

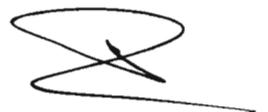
4. Neither CUPET, nor any of the *empresas* or mercantile societies that are integrated with it conducts any commercial activities in the United States. Neither CUPET, nor any of the *empresas* or mercantile societies that are integrated with it sells, buys or advertises in the United States or imports or exports products or services to or from the United States, nor do any of these entities have any contracts with any U.S. company.

5. CUPET has never owned or operated any automobile service stations (hereinafter “service stations”) in Cuba.

6. The only *empresa* integrated with CUPET that has ever operated any service station in Cuba was the *Empresa de Servicentros*, a separate legal entity, created in May 2006, with its own assets and legal personality that was integrated with CUPET until its dissolution in 2014. On or about April 26, 2013, *Empresa de Servicentros* stopped operating service stations in Cuba and transferred its interest in these service stations.

7. The only connection that CUPET, or any of the *empresas* or mercantile societies integrated with it, has to any service stations in Cuba, including those operated under the trade name “Servicentros CUPET-CIMEX” and colloquially known as “Servi-Cupets,” is that the *Empresa Comercializadora de Combustibles* sells gasoline and diesel for automobiles, and *Empresa Cubalub* sells lubricants and grease products, to the service stations for the service station’s resale to the service station’s customers in Cuba. Both *Empresa Comercializadora de Combustibles* and *Empresa Cubalub* are separate legal entities with their own assets and legal personality and each is integrated with CUPET.

8. The *Empresa Comercializadora de Combustibles* and *Empresa Cubalub* are paid for the sale of these products at a price set by the Ministry of Prices and Finances.



9. Neither “CUPET-CIMEX” nor “Servi-CUPET” are registered trademarks or trade names of CUPET or any of the *empresas* or mercantile societies that are integrated with CUPET, nor are they a trademark or trade name used by CUPET or any of the *empresas* or mercantile societies that are integrated with CUPET.

10. Neither CUPET, nor any of the *empresas* or mercantile societies that are integrated with it has any involvement in the money transfer (remittance) business. Neither CUPET, nor any of the *empresas* or mercantile societies that are integrated with it generates revenue from the processing of remittance transactions.

11. When the *Empresa de Servicentros* operated service stations in Cuba prior to April 26, 2013, it did not conduct any money transfer (remittances) services at any of these service stations. There were also no retail goods, including any retail American goods, sold at any of these service stations.

12. Neither CUPET, nor any of the *empresas* or mercantile societies that are integrated with it has been notified by any U.S. or international body of any pollution or environmental damage to the Florida Straits, at or near the U.S.-Cuba maritime boundary or otherwise. The Republic of Cuba has entered into one bilateral agreement with the United States and one multilateral technical operating procedures in which the United States, as well as Mexico, Bahamas, Jamaica and Cuba, is a party concerning oil spills and environmental damage – the Cooperation Agreement Between the Republic of Cuba and the United States of America on Preparedness For and Response to Pollution Caused by Spills of Hydrocarbons and Other Noxious and Potentially Hazardous Substances in the Gulf of Mexico and the Straits of Florida (the “U.S-Cuba Oil Spill Cooperation Agreement”) and the Wilder Caribbean Region Multilateral Technical Operating Procedures for Offshore Oil Pollution Response (“MTOPI”),



respectively. If a U.S. or international body had notified the Republic of Cuba or its point of contact (which is not CUPET) under the U.S-Cuba Oil Spill Cooperation Agreement or MTOP, or otherwise, of pollution or environmental damage to the Florida Straits, at or near the U.S.-Cuba maritime boundary or otherwise, the Republic of Cuba or the Republic of Cuba's point of contact under the U.S-Cuba Oil Spill Cooperation Agreement or MTOP would have informed CUPET of this notification. The U.S-Cuba Oil Spill Cooperation Agreement and MTOP are available at U.S. Department of State, "25. U.S.-Cuba oil spills and marine pollution agreement," <https://www.state.gov/wp-content/uploads/2019/05/25.-U.S.-Cuba-oil-spills-and-marine-pollution-agreement.pdf> and United Nations, The Caribbean Environment Programme, http://cep.unep.org/publications-and-resources/technical-reports/cep_tr_77-en.pdf.

13. Neither CUPET, nor any of the *empresas* or mercantile societies that are integrated with it has contracted for, or obtained the services of, a U.S. company to provide oil spill mitigation or any other services in Cuba. Neither CUPET, nor any of the *empresas* or mercantile societies that are integrated with it has contracted for, or obtained equipment from, any U.S. company.

14. CIMEX does not partner, affiliate, associate or the like with CUPET in business ventures that involve or benefit from CUPET's oil exploration and importation activities.

15. Neither CUPET, nor any of the *empresas* or mercantile societies that are integrated with it sells American goods to Cuban consumers.

16. In the three (3) years prior to May 2, 2019, the only travel to the United States by CUPET or any of the *empresas* or mercantile societies that are integrated with it has been as follows:



a. In November 2016, at the invitation of the U.S. Coast Guard to all of the member States to the MTOP (Cuba, Mexico, Jamaica and the Bahamas), one representative from CUPET traveled together with a Cuban delegation to Florida to participate in a three-day conference titled Clean Gulf 2016. The Cuban delegation consisted of representatives from the Cuban *Ministerio de Relaciones Exteriores* (Ministry of Foreign Relations), the *Ministerio de Transporte de Cuba* (Cuban Ministry of Transportation), the *Estado Mayor Nacional de la Defensa Civil* (National Civil Defense), the *Tropas de Guarda Fronteras* (Border Guards) and the *Ministerio de Ciencia, Tecnología y Medio Ambiente* (Ministry of Science, Technology and the Environment), one person from CUPET and a representative from the Cuban Embassy in Washington, D.C. CUPET sent a representative at the request of the *Ministerio de Relaciones Exteriores* (Ministry of Foreign Relations). Clean Gulf is an annual conference that describes itself as “the premier annual event for industry and government from North America and beyond to come together and discuss planning, preparedness and response issues for oil and hazardous materials spills. It brings together all parties responsible for prevention and response operations from North America and beyond to hear best practices and build relationships vital to a successful response on land or water.” CUPET did not solicit any business, conduct any negotiations, or sign any contracts with any U.S. companies or individuals during this conference.

b. Pursuant to the Cuba – U.S. “Economic Dialogue” agreed to by the U.S. Department of State and Cuban Foreign Ministry in September 2016, the State Department proposed that the first meeting of the “Cuba – U.S. Working Group on Renewable Energy and Energy Efficiency” be held in December 2016 in Washington, D.C. for the purpose of exchanging information on domestic and regional developments related to clean energy,



including renewable energy and energy efficiency. Representatives of the U.S. Department of State and U.S. Department of Energy attended. As part of this State-to-State meeting between the United States and Cuba, one representative of CUPET traveled to the United States as part of a larger Cuban delegation, that included persons from the *Ministerio de Comercio Exterior y la Inversión Extranjera* (Ministry of Foreign Commerce and Investment) and *Ministerio de Energía y Minas* (Ministry of Energy and Mines) of the Republic of Cuba, as well as representatives from the Cuban commercial sector, like agriculture, electronics, and food industries. CUPET sent a representative at the request of the *Ministerio de Comercio Exterior y la Inversión Extranjera* (Ministry of Foreign Commerce and Investment). Meetings mainly were held at the U.S. Department of State and the U.S. Federal Energy Regulatory Commission, as well as at other U.S. governmental entities, and at the U.S. Chamber of Commerce. The Cuban delegation, including representatives from the Cuban Embassy in Washington, D.C., also met with private U.S. companies, where Cuban delegation participants from the relevant commercial sector presented information about his or her sector. CUPET did not solicit any business, conduct any negotiations, or sign any contracts with any U.S. companies or individuals during these meetings. One of the companies that the Cuban delegation met in the United States contacted CUPET after the delegation's visit in Washington, D.C. It subsequently traveled to Cuba in 2017 and was given a tour of CUPET's facilities in Matanzas by CUPET. CUPET had no further contact with this company.

c. In December 2017, at the invitation of the U.S. Coast Guard sent to all of the member States to the MTOP (Cuba, Mexico, Jamaica and the Bahamas), one representative from CUPET traveled together with a Cuban delegation to Texas to participate in the three-day Clean Gulf 2017 conference. The Cuban delegation consisted of representatives from the Cuban



Ministerio de Relaciones Exteriores (Ministry of Foreign Relations), the *Ministerio de Transporte de Cuba* (Cuban Ministry of Transportation), the *Tropas de Guarda Fronteras* (Border Guards) and the *Ministerio de Ciencia, Tecnología y Medio Ambiente* (Ministry of Science, Technology and the Environment) and one person from CUPET. CUPET participated at the request of the *Ministerio de Relaciones Exteriores* (Ministry of Foreign Relations). During this trip, the Cuban delegation visited the facilities of two U.S. companies that provide specialized equipment for oil spills and that had participated in the conference – without soliciting any business, conducting any negotiations, or signing any contracts, with these companies.

d. In March 2018, as part of a State-to-State meeting between the United States and Cuba, one representative of CUPET traveled to Florida as part of a larger Cuban delegation, that included persons from the Cuban *Ministerio de Relaciones Exteriores* (Ministry of Foreign Relations), the *Ministerio de Transporte de Cuba* (Cuban Ministry of Transportation), the *Estado Mayor Nacional de la Defensa Civil* (National Civil Defense), the *Tropas de Guarda Fronteras* (Border Guards) and the *Ministerio de Ciencia, Tecnología y Medio Ambiente* (Ministry of Science, Technology and the Environment), one person from CUPET and a representative from the Cuban Embassy in Washington, D.C. CUPET attended at the request of the *Ministerio de Relaciones Exteriores* (Ministry of Foreign Relations). The purpose of the meeting was to begin negotiations concerning a Bilateral Coordination Plan to implement the U.S.-Cuba Oil Spill Cooperation Agreement signed in January 2017. At the invitation of the U.S. Coast Guard, this Cuban delegation also participated in a two-day conference titled “The Florida Straits Conference: Model for International Cooperation” and located at Nova Southeastern



University. CUPET did not solicit any business, conduct any negotiations, or sign any contracts with any U.S. companies or individuals during this conference.

e. In March 2019, as part of a State-to-State meeting between the United States and Cuba, one representative of CUPET traveled to Fort Lauderdale, Florida as part of a larger Cuban delegation, that included persons from the Cuban *Ministerio de Relaciones Exteriores* (Ministry of Foreign Relations), the *Ministerio de Transporte de Cuba* (Cuban Ministry of Transportation), the *Estado Mayor Nacional de la Defensa Civil* (National Civil Defense), the *Tropas de Guarda Fronteras* (Border Guards) and the *Ministerio de Ciencia, Tecnología y Medio Ambiente* (Ministry of Science, Technology and the Environment), one person from CUPET and a representative from the Cuban Embassy in Washington, D.C. CUPET attended at the request of the *Ministerio de Relaciones Exteriores* (Ministry of Foreign Relations). The purpose of the meeting was to have a second round of negotiations concerning a Bilateral Coordination Plan to implement the U.S.-Cuba Oil Spill Cooperation Agreement.

17. In the three (3) years prior to May 2, 2019, the only *empresa* or mercantile society integrated with CUPET that has ever signed a confidentiality agreement with any U.S. entity is Comercial CUPET, S.A. Comercial CUPET, S.A. signed a Confidentiality Agreement with a U.S. company on January 30, 2017 to allow discussions about the U.S. company's possibly contracting with Comercial CUPET, S.A. to engage in a potential project in Cuba. Comercial CUPET, S.A. and the U.S. company never agreed to the project or any other commercial relationship. The discussions were abandoned in September 2018. The Confidentiality Agreement automatically expired on January 29, 2019. Comercial CUPET, S.A. never traveled to the United States in any way related to the potential project or otherwise.



18. Comercial CUPET, S.A. is a *sociedad anónima* organized under Cuban law, separate from CUPET, with its own assets and legal personality. It is majority owned by CUPET and is integrated with CUPET. It has approximately 45 employees which it employs directly through a contract between the employee and Comercial CUPET, S.A. Its main office is located in Havana, Cuba, in a separate building from CUPET. Comercial CUPET, S.A. does not have any subsidiaries, divisions, branches, offices, officers, employees, agents or representatives in the United States, nor does it have any bank accounts in the United States or with any U.S. banks or conduct any commercial activities in the United States. Comercial CUPET, S.A. does not sell, buy, import or export products or services to or from the United States, nor does it have any contracts with any U.S. company.

19. The entities that are integrated with CUPET are *empresas, sociedades anónimas* and one *politécnico*.

20. The reason why I have provided information concerning the last three (3) years is that I understand that this is well beyond the time period that is relevant under the requirement of the U.S. Foreign Sovereign Immunity Act's "expropriation" exception that an alleged agency or instrumentality "is engaged in a commercial activity in the United States." No inference should be drawn that there was such activity for the prior period.

21. I understand that Plaintiff in paragraph 83 of its Second Amended Complaint states "CUPET describes itself on LinkedIn as a 'Government Agency' that 'is owned and operated by the Cuban national government.'" I found the words that Plaintiff quotes in paragraph 83 of its Second Amended Complaint on the following LinkedIn account: LinkedIn account for "Union CubaPetróleo (CUPET)," misspelling "Petróleo" by leaving out the "r," located at <https://www.linkedin.com/company/union-cubapetroleo-cupet/about/> and with an



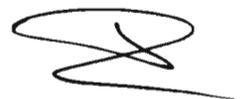
“About” section in English. This account has only one (1) post on it, which was posted in approximately September 2019 and states “Bienvenido” (“Welcome” in English). This LinkedIn account is not owned or controlled by CUPET nor is it a LinkedIn account to which CUPET has any relation whatsoever. Indeed, CUPET was unaware of this LinkedIn account until it tried to find the source of the words Plaintiff quotes in paragraph 83 the Second Amended Complaint. CUPET does not know who created or maintains this account.

22. CUPET has its own LinkedIn account “Unión Cuba-Petróleo,” with the correct spelling of Union Cuba-Petróleo with an “r” in “Petróleo,” located at <https://www.linkedin.com/in/uni%C3%B3n-cuba-petr%C3%B3leo-220116105/>, additionally accessible by clicking on the LinkedIn icon located on CUPET’s webpage www.cupet.cu and with an “About” section in Spanish. CUPET’s LinkedIn account was created on September 9, 2015. It has hundreds of posts. The words that Plaintiff quotes in paragraph 83 of its Second Amended Complaint do not appear on CUPET’s LinkedIn account (in either English or Spanish).

23. CUPET does not operate any oil refineries nor does it produce or distribute petroleum products. Rather, *empresas* and mercantile societies integrated with CUPET operate oil refineries and produce and distribute oil.

24. CUPET does not own, operate or use any of the property identified in Paragraph 31 of the Plaintiff’s Second Amended Complaint.

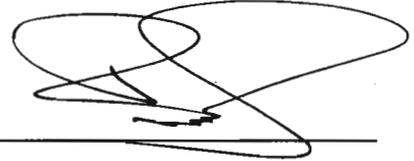
25. The *Empresa Refinería de Petróleo “Nico López,”* an *empresa* that is integrated with CUPET, and *Empresa Cubalub* operate and use property identified in Paragraph 31. The *Empresa Refinería de Petróleo “Nico López,”* and *Empresa Cubalub* are both *empresas* organized under Cuban law, separate from CUPET, each with its own assets and legal personality. Neither *Empresa Refinería de Petróleo “Nico López,”* nor *Empresa Cubalub* has



any subsidiaries, divisions, branches, offices, officers, employees, agents or representatives in the United States, nor does either have any bank accounts in the United States or with any U.S. banks or conduct any commercial activities in the United States. Neither *Empresa Refinería de Petróleo "Nico López,"* nor *Empresa Cubalub* sells, buys, imports or exports products or services to or from the United States, nor does either have any contracts with any U.S. company.

Executed on: June 6th, 2020

Signature:

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal stroke at the bottom, positioned above a solid horizontal line.

Name:

Roberto Suárez Sotolongo