UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

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

Plaintiff,

CASE NO. 20-20078-CIV-SCOLA

v.

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

Defendant.
_____/

RESPONSE TO DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME

Plaintiff, Maria Dolores Canto Marti ("Plaintiff"), by and through undersigned counsel, hereby responds to Defendant's Motion for Enlargement of Time [D.E. 10] as follows:

1. These are extraordinary times, but a ninety day extension of time to file, what will surely be motion raising preliminary legal issues, is not warranted – especially when the Defendant Iberostar Hoteles y Apartamentos S.L. ("Defendant") has been avoiding service of process.

2. On June 26, 2019, counsel for Plaintiff sent a letter via email addressed to the president and executive chairman of Grupo Iberostar at miguel.fluxa@grupoiberostar.com. and via DHL notifying Defendant of Plaintiff's family's intent to sue if Defendant did not cease and desist its violation of the Helms-Burton Act. Defendant did not respond to the letter, but continued to violate the Helms-Burton Act as described in the Complaint.

3. Thereafter Plaintiff filed her Complaint. As set forth in her Status Report [D.E. 9], due to Defendant's conduct, long before the COVID-19 crisis, Plaintiff has been forced to serve Defendant in multiple ways.

a. When Plaintiff served Defendant with the Summons and Complaints through local Spanish Counsel's use of the Spanish postal service in **January of 2020**, Defendant refused to accept the package.

b. Plaintiff was then forced, at some expense, to hire a Spanish public notary to perform formal service under the laws of Spain. As set forth in the Status Report, the Spanish public notary did deliver the Summons and Complaint to Defendant in accordance with the formalities of Spanish law on **February 13, 2020**. Although Defendant again refused to accept the package, such refusal does not affect the validity of the service under Spanish law. *See* Status Report at [D.E. 9 at ¶¶ 5-8].

c. Plaintiff also served Defendant with the Summons and Complaint via DHL personal delivery on March 19, 2020. *See* Status Report [D.E. 9 at ¶¶9-10].

4. We do not dispute that the affect of COVID-19 in Spain has been devastating, but so too was the confiscation of Plaintiff's family's property in Cuba and its subsequent exploitation by Defendant. Even though Defendant has avoided service and ignored this lawsuit at its own peril before the COVID-19 outbreak, Plaintiff does not oppose a reasonable extension of time of thirty days through May 8, 2020 for Defendant to respond to the Complaint.

5. Defendant argues that this is a complex case involving issues of European law. It is not, and, even if it were, Defendant's counsel (one of whom is barred in Spain) are well familiar with the Helms-Burton Act and the jurisdictional defenses that they will certainly raise in their initial motion. We further note that should this Court, at the appropriate juncture, hold that service

by the Spanish public notary on February 13, 2020 was proper (and it should), Defendant's request for an enlargement of time is being made out of time without a proper showing of good cause as to why it did not respond immediately after being served in February before the COVID-19 outbreak.

6. Nevertheless, as Plaintiff wishes to reach the merits of this case as expeditiously as possible, she does not object to a reasonable extension of time of thirty days through May 8, 2020 for Defendant to respond to the Complaint given the COVID-19 outbreak, but reserves all of her arguments in opposition to Defendant's positions.

DATED this 8th day of April 2020.

Respectfully submitted,

/s/ Joseph I. Zumpano
Joseph I. Zumpano
Joseph I. Zumpano (Florida Bar Number: 0056091)
Attorney E-mail address: jzumpano@zplaw.com
Leon N. Patricios (Florida Bar Number: 0012777)
Attorney E-mail address: lpatricios@zplaw.com
Danit Ashkenazi Darmon (Florida Bar Number: 1003836)
Attorney E-mail address: ddarmon@zplaw.com
ZUMPANO PATRICIOS, P.A.
312 Minorca Avenue
Coral Gables, FL 33134
Telephone: (305) 444-5565
Attorneys for Plaintiff Maria Dolores Canto Marti

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 8, 2020, a true and correct copy of the foregoing Response to Motion for Extension of Time was filed with the Clerk of the Court using the CM/ECF system which will send notification of the filing to all counsel and parties of record.

/s/ Leon N. Patricios
Leon N. Patricios