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Stuart Grossman and Seth Miles Grossman Roth John Andres Thornton and Orlando do Campo do Campo & Thornton

A four-attorney team used an evolving area of law to help three Cuban shipyard workers win an \$80 million verdict on claims they were forced to work in slave-like conditions in Curacao to help pay off a debt owed by the Cuban government.

Stuart Grossman and Seth Miles of Grossman Roth's Coral Gables office and John Andres Thornton and Orlando do Campo of Miami-based do Campo & Thornton represented the workers against Willemstad, Curacao-based Curacao Drydock.

The 2006 suit assigned to Senior U.S. District Judge James Lawrence King in Miami alleged the three workers were among 50 to 100 people who were forced to surrender their passports while they cleaned and repaired cruise ships, commercial vessels and oil platforms. They were held under lock and key, weren't paid for their work, were monitored by security personnel and threatened with imprisonment in Cuba if they refused to comply, the suit said.

The legal team alleged the men, who escaped to Colombia and sought refuge at the U.S. Embassy there, were victims of a racketeering scheme between the drydock company and the Cuban government. Cuba owed \$9.1 million to the company, Thornton said.

The workers, who now live in Tampa, were allowed to enter the United States on significant public benefit parole visas in 2006.

Curacao Drydock acknowledged in answer to the lawsuit that it was owed a "significant debt" by CDC Havana, a state-owned Cuban drydock services company that owed Curacao



Stuart Grossman, John Thornton, Orlando Do Campo and Seth Miles used the Alien Tort Claims Act of 1789 to establish jurisdiction in the U.S.

Drydock for repairs, and money paid to CDC Havana for temporary workers was subtracted from the debt. But the company also said the workers were paid a per diem and given other benefits.

The company acknowledged the men who sued — Fernando Alonso Hernandez, Alberto Justo Rodriguez Licea and Alberto Casanova Toledo — all worked periodically for the company. But the shipyard denied forcing the men to work and asserted it held their passports for safekeeping if they agreed to it.

The plaintiff team alleged the scheme allowed Cuba to sidestep the U.S. trade embargo. The verdict on damages was issued in October as some U.S. interests lobby to relax the embargo.

The plaintiff team's success follows a two-year tug-of-war when the company resisted the suit on jurisdiction grounds. Company officials later refused to participate in court proceedings, which resulted in a default judgment in August.

The plaintiff team alleged the workers were forced to work in violation of international, U.S. and Florida laws. A 2004 U.S. Supreme Court ruling clarified the Alien Tort Claims Act of 1789 allows claims of international law violations to be brought by foreigners in U.S. courts.

King awarded \$30 million to Hernandez and \$25 million each to the others.

"There are many defenses to these cases," Thornton said. "The cases can be difficult to bring, but they're still a powerful way for people who are victims of the most serious violations of international law to get justice."

The case belonged in U.S. federal court because Curacao Drydock has used U.S. courts for its own benefit and contracts with Florida-based firms to offer its services in the U.S., the plaintiff team argued. The company said 10 percent of its business comes from U.S. companies, and it has a sales agent in the U.S.

Despite their success in court, the workers still suffer at the hands of the Cuban government, do Campo said. Relatives living in Cuba have been targets of retaliation, which has strained those relationships. Family members have been denied access to state-run colleges, have been harassed by neighbors, and one family member lost his job, do Campo said.

The plaintiff team is now looking at ways to enforce the verdict.

Grossman declined to specify how the team plans to get the money but said a team has been assembled to pursue the judgment.

— Alana Roberts