

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

IN THE MATTER OF THE CLAIM OF

GOTHAM - VLADIMIR ADVERTISING INC.

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU- 0210

Decision No. CU 232

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$4,938.14, was presented by GOTHAM VLADIMIR ADVERTISING, INC. and is based upon the asserted loss of a bank account and certain deposits assertedly being held for claimant by an advertising agency in Havana, Cuba.

Under Title V of the International Claims Settlement Act of 1949 /78 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 interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

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).)

Claimant asserts that it had a cash deposit in the amount of \$66.71 with the Bank of Nova Scotia, Havana, Cuba and that the bank was nationalized by the Government of Cuba. Claimant also asserts that Publicidad Inter-Americana, an advertising agency located in Havana, Cuba, was indebted to claimant in the amount of \$4,871.43, and further, that this agency was nationalized by the Government of Cuba. By Commission letter of July 6, 1966, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letter of October 13, 1966, the Commission again requested the submission of supporting evidence in this matter. On November 9, 1966, the Commission made additional suggestions to claimant concerning the submission of appropriate evidence.

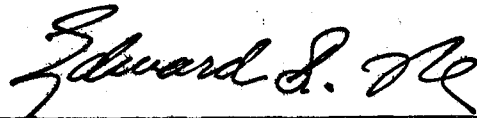
In its letter of November 18, 1966 to the Commission claimant repeated certain assertions originally made in the claim form, stated its inability to furnish certain suggested evidence and information, and indicated that all information available to it had been forwarded with the claim form.

On February 2, 1967 the Commission suggested that claimant submit copies of those records which had served as a basis for the items claimed, together with certain information and evidence pertaining to the organization of claimant and the nationality of its shareholders. No response to this letter was received. On June 12, 1967, claimant was invited to submit any evidence available to it within 45 days from that date, and it was informed, that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has since been submitted.

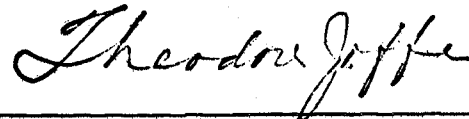
The Commission finds that claimant has not met the burden of proof in that it has failed to establish ownership by a national of the United States of rights and interests in property which was lost as a result of the nationalization, appropriation, intervention or other taking by the Government of Cuba. 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

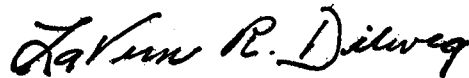
**SEP 6 1967**



Edward D. Re, Chairman



Theodore Jaffe, Commissioner

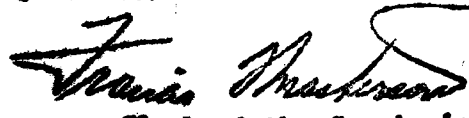


LaVern R. Dilweg, Commissioner

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).)

COPIES DESTROYED

**This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on 18 OCT 1967**



Clerk of the Commission