

In The News

Akerman Wins Dismissal of Helms-Burton Act Lawsuit

December 29, 2022

Akerman partners Christopher S. Carver, Martin Domb, and Pedro A. Freyre obtained the dismissal of Helms-Burton claims against their clients – Singapore- and Texas-based affiliates of the German shipping company, BBC Chartering GmbH & Co KG – brought against them and two other sets of defendants by U.S.-based North American Sugar Industries Inc. A federal district court judge in Miami dismissed the claims for lack of personal jurisdiction, thereby depriving the plaintiff of its chosen forum and leaving the plaintiff to ponder whether, and if so where, to continue pursuing its claims.

The plaintiff sued under the civil liability provision of the Helms-Burton Act, which had been suspended by each administration since its enactment in 1996 until the Trump administration declined to do so in 2019. The provision enacted a cause of action in favor of certain U.S. nationals against persons who “traffic” in properties confiscated by the regime of former Cuban dictator Fidel Castro in Cuba. The plaintiff alleged that our clients and their co-defendants all participated in a shipment of wind turbine blades from China to Cuba, that they thereby “trafficked” in a Cuban shipping port that the plaintiff owned before the Cuban revolution, and that plaintiff was entitled to statutory damages of \$97 million plus 60 years’ interest, and then trebled. The court found that none of the alleged allegations had a sufficient

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nexus to Florida to create personal jurisdiction in the Florida federal court where the action was brought.

The decision is discussed in [this Law.com article](#).