

CLIENT SUCCESS



Winston Wins Return of Child in International Abduction Case in a Precedent-Setting Win at Trial

AUGUST 26, 2020

In a federal trial victory, we won the return of our client **Adrian Rodriguez Zaoral's** only daughter and set precedent in the United States under the Hague Convention in an international abduction case.

In July 2018, the child's mother abducted her from Venezuela, brought her to Houston under false pretenses, and refused to return with the child as ordered by the Venezuelan courts. Our client then filed a Hague Convention application seeking the return of his daughter with the Venezuelan Ministry of Foreign Affairs Central Authority, which transmitted the application to the U.S. Department of State (State Department).

The State Department referred this matter to Winston in May 2020. We then filed this case in the Southern District of Texas where the child resided and, within one day, secured a temporary restraining order (TRO) barring the mother and child from fleeing Houston, TX and ordering the mother to turn over their passports to the court. We also obtained the right for our client to speak with his daughter, without any impediments, for the first time in more than a year. The court also granted a preliminary injunction mandating that the terms of the TRO continue until a decision on the merits was made.

At trial—one of the first in-person trials in the Southern District of Texas as a result of the COVID-19 pandemic—the court found for our client on every issue presented and ordered the immediate return of the child to her father. We then worked with the court, State Department, U.S. Marshall's office, and Venezuelan authorities to arrange for the child to travel back to Venezuela through Mexico during the pandemic and during U.S. sanctions against Venezuela that prevented any direct flights between the countries.

IMPACT

The primary significance of this win was reuniting an internationally abducted daughter with her father so she could be raised back in Venezuela where her entire family is based. Additionally, we set precedent by successfully arguing that the "well-settled" defense under the Hague Convention was not applicable because our client filed his Hague Convention application which was transmitted to the State Department within one year of his daughter being abducted. The "well-settled" defense might have permitted the child's mother to keep her in Houston because the child had been living in the United States for more than one year. To achieve this victory, we convinced the court that the State Department qualifies as an "administrative authority" under the Hague Convention.

(Pro Bono) (*Adrian Rodriguez Zaoral v. Jeymore Godoy Meza* (Case No. 4:20:cv-01700, U.S. District Court for the Southern District of Texas))

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