
Carnival lawsuit for negotiating with Cuba dismissed

By: RHC
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A U.S. federal judge has dismissed the lawsuit against the cruise ship company Carnival for negotiating with Cuba, as was reported by the main economic and tourist media.

The Wall Street Journal reported the news, part of the U.S. campaign against the Caribbean nation, which has been intensified by the current administration of Donald Trump when Article III of the Helms-Burton Law, which intensifies the economic, commercial and financial obstacles against this country, was enforced.

The judge dismissed the lawsuit filed by Cuban-American Javier García-Bengochea against the cruise company Carnival for the use of property confiscated in the port of Santiago de Cuba six decades ago.

In a nine-page ruling, Judge James Lawrence King closed Garcia-Bengochea's claim for compensation, ruling that his petition did not meet the requirements of Title III of the legislation.

Garcia-Bengochea, a Cuban-born neurosurgeon residing in Jacksonville, Florida, sued Carnival as the rightful owner of the firm La Maritima Parreño, which had possession of the main terminal of the port of Santiago de Cuba until 1960.

The lawsuit was filed on May 2, 2019, when Title III of the Helms-Burton Law was activated by a decision of President Trump to tighten Washington's economic blockade and pressure on Havana for more than 50 years.

The plaintiff is the cousin and heir of Desiderio Parreño, a Cuban who settled and naturalized in Costa Rica after the triumph of the Cuban Revolution.

But Judge King ruled that García-Bengochea did not validly inherit the claim under Costa Rican probate law and therefore does not own the application. King indicated that Garcia-Bengochea never appeared in the probate

proceeding, only affirmatively accepting his cousin's inheritance.

However, the key to that decision is that the judge also rejected the petition with the significant argument about property confiscated before the enactment of the Helms-Burton Law.

He said that a U.S. citizen cannot bring a legal action on a claim based on inheritances acquired after March 12, 1996, the date the legislation took effect. The decision sets a precedent for the evaluation of claims by U.S. citizens and companies under the Helms-Burton Law, and clears a favorable path for similar cases filed against cruise lines in federal court, according to the source.
