



Consultant to Chilean president kidnapped, tortured and killed

Type: Verdict-Plaintiff

Amount: \$4,000,000

State: Florida

Venue: Federal

Court: U.S. District Court, Southern District, FL

Injury Type(s):

- *other - death*

Case Type:

- *Intentional Torts - Conspiracy*
- *International Law - Extradition; Human Rights*
- *Wrongful Death - Survival Damages*
- *Civil Practice - Alien Tort Claims Act*

Case Name: The Estate of Winston Cabello v. Armando Fernandez Larios, No. 99-0528

Date: October 15, 2003

Plaintiff(s):

- The Estate of Winston Cabello (Male, 28 Years)

Plaintiff Attorney(s):

- Leo P. Cunningham; Wilson Sonsini Goodrich & Rosati; Palo Alto CA for The Estate of Winston Cabello
- Robert Kerrigan; Kerrigan, Estess, Rankin & McLeod, LLP; Pensacola FL for The Estate of Winston Cabello

Defendant(s):

- Armando Fernandez Larios

Defense Attorney(s):

- Steven A. Davis; Boies, Schiller & Flexner; Miami, FL for Armando Fernandez Larios

Facts: On Oct. 17, 1973, plaintiff's decedent Winston Cabello, a 28-year-old economic consultant to Chilean President Salvador Allende, was kidnapped, tortured and killed by a roving death squad connected to the coup d'etat that placed General Augusto Pinochet at the head of a military junta that ruled Chile for 17 years.

Cabello's estate sued Armando Fernandez Larios for extrajudicial killing; torture; cruel, inhuman, or degrading treatment or punishment; and crimes against humanity. The lawsuit was brought under the Alien Tort Claims Act of 1789, which allows people from other countries to sue in U.S. courts for violations of international law. The estate claimed that Larios was part of a "caravan of death" that tortured and killed Cabello and 12 other men in Copiapo, Chile. Specifically, the estate claimed that Larios was responsible for Cabello's torture and death by acting as a conspirator to aid the group in carrying out the killings.

Larios admitted to being part of the roving death squad, but denied ever killing or torturing any prisoners, including Cabello.

Injury: Cabello was 28. He was not married and had no kids. His estate sought survival damages for his severe pain and suffering and wrongful death damages.

Result: The jury found Larios liable and awarded \$4 million in damages.

Larios now lives in the United States.

Trial Information:

Judge: Joan A Lenard

Trial Length: 12 days

Trial Deliberations: 1.2 days

Jury Vote: 8-0

Jury Composition: 5 female, 3 male

Writer: David Wenger