

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

LEON NAIDITCH

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-6162

Decision No. CU-4464

Represented by Cia. Azucarera Vertientes-Camaguey de Cuba

Counsel for Cia. Azucarera Vertientes-Camaguey de Cuba:
Shapiro, Fried and Weil
By Herbert S. Shapiro, Esq.

AMENDED PROPOSED DECISION

By Proposed Decision issued January 29, 1970, the Commission denied for failure of proof this claim which had been submitted by White, Weld & Company, for LEON NAIDITCH. The decision became final on March 5, 1970. Claimant having submitted additional evidence, the Final Decision is set aside and the Proposed Decision is hereby amended.

Claimant, LEON NAIDITCH, who owned a stock interest in the Cia. Azucarera Vertientes-Camaguey de Cuba, asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Company.

In our decision entitled the Claim of Ruth Anna Haskew (Claim No. CU-0849 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on August 6, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per share of \$46.3946.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Haskew decision; that he was an American national at the requisite times; that he has been the owner of 300 shares of stock in the Cia. Azucarera Vertientes-Camaguey de Cuba since prior to August 6, 1960; and that he suffered a loss in the amount of \$13,918.38 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from August 6, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Haskew, supra.)


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CERTIFICATION OF LOSS

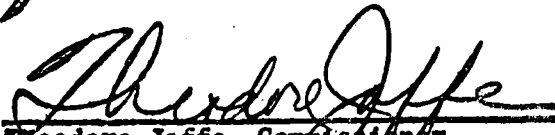
The Commission certifies that LEON NAIDITCH suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Thirteen Thousand Nine Hundred Eighteen Dollars and Thirty-eight Cents (\$13,918.38) with interest at 6% per annum from August 6, 1960 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Amended
Proposed Decision of the
Commission

8 APR 1970



Lyle S. Garlock, Chairman



Theodore Jaffe, Commissioner



Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Amended Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

CU-6162

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

WHITE, WEID AND COMPANY
FOR LEON NAIDITCH

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -6162

Decision No. CU 4464

Represented by Cia. Azucarera Vertientes-Camaguey de Cuba

Counsel for Cia. Azucarera Vertientes-Camaguey de Cuba:
Shapiro, Fried and Weil
By Herbert S. Shapiro, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, was presented by Vertientes-Camaguey Sugar Company on behalf of LEON NAIDITCH and is based upon the asserted loss of 300 shares of Vertientes stock.

It has been stated by White, Weid and Company, broker for LEON NAIDITCH, that the latter is a citizen of the United States.

Under Title V of the International Claims Settlement Act of 1949 [76 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959, for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property

including any rights or interest therein owned wholly or partially, directly or indirectly at the time by nationals of the United State

Section 502 (3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967) .)

White, Weld and Company, a partnership, through Vertientes-Camaguey Sugar Company has asserted a claim for losses based on 300 shares of Vertientes stock. When asked for the nationality of the partners, among other information suggested, it submitted copy of a confirmation indicating that the 300 shares of Vertientes stock now in question were purchased on August 2, 1960, for LEON NAIDITCH, a customer, and not for its own account.

By Commission letter of May 27, 1969, claimant was advised through White, Weld and Company, as to the type of evidence proper for submission to establish the asserted United States nationality of LEON NAIDITCH.

On September 30, 1969, claimant, through White, Weld and Company, was informed, that, absent evidence establishing his asserted United States nationality, it might become necessary to determine the claim on the basis of the existing record. No such evidence has since been submitted.

The Commission finds that claimant has not met the burden of proof that he has failed to establish that he was a national of the United States on August 6, 1960, the date when the property of Cia. Azucarera Vertientes-Gamagney de Cuba was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

39 JAN 1970

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

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