

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

Case No. 19-cv-22619-BB

MARIO DEL VALLE, ENRIQUE FALLA,
MARIO ECHEVARRIA, as individuals and
on behalf of all others similarly situated,

v.

TRIVAGO GmbH, a German limited
liability company, BOOKING.COM B.V., a
Dutch limited liability company, GRUPO
HOTELERO GRAN CARIBE,
CORPORACIÓN DE COMERCIO Y
TURISMO INTERNACIONAL
CUBANACÁN S.A., GRUPO DE
TURISMO GAVIOTA S.A., RAÚL DOE 1-
5, MARIELA ROE 1-5,

defendants.

STATUS REPORT REGARDING SERVICE ON FOREIGN DEFENDANTS

Plaintiffs Mario Del Valle, Enrique Falla and Mario Echevarria, individually and on behalf of a Class of similarly situated persons (the “Owners”), hereby respond to the Court’s July 25th order requiring an update on service of process on the defendants, all of which are foreign entities.

Plaintiffs filed this class action on June 24, 2019, and immediately began translating the complaint and serving the defendants according to the Hague Convention and other applicable law.¹ By July 26th, process was out for service as to every defendant, and is now complete as to one of them.

¹ The named defendants are Trivago GmbH (“Trivago”), Booking.com B.V. (“Booking.com”), Grupo Hotelero Gran Caribe (“Gran Caribe”), Corporación de Comercio y Turismo Internacional Cubanacán S.A. (“Cubanacan”), and Grupo de Turismo Gaviota S.A. (“Gaviota”). The complaint also names Raul Doe 1-5 and Mariela Roe 1-5 as defendants, and we are making diligent efforts to identify them. As soon as we do, we will move to amend the complaint and promptly serve them.

As noted above, the defendants all are foreign entities or Cuban government agencies. Service on them required translating the complaint and summonses into Spanish, German, and Dutch, as well as complying with the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the “Hague Convention”) as to the foreign entities, and 28 U.S.C. § 1608 as to the Cuban agency defendants. As of now, service is complete as to Booking.com, one of the five foreign entity defendants. Service on the Cuban government agency defendants was made through the Court under 28 U.S.C. § 1608, and we are awaiting confirmation. As to each of the defendants, the Owners’ efforts to make service are set forth below:

- **Trivago:** Service under the Hague Convention through Germany’s Central Authority is in process.² The Hague Convention required translating the complaint and summons into German. The Owners arranged for expedited translations and submitted the translated complaint and summons to the German Central Authority on July 26, 2019, and it was received on July 29, 2019. *See* Confirmation of Receipt, attached as **Exhibit A**.

- **Booking.com:** Service was made under the Hague Convention through Federal Express on July 31, 2019.³ The Hague Convention required translating the complaint and summons into Dutch. Upon receiving the expedited translations, the Owners served process on Booking.com. *See* Confirmation of Receipt, attached as **Exhibit B**. Service on Booking.com is complete.

² Germany does not allow Hague Convention service through postal channels. *See* Hague Conference on Private Int’l Law, *Germany-Central Authority & Practical Information* (July 19, 2018), <https://www.hcch.net/en/states/authorities/details3/?aid=257> (noting opposition to Article 10 of the Hague Convention).

³ The Netherlands allows service Hague Convention service through postal channels. *See* Hague Conference on Private Int’l Law, *Netherlands-Central Authority & Practical Information* (July 19, 2018), <https://www.hcch.net/en/states/authorities/details3/?aid=37> (noting no opposition to Article 10 of the Hague Convention)

- **Gran Caribe, Cubanacán, and Gaviota:** Service was commenced under 28 U.S.C. § 1608 (b)(3) on July 26, 2019, after the Owners completed translating the complaint and summons into Spanish. *See* Clerks' Notices of International Services as to Gran Caribe, Cubanacán, and Gaviota [D.E. 9]. Pursuant to 28 U.S.C. § 1608 (b)(3), the Court has transmitted the translated complaints and summonses to these Cuban government agency defendants by registered mail. We await confirmation of delivery and receipt and expect to receive it shortly.

Although the 90-day time limit for service under Fed. R. Civ. P. 4(m) is inapplicable to service on foreign defendants, the Owners understand, and are performing, their duty of making reasonably diligent efforts to serve the defendants in this action. Service on Booking.com is complete, and service is underway as to Trivago, Gran Caribe, Cubanacán, and Gaviota. The Owners will keep the court apprised of all pertinent developments.

Respectfully submitted,

RIVERO MESTRE LLP

2525 Ponce de Leon Blvd., Suite 1000
Coral Gables, Florida 33134
Telephone: (305) 445-2500
Facsimile: (305) 445-2505
E-mail: arivero@riveromestre.com
E-mail: jmestre@riveromestre.com
E-mail: crodriguez@riveromestre.com

By: s/ Andrés Rivero
ANDRÉS RIVERO
Florida Bar No. 613819
JORGE A. MESTRE
Florida Bar No. 88145
ALAN ROLNICK
Florida Bar No. 715085
CARLOS A. RODRIGUEZ
Florida Bar No. 0091616

MANUEL VAZQUEZ, P.A.

2332 Galiano St., Second Floor
Coral Gables, Florida 33134
Telephone: (305) 445-2344

Facsimile: (305) 445-4404
E-mail: mvaz@mvazlaw.com

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

CERTIFICATE OF SERVICE

I certify that on August 1, 2019, I electronically filed this document with the Clerk of the Court using CM/ECF.

By: /s/ Andrés Rivero
ANDRÉS RIVERO

EXHIBIT A



775848705233



Delivered
Monday 7/29/2019 at 11:04 am



DELIVERED

Signed for by: F.MUELLER

GET STATUS UPDATES
OBTAIN PROOF OF DELIVERY

FROM
CORAL GABLES, FL US

TO
DUESSELDORF, NW DE

Shipment Facts

TRACKING NUMBER
775848705233

SERVICE
FedEx International Priority

WEIGHT
1 lbs / 0.45 kgs

DELIVERED TO
Mailroom

TOTAL PIECES
1

TOTAL SHIPMENT WEIGHT
1 lbs / 0.45 kgs

TERMS
Shipper

SHIPPER REFERENCE
1730.01

PACKAGING
FedEx Envelope

SPECIAL HANDLING SECTION
Deliver Weekday

STANDARD TRANSIT
 7/29/2019 by 12:00 pm

SHIP DATE
 Fri 7/26/2019

ACTUAL DELIVERY
Mon 7/29/2019 11:04 am



Local Scan Time

Delivered
On FedEx vehicle for delivery
At local FedEx facility

Track your package or shipment with FedEx Tracking

8:00 pm	KOELN DE	Departed FedEx location
7:12 am	KOELN DE	At local FedEx facility
12:19 am	COLOGNE DE	International shipment release - Import
12:14 am	KOELN DE	In transit Package available for clearance

Saturday, 7/27/2019

8:31 pm	KOELN DE	Arrived at FedEx location
5:54 am	MEMPHIS, TN	In transit
5:10 am	MEMPHIS, TN	In transit
5:04 am	MEMPHIS, TN	Departed FedEx location
1:30 am	MEMPHIS, TN	In transit

Friday, 7/26/2019

11:42 pm	MEMPHIS, TN	Arrived at FedEx location
11:12 pm	MIAMI, FL	Shipment exception Delay beyond our control
8:35 pm	MIAMI, FL	Left FedEx origin facility
5:28 pm	MIAMI, FL	Picked up
3:22 pm		Shipment information sent to FedEx

EXHIBIT B



775859755408



Delivered
Wednesday 7/31/2019 at 11:02 am



DELIVERED

Signed for by: Z.ZENA

GET STATUS UPDATES
OBTAIN PROOF OF DELIVERY

FROM
CORAL GABLES, FL US

TO
AMSTERDAM, NH NL

Shipment Facts

TRACKING NUMBER
775859755408

SERVICE
FedEx International Priority

WEIGHT
1 lbs / 0.45 kgs

DELIVERED TO
Shipping/Receiving

TOTAL PIECES
1

TOTAL SHIPMENT WEIGHT
1 lbs / 0.45 kgs

TERMS
Shipper

SHIPPER REFERENCE
1730.01

PACKAGING
FedEx Envelope

SPECIAL HANDLING SECTION
Deliver Weekday

STANDARD TRANSIT
 7/31/2019 by 6:00 pm

SHIP DATE
 Mon 7/29/2019

ACTUAL DELIVERY

Wed 7/31/2019 11:02 am



Local Scan Time

Delivered
On FedEx vehicle for delivery
At local FedEx facility
International shipment release -

Track your package or shipment with FedEx Tracking

import
 7:19 am OUDE MEER NL In transit
 Package available for clearance
 5:42 am OUDE MEER NL At destination sort facility
 3:52 am ROISSY CHARLES DE GAULLE CEDEX In transit
 FR
 2:49 am ROISSY CHARLES DE GAULLE CEDEX In transit
 FR
 1:48 am ROISSY CHARLES DE GAULLE CEDEX Departed FedEx location
 FR

Tuesday, 7/30/2019

11:46 pm ROISSY CHARLES DE GAULLE CEDEX In transit
 FR
 10:53 pm ROISSY CHARLES DE GAULLE CEDEX In transit
 FR
 10:36 pm ROISSY CHARLES DE GAULLE CEDEX In transit
 FR
 10:34 pm ROISSY CHARLES DE GAULLE CEDEX In transit
 FR
 9:37 pm ROISSY CHARLES DE GAULLE CEDEX In transit
 FR
 8:56 pm ROISSY CHARLES DE GAULLE CEDEX Arrived at FedEx location
 FR
 2:58 pm ROISSY CHARLES DE GAULLE CEDEX In transit
 FR
 5:39 am MEMPHIS, TN Departed FedEx location

5:25 am MEMPHIS, TN In transit
 4:38 am MEMPHIS, TN In transit
 2:28 am MEMPHIS, TN In transit
 1:50 am MEMPHIS, TN Arrived at FedEx location

Monday, 7/29/2019

11:18 pm MIAMI, FL Shipment exception
 Delay beyond our control
 7:04 pm MIAMI, FL Picked up
 1:46 pm Shipment information sent to FedEx