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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ROBERT M. GLEN, Plaintiff, vs. TRAVELSCAPE LLC D/B/A TRAVELOCITY, Defendant.	Case No. **COMPLAINT** ***22 U.S.C. § 6021 et seq.*** ***JURY TRIAL DEMANDED***

COMPLAINT

Plaintiff Robert M. Glen ("**Glen**") hereby files this action against Defendant Travelscape LLC d/b/a Travelocity ("**Travelocity**"), and respectfully states as follows:

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I. INTRODUCTION

1. This action arises under the Cuban Liberty and Democratic Solidarity Act, 22 U.S.C. § 6021 *et seq.* (the "**Act**"), also known as the LIBERTAD Act or the Helms-Burton Act.

2. Title III of the Act provides U.S. nationals whose property in Cuba was confiscated by the communist Cuban government with a private right of action against those who traffic in, or participate in the trafficking of, that property.

3. Glen holds a claim to two beachfront properties located in Varadero, Cuba, on the Hicacos Peninsula. Varadero is one of Cuba's most popular beach resort towns, featuring one of the Caribbean's best beaches and dozens of hotels and resorts that attract tourists and vacationers from around the world. Varadero is also the site of one of Cuba's busiest international airports.

4. Following the communist Cuba revolution, the properties were confiscated from Glen's family by the Cuban government. After the revolution, Glen's family fled Cuba, and Glen later became a naturalized U.S. citizen.

5. Today, the two properties are the site of four separate beachfront resorts, which together feature over 1,400 guestrooms, in addition to dozens of swimming pools, restaurants, and bars.

6. Under the Act, a person is liable for trafficking in confiscated property if that person, among other things, knowingly "engages in a commercial activity using or otherwise benefiting from confiscated property," or knowingly "participates in, or profits from, trafficking . . . by another person."

7. Travelocity operates an online booking website, and provides online booking services for hotels in Cuba, including the four beachfront resorts on the properties confiscated from Glen's family: the Iberostar Tainos, the Meliá Las Antillas, the Blau Varadero, and the Starfish Varadero.

8. By facilitating bookings at these hotels, Travelocity is engaging in commercial activity that uses or otherwise benefits from Glen's confiscated property. Travelocity is also participating in, and profiting from, trafficking committed by the hotels themselves.

9. Because Travelocity has trafficked in confiscated property in violation of the Act, they are subject to Glen's private action for civil damages under Title III, measured as the greater of the current fair market value of the property, or the value of the property at the time of confiscation plus interest.

10. Glen accordingly brings this statutory action to vindicate his claim to confiscated property and to obtain the compensation that he is rightfully entitled to under the Act.

II. PARTIES

11. Plaintiff Robert M. Glen is an individual residing in Plano, Texas. Glen is a naturalized United States citizen and a "United States national" pursuant to 22 U.S.C. § 6023(15).

12. Defendant Travelscape LLC d/b/a Travelocity is a Nevada limited liability company, with a principal office address in Dallas, Texas. Travelocity may be served through its registered agent at the following address: National Registered Agents, Inc., 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

III. JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Glen's claim arises under 22 U.S.C. § 6082 and the amount-in-controversy exceeds the sum or value of $50,000, exclusive of interest, costs, and attorneys' fees.

14. This Court may exercise personal jurisdiction over Travelocity by virtue of its organization in Nevada.

15. Venue in this District is proper under 28 U.S.C. § 1391(b)(1) because Travelocity is a resident of the State in which this District is located.

IV. STATEMENT OF FACTS

A. Passage and Implementation of the Act

16. The Act became effective May 12, 1996.

17. Among the Act's legislative purposes is to "protect United States nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro Regime."

18. Title III of the Act ("**Title III**") establishes a private right of action for money damages against any person who "traffics" in confiscated property.

19. Glen did not previously have an opportunity to bring a private right of action because, until recently, private rights of action under Title III were suspended pursuant to the authority given to the President of the United States by Congress under the Act.

20. The President has delegated this suspension authority to the United States Secretary of State. On March 4, 2019, the State Department announced a partial lifting of the suspension to permit private actions to proceed, beginning March 19, 2019, against Cuban entities or sub-entities identified on the State Department's restricted entities list. On or about April 2, 2019, the partial lifting of the suspension was extended again through May 1, 2019. Most recently, on April 17, 2019, the State Department announced a full lifting of the suspension, beginning May 2, 2019.

21. In his remarks regarding the decision, Secretary of State Pompeo made clear that "[e]ffective May 2nd . . . the right to bring an action under Title III of the Libertad Act will be implemented in full."

B. Glen's Claim to Property in Cuba

22. Glen is the owner of property located in Varadero, Cuba that was originally owned by Glen's great-grandfather, Sergio de la Vega, who lived in Cárdenas, across the bay from the Hicacos Peninsula. Glen's great-grandfather traveled by boat to the peninsula and built improvements upon it.

23. Ownership of the property later passed to Glen's grandfather, Manuel de la Vega. When Manuel died in 1928, the properties passed to his wife, Ana Maria Martinez Andreu ("**Martinez Andreu**"), Glen's grandmother.

24. Manuel and Martinez Andreu divided their property into two, contiguous plots. The first was known as "**Blancarena**," and included 280 meters of ocean frontage.

25. The second was known as "**Cotepen**" (short for "Co-Territorial Peninsula") and included 715 meters of ocean frontage. (Together, Blancarena and Cotepen are the "**Glen Properties**"). Glen's family built a small home on the Glen Properties.

26. Cotepen is contiguous to Blancarena and sits directly to the east of Blancarena. Cotepen and Blancarena are of equal depth, each extending southward toward the present-day Autopista Sur, the main road that traverses the peninsula.

27. When Martinez Andreu died, Blancarena passed to Elvira de la Vega Martinez ("**Elvira**"), one of Martinez Andreu's two daughters, and Cotepen passed to Ana Maria de la Vega Martinez ("**Ana Maria**"), Martinez Andreu's other daughter. Elvira is Glen's mother. Ana Maria is Glen's aunt.

28. Elvira and Ana Maria exercised ownership over Blancarena and Cotepen and worked to develop the land. In the late 1950s, Elvira considered selling a portion of Blancarena and subdividing it, but her plans were interrupted by the revolution.

29. Maps and surveys drawn in 1958, just prior to the Cuban revolution, reflect the location of the Glen Properties on the peninsula, including in connection with the construction of a canal (still in existence today) directly to the south of the properties.

30. After January 1, 1959, and in connection with Cuban revolution, the communist Cuban government confiscated the Glen Properties.

31. Following the revolution, Ana Maria and Elvira fled Cuba.

32. When Ana Maria and Elvira died, ownership of Blancarena and Cotepen passed solely to Glen.

33. Like Ana Maria and Elvira, Glen has continued to maintain a claim to the Glen Properties.

34. On information and belief, the Cuban government maintains possession of the Glen Properties.

35. The Cuban government has not paid any compensation to Glen or his family for its seizure of the Glen Properties. Instead, as detailed below, the Cuban government has worked with hotel chains to build, develop, and operate four beachfront resorts on the Glen Properties.

C. The Beachfront Hotels Occupying the Glen Properties

36. Varadero sits on the Hicacos Peninsula. The narrow peninsula, which is approximately eleven miles long but only a mile or so wide, extends in a northeasterly direction from the northern side of the Cuban mainland. The northern side of the peninsula faces the open ocean and features miles of contiguous, white-sand beach. The southern side of the peninsula faces the Bay of Cárdenas.

37. Today, Varadero is one of Cuba's most popular beach resort towns, featuring one of the Caribbean's best beaches, dozens of hotels and resorts, a nature reserve, and other amenities.

38. According to TripAdvisor's 2019 Travelers' Choice awards, Varadero is the second-best beach in the world. And according to Lonely Planet, Varadero boasts a beach that is "undoubtedly one of the Caribbean's best."

39. Because of its world-renowned beach and accessibility, Varadero is a popular destination for tourists from around the world, particularly Europe and Canada. The resort town is easily accessible from Juan Gualberto Gómez Airport, one of Cuba's busiest international airports.

40. The Glen Properties are the site of four separate beachfront hotels, which run contiguously from west to east along the northern, beachfront side of the peninsula.

41. Blancarena is the site of Iberostar Tainos, operated by Spanish hotel chan Iberostar (the "**Iberostar Tainos**"). The Iberostar Tainos is a four-star, all-inclusive resort featuring 272 guestrooms.

42. Cotepen is the site of three resorts. The first is currently known as Meliá Las Antillas (the "**Las Antillas**"), operated by Spanish hotel chain Meliá Hotels International, on the site of a former Beaches-brand resort. Las Antillas is a four-star, adults-only, all-inclusive resort featuring 350 guestrooms. The second is known as the Blau Varadero (the "**Blau**"). The Blau is an adults-only, all-inclusive resort featuring 395 guestrooms. The third is known as the Starfish Varadero (the "**Starfish**"). The Starfish is a family friendly, all-inclusive resort featuring 411 rooms. (Together, the Iberostar Tainos, Las Antillas, Blau, and Starfish are the "**Subject Hotels**").

43. In addition to their over 1,400 guestrooms, the Subject Hotels also feature restaurants, bars, swimming pools, and other amenities.

44. The Subject Hotels have never paid any compensation to Glen or his family to operate on the Glen Properties. Nor do the Subject Hotels have Glen's authorization to do so.

D. Travelocity Is Trafficking in the Glen Properties

45. Travelocity was founded in 1996 and is currently owned by Expedia Group, Inc., which acquired Travelocity in 2015.

46. Travelocity is an online travel agency that allows users to book flights, hotel accommodations, and more. Known for its "Roaming Gnome" mascot, Travelocity helps its customers to "Wander Widely," including to Cuba.

47. Travelocity facilitates hotel guestroom bookings primarily through two business models: the merchant model and the agency mode.

48. Under the merchant model, Travelocity facilitates the booking of hotel guestrooms from travel suppliers, and is the merchant of record for such bookings. In the merchant model, users pay Travelocity directly upon booking a reservation. Travelocity earns a profit in these transactions by contracting in advance with lodging providers to obtain access to guestrooms at negotiated (and discounted) rates.

49. Under the agency model, Travelocity facilitates travel bookings and acts as the agent in the transaction, passing reservations booked by the traveler to the relevant provider and receiving a commission or fee in the process.

50. Under either model, Travelocity profits when website users book guestrooms at hotels listed on the Travelocity website.

51. Users can access information about each Subject Hotel using the Travelocity website, including each Subject Hotel's amenities and policies, as well as user reviews.

52. As of the date of the filing of this Complaint, users can book hotel rooms at the Subject Hotels by using the Travelocity website.

V. JURY TRIAL DEMAND

53. Glen hereby demands a trial by jury on all issues so triable.

VI. CAUSE OF ACTION

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

54. Glen incorporates by reference all of the allegations set forth in all the preceding paragraphs of the Complaint as if fully set forth herein.

55. Glen is a U.S. national and holds a claim to property that was confiscated by the Cuban government after January 1, 1959, namely, the Glen Properties.

56. Travelocity is a "person" as defined by 22 U.S.C. § 6023(11).

57. Travelocity has, and continues to, knowingly traffic in the Glen Properties by engaging in commercial activity using or otherwise benefitting from confiscated property, including by facilitating the booking of guestrooms at the Subject Hotel through the Travelocity website.

58. Travelocity has, and continues to, knowingly traffic in the Glen Properties by participating in, or profiting from, trafficking committed by the Subject Hotels, including the Subject Hotels' operation of beachfront resorts on the Glen Properties.

59. At all relevant times, Travelocity has conducted such trafficking without Glen's authorization.

60. The fair market value of the Glen Properties far exceeds $50,000, exclusive of interest, costs, and attorneys' fees.

61. Glen was not eligible to file a claim with the Foreign Claims Settlement Commission.

62. In compliance with 22 U.S.C. § 6082(a)(3)(B), Glen provided notice of his claims at least 30 days before initiating this action. After the end of the 30-day period, Travelocity continued to traffic in the Glen Properties.

VII. DEMAND FOR RELIEF

WHEREFORE, Glen respectfully asks the Court to enter judgment in his favor against Travelocity:

a. Awarding actual damages in an amount to be determined under 22 U.S.C. § 6082(a)(1)(A)(i);

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

c. Ordering Travelocity to pay Glen's reasonable attorneys' fees and costs incurred in this action pursuant to 22 U.S.C. § 6082(a)(1)(A)(ii);

d. Awarding pre-judgment and post-judgment interest at the highest rates allowed by law; and

e. Granting such other and further relief that the Court deems just and proper.

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DATED: September 26, 2019.

Respectfully submitted,

/s/ Anthony J. DiRaimondo

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