UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CUBAN ELECTRIC COMPANY A/K/A COMPAÑIA CUBANA DE ELECTRICIDAD P.O. Box 5023 Boca Raton, FL 33431 *Plaintiff*, v. UNIÓN ELÉCTRICA Edificio del Ministerio de Energía y Minas Avenida Salvador Allende No 666 e/ Oquendo y Soledad Municipio Centro Habana, La Habana, Cuba AND ENERGAS S.A. Edificio del Ministerio de Energía y Minas Avenida Salvador Allende No 666 e/ Oquendo y Soledad Municipio Centro Habana, La Habana, Cuba *Defendants*.	Case No.

COMPLAINT

For its Complaint in this Helms-Burton action, Plaintiff Cuban Electric Company a/k/a Compañia Cubana de Electricidad ("CEC" or "Plaintiff") states as follows:

NATURE OF ACTION

1. Plaintiff brings this Complaint against Defendants Unión Eléctrica ("UNE") and Energas S.A. ("Energas" and, together with UNE, "Defendants"), both Cuban agencies or instrumentalities, for unlawful trafficking in Plaintiff's confiscated property in violation of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the "Act" or the "Helms-Burton Act"), codified at 22 U.S.C. §§ 6081–6085.

2. Before 1960, Plaintiff owned and operated a substantial portion of Cuba's electric power generation and transmission infrastructure, supplying more than 90% of Cuba's electricity. In 1960, Fidel Castro's revolutionary regime unlawfully confiscated that property and numerous other assets—collectively valued in excess of $300 million—from Plaintiff without just cause or compensation. As a direct result of these confiscations, Plaintiff was stripped of its investments, deprived of the use and value of its property, and forced to cease its operations in Cuba.

3. In 1970, the Foreign Claims Settlement Commission ("FCSC"), which Congress established as a quasi-judicial, independent agency within the U.S. Department of Justice to adjudicate claims of U.S. nationals against foreign governments for expropriation and other issues, certified the value of Plaintiff's confiscated property at $267,568,413.62, plus 6% interest from August 6, 1960 to the date of settlement. *See* FCSC Decision No. CU-4122 regarding Claim No. CU-2578 (Aug. 19, 1970), which is incorporated by reference herein and attached as **Exhibit 1**.

4. For more than sixty years, Cuban agencies and instrumentalities, in concert with and including others, have knowingly and intentionally trafficked in, exploited, and derived substantial commercial benefit from Plaintiff's confiscated property without authorization from, or compensation to, Plaintiff. The power plants, transmission facilities, service centers, gas infrastructure, and electrical networks, as well as other assets and equipment confiscated from Plaintiff, remain embedded in Cuba's state-owned electric power system and continue to generate revenue and other benefits for Defendants at Plaintiff's expense.

5. UNE, Cuba's state-owned electric utility, is a principal beneficiary of the confiscation. UNE owns, controls, manages, operates, and profits from numerous confiscated

assets, including major generation facilities built on or occupying Plaintiff's facilities, such as the Antonio Maceo ("Renté") Thermoelectric Power Plant in Santiago, the Carlos Manuel de Céspedes Thermoelectric Power Plant in Cienfuegos, the Melones electrical substation and gas complex on Havana Bay, and the Guaso Hydroelectric Station. UNE also relies on substantial portions of CEC's transmission and distribution network that now form the backbone of Cuba's national electric grid and Havana's natural gas grid. In addition to its use and operation of these and other assets, UNE also exploits the confiscated property by offering foreign investment into joint ventures, like Energas. *See* 22 U.S.C. § 6081(5).

6. Energas likewise profits from and traffics in Plaintiff's confiscated property through its participation in Cuba's power-generation and natural gas processing sectors. Energas' power-generation and gas-processing operations depend upon and are physically integrated with facilities, transmission infrastructure, and gas-distribution assets confiscated from CEC. Working in conjunction with UNE and other Cuban state entities, Energas relies on and derives commercial benefit from electrical generation, transmission, fuel supply, and industrial infrastructure built on, connected to, or integrated with Plaintiff's confiscated assets, including facilities associated with Plaintiff's former Cienfuegos Steam Electric Station and the broader national electric system that Plaintiff developed and operated prior to confiscation.

7. Defendants are thus knowingly and intentionally trafficking in Plaintiff's confiscated property without authorization. Defendants have trafficked in the confiscated property by owning, controlling, managing, operating, using, and commercially exploiting Plaintiff's former electric-generation, transmission, and gas-distribution assets. Defendants further have engaged in commercial activity using and benefiting from the confiscated property and have profited from the trafficking activities described throughout this Complaint.

8. Title III of the Act, 22 U.S.C. §§ 6081–6085, authorizes Plaintiff to bring this action to deny Defendants "any profits from economically exploiting Castro's wrongful seizures." 22 U.S.C. § 6081(11). In addition, because the FCSC certified Plaintiff's losses (the "FCSC Certified Claim"), Plaintiff is entitled to a presumption of ownership of the confiscated property at issue here, a presumption that the amount of the FCSC Certified Claim ($267,568,413.62, plus 6% interest from August 6, 1960 to the date of settlement) is the proper measure of damages, and an award of treble damages as provided by the Act.

JURISDICTION AND VENUE

9. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. § 1331 because this action arises under the laws of the United States, specifically Title III of the Helms-Burton Act, codified at 22 U.S.C. §§ 6021–6091. *See Exxon Mobil Corp. v. Corporación CIMEX S.A. (Cuba)*, 146 S. Ct. 1909, 1920–21, 609 U.S. __ (2026) (establishing suits under the Helms-Burton Act proceed under 28 U.S.C. § 1331 and holding that Cuban agencies and instrumentalities are not immune from jurisdiction of the courts of the United States for claims arising under the Helms-Burton Act); 22 U.S.C. §§ 6023(11), 6082.

10. Pursuant to Fed. Rule Civ. P. 4(k)(1)(C), personal jurisdiction over the Defendants exists as a matter of law because Congress has authorized service on the Defendants by federal statute, pursuant to 22 U.S.C. § 6082. *See Exxon*, 146 S. Ct. at 1920–21. Defendants will be served in a manner consistent with that provision.

11. Because this claim arises under federal law, personal jurisdiction is established under Fed. Rule Civ. P. 4(k)(2) by service of a summons or filing a waiver of service as long as "(A) the defendant is not subject to jurisdiction in any state's courts of general jurisdiction; and

(B) exercising jurisdiction is consistent with the United States Constitution and laws." Fed. Rule Civ. P. 4(k)(2).

12. Defendants are not subject to jurisdiction in any state's court of general jurisdiction.

13. Moreover, as explained in *Fuld v. Palestine Liberation Org*., 606 U.S. 1 (2025), Rules 4(k)(1) and 4(k)(2) are adequate to support personal jurisdiction so long as jurisdiction comports with the Fifth Amendment's notion of due process. Fifth Amendment due process is met where, as here, Congress has enacted legislation that directly implicate important federal policies aimed at protecting American citizens abroad. *Id*. at 19-20. Exercise of personal jurisdiction over Defendants is also reasonable. Defendants' unlawful trafficking, as set forth herein, is directed at the United States. The harm Defendants have caused and continue to cause is occurring in the United States to Plaintiff, a United States national and a Florida entity.

14. Alternatively, Defendants are not entitled to Fifth Amendment due-process protections because they are alter egos of the Cuban state under *Bancec* and its progeny. According to *First Nat'l City Bank v. Banco Para el Comercio Exterior de Cuba ("Bancec")*, 462 U.S. 611 (1983), and *Helmerich & Payne Int'l Drilling Co. v. Venezuela*, 153 F.4th 1316 (D.C. Cir. 2025), factors bearing on state control include: (1) economic control; (2) entitlement to profits; (3) role of government officials; (4) whether the state is the real beneficiary; and (5) whether recognizing separate corporate identities would permit the foreign state to obtain benefits while avoiding its obligations. *See Archirodon Constr. (Overseas) Co. Ltd. v. Gen. Co. for Ports of Iraq*, No. 22-cv-1571, 2024 WL 3844800, at *4 (D.D.C. Aug. 16, 2024). As demonstrated further below, Defendants are alter egos of the Cuban state because the Cuban government exercises extensive control over both Defendants.

15. Alternatively, pursuant to 28 U.S.C. § 1330(b) and consistent with the United States Constitution and laws, personal jurisdiction over the Defendants exists as to every claim for relief over which this Court has jurisdiction under 28 U.S.C. § 1330(a) due to Defendants' contacts with this District and with the United States as a whole as a result of their unlawful trafficking activities and their commercial activities, causing harm to Plaintiff, a United States national and a Florida entity, which are explained in detail below.

16. Venue is proper in this District pursuant to 28 U.S.C. § 1391(f)(4).

17. The amount in controversy exceeds $50,000 as required by 22 U.S.C. § 6082(b).

18. Contemporaneously with the filing of this Complaint, Plaintiff will pay the special fee for an action under Title III of the Helms-Burton Act, which is $7,202 pursuant to the fee schedule adopted by the Judicial Conference in December 2023.

PARTIES

19. Plaintiff Cuban Electric Company is a U.S. national and a corporation organized and existing under the laws of the state of Florida since 1927, with its principal place of business at 6600 North Military Trail, Boca Raton, Florida, 33496. Plaintiff is also known as Compañia Cubana de Electricidad and is the recipient and owner of the certified claim attached as Exhibit 1.

20. Defendant Unión Eléctrica is an enterprise organized under the laws of Cuba and is owned directly by Cuba, which is a foreign state. UNE serves as the Cuban state monopoly for power generation, guaranteeing "the generation, transmission and distribution of electricity throughout the national territory" and its commitment to "the Revolution, the Party, the Organization and to all our people." There is no private electricity market in Cuba—UNE is the "sole provider" of electricity in Cuba. UNE's principal place of business is in Cuba, at the

Edificio del Minesterio de Energía y Minas, Avenida Salvador Allende No 666 e/ Oquendo y Soledad, Municipio Centro Habana, Cuba.

21. Defendant Energas S.A. is an enterprise organized under the laws of Cuba as a joint venture with three equal owners: 1/3 owner UNE, 1/3 owner Unión Cubapetróleo ("CUPET"), Cuba's state-owned oil company, and 1/3 owner Sherritt International Corporation ("Sherritt"), a minerals company which is a corporation organized under the laws of Canada with its principal place of business in Canada. Thus, Energas is majority-owned by Cuban state-owned entities. Energas processes raw natural gas, which is supplied to Energas free of charge by CUPET. Energas also generates electricity for sale to the national grid, providing approximately 10% of Cuba's total electrical generating capacity. Energas' principal place of business is in Cuba, and it has operations throughout the country.

22. As discussed below, both UNE and CUPET are agencies or instrumentalities of the Cuban state and, while they are legally distinct entities, are each totally controlled and dominated by the government of Cuba, over and above the normal supervisory control exercised by a parent over a subsidiary. Given UNE and CUPET's ownership of Energas, Energas is itself an agency or instrumentality of the Cuban state that is totally controlled and dominated by the government of Cuba, over and above the normal supervisory control exercised by a parent over a subsidiary.

BACKGROUND

23. CEC was founded in 1927 in Tallahassee, Florida.

24. In 1928, CEC acquired the properties of small utility companies in Cuba. CEC expanded its services throughout the 1950s, spending nearly $190,000,000 on construction of additional facilities and improvements.

25. In three decades, CEC more than doubled Cuba's power generation capacity, growing it from 161.5 MW to 430 MW. By 1960, CEC generated more than 90% of the electricity sold in Cuba while also furnishing manufactured gas in Havana.

I. Expropriation by the Cuban Government

26. Cuba issued Resolution No. 1 on August 6, 1960 pursuant to Cuba's Law 851, which listed the CUBAN ELECTRIC COMPANY (Compañia Cubana de Electricidad) as nationalized.

27. As detailed below, the Cuban Government expropriated numerous assets from CEC in violation of international law, including but not limited to:

a) Twelve named electric stations,

b) 6,619 miles of power lines,

c) The Havana gas system,

d) A service station in Capdevila which contained the general offices of CEC, and

e) Other assets including current assets, debits, and intangible assets set forth in the FCSC Certified Claim.

28. On August 6, 1960, 95.8% of the shares of CEC were held by U.S. nationals or residents.

29. The assets confiscated from CEC on August 6, 1960 and described in the FCSC Certified Claim are hereinafter referred to as the "Confiscated Property."

30. Cuba has never paid, and Plaintiff has never received, compensation for the expropriation of the Confiscated Property.

II. The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

31. On March 12, 1996, President Clinton signed into law the LIBERTAD Act of 1996 (also known as the "Helms-Burton Act" and referred to herein as the "Act"), codified at

22 U.S.C. §§ 6021–6091. Title III of the Act (codified at 22 U.S.C. §§ 6081–6085) provides a right of action to U.S. nationals, like Plaintiff, who owned property in Cuba that was confiscated on or after January 1, 1959.

32. Title III authorizes the President to suspend the right of action for sequential periods of up to six months. On July 16, 1996, President Clinton notified Congress that he would be allowing the Act to go into effect on August 1, 1996, but that he would suspend the right of action under Title III for six months. Since that decision, every President (or Secretary of State) issued a sequential six-month suspension of the right of action until 2019.

33. On April 17, 2019, Secretary of State Pompeo announced that Title III would go into full effect, including the right of action, as of May 2, 2019.

34. Section 302 of the Act provides the following civil remedy:

> (1) Liability for trafficking.--(A) Except as otherwise provided in this section, any person that, after the end of the 3-month period beginning on the effective date of this subchapter, traffics in property which was confiscated by the Cuban Government on or after January 1, 1959, shall be liable to any United States national who owns the claim to such property for money damages . . . 22 U.S.C. § 6082(a)(1).

35. Under the Act, the definition of a "person" who may be liable for trafficking expressly includes "any person or entity, including any agency or instrumentality of a foreign state" as defined by the Foreign Sovereign Immunities Act, 28 U.S.C. § 1603(b). *See* 22 U.S.C. §§ 6023(1), (11).

36. The term "trafficking" is construed broadly. A person is liable for trafficking in confiscated property under the Act if that person, without authorization from the rightful owner, knowingly and intentionally—

i. sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses,

> obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,
>
> ii. engages in a commercial activity using or otherwise benefiting from confiscated property, or
>
> iii. causes, directs, participates in, or profits from, trafficking (as described in clause (i) or (ii)) by another person, or otherwise engages in trafficking (as described in clause (i) or (ii)) through another person, without the authorization of any United States national who holds a claim to the property.

22 U.S.C. § 6023(13).

37. Because Plaintiff has never authorized any person to engage in the activities covered by the Act's definition of trafficking with respect to the Confiscated Property, Section 302 provides Plaintiff with a private right of action against any person—including Cuba's state-owned enterprises—that has trafficked in the Confiscated Property.

III. The Act's Presumption in Favor of Certified Claims

38. Section 302(d) of the Act mandates a presumption in favor of the Plaintiff's certified claims, noting "There **shall be a presumption** that the amount for which a person is liable . . . is the amount that is certified" by the FCSC under the International Claims Settlement Act of 1949. 22 U.S.C. § 6082(a)(2) (emphasis added).

39. Moreover, under Section 303(a)(1), "the court shall accept as **conclusive proof of ownership** of an interest in property a certification of a claim to ownership of that interest that has been made by the" FCSC under Title V of the International Claims Settlement Act of 1949. 22 U.S.C. § 6083(a)(1) (emphasis added).

40. Under Section 302(a)(3) of the Act, "[a]ny person that traffics in confiscated property for which liability is incurred" shall be liable for treble damages if a U.S. national owns a certified claim to that property. 22 U.S.C. §§ 6082(a)(3)(A), (3)(C).

41. The preferential treatment afforded to certified claims reflects Congress' clear deference to the experience and expertise of the FCSC in investigating and adjudicating losses overseas. The Conference Report from the Committee of Conference states that "courts shall give a strong presumption to the findings of the FCSC." The Conference report continued:

> The committee of conference recognizes the importance of a decision by the Foreign Claims Settlement Commission in certifying a claim and, accordingly, believes that no court should dismiss a certification in an action brought under [Title III]. The committee of conference also notes the recognized special expertise of the FCSC in determining the amount and validity of claims to confiscated properties overseas. H.R. Rep. 104-468, at 63 (1996).

42. Accordingly, because Plaintiff's claim was certified by the FCSC Plaintiff is entitled to (i) a presumption of accuracy with regard to the amount of the claim; (ii) to have the claim be treated as conclusive proof with regard to Plaintiff's ownership of the Confiscated Property; and (3) a judgment on the claim that includes treble damages.

IV. The Certification of Plaintiff's Claim by the Foreign Claims Settlement Commission

43. In response to the expropriation of the Confiscated Property, CEC filed a claim with the FCSC pursuant to Title V of the International Claims Settlement Act of 1949, which gives the FCSC jurisdiction over expropriation claims of U.S. nationals against the Government of Cuba.

44. Pursuant to 22 U.S.C. § 1643b(a), the FCSC "shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba . . . for losses resulting from the nationalization, expropriation, intervention, or other taking of . . . property

including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States."

45. Pursuant to 22 U.S.C. § 1643a(3), "property" is defined as "any property, right, or interest, including any leasehold interest, and debts owed by the Government of Cuba . . . or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba . . . and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba . . ."

46. As required by the International Claims Settlement Act, the FCSC determined the validity and amount of CEC's claim and the value of the expropriated properties, rights, or interests by the valuation most appropriate to the Confiscated Property. The claim encompasses all of the Confiscated Property for which Plaintiff seeks damages here.

47. After reviewing CEC's ownership, the FCSC found that CEC qualified as a U.S. national within the meaning of the International Claims Settlement Act. *See* Ex. 1 at 2.

48. The FCSC then evaluated CEC's property claim, reviewing a wide range of evidence including CEC's Annual Report for the year ending in December 31, 1959; a Financial Report with a balance sheet for February 29, 1960; copies of records concerning inventories of equipment purchases, sales, investments and supplies; and affidavits of former CEC employees and found that CEC sustained a loss under the Act. Ex. 1 at 4.

49. The FCSC originally certified, on October 21, 1969, that CEC suffered a loss in the amount of $266,513,667.40. Ex. 1 at 10. After CEC filed objections to the denial of certain portions of the claim, the FCSC subsequently issued a final decision on August 19, 1970, adding $1,054,746.22 for the loss of equipment and supplies and certifying that CEC suffered a loss of $267,568,413.62 as a result of the Cuban government's expropriation of the Confiscated

Property. The FCSC further awarded interest on this amount at the rate of 6% per annum from the date of loss to the date of settlement. Ex. 1 at 14.

50. The certified loss breaks down as follows:

Asset Category (as certified)	**Certified Value**
Utility Plant	$285,266,482.00
Intangibles / investments in Cuba	$1,492,130.95
Current assets	$30,244,140.00
Deferred debits	$2,364,413.00
Loss on equipment and supplies	$1,054,746.22
Less: set-offs	*($52,853,498.55)*
Certified loss (excluding awarded 6% interest)	**$267,568,413.62**

51. The various asset categories are explained in more detail below. Plaintiff has never settled the outstanding certified claims or received any payment from any entity with respect to the principal or interest due on its certified claim.

V. Cuba Controls Defendants

52. The control that the Cuban government exercises over Defendants is extensive and exceeds the normal supervisory control exercised by a parent over a subsidiary.

53. UNE was first created in 1977. In 1988, UNE was merged with the Transmission and Distribution Union through Resolution 2079, issued by the Minister of the Cuban Ministerio de la Industria Básica (Ministry of Basic Industry), to create the entity that exists today.

54. UNE is one of a prominent group of Cuban entities called Organizaciónes Superiores de Dirección Empresarial ("OSDEs"). Pursuant to Decree 336 of 2017, the Cuban Council of Ministers creates OSDEs as subordinated entities to the Cuban government. The Cuban Council of Ministers determines the organizational structure of OSDEs, including making decisions regarding mergers, acquisitions, and liquidations. Under Cuban law, OSDEs are considered national entities for all relevant purposes.

55. The President of the Council of Ministers appoints the President or General Director of UNE and other OSDEs. The Council of Ministers appoints a Vice President of its body or a Minister to exercise controlling functions over UNE and other OSDEs, including the following:

a) Evaluating UNE's socio-economic results;

b) Controlling UNE's investment process and development programs;

c) Controlling UNE's implementation of the Cuban government's applicable Economic and Social Policy Guidelines;

d) Controlling UNE's compliance with Cuban regulations on the transfer of technology to and from abroad;

e) Controlling the economic effects in Cuba caused by UNE's subsidiaries, including foreign trade operations;

f) Controlling and monitoring UNE's application of foreign investment and collaboration policy;

g) Evaluating the President or Director General of UNE and approving his work plan; and

h) Fulfilling any other purpose assigned by the Council of Ministers or provided by Cuban law.

56. UNE is thus controlled by Cuba's Ministry of Energy and Mines and is subordinated to the Council of Ministers, Cuba's highest executive and administrative body.

57. On its website, UNE lists its office as the Building of the Ministry of Energy and Mines.

58. UNE is, thus, totally controlled and dominated by the Cuban state government and operated for the benefit of the Cuban government.

59. CUPET was established on March 25, 1992 by Resolution No. 23/1992, issued by the Cuban Ministry of Basic Industry. As provided for in that Resolution, Unión del Petróleo and Unión del Combustible were merged to form CUPET, which "for all legal purposes, is a

continuation of Unión del Petróleo and Unión del Combustible and is subrogated to their place and status."

60. Like UNE, CUPET is also an OSDE. Thus, the Cuban Council of Ministers also is involved in appointing CUPET's leadership.

61. The Cuban Ministry of Energy and Mines, as designated by the Cuban Council of Ministers, is responsible for the following controlling functions over CUPET among others:

a) Approving short and mid-term plans, submitted by CUPET, ensuring compliance with Cuban government directives;

b) Advising the Minister and the Governing Board of CUPET;

c) Establishing indicators to evaluate the results of the management of CUPET and its enterprises, thereby controlling CUPET's compliance with Cuban government directives;

d) Dictating CUPET's quarterly and annual performance;

e) Investigating business opportunities with foreign capital jointly with CUPET; and

f) Directing, coordinating, executing and controlling CUPET's compliance with the Cuban government's approved policy for the sustainable development of the Cuban oil and gas sector.

62. Not only does the Cuban government control CUPET's operations, but it also dictates the uses of CUPET's profits, including the taxes to be paid and the distribution and uses of the remaining profits. Furthermore, the Cuban government uses CUPET to subsidize operations of other state-owned enterprises, which are assigned quotas of gasoline for their vehicles by the Cuban Ministry of Economy and Planning, and which receive prepaid gas cards

issued by Financiera Cimex S.A.[1] In this way, the Cuban government diverts profits from gasoline sales to subsidize the gasoline consumption of various state-owned enterprises.

63. CUPET is thus totally controlled and dominated by the Cuban state and operated for the benefit of the Cuban government.

64. Accordingly, the Cuban state maintains ultimate control over Energas. UNE and CUPET, both state-owned entities, have majority ownership (66%) of Energas. Thus, the ultimate decision-maker for Energas is Cuba, and, more specifically, the Ministry of Energy and Mines. Energas is also intimately tied with Cuba—it supplies 8-10% of Cuba's electricity, its first plant was established by the Cuban government, and it processes natural gas it receives free of charge from CUPET. Energas is effectively controlled by Cuba.

65. Though Defendants are legally separate from Cuba in some respects, the Cuban government exercises extensive control over both Defendants such that each are alter egos of the Cuban state. *See Helmerich & Payne*, 153 F.4th at 1329–30.

VI. Defendants' Trafficking Activities Harm Plaintiff

66. Congress explicitly found that the trafficking activities alleged herein are directed at and cause injury in the United States, including in Plaintiff's home state of Florida. Specifically, Congress found that trafficking (i) poses a national security threat to the United States by supporting the Castro regime, (ii) undermines U.S. foreign policy, (iii) jeopardizes the rightful claims of U.S. nationals, (iv) impedes the ability of the U.S. government to return confiscated

[1] Financiera Cimex, S.A. (FINCIMEX Panama) was originally created and registered in the Republic of Panama by Public Deed (Escritura Publica) No. 474 of January 24, 1984 and later created as a Cuban *sociedad anonima* (FINCIMEX Cuba) by Public Deed (Escritura Publica) No. 172 of May 15, 1995.

property to the rightful owners, and (v) undermines the "free flow of commerce." *See* 22 U.S.C. §§ 6021, 6022, 6081.

67. Defendants' unlawful trafficking harms Plaintiff, a United States national and Florida cooperation, in precisely the manner Congress identified when creating the Helms-Burton cause of action. Defendants' conduct deprives Plaintiff of the use, value and economic benefit of the Confiscated Property, *see* 22 U.S.C. § 6081(8), and Defendants did not obtain Plaintiff's authorization before doing so, *see* 22 U.S.C. § 6023(13)(A).

68. Plaintiff's investigation is ongoing, and Plaintiff reasonably believes that discovery is likely to reveal additional trafficking and commercial activities conducted by Defendants or their agents that further injured Plaintiff and generated revenue or other benefits from the Confiscated Property.

VII. Defendants are Trafficking in the Confiscated Property

A. Defendants are Trafficking in Plaintiff's Power Generation Assets

69. As set forth in the FCSC certified claim, Cuba expropriated energy infrastructure that generated and transmitted power to 90% of Cuba, which continues to be exploited by Defendants to this day. This infrastructure was divided into two electricity systems: the "Western System" and the "Eastern System."

70. The "Western System" is centered in Havana. This system includes nine generating stations, as well as substations at Naranjito, Colon, Diezmero, Principe, Rincon, San Augustin, Santa Clara, and Tropical. The nine generating stations are:

a. Consolidated Steam Electric Station, which is on Havana Bay;

b. Regla Steam Electric Station, which is in the community of Regla;

c. Rincón de Melones Steam-Diesel Electric Station, which is on Havana Bay;

d. Matanzas Steam Electric Station, which is on Matanzas Bay;

e. O'Bourke Steam Electric Station, which is on Cienfuegos Bay;

f. Cienfuegos Steam Electric Station, which is in the City of Cienfuegos;

g. Ciego de Avila Diesel Electric Station, which is 60 miles west of Camaguey;

h. Vicente Steam Electric Station, which is six miles east of Ciego de Avila; and

i. Camaguey Steam Electric Station at Camaguey.

71. The "Eastern System" includes three generating stations, which are:

a. Santiago Steam Electric Station on Santiago Bay;

b. Manzanilla Diesel Electric Station 100 miles west of Santiago; and

c. Guaso Hydro Electric Station 50 miles northeast of Santiago.

72. Defendants either individually or collectively have and continue to own, control, manage, and otherwise commercially benefit from both systems, including profiting through the Energas joint venture. For example, Defendants continue to exploit and commercially benefit from at least the following critical parts of both systems:

a) ***Plaintiff's former Consolidated Steam Electric Station on Havana Bay***. The facility was and continues to be referred to as "Tallapiedra." The facility continues to serve as a critical component of Havana's electrical infrastructure, including housing a major substation and the base of an underground distribution network serving Old Havana.

b) ***Plaintiff's former Regla Steam Electric Station on the eastern shore of Havana Bay***. The facility currently is a strategic energy facility for UNE, which serves as the mooring location for one of the floating power-generation vessels used to supply electricity to Cuba's national grid via the Confiscated Property.

c) ***Plaintiff's former Rincón de Melones Steam-Diesel Electric Station***. The station today serves as the Melones electrical substation and associated gas-production facilities. The Melones substation remains an active and important transmission node within Cuba's electrical network and is used to interconnect generating resources supplying power to the national grid. In addition, state-operated gas-production facilities located on the site continue to distribute manufactured gas supplied by Energas to substantial portions of Havana.

d) ***Plaintiff's former O'Bourke Steam Electric Station on Cienfuegos Bay***. The facility now operates as the Carlos Manuel de Céspedes Thermoelectric Power Plant, one of Cuba's principal power-generation facilities. The current plant occupies the same parcel and site as Plaintiff's former generating station and continues to generate electricity for the national grid.

e) ***Plaintiff's former Santiago Steam Electric Station on Santiago Bay***. The site now forms part of the Antonio Maceo Thermoelectric Power Plant, commonly known as "Renté," one of eastern Cuba's principal generation complexes. UNE continues to operate and maintain power-generation facilities on the confiscated property.

f) ***Plaintiff's former Guaso Hydro Electric Station near Guantánamo***. The facility remains operational, synchronized with Cuba's national electric grid, and is used by UNE's hydroelectric division to generate and distribute electricity.

73. Defendants either individually or collectively have and continue to own, control, manage, and otherwise commercially benefit from CEC's Havana Gas System, including

profiting through the Energas joint venture. At the time of confiscation, the system consisted of generating facilities, storage facilities, booster stations, hundreds of miles of distribution mains, and tens of thousands of customer connections. The system remains in operation through the participation of Energas and Cuban state-owned successor entities and continues to provide gas service to hundreds of thousands of customers in Havana and surrounding areas. As recently as July 27, 2026, reporting from the New York Times indicates that approximately 280,000 residences in Havana have such gas lines.

74. Defendants either individually or collectively have and continue to own, control, manage, and otherwise commercially benefit from other assets encompassing "land, buildings, machinery, vehicles, equipment and construction work in progress" at the time of the expropriation. Ex. 1 at 4–5. For example, Defendants continue to exploit and commercially benefit from at least:

a) ***Plaintiff's former Capdevila Service Center in Boyeros, Havana***. Prior to confiscation, the property served as Plaintiff's administrative, maintenance, warehouse, and service complex. Today, the facility functions as the headquarters of Empresa Eléctrica La Habana and is used to administer, manage, and commercialize electrical generation, transmission, and distribution services throughout Havana. UNE's continued possession and use of the property provides direct operational and economic benefits derived from Plaintiff's confiscated assets.

b) ***Plaintiff's former transmission and distribution network.*** This network consisted of thousands of miles of electrical lines and associated infrastructure. Following confiscation, this network became the foundation and backbone of Cuba's Sistema Eléctrico Nacional ("SEN"), the national electrical grid. Defendants' operation and commercialization of the SEN depend upon and derive value from the confiscated network and associated assets originally developed and owned by Plaintiff.

75. Through the operation of the facilities and infrastructure described above, Defendants knowingly use, control, manage, lease, profit from, and otherwise commercially exploit Plaintiff's Confiscated Property. Such conduct constitutes trafficking within the meaning of 22 U.S.C. § 6023(13).

76. Energas' power-generation and gas-processing operations depend upon and are physically integrated with facilities, transmission infrastructure, and gas-distribution assets confiscated from CEC.

77. Moreover, Energas knowingly traffics in Plaintiff's Confiscated Property through its joint venture with UNE and its participation in Cuba's power-generation and natural gas processing sectors. Energas utilizes, benefits from, and derives commercial value from infrastructure that is integrated into and dependent upon Plaintiff's confiscated generation, transmission, distribution, and fuel-supply assets. Energas' operations would not be possible absent its use of, access to, and commercial benefit from confiscated property and facilities controlled by UNE and other Cuban instrumentalities.

78. Defendants' trafficking in the power generation assets is ongoing and continuous. Defendants have knowingly engaged in such conduct for years after the effective date of Title III of the Act and continue to derive substantial commercial benefits from Plaintiff's Confiscated Property without Plaintiff's authorization and without compensation.

B. Defendants are Trafficking in Plaintiff's "Current Assets" and "Investments in Cuba"

79. The Cuban government also took possession and control of other assets such as cash, investments, and debits, as the FCSC certified. Those assets, like Plaintiff's power generation assets, have not been returned to Plaintiff, and Plaintiff has not received compensation for their loss. These assets, including $3.5 million in materials and supplies, were necessary for the functioning of CEC's business. Given that each of these assets were necessarily part of the operation of Cuba's nationalized gas and electricity monopoly pre-1960, which is now operated by Defendants, upon information and belief, Defendants continue to traffic in these assets.

80. The FCSC also found that Cuba took control of Plaintiff's current assets at the time of the expropriation on August 6, 1960. These assets include:

a) Cash ($1,075,757.00)

b) Special Deposits ($7,348.00)

c) Working Funds ($593,914.00)

d) Accounts Receivable

  i. General ($7,425,270.00)

  ii. Municipal & Other Government ($15,252,197.00)

  iii. Miscellaneous ($1,812,197.00)

e) Interest & Dividends Receivable ($2,530.00)

f) Materials & Supplies ($3,545,473.00)

g) Prepayments ($529,397.00)

81. Another category of loss certified in the FCSC Certified Claim is related to Plaintiff's "investments in Cuba." Ex. 1 at 5.

82. The following CEC investments were expropriated by Cuba:

a) Vedado Tennis Club Mortgage Bonds ($5,000.00)

b) Country Club de Santiago Stock ($500.00)

c) Camaguey Country Club Bonds ($500.00)

d) Compania de Publicacion "El Dia" Bonds ($5,000.00)

e) City of Matanzas - 8% Gold Bonds ($3,954.55)

f) Julio Cesar Hidalgo & Cia. Stock ($100.00)

g) Havana Biltmore Yacht & Country Club Series A Stock ($2,000.00)

h) Gremio de Obreros y Mareantes - Advances ($10.00)

i) Acueducto de Santa Maria - Debt ($371.84)

j) Autobuses Modelo, S.A. - Preferred Shares ($72,000.00)

k) Cooperativa de Repartos Electricos - Advances ($122,094.26)

l) Ministerio de Communicaciones - Bandes Bonds ($1,000.00)

m) Advances to Employees ($789,519.00)

n) Ferrocarriles Occidentales de Cuba Stock Series B ($102,400.00)

o) Land, "La Puntilla"[2] ($100,101.45)

p) Cia. Inmobiliaria "La Torre, S.A." Stock ($4,000.00)

q) Ministerio de Educacion, Bonds ($12,500.00)

r) Veteranos, Tribunales y Obras 4% Bonds ($89,500.00)

s) Bandes 4%, Total Bonds ($112,500.00)

t) Compania Financiera de Transporte - Debt ($144,000.00)

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[2] The land referred to as La Puntilla is a parcel of land located in Marianao, Cuba with an area of 6,160.90 square meters. The land was conveyed from the Havana & Insular Real Estate Company to Edward L. Kanter on October 7, 1954 for the sum of $214,000.00 for the benefit of Cuban Electric Company (which owns 46.77638%) and American & Foreign Power Company, Inc. (which owns 53.22362%). CEC has a certified claim for $100,101.45 and Boise Cascade Corporation has a certified claim for $113,898.55 (*see* FCSC Claim No. CU-3548, Decision No. CU-3866 (Oct. 1, 1969)) for the confiscation of the land referred to as La Puntilla.

83. The FCSC found that the Cuban Government took possession and control of all of the above-listed investments and that CEC was the rightful owner of these assets.

84. Finally, based on its review of the record, the FCSC valued Plaintiff's deferred debits, including "unamortized expenses incurred in connection with debt and stock issues for the printing of indentures, engraving, notarial and registration fees in Cuba and Cuban revenue stamps," at $2,364,413.00. Ex. 1 at 7.

85. Defendants' trafficking in these other assets is ongoing and continuous. Defendants have knowingly engaged in such conduct for years after the effective date of Title III of the Act and continue to derive substantial commercial benefits from Plaintiff's Confiscated Property without Plaintiff's authorization and without compensation.

COUNT I – TRAFFICKING IN CONFISCATED PROPERTY
(as against all Defendants)
(22 U.S.C. § 6082)

86. Plaintiff repeats and realleges the allegations set forth above as if fully set forth herein.

87. Plaintiff is a U.S. national and owns the claim to property that was confiscated by the Cuban Government after January 1, 1959 (*i.e.*, the Confiscated Property). The claim is certified and is attached as Exhibit 1.

88. UNE is a person under the Act, as defined by 22 U.S.C. § 6023(11).

89. Energas is a person under the Act, as defined by 22 U.S.C. § 6023(11).

90. Based on the facts alleged herein and on information and belief, Defendants have trafficked and continue to traffic in the Confiscated Property in violation of Title III of the Act.

91. Based on the facts alleged herein, Defendants have knowingly and intentionally trafficked in the Confiscated Property by:

a. obtaining control of, managing, using, and holding interests in the Confiscated Property;

b. engaging in commercial activities using and benefiting from the Confiscated Property, including the generation, transmission, distribution, and sale of electricity and gas; and

c. causing, directing, participating in, and profiting from trafficking by others through the Energas joint venture and related commercial arrangements.

92. At all relevant times, Defendants have conducted this trafficking "without the authorization of any United States national who holds a claim to the property" (22 U.S.C. § 6023(13)) in violation of Title III of the Act.

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

94. Because Plaintiff holds a certified claim, it is not required to give notice under 22 U.S.C. § 6082(a)(3).

95. Therefore, Plaintiff is entitled to damages in the amount of the certified claim, plus pre-judgment interest at the rate of 6% per annum awarded by the FCSC.

96. Plaintiff also is entitled to treble damages, statutory interest pursuant to 22 U.S.C. § 6082(a)(1)(B), attorney's fees, costs, and post-judgment interest.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that judgment be entered in its favor and against Defendants:

a. Awarding Plaintiff actual damages in the amount of $267,568,413.62;

b. Awarding Plaintiff pre-judgment interest at the rate of 6% per annum from August 6, 1960, as set forth in the FCSC's award;

c. Awarding Plaintiff treble damages pursuant to 22 U.S.C. § 6082(a)(3);

d. Ordering Defendants to pay Plaintiff's reasonable attorney's fees and costs incurred in this action pursuant to 22 U.S.C. § 6082(a);

e. Awarding Plaintiff statutory interest pursuant to 22 U.S.C. § 6082(a)(1)(B) and post-judgment interest; and

f. Granting all other relief at law or in equity that the Court deems just and proper.

Date: July 29, 2026

Respectfully submitted,

By: /s/ *Steven K. Davidson*

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EXHIBIT 1

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

CUBAN ELECTRIC COMPANY

Under the International Claims Settlement Act of 1949, as amended

Claim No.CU-2578

Decision No.CU-4122

Counsel for claimant: Reid & Priest
by Richard C. Allison, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by CUBAN ELECTRIC COMPANY for $323,570,419.38.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

> losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

> The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated,

intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 502(1)(B) of the Act defines the term "national of the United States" as a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity.

The record shows that Cuban Electric was organized under the laws of the State of Florida in 1927, and that in 1960 there were 3,600,011 shares of common stock outstanding, of which 3,158,806 were owned by American & Foreign Power Company Inc. and 291,261 were owned by other persons whose addresses were in the United States. The record further shows that American & Foreign Power Company Inc. (since merged into Ebasco Industries Inc. and subsequently into Boise Cascade Corporation) had 7,312,526 shares outstanding on August 6, 1960 of which 0.17% was held by non-residents of the United States and 50.3% by the Electric Bond and Share Company which was owned at least 97% by United States nationals at all times. The Commission holds that CUBAN ELECTRIC COMPANY qualifies as a national of the United States within the meaning of Section 502(1)(B) of the Act.

Evidence establishes that claimant, beginning in 1928, acquired properties of small utility companies in Cuba. In 1960 it provided more than 90% of all electricity sold in Cuba and furnished manufactured gas in the City of Havana. The company had expanded its services in the period from 1950 to 1959 and spent a total amount of $189,192,603.00 during that time for construction of additional facilities and improvements. A total of 6,619 miles of power lines of all voltages was in service throughout the Island at the end of 1959.

The claimant operated two electrical systems in Cuba, the Western System and the Eastern System. The Western System was the larger and included the City of Havana. Its generating stations were:

Consolidated Steam Electric Station on Havana Bay in Havana,
Regla Steam Electric Station in the Community of Regla,
Rincon de Melones Steam-Diesel Electric Station on Havana Bay,
Matanzas Steam Electric Station on Matanzas Bay,
O'Bourke Steam Electric Station on Cienfuegos Bay,
Cienfuegos Steam Electric Station in the City of Cienfuegos,
Ciego de Avila Diesel Electric Station, sixty miles west of Camaguey,
Vicente Steam Electric Station, six miles east of Ciego de Avila, and
Camaguey Steam Electric Station at Camaguey.

The Western System also had substations at Naranjito, Colon, Diezmero, Principe, Rincon, San Augustin, Santa Clara, and Tropical.

The Eastern System was centered around Santiago and its generating stations were:

Santiago Steam Electric Station on Santiago Bay,
Manzanilla Diesel Electric Station, 100 miles west of Santiago, and
Guaso Hydro Electric Station, 50 miles northeast of Santiago.

On the outskirts of Havana, on Rancho Boyeros Highway, claimant owned the Capdevila Service Center, which contained the general offices of the claimant, a garage, electric meter shop, gas meter shop, transformer, mechanical and carpentry shops, central warehouse and stores. It also owned nine mobile power units and approximately 425 trucks and jeeps.

The Havana Gas System which sold manufactured gas in the City of Havana consisted of a generating plant, storage capacity, street boosters and a distribution system. The distribution system had 230 miles of mains and served approximately 55,000 customers.

On August 6, 1960, the Government of Cuba issued Resolution No. 1 which listed as nationalized the CUBAN ELECTRIC COMPANY (Compania Cubana de Electricidad), pursuant to Law 851 of July 6, 1960. The Commission therefore finds that claimant's properties in Cuba were nationalized on August 6, 1960, as a result of which claimant sustained a loss within the meaning of Title V of the Act.

Claim is made herein for losses sustained by CUBAN ELECTRIC COMPANY as follows:

1.	Utility Plant	$285,266,482.00
2.	Investments in Cuba	1,957,756.40
3.	Current Assets	30,244,140.00
4.	Deferred Debits	2,364,413.00
5.	Liability to Suppliers	499,186.69
6.	Loss on Sale of Equipment & Supplies	1,054,746.22
7.	Unsold Equipment	1,083,868.17
8.	Preservation of Assets	185,297.00
9.	Resettlement of Employees	314,866.90
10.	Funding Retirement Plan	599,663.00
	Total	$323,570,419.38

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value, or cost of replacement.

The question, in all cases, will be to determine the basis of valuation which, under the particular circumstances, is "most appropriate to the property and equitable to the claimant". This phraseology does not differ from the international legal standard that would normally prevail in the evaluation of nationalized property. It is designed to strengthen that standard by giving specific bases of valuation that the Commission shall consider.

In support of the claim, claimant has submitted a copy of its Annual Report for the year ending December 31, 1959, a Financial Report with a balance sheet for February 29, 1960, copies of records concerning inventories of equipment purchases, sales, investments and supplies, and affidavits of former employees of claimant and the American & Foreign Power Company Inc. The record also contains copies of balance sheets for 1957 and 1958, a report of the Cuban Rate Investigation Commission, and claimant's memorandum concerning the 1959 rates and report of that Commission.

1. Utility Plant

Under the heading "Utility Plant", claimant makes claim for all land, buildings, machinery, vehicles, equipment and construction work in progress. The amount claimed, $285,266,482.00, is the adjusted book value of the plant for August 6, 1960, the date of nationalization. According to the latest balance sheet submitted, the value of the plant on February 29, 1960, was $345,687,423.00. In order to arrive at the claimed amount of $285,266,482.00, a depreciation reserve of $52,337,238.00 was deducted, and further adjustments were made for charges incurred and credits taken in the period from February 29, 1960 to August 6, 1960. The Commission finds that this method of arriving at the total claimed is fair and equitable and is supported by a preponderance of the evidence in the record, even though there is included in the evidence a report of the Cuban Rate Investigation Commission which had been appointed by the Castro Government in Cuba to determine electric and gas rates for CUBAN ELECTRIC COMPANY. That body made a finding as to the value of claimant's property for a rate base. This, however, is not a determination of the market value of the company but was an attempt to put as low a value as possible on the assets as a basis for lowering utility rates.

The Commission therefore finds that the value of the Utility Plant on August 6, 1960 is the adjusted book value of $285,266,482.00.

2. Intangibles

Claimant asserts a loss in the amount of $1,957,756.00 for "investments in Cuba". This item, comprising certain debts and advances as well as investments, is carried at book value in the balance sheet of February 29, 1960 in the amount of $2,173,290.70. The claim as presented is for the asserted value of the items, as follows:

1.	Vedado Tennis Club Mortgage Bonds	$ 5,000.00
2.	Country Club de Santiago Stock	500.00
3.	Camaguey Country Club Bonds	500.00
4.	Compania de Publicacion "El Dia" Bonds	5,000.00
5.	City of Matanzas - 8% Gold Bonds	3,226.82
	" " " " " " " "	727.73
6.	Julio Cesar Hidalgo & Cia. Stock	100.00
7.	Havana Biltmore Yacht & Country Club Series A Stock	1,000.00
	" " " " " " " " " " " " "	1,000.00
8.	Gremio de Obreros y Mareantes - Advances	10.00
9.	Acueducto de Santa Maria - Debt	371.84
10.	Autobuses Modelo, S.A. - Preferred Shares	72,000.00
11.	Cooperativa de Repartos Electricos - Advances	122,094.26
12.	Ministerio de Communicaciones - Bandes Bonds	1,000.00
13.	Advances to Employees	789,519.00
14.	Financiera Nacional de Cuba Stock	2,000.00

15.	Ferrocarriles Occidentales de Cuba Stock Series B	$ 102,400.00
16.	Debt of Cuban Government	1,721,395.70
17.	Land, "La Puntilla"	100,101.45
18.	Cia. Inmobiliaria "La Torre, S.A." Stock	4,000.00
19.	Ministerio de Educacion, Bonds	12,500.00
20.	Veteranos, Tribunales y Obras 4% Bonds	89,500.00
21.	Bandes 4%, Total Bonds	112,500.00
22.	Compania Financiera de Transporte - Debt	144,000.00
	Total	$3,290,446.80

Claimant states that the Cuban Government obtained physical possession of all the securities and evidences of title for the above listed items. The Commission finds that claimant was the owner of these assets, and, on the basis of the evidence of record and other evidence available to the Commission, that the loss suffered by claimant in this regard is the amount set forth above with the following exceptions:

(a) Havana Biltmore Yacht and Country Club Series A stock which has been determined to have the value of $3,500.00 per share in the Claim of Arman E. Becker, Jr., Claim No. CU-1094. Thus the loss for two shares of such stock is $7,000.00.

(b) Ferrocarriles Occidentales de Cuba Series B stock which is determined to have a value of $20,479.85. This was the amount stated by claimant in its balance sheet of February 29, 1960 to have been the market value of such securities. This figure is adopted by the Commission rather than the $102,400.00 set forth above. This company was a mixed-economy corporation whose shares were owned by the Cuban Government as well as private interests. Certain taxes were forgiven its shareholders.

(c) Debt of the Cuban Government in the amount of $1,721,395.70 which represents a sum due prior to 1948 is deducted. Inasmuch as this debt did not arise after January 1, 1959, claim for this item must be denied.

The Commission has previously determined the values for Financiera Nacional de Cuba stock, Bandes Bonds, Veteranos, Tribunales y Obras 4% Bonds and Cia. Inmobiliaria "La Torre, S.A." stock, to be the same as those claimed herein. Compania Financiera de Transporte which owed $144,000.00 to the claimant was nationalized on August 29, 1960 and that sum would therefore be certified as a debt of a nationalized enterprise. The remaining items are determined by the Commission to have the values stated above.

Accordingly, the Commission finds that the aggregate value of the loss sustained by claimant for these intangibles on August 6, 1960 was $1,492,130.95.

3. Current Assets

According to the February 29, 1960 Balance Sheet, Current Assets amounted to $31,839,173.00. Since claimant operated its business until August 6, 1960, the date of loss, it is necessary that the amount be adjusted to reflect the subsequent activity.

On the basis of the record the Commission finds the Current Assets on August 6, 1960 to have been as follows:

Cash		$ 1,075,757.00
Special Deposits		7,348.00
Working Funds		593,914.00
Accounts Receivable		
General	$ 7,425,270.00	
Municipal & Other Government	15,252,197.00	
Miscellaneous	1,812,197.00	24,489,721.00
Interest & Dividends Receivable		2,530.00
Materials & Supplies		3,545,473.00
Prepayments		529,397.00
	Total	$30,244,140.00

4. Deferred Debits

Claim is made for the amount of $2,364,413.00 for deferred debits, comprising unamortized expenses incurred in connection with debt and stock issues for the printing of indentures, engraving, notarial and registration fees in Cuba and Cuban revenue stamps.

On the basis of the record, the Commission finds that claimant sustained a loss in the amount of $2,364,413.00 for deferred debits.

5. Other Asserted Losses

Claimant has further asserted claim in the aggregate amount of $3,737,627.98 for losses entitled Liability to Suppliers, Loss on Sale of Equipment and Supplies, Unsold Equipment, Preservation of Assets, Resettlement of Employees, and Funding Retirement Plan. The record shows that, at the time of the taking of its properties in Cuba, claimant had in hand in the United States or on order certain types of equipment built specifically for use in Cuba. Because of the taking, claimant cancelled many orders and continued to hold those items which had been completed in storage in the United States. Claimant has continuously tried to dispose of the new equipment but because of the particular design and engineering several of the pieces are still in claimant's possession. One sale was made as late as September, 1968 in claimant's endeavor to reduce its losses. In addition to the monetary loss for the equipment purchased, claimant incurred and continues to incur the expense of warehousing, shipping, and insuring the equipment in its possession in the United States.

Concerning the resettlement of employees and the retirement plan, claimant asserts that it was required to make payment to its former employees in 1960, 1961, 1962 and 1963 in the form of severance payments and other forms of assistance and to make annual payments in the form of supplemental pensions to retired employees and dependents. The amount of pension was increased also because the pensioners were not paid any benefits formerly received from the Cuban Government for Social Security and claimant made up the difference. Claimant borrowed the necessary funds for these auxiliary payments from its parent company. There is no evidence of record that any of the payments to employees was for property taken or losses sustained as a result of actions by the Government of Cuba.

In considering these portions of the claim, the Commission must determine whether such losses are certifiable under Title V of the Act.

Section 501 of the Act states:

> It is the purpose of this title to provide for the determination of the amount and validity of claims against the Government of Cuba which have arisen since January 1, 1959, out of nationalization, expropriation, intervention, or other takings of, or special measures directed against, property of nationals of the United States, . . .

This Section and Section 503(a) of the Act, supra, both refer to losses from the taking of property. The record is clear that claimant has sustained these losses for machinery and equipment ordered but not delivered to its Cuban locations and for the treatment of its employees by the Cuban

Government. The basis, however, of these two parts of the claim is not for property taken by the Government of Cuba but for losses resulting indirectly from other actions of the Government. The Commission, therefore, finds that these losses are not within the purview of Title V of the Act. Accordingly, these portions of the claim are denied.

The Commission consequently finds that the value of the nationalized assets of CUBAN ELECTRIC COMPANY on August 6, 1960 were:

Plant	$285,266,482.00
Intangibles	1,492,130.95
Current Assets	30,244,140.00
Deferred Debits	2,364,413.00
Total	$319,367,165.95

6. Deductions

The record shows that claimant was indebted to the Cuban Government and its agencies for taxes in the amount of $2,865,397.00 and for liabilities under the Labor Laws for Employees Sickness Fund in the amount of $322,142.00. According to the balance sheets, claimant was also indebted to the Financiera Nacional de Cuba in the amount of $37,920,000.00.

The Commission has held in the Claim of Phoenix Insurance Company, Claim No. CU-1913, that Financiera Nacional de Cuba was a semi-public entity controlled by the National Bank of Cuba, an agency of the Government of Cuba. Inasmuch as the debt to the Financiera Nacional de Cuba is actually a debt to the Government of Cuba, claimant's liability for taxes and the above-mentioned debt in the total amount of $41,107,539.00 must be deducted under the theory of set-off. (See Claim of Simmons Company, Claim No. CU-2303.)

The Commission has previously certified a loss in the amount of $11,745,959.55 to the Boise Cascade Corporation, formerly Ebasco Industries, Claim No. CU-3548, for the loss of certain bonds secured by mortgages on properties of the CUBAN ELECTRIC COMPANY in Cuba. Consequently, $11,745,959.55 must also be deducted from the asserted loss claimed herein.

Accordingly, the Commission finds that the losses sustained by CUBAN ELECTRIC COMPANY as a result of the nationalization of its assets by the Government of Cuba on August 6, 1960 amounted to $266,513,667.40.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant claim it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that CUBAN ELECTRIC COMPANY sustained a loss, as a result of actions by the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Sixty-six Million Five Hundred Thirteen Thousand Six Hundred Sixty-seven Dollars and Forty Cents ($266,513,667.40) with interest at 6% per annum from August 6, 1960 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

OCT 21 1969

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

CUBAN ELECTRIC COMPANY

Under the International Claims Settlement Act of 1949, as amended

Claim No. CU - 2578

Decision No. CU 4122

Counsel for claimant: Reid & Priest
By Richard C. Allison, Esq.

Appeal and objections from a Proposed Decision entered October 21, 1969.
Oral hearing requested.

Oral hearing held on June 4, 1970.

FINAL DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, for an amount in excess of $323,000,000.00 was presented by CUBAN ELECTRIC COMPANY based upon asserted losses resulting from the nationalization of its assets in Cuba.

By Proposed Decision dated October 21, 1969, the Commission found that claimant qualified as a national of the United States, that its assets in Cuba were nationalized by the Government of Cuba on August 6, 1960, and that claimant had sustained a loss under Title V of the Act in the amount of $266,513,667.40. Portions of the claim for the following items were denied:

Debt of Cuban Government	$ 700,000.00
Liability to Suppliers	499,186.69
Loss on equipment and supplies	2,138,614.39
Preservation of assets	185,297.00
Resettlement of employees	314,866.90
Funding retirement plan	599,663.00

In addition, a deduction from the total value of claimant's Cuban assets ($319,367,165.95) for taxes ($2,865,397.00), liabilities under Labor Laws for Employees Sickness Fund ($322,142.00), debt to Financiera Nacional de Cuba ($37,920,000.00), and mortgage bonds ($11,745,959.55) was made to determine claimant's actual losses.

Claimant filed objections to the Proposed Decision, objecting specifically to the denial of the items set forth above and to the deductions and set-offs applied to the total value of its assets. At an oral hearing on June 4, 1970, argument was made by counsel for claimant and further written argument submitted after the hearing.

On the basis of the oral argument, the Commission now finds that claimant sustained an additional loss in the amount of $1,054,746.22 for equipment and supplies as the result of the nationalization of its assets by the Government of Cuba on August 6, 1960.

Concerning the debt of the Cuban Government which claimant had listed under "Investments in Cuba", claimant has not established that this debt was an enforceable debt on January 1, 1959 although listed as an asset on claimant's records. It appears that this amount had been owed since prior to 1948 and claim therefor must be denied. As for the losses claimed for equipment unsold and not nationalized, since it was in the United States, and the preservation of the same, the Commission is not persuaded that such items are within the scope of Title V of the Act and the denial of these items is affirmed. As for the payments to former employees and the funding of the pension account, although commendable, the Commission finds that they are not compensable or certifiable as a loss within the purview of Title V of the Act.

Claimant also argued against the deduction from the value of its Cuban assets of liabilities to Cuban governmental agencies, taxes, and mortgage bonds certified as losses to other claimants under Title V. It is contended that the Commission should restrict itself to determining only the value of the assets lost and leave the application of set-offs or deductions to such time as a fund is available for payment of claims. However, the Commission has a mandate to determine the losses of United States nationals as a result of the actions of the Government of Cuba, and since the actions of the Government of Cuba concerning claimant took place on August 6, 1960, the value of the claim against Cuba is determined as of that date. To determine the value of a claim, any set-offs and deductions must be applied now, not reserved for future consideration. Further, set-offs have been consistently deducted by this Commission on claims for nationalized property, when applicable, since the Yugoslav Claims Agreement of 1948. (See Claim of Helen Devich, Claim No. Y-697, Decision No. Y-800.)

Claimant based further argument against deductions on computations illustrating the recovery for stockholders and creditors with and without deductions if Cuba should pay 50% or 75% of the total losses. Again, however, the Commission's determination concerns the amount of loss sustained as of August 6, 1960, the date of nationalization, which amount is definite and not subject to adjustment on the basis of any subsequent agreement.

Accordingly, the Commission concludes that claimant sustained the additional loss of $1,054,746.22 for a total loss of $267,568,413.62, on August 6, 1960 within the meaning of Title V of the Act.

The certification of loss, as restated below, will be entered, and in all other respects the Proposed Decision is affirmed.

CERTIFICATION OF LOSS

The Commission certifies that Cuban ELECTRIC COMPANY sustained a loss, as a result of actions by the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Sixty-seven Million Five Hundred Sixty-eight Thousand Four Hundred Thirteen Dollars and Sixty-two Cents ($267,568,413.62) with interest at 6% per annum from August 6, 1960 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Final
Decision of the Commission

AUG 19 1970

Lyle S. Garlock, Chairman

Theodore Jaffe, Commissioner

Sidney Freidberg, Commissioner

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

I. (a) PLAINTIFFS

CUBAN ELECTRIC COMPANY A/K/A COMPAÑIA CUBANA DE ELECTRICIDAD

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF ____________
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

UNIÓN ELÉCTRICA and ENERGAS S.A.

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Steven K. Davidson
Steptoe LLP
1330 Connecticut Avenue, NW
Washington, DC 20036 / (202) 429-3000

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION
(PLACE AN x IN ONE BOX ONLY)

- ○ 1 U.S. Government Plaintiff
- ◉ 3 Federal Question (U.S. Government Not a Party)
- ○ 2 U.S. Government Defendant
- ○ 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) **FOR DIVERSITY CASES ONLY!**

	PTF	DFT		PTF	DFT
Citizen of this State	○ 1	○ 1	Incorporated or Principal Place of Business in This State	○ 4	○ 4
Citizen of Another State	○ 2	○ 2	Incorporated and Principal Place of Business in Another State	○ 5	○ 5
Citizen or Subject of a Foreign Country	○ 3	○ 3	Foreign Nation	○ 6	○ 6

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

○ A. *Antitrust*

- ☐ 410 Antitrust

○ B. *Personal Injury/ Malpractice*

- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Medical Malpractice
- ☐ 365 Product Liability
- ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Product Liability

○ C. *Administrative Agency Review*

- ☐ 151 Medicare Act

Social Security
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

Other Statutes
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 890 Other Statutory Actions (If Administrative Agency is Involved)

○ D. *Temporary Restraining Order/Preliminary Injunction*

Any nature of suit from any category may be selected for this category of case assignment.

(If Antitrust, then A governs)

◉ E. *General Civil (Other)* **OR** **○ F. *Pro Se General Civil***

Real Property
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent, Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

Personal Property
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

Bankruptcy
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

Prisoner Petitions
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Conditions
- ☐ 560 Civil Detainee – Conditions of Confinement

Property Rights
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent – Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016 (DTSA)

Federal Tax Suits
- ☐ 870 Taxes (US plaintiff or defendant)
- ☐ 871 IRS-Third Party 26 USC 7609

Forfeiture/Penalty
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

Other Statutes
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 430 Banks & Banking
- ☐ 450 Commerce/ICC Rates/etc
- ☐ 460 Deportation
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions
- ☐ 470 Racketeer Influenced & Corrupt Organization
- ☐ 480 Consumer Credit
- ☐ 485 Telephone Consumer Protection Act (TCPA)
- ☐ 490 Cable/Satellite TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes
- ☒ 890 Other Statutory Actions (if not administrative agency review or Privacy Act)

○ **G. *Habeas Corpus/ 2255*** ☐ 530 Habeas Corpus – General ☐ 510 Motion/Vacate Sentence ☐ 463 Habeas Corpus – Alien Detainee	○ **H. *Employment Discrimination*** ☐ 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	○ **I. *FOIA/Privacy Act*** ☐ 895 Freedom of Information Act ☐ 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	○ **J. *Student Loan*** ☐ 152 Recovery of Defaulted Student Loan (excluding veterans)
○ **K. *Labor/ERISA (non-employment)*** ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 740 Labor Railway Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act	○ **L. *Other Civil Rights (non-employment)*** ☐ 441 Voting (if not Voting Rights Act) ☐ 443 Housing/Accommodations ☐ 440 Other Civil Rights ☐ 445 Americans w/Disabilities – Employment ☐ 446 Americans w/Disabilities – Other ☐ 448 Education	○ **M. *Contract*** ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholder's Suits ☐ 190 Other Contracts ☐ 195 Contract Product Liability ☐ 196 Franchise	○ **N. *Three-Judge Court*** ☐ 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN

⦿ 1 Original Proceeding	○ 2 Removed from State Court	○ 3 Remanded from Appellate Court	○ 4 Reinstated or Reopened	○ 5 Transferred from another district (specify)	○ 6 Multi-district Litigation	○ 7 Appeal to District Judge from Mag. Judge	○ 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

Title III of the Helms-Burton Act, 22 U.S.C. Section 6081-6085.

VII. REQUESTED IN COMPLAINT	☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	**DEMAND $** **JURY DEMAND:**	Check YES only if demanded in complaint **YES** ☐ **NO** ☒
VIII. RELATED CASE(S) IF ANY	(See instruction)	**YES** ☐	**NO** ☒ If yes, please complete related case form

DATE: July 29, 2026 **SIGNATURE OF ATTORNEY OF RECORD** /s/ Steven K. Davidson

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET 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 services 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.

III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.

IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.

VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.

VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

28 USC 1608 Summons
12/11

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CUBAN ELECTRIC COMPANY A/K/A COMPAÑIA CUBANA DE ELECTRICIDAD

Plaintiff

v.

UNIÓN ELÉCTRICA, et al.

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* UNIÓN ELÉCTRICA
Edificio del Ministerio de Energía y Minas
Avenida Salvador Allende No 666 e/ Oquendo y Soledad
Municipio Centro Habana, La Habana, Cuba

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Steven K. Davidson
Steptoe LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: ________________

____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* ______________________
was received by me on *(date)* ______________ .

❒ I personally served the summons on the individual at *(place)* ______________________
______________________ on *(date)* ______________ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* ______________
______________________ , a person of suitable age and discretion who resides there,
on *(date)* ______________ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* ______________________ , who is
designated by law to accept service of process on behalf of *(name of organization)* ______________
______________________ on *(date)* ______________ ; or

❒ I returned the summons unexecuted because ______________________ ; or

❒ Other *(specify)*:
.

My fees are $ ________ for travel and $ ________ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: ______________

____
Server's signature

____
Printed name and title

____
Server's address

Additional information regarding attempted service, etc:

28 USC 1608 Summons
12/11

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CUBAN ELECTRIC COMPANY A/K/A COMPAÑIA CUBANA DE ELECTRICIDAD
Plaintiff

v.

UNIÓN ELÉCTRICA, et al.
Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*
ENERGAS S.A.
Edificio del Ministerio de Energía y Minas
Avenida Salvador Allende No 666 e/ Oquendo y Soledad
Municipio Centro Habana, La Habana, Cuba

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:
Steven K. Davidson
Steptoe LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: ________________

____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* ______________________________
was received by me on *(date)* ______________ .

❒ I personally served the summons on the individual at *(place)* ______________________________
______________________________ on *(date)* ______________ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* ______________
______________________________ , a person of suitable age and discretion who resides there,
on *(date)* ______________ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* ______________________________ , who is
designated by law to accept service of process on behalf of *(name of organization)* ______________
______________________________ on *(date)* ______________ ; or

❒ I returned the summons unexecuted because ______________________________ ; or

❒ Other *(specify)*:
.

My fees are $ ______________ for travel and $ ______________ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: ______________

____
Server's signature

____
Printed name and title

____
Server's address

Additional information regarding attempted service, etc: