

## Amazon Wants Cuban Charcoal Trafficking Suit Tossed Again

By **Sarah Martinson**

Law360 (April 17, 2020, 8:57 PM EDT) -- Amazon and a charcoal producer urged a Florida federal judge Friday to toss a Miami man's revised suit alleging they trafficked property confiscated by the Cuban government, arguing that he failed to fix problems from his original complaint.

In separate filings, Amazon and Susshi International Inc., doing business as Fogo Charcoal, said that Daniel Gonzalez has again failed to show the companies knowingly sold Cuban marabu charcoal from farmland his family owned before it was seized by Fidel Castro's regime in 1959.

Amazon said that Gonzalez can't sue the company for selling a brand of charcoal on its Italian website in 2017 based on a cease and desist letter he sent it in July 2019 under Title III of the Helms-Burton Act — a law that allows U.S. companies and individuals to sue anyone who knowingly profited from property that was seized by the Cuban government before March 12, 1996.

"The allegations in the amended complaint about the demand letter do not contain facts imputing knowledge to Amazon that a particular product on its website came from the farmland and that the farmland had been confiscated by the Cuban government," Amazon's filing said.

Gonzalez originally sued the companies in September 2019, accusing them of knowingly trafficking Cuban marabu charcoal from his approximately 2,030-acre property in the country's eastern Granma province. He said Castro's communist regime nationalized agricultural estates through the adoption of the Agrarian Reform Law in June 1959 and ultimately seized the Gonzalez family land in August 1964.

A Florida federal judge **dismissed the suit in March** finding that Gonzalez hadn't shown he was the rightful owner of the land or that the companies knowingly and intentionally trafficked the charcoal.

Gonzalez explained in his amended complaint that ownership of his family's land was passed to him from his mother after his father died in November 2016.

Given that fact, Amazon and Susshi both argued that Gonzalez can't sue over the property

under the Helms-Burton Act when he didn't possess ownership of the land under 20 years after the law was enacted.

"The reason Congress specifically required a plaintiff like Gonzalez to acquire an ownership interest before the enactment of Helms-Burton in 1996 was to prevent individuals from taking undue advantage of Title III by transferring their ownership interest in confiscated property to a United States citizen after the law's enactment," Amazon said.

Susshi's attorney Brandon Hechtman told Law360 that Gonzalez has hurt his case even more by disclosing that he didn't retain ownership of the property until 2016.

Counsel for Gonzalez and counsel for Amazon did not respond to requests for comment.

Gonzalez is represented by Santiago A. Cueto of Cueto Law Group PL.

Amazon is represented by Robert M. Brochin, Matthew M. Papkin and Carl A. Valenstein of Morgan Lewis & Bockius LLP.

Susshi is represented by Brandon J. Hechtman of Wicker Smith O'Hara McCoy & Ford PA.

The case is Gonzalez v. Amazon.com Inc. et al., case number 1:19-cv-23988, in the U.S. District Court for the Southern District of Florida.

--Additional reporting by Craig Clough. Editing by Gemma Horowitz.

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