

## **24-983 HAVANA DOCKS CORP. V. ROYAL CARIBBEAN CRUISES**

DECISION BELOW: 119 F.4th 1276

LOWER COURT CASE NUMBER: 23-10151, 23-10171

QUESTION PRESENTED:

The LIBERTAD Act is an essential pillar of United States foreign policy toward Cuba's hostile and anti-American regime. Title III of that Act creates a private right of action for United States nationals who have a claim to property confiscated by that regime against persons who traffic in that property. 22 U.S.C. § 6082(a)(1). The Act specifies that such trafficking "undermines the foreign policy of the United States" by, among other things, "provid[ing] badly needed financial benefit" to the Cuban regime. *Id.* § 6081(6).

The question presented here applies in every case brought under Title III, and will determine whether that provision continues to advance U.S. foreign policy toward Cuba: whether a plaintiff must prove that the defendant trafficked in property confiscated by the Cuban government as to which the plaintiff owns a claim (as the statute requires), or instead that the defendant trafficked in property that the plaintiff would have continued to own at the time of trafficking in a counterfactual world "as if there had been no expropriation" (as the divided Eleventh Circuit panel held below).

CERT. GRANTED 10/3/2025