Nos. 23-10171, 23-10151

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

HAVANA DOCKS CORPORATION,

Plaintiff-Appellee,

v.

ROYAL CARIBBEAN CRUISES, LTD.; NORWEGIAN CRUISE LINE HOLDINGS, LTD.; CARNIVAL CORPORATION, a foreign corporation doing business as Carnival Cruise Lines; MSC CRUISES S.A. CO.; MSC CRUISES (USA), INC., et al.

Defendants-Appellants.

On Appeal from the United States District Court
for the Southern District of Florida,
No. 1:19-cv-23591-BLOOM

JOINT MOTION FOR LEAVE TO INCREASE THE WORD LIMIT FOR THE REPLY BRIEF OF DEFENDANTS-APPELLANTS NORWEGIAN CRUISE LINE HOLDINGS, LTD, ROYAL CARIBBEAN CRUISES, LTD, MSC CRUISES S.A. CO., MSC CRUISES (USA), INC., AND MSC CRUISES, S.A

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(Additional Counsel Listed on Inside Cover)

November 13, 2023

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CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Pursuant to 11th Cir. R. 26.1 and 26.3, undersigned counsel hereby certifies that the following persons and entities have an interest in the outcome of this appeal:

1. 1972 Productions, Inc.
2. A.C.N. 098 290 834 Pty. Ltd.
3. A.J. Juneau Dock, LLC
4. Admiral Management Inc.
5. Adventure Island Ltd.
6. Adventure of the Seas Inc.
7. AIDA Kundencenter GmbH
8. AIDAradio GmbH
9. Air-Sea Holiday GmbH
10. Alaska Hotel Properties LLC
11. Allure of the Seas Inc.
12. American Society of Travel Advisors, Inc., *Amicus Curiae*
13. Anthem of the Seas Inc.
14. Akerman LLP
15. Arrasas Limited
16. Baldridge, J. Douglas (Venable LLP)
17. Balmori, Daniel (Hogan Lovells US LLP)

18. Barcelona Cruise Terminal SLU

19. Bash III, John F. (Quinn Emanuel Urquhart & Sullivan, LLP)

20. Bay Island Cruise Port, S.A.

21. Behn, Aphra

22. Behn, Mickael

23. Behn-Lucain, Melanie

24. Belize Cruise Terminal Limited

25. Belize Investments Limited

26. Belize Island Holdings Ltd.

27. Bermuda Tenders, Ltd.

28. Black, Hillary S. (Paul, Weiss, Rifkind, Wharton & Garrison LLP)

29. Bloom, Judge Beth F. (United States District Judge for the Southern District of Florida)

30. Bluvacanze Spa

31. Bohrer, Sanford L.

32. Boies Schiller Flexner LLP

33. Bondi, Bradley J., Counsel for Amici Curiae U.S. Travel Association, United States Tour Operators Association, Inc., and American Society of Travel Advisors, Inc.

34. Breakaway Four, Ltd.

35. Breakaway One, Ltd.

36. Breakaway Three, Ltd.

37. Breakaway Two, Ltd.

38. Brilliance of the Seas Shipping Inc.

39. Buffett, Warren E.

40. Burck, William A. (Quinn Emanuel Urquhart & Sullivan, LLP)

41. Caluda, Nicholas J. (Quinn Emanuel Urquhart & Sullivan, LLP)

42. Canodros CL

43. Carnival (UK) Limited

44. Carnival Bahamas FC Limited Bahamas

45. Carnival Bahamas Holdings Limited

46. Carnival Corporation (CCL)

47. Carnival Corporation & plc Asia Pte. Ltd.

48. Carnival Corporation Hong Kong Limited Carnival Corporation Korea Ltd.

49. Carnival Corporation Ports Group Japan KK

50. Carnival Finance, LLC

51. Carnival Grand Bahama Investment Limited

52. Carnival Holdings (Bermuda) Limited

53. Carnival Investments Limited

54. Carnival Japan, Inc.

55. Carnival License Holdings Limited

56. Carnival Maritime GmbH

57. Carnival North America LLC

58. Carnival PLC

59. Carnival Port Holdings Limited

60. Carnival Ports Inc.

61. Carnival Support Services India Private Limited

62. Carnival Technical Services (UK) Limited

63. Carnival Technical Services Finland Limited

64. Carnival Technical Services GmbH

65. Carnival Vanuatu Limited

66. Casey, Stephanie A. (Colson Hicks Eidson, P.A.)

67. CC U.S. Ventures, Inc.

68. CCL Gifts, LLC

69. Celebrity Apex Inc.

70. Celebrity Cruise Lines Inc.

71. Celebrity Cruises Holdings Inc.

72. Celebrity Cruises Inc. (d/b/a Celebrity Cruises Liberia)

73. Celebrity Eclipse Inc.

74. Celebrity Edge Inc.

75. Celebrity Equinox Inc.

76. Celebrity Reflection Inc.

77. Celebrity Silhouette Inc.

78. Celebrity Solstice Inc.

79. Chamber of Commerce of the United States of America, *Amicus Curiae*

80. Cisalpina Tours Spa Classic Cruises, LLC Classic Cruises II, LLC

81. Clement & Murphy, PLLC

82. Clement, Paul D. (Clement & Murphy, PLLC)

83. CNS Compañia Naviera Seaside 1 SA

84.Colson Hicks Eidson, P.A.

85. Compañia Naviera Evo 1 SA

86. Compañia Naviera Evo 2 SA

87. Compañia Naviera Fantasia SA

88. Compañia Naviera Meraviglia SA

89. Compañia Naviera Musica SA

90. Compania Naviera Ocean Cay SA

91. Compañia Naviera Orchestra SA

92. Compañia Naviera Pacifica S.A.

93. Compañia Naviera Preziosa SA

94. Compañia Naviera Seaside 2 SA

95. Compañia Naviera Serenata SA

96. Compañia Naviera Vista 1 SA

97. Compañia Naviera Vista 2 SA

98. Compañia Naviera Vista 3 SA

99. Compañia Naviera Vista 4 SA

100. Compañia Naviera Vista 5 SA

101. Compañia Naviera World Class 1 SA

102. Compañia Naviera World Class 2 SA

103. Compañia Naviera World Class 3 SA

104. Compañia Naviera World Class 4 SA

105. Compañia Naviera Yc1 SA

106. Compañia Naviera Yc2 SA

107. Compañia Naviera Yc3 SA

108. Compañia Naviera Yc4 SA

109. Compañia Naviera Yc5 SA

110. Compañia Naviera Yc6 SA

111. Constellation Inc. Liberia

112. Cooke, Judge Marcia G. (United States District Judge for the Southern District of Florida)

113. Cooper, Jonathan G. (Quinn Emanuel Urquhart & Sullivan, LLP)

114. Costa Crociere PTE Ltd.

115. Costa Crociere S.p.A.

116. Costa Cruceros S.A.

117. Costa Cruise Lines Inc.

118. Costa Cruise Lines UK Limited

119. Costa Cruises Customer Center S.L.U.

120. Costa Cruises Shipping Services (Shanghai) Company Limited

121. Costa Cruises Travel Agency (Shanghai) Co., Ltd.

122. Costa Cruises Turkey Turizm Gelisim A.S.

123. Costa Cruzeiros Agencia Maritima e Turismo Ltda.

124. Costa International B.V.

125. Costa Kreuzfahrten GmbH

126. Cozumel Cruise Terminal S.A. de C.V.

127. Cruise Administration Services, Inc.

128. Cruise Conglomerate Maritime Ltd.

129. Cruise Lines International Association, Inc., *Amicus Curiae*

130. Cruise Quality Travel Spain SL

131. Cruise Ships Catering & Services International N.V.

132. Cruise Terminal Services, S.A. de C.V.

133. Cruiseport Curacao C.V.

134. CSMART Real Estate B.V.

135. CSMART Real Estate C.V.

136. D.R. Cruise Port, Ltd.

137. Dvoretzky, Shay, Counsel for Amicus Curiae Cruise Lines International Association

138. Elayan-Martinez, Aziza F. (Colson Hicks Eidson, P.A.)

139. Ellis George Cipollone O'Brien Annaguey, LLP

140. Enchantment of the Seas Inc.

141. Eurosoft Corporation Limited

142. Eurosoft Cruise Line (Shanghai) Co., Ltd.

143. Explora SA

144. Explorer II New Build, LLC

145. Explorer III New Build, LLC

146. Explorer New Build, LLC

147. Explorer of the Seas Inc.

148. F.P.M. SAS

149. F.P.P. SAS

150. Fields, Lazaro (Continental PLLC)

151. Fisk, Daniel, *Amicus Curiae*

152. Fleet Maritime Services (Bermuda) Limited

153. Fleet Maritime Services Holdings (Bermuda) Limited

154. Fleet Maritime Services International Limited

155. Foreman Friedman, PA

156. Fowler III, George J (Jones Walker LLP)

157. Freedom of the Seas Inc.

158. Freyre, Pedro A. (Akerman LLP)

159. Friedman, Darren Wayne (Foreman Friendman)

160. Future Investments, Ltd.

161. Gayles, Judge Darrin P. (United States District Judge for the Southern District of Florida)

162. GG Operations Inc.

163. Gibs, Inc.

164. Global Experience Innovators, Inc.

165. Global Fine Arts, Inc.

166. Global Fleet Management LLC

167. Global Fleet Management Two LLC

168. Global Shipping Service (Shanghai) Co., Ltd.

169. Going Srl

170. Goodman, Judge Jonathan (United States Magistrate Judge for the Southern District of Florida)

171. Goulette Cruise Holding Limited

172. Grand Cruise Shipping Unipessoal LdA

173. Grand Turk Cruise Center Ltd.

174. Grandeur of the Seas Inc.

175. Gray, Corey P. (Boies Schiller Flexner LLP)

176. Great Stirrup Cay Limited

177. Greensboro S.L.

178. Gwart Srl

179. GXI, LLC D

180. HAL Antillen N.V.

181. HAL Beheer B.V.

182. HAL Maritime Ltd.

183. HAL Nederland N.V.

184. HAL Properties Limited

185. HAL Services B.V.

186. Harmony of the Seas Inc.

187. Harper, Chadwick (Clement & Murphy, PLLC)

188. Harvard Law School

189. Havana Docks Corporation

190. Hernacki, Andrew T. (Venable LLP)

191. Hoch, Dorothy

192. Hogan Lovells US LLP

193. Holding Division Iberocruceros SLU

194. Holland & Knight LLP

195. Holland America Line Inc.

196. Holland America Line N.V.

197. Holland America Line U.S.A., Inc.

198. Hospedagm De Pomene (Mozambique) Lda

199. HSE Hamburg School of Entertainment GmbH

200. Ibero Cruzeiros Ltda.

201. Iberocruceros SLU

202. Independence of the Seas Inc.

203. Infinity Inc.

204. Information Assistance Corporation

205. Insignia Vessel Acquisition, LLC

206. International Cruise Services, S.A. de C.V.

207. International Leisure Travel Inc.

208. International Maritime Recruitment Agency, S.A. de C.V.

209. Island for Science, Inc.

210. Islas Galapagos Turismo y Vapores CA

211. Jewel of the Seas Inc.

212. Jiménez, Marcos Daniel, Counsel for Amicus Curiae Daniel Fisk

213. Johnson, Jerry M.

214. Jones Day, Counsel for Amicus Curiae Peter Kucik

215. Jones Walker LLP

216. Kats, Vitaliy, Counsel for Amici Curiae U.S. Travel Association, United States Tour Operators Association, Inc., and American Society of Travel Advisors, Inc

217. Klinger, Richard D. (Ellis George Cipollone O'Brien Annaguey, LLP)

218. Kroeger, Thomas (Colson Hicks Eidson, P.A.)

219. Krystalsea Limited

220. Kucik, Peter, *Amicus Curiae*

221. Kwazulu Cruise Terminal (Pty) Ltd.

222. Labadee Investments Ltd.

223. Landau, Christopher (Ellis George Cipollone O'Brien Annaguey, LLP)

224. Leonardo Five, Ltd.

225. Leonardo Four, Ltd.

226. Leonardo One, Ltd

227. Leonardo Six, Ltd.

228. Leonardo Three, Ltd.

229. Leonardo Two, Ltd.

230. León Cosgrove Jiménez, LLP, Counsel for Amicus Curiae Daniel Fisk

231. Li, Vincent (Ellis George Cipollone O'Brien Annaguey, LLP)

232. Liberia

233. Liberty of the Seas Inc.

234. Lindsay III, Alvin Francis (Hogan Lovells US LLP)

235. Lioi, Samuel V., Counsel for Amicus Curiae Peter Kucik

236. Lipshultz, Zachary A. (Colson Hicks Eidson, P.A.)

237. Lipshutz, Brian M. (Paul, Weiss, Rifkind, Wharton & Garrison LLP)

238. Llamas, Luis E. (Jones Walker LLP)

239. Loeb, Robert (Orrick, Herrington & Sutcliffe LLP)

240. Lorenzo, Richard C. (Hogan Lovells US LLP)

241. Louis, Judge Lauren Fleischer (United States Magistrate Judge for the Southern District of Florida)

242. Lutz, Zachary P. (Quinn Emanuel Urquhart & Sullivan, LLP)

243. MacArthur Trust

244. Maderal, Francisco

245. Marcus, Steven, Counsel for Amicus Curiae Cruise Lines International Association

246. Margol & Margol, P.A.

247. Margol, Rodney S. (Margol & Margol, P.A.)

248. Marina New Build, LLC

249. Mariner of the Seas Inc.

250. Mariner, LLC

251. Marseille Provence Cruise Terminal SAS

252. Martinez, Judge Jose E. (United States District Judge for the Southern District of Florida)

253. Martínez, Roberto (Colson Hicks Eidson, P.A.)

254. Massey & Gail LLP

255. Massey, Johnathan S. (Massey & Gail LLP)

256. Mayer Brown LLP, Counsel for Amicus Curiae Chamber of Commerce of the United States of America

257. McAliley, Judge Chris M. (United States Magistrate Judge for the Southern District of Florida)

258. Mediterranean Cruises Travel Agency (Shanghai) Co Ltd

259. Michel, Christopher G. (Quinn Emanuel Urquhart & Sullivan, LLP)

260. Milestone N.V.

261. Millennium Inc.

262. Moriceau, Alisha (Boies Schiller Flexner LLP)

263. MSC Crewing Services Philippines

264. MSC Cruceros SA Argentina

265. MSC Cruceros SA Spain

266. MSC Cruise Management (UK) Ltd

267. MSC Cruises (Australia) Pty Ltd

268. MSC Cruises (Canada) Ltd

269. MSC Cruises (Ireland) Ltd

270. MSC Cruises (USA), Inc.

271. MSC Cruises Asia Company Ltd.

272. MSC Cruises Barcelona Terminal SL

273. MSC Cruises Belgium NV

274. MSC Cruises Gmbh

275. MSC Cruises Japan Ltd

276. MSC Cruises Limited UK

277. MSC Cruises Ltd Cyprus

278. MSC Cruises S.A. Co.

279. MSC Cruises Scandinavia AB

280. MSC Cruises Ship Management (Shanghai) Ltd.

281. MSC Cruises Shipping Service (Shanghai) Ltd.

282. MSC Cruises The Netherlands BV

283. MSC Cruises, S.A.

284. MSC Cruzeiros Do Brasil Ltda

285. MSC Cruzeiros SA

286. MSC Food & Beverage Division Spa

287. MSC Italcatering Do Brasil Ltda

288. MSC Kreuzfahrten (Austria) Gmbh

289. MSC Kreuzfahrten AG

290. MSC Krstarenja Doo

291. MSC Kruvaziyer Turizm AS

292. MSC Logistics (Mozambique) Ltd.

293. Msc Malta Seafarers Company Ltd.

294. MSC Mediagrafica Srl

295. MSC Miami Cruise Terminal LLC

296. MSC Ocean Cay Ltd

297. MSC Starlight Cruises Pty Ltd

298. Munyan, Katherine (Orrick, Herrington & Sutcliffe LLP) Musica Cruise Limited

299. Nautica Acquisition, LLC

300. Navigator of the Seas Inc.

301. Navigator Vessel Company, LLC

302. Navitrans S.R.L.

303. NCL (Bahamas) Ltd. d/b/a Norwegian Cruise Line

304. NCL (Guernsey) Limited

305. NCL America Holdings, LLC

306. NCL America LLC

307. NCL Australia Pty Ltd.

308. NCL Construction Corp., Ltd.

309. NCL Corporation Ltd.

310. NCL Cruises Ltd.

311. NCL Emerald Corporation, Limited

312. NCL Finance, Ltd.

313. NCL HK Holding, Ltd.

314. NCL Holding AS

315. NCL Hong Kong Limited

316. NCL International, Ltd.

317. NCL Japan KK

318. NCL Singapore Pte. Ltd.

319. NCL UK IP CO LTD

320. NCL US IP CO 1, LLC

321. NCL US IP CO 2, LLC

322. NCLC Investments Canada Ltd.

323. NCLM Limited

324. Nelson, Timothy G., Counsel for Amicus Curiae Cruise Lines International Association

325. Nemeroff, Justin B. (Venable LLP)

326. New Co Armonia SA

327. New Co Lirica SA

328. New Co Opera SA

329. New Co S32 SA

330. New Co Sinfonia SA

331. Norwegian Cardinal Ltd

332. Norwegian Compass Ltd.

333. Norwegian Cruise Co. Inc.

334. Norwegian Cruise Line Agéncia de Viagens Ltda.

335. Norwegian Cruise Line Group Italy S.r.l.

336. Norwegian Cruise Line Group UK Limited (formerly Prestige Cruise Services (Europe) Limited)

337. Norwegian Cruise Line Holdings, Ltd. (NCLH)

338. Norwegian Cruise Line India Private Limited

339. Norwegian Dawn Limited

340. Norwegian Epic, Ltd.

341. Norwegian Gem, Ltd.

342. Norwegian Jewel Limited

343. Norwegian Pearl, Ltd.

344. Norwegian Sextant Ltd.

345. Norwegian Sky, Ltd.

346. Norwegian Spirit, Ltd.

347. Norwegian Star Limited

348. Norwegian Sun Limited

349. Norwegian USCRA, Ltd.

350. Nualy Investments Inc

351. O Class Plus One, LLC

352. O Class Plus Two, LLC

353. Oasis of the Seas Inc.

354. Ocean Bahamas Innovation Ltd.

355. Ocean Medallion Fulfillment, Ltd.

356. Oceanadventures S.A.

357. Oceania Cruises S. de R.L. (formerly Oceania Cruises, Inc.)

358. OCI Finance Corp.

359. Odds On Gaming Corporation

360. Odyssey of the Seas Inc.

361. Oliu, Pascual A. (Boies Schiller Flexner LLP)

362. Operadora Catalina S.r.L.

363. Orrick, Herrington & Sutcliffe LLP

364. Otazo-Reyes, Judge Alicia M. (United States Magistrate Judge for the Southern District of Florida)

365. Ovation of the Seas Inc.

366. Paul Hastings, LLP, Counsel for Amici Curiae U.S. Travel Association, United States Tour Operators Association, Inc., and American Society of Travel Advisors, Inc.

367. P&O Princess American Holdings

368. P&O Princess Cruises International Limited

369. P&O Princess Cruises Pension Trustee Limited

370. P&O Properties (California), Inc.

371. P&O Travel Limited

372. Palumbo Malta Shipyard Limited

373. Palumbo Shipyard Limited

374. Paul, Weiss, Rifkind, Wharton & Garrison LLP

375. Pegg, Allen P. (Hogan Lovells US LLP)

376. Pettlier, Romain Le

377. Piccapietra Finance S.r.l.

378. Ponce, Scott D. (Holland & Knight LLP)

379. Prestige Cruise Holdings S. de R.L. (formerly Prestige Cruise Holdings, Inc.)

380. Prestige Cruise Services LLC

381. Prestige Cruises Air Services, Inc.

382. Prestige Cruises International S. de R.L. (formerly Prestige Cruises International, Inc.)

383. Prestige Cruises Management S.A.M.

384. Prestige Cruises N.V.

385. Preziosa Cruise Limited

386. Pride of America Ship Holding, LLC

387. Pride of Hawaii, LLC

388. Princess Bermuda Holdings, Ltd.

389. Princess Cays Ltd.

390. Princess Cruise Corporation Inc.

391. Princess Cruise Lines, Ltd.

392. Princess Cruises and Tours, Inc.

393. Princess U.S. Holdings, Inc.

394. Proctor, Ryan M., Counsel for Amicus Curiae Peter Kucik

395. Quantum of the Seas Inc.

396. Quinn Emanuel Urquhart & Sullivan, LLP

397. Radiance of the Seas Inc.

398. RCI Holdings LLC RCL (UK) Ltd.

399. RCL Cruise Holdings LLC

400. RCL Cruises Ltd.

401. RCL GEO LLC

402. RCL Holdings Cooperatief U.A.

403. RCL Horizon LLC

404. RCL Investments Ltd.

405. RCL Monarch LLC

406. RCL New Vessel Holding Company LLC

407. RCL Sovereign LLC

408. RCL TUI Cruises German Holding GmbH & Co. KG

409. RCL Worldwide (Hong Kong) Limited

410. RCL Worldwide Ltd.

411. RCL Zenith LLC

412. RCT Maintenance & Related Services S.A.

413. RCT Pilots & Related Services, S.A.

414. RCT Security & Related Services S.A.

415. Regatta Acquisition, LLC

416. Rhapsody of the Seas Inc.

417. Rider-Longmaid, Parker, Counsel for Amicus Curiae Cruise Lines International Association

418. Riviera New Build, LLC

419. Roatan Cruise Terminal S.A. de C.V.

420. Rosenkranz, E. Joshua (Orrick, Herrington & Sutcliffe LLP)

421. Rowen, Matthew D. (Clement & Murphy, PLLC)

422. Royal Caribbean Cruise Lines AS

423. Royal Caribbean Cruises (Asia) Pte. Ltd.

424. Royal Caribbean Cruises Services (China) Company Limited

425. Royal Caribbean Cruises, Ltd. (RCL)

426. Royal Hyway Tours, Inc.

427. Saieh, Sabrina S. (Colson Hicks Eidson, P.A.)

428. Saladrigas, Caitlin F. (Holland & Knight)

429. Santa Cruz Terminal, S.L.

430. Schultz, Meredith L. (Boies Schiller Flexner LLP)

431. Seabourn Cruise Line Limited

432. Seahawk One, Ltd.

433. Seahawk Two, Ltd.

434. SeaVacations Limited

435. SeaVacations UK Limited

436. Serenade of the Seas Inc.

437. Seven Seas Cruises S. De R.L., d/b/a Regent Seven Seas Cruises

438. SG Cruises GmbH

439. SG Expeditions Cyprus Limited

440. SG Expeditions SAGL

441. Shaffer, Derek L. (Quinn Emanuel Urquhart & Sullivan, LLP)

442. Shanghai Coast Cruise Consulting Co. Lda

443. Shanmugam, Kannon S. (Paul, Weiss, Rifkind, Wharton & Garrison LLP)

444. Ship Care (Bahamas) Limited

445. Skadden, Arps, Slate, Meagher & Flom, LLP, Counsel for Amicus Curiae Cruise Lines International Association

446. Silver Cloud Shipping Co. Ltd.

447. Silver Muse Shipping Co. Ltd.

448. Silver Shadow Shipping Co. Ltd.

449. Silver Spirit Shipping Co. Ltd.

450. Silver Wind Shipping Ltd.

451. Silversea Cruise Finance Ltd.

452. Silversea Cruise Holding Ltd.

453. Silversea Cruises (Europe) Ltd.

454. Silversea Cruises (UK) Ltd.

455. Silversea Cruises Australia Pty. Ltd.

456. Silversea Cruises Canada Ltd.

457. Silversea Cruises Ltd.

458. Silversea Cruises South Africa Pty. Ltd.

459. Silversea New Build Seven Ltd.

460. Silversea RCL Holdings LLC

461. Silversea SAM

462. Singer, Stuart H. (Boies Schiller Flexner LLP)

463. Sirena Acquisition

464. Sitmar Cruises Inc.

465. Sixthman Ltd.

466. SNC Fantasia Bail

467. SNC Splendida Bail

468. Societe Labadee Nord, S.A.

469. Spanish Cruise Services N.V.

470. Spectrum of the Seas Inc.

471. Spezia & Carrara Cruise Terminal Srl

472. Spohrer Dodd Trial Attorneys

473. SSC Finance Corp.

474. Sullivan, Kathleen M. (Quinn Emanuel Urquhart & Sullivan, LLP)

475. Summit Inc.

476. Sun Princess II Limited

477. Sun Princess Limited

478. Sunshine Shipping Corporation Ltd.

479. Super, John (Quinn Emanuel Urquhart & Sullivan, LLP)

480. Symphony of the Seas Inc.

481. Stander, Robert N., Counsel for Amicus Curiae Peter Kucik

482. T&T International, Inc.

483. Tager, Evan M., Counsel for Amicus Curiae Chamber of Commerce of the United States of America

484. Taormina, Benjamin A. (Holland & Knight LLP)

485. Terminal De Cruceros Punta Del Este SA

486. Torcatt Enterprises Limitada

487. Tour Alaska, LLC

488. Transnational Services Corporation

489. Tribe, Laurence H. (Harvard Law School)

490. Trident Insurance Company Ltd.

491. Trieste Adriatic Maritime Initiatives Srl

492. U.S. Travel Association, *Amicus Curiae*

493. United States Tour Operators Association Inc., *Amicus Curiae*

494. Venable LLP

495. Venezia Investimenti Srl

496. Vice, Abigail Frisch (Paul, Weiss, Rifkind, Wharton & Garrison LLP)

497. Vision of the Seas Inc.

498. Voyager of the Seas Inc.

499. Voyager Vessel Company, LLC

500. Wang, Jonas Q. (Orrick, Herrington & Sutcliffe LLP)

501. West Sicily Gates Srl

502. Westmark Hotels of Canada, Ltd.

503. Westmark Hotels, Inc.

504. Whisper SpA

505. Whitaker, Walter H.

506. White Sand Inc.

507. World Leading Cruise Management (Shanghai) Co., Ltd.

508. XP Tours S.A.

Royal Caribbean Cruises, Ltd. (NYSE: RCL), certifies that it does not have a parent corporation and that no publicly held corporation owns more than ten percent of its stock.

November 13, 2023

s/Paul D. Clement
Paul D. Clement

REQUESTED RELIEF

Pursuant to Eleventh Circuit Rule 32-4, Defendants-Appellants Norwegian Cruise Line Holdings, Ltd. MSC Cruises S.A. Co., MSC Cruises (USA), Inc., MSC Cruises, S.A., and Royal Caribbean Cruises, Ltd. (collectively, "Moving Appellants") respectfully move for leave to file a joint reply brief of up to 13,000 words—an increase of 6,500 words from the 6,500-word limit in Federal Rule of Appellate Procedure 32(7)(A)(i), but a *decrease* of 6,500 words from the 19,500 words to which they would be entitled if they each filed their own reply briefs.

GROUNDS FOR THE MOTION

This consolidated appeal involves four high-stakes disputes, each with a judgment exceeding $100 million, and novel and complex legal issues under the Helms-Burton Act. To streamline briefing here, the Moving Appellants sought and received permission to file a joint brief up to 20,000 words. *See* 11th Cir. Case No. 23-10171, Dkt. 78. The Moving Appellants then filed a joint opening brief of 19,761 words. 11th Cir. Case No. 23-10171, Dkt. 80. Plaintiff-Appellee Havana Docks Corporation ("HDC") then sought and received permission to file a response brief of up to 28,000 words. 11th Cir. Case No. 23-10171, Dkt. 112. HDC then ultimately filed a response brief of 27,968 words. 11th Cir. Case No. 23-10171, Dkt. 113.

Given the complexity of the issues presented in this consolidated appeal as well as the lengthy briefing to which the Moving Appellants must reply, the Moving

Appellants respectfully submit that "extraordinary and compelling reasons" to grant the requested word increase exist here. *See* 11th Cir. R. 32-4.

Granting the requested word-limit increase here for a joint reply brief is especially justified because a joint reply brief of 13,000 words would substantially *reduce* the total words of briefing and streamline the briefing for the benefit of the Court and the parties. Each cruise line in this consolidated appeal is presumptively entitled to file an individual brief of 6,500 words. But instead of three separate briefs of up to 6,500 words, the Moving Appellants seek to file a single reply brief that would reduce the total words of briefing by 6,500 words—thus reducing the briefing burden on the Court by fully a third. And that would be in addition to the 19,000 words saved by having a joint opening brief from the Moving Appellants instead of three separate opening briefs. *Cf.* 11th Cir. Case No. 23-10171, Dkt. 76 at 2.

The requested word increase is thus not an increase at all. It is also merely a convenience. The rules provide that, in a case with multiple appellants, "any party may adopt by reference a part of another's brief." Fed. R. App. P. 28(i). The Moving Appellants could therefore file multiple 6,500-word reply briefs, and simply adopt by reference each others' briefs. The Moving Appellants submit that a single brief of not more than 13,000 words would be more helpful to the Court in this complex consolidated appeal. And allowing a joint reply brief that reduces the overall

briefing burden on the Court and is less than half as long as HDC's response brief allows for a fair and full reply to the arguments made by HDC.

Finally, the requested word increase would result in a joint reply brief from the Moving Appellants that is less than half as many words as HDC's response brief. That is important, because the rules usually allow for reply briefs to be half as long as the brief to which they respond. *See, e.g.*, Fed. R. App. P. 32(a)(7(ii).

In sum, the lengthy brief to which the Moving Appellants must respond, the ultimate word reduction achieved by granting this relief, and the underlying legal complexities of this high-stakes consolidated appeal, provide extraordinary and compelling reasons to grant the requested word increase.

STATEMENT OF OPPOSING PARTY'S POSITION

When contacted, counsel for HDC asked that the Moving Appellants provide the following statement of HDC's position:

> Havana Docks does not oppose an extension of the word limit for the joint reply brief, but opposes the excessive extension requested. The rules provide for reply briefs to be half the length of opening briefs for a reason: longer reply briefs would allow appellants to sandbag appellees by developing arguments that they failed to develop in their opening briefs. Accordingly, because the three cruise lines requested and received a limit of 20,000 words for their joint opening brief, Havana Docks would not oppose an extension of up to 10,000 words for the joint reply brief. The 13,000 words requested by the three cruise lines here would allow them to present an argument section in their reply brief almost as long as the argument section in their opening brief. In addition to these three cruise lines, a fourth cruise line, Carnival, is entitled to file a reply brief of up to 6,500 words. Havana Docks thus

respectfully requests this Court to limit the requested extension to 10,000 words, half the limit of the joint opening brief.

TIMING

As required by Eleventh Circuit Rule 32-4, this motion has been filed at least seven days in advance of the November 20, 2023 due date for the Moving Appellants' reply briefs. Given that approaching deadline, the Moving Appellants respectfully request a ruling at the Court's earliest convenience.

CONCLUSION

For the above reasons, the Moving Appellants respectfully request that they be granted leave to file a joint reply brief not exceeding 13,000 words.[*]

[*] Defendant-Appellant Carnival Corporation takes no position on the relief sought and plans to file a separate brief.

Respectfully submitted,

s/Paul D. Clement
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November 13, 2023

CERTIFICATE OF COMPLIANCE

1. In accordance with Fed. R. App. P. 27(d)(1)(E), 27(d)(2)(A), and 32(g)(1), I certify that the foregoing motion is proportionately spaced using 14-point Times New Roman font and contains 910 words, excluding the parts of the motion exempted from length limits by Rules 27(d)(2) and 32(f).

November 13, 2023

s/Paul D. Clement
Paul D. Clement

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/Paul D. Clement
Paul D. Clement