

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 10-22095-CIV-MORENO

ANA MARGARITA MARTINEZ,

Plaintiff,

vs.

THE REPUBLIC OF CUBA,

Defendant.

vs.

ABC CHARTERS, INC., *et al.*

Garnishees,

vs.

UNITED STATES OF AMERICA,

Intervenor.

**AMENDED ORDER ADOPTING IN PART MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING SUMMARY JUDGMENT AND DISSOLVING
WRITS OF GARNISHMENT**

THE MATTER was referred to the Honorable Edwin G. Torres, United States Magistrate Judge for a Report and Recommendation on Garnishees' Motion for Summary Judgment, Dissolution of Writs, and Attorneys' Fees (**D.E. No. 29**) and Intervenor's Motion for Summary Judgment and to Quash Plaintiff's Writs of Garnishment (**D.E. No. 26**). The Magistrate Judge filed a Report and Recommendation (**D.E. No. 61**) on June 27, 2011. The Court has reviewed the entire file and record. The Court has made a *de novo* review of the issues that the objections to the Magistrate Judge's Report and Recommendation present, and being otherwise fully advised in the premises, it is

ADJUDGED that United States Magistrate Judge Edwin G. Torres's Report and Recommendation (**D.E. No. 61**) on **June 27, 2011** is **AFFIRMED** and **ADOPTED** in part. Accordingly, it is

ADJUDGED that:

(1) Plaintiff cannot satisfy the default judgment that she obtained against the Government of Cuba by garnishing payments owed by the listed air charter companies. Since Plaintiff does not have the required license from the United States Department of Treasury's Office of Foreign Asset Control, the writs of garnishment are null and void. Furthermore, in this case, neither the Foreign Sovereign Immunities Act nor the Terrorism Risk Insurance Act authorizes garnishment.

(2) Therefore, the Garnishees' Motion for Summary Judgment, Dissolution of Writs, and Attorneys' Fees (**D.E. No. 29**) is **GRANTED** in part as to the writs of garnishment which should be dissolved and **DENIED** as to the remainder of the motion.

(3) For the foregoing reasons, the Government's Motion for Summary Judgment and to Quash Plaintiff's Writs of Garnishment (**D.E. No. 26**) is **GRANTED**.

(4) This case is **CLOSED** and all pending motions are **DENIED** as moot.

DONE AND ORDERED in Chambers at Miami, Florida, this 26th day of August, 2011.



FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies provided to:
United States Magistrate Judge Edwin G. Torres
Counsel of Record