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.

_____/

PLAINTIFF'S REPLY IN SUPPORT OF HER RENEWED MOTION TO LIFT STAY, AND IF DENIED, MOTION FOR CERTIFICATION OF ORDER UNDER 28 U.S.C. § 1292(b)

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Plaintiff Maria Dolores Canto Marti, as personal representative of the Estates of Dolores Martí Mercadé and Fernando Canto Bory ("**Plaintiff**"), hereby submits her Reply in Support of her Renewed Motion to Lift Stay and if Denied, Motion for Certification of Order Under 28 U.S.C. § 1292(B) [D.E. 32] (the "**Motion**").

INTRODUCTION

Defendant Iberostar Hoteles y Apartamentos S.L (the "**Defendant**" or "**Iberostar**") states it is caught between a rock and a hard place between abiding by U.S. and EU law. But Defendant knowingly put itself in that position. Being subject to the laws of multiple jurisdictions is the cost of an international hotel chain doing business in multiple jurisdictions. But Defendant would instead have Plaintiff pay the consequences of it doing business in both the U.S. and EU.

It is apparent from its Opposition that Defendant wants to lead this Court into legal error in two ways: first, on the substantive law of stays; and second, on whether the issue central to this case should be certified for appeal. Defendant asks this Court to extend international comity to the EU Blocking Regulation that outwardly blocks the Helms-Burton Act when doing so would turn the principle of international comity on its head. International comity cannot be extended to a law that, at its core, negates international comity principles. This twisted view of international comity sits at the heart of this Court's evaluation of the propriety of its April 24, 2020 [D.E. 17] (the "**April Stay Order**") as well as the appellate certification of the central issue herein. Indeed, the April Stay Order is substantively improper because it is pegged to the EU Commission's (the "**Commission**") ***authorization*** of Defendant's request for authorization (the "**Application**"), which the Commission may never provide – all for the sake of Defendant's misconstrued view of international comity. And Defendant would have the Court mistakenly deny the certification of this issue for appeal for the same nonsensical premise that somehow EU law should supersede US law. This Court should lift this stay and allow Plaintiff's claims to be adjudicated on the merits. After all, Plaintiff has been waiting in vain for nearly a year now for the Commission to provide its authorization to proceed with case.

I. Defendant Fails to Refute That the April Stay Order is Indefinite and Immoderate

A. The April Stay Order is indefinite as it turns on the Commission's authorization, not its resolution of Defendant's Application

Defendant repeatedly misstates the terms of the April Stay Order because it cannot refute that the actual terms of the April Stay Order meet the textbook definition of "indefinite." The April

Stay Order does not, as Defendant states, "mandate[] a limited Stay pending a decision by the Commission on Iberostar's Application to defend this lawsuit." *See* D.E. 33 at 9. The Court's Order Denying Motion to Vacate Stay [D.E. 25] (the "**Order**") does state "that the stay is not indefinite because it will end as soon as the European Commission rules on Iberostar's application." D.E. 25 at 4-5. However, the Court's April Stay Order – the operative stay order here –turns on the Commission's *authorization not its resolution* of the Application. Indeed, the April Stay Order stayed the case "until the European Union grants Iberostar's request for ***authorization***." *See* D.E. 17 at ¶ 3 (emphasis added). The Commission will never authorize Defendant to participate in this case. The April Stay Order, which is pegged to the Commission's authorization, is thus an indefinite block on Plaintiff's due process rights in this case. Therefore, there is no other way to spin it – the April Stay Order is not a temporary abstention as Defendant claims, but rather an abdication of this Court's jurisdiction.

B. Defendant points to the Commission's progress although all evidence points to the Commission's further delay

Even if the April Stay Order were to be interpreted as ending when the Commission rules on Defendant's Application, it is still indefinite because there is no hint of a timeframe by which the Commission will rule on the Application. Defendant overstates the Commission's progress in resolving the Application, which is simply a farse, predetermined by the Commission because of the EU Blocking Regulation. Defendant repeatedly quotes the Commission stating that it "trust[s] any such assessments and investigations will shortly be completed and the authorization process will pursue its course." *See* D.E. 33 at ¶¶ 5, 16, 22(viii), 54. But that statement rings hollow. Indeed, shortly completing assessments and investigations, and pursuing its "course" still leaves the "course" wholly undefined and does nothing to define a timeframe by which the Commission will end its course. At this stage, one is left to wonder whether this Court is being duped in order to give Defendant an opportunity to morph relationships, secrete assets, or otherwise proceed in such a manner to deprive Plaintiff of assets to collect within the jurisdiction of this Court.

In fact, Defendant concedes that the Commission's decision-making process is complex and time-consuming, signaling further delay. Indeed, as Defendant notes, ***each*** of the 27 members need to be consulted before the Commission makes a decision. *See* D.E. 33 at ¶ 4. The Commission itself has stated that "[t]his application gives rise to unprecedented questions that require careful consideration. The complexity of the case accounts for the duration of the administrative procedure

and attentive preparation of a decision." Defendant's Status Report, D.E. 34 at 10. Moreover, Defendant dedicates two pages to resubmitting the content of its monthly status reports, which as explained in Plaintiff's Motion [D.E. 32 at 8], point to delay rather than any major advancement. Further, Defendant argues that the Commission is taking longer to resolve this Application than its U.K. counterpart did in *Rodriguez* because the Commission's process is more complex than the U.K.'s process. *See Rodriguez et al.*, Case No. 20-cv-23287-DPG (S.D. Fla. Sept. 23, 2020); see also D.E. 33 at ¶ 30. But that argument cuts against Defendant because it just goes to show the potential for a more prolonged delay of the Commission's decision-making process.

Defendant points to the Commission's recent Communication to show that the Commission is "mindful and supportive of 'processing authorization requests,'" but the facts show otherwise. The Commission has sat on Defendant's request for over 10 months and it has yet to even estimate a timeframe by which it will authorize Defendant's request, if ever. *See Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions, COM (2021) 32 final (Jan. 19, 2021)* (the "Communication"). And, contrary to Defendant's assertions, the Communication ***is*** evidence of the EU defiantly strengthening its opposition to the Helms-Burton Act since the April Stay Order. The fact that the EU has always opposed the Helms-Burton Act [D.E. 33 at ¶ 27] is of no moment—opposition is opposition, and the Communication shows that such opposition has been strengthened. Further, EU opposition, whether intensified or not, is precisely what precludes extending international comity to the EU. Enough.

This Court has clearly provided Defendant with an opportunity to comply with foreign law. Defendant cannot be afforded free reign to indefinitely preclude Plaintiff from due process, particularly when foreign law directly contradicts U.S. law. Put another way, Plaintiff cannot pay for Defendant's choice to do business in jurisdictions that have "conflicting laws." Defendant is right about something; this decision *will* set a precedent for all other applications relating to the Act, albeit a dangerous one—that the U.S. court system will wait indefinitely while the EU determines how best to shield its constituents from the consequences of U.S. law and that the EU Blocking Regulation is an effective tool to do so. Justice is not to be delayed opportunistically, utilizing contradictory laws of other nations.

Moreover, Defendant unpersuasively attempts to distinguish *Landis* [*see* D.E. 33 at ¶¶ 14-15] and *Trujillo* [see id. at ¶¶ 17-22], but fails to address one of the main principles set forth in

Landis and confirmed by *Trujillo* (because it cannot to do so adequately): a stay cannot "be upheld as moderate because conceivably the court that made it may be persuaded at a later time to undo what it has done," which is true despite the Court stating in its Order that it "evaluates the propriety of the stay entered in this case with the filing of Defendant's status reports." *See Landis v. N. Am. Co., 299 U.S. 248, 257, 57 S. Ct. 163, 167 (1936)*; *Trujillo v. Conover & Co. Communs., Inc*., 221 F.3d 1262, 1264 n.3 (11th Cir. 2000); *see also* Order, D.E. 25 at 5. Defendant has failed to refute that, to the extent that such evaluation suggests that the Court may be later persuaded to vacate the stay depending on the content of Defendant's status reports, such *ex post facto* analysis is improper under *Landis* and *Trujillo*. Defendant also fails to explain why it originally requested a stay for 10 weeks – demonstrating an understanding that stays must be defined and limited – but now feverishly champions this indefinite April Stay Order that runs contrary to precedent and U.S. law.

II. Defendant's view of International Comity is Invalid and Warrants Lifting the Stay

Defendant would have this Court commit the error of keeping Plaintiff out of this Court indefinitely without another proceeding that can adjudicate Plaintiff's claims, all based on Defendant's twisted misconception of international comity. Preliminarily, Defendant concedes that there is no adequate or alternative forum that will decide the issues before this Court. And Defendant also concedes that the EU Blocking Regulation is designed to thwart the Helms-Burton Act. In fact, when arguing that the EU did not strengthen its opposition to the Helms-Burton Act since this Court granted the April Stay Order, Defendant's prime argument was that the EU has always been opposed to the Act. This Court should not extend international comity to an EU law that outwardly rejects U.S. law. And, neither Plaintiff nor this Court should be responsible for the consequences Defendant may face in the EU because Defendant decided to do business in the U.S. Such consequences, however speculative, should be borne by Defendant and Defendant only. Companies must and do consider such potential consequences as possible business expenses. It is this particular contradiction between laws of nations that constitute a very real "country risk" – a concept entities not only recognize, but either assume or forego. Defendant decided that doing business in the U.S. made financial sense, knowing full well that Defendant would be subject to its laws. And similarly, Defendant decided that simultaneously doing business in Cuba (after the Helms-Burton Act was enacted and in effect), was also worth the risk. Why must Plaintiff, and all similarly situated plaintiffs with Helms-Burton Act claims against EU defendants, pay for

Defendant's decisions? Such would be the result of this Court's dangerous precedent if it does not lift the stay.

Defendant's view of international comity turns the entire principle of international comity on its head. Defendant first adopts this Court's proper definition of international comity as "a nation's expression of understanding which demonstrates due regard both to international duty and convenience and to the rights of persons protected by its own laws." *See GDG Acquisitions, LLC v. Gov't of Belize*, 749 F.3d 1024, 1030 (11th Cir. 2014); *See also* Order, D.E. 25 at 3-5; *See also* Opposition, D.E. 33 at 14. But then, Defendant turns the entire principle upside down when it asks the Court to extend comity to the EU Blocking Regulation. Here, the parties are essentially debating about extending international comity, a principal based on reciprocity and respect, to the EU Blocking Regulation whose sole purpose and effect is to block and nullify U.S. law. Where is the EU's "expression of understanding" or "due regard both to international duty and convenience and to the rights of persons protected by its own laws"? *See id.* It certainly cannot be found in the EU Blocking Regulation passed specifically to block and nullify the Helms-Burton Act and other U.S. laws from effecting its constituents. The EU and its representative Commission has shown *zero* "expression of understanding" in passing the EU Blocking Regulation. And, it has shown *zero* regard for U.S. persons, including Plaintiff, not only because it has failed to authorize Defendant to participate in this case despite sitting on the Application for nearly a year now, but also because it failed to provide so much as an estimated timeframe for its authorization. Instead, it publishes the Communication, in a show of even less respect for U.S. law and the U.S. court system. The EU demonstrates no comity to U.S. law, but rather a clear rejection of it. And Defendant, nonetheless, wants this Court to continue to extend comity.

Moreover, Defendant's clear and mistaken view here is that U.S. courts, particularly this Court, should abdicate jurisdiction when ***EU*** law tells it to. Defendant argues that this Court is not abdicating jurisdiction because there is no other court that will adjudicate Plaintiff's claims. Well then, who will hear Plaintiff's claims? Courts not only abdicate jurisdiction when they abstain from hearing a case to allow another court to adjudicate the claims therein, but also abdicate jurisdiction when, like here, they indefinitely abstain without another court to adjudicate any of the claims. While Defendant vainly tries to distinguish applicable precedent set forth in *Laker Airways, Ltd. v. Sabena, Belgian World Airlines*, 731 F.2d 909, 937 (D.C. Cir. 1984), it provides none to support its position because none exists. Defendant argues that there is no caselaw directly

on point because the Helms-Burton Act only recently became effective, and Defendant is the first EU defendant faced with this issue. But Defendant has failed to provide caselaw that affirms its view of international comity, *i.e.*, that international comity should be extended to international laws that specifically reject, block, and attempt to nullify U.S. law. Again, because none exists.

Additionally, Defendant practically begs for a response to its argument that Defendant's Application is not intended to terminate the litigation, but to authorize it to defend it. *See* D.E. 33 at ¶¶ 34, 46. The argument is inapposite because Defendant's intentions are irrelevant. Perhaps Defendant does *want* to defend this litigation (although it clearly has an incentive to maintain this stay perpetually). In that case, what Defendant *wants* directly conflicts with the practical effect of what it is asking this Court to do – to extend international comity to effectively deny Plaintiff her day in Court until the EU authorizes it. Further, Defendant audaciously claims that Plaintiff would prefer the Defendant is denied permission to appear. *See* D.E. 33 at ¶ 46. Nonsense. Plaintiff wants her claims adjudicated in a fair and timely manner. Not doing so would give Defendant an opportunity to morph relationships, secrete assets, or otherwise proceed in such a manner to deprive Plaintiff of assets to collect within this Court's jurisdiction.

A. Plaintiff maintains that the *Turner* and *GDG Acquisition* factors do not apply

Plaintiff maintains that the *Turner* and *GDG Acquisition* factors are inapplicable here because there is no parallel proceeding that can adjudicate Plaintiff's claims. Defendant panders that the Court correctly considered the *Turner* and *GDG Acquisition* factors. Yet, Defendant concedes that it has not cited any case law on point, *i.e.*, where courts have abstained to extend international comity when there is no prospective or retrospective foreign proceeding. *See D.E.33* at ¶ 40. However, Defendant misrepresents that Plaintiff failed to cite to any case law supporting her own Motion. *Id.* Perhaps Defendant missed the numerous cases Plaintiff cited because Defendant failed to address the vast majority of them. Indeed, Plaintiff cited numerous cases in support of its proposition that "international comity considerations warrant vacating the stay because the EC Blocking Regulation itself runs contrary to the principles of international comity," some of which specifically address the impropriety of abstention when there is no other proceeding available to adjudicate Plaintiff's claims.[1] While it is true that these cases did not deal with a Helms-Burton

[1] *Risk Ins. & Reinsurance Sols. v. R + V Versicherung*, Case No. 04-61119-CIV, 2005 U.S. Dist. LEXIS 58628, at *6 (S.D. Fla. Sept. 21, 2005); *St. Martinus Univ., NV v. Caribbean Health Holding, LLC*, No. 19-22278-CIV-ALTONAGA/Goodman, 2020 U.S. Dist. LEXIS 33457, at *18 (S.D. Fla. Feb. 27, 2020) *Pravin Banker Assocs. v. Banco Popular Del Peru*, 109 F.3d 850, 854 (2d Cir. 1997); *Laker Airways, Ltd. v. Sabena, Belgian World Airlines*,

Act case specifically, they all speak directly to the merits of Plaintiff's argument that neither the *Turner* nor *GDG Acquisition* factors apply here, where the Court is indefinitely abstaining for a foreign application process that cannot adjudicate Plaintiff's rights, all for Defendant's contrived view of international comity. Moreover, Defendant does not refute that applying only a small subset of the *Turner* factors here (as this Court did in its Order because the rest are inapplicable), unfairly distorts the entire evaluation. *See* D.E. 32 at 13. Thus, *Turner* and *GDG Acquisition* should not be applied here.

B. To the extent the *Turner* factors do apply, Defendant fails to refute that such factors weigh in favor of lifting the stay

Plaintiff maintains that even if this Court does consider the *Turner* and *GDG Acquisition* factors of fairness to the litigants and judicial efficiency, such factors weigh in favor of lifting the stay. Defendant fails to refute the same. Preliminarily, Defendant states that Plaintiff failed to show any real harm caused by the stay. But simultaneously, Defendant fails to address all of Plaintiff's claims of prejudice. Accordingly, Defendant does not adequately refute the prejudice to Plaintiff resulting from the continued lack of transparency of the Commission's Application process. In fact, Defendant concedes that Plaintiff is not part of the process and has no input therein. *See* D.E. 33 at ¶ 46. Although Defendant contends that Plaintiff's interests are not at stake in the process [*id*.], that is simply not true given that the April Stay Order is pegged to the process.

Moreover, Defendant says nothing to Plaintiff's argument that delaying this case could prejudice the enforcement of any future judgement because it "affords Defendant the time and opportunity to change its corporate relationships and arrangements in the United States to attempt to evade this Court's jurisdiction and prevent enforcement of judgment against it in the future." *See* D.E. 32 at 19. Nor does Defendant address that the nature of the EC Blocking Regulation itself makes any delay of this case increasingly prejudicial to Plaintiff's potential future collection efforts. *Id*. And, further, Defendant does not refute that the EU's plans to amend the EC Blocking Regulation could further prejudice Plaintiff.

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731 F.2d 909, 937 (D.C. Cir. 1984); *In re Oi Brasil Holdings Cooperatief U.A.*, 578 B.R. 169, 213 (Bankr. S.D.N.Y. 2017); *Societe Nationale Industrielle Aerospaitale v. U.S. Dist. Court for S. Dist. of Iowa*, 482 U.S. 522, 546 (1987); *French Cuff v. Markel Am. Ins. Co.*, No. 07-60006-CIV-LENARD/TORRES, 2007 U.S. Dist. LEXIS 115813 at *6 (S.D. Fla. May 21, 2007); *Kleiman v. Wright*, Case No. 18-CV-80176, 2018 U.S. Dist. LEXIS 216417, at *34-35 (S.D. Fla. Dec. 27, 2018). *See* D.E. 32 at 9-14.

Further, Defendant fails to address the speculative nature of its alleged harm were this stay lifted. Indeed, Defendant does not refute that there is no evidence that the Commission will impose the EUR 600,000 fine or any fine at all. Defendant simply points out that the Commission prohibited it from actively appearing in this case. *See* D.E. 33 at ¶ 48. However, the Commission did not state that they will certainly impose the full extent of the EUR 600,000 fine or any fine at all for filing a motion to dismiss this case. Despite its recitation of the terms of the EC Blocking Regulation in its communication with Defendant, the Commission also did not explicitly confirm that Defendant cannot answer this Court's summons. Defendant ***can*** answer this Court's summons at any time despite the Commission's instructions to the contrary.

Moreover, Defendant argues that the preliminary ruling in the *Bank Melli Iran v. Telekom Deutschland GmBH (Case C-124/20)* will have no bearing on Defendant's Application. Defendant is wrong. The preliminary ruling in *Bank Melli Iran* shows that Defendant's interpretation of Article 5 has not been confirmed and that there is still room for interpretation, not necessarily that the preliminary ruling in that case will have an impact here, although it may. In addition, Defendant dismisses the very real threat of losing crucial witness testimony by unfairly citing to the fact that the Helms-Burton Act has been suspended by the U.S. government for 22 years – something Plaintiff had absolutely no control over. Defendant meekly points to the eight months to took to bring this lawsuit after the U.S. lifted the suspension, but in those eight months Plaintiff had to gather her family members and relevant facts and wait for a month after notifying Defendant of her intention to sue to be entitled to treble damages under of the Act. *See* 22 U.S.C §6082(a)(3).

Defendant has failed to refute that judicial efficiency weighs in favor of lifting the stay. Defendant unconvincingly argues that the April Stay order promotes judicial efficiency because it affords Defendant the fair opportunity to participate in the proceeding, but that argument does not speak to judicial efficiency at all. As Plaintiff pointed out in her Motion, evaluating judicial efficiency involves considering the potential to simplify and streamline proceedings as well as the potential reduction of financial burden on the parties and the court. D.E. 32 at 20. Defendant did not address any such factors and additionally failed to refute Plaintiff's arguments regarding the same. Defendant similarly does not refute that this April Stay Order sets the dangerous and inefficient precedent that even if the Commission does finally provide its authorization to Defendant to file a motion to dismiss, Defendant will have to seek authorization from the Commission again and again for every future motion and pleading. Such expensive piecemeal

litigation runs contrary to the doctrine of judicial efficiency. It is in fact a denial of due process to have a foreign power, in effect prescribe due process limitations upon the Plaintiff. Defendant must agree (because it did not refute) that the Commission cannot be allowed to waste judicial resources and dictate the terms and procedure of this Court. Accordingly, this Court should find that fairness to the litigants and judicial efficiency weighs heavily in favor of vacating the April Stay Order.

III. Defendant Fails to Show That Plaintiff's Motion for Certification Under 28 U.S.C. § 1292(b) Should Be Denied

If this Motion is denied, Plaintiff seeks appellate review of the following underlying issue: ***whether it is proper to stay a case arising out of the Helms-Burton Act pending authorization from the European Commission to an EU Defendant to participate in the case, pursuant to the EU Blocking Regulation, which was passed specifically to counter the effects of the Helms-Burton Act.***

Plaintiff has met the requirements for a Section 1292(b) appeal. The first factor is met because determining whether it is proper to stay a case arising under the Helms-Burton Act until the Commission provides authorization to an EU defendant is not fact-specific as Defendant mistakenly contends. If her Motion is denied and an appeal authorized, the Eleventh Circuit will determine whether it is ***ever*** proper to stay a case until the Commission authorizes a defendant to participate in the U.S. How long it would take the Commission to issue its authorization to similarly situated EU defendants in the future, if it ever does, is irrelevant to the underlying issue to be certified here. Similarly, how long it takes the Commission to resolve Defendant's Application in this case does not affect the certifiable issue of whether U.S. courts should stay cases in favor of foreign laws designed to block the effect of U.S. laws. That subsequent applications to the EU will benefit from Defendant's Application process in that the process may become shorter or more predictable is likewise wholly irrelevant and speculative. In sum, Defendant glosses over the crucial context of Plaintiff's certifiable question—that the blocking statute ***was passed specifically to counter the effects of the Helms-Burton Act.*** Courts should not grant stay orders that are hinged on a foreign process that U.S. courts have no control over, and which outwardly seek to thwart U.S. law.

The second factor – substantial ground for difference of opinion – is met here despite Defendant's arguments to the contrary. Indeed, Defendant misrepresents to this Court that "the only other decision involving the issue was in agreement with this Court's Stay." False. The other

decision involving a similar issue, Judge Gayles' stay order, was not in agreement with this Court's April Stay Order. Judge Gayles' stay order was ***not issued pending <u>authorization</u> from the Commission***. It was instead limited to a specific timeframe of five months from the original deadline[2] for defendant's response to the Complaint "***because we cannot proceed or wait indefinitely for an answer regarding these issues***."[3] The certifiable issue presented here would determine which approach is correct: Judge Gayles' approach, which limited the stay in this context to a specific, reasonable timeframe unrelated to the Commission's authorization or resolution; or this Court's approach, which is to stay the case until the Commission provides its authorization to EU defendants. Put another way, it is not the duration of the specific timeframe of the stay that is at issue here, but whether it is proper to have no timeframe at all.

The third factor – whether an "immediate appeal will likely 'material advance' the case towards its end" – has also been met as Defendant has failed to refute that the immediate appeal will shorten the litigation. Defendant claims that determining this issue will not shorten the litigation because "the Application has nothing to do with the merits of the case or Plaintiff's claims," but rather Defendant's ability to defend the litigation. D.E. 33 at ¶ 64. However, a stay that is framed to end only when the Commission authorizes it to, not only prevents EU defendants from participating and defending themselves in Helms-Burton Act cases, but it also prevents such cases from advancing at all by precluding them from ever being heard, if the Commission so decides. In addition, Defendant fails to address that leaving the certifiable question unanswered here will keep the door open for the EU and the Commission to manipulate the U.S. court system by blocking Helms-Burton Act cases from advancing at every stage of the litigation. Therefore, answering the certifiable question has the potential to remove constant impediments and interference by the EU in U.S. litigation that would surely shorten the litigation and materially advance this case and all other cases arising out of the Helms-Burton Act.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court vacate the stay and allow this case to proceed. And, if this Court denies Plaintiff's motion, Plaintiff respectfully requests that this Court certify this Court's order denying the Motion to the Eleventh Circuit pursuant to 28 U.S.C. § 1292(b).

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[2] The UK coincidentally issued its authorization within the 5-month deadline.

[3] *See* Hearing Transcript, *Rodriguez et al.*, Case No. 20-cv-23287-DPG, D.E. 50 at 30 (emphasis added).

Dated: March 24, 2021

Respectfully submitted,

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