UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:20-cv-20078-RNS

MARIA DOLORES CANTO MARTI, as personal representative of the Estates of Dolores Marti Mercade and Fernando Canto Bory,

Plaintiff,

v.

IBEROSTAR HOTELES Y APARTAMENTOS, S.L., a Spanish limited liability company,

Defendant.
_____/

DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE

Defendant IBEROSTAR HOTELES Y APARTAMENTOS, S.L.U. ("Iberostar") submits[1] its Response to this Court's Paperless Order to Show Cause dated May 18, 2021 [D.E. 39] ("Order"), and states as follows:

1. On April 24, 2020, this Court issued an Order Granting Defendant's Motion to Stay Proceedings [D.E. 17], directing Defendant to submit status reports every 30 days on its request for authorization to the European Union Commission.

2. Iberostar has submitted reports every 30 days pursuant to the Court's instructions. Iberostar submitted its March report on March 22, 2021 [D.E. 34]. The April report was due 30

[1] Iberostar reserves all its rights and will move to dismiss based on its Rule 12 defenses when it receives authorization to do so from the European Commission.

days later, that is, on April 21, 2021, and the May report was due 30 days after that, namely, on May 21, 2021.

3. Iberostar, however, filed its April report early on April 15 instead of April 21, to promptly update the Court on the most recent correspondence received from the European Commission. Counsel for Iberostar inadvertently failed to reset the 30-day time period to file the May status report when it filed the April report ahead of the deadline.

4. On May 18, 2021, this Court ordered "Iberostar to show cause for its failure to timely submit" the May status report.

5. Counsel for Iberostar regrets it did not file the May report within the 30-day period. It was due to its failure to re-calendar the new due date. It is adopting new steps to ensure the status reports are filed timely on a going forward basis.

6. Iberostar is filing its May status report today and will file its June status report on June 16, 2021 as directed by the Court.

7. Undersigned counsel understands the necessity to comply with all Court orders, has always endeavored to do so, and provides the above explanation as good faith reasons for not submitting this month's status report on the date due. Undersigned counsel respectfully apologizes to the Court for this omission.

8. Accordingly, Iberostar respectfully requests the Court discharge its Order to Show Cause, as its failure to timely file its May status report was inadvertent and Iberostar has, in fact, diligently filed monthly status reports.

Filed this 19th day of May, 2021.

Respectfully Submitted,

Counsel for Iberostar

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 19, 2021, a true and correct copy of DEFENDANT'S STATUS REPORT was filed with the Clerk of Court using the CM/ECF system which will send a notification of the filing to all counsel and parties of record.

/s/Adolfo E. Jiménez
Adolfo E. Jiménez

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