saladrigas@hklaw.com
Subject: HDC Litigation: HDC's Second Supplemental Initial Disclosures

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Counsel,

We have reviewed Havana Docks Corporation's Second Supplemental Initial Disclosures and noticed

several notable changes. At this time we have a couple questions about one in particular. Why did you add Aphra Behn to your supplemental initial disclosures? Do you intend to use her as a witness in any capacity in any of your actions against the cruise lines?

Thanks,

Nathalie

Nathalie de Almagro
Associate

Hogan Lovells US LLP
600 Brickell Avenue
Suite 2700
Miami, FL 33131
Tel: +1 305 459 6500
Direct: +1 305 459 6521
Fax: +1 305 459 6550
Email: nathalie.dealmagro@hoganlovells.com
www.hoganlovells.com

If you would like to know more about how we are managing the impact of the COVID-19 pandemic on our firm then take a look at our brief Q&A. If you would like to know more about how to handle the COVID-19 issues facing your business then take a look at our information hub.

About Hogan Lovells
Hogan Lovells is an international legal practice that includes Hogan Lovells US LLP and Hogan Lovells International LLP. For more information, see www.hoganlovells.com.

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