UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

MARLENE CUETO IGLESIAS, an individual Plaintiff, vs. PERNOD RICARD Public Société Anonyme Defendant.	Case No: 1:20-cv-20157

COMPLAINT FOR DAMAGES

Plaintiff, MARLENE CUETO IGLESIAS (hereinafter, "Plaintiff" or "Marlene") hereby sues PERNOD RICARD ("Pernod"), for trafficking in Plaintiff's confiscated property located in Cuba and alleges as follows:

PARTIES

1. Plaintiff, Marlene Cueto Iglesias, is an individual and resident of Manhattan Beach, Los Angeles County, California. At all times relevant to this action, Plaintiff, is and continues to be a citizen and resident of the United States.

2. Pernod is a French corporation organized under foreign law. Defendant Pernod's principal place of business is located at 12 Place des Etats-Unis, 75783 Paris Cedex 16, France. Pernod is a foreign publicly traded company that through its subsidiaries (including but not limited to Pernod USA, LLC, a Delaware LLC) does business in the State of Florida, Pernod does not maintain a registered agent in the State of Florida.

3. Defendant Pernod has sufficient minimum contacts with the State of Florida, specifically, the Southern District of Florida, this includes but is not limited to the fact that the Defendant through its agents and subsidiaries distributes a portfolio of liquor products including Absolut Vodka, Jameson Irish Whiskey and others.

4. Defendant Pernod owns rights in the brand Havana Club, which was partially derived from Conac Cueto which is confiscated property owned by Plaintiff's family.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), because Plaintiff's claim arises under 22 U.S.C. § 6021, et seq., and the amount in controversy exceeds the sum or value of $50,000, exclusive of interest, costs, and attorneys' fees.

6. Venue is proper in this judicial District under 28 U.S.C. § 1391(b)(1), because the Defendant resides in this judicial District, and under 28 U.S.C. §§ 1391(b)(2) and 1391(d), because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this judicial District.

INTRODUCTION REGARDING LIBERTAD ACT

7. The LIBERTAD Act was enacted to assist the Cuban people in regaining their freedom and prosperity, strengthen international sanctions against the communist Cuban Government, and to deter the exploitation of wrongfully confiscated property in Cuba belonging to United States nationals.

8. Although every U.S. President has suspended the right to bring an action under the LIBERTAD Act since its enactment in 1996, the Defendants have been on notice since 1996 that trafficking in property confiscated by the communist Cuban Government would subject it to liability under the LIBERTAD Act.

9. As of the date of filing this Complaint, the United States Government has ceased suspending the right to bring an action under the LIBERTAD Act, which therefore permits Plaintiff to seek damages for the Defendants' conduct in exploiting Plaintiff's wrongly confiscated property. Importantly, Title III of the Act provides a private cause of action for U.S. nationals against any person or entity, including any agency or instrumentality of a foreign state, that knowingly "traffics" in property expropriated by the Cuban government. The Act also provides exclusive jurisdiction for these claims in U.S. federal courts.

10. On or about April 17, 2019, U.S. Secretary of State Mike Pompeo announced that the Trump administration will no longer suspend Title III: "Effective May 2nd, the right to bring an action under Title III of the Libertad Act will be implemented in full." Secretary Pompeo went on to warn: "Those doing business in Cuba should fully investigate whether they are connected to property stolen in service of a failed communist experiment."

11. Title III of the LIBERTAD Act creates civil liability for any individual or entity, including any agency or instrumentality of a foreign state, that traffics in property that was confiscated by the Cuban government on or after January 1, 1959. The Act authorizes claims by persons who were U.S. nationals at the time of expropriation and by persons who were Cuban nationals at the time but later became U.S. nationals.

12. Title III defines "trafficking" broadly by imposing liability on a person or entity, including any agency or instrumentality of a foreign state, that knowingly and intentionally sells, transfers, distributes, brokers, manages, or otherwise disposes of confiscated property, or that purchases, receives, holds, controls, manages, or holds an interest in confiscated property. Trafficking also includes engaging in a commercial activity using, or otherwise benefiting from confiscated

property or causing, directing, participating in, or profiting from, trafficking by another person, or otherwise engaging in trafficking through another person.

CONAC CUETO CIA

13. Plaintiff, a U. S. national as defined by 22 U.S.C. § 6023(15), is the rightful owner of a 100% interest in certain property of Conac Cueto, C.I.A, a Cuban company, originally located at Avenue 25 #5401, Almendares, Buena Vista, Havana, Cuba (the "Subject Property", "Conac Cueto" or "Company").

14. Plaintiff's family were well known in the Havana area and owned various businesses and properties.

15. Specifically, Plaintiff's father, Fernando Tomas Cueto Sanchez, founded Conac Cueto in the early 1950s.

16. Conac Cueto produced and sold cognac and other spirits in the Republic of Cuba throughout the 1950s and until 1963 when the communist Cuban Government confiscated the Subject Property. The Conac Cueto product line included Conac Cueto Extra Viejo, Conac Cueto Anejo V.S., Conac Cueto Extra Dry, Champagne Conac Cueto, Aguardiente Cueto and others.

17. The Company's assets included intellectual property, oak barrels, bottles, labels, corks, tasters, meters and other assets the Company used in the production and sale of cognac. The Company employed a house chemist, a house taster, staff accountants, a general manager, and numerous employees and sales representatives.

18. The communist Cuban Government confiscated the Subject Property and forcefully took possession and control of all Company assets, the Company market segment and the Company intellectual property. In 1963, the communist government of Cuba gathered all Company assets and took them to the rum company of the Cuban government, "Cuban Government Rum

Company," which was the result of the Cuban government nationalizing other spirit companies including the now infamous, Jose Arechabala S.A, who was the original owner of Havana Club brand. Similar to the fate of Jose Arechabala S.A and the Havana Club brand, the Company's brand Conac Cueto Extra-Viejo and all other assets were forcefully transferred to the Cuban Government Rum Company and eventually rebranded as Havana Club.

19. The communist Cuban Government maintains possession of the Subject Property and has not paid any compensation to Plaintiff for its seizure. The Cuban Government has partnered with the Defendant to distribute the Havana Club brand as well as other ventures to be found in discovery.

20. The communist Cuban Government expropriated, and seized ownership and control of the Subject Property. The Subject Property has not been returned and adequate and effective compensation has not been provided. Further, the claim to the Subject Property has not been settled pursuant to an international claims settlement agreement or other settlement procedure.

21. More specifically, the communist Cuban Government seized ownership and control of the Subject Property since 1963 and used the rights in the Subject Property to produce and sell the Company's product lines and utilize the intellectual property of the Company under the name Havana Club without consent from or compensation paid to Plaintiff, a U.S. citizen.

22. Plaintiff never abandoned her legitimate interest in the Subject Property.

23. Plaintiff's interest in the Subject Property is based upon an uncertified claim, and Plaintiff did not have the ability to bring a claim under the Settlement of International Claims Act of 1949.

24. Upon information and belief, beginning on or about 1993 and continuing to today, the Defendants knowingly and intentionally commenced, conducted, promoted and distributed its

Havana Club brand and line of products worldwide using the Subject Property by using the assets and intellectual property of the Subject Property without the authorization of Plaintiff.

25. Upon information and belief, beginning on or about 1993 and continuing for at least a year thereafter, the Defendants also knowingly and intentionally participated in and profited from the communist Cuban Government's possession of the Subject Property without the authorization of Plaintiff.

26. The Defendants' knowing and intentional conduct with regard to the confiscated Subject Property is trafficking as defined in 22 U.S.C. § 6023(13)(A).

27. As a result of the Defendants' trafficking in the Subject Property, the Defendants are liable to Plaintiff for all money damages allowable under 22 U.S.C § 6082(a).

28. Plaintiff timely provided the Defendants with written notice by certified mail of Plaintiff's intent to commence this action with respect to the Subject Property in accordance 22 U.S.C. § 6082(a)(3).

CUBAN GOVERNMENT UNDER FIDEL CASTRO

29. Fidel Castro was the fifteenth president of Cuba, and the First Secretary of the Central Committee of the Communist Party of Cuba. He rose to power and consolidated leadership between 1959 and 1960. In 1959, Fidel began nationalizing lands, commercial properties and real estate owned by American investors and wealthy Cubans under the laws 890, 891, 1071, Urban Reform and Agrarian Reform. One such wealthy commercial property landowner was Fernando Cueto, father of the Plaintiff. Mr. Cueto's land was seized by the communist Cuban Government. The property, market segment and intellectual properties that were seized have not been returned and compensation has not been paid.

CLAIM FOR DAMAGES UNDER TITLE III of the LIBERTAD ACT AGAINST ALL DEFENDANTS

30. Plaintiff incorporates by reference all of the preceding paragraphs as if fully stated herein.

31. This claim is brought pursuant to Title III of the LIBERTAD Act, 22 U.S.C. § 6082.

32. As set forth in Title III and alleged above the Defendants did traffic, as that term is defined in 22 U.S.C. § 6023(13)(A), in the property owned by the Cueto family, which was confiscated by the communist Cuban Government on or after January 1, 1959 and is therefore liable to Plaintiff, who owns the claim to the Subject Property, for money damages.

33. Plaintiff is entitled to all money damages allowable under 22 U.S.C. § 6082(a), including, but not limited to, those equal to the sum of:

a. The amount greater of: (i) the amount certified by the Foreign Claims Settlement Commission, plus interest; (ii) the amount determined by a special master pursuant to 22 U.S.C. § 6083(a)(2); or (iii) the "fair market value" of the Subject Property, plus interest;

b. Three times the amount determined above (treble damages); and

c. Court costs and reasonable attorneys' fees.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendant as follows:

A. Ordering the Defendants to pay damages (including treble damages);

B. Ordering the Defendants to pay pre- and post-judgment interest on any amounts awarded;

C. Order the Defendants to pay attorneys' fees, costs, and expenses; and

D. Ordering such other relief as may be just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable, and a trial pursuant to Rule 39(c), Federal Rules of Civil Procedure, as to all matters not triable as of right by a jury.

Dated:_____
Respectfully submitted,

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