**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF FLORIDA**

HAVANA DOCKS CORPORATION,

Case No.: 19-23591-CIV-MARTINEZ

Plaintiff,

vs.

NORWEGIAN CRUISE LINE HOLDINGS, LTD.,

Defendant.
_____/

**NOTICE OF PENDING, REFILED, RELATED OR SIMILAR ACTIONS AND MOTION TO TRANSFER**

In accordance with Local Rule 3.8 and Internal Operating Procedures ("IOP") 2.06.00 and 2.15.00, Plaintiff Havana Docks Corporation respectfully requests that the Court enter an Order transferring this action to the Honorable Beth Bloom, who is presiding over a prior-filed, lower-numbered, similar action captioned *Havana Docks Corporation v. Carnival Corporation*, Case No. 19-cv-21724 (Bloom, J.) (the "Carnival Action").

On August 27, 2019, Plaintiff Havana Docks Corporation filed three related actions in the Southern District of Florida. The actions are:

- *Havana Docks Corporation v. MSC Cruises SA Co, et al.*, No. 19-23588 (Cooke, J.);
- *Havana Docks Corporation v. Norwegian Cruise Line Holdings, Ltd.*, No. 19-cv-23591 (Martinez, J.); and

- *Havana Docks Corporation v. Royal Caribbean Cruises, Ltd.*, No. 19-cv-23590 (Gayles, J.)

The subject matter of the three actions is materially similar to the *Carnival* Action. *See* IOP 2.15.

The plaintiff and the property at issue in each of the three actions are the same as in the *Carnival* Action. As in the *Carnival* Action, these lawsuits arise out of the alleged illegal use of the same commercial waterfront real property located in the Port of Havana, Cuba identified specifically by the Republic of Cuba ("Cuba") as the Havana Cruise Port Terminal (the "Subject Property"). The Subject Property was confiscated by the Cuban Government on October 24, 1960. Plaintiff's ownership interest in and claim to the Subject Property was certified by the Foreign Claims Settlement Commission under the International Claim Settlement Act of 1949 ("the Certification"). The Certification will play the same predominant evidentiary role in all four cases, since, pursuant to 22 U.S.C Section 6083 (a)(1), the Court is required to accept the Certification as conclusive proof of ownership of an interest in the Subject Property. The transfer of these cases to Judge Bloom will avoid the possibility of inconsistent findings with respect to Plaintiff's claim to the Subject Property.

Furthermore, the cause of action in all four actions is also the same. As in the *Carnival* Action, each of these lawsuits alleges a claim for damages pursuant to Title III of the LIBERTAD Act ("Title III"), 22 U.S.C. § 6082. In this action, as in the *Carnival* Action, Plaintiff alleges that each defendant cruise line trafficked in the Subject Property. The Certification will play another identical predominant


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

evidentiary role in all four cases since, pursuant to 22 U.S.C. Section 6082(a)(2), there shall be a presumption, rebuttable by clear and convincing evidence, that the amount of damages for which each defendant is liable for trafficking is the amount in the Certification.

Because this action and the *Carnival* Action involve the same Plaintiff, the same Subject Property, the same Certification, the same statutory property claim, the same statutory cause of action, the same method of calculation of damages, and materially similar allegations, the disposition of this action would "entail the unnecessary duplication of judicial labor" if heard separately from the Carnival Action. IOP 2.15.

Accordingly, Plaintiff respectfully requests that this action be transferred to Judge Bloom pursuant to IOP 2.06 and 2.15.

**Local Rule 7.1(a)(3) Certification**

Counsel for the Plaintiff, Roberto Martínez, Esq., certifies that he conferred by e-mail on September 3rd, 4th and 5th with counsel for Norwegian Cruise Line Holdings, Ltd., Richard C. Lorenzo, Esq. and Allen P. Pegg, Esq., of the law firm of Hogan Lovells US LLP, regarding the relief sought in this motion in a good faith effort to resolve the issues raised in the motion and has been unable to do so.

Dated: September 5, 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 F. Elayan-Martínez, Esquire
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, Esquire
Florida Bar No. 225428
Rodney@margolandmargol.com
*Pro Hac Vice* Motion Forthcoming

*Attorneys for Plaintiff Havana Docks Corporation*