

22 U.S.C. § 6021, et seq. (the “Act”), and specifically in violation of Title III of the Act, 22 U.S.C. §§ 6081-6085 (“Title III”).

2. The Confiscated Property (defined below) at issue consists of a large lead and zinc mining operation in Cuba, which was seized by the Fidel Castro regime in 1960. All assets of the operation were confiscated, including: i) the port terminal of Santa Lucia in the province of Pinar del Rio, Cuba; ii) piers and docks, iii) warehouses, iv) commercial buildings, v) ranches, vi) roads, vii) a funicular, viii) a power plant, ix) a mineral processing plant, x) water pipes and infrastructure, xi) property rights (servitudes, easements, and concessions), and xii) future rights.

3. The Diaz Estate and the Castanedo Estate are shareholders of the companies that owned the Confiscated Property. The Castro regime’s expropriation of the Confiscated Property rendered their ownership interests worthless, and no compensation has ever been paid to the Estates or their predecessors in interest.

4. Defendants invest in and conduct mining operations worldwide, including through a joint venture with the Cuban government using the Confiscated Property. Through these mining operations and related commodities trading activities, Defendants have engaged in commercial activities using or otherwise benefiting from the Confiscated Property, and they have caused, participated in, and/or profited from use of the Confiscated Property by others.

5. Specifically, the trafficking in the Confiscated Property includes at least the following activities:

- a. using the port terminal at the port of Santa Lucia, including its piers and warehouses (together, the “Port”), to transport minerals from Santa Lucia to the Mariel Port in Cuba;

- b. using the Port to import equipment and machinery for the construction and development of the Confiscated Property which includes, among other improvements, the construction of a mineral processing plant, a water reservoir and water treatment plant, utilities, roads, other infrastructure, offices, warehouses, and port facilities on the Confiscated Property; and
- c. extracting, refining and exporting minerals from a property previously owned by Minas de Matahambre, S.A., which also involves use of the Port.

6. Through their partnership with the Cuban government, Defendants profit from the exploration, extraction, and exportation of minerals, such as lead and zinc, from the Confiscated Property, which they use to supply customers worldwide and to support their commodities trading activities. Notwithstanding their ongoing and substantial profits from the Confiscated Property, neither Defendants nor the Cuban government has ever obtained authorization from, or paid compensation to, the rightful owners. Defendants' trafficking in the Confiscated Property is precisely the type of harm that the Act was intended to redress. Accordingly, Plaintiffs bring this action to collect what they are rightfully due.

II. THE PARTIES

7. Plaintiff Estate of Hilda Castanedo is the estate of Hilda Castanedo ("Hilda"), who was a natural person residing in Miami-Dade County, Florida and who became a United States citizen before March 1996.

8. Plaintiff Estate of Emma Diaz is the estate of Emma Diaz ("Emma") who was a natural person residing in Miami-Dade County, Florida and who became a United States citizen before March 1996.

9. Plaintiff Hilda M. Castanedo Escalon is a United States citizen and a natural person residing in Miami-Dade County, Florida. She is the legal representative and beneficiary of the Estates of Hilda and Emma. Attached hereto as Exhibits 1 and 2 are true and correct copies of the Miami-Dade County Probate Court's records of her appointment as the legal representative.

10. Defendant Trafigura Trading, LLC ("Trafigura US") is a Delaware limited liability company and a wholly-owned subsidiary of Trafigura Group Pte Ltd. Trafigura US has its principal place of business at 5 Houston Centre, 1401 McKinney, Suite 1500, Houston, Texas 77010. Trafigura US is responsible for all US operations of the Trafigura Mining Group (the "Mining Group"). It has been registered in the State of Texas and other states since 1998 to conduct the following on behalf of the Mining Group: (i) management, administration, financing and support for industrial and technical services; (ii) trade especially in raw materials with companies which are Mining Group members and with third parties; (iii) investment in and administration of moneys, goods and claims; (iv) guarantee of securities for debt liabilities of Mining Group members and their companies; (v) acquisition and disposition of real property; and (vi) administration and exploitation of intangible rights and know how

11. Defendant Trafigura Pte Ltd ("Trafigura Trader") is a wholly-owned subsidiary of Trafigura Group Pte Ltd and is a Singaporean entity engaged in trading commodities. It was incorporated on March 7, 1996. Trafigura Trader is registered in Singapore with the Accounting and Corporate Regulatory Authority under number 199601595D. Its registered office and principal place of business is at 10 Collyer Quay, #29-00 Ocean Financial Centre, Singapore 049315 and its telephone number is +65 6319 2960. Trafigura Trader is the Mining Group's main trading company, operating through offices in Singapore and Geneva, Switzerland. It acts as the

center for all derivative transactions within the Mining Group and is the principal entity through which the Mining Group's trading transactions are booked.

12. Defendant Trafigura Group Pte. Ltd. ("Trafigura Parent") is the parent company of the Mining Group. It is was incorporated on August 18, 2010 under the Singapore Companies Act, and it exists under the laws of Singapore (with registration number 201017488D). The registered office of Trafigura Parent is at 10 Collyer Quay, Ocean Financial Centre, #29-00 Singapore 049315, and its telephone number is +65 6319 2960.

13. Defendants are members of and participants in the Mining Group. The Mining Group functions as a consolidated entity on behalf of all its member companies and their operations throughout the world. The Mining Group manages mining operations, develops projects, conducts technical audits of existing and potential projects, and provides advisory and support services to other companies operating under the Trafigura brand. According to the Defendants, "the Mining Group has consistently demonstrated its ability to deploy expertise and investment in challenging economic or political environments".

14. According to the 2020 annual report, the Mining Group "has invested in a portfolio of mines in Africa, Latin America, North America and Europe, ranging from wholly-owned facilities to joint ventures and minority investments."² The portfolio of mines includes a joint venture with Cuban state-owned entity Geominera. The joint venture is called EMINCAR, and it operates the Castellanos zinc and lead mine (among other things), which is located on the Confiscated Property. The Mining Group also expanded its US presence through the acquisition

² See page 26 of the 2020 Annual Report available at <https://www.trafigura.com/brochure/2020-trafigura-annual-report>.

of zinc and lead refining company Nyrstar in 2019; Nyrstar maintains metals processing and mining operations in Tennessee, including a zinc refinery in Clarksville, Tennessee.

15. Defendants treat the Mining Group as an integrated corporate structure with consolidated operations. The Mining Group publishes consolidated financial statements that provide substantial information about the Mining Group's revenues and earnings from its operating divisions around the world. The Mining Group has repeatedly told investors that "the Group believes it is best considered as a consolidated entity." Accordingly, the commercial activities of the Mining Group, and the profits and losses derived therefrom, are attributable to all members of the Mining Group including Defendants.

III. JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States, specifically Title III of the Act, 22 U.S.C. § 6081-85.

17. Subject matter jurisdiction is also conferred upon this Court by 28 U.S.C. § 1367(a) because Plaintiffs' civil conspiracy claim is "so related" to their Title III claim that they "form part of the same case or controversy under Article III of the United States Constitution."

18. As required under Title III of the Act, the amount in controversy in this action exceeds \$50,000, exclusive of compounded interest, treble damages, court costs, and reasonable attorneys' fees. 22 U.S.C. § 6082(b).

19. This Court has personal jurisdiction over Defendant Trafigura US because it maintains its principal place of business in this District.

20. This Court has personal jurisdiction over Defendants Trafigura Parent and Trafigura Trader pursuant to Fed. R. Civ. P. 4(k)(2) because they are not subject to jurisdiction in

any state's courts of general jurisdiction and exercising jurisdiction is consistent with the United States Constitution and laws.

21. Venue is proper in this District under 28 U.S.C § 1391(b)(3) because at least one Defendant is subject to the Court's personal jurisdiction with respect to this action.

22. Plaintiffs have complied with the notice requirement of the Act by providing formal Notice of Suit to Defendants (including their affiliates) indicating 1) Plaintiffs' intention to commence the action and the reasons therefore; 2) a demand that the unlawful trafficking in the Plaintiffs' Confiscated Property cease immediately; and 3) a summary of the statement published by the Attorney General under § 6082(a) of the Act. Plaintiffs also corresponded with Defendants' outside counsel regarding their intention to file this action. The notices and subsequent correspondence occurred more than 30 days before the filing of this action.

23. Contemporaneous with this filing, Plaintiffs will pay the special fee for filing an action under Title III of the Act, which is \$6,800 pursuant to the fee schedule adopted by the Judicial Conference as of December 1, 2020.

IV. FACTUAL BACKGROUND

24. Plaintiffs' claims arise from their stock ownership, as well as inherited ownership interests, in (i) a mining operation run by Minas de Matahambre, S.A. (the "Company"), (ii) the Company's assets, including Terminal Maritima de Santa Lucia, the Port and its facilities, agricultural land, mining concessions, roads, infrastructure, intangibles, and future and contingent rights, and (iii) an affiliated company called Compañía Operadora Rometales, S.A ("Rometales") that operated a sulfuric acid plant next to the Port. The Company, its assets, and Rometales are

hereinafter referred to as the “Property” or “Confiscated Property.”³ Attached hereto as Exhibit 4 is a true and correct copy of the sworn affidavit of Plaintiff Hilda M. Castanedo Escalon describing the history of the Confiscated Property and the confiscation and use thereof.

A. The Confiscated Property: Minas de Matahambre

25. Alfredo Porta (“Porta”) conceived the idea that the desolate mountains, ridges, and lower foothills of the province of Pinar del Rio in Cuba ought to contain mineral wealth, and set to work to explore them in 1913. Porta discovered a large area of mineral-bearing land, following the trend of the ore-bearing hills, and he obtained mines and land titles on what were known as the Matahambre and Santa Lucia ranches. Porta asked Manuel Luciano Diaz (“Diaz”), one of the most prominent financial figures in Cuba, to join him in this venture. Diaz was the owner of the Port in Santa Lucia, Pinar del Rio, which linked the mines with the Port and extended their possessions to a vast territory of what is known as the Matahambre-Castellanos-Santa Lucia Mining District today.⁴

26. Porta and Diaz formed the eponymous partnership of Porta and Diaz in 1913 whereby Diaz agreed to furnish the capital necessary to exploit the property and to put the ore on the market, while Porta was entitled to a certain percentage of the income from the mines, after all expenses of operation and cost of capital had been paid. The management of the property was in the hands of Diaz. Diaz built a road on his property to ship the ores to the Port at Santa Lucia.

³ In the Act and hereinafter, “property” means “any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.” 22 U.S.C. § 6023(12)(A).

⁴ Additional background is set forth in the attached Exhibit 5 (Certified Excerpt Translation of Book Entitled *Las Empresas de Cuba 1958* [Cuban Companies in 1958] by Guillermo Jimenez Soler, Editorial de Ciencias Sociales [Publishing House], Havana 2008. Entry # 957 – MINAS DE MATAHAMBRE S.A., pages 441-443).

27. On or around March 14, 1921, the successors of Porta and Diaz incorporated Minas de Matahambre, S.A. (*i.e.*, the Company) and a few months later sold 59% of the Company's stock to American Metals Company from New York. American Metals Company held the majority ownership and control of the Company until 1944, when the successors acquired back 99% of the Company's shares and remained majority owners until its official confiscation by the Cuban government on June 21, 1961⁵.

28. At the time of confiscation, only one of the male successors, Waldo P. Diaz, hereinafter "Waldo", was alive. Waldo held an ownership interest and corporate position in the Company. Waldo remained in control of the Company after the Revolution in 1959 and died in 1962 after the confiscation of the Company, leaving seven children from two marriages. His first five children, including Hilda and Emma, left Cuba with their families and became US citizens in the 1960s and 1970s. The two children from his second marriage remained in Cuba.

29. At the time of confiscation, the Company owned the Matahambre ranch and other properties, thirteen mines (twelve Matahambre Mines and El Mono), a power plant, roads, a funicular, commercial buildings, infrastructure, housing for workers and family members, an airport within vast territories occupying over 17 km from the mines to the Port in Santa Lucia. The Company also owned almost every commercial building in the area with a few exceptions.

30. The Company also was the officially authorized port and customs agent for Santa Lucia. In fact, Matahambre and Santa Lucia were the territorial seats of the mining establishment in Cuba—the former encompassing the mines, mineral extraction and processing facilities, and production support units and workers' housing (approximately 1,250 families), and the latter

⁵ See Resolution of the Central Planning Board published in the Official Gazette No. 125 on June 29, 1961, page 12460.

encompassing the terminal for the export of the ore and the reception of equipment, spare parts and supplies. Santa Lucia had a little over a thousand residents, and it included homes for the workers at the mines, a school, a church, a golf course, a clubhouse (used by the owners of the Company, their family, friends and club members), and an airfield that mainly provided services to the Company and residents.

31. Matahambre and Santa Lucia were linked by an old colonial road that was receiving improvements by the Company until becoming a paved road. The road allowed the transport of ore between the mine and the Port.⁶

32. Pursuant to Presidential Decree No. 820 of 1916, the Company also owned the right of way in perpetuity from the Minas de Matahambre to the Port and a concession to build a terminal at the Port to facilitate the transportation of minerals from the mines to the Port as well as to import all the equipment and machinery needed for the exploitation of the mines.

33. The Company also acquired the following assets, concessions, and property rights:
- a. port and maritime concession to build a wharf and a warehouse in Santa Lucia;
 - b. concession to build an embankment from the terminal to the warehouse and the wharf; and
 - c. concession to build a dry dock (called a varadero) to facilitate commercial navigation and import-export transactions.

⁶ See Amalfi Fernandez, Maria Antonia. "Datos Diverso" Archivo histórico, Empresa Geominera, Pinar del Rio, published by Enrique J. de D. Fernandez: Matahambre, implementación minera y paisaje cultural, Arquitecto, Doctor en Ciencias Tecnicas, Profesor Titular de Diseño en la Facultad de Arquitectura, ISPJE. Arquitectura y Urbanismo, Vol. XXXI, No. 2/2010.

34. By Public Deed No. 206 of March 14, 1921, the Company acquired the following additional properties, servitudes, leaseholds and other real rights:

- a. Ranch Matahambre- 737 hectares (1,821 acres) adjoining Santa Lucia in the North, Matahambre in the south, Pena Blanca in the east and Matahambre and Managuaco in the west;
- b. Ranch Pena Blanca-108 hectares (267 acres) surrounding by the Mines of Matahambre;
- c. Ranch San Luis de Managuaco at Nombre de Dios town, consisting of 30 hectares (74 acres) adjoining Ranch Matahambre in the east and Ranch of San Luis de Managuaco in the south and west.;
- d. Servitude of right of way (easement) for the funicular occupying an area of 20 meters wide by 8,921 meters long totaling 179,026 square meters (44 acres) from the mines to the Port plus 22,663 square feet (5.6 acres) at Terminal of Santa Lucia. (The funicular passed from the mines to Santa Lucia over the land currently occupied by Empresa Minera del Caribe, S.A. (EMINCAR)⁷, a business partner of the Defendants in Cuba.); and
- e. Infrastructure (including water pipelines, electrical stations, roads, buildings, and warehouses) located in both the mining area and in the Port area that is currently occupied by EMINCAR.

35. On July 21, 1960, the Cuban Revolutionary Government announced the intervention of the Company, and by Resolution of the Central Planning Board published in the

⁷ EMINCAR is a joint venture with the Government of Cuba to develop the Castellanos zinc and lead mines.

Official Gazette No. 125 on June 29, 1961, the Cuban government completed the forced expropriation of the Company, transferring the ownership of the company to the State as well as all the Company's assets (*i.e.* the Confiscated Property).

36. At the time of expropriation, Minas de Matahambre was the largest mine in Cuba, and the fourth most important company among non-sugar-related industries based on the number of workers (1,250) located in Matahambre, Pinar del Río. As an example, the lifetime production of the Matahambre mines (1913 to 1997) totaled approximately 590,300 tons of copper concentrate.

37. The Company generated substantial profits for the Cuban government. For example, it generated an estimated \$178 million of earnings from 1960 to 1997.⁸ Using these results and applying a 40 percent rate for net earnings, after taxes, for a mining concession, shareholders of the Company should have received approximately \$71 million from those earnings, without considering the value of the Company and its assets.

B. The Confiscated Property: Terminal Marítima de Santa Lucia, S.A.

38. At the time of confiscation by the Cuban Government, one of the Company's assets included Terminal Marítima de Santa Lucia, S.A. ("Terminal"). The Terminal provided a dock and pier facility for loading and unloading at the Port for the shipment of pyrites and processed sulfuric acid as well as lead and zinc mined by "Minera Inspiración Occidental", the lessee at El Mono mining reserve, and for the shipment of copper mined by Minas de Matahambre.

⁸ The data was made available by the Latin American Center, University of California Los Angeles 1970. Data indicate mining of selected ores for period indicated. The Center derived the data from the following sources: UN, Statistical Yearbook 1964. Tables 51-53,58,62 and 70; UN Statistical Yearbook 1968, Tables 57, 60-61, 65,68, and 76; and UN, Statistical Yearbook 1969, Table 61. Anuario estadístico Oficina Nacional de Estadística e Información (ONEI) 1960-2018.

39. Presidential Decree Number 1620 dated May 5, 1958, awarded Banco de Desarrollo Economico y Social (“BANDES”) the concession to build the Terminal, dredge a channel, and construct a new dock (among other projects), for which \$2,400,000 in financing was approved.

40. On November 20, 1958, the Company submitted a project for evaluation by BANDES and was subsequently awarded the contract to complete the construction. The financing was allocated for this purpose.

41. Upon information and belief, the Company initiated the construction work. However, the new terminal was completed and inaugurated after its confiscation by the Cuban Revolutionary Government in 1961. The Company was never compensated for its work and its lost property rights, nor was it permitted to operate the new Terminal.

42. On a cost basis approach, considering the confiscated plant and equipment only, the Company suffered losses of at least \$2.4 million (based on the estimated cost of improvements in 1958) without considering the value of the land and the loss of earnings from the Terminal activity, including the loss of earnings from the export of minerals for over 60 years and the importation of equipment for the mining industry in Cuba.

C. The Confiscated Property: Rometales

43. Rometales was a pyrite-based sulfuric acid plant (“Plant”) with a daily capacity of 300 tons, a separate plant to extract copper, lead, gold and silver from pyrite residue, and an energy plant located next to the Port. The Plant was in operation during the exploitation of Gold Castellanos, a gold mine located on the Confiscated Property.

44. The Plant was a mixed (private/state-owned) property with capital valued at \$1 million, of which BANDES held one-fourth of the shares. Three of the four private owners were shareholders of the Company. Ernesto Romagosa was the President, Waldo was Vice-president

and both Jose M. Diaz Nuñez and Jose Portuondo de Castro were shareholders only. All held shares valued at approximately \$199,900, except for Diaz Nuñez, who held approximately \$149,900 in shares.

45. After pyrite was discovered at El Mono Mine, the Plant was formed on October 11, 1957, to process sulfuric acid. The Mono Mine held approximately 1,000,000 tons in pyrite reserves.

46. BANDES lent the Plant \$7,400,000, and purchased \$250,000 worth of shares on or around March 23, 1957. The total cost of the investment in the Plant increased to \$16 million before it was confiscated by the Cuban government, which continued to use it until the closure of the copper and pyrites mines on Confiscated Property

47. The owners of the Plant suffered losses due to confiscation of property estimated to be worth at least \$12 million (75% of the total costs) on a cost basis approach, without considering the value of the land and the loss of earnings from the processing and selling of minerals and the value of the Mono Mine. Thus, Plaintiffs estimate that the actual damages for the expropriation of the Plant would be a minimum of \$12 million plus interest since July 21, 1960 (the date of intervention). The damages are likely to be much higher when the revenues and profitability of the Plant are accounted for.

D. Defendants' Trafficking in the Confiscated Property

48. Defendants, acting individually and through the Mining Group, are trafficking in the Confiscated Property in violation of the Act. Specifically, Defendants cause, participate in, and/or profit from the Mining Group's mining operations in Cuba, and those mining operations use the Confiscated Property.

49. According to their 2016 Annual Report, the Mining Group entered into a joint venture with the Cuban government to make a large investment in mining operations on the island: “The project is another illustration of Trafigura Mining Group’s ability to put its expertise and investment to work in challenging economic or political environments. Work is so far proceeding to plan, and the mine is expected to start production towards the end of 2017.”

50. The mining operation—referred to as the Castellanos lead and zinc mine—is conducted through EMINCAR, a joint venture between the Mining Group (which owns a 49 percent interest) and Cuban state agency Geominera (which owns a 51 percent interest). With a capital outlay equivalent to \$230 million, construction was completed in 18 months from start to finish. According to financial reports, the Mining Group invested at least \$230 million in the venture through a loan to EMINCAR.

51. Output reached full capacity in 2018, when the Castellanos mine produced 100,000 tons of zinc concentrate and 50,000 ton of lead concentrate per annum. The mine processed approximately 800,000 tons of ore and generated a profit for the Mining Group. The mine has a reserve life of 22 years and is thus an important addition to the Mining Group’s mining portfolio as well as an important source of foreign exchange earnings for Cuba.

52. The Mining Group increased its investment in the mine in 2018, reporting an increase in the loan to EMINCAR of approximately \$67.5 million, bringing the balance of the outstanding loan to \$297.5 million as of September 30, 2018.

53. Based on Plaintiffs’ investigation to date, the Mining Group’s operations in Cuba currently occupy and use a vast portion of the Confiscated Property. The uses include the Castellanos mine, a power plant, a processing plant, the Terminal, the Port, and new infrastructure

and improvements to the Confiscated Property for purposes of the mining operations. All of these uses constitute unlawful trafficking in violation of the Act.

54. More specifically, each Defendant is involved in the unlawful trafficking in violation of the Act through at least the following activities:

a. Trafigura US manages the Mining Group's commodities trading activities in the U.S. It also facilitates financing for the Mining Group's operations, including its operations in Cuba using the Confiscated Property. Since 2017, Trafigura US has guaranteed over a billion dollars' worth of financing obtained through the issuance of various debt instruments by special purpose vehicles. Some of this financing has been obtained through public notes and private placements issued to U.S. investors. Upon information and belief, some of this financing has been used for the Mining Group's operations in Cuba using the Confiscated Property.

b. Trafigura Parent and Trafigura Trader have also guaranteed financing for the Mining Group's operations. Upon information and belief, Trafigura Parent has caused special purpose vehicles to issue debt instruments for this purpose, including to obtain financing for the Mining Group's operations in Cuba using the Confiscated Property.

c. In addition to financing activities, Trafigura Trader manages the Mining Group's commodities trading activities, including trading involving commodities produced by the Mining Group's operations in Cuba using the Confiscated Property. It is the entity through which the majority of the Trafigura-related physical trades are booked. It also performs treasury functions for the Mining Group's operations, including operations in Cuba using the Confiscated Property.

d. Trafigura Parent leads the Mining Group, which has become one of the world's largest metals and minerals trading businesses, with operations and customers around the

globe. Trafigura Parent controls the other members of the Mining Group, which are direct or indirect subsidiaries of Trafigura Parent. It therefore has ultimate control over the Mining Group's operations, including operations in Cuba using the Confiscated Property, as well as operations in the U.S. Trafigura Parent derives profits and other benefits from those operations, as evidenced by its financial statements discussing the equity value and profits generated by the Mining Group. Additionally, the Mining Group's operations using the Confiscated Property generate commodities for the Mining Group's global metals and minerals trading business, which also benefits Trafigura Parent.

55. Defendants' trafficking in the Confiscated Property has direct effects in the U.S.
 - a. First, they have failed to obtain permission from or pay compensation to the U.S. nationals who own the claim to the Confiscated Property, *i.e.*, Plaintiffs and their predecessors.
 - b. Second, Defendants have accessed, or facilitated access by their affiliates to, the U.S. capital markets for the purpose of obtaining financing for the Mining Group's operations, including on information and belief its operations in Cuba using the Confiscated Property.
 - c. Third, Defendants have operated, and continue to operate, a global metals and minerals trading business, which uses lead and zinc (among other commodities) obtained from mining operations at the Confiscated Property. Defendants' use of the Confiscated Property to compete in the global market for lead and zinc directly effects the prices and other market conditions facing their U.S. operations and their U.S. competitors.

56. Taking into consideration the Mining Group's 49 percent ownership interest in EMINCAR and its \$297 million investment as of 2018, the current book value of EMINCAR (including the Cuban government's participation) is estimated to be at least \$600 million. That amount would be a conservative basis to estimate the fair market value of the Confiscated Property as of today, and the actual fair market value is likely higher given the Castellanos mine's success and profitability. *See* 22 U.S.C. § 6082(a)(1)(A)(i)(III).

57. In the alternative, the fair market value of the Confiscated Property may be determined based on the value of the Confiscated Property at the time of confiscation plus interest, provided that this valuation exceeds the current fair market value of the Confiscated Property. *See* 22 U.S.C. § 6082(a)(1)(A)(i)(III).

58. The Company, the Port, the Terminal, Rometales, the Plant, and the other Confiscated Property have not been the subject of a certified claim under Title V of the International Claims Settlement Act of 1949 (22 U.S.C. § 1643 et seq.).

59. Plaintiffs' decedents (Hilda and Emma) were not eligible to file a claim with the Foreign Claims Settlement Commission because they were not U.S. nationals at the time that the Confiscated Property was confiscated by the Cuban government. Hilda and Emma acquired ownership of their claims to the Confiscated Property prior to 1996, and those claims were lawfully preserved in their estates which are now Plaintiffs in this case.

60. Specifically, the Plaintiff Estates have two types of ownership interests in the Confiscated Property. The first is the interest that Hilda and Emma inherited from their father Waldo. The second interest is the rights to 2,300 original shares of the Company. The shares were acquired by Emma and Hilda before 1996, and they each became U.S. nationals before 1996. These

shares represent 2.5% of the total subscribed shares (92,000) of the Company before it was confiscated. True and correct copies of the original stock certificates are attached as Exhibit 3.

61. Neither the Cuban government nor any of the Defendants has ever obtained authorization from or paid any compensation to Plaintiffs or their predecessors for the use of the Company, the Port, the Terminal, Rometales, the Plant, or any other Confiscated Property.

V. CAUSES OF ACTION

COUNT ONE

Trafficking in Confiscated Property (22 U.S.C. §§ 6082-6085)

62. At all relevant times, Plaintiffs were U.S. nationals with ownership interests in property confiscated by the Cuban government after January 1, 1959 (*i.e.*, the Confiscated Property).

63. Defendants are “persons” as defined by 22 U.S.C. § 6023(11).

64. Based on the facts alleged herein and on information and belief, Defendants have trafficked in the Confiscated Property, including by, among other things:

- a. mining, refining, and exporting zinc and lead from the Castellanos mine;
- b. using the Terminal to transport minerals from Santa Lucia to the Mariel Port by two vessels (Megano and Castellanos I) acquired by EMINCAR and managed by a company related with the Cuban military operations in the Mariel Port;
- c. using the Port to import equipment and machinery for the construction and development of EMINCAR’s facilities and mining operations including the exploitation of the Castellanos mine and other mines;
- d. using the Port to export zinc and lead concentrates and other commodities;

- e. engaging in commercial transactions involving commodities that have been extracted from the Confiscated Property;
- f. entering into a joint venture with the Cuban government, its agencies and instrumentalities for the purpose of trafficking in the Confiscated Property; and
- g. obtaining financing from investors in the U.S. and elsewhere to fund the Mining Group's operations in Cuba using the Confiscated Property.

65. Defendants have obtained revenues, profits, and other benefits from the Mining Group's operations in Cuba using the Confiscated Property.

66. Thus, Defendants have engaged in trafficking in violation of Title III of the Act through, at a minimum: (i) managing, using, and holding an interest in the Confiscated Property; (ii) engaging in commercial activities using or otherwise benefiting from the Confiscated Property; and/or (iii) causing, directing, participating in, and profiting from trafficking in the Confiscated Property by one or more other persons, in furtherance of the operations of the Mining Group.

67. At all relevant times, Defendants have conducted this trafficking "without the authorization of any U.S. national who holds a claim to the property." 22 U.S.C. 6023(13).

68. Before initiating this action, Plaintiffs provided a prior 30-day notification to Defendants as required by Section 6082(a) of the Act. *See* 22 U.S.C. § 6082(a)(3)(B).

69. Defendants have engaged in unlawful trafficking in the Confiscated Property after November 1, 1996, the end of the 3-month grace period after the Act became effective on August 1, 1996.

70. Therefore, Plaintiffs are entitled to damages, including actual damages, treble damages, pre and post-judgment interest, attorneys' fees, and costs in an amount to be determined at trial.

COUNT TWO
Civil Conspiracy

71. Plaintiffs incorporate the foregoing paragraphs by reference as if set forth fully herein.

72. Each of the Defendants agreed to conduct, cause the Mining Group to conduct, and/or provide material support for the Mining Group's conduct of, mining operations in Cuba through a joint venture with the Cuban government.

73. Each of the Defendants knew that the mining operations in Cuba would be conducted using the Confiscated Property.

74. Each of the Defendants was aware that the use of Confiscated Property without authorization would subject each of them to the risk of liability or penalties under the Act and/or other U.S. laws, including economic sanctions related to Cuba. The Mining Group's awareness of U.S. laws regarding commercial dealings in Cuba was demonstrated by their public statement that "[t]he [Castellanos] mine was constructed in full compliance with prevailing economic sanctions on Cuba, with procurement from countries unaffected by the embargo; similarly, sales of concentrate will be conducted in a sanctions-compliant manner."

75. In order to further their conspiracy and avoid liability and penalties under U.S. law, Defendants attempted to separate the Mining Group's U.S. operations from the rest of their operations around the globe. Specifically, in January 2015, the Mining Group executed the joint venture agreement with the Cuban Government, and at the same time, Trafigura U.S. registered as a Delaware limited liability company responsible for all U.S. operations of the Mining Group.

76. However, Trafigura U.S. continues to operate as a member of the Mining Group and support its operations by *inter alia* continuing to facilitate financing for the Mining Group's operations, including its operations in Cuba using the Confiscated Property. Trafigura Parent and Trafigura Trader likewise have facilitated financing for these operations. Additionally, Trafigura Parent oversees and has ultimately control over the Mining Group's participation in the EMINCAR joint venture, and Trafigura Trader facilitates trading activities utilizing the commodities produced by the joint venture using the Confiscated Property.

77. Any notion of separation of the Mining Group's U.S. operations is further belied by their own repeated statements in prospectuses to potential investors: "The Group trades globally, so to consider the trading volumes and related financial instruments of individual regionally focused subsidiaries is less important because these depend on the structure of the global market itself and as such, the *Group believes it is best considered as a consolidated entity.*" (emphasis added).

78. Defendants' other acts in furtherance of the conspiracy include the trafficking activities set forth in Party IV.D and in Count One.

79. As a result of the aforementioned acts as part of their conspiracy, Defendants successfully trafficked in the Confiscated Property, without authorization from or compensation to Plaintiffs or their predecessors in interest.

80. Therefore, Plaintiffs are entitled to damages, including actual damages, treble damages, pre and post-judgment interest, attorneys' fees, and costs in an amount to be determined at trial.

VI. DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs demand a jury trial in this action of all issues so triable.

VII. CONCLUSION

WHEREFORE, Plaintiffs respectfully request that judgment be entered in their favor and against Defendants:

- a. Awarding Plaintiffs their actual damages in an amount to be determined at trial;
- b. Awarding Plaintiffs pre-judgment interest and treble damages pursuant to 22 U.S.C. § 6082;
- c. Awarding Plaintiffs reasonable attorneys' fees and costs incurred in this action pursuant to 22 U.S.C. § 6082;
- d. Awarding Plaintiffs post-judgment interest; and
- e. Granting all other relief that the Court deems just and proper.

Dated: March 1, 2021

Respectfully submitted,

STEPTOE & JOHNSON, LLP

By: /s/ Jared R. Butcher

Jared R. Butcher
DC Bar No. 986287
SD ID No. 3634996
1330 Connecticut Ave NW
Washington, DC 20036
Telephone: 202-429-3000
Facsimile: 202-429-3902
jbutcher@steptoe.com

Counsel for Plaintiffs

**IN THE CIRCUIT COURT FOR MIAMI-DADE COUNTY,
FLORIDA**

PROBATE DIVISION

IN RE: ESTATE OF

File No.

EMMA DIAZ

Division

Deceased.

**OATH OF PERSONAL REPRESENTATIVE
AND DESIGNATION AND ACCEPTANCE OF RESIDENT AGENT**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Hilda M. Castanedo Escalon (Affiant), state under oath that:

1. I am qualified within the provisions of sections 733.302, 733.303 and 733.304, Florida Statutes, to serve as personal representative of the estate of Emma Diaz, deceased. I have reviewed the statutes and understand the qualifications. Under penalties of perjury, I certify that the following statements are true:

- a. I am 18 years of age or older.
- b. I have never been convicted of a felony.
- c. I am mentally and physically able to perform the duties of personal representative.
- d. I am a resident of the State of Florida.

2. I will faithfully administer the estate of the decedent according to law.

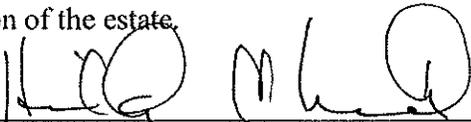
3. My place of residence is 2500 San Domingo Street, Coral Gables, Florida 33134, and my post office address is 2500 San Domingo Street, Coral Gables, Florida 33134.

4. I will promptly file and serve a notice on all interested persons at any time I know that I would not be qualified for appointment and will include the reason I would not then be qualified and the date on which the disqualifying event occurred.

5. I will file and serve a notice within 20 days on all interested persons, in the event there is a change in my residence address, street address, or mailing address.

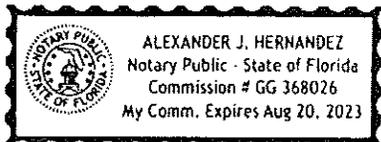
6. I hereby designate ALEXANDER J. HERNANDEZ, who is a member of The Florida Bar, who is a resident of Miami-Dade County, Florida, whose office address is 2655 S

LE JEUNE RD STE 1008, CORAL GABLES , FL 33134 and whose post office address is 2655 S LE JEUNE RD STE 1008, CORAL GABLES, FL 33134 as my agent for the service of process or notice in any action against me, either in my representative capacity, or personally, if the personal action accrued in the administration of the estate.



Hilda M. Castanedo Escalon
Affiant

Sworn to (or affirmed) and subscribed before me by means of () physical presence or () online notarization, on July 8, 2020, by Affiant, who is personally known to me _____ or who has produced FL Driver License as identification.





Signature
Notary Public State of Florida
My Commission Expires: _____
My Commission Number is: _____

ACCEPTANCE

I CERTIFY that I am a permanent resident of Miami-Dade County, Florida, and my office address is as indicated above. I hereby accept the foregoing designation as Resident Agent.

Signed on July 8, 2020.



ALEXANDER J. HERNANDEZ
Resident Agent

**IN THE CIRCUIT COURT FOR MIAMI-DADE COUNTY,
FLORIDA
IN RE: ESTATE OF**

PROBATE DIVISION

EMMA DIAZ

File No.

Division

Deceased.

**PETITION FOR ADMINISTRATION
(testate Florida resident -- single petitioner)**

Petitioner, Hilda M. Castanedo Escalon, alleges:

1. Petitioner has an interest in the above estate as a beneficiary of the estate. Petitioner's address is 2500 San Domingo Street, Coral Gables, Florida 33134, and the name and office address of petitioner's attorney are set forth at the end of this petition.

2. Decedent, Emma Diaz, whose last known address was 3667 South Miami Ave #303, Miami, Florida 33133 and the last four digits of whose social security number are 5823, died on July 27, 1996, at Mercy Hospital. On the date of death decedent was domiciled in Miami-Dade County, Florida.

3. So far as is known, the names of the beneficiaries of this estate and of the decedent's surviving spouse, if any, their addresses and relationships to decedent, and the years of birth of any who are minors, are:

NAME	ADDRESS	RELATIONSHIP	YEAR OF BIRTH (if Minor)
Hilda M. Castanedo Escalon	2500 San Domingo Street Coral Gables, FL 33134	Niece	N/A

4. Venue of this proceeding is in this county because it was the county of the decedent's residence at the time of the decedent's death.

5. Hilda M. Castanedo Escalon, whose address is 2500 San Domingo Street, Coral Gables, Florida 33134, is qualified to serve as personal representative of the decedent's estate because she has not been convicted of a felony, is mentally and physically able to perform the duties of personal representative, is 18 years of age or older and is a resident of Florida.

6. No person has equal or higher preference to be appointed personal representative.

7. The nature and approximate value of the assets in this estate are:

NATURE OF ASSETS	APPROXIMATE VALUE
Right to pursue a cause of action pursuant to the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act, 22 U.S.C. Section 6021, et seq. (the "Act") on property and rights confiscated (the "Confiscated Property") to Decedent, Emma Diaz, and to her father Waldo Pascual Diaz y Martinez by the Cuban Government without authorization by or compensation paid to their rightful owners, Emma Diaz and Waldo Pascual Diaz y Martinez	\$ Not yet determine

8. This estate will not be required to file a federal estate tax return.

9. Domiciliary or principal proceedings are not known to be pending in another state or country.

10. The decedent's last will dated January 19th, 1996, is in the possession of the court or accompanies this petition.

11. Petitioner is unaware of any unrevoked will or codicil of decedent other than as set forth in paragraph 10.

Petitioner requests that the decedent's will be admitted to probate and that Hilda M. Castanedo Escalon be appointed personal representative of the estate of the decedent.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on this 8 day of July, 2020.



Hilda M. Castanedo Escalon
Petitioner

s/ALEXANDER J. HERNANDEZ
Attorney for Petitioner
Florida Bar Number: 103048
2655 S LE JEUNE RD STE 1008
CORAL GABLES, FL 33134
Telephone: (305) 567-0010
Fax: (305) 669-1079
E-Mail: a.hernandez@sotohernandezlaw.net

Last Will and Testament

I, Enma B. Diaz, a resident of Dade County, Florida do hereby make, publish, and declare this to be my last Will and Testament, hereby revoking any and all Wills and Codicils heretofore made by me.

FIRST: I direct that all my funeral expenses be paid out of my estate as soon after death is practicable.

SECOND: I may leave a statement or list disposing of certain items of my tangible personal property. Any such statement or list in existence at the time of my death shall be determinative with respect to all items bequeathed therein.

THIRD: All the rest, residue, and remainder of my estate, real or personal, wheresoever situated, now owned or hereafter acquired by me, which at the time of my death shall belong to me or be subject to disposal by my Will, I give and bequeath unto my niece, Hilda M. Castanedo Escalon.

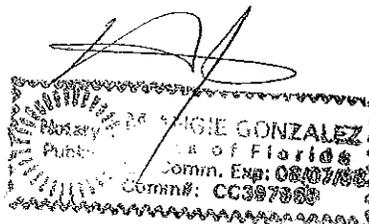
IN WITNESS WHEREOF I have signed and published this my Last Will and Testament this 19th day of January 1996.

Enma Diaz L.S.

The foregoing Instrument was signed by Enma B. Diaz as her Last Will and Testament in our presence and we in her presence and in each other's presence have signed the same as witnesses thereto.

Mania Antonieta Loran residing at 1201 S Le Jeune Rd #204 Cobble

Laura Ochoaga residing at 6625 SW 95th Court, Miami





MINISTERIO DE JUSTICIA
REGISTRO DEL ESTADO CIVIL

CERTIFICACION DE NACIMIENTO

SOLICITUD No. 147751

REFERENCIA REGISTRAL	REGISTRO DEL ESTADO CIVIL DE	FECHA DEL ASIENTO		
	Este de La Habana.	DIA	MESES	AÑO
SECCION DE	TOMO	FOLIO	INSCRIPCION	
Nacimientos.	24	527	522	

NACIMIENTO (EN LETRAS)	HORA	DIA
	siete de la mañana. Hembra.	vainidos.
MES	AÑO	
Marzo.	mil novecientos catorce.	

FILIAACION	NOMBRES Y APELLIDOS DEL INSCRIPTO	
	Elena Bienvenida del Carmen Diaz Miranda.	
	LUGAR DE NACIMIENTO	
	Habana ciento cuatro.	
	NOMBRES Y APELLIDOS DEL PADRE	LUGAR DE NACIMIENTO DEL PADRE
Manuel Maria de las Mercedes Diaz y MARTINEZ.	La Habana.	
NOMBRES Y APELLIDOS DE LA MADRE	LUGAR DE NACIMIENTO DE LA MADRE	
Dulce Maria Miranda y Gabonero.	La Habana.	
ABUELOS PATERNOS	ABUELOS MATEROS	
Manuel Luciano y Francisca.	Alfredo y Concepcion.	
INSCRIPCION PRACTICADA EN VIRTUD DE		
comparacion del abuelo del inscripto, - Alfredo Miranda y Salazar.		

NOTAS MARGINALES

NOTA: Se subsanó la presente en la forma que queda expresada, por auto dictado por el Juez Municipal del Este de La Habana, con fecha trece de Julio de mil novecientos cincuenta y cinco.

AUTORIZADO EL USO DE MAQUINA TIMBRADORA POR DECRETO DEL MINISTRO DE HACIENDA No. 2 DE 8 DE ENERO DE 1953.

2.00

EL ENCARGADO DEL REGISTRO DEL ESTADO CIVIL DE
La Habana.

CERTIFICA: QUE LOS ANTERIORES DATOS CONCORDAN FIELMENTE CON LOS QUE APARECEN CONSIGNADOS EN LA INSCRIPCION A QUE SE HACE REFERENCIA.

La Habana, a seis -

DE **Octubre** DE MIL NOVECIENTOS

SESENTA Y

cincos.

EXHIBIT 1

REPUBLICA DE CUBA
MINISTERIO DE JUSTICIA
DIRECCION GENERAL DE JUSTICIA

Oly Valera Campos y Arsenio Yrujo Sierra

Responsable del Registro de Legalizaciones de las firmas que autorizan las certificaciones expedidas por el Encargado del Registro del Estado Civil de *La Habana*

CERTIFICO: que es auténtica al parecer la firma del Encargado del Registro del Estado Civil de *La Habana* que consta de este documento, por la semejanza que guarda -- con las que acostumbra a usar en sus actos oficiales.

Optativa de 1965.

O. Salva



A coat of Arms
MINISTRY OF JUSTICE
Register of the Civil Status

CERTIFICATE OF BIRTH.- -
Request Num. 147749

Registration Reference: Register of the Civil Status of -
the East of Havana.- Date of the inscription: April 8, 1914.
Section of Births.- Volume 24.- Page 527.- Inscription 522.

Date of birth: March 22, 1914.- Hour: 7 a.m.- Female.- - -

Personal circumstances of the party herein inscribed: Name
and surnames: EMMA BIENVENIDA DEL CARMEN DIAZ MIRANDA. - -
Place of birth: 104 Habana street.- Name and surnames of the
father: Pascual Ubaldo Manuel Maria de las Mercedes Diaz y
Martinez.- Place of birth: Havana.- Name and surnames of the
mother: Dulce Maria Miranda y Gabancho.- Place of birth: Ha-
vana.- Paternal grand-parents: Manuel and Francisca.- Mater-
nal grand-parents: Alfredo and Concepcion.- This inscription
is verified in virtue of the appearance of the grand-father
of the party herein inscribed, Alfredo Miranda y Salazar.- -
Marginal notes: The present inscription was corrected to the
form it is expressed.-

The Registrar of the Civil Status of Havana.- -
Certifies: That the foregoing particulars are -
authentic.- Havana, October 6, 1965.- Sgd. Ille-
gible.-

Stamped: Tax on documents: 2 pesos.- Made by: jl.- - - - -

On the reverse: Republic of Cuba.-Ministry of Justice.- Ge-
neral Direction of Justice.- Olga Valea Campos.- Registrar -
of Legalization of Signatures of Civil Status Registrars of
Havana.- Certifies: That it is apparently authentic the sig-
nature of the Official authorizing the foregoing document.- -
October 6, 1965.- Sgd. O. Valera.- Stamped: Tax on documents:
1 peso.-

- - - - -

I, the undersigned, Amelia Garcia Mirabal, do hereby certify
that I am a competent translator, and that the foregoing is
a true and faithful translation from Spanish into English of
the hereto annexed copy of a Birth Certificate.-

Havana, Cuba
October 14, 1965

EXHIBIT 1
Amelia Garcia Mirabal

Seen at the EMBASSY OF SWITZERLAND
in Cuba, Service of Foreign Interests,
for legalization of the signature of

Mrs. Amelia GARCIA Mirabal, Translator,
whose signature is registered at this
Embassy.

The legalization is strictly limited
to the signature of the translator. The
Swiss Embassy and the Swiss Officials
assume any responsibility as to the
contents of the document and/or the
translation.

EMBASSY OF SWITZERLAND IN CUBA
Service of Foreign Interests

Havana, Cuba, **OCT 15 1965**



Louis Chaney
Secretary of Embassy

Tariff Item No.: 5b
Fee Paid: Sw. Fr. 15
No. 0047381
Local Currency Equi-
valent: S. cub. \$3.45

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2020-002462-CP-02

SECTION: PMH06

JUDGE: Milton Hirsch

IN RE: Diaz, Emma

Decedent

_____ /

ORDER ADMITTING WILL TO PROBATE

The instrument presented to this Court as the above Decedent’s last will, having been legally executed, and *either a*) established by the oath of a subscribing and attesting witness as being the Decedent’s last will, *or b*) made self-proved by the Decedent’s acknowledgment and the witnesses’ affidavits, each made before an officer authorized to administer oaths and evidenced by the officer's certificate attached to or following the will in the form required by law (“Will”), and no objection having been made to its probate, and the Court finding that the Decedent died on July 27, 1996, and that **Hilda M. Castanedo Escalon** is/are entitled and qualified to be personal representative(s), it is ADJUDGED that:

- A. The Will dated January 19, 1996, and attested by Maria Antonieta Garcia and Laura Ondarza as subscribing and attesting witnesses, is admitted to probate according to law as the last Will of the Decedent; and
- B. **Hilda M. Castanedo Escalon** is/are appointed personal representative(s) of the Decedent’s estate (“Personal Representative(s)”), and that upon taking the prescribed oath(s), filing designation(s) and acceptance(s) of resident agent, and entering into bond in the sum of \$0, Letters of Administration shall be issued.

This Order is subject to the following restrictions:

- 1. This Estate must be closed within 12 months, unless it is contested or its closing date is extended by court order.
- 2. Unless a bond has been issued and approved by this Court, the Personal Representative(s) shall place all liquid assets in a depository designated by the Court pursuant to section 69.031, Florida Statutes (“Depository”). This is a frozen account. No funds can be withdrawn without a court order.
- 3. The Attorney of Record shall file receipt of assets by the Depository within thirty days from the issuance of the Letters of Administration.

4. If Florida real estate is sold, per court order, a closing statement shall be filed, and the sale's net proceeds shall be placed in the Depository.
5. There shall be no sale, encumbrance, borrowing, or gifting of any Estate assets without a special court order.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 19th day of August, 2020.

~~2020-002462-CP-02 08-19-2020 11:41 AM~~

2020-002462-CP-02 08-19-2020 11:41 AM

Hon. Milton Hirsch

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

Alexander J Hernandez, ahernandez@probatesfl.com

Alexander J Hernandez, eservice@sotohernandezlaw.net

Physically Served:

**IN THE CIRCUIT COURT FOR MIAMI-DADE COUNTY,
FLORIDA**

PROBATE DIVISION

IN RE: ESTATE OF

File No.

HILDA CASTANEDO

Division

Deceased.

**OATH OF PERSONAL REPRESENTATIVE
AND DESIGNATION AND ACCEPTANCE OF RESIDENT AGENT**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Hilda M. Castanedo Escalon (Affiant), state under oath that:

1. I am qualified within the provisions of sections 733.302, 733.303 and 733.304, Florida Statutes, to serve as personal representative of the estate of HILDA CASTANEDO, deceased. I have reviewed the statutes and understand the qualifications. Under penalties of perjury, I certify that the following statement are true:

- a. I am 18 years of age or older.
- b. I have never been convicted of a felony.
- c. I am mentally and physically able to perform the duties of personal representative.
- d. I am a resident of the State of Florida.

2. I will faithfully administer the estate of the decedent according to law.

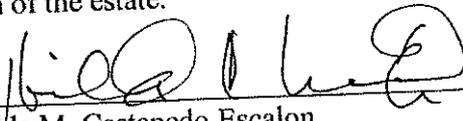
3. My place of residence is 2500 San Domingo Street, Coral Gables, FL 33134, and my post office address is 2500 San Domingo Street, Coral Gables, FL 33134.

4. I will promptly file and serve a notice on all interested persons at any time I know that I would not be qualified for appointment and will include the reason I would not then be qualified and the date on which the disqualifying event occurred.

5. I will file and serve a notice within 20 days on all interested persons, in the event there is a change in my residence address, street address, or mailing address.

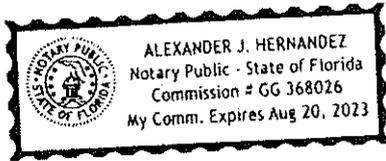
6. I hereby designate ALEXANDER J. HERNANDEZ, who is a member of The Florida Bar, who is a resident of Miami-Dade County, Florida, whose office address is 2655 S

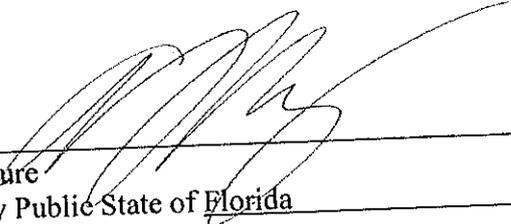
LE JEUNE RD STE 1008, CORAL GABLES, FL 33134 and whose post office address is 2655 S LE JEUNE RD STE 1008, CORAL GABLES, FL 33134 as my agent for the service of process or notice in any action against me, either in my representative capacity, or personally, if the personal action accrued in the administration of the estate.



Hilda M. Castanedo Escalon
Affiant

Sworn to (or affirmed) and subscribed before me by means of () physical presence or () online notarization, on July 8, 2020, by Affiant, who is personally known to me _____ or who has produced FL Driver License as identification.



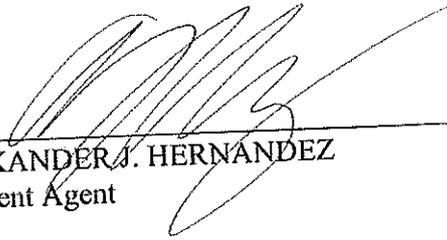


Signature
Notary Public State of Florida
My Commission Expires: _____
My Commission Number is: _____

ACCEPTANCE

I CERTIFY that I am a permanent resident of Miami-Dade County, Florida, and my office address is as indicated above. I hereby accept the foregoing designation as Resident Agent.

Signed on July 8, 2020.



ALEXANDER J. HERNANDEZ
Resident Agent

**IN THE CIRCUIT COURT FOR MIAMI-DADE COUNTY,
FLORIDA**

PROBATE DIVISION

IN RE: ESTATE OF

File No.

HILDA CASTANEDO

Division

Deceased.

**PETITION FOR ADMINISTRATION
(testate Florida resident -- single petitioner)**

Petitioner, Hilda M. Castanedo Escalon, alleges:

1. Petitioner has an interest in the above estate as a beneficiary of the estate. Petitioner's address is 2500 San Domingo Street, Coral Gables, Florida 33134, and the name and office address of petitioner's attorney are set forth at the end of this petition.

2. Decedent, HILDA CASTANEDO, whose last known address was 3667 S. Miami Avenue, Miami, FL 33133 and the last four digits of whose social security number are 4661, died on June 6, 2000, at Mercy Hospital. On the date of death decedent was domiciled in Miami-Dade County, Florida.

3. So far as is known, the names of the beneficiaries of this estate and of the decedent's surviving spouse, if any, their addresses and relationships to decedent, and the years of birth of any who are minors, are:

NAME	ADDRESS	RELATIONSHIP	YEAR OF BIRTH (if Minor)
Hilda M. Castanedo Escalon	2500 San Domingo Street Coral Gables, FL 33134	Daughter	N/A

4. Venue of this proceeding is in this county because it was the county of the decedent's residence at the time of the decedent's death.

5. Hilda M. Castanedo Escalon, whose address is 2500 San Domingo Street, Coral Gables, FL 33134, is qualified to serve as personal representative of the decedent's estate because she has not been convicted of a felony, is mentally and physically able to perform the duties of personal representative, is 18 years of age or older and is a resident of Florida and is qualified to serve as personal representative under the provisions of Florida Statutes, section 733.304.

6. No person has equal or higher preference to be appointed personal representative.

7. The nature and approximate value of the assets in this estate are:

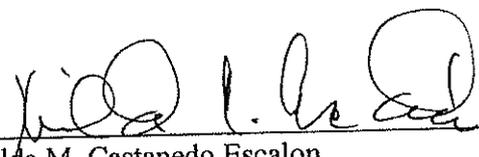
NATURE OF ASSETS	APPROXIMATE VALUE
Right to pursue a cause of action pursuant to the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act, 22 U.S.C. Section 6021, et seq. (the "Act") on property and rights confiscated (the "Confiscated Property") to Decedent, Hilda Castanedo and to her father Waldo Pascual Díaz y Martínez by the Cuban Government without authorization by or compensation paid to their rightful owners, Hilda Castanedo and Waldo Pascual Díaz y Martínez	Value of the Confiscated Property has not yet been determined

8. This estate will not be required to file a federal estate tax return.
9. Domiciliary or principal proceedings are not known to be pending in another state or country.
10. The decedent's last will dated January 19th, 1996, is in the possession of the court or accompanies this petition.
11. Petitioner is unaware of any unrevoked will or codicil of decedent other than as set forth in paragraph 10.

Petitioner requests that the decedent's will be admitted to probate and that Hilda M. Castanedo Escalon be appointed personal representative of the estate of the decedent.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on this 8 day of July, 2020.



 Hilda M. Castanedo Escalon
 Petitioner

s/ ALEXANDER J. HERNANDEZ
 Attorney for Petitioner
 Florida Bar Number: 103048
 2655 S LE JEUNE RD STE 1008
 CORAL GABLES, FL 33134
 Telephone: (305) 567-0010
 Fax: (305) 669-1079
 E-Mail: a.hernandez@sotohernandezlaw.net

Last Will and Testament

I, Hilda M. Castanedo Diaz, a resident of Dade County, Florida, do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking any and all Wills and Codicils heretofore made by me.

FIRST: I direct that all my funeral expenses be paid out of my estate as soon after my death is practicable.

SECOND: I may leave a statement or list disposing of certain items of my tangible personal property. Any such statement or list in existence at the time of my death shall be determined with respect to all items bequeathed therein.

THIRD: All the rest, residue and remainder of my estate, real or personal, wheresoever situated, now owned or hereafter acquired by me, which at the time of my death shall belong to me or be subject to disposal by my Will, I give and bequeath unto my daughter, Hilda M. Castanedo Escalon.

IN WITNESS WHEREOF I have signed and published this my last Will and Testament this 19th day of January, 1996.

Hilda Castanedo

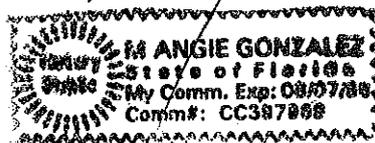
L.S.

The foregoing Instrument was signed by Hilda M. Castanedo Diaz as her Last Will and Testament in our presence and we in her presence and in each other's presence have signed the same witnesses thereto.

Maria Antonia Jerez residing at 1201 S Le Jeune Rd #204 C. 90542

Laura Oseda residing at 6625 SW 95th Ct., Miami

[Signature]





CERTIFICACION DE NACIMIENTO

MINISTERIO DE JUSTICIA
REGISTRO DEL ESTADO CIVIL

SOLICITUD No. 147824

REFERENCIA REGISTRAL	REGISTRO DEL ESTADO CIVIL DE	FECHA DEL ASIENTO		
	Este de La Habana	DIA 17	MES Junio	AÑO 1912
	SECCION DE	TOMO	FOLIO	INSCRIPCION
	Nacimientos	21	525	524

FECHA DEL NACIMIENTO (EN LETRAS)	NORA	DIA
	nueve y veinte minutos de la mañana. Hembra.	Primerero
	MES	AÑO
	Junio	mil novecientos doce.

FILIAACION	NOMBRES Y APELLIDOS DEL INSCRIPTO	
	Hilda María Florencia Antonia Díaz.	
	LUGAR DE NACIMIENTO	
	Aguatecuarenta y ocho, altos.	
	NOMBRES Y APELLIDOS DEL PADRE	LUGAR DE NACIMIENTO DEL PADRE
	Manuel María de los Mercedes Díaz y Martínez.	La Habana.
NOMBRES Y APELLIDOS DE LA MADRE	LUGAR DE NACIMIENTO DE LA MADRE	
Dulce María Miranda y Gabancho.	La Habana.	
ABUELOS PATERNOS	ABUELOS MATEROS	
Manuel Luciano y Francisca.	Alfredo y Concepción.	
INSCRIPCION PRACTICADA EN VIRTUD DE comparecencia del padre de la inscripta.		

NOTAS MARGINALES

NOTA: - Se subsanó la presente en la forma en que queda expresada, por auto firme del Sr. Juez Municipal del Este de La Habana, de fecha trece de Julio de mil novecientos cincuenta y cinco.

NOTA: - Contrajo matrimonio con Carlos Armando Castanedo y Pardo, el día 27 de Septiembre de 1947, según consta al folio 129 del tomo 90 de la Sección de Matrimonios del Juzgado Municipal del Norte de La Habana.

AUTORIZADO EL USO DE MÁQUINA TIPIFICADORA POR DECRETO DEL MINISTRO DE HACIENDA N.º 2 DE 8 DE ENERO DE 1953.

CONFECIONADO CONFRONTADO

Jl.

EL ENCARGADO DEL REGISTRO DEL ESTADO CIVIL DE
La Habana,

CERTIFICA: QUE LOS ANTERIORES DATOS CONCUERDAN FIELMENTE CON LOS QUE APARECEN CONSIGNADOS EN LA INSCRIPCION A QUE SE HACE REFERENCIA.

La Habana, a seis -

DE Octubre - DE MIL NOVECIENTOS

SESENTA Y cinco

ENCARGADO DEL REGISTRO DEL ESTADO CIVIL

REPUBLICA DE CUBA
MINISTERIO DE JUSTICIA
DIRECCION GENERAL DE JUSTICIA

Olga Valera Campo & Arsenio Mendieta Sierra
Responsable del Registro de Legalizaciones de las firmas que
autorizan las certificaciones expedidas por el Encargado del
Registro del Estado Civil de La Habana

CERTIFICO: Que es auténtica al parecer la firma del Encarga-
do del Registro del Estado Civil de La Habana
que consta de este documento, por la semejanza que guarda --
con las que acostumbra a usar en sus actos oficiales.

Olivero de 1965.

O. A. Olivero



A coat of Arms
MINISTRY OF JUSTICE
Register of the Civil Status

CERTIFICATE OF BIRTH.-

Request Num. 147924.-

Registration Reference: Register of the Civil Status of the East of Havana.- Date of the inscription: June 17, 1912.- Section of Births.- Volume 21.- Page 525.- Inscription 524.-

Date of birth: June 1, 1912.- Hour: 9:20 a.m.- Female.-

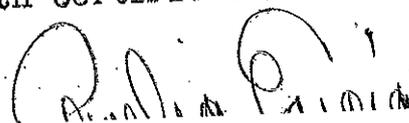
Personal circumstances of the party herein inscribed: Name and surnames: HILDA MARIA FLORENCIA ANTONIA DIAZ.- Place of birth: 48 Aguacate Street.- Name and surnames of the father: Pascual Ubaldo Manuel Maria de las Mercedes Diaz y Martinez.- Place of birth: Havana.- Name and surnames of the mother: Dulce Maria Miranda y Gabancho.- Place of birth: Havana.- Paternal grand-parents: Maneul Luciano and Francisca.- Maternal grand-parents: Alfredo and Concepcion.- This inscription is verified in virtue of the appearance of the present inscription was corrected to the form it is expressed. Note: The party herein inscribed contracted matrimony to Carlos Armando Castañedo y Pardo, on September 27, 1947, as registered on page 129 volume 90 of the Section of Marriages of the Municipal Court of the North of Havana.-

The Registrar of the Civil Status of Havana.-
Certifies: That the foregoing particulars are authentic.- Havana, October 6, 1965.- Sgd. - -
Illegible. Stamped: Tax on documents: 2 pesos

On the reverse: Republic of Cuba.- Ministry of Justice.- -
General Direction of Justice.- Olga Valera Campos or Alberto Meunier Balloqui.- Registrar of Legalization of - -
Signatures of Civil Status Registrarso of Havana.- Certifies: That it is apparently authentic the signature of the Official authorizing the foregoing document.- October 6, 1965.- Sgd. O. Valera.- Stamped: Tax on documents: 1 peso.-

I, the undersigned, Amelia Garcia Mirabal, do hereby certify that I am a competent translator, and that the foregoing is a true and faithful translation from Spanish into English of the hereto annexed copy of a Birth Certificate.-

Havana, Cuba
October 14, 1965



Seen at the EMBASSY OF SWITZERLAND
in Cuba, Service of Foreign Interests,
for legalization of the signature of

Mrs. Amelia GARCIA Mirabal, Translator,
whose signature is registered at this
Embassy.

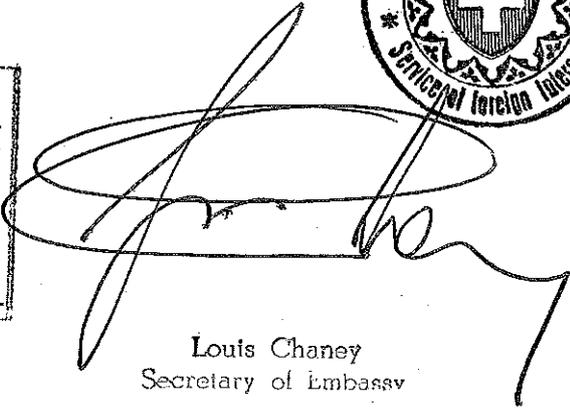
The legalization is strictly limited
to the signature of the translator. The
Swiss Embassy nor the Swiss Officials
assume any responsibility as to the
contents of the document and/or the
translation.

EMBASSY OF SWITZERLAND IN CUBA
Service of Foreign Interests

Havana, Cuba, OCT 15 1965

Tariff Item No.: 5b
Fee Paid: Sw. Fr. 15.-
No. 0047992
Local Currency Equi-
valent: \$ cub. \$3.45




Louis Chaney
Secretary of Embassy

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2020-002461-CP-02

SECTION: PMH06

JUDGE: Milton Hirsch

IN RE: Castanedo, Hilda

Decedent

_____ /

ORDER ADMITTING WILL TO PROBATE

The instrument presented to this Court as the above Decedent's last will, having been legally executed, and *either a*) established by the oath of a subscribing and attesting witness as being the Decedent's last will, *or b*) made self-proved by the Decedent's acknowledgment and the witnesses' affidavits, each made before an officer authorized to administer oaths and evidenced by the officer's certificate attached to or following the will in the form required by law ("Will"), and no objection having been made to its probate, and the Court finding that the Decedent died on June 6, 2000, and that **Hilda M. Castanedo Escalon** is/are entitled and qualified to be personal representative(s), it is ADJUDGED that:

- A. The Will dated January 19, 1996, and attested by Maria Antonieta Garcia and Laura Ondarza as subscribing and attesting witnesses, is admitted to probate according to law as the last Will of the Decedent; and
- B. **Hilda M. Castanedo Escalon** is/are appointed personal representative(s) of the Decedent's estate ("Personal Representative(s)"), and that upon taking the prescribed oath(s), filing designation(s) and acceptance(s) of resident agent, and entering into bond in the sum of \$0, Letters of Administration shall be issued.

This Order is subject to the following restrictions:

1. This Estate must be closed within 12 months, unless it is contested or its closing date is extended by court order.
2. Unless a bond has been issued and approved by this Court, the Personal Representative(s) shall place all liquid assets in a depository designated by the Court pursuant to section 69.031, Florida Statutes ("Depository"). This is a frozen account. No funds can be withdrawn without a court order
3. The Attorney of Record shall file receipt of assets by the Depository within thirty days from

the issuance of the Letters of Administration

4. If Florida real estate is sold, per court order, a closing statement shall be filed, and the sale's net proceeds shall be placed in the Depository.
5. There shall be no sale, encumbrance, borrowing, or gifting of any Estate assets without a special court order.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 19th day of August, 2020.

2020-002461-CP-02 08-19-2020 11:40 AM

2020-002461-CP-02 08-19-2020 11:40 AM

Hon. Milton Hirsch

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

Alexander J Hernandez, ahernandez@probatesfl.com

Alexander J Hernandez, eservice@sotohernandezlaw.net

Physically Served:

NOTA: CADA ACCIÓN DE ESTA
Reducida a \$0.10 Nominales.
Habana, 10 de Octubre de 1939.

1 Stacy Fernandez, Certify that this is a true

No. 495

NOTA: A virtud del acuerdo adoptado por la
Junta Directiva en la sesión celebrada el
de abril de 1960, el valor nominal de cada
acción ha quedado reducido a \$3.38750, con
efecto el 14 de marzo de 1951.
Habana, 23 de abril de 1960.

SERIE A

100 Acciones

MINAS DE MATAHAMBRE, S. A.

(CAPITAL: \$101,200.00)

92.000 Acciones

Valor nominal \$1.10 M. N.

CERTIFICAMOS que Emma Díaz y Miranda
es dueño de 100 acciones de la
Serie A del capital social de MINAS DE MATAHAMBRE, S. A., completamente liberadas y pagadas.
Solamente será anotada su transferencia en los libros de esta Compañía por el dueño de las mismas o el
apoderado de éste mediante entrega del presente Certificado debidamente endosado.

EN TESTIMONIO DE LO CUAL esta Compañía hace firmar este Certificado por su Presidente y
Tesorero debidamente autorizados.

Habana, 21 de noviembre de 1955

J. P. Romayón
Presidente.

M. L. Cruz
Tesorero.

N.º 678
N.º de la CUIDA
Resolución de la Junta Directiva de 1980
HABANA

SERIE C

Nota: La utilidad del semestre cobrado por la Junta Directiva en la sesión celebrada el 22 de abril de 1980, el valor en 354 Acciones acción ha quedado reducido como al 14 de marzo de 1981. Habana, 22 de abril de 1980.

MINAS DE MATAHAMBRE, S. A.

(CAPITAL: \$101,200.00)

92.000 Acciones

CERTIFICAMOS que 92.000 acciones de la serie C es dueño de 92.000 acciones de la serie C del capital social de MINAS DE MATAHAMBRE, S. A., completamente liberadas y pagadas. Solamente será anotada su transferencia en los libros de esta Compañía por el dueño de las mismas o el apoderado de éste mediante entrega del presente Certificado debidamente endosado.

Valor nominal \$ 1.10 M. N.

EN TESTIMONIO DE LO CUAL esta Compañía hace firmar este Certificado por su Presidente y Tesorero debidamente autorizados.

Habana, 30 de Julio de 19 59

J. E. Romay
Presidente.

M. Guin
Tesorero.

1, Stacy Fernandez certify that this is a true

EXHIBIT 3

NOTA: A virtud del acuerdo alcanzado por la Junta Directiva en la sesión celebrada el 24 de abril de 1930, el valor nominal de las acciones de esta Compañía se redujo a 100.00 pesos, con efecto al 14 de febrero de 1961. Habana, 22 de abril de 1960.

NOTA: ESTA ACCION QUEDA Reducida a 100.00 Nominales. Habana, 16 de Octubre de 1936.

No. **CIV**

SERIE **A**

MINAS DE MATAHAMBRE, S. A.

(CAPITAL: \$101,200.00)

Valor nominal \$110 M. N.

92.000 Acciones

CERTIFICAMOS que Ernesta Diaz Miranda acciones de la

es dueño de cinuenta acciones de la Serie A del capital social de MINAS DE MATAHAMBRE, S. A., completamente liberadas y pagadas. Solamente será anotada su transferencia en los libros de esta Compañía por el dueño de las mismas o el apoderado de éste mediante entrega del presente Certificado debidamente endosado.

EN TESTIMONIO DE LO CUAL esta Compañía hace firmar este Certificado por su Presidente y Tesorero debidamente autorizados.

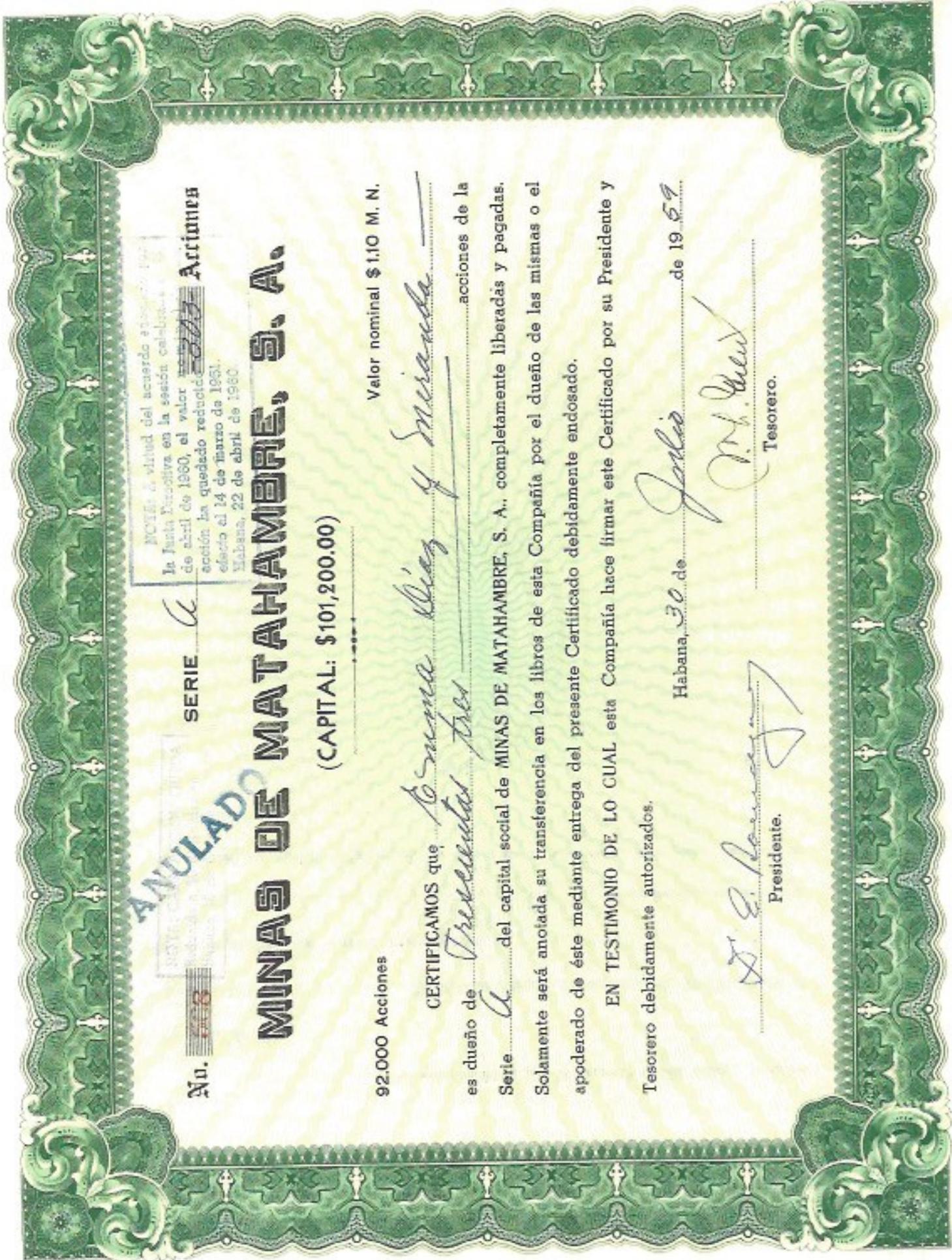
Habana, 20 de Agosto de 1959

J. L. Romay
Presidente.

Mr. Gaud
Tesorero.

1 Stacy Fernandez. Certify that this is a true

EXHIBIT 3



NOTA: A virtud del acuerdo aprobado por la Junta Directiva en la sesión celebrada el 14 de marzo de 1961, el valor de esta acción ha quedado reducido a \$1.10 M. N. efectivo el 14 de marzo de 1961. Habana, 22 de abril de 1960.

SERIE C **Arriones**

ANULADO

MINAS DE MATAHAMBRE, S. A.

(CAPITAL: \$101,200.00)

92.000 Acciones Valor nominal \$1.10 M. N.

CERTIFICAMOS que Suma Diaz y Miranda acciones de la es dueño de Trescientas tres

Serie A del capital social de MINAS DE MATAHAMBRE, S. A., completamente liberadas y pagadas. Solamente será anotada su transferencia en los libros de esta Compañía por el dueño de las mismas o el apoderado de éste mediante entrega del presente Certificado debidamente endosado.

EN TESTIMONIO DE LO CUAL esta Compañía hace firmar este Certificado por su Presidente y Tesorero debidamente autorizados.

Habana, 30 de Julio de 19 59

[Signature]
Presidente.

[Signature]
Tesorero.

I, Stacy Fernandez, certify that this is a true **EXHIBIT 3**

NOTA: CADA ACCION QUEDA Reducida a \$1.10 por el Decreto de Habana, 16 de Julio de 1959.

No. **1513** Serie **B**
De acuerdo con la resolución del acuerdo adoptado por el Consejo de Administración en la sesión celebrada el 22 de Julio de 1959, el valor nominal de cada acción ha sido reducido a \$3.35796, con efecto a partir del mes de marzo de 1951.

100 Acciones

MINAS DE MATAHAMBRE, S. A.

(CAPITAL: \$101,200.00)

Valor nominal \$1.10 M. N.

92.000 Acciones

CERTIFICAMOS que Hilda Dyz Sainza acciones de la

es dueño de 92.000 del capital social de MINAS DE MATAHAMBRE, S. A., completamente liberadas y pagadas. Solamente será anotada su transferencia en los libros de esta Compañía por el dueño de las mismas o el apoderado de éste mediante entrega del presente Certificado debidamente endosado.

EN TESTIMONIO DE LO CUAL esta Compañía hace firmar este Certificado por su Presidente y Tesorero debidamente autorizados.

Habana, 20 de Octubre de 1958

E. S. Rodríguez
Presidente.

M. J. Ruiz
Tesorero.

1, stacy Fernandez, certify that this is a EXHIBIT 3

Nº. 079

SERIE C

ANULADO

NOTA: A virtud del acuerdo adoptado por la Junta Directiva en la sesión de 1950, el valor nominal de las acciones en circulación se redujo a \$3.35796, con efecto al 1º de mayo de 1951.

MINAS DE MATAHAMBRE, S. A.

(CAPITAL: \$101,200.00)

92,000 Acciones

Valor nominal \$ 1.10 M. N.

CERTIFICAMOS que

es dueño de *Trescientas cincuenta y cuatro* acciones de la

Serie *C* del capital social de MINAS DE MATAHAMBRE, S. A., completamente liberadas y pagadas. Solamente será anotada su transferencia en los libros de esta Compañía por el dueño de las mismas o el apoderado de éste mediante entrega del presente Certificado debidamente endosado.

EN TESTIMONIO DE LO CUAL esta Compañía hace firmar este Certificado por su Presidente y Tesorero debidamente autorizados.

Habana, *30* de *Julio* de 19 *59*

S. E. Romay Presidente.
M. G. G. G. Tesorero.

I, stacy fernandez, certify that this is a true EXHIBIT 3

No. 000

MINAS DE MATAHAMBRE, S. A.

SERIE C

NOTA: A virtud del acuerdo tomado en la Junta General convocada en la sesión del día 27 de Julio de 1959, el valor nominal de cada acción se redujo a \$3,357.96, por efecto del ejercicio de 1951.

MINAS DE MATAHAMBRE, S. A.

(CAPITAL: \$101,200.00)

92.000 Acciones

Valor nominal \$ 1.10 M. N.

CERTIFICAMOS que

es dueño de Prescritas por Hilda Diaz y Miramada acciones de la

Serie C del capital social de MINAS DE MATAHAMBRE, S. A., completamente liberadas y pagadas. Solamente será anotada su transferencia en los libros de esta Compañía por el dueño de las mismas o el apoderado de éste mediante entrega del presente Certificado debidamente endosado.

EN TESTIMONIO DE LO CUAL esta Compañía hace firmar este Certificado por su Presidente y Tesorero debidamente autorizados.

Habana, 30 de Julio de 19 59

D. E. Romay
Presidente

M. H. Cruz
Tesorero.

NOTA: A virtud del acuerdo suscrito por la Junta Directiva en la sesión celebrada el 22 de abril de 1980, el valor de cada acción se redujo a 1/2 del valor nominal de 1981. Este acuerdo se hizo efectivo el 22 de mayo de 1980. Habana, 22 de abril de 1980.

NOTA: CADA ACCION QUEDA Reducida a 50 Nominales. Habana, 16 de Octubre de 1988.

SERIE *a*

Acciones

N.º 1379

MINAS DE MATAHAMBRE, S. A.

(CAPITAL: \$101,200.00)

Valor nominal \$ 1.10 M. N.

92.000 Acciones

CERTIFICAMOS que *Hilda Díaz Miranda* es dueño de *cinuenta* acciones de la

Serie *a* del capital social de MINAS DE MATAHAMBRE, S. A., completamente liberadas y pagadas. Solamente será anotada su transferencia en los libros de esta Compañía por el dueño de las mismas o el apoderado de éste mediante entrega del presente Certificado debidamente endosado.

EN TESTIMONIO DE LO CUAL esta Compañía hace firmar este Certificado por su Presidente y Tesorero debidamente autorizados.

Habana, *20* de *Agosto* de 19 *59*

J. S. Ramirez
Presidente.

M. J. Cruz
Tesorero.

I, Stacy Fernandez, certify that this is a true

EXHIBIT 3

No. 0574

CERTIFICADO

SERIE B

A virtud del acuerdo adoptado por la Junta Directiva en la sesión celebrada el 22 de mayo de 1959, el valor nominal de las acciones de esta Compañía se redujo a \$3.35756, con efecto a partir del 1 de mayo de 1961.

ANULADO MINAS DE MATAHAMBRE, S. A.

(CAPITAL: \$101,200.00)

92.000 Acciones

Valor nominal \$ 1.10 M. N.

CERTIFICAMOS que

es dueño de 92.000 acciones de Minas de Matahambre acciones de la

Serie B del capital social de MINAS DE MATAHAMBRE, S. A., completamente liberadas y pagadas. Solamente será anotada su transferencia en los libros de esta Compañía por el dueño de las mismas o el apoderado de éste mediante entrega del presente Certificado debidamente endosado.

EN TESTIMONIO DE LO CUAL esta Compañía hace firmar este Certificado por su Presidente y Tesorero debidamente autorizados.

Habana, 30 de Julio de 19 59

J. B. Romagosa
Presidente.

M. G. G. G.
Tesorero.

I, Stacy Fernandez, certify that this is a

EXHIBIT 3

SWORN AFFIDAVIT

I, HILDA CASTANEDO ESCALON, provide in this Sworn Affidavit information regarding my family and our properties in Cuba that were confiscated by Castro's government in 1960.

May 20th, 1902 marked the inception of the Republic of Cuba. Cuba's first president, Tomas Estrada Palma, appointed my great grandfather, Manuel Luciano Diaz Sosa, as the first Secretary of Public Works and additionally, a year later, as Secretary of Agriculture. My great grandfather was well educated, an engineer who graduated from Harvard University. He was a patriotic man with a vision for modernizing the country. He directed the construction of roads and railroad tracks through the island, an extension of the Malecón seawall, the construction of the Railroad Station in Havana, and other public works at a time of great growth and development for Cuba. They were auspicious times, full of promise for the new republic.

When Manuel Luciano retired from public service, he dedicated his efforts to the exploration of land in the westernmost province of Cuba, Pinar Del Río. Having found evidence of significant copper deposits, as well as other minerals, he acquired a vast expansion of land and developed the infrastructure for the exploitation and processing of the copper in the Matahambre region, as well as the construction of a wharf on the coast to export the copper by sea. He directed the dredging of the shallow inlet of Santa Lucía to a sufficient depth to allow for navigation and acquired cargo ships for that purpose.

The irregular terrain of the area represented an obstacle for the transportation of the copper to the port. He overcame this by constructing a cable car that delivered it directly from the processing plant of the mines to his ships in the wharf in Santa Lucia that he built with this purpose. Known as an intelligent and wealthy man, he was nicknamed "King of Copper". The infrastructure he created survived the test of time and still operates on this blueprint. This successful enterprise was inherited by his family. His widow and thirteen children inherited a fortune.

My grandfather Waldo, the youngest son, followed in his father's footsteps in his love for the land. My mother Hilda was born in 1912, and my aunt Emma in 1914. They were the two oldest daughters. My aunt Emma never married. My mother Hilda married my father, Dr. Carlos Castanedo Pardo. They separated when I was an infant. My mother moved in with her parents and divorced a few years later. She never remarried. I grew up at Quinta Avenida #801, Miramar and lived there until I was sixteen years of age. Today this beautiful house is used as Embassy of Morocco.

The Matahambre Mines were intervened in 1960; no compensation was given to its owners. I believe it was among the first enterprises confiscated by the communist regime. My grandfather Waldo, the only surviving son of Manuel Luciano and a majority shareholder was devastated. He suffered a massive stroke that left him paralyzed until his death. He could not talk or swallow, it was difficult to feed him and care for him in this condition. He suffered for a long time.

At the beginning of the Cuban revolution the majority of our relatives and friends left the country. My uncle Nestor was falsely accused of sending signals to American submarines, this with the purpose of confiscating my grandparent's oceanfront house in Varadero beach, at Calle By Mar, DuPont, allegedly the source of the signals. He was detained for a month. My home in Miramar was searched several times. The new government confiscated private businesses;

democracy was out the door. The new ideology transplanted from communist countries was adopted officially by the Cuban government. In this police state and environment of hatred, my mother and aunt suffered and struggled. It was a difficult situation. They kept me out of school because of the ongoing indoctrination at all scholastic levels. My family had many properties taken away by the government without receiving any compensation. My grandfather, a majority shareholder of the mines, had given his family a life of wealth through the patrimony left by his father. My mother and aunt were very sheltered within the family and this made everything worse for them, as their brothers left the country, as well as most of the family. The three of us had a strong bond that kept them going. As a child growing up in an abnormal situation I had to mature very quickly and help them by cleaning, asking my father for money to buy food, etc.

The national currency was changed at the beginning of the revolution. There was a limit to how much anyone could have in their bank accounts regardless of previous amount saved. Farms and real estate properties were taken from their owners. Retaliation and hatred between socioeconomic classes were the general atmosphere. Previously established social values were abolished, people who represented them alienated and discriminated. Because of where we lived, we were identified as anti-revolutionary and called "gusanos or worms", as enemies of the revolution were denominated. Catholic religion was anti-revolutionary too representing another negative identification for us. Our social interactions were limited and had to be very careful about what we said. Anyone could be imprisoned without proof or due process of law.

On October 18th, 1968, I was able to leave Cuba to Spain with a visa arranged through a Catholic organization. I left alone with no money or family to receive me, not knowing if I would ever see my family again. I will never forget the overwhelming sadness I felt as the plane took off that day. I was leaving behind all I knew and loved. I never saw my father again and never returned to Cuba. I suffered a great deal of trauma at such young age. During the first month of exile as I cried all the time and could not eat, I lost 20 lbs. I knew my mother and aunt were left alone, suffering scarcity of food, water and power outages, social alienation, severe discrimination, and difficulties communicating with me. Mail took a long time to be delivered and we could not afford phone calls. They survived by selling their personal belongings with fear as this was not allowed.

My mother and aunt were able to leave Cuba on the last Freedom Flight to Miami in 1973. We were separated five very long years. I cannot put into words what I felt when I saw them again. My soul came back to me! It was heartbreaking to see them so thin and frail. Five years of separation caused the deterioration of my mother's health. We were so eager to start a new life here, together. They lost all their personal belongings, left behind their home, but never missed it. They were now free and hopeful for their new life in the United States. My mother and aunt loved this country and valued the opportunity they were given of starting a new life here. They became American citizens and were very proud of it. When I got married and had children, I always brought them over for the weekends and took them with us on family vacations. In their last years, they both had long illnesses and I was able to care for both.

I feel that in presenting their case to you, it is in their voice I speak. I am grateful for your attention and for the opportunity to ask for justice in their name. They loved this country and were decent and god-fearing women. I am very proud of them and treasure their memory.

SIGNATURE PAGE TO FOLLOW

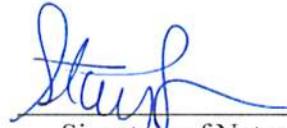
Signed and dated this 1th day of July, 2020.


Hilda Castanedo Escalón

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 1th day of July, 2020, by Hilda Escalon (name of person acknowledging.) who is personally known to me or who has produced _____ (type of identification) as identification.




Signature of Notary Public

Print, Type/Stamp Name of Notary

Personally known: X
OR Produced Identification: _____
Type of Identification Produced: _____

... en los Escolapios
... el mismo Manuel
... Universidad de La
... fundador del
... abril de 1957,
... del frente del
... el MININT,
... NREX, en el
... y Perfume-
... con varias
... de 1986 está
... *Granma*
... .

Las Empresas de Cuba 1958

Guillermo Jiménez Soler

ECONOMÍA



EDITORIAL DE CIENCIAS SOCIALES, LA HABANA, 2008

Excerpt Translation of Book Entitled
Las Empresas de Cuba 1958
[Cuban Companies in 1958]

[page one]

CUBAN COMPANIES IN 1958

Guillermo Jimenez Soler

Editorial de Ciencias Sociales [Publishing House]

Havana

2008

[pages two through four]

957 – MINAS DE MATAHAMBRE S.A.

The main copper mine, the second largest [in the] mining industry, and the fourth most-important among non-sugar-related industries based on the number of workers (1,250), located in Matahambre, Pinar del Rio.

1. Subscribed capital stock was valued at \$9,200,000, consisting of 92,000 shares and 54 shareholders. It belonged almost entirely to the “*Sucesión de Manuel Luciano Díaz*” (Estate of Manuel Luciano Diaz), consisting of 11 of his children, spouses and descendants.

Its members were Manuel Dionisio (an engineer), Antonio, Waldo, Dr. Francisco, Marina, her husband Frank E. Davis and their 2 children, Maria's children, Guillermina's children, Margarita and her daughter Margarita Andux, the Fuentes Diaz brothers (Clemencia's children), Piedad Diaz and her two children (Federica and Guillermo Martinez) and, finally, Amparo Diaz and her husband, Ernesto Romagosa. Other less-important shareholders were Esther Porta del Pino and Paula del Pino, the heirs of one of the two founders (Alfredo Porta).

The board of directors consisted of family members. As the husband of Amparo Diaz Martinez (the founder's daughter), Ernesto Romagosa Sanchez was president, and Antonio H. Diaz (his brother-in-law) was vice-president. Waldo and Francisco (the founder's children) and Frank E. Davis (an American married to Marina, another one of his daughters) were all board members.

Romagosa had increased capital within the mining sector, and was president and the main owner of "Inspiración Cubana del Cobre S.A." (SEE [ENTRY]) at "Operadora Rometales S.A." (SEE [ENTRY]). For that investment, BANDES offered financing valued at \$400,000 and \$7,650,000, respectively. Similarly, they were the owners of "Minera Inspiración Occidental" (SEE [ENTRY]) and their son-in-law, Raymundo Martinez de Castro Rivas, was the president of "Minera Central" (SEE [ENTRY]) and the second vice-president of "Minagro Industrial" (SEE [ENTRY]).

2. The mine was founded on February 25, 1913, as "Porta y Diaz" by Alfredo Porta Rojas, a pharmacist from San Juan y Martinez, and by Manuel Luciano Diaz Sosa. [Alfredo Porta Rojas was] a native of San Juan y Martinez, and owned several copper mines at Hacienda Matahambre (Matahambre Estate). [Manuel Luciano Diaz Sosa] owned the Santa Lucia pier and several sailing vessels. Porta had provided pharmaceutical supplies to the liberators in the War of [18]95, and served as an assistant delegate in the Revolution. Between 1897 and 1898, he was a Commissioner with the Pinar del Río Delegation, and subsequently became a Senator during the Republic [of Cuba].

Since its founding, Diaz had been a member of the Board of Directors at “*Banco Nacional de Cuba*” (National Bank of Cuba), with majority American ownership at its founding during the intervention, and subsequently with Spanish capital prior to failing during the 1920 bank crash. He had also served as Secretary of Public Works during the Estrada Palma government, as well as interim Secretary of Agriculture for three years, following the resignation of Emilio Terry Dorticós. When he died on December 30, 1917, his estate was awarded to his widow, Francisca Martinez Acosta, and their 13 children and descendants who, along with Porta, formed the current firm on March 14, 1921. Each party subscribed to one-half of the capital stock, totaling \$5,600,000.

Starting in 1918, they became the main producers when El Cobre de Oriente mines closed. [The latter] had made the country the third largest producer [of copper] during the first half of the nineteenth century.

In 1921, “American Metals Company” from New York acquired 60% of the shares, with Mr. Dudley D. Homer assuming control of the management from 1922 to April 1944. At that point, heirs from the Diaz family regained control, with Romagosa chosen as [the company’s] president. This restructuring occurred at the behest of Cuban minority shareholders, who feared threats from the U.S. government to suspend the purchase of copper. This situation was avoided after [the company’s] new president traveled to the U.S.

3. Unprocessed minerals were extracted from 3,600 feet below the surface through 180 kilometers of tunnels, and were sent by funicular railway to the secondary port in Santa Lucía, for transport by barge [to larger vessels] at sea. A small town with municipal services and 900 homes was built for workers.

In town, the company built the church of Our Lady of “*Caridad del Cobre*”. Some family members (including Tina and Olga Romagosa) also organized a “Catholic Woman Action” group. Tina taught religious studies at the company’s private school for high-level employees’ children. [The town] had its own airport.

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956- MINAGRO INDUSTRIAL S.A.

Almacén de maquinaria para la industria y la minería, de aceites y grasas lubricantes, tratantes en explosivos y constructores, ubicado en Km 11 de Carretera Central y Entronque del Diezmero, Habana.

1 Capital pagado ascendente a \$400 000. Todos sus directivos y accionistas eran socios en "Electric de Cuba, Compañía" (VER). El Ing. Guillermo F. de Zaldo Castro era su presidente, Cándido de Bolívar Moreyra (VER "ELECTRIC DE CUBA, COMPAÑÍA"), vicepresidente 1º, Raymundo Martínez de Castro Rivas (VER "MINERA CENTRAL"), yerno de Ernesto Romagosa (VER "MINAS DE MATAHAMBRE S.A."), vicepresidente 2º, Miguel F. Amézaga Escarrá, tesorero y Martín Yera Marín, otro yerno de Ernesto Romagosa, era el ingeniero de la firma.

Guillermo F. de Zaldo, nacido en 1895, estaba casado con Olga Sciglie, primera esposa de José Gómez Mena (VER "NUEVA COMPAÑÍA AZUCARERA GÓMEZ MENA"), y era socio con Cándido de Bolívar Moreyra (VER "ELECTRIC DE CUBA, COMPAÑÍA") y con Miguel F. Amézaga Escarrá, en "Minera Central S.A." (VER), en "Electric de Cuba, Compañía", en "Servicios Metropolitanos de Gas S.A." (VER) y en "Industrias Magic S.A.". A su vez, con el primero, lo estaba en "Petróleos Aurrerá" (VER "GRUPO JARAHUBCA-MOTEMBO"), donde eran respectivamente presidente y tesorero.

Era descendiente en segunda generación de Guillermo de Castro, quien había fundado en 1860 en Sagua la Grande "Zaldo y Compañía", la casa comercial de azúcar que había dado origen al "Banco de La Habana", absorbido después por el "The First National City Bank". Su padre había sido fundador y propietario hasta 1928 de "Cubana de Fianzas, Compañía" (VER) y sus tíos y primos eran propietarios de "Zaldo y Compañía" (VER). Durante los años 40 había formado parte de "New Niquero Sugar Company" (VER), de la que su tío era vicepresidente.

2 Se constituyó el 28 de junio de 1954 como continuadora de "Barreiros & Equipos de Cuba S.A.", constituida a su vez en 1950.

3 Poseía equipos para perforar, liberar, etc. y se dedicaba a la venta de dinamita, teniendo un polvorín en una finca en Santa María del Rosario, otro en Santa Clara y en Santiago de Cuba.

Proyectaba construir una fábrica de explosivos. Sus activos fijos ascendían a \$236 000 y era cliente del "Banco de la Construcción" con \$26 000.

957- MINAS DE MATAHAMBRE S.A.

La principal mina de cobre, la 2ª mayor industria minera y la 4ª en importancia entre las industrias no azucareras por el número de sus trabajadores, con 1 250, localizada en Matahambre, Pinar del Río.

1 El capital suscrito ascendía a \$9 200 000 con 92 000 acciones y 54 tenedores, propiedad casi absoluta de "Sucesión de Manuel Luciano Díaz", formada por 11 de sus hijos, los cónyuges y sus descendientes.

Sus integrantes eran el Ing. Manuel Dionisio, Antonio, Waldo, Dr. Francisco, Marina, su esposo Frank E. Davis y sus 2 hijos, los hijos de María, los de Guillermina, Margarita y su hija Margarita Andux, los hermanos Fuentes Díaz—hijos de Clemencia—, Piedad Díaz y sus 2 hijos Federica y Guillermo Martínez y, por último,

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Amparo Díaz y su esposo Ernesto Romagosa. Otros accionistas muy pequeños eran Esther Porta del Pino y Paula del Pino, herederos de Alfredo Porta, uno de los 2 fundadores.

La directiva la formaban miembros de la familia. Ernesto Romagosa Sánchez, esposo de Amparo Díaz Martínez, hija del fundador, era el presidente, y Antonio H. Díaz, cuñado de éste, el vicepresidente. Waldo y Francisco, hijos del fundador, y Frank E. Davis, un norteamericano casado con Marina, otra de las hijas, eran todos vocales de la Junta.

Romagosa había ampliado el capital dentro del sector minero, y era presidente y principal propietario de "Inspiración Cubana del Cobre S.A." (VER), de "Operadora Rometales S.A." (VER), para cuya inversión recibió financiamiento del BANDES respectivamente por \$400 000 y \$7 650 000. Asimismo, eran propietarios de "Minera Inspiración Occidental" (VER), y su yerno, Raymundo Martínez de Castro Rivas, era presidente de "Minera Central" (VER) y vicepresidente 2º de "Minagro Industrial" (VER).

2 La mina había sido fundada el 25 de febrero de 1913 bajo la razón social "Porta y Díaz" por Alfredo Porta Rojas, farmacéutico de San Juan y Martínez, y Manuel Luciano Díaz Sesa. El primero, natural de San Juan y Martínez, poseía varias minas de cobre en la Hacienda Matahambre y el segundo, el muelle de Santa Lucía y varias embarcaciones de cabotaje. Porta había ayudado en la guerra del 95 a las fuerzas libertadoras desde su farmacia y como auxiliar del delegado de la Revolución, y fue Comisionado de la Delegación de Pinar del Río entre 1897-1898 y, durante la República, Senador.

Díaz había sido desde su fundación director de la Junta del "Banco Nacional de Cuba", banco mayoritario norteamericano al fundarse durante la intervención y, posteriormente, de capital español, que quebrara cuando el crac bancario de 1920. Además, había sido Secretario de Obras Públicas durante todo el gobierno de Estrada Palma, a la par que Secretario de Agricultura interino durante 3 años tras la renuncia de Emilio Terry Dorticós. Al fallecer el 30 de diciembre de 1917, sus bienes se adjudicaron a su viuda Francisca Martínez Acosta y sus 13 hijos y descendientes, los que, junto con Porta, constituyeron la firma actual el 14 de marzo de 1921, suscribiendo cada parte la mitad del capital ascendente entonces a \$5 600 000. Se convirtieron en los principales productores a partir de 1918 en que se cerraron las minas de El Cobre de Oriente, que habían hecho al país el tercer mayor productor durante la primera mitad del siglo *xx*.

En 1921 "American Metals Company", de Nueva York, pasó a controlarla al comprar el 60 % de las acciones, asumiendo Mr. Dudley D. Homer su gerencia desde 1922 hasta abril de 1944, en que la familia heredera de Díaz retomó su control, eligiéndose desde entonces a Romagosa como su presidente. Esta reestructuración se produjo como respuesta de los accionistas minoritarios cubanos para evitar la paralización, debido a la amenaza de suspenderse las compras de cobre por parte de la Agencia Oficial de EE.UU., lo que sus nuevos accionistas evitarían tras un viaje de su nuevo presidente a aquel país.

3 El mineral en bruto se extraía a una profundidad de más de 3 600 pies, en más de 180 km de galerías y se enviaba mediante un funicular al subpuerto de Santa Lucía y de aquí, en chalanas, hacía mar afuera. Tenía un pequeño poblado de 900 casas para obreros y servicios comunales.

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La empresa construyó en el poblado la iglesia de Nuestra Señora de la Caridad del Cobre y algunos miembros de la familia, entre ellas Tina y Olga Romagosa, sostenían un grupo de las Damas de Acción Católica. Tina impartía enseñanza religiosa en la escuela privada de la firma destinada a los hijos de los altos empleados. Contaba con su propio aeropuerto.

958- MINAS RIMOSA DE CUBA S.A.

Arrendataria de las minas de oro, con plata y cobre como subproductos, en el coto Guáimaro o Propiedad Lane, ubicada en Guáimaro, Camagüey, con 3 concesiones de 1 190 ha.

1 Su capital ascendía a \$850 407 y era propiedad de Antonio Héctor Rivero Juarrero en sociedad con Manuel A. Noguera Cabrera y René Pelleyá Jústiz, quienes eran respectivamente presidente, vicepresidente y tesorero, y la habían arrendado a Louis R. Lane.

No obstante, se planteaba que era una subsidiaria de "Rimosa Copper Ltd.", constituida en Quebec, Canadá, cuyas acciones estaban depositadas en un banco de Montreal. Rivero, quien, sin embargo, aducía que tenía su control, había nacido en EE.UU. en 1911 y era presidente también de "Primera Aurífera de Cuba S.A." (VER) que explotaba el coto Guáimaro o Lane y era propiedad de esta firma.

2 Se constituyó el 20 de marzo de 1956 y el 19 de abril del propio año arrendó por \$12 000 anuales el coto minero que databa desde los primeros años de la colonia y, según el Ing. Calvache, era el que mejores perspectivas ofrecía en el país, habiéndose realizado en ella estudios geológicos por una firma inglesa.

3 Sus activos fijos se elevaban por encima de los \$30 000 y su activo total era de \$218 308. EL BANDES le dio el 10 de julio de 1958 un financiamiento ascendente a \$150 000 para confirmar la zona mineralizada y bloquear el mineral.

959- MINERA BUENAVISTA S.A.

Arrendataria de las minas de pirita cuprífera Buenavista, Las Carboneras y Pozuelo con 280 ha y, con más de 100 obreros ubicada en finca La Ceiba, Bahía Honda, Pinar del Río, a 4 km de la carretera a Cabañas y 28 km del puerto de Bahía Honda.

1 Tenía un capital suscrito ascendente a \$1 100 000, de los cuales el 90 % estaba controlado por el Dr. René Díaz de Villegas D'Estrampes y el 10 % restante por "Philipp Brothers Incorporated", agentes en Nueva York para la venta del mineral, quienes la habían arrendado a "Compañía Minera Carbonera S.A."

Díaz de Villegas era un abogado con años en la actividad minera y además, era presidente y principal propietario de "Metalúrgica Básica Nacional S.A." (VER), de "Díaz de Villegas, Contratistas S.A." (VER), y socio de "Editorial Cénit S.A." (VER) con Joaquín Martínez Sáenz, Presidente del BNC y del BANDES, quien le favoreció con financiamientos a sus empresas.

El Ing. en Minas Eduardo I. Montolieu era el presidente, José Molé Betancourt —superintendente de "Díaz de Villegas, Contratistas S.A."— era el vicepresidente, y Leopoldo Díaz de Villegas Jova —padre del presidente— el tesorero.

2 Las minas databan del siglo XIX. Díaz de Villegas había reiniciado en 1952 la explotación de la mina Margot, logrando en 1955 exportar 25 000 ton. En 1957 emprendió la exploración de otras minas cercanas.

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CUBAN COMPANIES IN 1958

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[pages two and three]

1274 – TERMINAL MARÍTIMA DE SANTA LUCIA S.A.

Terminal for loading and unloading at the port of Santa Lucía, north of Pinar del Río, for the shipment of copper mined by “Minera Inspiración Occidental” (SEE [ENTRY]), the lessee at El Mono mining reserve, and “Minas de Matahambre” (SEE [ENTRY]), both located on the Matahambre property in Pinar del Río and belonging to those same shareholders.

1. It was owned by the state (BANDES), which transferred it (once completed) to the shareholders of “Minas de Matahambre S.A.”
3. [sic] With work on the port finalized, the project underwent a second phase to build a sulfuric acid plant, as well as another [plant] to recoup energy. For this purpose, the same owners formed “Operadora Rometales S.A., Compañía” (SEE [ENTRY]).

Presidential Decree Number 1620 dated May 5, 1958, awarded BANDES the concession to build the terminal, dredge a channel, and construct a dock (among other projects), for which \$2,400,000 in financing was approved.

On November 20th of that year [1958], “Minas de Matahambre S.A.” submitted a project for evaluation by the bank.

It began operating years after the triumph of the Revolution, [and was] inaugurated by Commander Che Guevara.

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1272- TERMINAL DE ÓMNIBUS S.A.

Paradero para todas las rutas interprovinciales de ómnibus, situado en Ave. de Rancho Boyeros y 20 de Mayo, La Habana.

1 Tenía un capital ascendente a \$3 135 000. Su propietario principal era Francisco Vidal Más (VER "GANADERA CANANOVE S.A., COMPAÑIA"), su presidente desde 1956, en sociedad con Ivaristo Vicente Méndez, vicepresidente, Enrique Gancedo Toca (VER "DE MADERAS GANCEDO, COMPAÑIA"), su tesorero, quien había aportado el terreno donde estaba enclavada, Eugenio de Sosa Chabau (VER "AZUCARERA SANTA REGINA S.A."), Luis de Sosa, tío de éste y Francisco Saralegui (VER "PUBLICACIONES UNIDAS S.A.").

2 Había sido una iniciativa en 1937 de la Asociación Nacional de Porteadores, habiéndose adjudicado por subasta el 25 de septiembre de 1947 a Juan Martínez Montenegro, a quien Enrique Gancedo le compró la concesión el 22 de diciembre de 1947. Los terrenos se compraron por \$441 549.

Amadeo Barletta, su primer presidente, había solicitado en marzo de 1948 la licencia para la construcción del edificio por "Moench y Quintana" y el Ing. Pérez Benitoa e inaugurado el 29 de junio de 1951 a un costo de \$3 000 000.

3 Recibía un porcentaje de las recaudaciones de las rutas de ómnibus, pero argumentaba pérdidas por \$500 000 en 4 años de operaciones, que en el último año ascendían a \$112 000.

Tenía el negocio estacionado con una situación precaria por un pasivo elevado con deudas por \$744 000 de primera hipoteca y de \$290 000 de segunda hipoteca. Había un fraccionamiento entre sus dirigentes, liderados de una parte por Vidal y de otra por Vicente Méndez.

1273- TERMINAL MARÍTIMA DE BAHÍA HONDA

Concesionaria del muelle de uso público en Punta Gerardo, Bahía Honda, Pinar del Río.

1 Filial de "Central Bahía Honda S.A." (VER), propiedad principal desde 1953 de los hermanos Rafael, Dolores, Elvira y Mirta Sánchez Sánchez, de su madre Encarnación Sánchez Cil y de sus respectivos cónyuges, en sociedad con Antonio Falcón del Castillo, su vicepresidente primero.

3 El 27 de octubre de 1955 recibió un financiamiento ascendente a \$280 000 de Financiera Nacional de Cuba, ampliado el 16 julio de 1956 a \$300 000, destinado a la construcción del muelle y dragado que se puso en marcha el 4 de noviembre de 1955 y fue construido mediante contratos con el Ing. Jaime Suárez Nurias.

1274- TERMINAL MARÍTIMA DE SANTA LUCIA S.A.

Terminal de carga y descarga en el puerto de Santa Lucía, norte de Pinar del Río, para el embarque del cobre extraído por "Minera Inspiración Occidental" (VER) —arrendataria del coto minero El Mono—, y el de "Minas de Matahambre" (VER), ambas ubicadas en la finca Matahambre, Pinar del Río, propiedad de los mismos accionistas.

1 Era propiedad estatal del BANDES que la traspasaría, una vez terminada, a los accionistas de "Minas de Matahambre S.A."

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3 Una vez finalizada las obras del puerto, el proyecto desarrollaría una segunda fase en que se construiría una planta para producir ácido sulfúrico y otra de recuperación energética, bajo los mismos propietarios que, para ese objetivo, constituyeron "Operadora Rometales S.A., Compañía" (VER).

El DP No. 1620 del 5 de mayo de 1958 otorgó al BANDES la concesión para realizar las edificaciones de la terminal, el dragado de un canal, la construcción de una dársena y demás obras, para lo que se le aprobaría un financiamiento por \$2 400 000. El 20 de noviembre de ese año "Minas de Matahambre S.A." sometió a estudio un proyecto al banco.

Se puso en marcha años después del triunfo de la Revolución, inaugurada por el Cte. Che Guevara.

1275- TERMINAL PESQUERA DE LA HABANA

Centro para la recepción de toda la pesca en las inmediaciones de La Habana y su elaboración, envase y congelamiento, producción de harina y aceite como derivados y un proyecto para una fábrica de conservas situada en la Ensenada de Marimelena en la bahía de la Habana, Regla. Tenía facilidades para el abastecimiento a los pesqueros y la venta y distribución de las capturas para lo que contaba con muelles, equipamiento para el pesaje, limpia y lavado, cámaras de frío y fábrica de hielo con una capacidad de manipulación de 100 lb diarias.

1,2 El 28 de junio de 1957 el BANDES le otorgó la concesión de la obra para lo que se autorizó el 28 de noviembre de ese año una emisión ascendente a \$3 500 000 —la séptima obra por su monto entre las financiadas por la institución— y le concedió la construcción a "Asociación de Constructores Independientes" (VER).

El 25 de enero de 1958 se colocó la primera piedra en una ceremonia encabezada por Manuel Soto Fraga, presidente del Instituto Nacional de la Pesca, y se proyectó su terminación para el año siguiente a un costo de \$2 488 889.

3 Los estudios técnicos se realizaron por John K. Raaford y el proyecto fue del Ing. Sainz Cancio. El proyecto fue elogiado como funcional, tenía una capacidad excesiva para los 20 años siguientes pues era capaz de congelar 100 lb en 20 horas, producir 12 ton de hielo en poco tiempo y sus neveras podían guardar 1 250 000 lb y 2 millones del congelado.

En 1959 la obra estuvo paralizada durante algún tiempo.

1276- TERRITORIAL ALTURAS DE VILLA REAL S.A.

Propietaria de los terrenos del reparto Alturas de Villa Real, uno de los fomentados en la llamada Zona General de Influencia del Túnel de La Habana (VER "DE FOMENTO DEL TÚNEL DE LA HABANA S.A., COMPAÑÍA"), cuya urbanización estaba a cargo de "Alamilla y Pérez Menéndez" (VER).

1 Su propietario único y presidente era Raúl Pagadizábal Hernández y su hijo Raúl Pagadizábal Dedió era el vicepresidente. Pagadizábal era vicepresidente III y accionista de "Territorial Alturas del Olimpo S.A." (VER), tesorero y accionista de "Inspiración Cubana de Cobre S.A., Compañía" (VER) y tesorero y accionista menor de "Editorial El Mundo S.A., Compañía" (VER).

2 Se constituyó el 26 de enero de 1951, pasando el 22 de febrero de 1956 a su propietario actual al comprar a "Residencial Alamar" (VER) los terrenos valorados

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1037 – OPERADORA ROMETALES S.A., COMPAÑÍA

Pyrite-based sulfuric acid plant with a daily capacity of 300 tons, a separate plant to extract copper, lead, gold and silver from pyrite residue, and an energy plant, with an estimated production of \$1,500,000 and located at the port of Santa Lucia in Pinar del Río.

1. Mixed (private/state-owned) property with capital valued at \$1 million, of which BANDES held one-fourth of the shares. Three of the four private owners were shareholders of “Minas de Matahambre S.A.” (SEE [ENTRY]). Ernesto Romagosa was the president of both companies, and of “Minas de Matahambre S.A.” (SEE [ENTRY]). Waldo Diaz Martinez [was a] board member at one, and a vice-president at the other, and Jose M. Diaz Nuñez was a treasurer at one

and a shareholder at the other. Finally, Jose Portuondo de Castro [was a shareholder]. All held shares valued at \$199,900, except for Diaz Nuñez, who held \$149,900 [in shares].

2. After pyrites (instead of copper) were discovered at El Mono Mine, it [Operadora Rometales] was formed by “Minas de Matahambre S.A.” on October 11, 1957, to process sulfuric acid. The mine [El Mono] was close to the port of Santa Lucía, and held approximately 1,000,000 tons in pyrite reserves.

3. BANDES lent it \$7,400,000, and purchased \$250,000 in shares on March 23, 1957. The company only contributed \$750,000, representing 91.07% and 8.98% (respectively) of the original investment calculated at \$8,400,000, which would eventually surpass \$11,000,000.

During a second phase, financing was obtained for “Terminal Maritima de Santa Lucía S.A.” (SEE [ENTRY]) to dredge the port where the plant was installed.

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1033- OPERADORA DE MUELLES Y ALMACENES, COMPAÑÍA

Operadora de muelles y almacenes en el puerto de Santiago de Cuba, y agente de vapores.

1 Propiedad de la familia Godoy. Estaba administrado por Felipe Godoy Loret de Mola (VER "CAYO DEL MEDIO S.A.").

3 Tenía muelles en el Malecón de Santiago de Cuba y almacenes de azúcar en los bateyes de los centrales América, Alto Cedro, Miranda, Palma y Santa Ana. Tenía buena situación financiera y utilidades de más del 17 % de los ingresos. Cliente del "Banco de los Colonos" por \$130 000.

1034- OPERADORA DE STADIUMS S.A., COMPAÑÍA

Propietaria del Gran Stadium del Cerro, La Habana, el principal campo deportivo de pelota, donde se celebraban los torneos de la liga profesional.

1 Perteneecía a un grupo de accionistas donde los principales eran Miguel A. Suárez León y su hijo Miguel A. Suárez Cárdenas, Roberto Maduro de Lima (VER "ÓMNIBUS LIBRE S.A."), quienes eran respectivamente presidente, secretario y vicepresidente. Salomón Maduro (VER "CUBANA DE FIANZAS, COMPAÑÍA"), padre de Roberto Maduro, había sido su presidente.

Otros accionistas miembros de la directiva eran Aquilino Entrialgo (VER "SOLÍS, ENTRIALGO Y COMPAÑÍA S.A."), Luis de Armas (VER "CENTRAL SANTA RITA S.A."), Adalberto Sedano y Ernesto P. Smith (VER "COLUMBIA PICTURES DE CUBA S.A."). Su administrador general era Andrés Fernández Morell. Miguel A. Suárez León, al igual que su esposa, muy activo en el movimiento católico y ex presidente en los años 50 de la Acción Católica Cubana, tenía también intereses y era vicepresidente de "Productos Alimenticios Canimar S.A., Compañía" (VER) y presidente de "De Inversiones El Trébol S.A., Compañía (VER).

2 Había sido construido a un costo de más de \$2 000 000 entre mayo y octubre de 1946 por "Frederick Squire Corporation" (VER) y por el Arq. Ing. Max Borges (VER "MAX BORGES E HIJOS") y se inauguró el 26 de octubre de 1946.

3 Tenía un total de 1 512 asientos de palcos, 5 376 de preferencias, 20 000 de glorieta y 3 200 de sol, y un buen sistema de iluminación. Sus acciones se cotizaban en la Bolsa de La Habana.

1035- OPERADORA MARÍTIMA UNIÓN S.A.

(VER "NAVIERA CUBANA DEL ATLÁNTICO S.A.")

1036- OPERADORA MOFÉ S.A.

Cine Ambassador, ubicado en 44 y 33, Marianao.

1 Era propiedad de Mauricio de Almagro Ariosa (VER "CINEMATOGRAFÍA ASTRAL"), quien también lo era de otros 2 cines, el Atlantic (VER "OPERADORA ATLÁNTICA S.A.") y el Astral.

1037- OPERADORA ROMETALES S.A., COMPAÑÍA

Planta para producir ácido sulfúrico, a partir de piritas con capacidad de 300 ton diarias, otra para recuperar cobre, plomo, oro y plata de los residuos de éstas, y

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Las empresas de Cuba, 1958

una de recuperación energética, con un estimado de producción de \$1 500 000, sita en el puerto de Santa Lucía, Pinar del Río.

1 Propiedad mixta estatal-privado con capital ascendente a \$1 millón, del cual el BÂNDES poseía la cuarta parte de las acciones. De los cuatro propietarios privados, tres eran accionistas de "Minas de Matahambre S.A." (VER): Ernesto Romagosa era presidente de ambas firmas y de "Minas de Matahambre S.A." (VER), Waldo Díaz Martínez, vocal de aquella y vicepresidente de ésta, y José M. Díaz Núñez, tesorero de ésta y accionista de la otra. Por último, José Portuondo de Castro. Todos poseían acciones valoradas en \$199 900z, a excepción de Díaz Núñez que tenía \$149 900.

2 Se constituyó el 11 de octubre de 1957 por "Minas de Matahambre S.A." tras haberse descubierto pirita en vez de cobre en la mina El Mono, decidiendo construir la planta para el aprovechamiento del ácido sulfúrico. La mina estaba próxima al puerto de Santa Lucía y tenía unas reservas aproximadas de 1 000 000 de ton de pirita.

3 El BÂNDES le prestó \$7 400 000 y el 23 de mayo de 1957 compró \$250 000 en acciones, mientras la firma sólo aportó \$750 000, lo que representaba respectivamente el 91.07 % y el 8.93 % de la inversión original calculada en \$8 400 000, que se elevaría hasta sobrepasar los \$11 000 000.

En una segunda fase se financiaría "Terminal Marítima de Santa Lucía S.A." (VER.) para el dragado del puerto donde se instaló la planta.

1038- ORGANIZACIÓN TÉCNICA PUBLICITARIA LATINOAMERICANA

Agencia de publicidad conocida como OTPLA, sita en Edificio N No. 266, La Habana.

1 Era propiedad de Luis Martínez Pedro, su presidente, en sociedad a partes iguales con el Dr. Raúl Gutiérrez Sedano, su director general.

Martínez, un destacado pintor y excelente dibujante, era hijo del Dr. Ramón José Martínez Martínez, antiguo accionista de los centrales Siboney y Najasa, ex director del periódico mercantil Mercurio, que fomentó centrales como Jagtieyal, Stewart, Morón y Camagüey. Había sido presidente de la Asociación de Hacendados y Colonos desde donde apoyó activamente la candidatura a presidente del GraI. del EL Machado, y fue uno de los propugnadores, junto a José Manuel Casanova, Arturo Mañás y Belisario Delgado, para la fundación de la ANHC que presidió hasta 1944.

2 Había sido fundada a comienzos de los años 50 por Gutiérrez, antiguo ejecutivo de "Mestre Conill y Compañía" (VER), quien lo había enviado a EE.UU. para especializarse en investigaciones de mercado. Contaba con la publicidad de la Baccardi.

1039- ORIENTAL CARTONERA S.A.

Fábrica de envases de cartón, sita en C. Robert No. 59, Santiago de Cuba.

1 Propiedad de Francisco Guirris y sus herederos.

3 En 1957 iba a ser comprada por una firma de La Habana. Tenía adeudos antiguos con "The Bank of Nova Scotia".

Excerpt Translation of Book Entitled
Las Empresas de Cuba 1958
[Cuban Companies in 1958]

[page one]

CUBAN COMPANIES IN 1958

Guillermo Jimenez Soler

Editorial de Ciencias Sociales [Publishing House]

Havana

2008

[page two]

963 – MINERA INSPIRACIÓN OCCIDENTAL

Lessee of El Mono copper mining reserve, located on the Matahambre property in Pinar del Río.

1. Owned by “Minas de Matahambre” (SEE [ENTRY]).
2. Formed on October 26, 1953. Provided 2,100 tons of minerals per week to “Operadora Rometales S.A., Compañía” (SEE [ENTRY]), belonging to the same owner, who had created it in 1957 to build a sulfuric acid plant at the port of Santa Lucia.
One of 7 shareholders of “Minera Insular” (SEE “OCTAVIO VALDES ARAMBURU”, 1), a manganese mine.

Guillermo Jiménez Soler

M

Fue uno de los conspiradores que organizaron el Golpe de Estado del 10 de marzo y estuvo entre los que entraron esa madrugada en el campamento de Columbia junto con Batista, y fuera ascendido a Gral de Brigada y designado Ayudante General del Ejército, Presidente del Tribunal Superior de Guerra y del Círculo Militar y Naval.

Al final del gobierno de Batista entró en conversaciones con el Ejército Rebelde, entrevistándose el 28 de diciembre de 1958 con Fidel Castro y, tras la caída del régimen, fue sancionado a 15 años de prisión.

2 La firma se constituyó el 15 de agosto de 1956 y el BANDES dictaminó que sus reservas no alcanzaban valores comerciales. El coto La Caridad se había explotado desde el siglo XIX y había sido explotado de 1916 a 1918.

962- MINERA DE ORO HOLGUÍN

Subarrendataria de las minas de oro y plata Nueva Potosí y Las Agrupadas, ubicadas en Aguas Claras a 7,5 km de Holguín.

1 Tenía un capital pagado ascendente a \$40 000 propiedad del Arq. Armando Casas, su presidente, de Felipe López, vicepresidente, de Francisco Hidalgo, tesorero, y el CP Ángel Mijangorri, vicetesorero, quienes la habían arrendado a su propietario, el Dr. Ernesto Ganivet.

2 Se constituyó en julio de 1956, pero las minas habían sido denunciadas desde el siglo XIX y de 1938 a 1942 se habían extraído 50 ton diarias de oro en Nueva Potosí por el Ing. Manuel Zamora bajo la firma "Corporación Minera de Oro de Holguín". El último embarque se realizó en 1947, habiéndose paralizado por dificultades con los propietarios. Posteriormente dos firmas norteamericanas habían hecho trabajos sin resultados comerciales. Existían muchos estudios sobre ellas y se aseguraba que había oro y plata para su explotación comercial.

3 Tuvo dificultades con los propietarios por lo que el financiamiento, que había obtenido con el BANFAIC, ascendente a \$300 000, fue cancelado posteriormente.

963- MINERA INSPIRACIÓN OCCIDENTAL

Arrendataria del coto minero de cobre El Mono, ubicado en la finca Matahambre, Pinar del Río.

1 Propiedad de "Minas de Matahambre" (VER).

2 Había sido constituida el 26 de octubre de 1953. Le suministraría 2 100 ton semanales del mineral a "Operadora Rometales S.A., Compañía" (VER), de la misma propietaria, quien la había organizado en 1957 para construir una planta de ácido sulfúrico en el puerto de Santa Lucía.

Uno de los 7 accionistas de "Minera Insular" (VER "OCTAVIO VALDÉS ARAMBURU", 1), mina en explotación de manganeso.

964- MINERA INSULAR

Mina en explotación de manganeso denominada Lucía y prospección de las minas Casilda y Charco Azul, y 9 minas en reservas para su exploración posterior, con 40 trabajadores, ubicada en Santa Rita, Jiguaní, frente al camino de ésta a Charco Redondo a 1,5 km de esta última.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Estate of Hilda Castanedo; Estate of Emma Diaz; Hilda M. Castanedo Escalon

(b) County of Residence of First Listed Plaintiff Miami-Dade, FL (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Step toe & Johnson, LLP, 1330 Connecticut Ave Nw, Washington, DC 20036, (202) 429-3000

DEFENDANTS

Trafigura Trading, LLC; Trafigura Group Pte Ltd; Trafigura Pte Ltd

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title III of the Helms-Burton Act, 22 USC Sections 6081-6085.

Brief description of cause: Unlawful trafficking in property confiscated by Cuba.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.