UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 19-23965-civ-COOKE/GOODMAN

JOSE RAMON LOPEZ REGUEIRO,

Plaintiff

v.

AMERICAN AIRLINES, INC., and LATAM AIRLINES GROUP, S.A.,

Defendants.
_____/

DEFENDANT LATAM AIRLINES GROUP, S.A.'S MOTION TO STAY DISCOVERY PENDING A RULING ON ITS MOTION TO DISMISS OR, ALTERNATIVELY, MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S DISCOVERY

Defendant, LATAM Airlines Group, S.A. ("LATAM"), by counsel, hereby requests an Order staying discovery pending a ruling on its Motion to Dismiss the Complaint and Memorandum of Law ("Motion to Dismiss") (ECF No. 30). The Motion to Dismiss seeks dismissal for: (i) lack of personal jurisdiction; (ii) failure to state a claim; and (iii) violation of LATAM's constitutional due process rights. Because the Motion to Dismiss raises threshold case-dispositive issues, a stay of the merits-based discovery propounded by plaintiff Jose Ramon Lopez Regueiro ("Plaintiff") is appropriate. Alternatively, LATAM seeks an extension of time to respond to the discovery propounded by Plaintiff for 30 days after this Court issues a ruling on this motion. In support thereof, LATAM states as follows:

1. On September 25, 2019, Plaintiff filed a single-count Complaint against LATAM and co-defendant American Airlines, Inc. ("American") (collectively, the "Defendants"), alleging a violation of the Cuban Liberty and Democratic Solidarity (Libertad) Act, 22 U.S.C. § 6021 *et seq.* (the "Act"), stemming from LATAM and American's purported "traffick[ing] in or benefit[ing] from ongoing, unlawful trafficking in the Airport, by arriving and departing [from] the [Jose Mart Airport in Havana, Cuba (the "Havana

Airport")] and using its facilities for cargo and passenger transport" in violation of the Act. Compl. ¶ 26.

2. Plaintiff contends that the Havana Airport was unlawfully confiscated by the Cuban government from a company owned by his father, Jose Lopez Vilaboy, and, as the heir to Mr. Vilaboy's estate, Plaintiff is the rightful owner of the Havana Airport. Compl. at 1 n.1; ¶¶ 1, 12-13, 15.

3. On October 2, 2019, this Court entered its Order of Referral and Order Regarding Court Practices and Procedures ("Order") (ECF No. 11). Among other things, the Order directed the parties to meet and confer about a Joint Scheduling Report and Joint Proposed Scheduling Order as required by L.R. 16.1(b)(2). Order ¶ 4.

4. The parties met and conferred as required by the Order on October 29, 2019, and discussed the kind of schedule that would be appropriate in this case along with other matters relating to the scheduling report.

5. While these discussions were ongoing, Plaintiff propounded two sets of merits-based discovery on LATAM. On November 1, 2019, Plaintiff propounded his First Request for Production of Documents and his First Set of Requests for Admissions (the "Initial Discovery Requests") to LATAM. Then, on November 14, 2019, Plaintiff propounded his Second Request for Production of Documents to LATAM, along with his First Set of Interrogatories.[1, 2] Copies of the Initial Discovery Requests along with Plaintiff's Second Request for Production and First Set of Interrogatories are attached as "**Exhibits A-D**."

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[1] LATAM obtained an extension of time to respond to the Initial Discovery Requests until December 4, 2019. Responses to Plaintiff's Second Request for Production of Documents to LATAM and Plaintiff's First Set of Interrogatories are not required before December 16, 2019. This motion applies to all of the discovery propounded by Plaintiff on LATAM.

[2] The discovery deadlines place LATAM in a difficult position because a failure to respond could waive LATAM's objections or be deemed to admit certain substantive allegations, but providing a response would conflict with LATAM's Motion to Dismiss on personal jurisdiction grounds. In an abundance of caution, LATAM has served—and will serve—objections on Plaintiff citing LATAM's inability to provide responses pending determinations on its Motion to Dismiss and this Motion. In the event that LATAM is ultimately required to provide a response, this objection should not be construed as a waiver of any objections LATAM may have to Plaintiff's discovery.

6. On November 19, 2019, the parties submitted a Joint Proposed Discovery Plan and Proposed Scheduling Order (the "Discovery Plan") (ECF No. 24), as required by the Court. Both LATAM and American noted that their participation in the Discovery Plan was done "solely to comply" with the Order and without intending to waive any argument that Defendants might raise concerning lack of personal jurisdiction, among other things. Discovery Plan at 1 n.1.

7. This Court issued its Order Setting Civil Trial Date and Pretrial Deadlines on November 22, 2019. (ECF No. 27). Fact discovery must be concluded by June 12, 2020. *Id.* at 2.

8. On November 26, 2019, LATAM filed the Motion to Dismiss. As detailed in the Motion to Dismiss, LATAM is a Chilean corporation organized under the laws of Chile with its principal place of business in Santiago, Chile. Motion to Dismiss at 4. Plaintiff concedes this fact in his Complaint. *Id.* (citing Compl. ¶ 4). The Motion to Dismiss demonstrates that Plaintiff can plead no set of facts that would establish that the Court has either general or specific personal jurisdiction over LATAM. *Id.* at 3-6.

9. The Motion to Dismiss also argues that Plaintiff has not stated a claim against LATAM under the Act given Plaintiff's failure to allege: (a) that he was a U.S. Citizen as of March 12, 1996; (b) that he owns the alleged claim; or (c) that LATAM knowingly and intentionally trafficked with respect to the property, all of which are essential elements to establish liability under the Act. *Id.* at 7-11.

10. Plaintiff's response to the Motion to Dismiss is due on December 10, 2019 and LATAM's reply thereto is due on December 17, 2019.

11. Because the Motion to Dismiss is pending and raises threshold issues regarding the Court's jurisdiction and the viability of Plaintiff's claim, which would obviate any need for LATAM to participate in merits-based discovery in this lawsuit, LATAM seeks an Order staying discovery pending the Court's ruling on the Motion to Dismiss. Alternatively, if the Court does not grant such a stay, then LATAM seeks an extension of time to respond to discovery for thirty days after the entry of this Court's ruling.

ARGUMENT

Florida district courts enjoy "broad discretion in deciding how best to manage the cases before them." *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1366 (11th Cir. 1997); *see also McCullough v. Royal Caribbean Cruises, Ltd.* No. 16-cv-20194-GAYLES, 2017 WL 6372619, at *1 (S.D. Fla. Jan. 11, 2017). The Court's discretion "includes the 'broad discretion to stay proceedings as an incident to its power to control its own docket.'" *McCullough,* 2017 WL 6372619, at *1 (quoting *Clinton v. Jones,* 520 U.S. 681, 683 (1997)). The district courts also have the discretion to limit or prohibit discovery to prevent "undue burden or expense." Fed. R. Civ. P. 26(c)(1).

In *Chudasama*, the Eleventh Circuit stated that a court should exercise its discretion to resolve a motion to dismiss before discovery begins because:

> [i]f the district court dismisses a nonmeritorious claim before discovery has begun, unnecessary costs to the litigants and to the court system can be avoided. Conversely, delaying ruling on a motion to dismiss such a claim until after the parties complete discovery encourages abusive discovery and, if the court ultimately dismisses the claim, imposes unnecessary costs. For these reasons, any legally unsupported claim that would unduly enlarge the scope of discovery should be eliminated before the discovery stage, if possible. Allowing a case to proceed through the pretrial processes with an invalid claim that increases the costs of the case does nothing but waste the resources of the litigants in the action before the court, delay resolution of disputes between other litigants, squander scarce judicial resources, and damage the integrity and the public's perception of the federal judicial system.

Chudasama, 123 F.3d at 1368.

A stay of discovery is appropriate where the matters raised in a defendant's motion to dismiss could resolve all issues pending before the court. *Dragash v. Fed. Nat'l Mortg. Ass'n*, 700 F. App'x 939, 947 (11th Cir. 2017); *Chevaldina v. Katz,* No. 17-22225-Civ-WILLIAMS/TORRES, 2017 WL 6372620, at *3 (S.D. Fla. Aug. 28, 2017); *Latell v. Triano,* No. 2:13-cv-565-FtM-29CM, 2014 WL 5822663, at *1 (M.D. Fla. Feb. 28, 2014). A stay can "promote judicial economy, reduce confusion and prejudice, and prevent possibly inconsistent resolutions." *Boise v. ACE USA, Inc.*, No. 15-CIV-21264, 2015 WL 4077433, at *2 (S.D. Fla. July 6, 2015) (Cooke, J.) (citing *Clinton*, 520 U.S. at 706).

It is appropriate to stay merits-based discovery pending a ruling on a motion for lack of personal jurisdiction. *Hesterly v. Royal Caribbean Cruises, Ltd.,* No. 06-22862-CIV-

GOLD/TURNOFF, 2007 WL 9702147, at *4 (S.D. Fla. Nov. 27, 2007); *see also Dayem v. Chavez*, No. 13-62405-CIV-COOKE/TURNOFF, 2014 WL 12588513, at *1 (S.D. Fla. Mar. 11, 2014) (granting a stay of merits-based discovery while defendants' motion to dismiss, which included arguments for lack of personal jurisdiction and failure to state a claim, was pending); *Latell,* 2014 WL 5822663, at *2 (same). In analyzing the basis for staying merits-based discovery, the Court in *Hesterly* noted that, "[a]s a general rule, courts should address issues relating to personal jurisdiction ***before*** reaching the merits of a plaintiff's claims." *Id.* at *1 (emphasis added). This Court has also found it appropriate to stay merits-based discovery when a motion to dismiss contends that a plaintiff has failed to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure. *Padilla v. Porsche Cars of N. America, Inc.,* No. 18-24988-CIV-MORENO, 2019 WL 1281484, at *1 (S.D. Fla. Mar. 19, 2019); *Dayem*, 2014 WL 12588513, at *1. The Motion to Dismiss asserts both lack of personal jurisdiction and failure to state a claim. Thus, a stay is warranted.

"In determining whether a stay is appropriate, courts examine the following four factors: (1) the likelihood of the moving party ultimately prevailing on the merits; (2) the extent the moving party would be irreparably harmed; (3) potential for harm to the opposing party if the stay is issued and (4) whether issuing a stay would be in the public interest." *Boise*, 2015 WL 4077433, at *2.[3] Each of these factors favors granting a stay of discovery.

LATAM is likely to prevail on the Motion to Dismiss because Plaintiff neither has pleaded nor can plausibly plead that the Court has personal jurisdiction over LATAM. *See* Sworn Dec. of Paola Penarete, LATAM Vice President for North America, Caribbean & Asia (ECF No. 30-1); Motion to Dismiss at 2-6. All of the discovery propounded by Plaintiff concerns the merits of his claim. Thus, if this Court lacks personal jurisdiction over LATAM, or if Plaintiff has failed to state a cognizable claim (as is the case here), then there is no good

[3] Some courts have applied a different, yet similar, test in determining whether a stay is warranted. *See, e.g.*, *Chevaldina v. Katz,* 2017 WL 6372620, at *2 ("To prevail on a motion to stay, Defendants must demonstrate reasonableness and good cause" and "a court must balance the harm produced by a delay in discovery against the possibility that the dispositive motion will be granted and entirely eliminate the need for such discovery") (internal citations and quotation marks omitted). LATAM defers to Judge Cooke's four-part analysis in *Boise*, 2015 WL 4077433.

reason why Plaintiff should be allowed to burden LATAM with discovery on the merits of his claim.

This motion is not being proposed for purposes of delay and Plaintiff will not be prejudiced or harmed if the stay is issued given that a stay would be temporary, allowing this Court to rule on the Motion to Dismiss. By contrast, if the stay is denied, LATAM will be irreparably harmed. As discussed, LATAM's participation in merits-based discovery could be deemed to waive LATAM's position that this Court lacks personal jurisdiction over it. LATAM would also be burdened by having to respond to Plaintiff's extensive discovery requests. *See* Exs. A-D. The Court and LATAM should not have to devote time and substantial resources to this case and LATAM should not have to respond to merits-based discovery before the threshold issues raised in the Motion to Dismiss are resolved.

A stay of discovery until the Motion to Dismiss is resolved would also promote judicial economy and is in the public interest. Allowing this case to proceed would be a waste of financial and judicial resources if the Court later concludes that it does not have personal jurisdiction over LATAM, or finds that Plaintiff cannot plausibly plead any of the essential elements of a claim under the Act.

WHEREFORE, LATAM respectfully requests the entry of an Order staying discovery pending a ruling on its Motion to Dismiss. Alternatively, LATAM seeks the entry of an Order extending the time for LATAM to respond to Plaintiff's merits-based discovery for 30 days from the date of this Court's ruling. A Proposed Order granting this relief is attached hereto as "**Exhibit E**."

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(3)

Pursuant to S.D. Fla. L.R. 7.1(a)(3), the undersigned has conferred with opposing counsel and Plaintiff opposes the relief requested herein.

Dated: December 4, 2019

Respectfully submitted,

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Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 19-cv-23965-MGC

JOSE RAMON LÓPEZ REGUEIRO

plaintiff,

v.

AMERICAN AIRLINES INC. and LATAM
AIRLINES GROUP, S.A.,

defendants.
_____/

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiff Jose Ramon López Regueiro requests, under Federal Rule of Civil Procedure 34, that defendant Latam Airlines Group, S.A. produce for inspection and copying, within the time provided by the Federal Rules, originals of the documents identified below.

I. DEFINITIONS

As used in this request for production (the "Request"), the following terms and words have the following meanings:

1. The words "Latam Airlines", "LATAM", "you", "your", "yours", or "yourselves", shall mean Latam Airlines Group, S.A., including but not limited to, all of its parent companies, holding companies, divisions, departments, subsidiaries, affiliates, predecessors, present or former officers, directors, owners, agents, attorneys, employees, representatives, accountants, contractors, or consultants or all other persons acting or purporting to act on its behalf, and each partnership in which it is a partner.

2. The "Airport" shall mean José Martí International Airport in Havana, Cuba.

3. "Agent" shall mean any agent, employee, officer, director, attorney, independent contractor, or any person acting at the direction of, or on behalf of, another.

4. "And" and "or" shall be both conjunctive and disjunctive; and "including" shall mean "including without limitation."

5. "Any" shall include the word "all," and "all" shall include the word "any."

6. "Commercial Cargo" shall mean any property carried on an aircraft other than stores and accompanied or mishandled baggage.

7. "Communications" shall mean any oral, written, or electronic transmission of information, including, but not limited to, letters or correspondence, conversations, meetings, discussions, telephone calls, telegrams, telexes, seminars, conferences, messages, facsimile transmissions, e-mails, notes, texts, instant messages, social media exchanges, or memoranda.

8. "Control" shall mean possessed by you, in your custody or control, or under your direction, and shall include under the possession, custody or control of persons under your direction, including your employees, subordinates, counsel, accountants, experts, parents, or affiliated corporations, and any person or entity purporting to act on your behalf.

9. "Cuban Government" means the executive, judicial, and legislative branches of Cuba's government, including, but not limited to each of their departments, agencies, committees, offices, and boards.

10. "Date" shall mean the exact day, month, and year, if ascertainable, and if not, the best approximation thereof (based on its relationship to other events).

11. "Document" shall refer to and include any item within the scope of Federal Rule of Civil Procedure 34, including any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or

transcribed, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise.

12. "Employee" means any person who at any time acted or purported to act on behalf of another person or persons, including all present and former directors, officers, executives, agents, representatives, attorneys, accountants, independent contractors, contact persons, advisors, and consultants of such other person or persons.

13. "ESI" shall mean electronically-stored information and associated metadata.

14. "Identify", when used in reference to a document, means and includes the name and address of the custodian of the document, the location of the document, and a general description of the document, including:

a. the type of document (i.e., correspondence, memorandum, telex, etc.);

b. the general subject matter of the document;

c. the date of the document;

d. the author of the document;

e. the addressee of the document; and

f. the relationship of the author and addressee to each other.

15. "Identify", with respect to a person means to give, to the extent known, the person's full name, job title, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment.

16. "Lawsuit" or "Action" shall mean the action styled *Jose Ramon López Regueiro v. American Airlines Inc. and LATAM Airlines Group, S.A.*, Case No. 19-cv-23965-MGC (S.D. Fla.).

17. "OFAC" means the Office of Foreign Assets Control of the U.S. Department of the Treasury.

18. "Operate" shall mean to provide flights, sell tickets, or otherwise perform services incident to the transport of passengers or cargo on aircraft owned, leased, chartered, or otherwise controlled by you.

19. "Person" shall mean a natural person acting as an individual, a group of individuals acting in a collegial, business or group capacity (e.g., as a board of directors or committee), or a business, corporation, proprietorship, partnership, trust, association, or any governmental, juridical, or other entity.

20. "Relating to" and "relate to" shall mean directly or indirectly referring to, evidencing, discussing, defining, mentioning, reflecting, regarding, pertaining to, consisting of, concerning, recording, evaluating, or in any way logically or factually connected with the matter discussed or to which reference is made.

21. The terms "third party" and "third parties" refer to individuals or entities that are not parties to this proceeding.

22. Wherever necessary to insure completeness or accuracy of these document requests, the singular includes the plural and the plural includes the singular.

II. RELEVANT TIME FRAME

Unless specified in a particular request, these requests for production shall include and encompass all information available for the period of five years preceding the date of this Request.

III. INSTRUCTIONS

1. This document request is continuing in nature and, when new knowledge or information comes to your attention, the information supplied in the answers to the document request shall be supplemented forthwith.

2. Copies of documents which are identical duplicates of other documents which have already been produced for inspection and copying in this action need not be produced.

3. The documents that are the subject of this discovery request are to be produced as follows: (1) in the exact order in which they are kept in the ordinary course of business, or (2) classified according to the specific request(s) to which they are responsive.

4. To the extent that you do not have possession, custody, or control of any documents identified as responsive to a particular request herein, please indicate that by writing "none" and explain the lack of possession, custody, existence or control of such responsive documents in your response.

5. All electronic documents and e-mail are requested to be produced in electronic format by a forensically sound method, with all original metadata preserved and intact.

6. ESI should be produced as follows:

a. E-mail, instant messaging, calendar, contacts, and word processing files must be derived from the original electronic media and converted to single-page .tiff images with accompanying system metadata, e.g. author, recipient(s), "cc" recipient(s), "bcc" recipient(s), date and time of creation and receipts, date and time of modification, etc. and substantive metadata (e.g., the substance of the changes, etc.), with all attachments. All chronological metadata shall be standardized to Eastern Standard Time. Mr. Lopez Regueiro reserves the right

to request native format production for ESI. On such request, you shall produce documents (identified by Bates number or range) in original native electronic format.

b. Dynamic files (e.g., databases, spreadsheets, project files, etc.) shall be produced in original native format with all accompanying metadata, along with all such software necessary to interpret the produced information if such software is not readily commercially available.

c. For all ESI not specified above, production shall be made in native format with all accompanying metadata, along with all software necessary to interpret the produced information if such software is not readily commercially available, unless Mr. Lopez Regueiro specifically agrees to a different form of production.

7. If any document requested here previously was in your possession, custody, or control but is no longer, please state the following for each such document in your response:

a. the type of document (e.g., correspondence, memorandum, e-mail, etc.);

` b. the date of the document;

c. any and all persons who signed or authored the document;

d. any and all persons who received the document or a copy of it, along with the date of receipt;

e. any and all persons now in possession of the document;

f. a description of the subject matter and the substance of the document that is as complete as possible; and

g. the disposition of the document (e.g. lost, discarded or destroyed), including the date of disposition.

8. If any documents requested herein have been lost, discarded or destroyed, these documents shall be identified as completely as possible, including:

a. the names of the authors of the document;

b. the names of the persons to whom the documents or copies were sent;

c. the date of the document;

d. the date on which the document was received by each addressee, co-payee or its recipients;

e. a description of the subject matter and the substance of the document that is as complete as possible;

f. the date on which the document was lost, discarded or destroyed; and

g. the manner in which the document was lost, discarded or destroyed.

9. If you decide to withhold production of a document requested here on grounds of privilege, work product, or on any other basis, please state the following, in a privilege log, for each document withheld:

a. the type of document (e.g., correspondence, memorandum, e-mail);

b. the date of the document;

c. the identity of any and all persons who signed, sent, or authored the document;

d. the identity of any and all persons who received the document or a copy of it;

e. the date on which the document was received by each addressee or recipient;

f. the reasons for non-production;

g. a brief description of the type and the substance of the document; and

h. the statute, rule, or decision that you claim gives rise to the basis to withhold.

IV. DOCUMENTS REQUESTED

1. Any documents related to the schedule of commercial passenger flights you have regularly operated to or from the Airport.

2. Any documents related to the number of commercial passenger flights you have regularly operated to or from the Airport.

3. Any documents related to the number of passengers on the commercial passenger flights you have regularly operated to or from the Airport.

4. Any documents related to amounts you have paid to the Cuban government, including payments for landing rights, taxes, airport fees or other fees, in relation to commercial passenger flights you have regularly operated to or from the Airport.

5. Any documents related to the Commercial Cargo transported on commercial passenger flights you have regularly operated to or from the Airport.

6. Any documents related to your policies and procedures for determining whether passengers on commercial passenger flights you have regularly operated to or from the Airport are traveling lawfully.

7. Any documents related to your policies and procedures for determining whether passengers holding U.S. passports and flying on commercial passenger flights you have regularly operated to or from the Airport are engaged in lawful travel under U.S. law.

8. Any documents related to revenue you have received from commercial passenger flights you have regularly operated to or from the Airport.

9. Any documents related to profits you have earned from commercial passenger flights you have regularly operated to or from the Airport.

10. Any documents related to the schedule of charter passenger flights you have operated to or from the Airport.

11. Any documents related to the number of charter passenger flights you have operated to or from the Airport.

12. Any documents related to the number of passengers on the charter passenger flights you have operated to or from the Airport.

13. Any documents related to amounts you have paid to the Cuban government, including payments for landing rights, taxes, airport fees or other fees, in relation to charter passenger flights you have operated to or from the Airport.

14. Any documents related to the Commercial Cargo transported on charter passenger flights you have operated to or from the Airport.

15. Any documents related to your policies and procedures for determining whether passengers on charter passenger flights you have operated to or from the Airport are traveling lawfully.

16. Any documents related to your policies and procedures for determining whether passengers holding U.S. passports and flying on charter passenger flights you have operated to or from the Airport are engaged in lawful travel under U.S. law.

17. Any documents related to revenue you have received from charter passenger flights you have operated to or from the Airport.

18. Any documents related to profits you have earned from charter passenger flights you have operated to or from the Airport.

19. Any documents related to the schedule of Commercial Cargo flights you have operated to or from the Airport.

20. Any documents related to the number of Commercial Cargo flights you have operated to or from the Airport.

21. Any documents related to revenue you have received from Commercial Cargo flights you have operated to or from the Airport.

22. Any documents related to profit you have earned on Commercial Cargo flights you have operated to or from the Airport.

23. Any documents related to amounts you have paid to the Cuban government, including payments for landing rights, taxes, airport fees or other fees, in relation to Commercial Cargo flights you have operated to or from the Airport.

24. All documents related to manifests or lists of passengers aboard flights into or out of the Airport.

25. All documents related to manifests or other documents relating to Commercial Cargo transported by you into or out of the Airport.

26. All documents related to agreements with any person for the provision of goods or services for flights into or out of the Airport.

27. Any documents related to any monies or other things of value, that you have provided, or given to anyone in Cuba who is not a member of, or affiliated with, the Cuban government related to your operation of flights into or out of the Airport.

28. Any documents related to any monies or other things of value, that you have provided, or given to anyone in Cuba who is a member of, or affiliated with, the Cuban government related to your operation of flights into or out of the Airport.

29. All documents related to communications between you and the Cuban Government relating to your operation of flights into or out of the Airport.

Dated: November 1, 2019

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Florida Bar No. 132826

CERTIFICATE OF SERVICE

I certify that on November 1, 2019, I served by email a copy of this document to counsel of record.

s/ Andrés Rivero
Andrés Rivero

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 19-cv-23965-MGC

JOSE RAMON LÓPEZ REGUEIRO

plaintiff,

v.

AMERICAN AIRLINES INC. and LATAM AIRLINES GROUP, S.A.,

defendants.
_____/

FIRST SET OF REQUESTS FOR ADMISSION

Plaintiff Jose Ramon López Regueiro requests that defendant Latam Airlines Group, S.A., admit or deny each of the requests set forth below under Rule 36 of the Federal Rules of Civil Procedure.

DEFINITIONS

As used in these requests, the following terms and words have the following meanings:

1. The words "Latam Airlines", "LATAM", "you", "your", "yours", or "yourselves", shall mean Latam Airlines Group, S.A., including but not limited to, all of its parent companies, holding companies, divisions, departments, subsidiaries, affiliates, predecessors, present or former officers, directors, owners, agents, attorneys, employees, representatives, accountants, contractors, or consultants or all other persons acting or purporting to act on its behalf, and each partnership in which it is a partner.

2. The "Airport" shall mean José Martí International Airport in Havana, Cuba.

3. The "Pre-59 Airport" shall mean the airport now known as José Martí International Airport in Havana, Cuba, as it existed on January 1st, 1959.

4. "Agent" shall mean any agent, employee, officer, director, attorney, independent contractor, or any person acting at the direction of, or on behalf of, another.

5. "And" and "or" shall be both conjunctive and disjunctive; and "including" shall mean "including without limitation."

6. "Any" shall include the word "all," and "all" shall include the word "any."

7. "Commercial Cargo" shall mean any property carried on an aircraft other than stores and accompanied or mishandled baggage.

8. "Communications" shall mean any oral, written, or electronic transmission of information, including, but not limited to, letters or correspondence, conversations, meetings, discussions, telephone calls, telegrams, telexes, seminars, conferences, messages, facsimile transmissions, e-mails, notes, texts, instant messages, social media exchanges, or memoranda.

9. "Control" shall mean possessed by you, in your custody or control, or under your direction, and shall include under the possession, custody or control of persons under your direction, including your employees, subordinates, counsel, accountants, experts, parents, or affiliated corporations, and any person or entity purporting to act on your behalf.

10. "Cuban Government" means the executive, judicial, and legislative branches of Cuba's government, including, but not limited to each of their departments, agencies, committees, offices, and boards.

11. "Date" shall mean the exact day, month, and year, if ascertainable, and if not, the best approximation thereof (based on its relationship to other events).

12. "Document" shall refer to and include any item within the scope of Federal Rule of Civil Procedure 34, including any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or

transcribed, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise.

13. "Employee" means any person who at any time acted or purported to act on behalf of another person or persons, including all present and former directors, officers, executives, agents, representatives, attorneys, accountants, independent contractors, contact persons, advisors, and consultants of such other person or persons.

14. "ESI" shall mean electronically-stored information and associated metadata.

15. "Identify", when used in reference to a document, means and includes the name and address of the custodian of the document, the location of the document, and a general description of the document, including:

a. the type of document (i.e., correspondence, memorandum, telex, etc.);

b. the general subject matter of the document;

c. the date of the document;

d. the author of the document;

e. the addressee of the document; and

f. the relationship of the author and addressee to each other.

16. The term "Identify" with respect to a person means to give, to the extent known, the person's full name, job title, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment.

17. "Lawsuit" or "Action" shall mean the action styled *Jose Ramon López Regueiro v. American Airlines Inc. and LATAM Airlines Group, S.A.*, Case No. 19-cv-23965-MGC (S.D. Fla.).

18. "OFAC" means the Office of Foreign Assets Control of the U.S. Department of the Treasury.

19. "Operate" shall mean to provide flights, sell tickets, or otherwise perform services incident to the transport of passengers or cargo on aircraft owned, leased, chartered, or otherwise controlled by you.

20. "Person" shall mean a natural person acting as an individual, a group of individuals acting in a collegial, business or group capacity (e.g., as a board of directors or committee), or a business, corporation, proprietorship, partnership, trust, association, or any governmental, juridical, or other entity.

21. "Relating to" and "relate to" shall mean directly or indirectly referring to, evidencing, discussing, defining, mentioning, reflecting, regarding, pertaining to, consisting of, concerning, recording, evaluating, or in any way logically or factually connected with the matter discussed or to which reference is made.

22. The terms "third party" and "third parties" refer to individuals or entities that are not parties to this proceeding.

23. Wherever necessary to insure completeness or accuracy of these document requests, the singular includes the plural and the plural includes the singular.

I. INSTRUCTIONS

A. As to each statement, you shall specifically admit or deny the statement. If denied, the denial must fairly meet the substance of the requested admission. If you qualify your answer or deny any part of the matter for which admission is requested, you shall admit so much of the statement as is true and qualify or deny the remainder.

B. If you object that a term or phrase is vague or ambiguous, you shall respond with its understanding of the term or phrase and specifically admit or deny the statement.

C. These Requests are continuing in nature and require supplementation pursuant to the Federal Rules of Civil Procedure.

II. RELEVANT TIME FRAME

Unless specified in a particular request, these requests for production shall include and encompass all information available for the period of five years preceding the date of this Request.

III. REQUESTS FOR ADMISSION

1. Admit that the Pre-59 Airport was confiscated by the government of Cuba on or after January 1, 1959.

2. Admit that the land on which the Airport sits was confiscated by the government of Cuba on or after January 1, 1959.

3. Admit that you transport passengers to and from the Airport.

4. Admit that you transport Commercial Cargo to and from the Airport.

5. Admit that you are a "person" as defined in 28 USC § 6023.

6. Admit that you received the letter attached as **Exhibit A** on July 24, 2019.

7. Admit that you continued to operate flights into and out of the Airport after August 25, 2019.

8. Admit that you continued to transport passengers into and out of the Airport after August 25, 2019.

9. Admit that you continued to transport Commercial Cargo into and out of the Airport after August 25, 2019.

10. Admit that you have transported Commercial Cargo into and out of the Airport that was not incident to the travel of any of your passengers.

11. Admit that you presently possess no evidence about Mr. Lopez Regueiro's claim of ownership of the Airport.

Dated: November 1, 2019

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By: /s/ Manuel Vazquez
MANUEL VAZQUEZ
Florida Bar No. 132826

CERTIFICATE OF SERVICE

I certify that on November 1, 2019, I served by email a copy of this document to counsel of record.

s/ Andrés Rivero
Andrés Rivero

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 19-cv-23965-MGC

JOSE RAMON LÓPEZ REGUEIRO

plaintiff,

v.

AMERICAN AIRLINES INC. and LATAM
AIRLINES GROUP, S.A.,

defendants.
_____/

SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiff Jose Ramon López Regueiro requests, under Rule 34 of the Federal Rules of Civil Procedure, that defendant Latam Airlines Group, S.A. produce for inspection and copying, within the time provided by the Federal Rules, originals of the documents identified below.

I. DEFINITIONS

As used in this request for production (the "Request"), the following terms and words have the following meanings:

1. The words "Latam Airlines", "LATAM", "you", "your", "yours", or "yourselves", shall mean Latam Airlines Group, S.A., including but not limited to, all of its parent companies, holding companies, divisions, departments, subsidiaries, affiliates, predecessors, present or former officers, directors, owners, agents, attorneys, employees, representatives, accountants, contractors, or consultants or all other persons acting or purporting to act on its behalf, and each partnership in which it is a partner.

2. The "Airport" shall mean José Martí International Airport in Havana, Cuba.

3. "Agent" shall mean any agent, employee, officer, director, attorney, independent contractor, or any person acting at the direction of, or on behalf of, another.

4. "And" and "or" shall be both conjunctive and disjunctive; and "including" shall mean "including without limitation."

5. "Any" shall include the word "all," and "all" shall include the word "any."

6. "Commercial Cargo" shall mean any property carried on an aircraft other than stores and accompanied or mishandled baggage.

7. "Communications" shall mean any oral, written, or electronic transmission of information, including, but not limited to, letters or correspondence, conversations, meetings, discussions, telephone calls, telegrams, telexes, seminars, conferences, messages, facsimile transmissions, e-mails, notes, texts, instant messages, social media exchanges, or memoranda.

8. "Control" shall mean possessed by you, in your custody or control, or under your direction, and shall include under the possession, custody or control of persons under your direction, including your employees, subordinates, counsel, accountants, experts, parents, or affiliated corporations, and any person or entity purporting to act on your behalf.

9. "Cuban Government" shall mean the executive, judicial, and legislative branches of Cuba's government, including, but not limited to each of their departments, agencies, committees, offices, and boards.

10. "Date" shall mean the exact day, month, and year, if ascertainable, and if not, the best approximation thereof (based on its relationship to other events).

11. "Document" shall refer to and include any item within the scope of Federal Rule of Civil Procedure 34, including any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or

transcribed, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise.

12. "Employee" shall mean any person who at any time acted or purported to act on behalf of another person or persons, including all present and former directors, officers, executives, agents, representatives, attorneys, accountants, independent contractors, contact persons, advisors, and consultants of such other person or persons.

13. "ESI" shall mean electronically-stored information and associated metadata.

14. "Identify", when used in reference to a document, shall mean and include the name and address of the custodian of the document, the location of the document, and a general description of the document, including:

a. the type of document (i.e., correspondence, memorandum, telex, etc.);

b. the general subject matter of the document;

c. the date of the document;

d. the author of the document;

e. the addressee of the document; and

f. the relationship of the author and addressee to each other.

15. "Identify" with respect to a person shall mean to provide, to the extent known, the person's full name, job title, present or last known address, and when referring to a natural person, the present or last known place of employment.

16. "Lawsuit" or "Action" shall mean the action styled *Jose Ramon López Regueiro v. American Airlines Inc. and LATAM Airlines Group, S.A.*, Case No. 19-cv-23965-MGC (S.D. Fla.).

17. "OFAC" shall mean the Office of Foreign Assets Control of the U.S. Department of the Treasury.

18. "Operate" shall mean to provide flights, sell tickets, or otherwise perform services related to the transport of cargo or passengers on aircraft owned, leased, chartered, or otherwise controlled by you.

19. "Person" shall mean a natural person acting as an individual, a group of individuals acting in a collegial, business or group capacity (e.g., as a board of directors or committee), or a business, corporation, proprietorship, partnership, trust, association, or any governmental, juridical, or other entity.

20. "Relating to" and "relate to" shall mean directly or indirectly referring to, evidencing, discussing, defining, mentioning, reflecting, regarding, pertaining to, consisting of, concerning, recording, evaluating, or in any way logically or factually connected with the matter discussed or to which reference is made.

21. "Third party" and "Third parties" shall refer to individuals or entities that are not parties to this proceeding.

22. Wherever necessary to insure completeness or accuracy of these document requests, the singular includes the plural and the plural includes the singular.

II. RELEVANT TIME FRAME

Unless specified in a particular request, these requests for production shall include and encompass all information for the period of five years preceding the date of this Request.

III. INSTRUCTIONS

1. This document request is continuing in nature and, when new knowledge or information comes to your attention, the information supplied in the answers to the document request shall be supplemented forthwith.

2. Copies of documents that are identical duplicates of other documents that have already been produced for inspection and copying in this action need not be produced.

3. The documents that are the subject of this discovery request are to be produced either (1) in the exact order in which they are kept in the ordinary course of business, or (2) classified according to the specific request(s) to which they are responsive.

4. To the extent that you do not have possession, custody, or control of any documents identified as responsive to a particular request herein, please so indicate by writing "none" and explain the lack of possession, custody, existence or control of such responsive documents in your response.

5. All electronic documents and e-mail are requested to be produced in electronic format by a forensically sound method, with all original metadata preserved and intact.

6. ESI should be produced as follows:

a. E-mail, instant messaging, calendar, contacts, and word processing files must be derived from the original electronic media and converted to single-page .tiff images with accompanying system metadata, e.g. author, recipient(s), "cc" recipient(s), "bcc" recipient(s), date and time of creation and receipts, date and time of modification, etc. and substantive metadata (e.g., the substance of the changes, etc.), with all attachments. All chronological metadata shall be standardized to Eastern Standard Time. Mr. Lopez Regueiro reserves the right

to request native format production for ESI. On such request, you shall produce documents (identified by Bates number or range) in original native electronic format.

b. Dynamic files (e.g., databases, spreadsheets, project files, etc.) shall be produced in original native format with all accompanying metadata, along with all such software necessary to interpret the produced information if such software is not readily commercially available.

c. For all ESI not specified above, production shall be made in native format with all accompanying metadata, along with all software necessary to interpret the produced information if such software is not readily commercially available, unless Mr. Lopez Regueiro specifically agrees to a different form of production.

7. If any document requested here previously was in your possession, custody, or control but is no longer, please state the following for each such document in your response:

a. the type of document (e.g., correspondence, memorandum, e-mail, etc.);

` b. the date of the document;

c. any and all persons who signed or authored the document;

d. any and all persons who received the document or a copy of it, along with the date of receipt;

e. any and all persons now in possession of the document;

f. a description of the subject matter and the substance of the document that is as complete as possible; and

g. the disposition of the document (e.g. lost, discarded or destroyed), including the date of disposition.

8. If any documents requested herein have been lost, discarded or destroyed, these documents shall be identified as completely as possible, including:

a. the names of the authors of the document;

b. the names of the persons to whom the documents or copies were sent;

c. the date of the document;

d. the date on which the document was received by each addressee, co-payee or its recipients;

e. a description of the subject matter and the substance of the document that is as complete as possible;

f. the date on which the document was lost, discarded or destroyed; and

g. the manner in which the document was lost, discarded or destroyed.

9. If you decide to withhold production of a document requested here on grounds of privilege, work product, or on any other basis, please state the following, in a privilege log, for each document withheld:

a. the type of document (e.g., correspondence, memorandum, e-mail);

b. the date of the document;

c. the identity of any and all persons who signed, sent, or authored the document;

d. the identity of any and all persons who received the document or a copy of it;

e. the date on which the document was received by each addressee or recipient;

f. the reasons for non-production;

g. a brief description of the type and the substance of the document; and

h. the statute, rule, or decision that you claim gives rise to the basis to withhold.

IV. DOCUMENTS REQUESTED

1. All documents related to communications about the Airport between you and the U. S. Government (including OFAC);

2. All documents related to your activity at the Airport.

3. All documents related to flight logs for flights you have operated to or from the Airport, including, but not limited to, any pilot flight logbooks.

4. All documents related to the possibility or prospect of operating flights to or from the Airport, including, but not limited to, any proposals, business plans or market studies.

5. All documents related to your applications for licenses, permits or other authorizations from the U.S. Government (including OFAC) to operate flights to or from the Airport, including, but not limited to, original applications and applications for extensions or renewals.

6. All documents related to any audits, inspections or reviews conducted by the U.S. government (including OFAC) regarding your operation of flights to or from the Airport.

7. All documents related to any audits, inspections or reviews that you have conducted or commissioned (whether internal or external) regarding your operation of flights to or from the Airport.

8. All documents related to your compliance efforts regarding your operation of flights to or from the Airport, including compliance reports, audit reports or audit committee minutes.

9. All documents related to any allegation, notice, or accusation that you have violated any condition of any license, permit or other authorization during your operation of flights to or from the Airport.

10. All documents related to any allegation, notice, or accusation that you have violated any condition(s) of any U.S. (or any other) law or regulation during your operation of flights to or from the Airport.

11. All documents you have retained about your operation of flights to or from the Airport pursuant to Cuban Government requirements.

12. All documents you have retained about your operation of flights to or from the Airport pursuant to U.S. government (including OFAC) requirements.

13. All documents related to your marketing or advertising of flights you have operated to or from the Airport, including, but not limited to, press releases, advertisements, posts and blogs.

14. All documents related to the reasons stated to you by your passengers for their travel to Cuba, including, but not limited to, any online forms filled out by your passengers.

15. Any documents related to your efforts for determining whether passengers holding U.S. passports and traveling on flights you have operated to or from the Airport are engaged in lawful travel under U.S. law.

16. Copies of visas for passengers who have traveled to or from the Airport on flights you have operated.

17. All documents related to any loan, extension of credit, or financing, any proceeds of which you have used to fund any portion of flights you have operated to or from the Airport.

18. All documents related to any monies you have expended for improvements at the Airport, including but not limited to, any monies spent on construction, advertising, or signage.

19. All documents related to any loan, extension of credit, or financing, any proceeds of which you have used to fund improvements at the airport, including but not limited to, construction, advertising, or signage.

20. All documents related to any payments you have made to the Cuban Government relating to flights you have operated to or from the Airport.

21. All documents related to any loan, extension of credit, or financing, any proceeds of which you have used to make any payments to the Cuban Government relating to flights you have operated to or from the Airport.

22. All documents related to financial reports or statements about your flights operated to or from the Airport, including, but not limited to, financial statements, balance sheets, income statements, cash flow statements, and profit and loss statements.

23. All documents used or referred to in preparing your response to the Plaintiff's First Set of Interrogatories.

Dated: November 14, 2019

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By: /s/ Manuel Vazquez
MANUEL VAZQUEZ
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CERTIFICATE OF SERVICE

I certify that on November 14, 2019, I served by email a copy of this document to counsel of record.

s/ Andrés Rivero
Andrés Rivero

Exhibit D

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 19-cv-23965-MGC

JOSE RAMON LÓPEZ REGUEIRO

plaintiff

v.

AMERICAN AIRLINES INC. and LATAM AIRLINES GROUP, S.A.,

defendants.

_____/

FIRST SET OF INTERROGATORIES

Jose Ramon López Regueiro, under Federal Rules of Civil Procedure 26 and 33, requests that defendant Latam Airlines Group, S.A. respond to each of the following interrogatories in writing and under oath, within thirty days of service.

DEFINITIONS

As used in these interrogatories, the following terms and words have the following meanings:

1. The words "Latam Airlines", "LATAM", "you", "your", "yours", or "yourselves", shall mean Latam Airlines Group, S.A., including but not limited to, all of its parent companies, holding companies, divisions, departments, subsidiaries, affiliates, predecessors, present or former officers, directors, owners, agents, attorneys, employees, representatives, accountants, contractors, or consultants or all other persons acting or purporting to act on its behalf, and each partnership in which it is a partner.

2. The "Airport" shall mean José Martí International Airport in Havana, Cuba.

3. "Agent" shall mean any agent, employee, officer, director, attorney, independent contractor, or any person acting at the direction of, or on behalf of, another.

4. "And" and "or" shall be both conjunctive and disjunctive; and "including" shall mean "including without limitation."

5. "Any" shall include the word "all," and "all" shall include the word "any."

6. "Commercial Cargo" shall mean any property carried on an aircraft other than stores and accompanied or mishandled baggage.

7. "Communications" shall mean any oral, written, or electronic transmission of information, including, but not limited to, letters or correspondence, conversations, meetings, discussions, telephone calls, telegrams, telexes, seminars, conferences, messages, facsimile transmissions, e-mails, notes, texts, instant messages, social media exchanges, or memoranda.

8. "Control" shall mean possessed by you, in your custody or control, or under your direction, and shall include under the possession, custody or control of persons under your direction, including your employees, subordinates, counsel, accountants, experts, parents, or affiliated corporations, and any person or entity purporting to act on your behalf.

9. "Cuban Government" means the executive, judicial, and legislative branches of Cuba's government, including, but not limited to each of their departments, agencies, committees, offices, and boards.

10. "Date" shall mean the exact day, month, and year, if ascertainable, and if not, the best approximation thereof (based on its relationship to other events).

11. "Document" shall refer to and include any item with the scope of Federal Rule of Civil Procedure 34, including any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or transcribed,

including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise.

12. "Employee" means any person who at any time acted or purported to act on behalf of another person or persons, including all present and former directors, officers, executives, agents, representatives, attorneys, accountants, independent contractors, contact persons, advisors, and consultants of such other person or persons.

13. "ESI" shall mean electronically-stored information and associated metadata.

14. "Identify" with respect to a person means to give, to the extent known, the person's full name, job title, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment.

15. "Identify" with respect to documents means to describe the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s).

16. "Identify" with respect to aircraft means to describe the (i) make and model of the aircraft; (ii) aircraft registration number; (iii) and passenger capacity.

17. "Lawsuit" or "Action" shall mean the action styled *Jose Ramon López Regueiro v. American Airlines Inc. and LATAM Airlines Group, S.A.*, Case No. 19-cv-23965-MGC (S.D. Fla.).

18. "OFAC" means the Office of Foreign Assets Control of the U.S. Department of the Treasury.

19. "Operate" shall mean to provide flights, sell tickets, or otherwise perform services incident to the transport of passengers or cargo on aircraft owned, leased, chartered, or otherwise controlled by you.

20. "Person" shall mean a natural person acting as an individual, a group of individuals acting in a collegial, business or group capacity (e.g., as a board of directors or committee), or a business, corporation, proprietorship, partnership, trust, association, or any governmental, juridical, or other entity.

21. "Relating to" and "relate to" shall mean directly or indirectly referring to, evidencing, discussing, defining, mentioning, reflecting, regarding, pertaining to, consisting of, concerning, recording, evaluating, or in any way logically or factually connected with the matter discussed or to which reference is made.

22. "Third party" and "Third parties" refer to individuals or entities that are not parties to this proceeding.

23. Wherever necessary to insure completeness or accuracy of these interrogatories, the singular includes the plural and the plural includes the singular.

I. RELEVANT TIME FRAME

Unless specified in a particular interrogatory, these interrogatories shall include and encompass all information available for the period of five years preceding the date of this Request.

II. INSTRUCTIONS

1. In answering these Interrogatories, you are required to furnish information not only within your own knowledge or obtainable by you, but also any information or knowledge in the possession of or obtainable by your attorneys, representatives, agent or anyone action on your behalf or on

2. If you cannot answer the following Interrogatories in full, after exercising due diligence to secure the information to do so, state and answer to the extent possible, specifying

your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion.

3. If any of your answers to these Interrogatories or sub-parts thereof make reference to a document or documents, attach a copy or copies of the document or documents to your answer.

4. If you object to fully identifying a document or oral communication because of a privilege, you must nevertheless provide the following information unless divulging the information would disclose the privileged information:

a. the nature of the privilege claimed (including work product);

b. if the privilege is being asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;

c. the date of the document or oral communication;

d. if a document: its type (correspondence, memorandum, facsimile, etc.), custodian, location, and such other information sufficient to identify the document for a subpoena duces tecum or a document request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;

e. if an oral communication: the place where it was made, the names of the persons present while it was made, and, if not apparent, the relationship of the persons present to the declarant; and

f. the general subject matter of the document or oral communication.

5. You are under a continuous obligation to supplement your answers to these Interrogatories should additional information become known to you, or the circumstances change.

III. INTERROGATORIES

1. Identify the persons in charge of your operations at the Airport.

2. Identify the persons employed in your operations at the Airport.

3. Identify the aircraft you have operated to, from, and at the Airport, and for each such aircraft:

   (a) state the manufacturer, model, country or countries of registration and registration number(s);

   (b) the landing and departure dates of the aircraft at the Airport;

   (c) the number of passengers for each flight to and from the Airport;

   (d) whether any such flight(s) carried no passengers; and

   (e) whether any such flight(s) carried Commercial Cargo.

4. Identify any equipment you use or maintain at the Airport, including but not limited to, any ground vehicles, maintenance facilities or places of lodging.

5. Identify any hotels, casas particulares, hostals, or other lodging where your flight crew (employees) have stayed during layovers at the Airport.

6. State any amount(s) you have paid to the Cuban Government or any other party for any use of the Airport, including payments for landing rights, taxes, airport fees or other fees. For each payment state the date of the payment, the name of the recipient, the reasons for the payment, and identify the agreement(s) or document(s) governing the payment.

7. Identify all persons that have made any loan, extension of credit, or financing, the proceeds of which you have used to fund any portion of flights you have operated to or from the Airport.

8. Identify all persons that have made any loan, extension of credit, or financing, the proceeds of which you have used to make any payments to the Cuban Government related to flights you have operated to or from the Airport.

9. Identify all persons that have made any loan, extension of credit, or financing, the proceeds of which you have used to make for improvements at the Airport, including, but not limited to, any monies spent for construction, advertising, or signage.

10. Identify all your employees who have communicated with the Cuban Government about your operation of flights to or from the Airport, and state the dates and substance of such communications.

11. Identify all your employees who have communicated with any agency of the U.S. Government (including OFAC), about your operations at the Airport.

12. Identify all your employees who have communicated with any agency of the U.S. Government (including OFAC), about flights you have operated between the U.S. and the Airport.

13. Identify all licenses, permits, or authorizations obtained by you from the U.S. Government, (including OFAC) to operate flights to or from the Airport, and, for each license, permit, or authorization, state:

(a) the date you acquired it;

(b) the name of the issuing agency;

(c) its expiration date;

(d) its renewal date; and

(e) the purpose of the license, permit, or authorization.

14. Identify all your employees who maintained records required by OFAC to comply with any license, permit, or authorization concerning your operation of flights to or from the Airport and describe their duties.

15. Explain your reason(s) for choosing the Airport as a destination for passenger and Commercial Cargo operations, and identify all persons involved in the decision.

16. Identify all persons who are managing or operating the Airport other than the Cuban Government.

17. When did you first obtain any information, learn, or become aware that the Airport had been confiscated by the Cuban Government?

18. Describe your policies and procedures for determining whether passengers holding U.S. passports and flying on commercial passenger flights you have operated to or from the Airport are engaged in lawful travel under U.S. law.

19. Describe your policies and procedures for determining whether passengers holding passports from countries other than the U.S. and flying on commercial passenger flights you have operated to or from the Airport, are engaged in lawful travel under U.S. law.

20. Describe your policies and procedures for determining whether passengers flying on commercial passenger flights you have operated from any airport in the U.S. to the Airport are engaged in lawful travel under U.S. law.

VERIFICATION

These answers and responses have been provided by:

LATAM AIRLINES GROUP, S.A.

Name:_____

Title: _____

Signature:_____

STATE OF

COUNTY OF

Before me, the undersigned authority duly authorized to administer oaths and take acknowledgements, PERSONALLY APPEARED, _____, who is personally known to me or who has produced _____as identification and who, upon first having been duly sworn, did depose and say that the answers and responses to the foregoing interrogatories propounded by Plaintiff are true and correct.

SWORN TO and subscribed this _____day of _____, 2019.

_____
NOTARY PUBLIC

TYPED NAME:_____

COMMISSION EXPIRES:_____

COMMISSION NO.:_____

Dated: November 14, 2019

RIVERO MESTRE LLP
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CERTIFICATE OF SERVICE

I certify that on November 14, 2019, I served by email a copy of this document to counsel for all counsel of record.

s/ Andrés Rivero
Andrés Rivero

Exhibit E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 19-23965-civ-COOKE/GOODMAN

JOSE RAMON LOPEZ REGUEIRO,

Plaintiff,

v.

AMERICAN AIRLINES, INC., AND
LATAM AIRLINES GROUP, S.A.,

Defendants.
_____/

[PROPOSED] ORDER GRANTING DEFENDANT LATAM AIRLINES GROUP, S.A.'S MOTION TO STAY DISCOVERY PENDING A RULING ON ITS MOTION TO DISMISS OR, ALTERNATIVELY, MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S DISCOVERY

THIS MATTER is before the Court on defendant Latam Airlines Group, S.A.'s ("LATAM") Motion to Stay Discovery Pending a Ruling on its Motion to Dismiss or, Alternatively, Motion for Extension of Time to Respond to Plaintiff's Discovery ("Motion"), ECF No. 31, filed December 4, 2019.

The Court, having reviewed the Motion and being fully advised in the premises, hereby **ORDERS and ADJUDGES** as follows:

1. The Motion is **GRANTED**.
2. Discovery in this matter, including LATAM's responses to Plaintiff's First and Second Requests for Production, First Set of Requests for Admission, and First Set of Interrogatories, is hereby **STAYED** pending resolution of LATAM's Motion to Dismiss the Complaint and Memorandum of Law (ECF No. 30).

DONE AND ORDERED in Chambers at Miami, Florida this ___ day of November, 2019.

_____
MARCIA G. COOKE
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Jonathan Goodman, U.S. Magistrate Judge
Counsel of record

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