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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.: 99-0528-CIV-LENARD  
Magistrate Judge Turnoff

ESTATE OF WINSTON CABELLO, et al.,

Plaintiffs,

vs.

ARMANDO FERNÁNDEZ-LARIOS,

Defendant.

---

**DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES**

Defendant, Armando Fernández Larios ("Fernández") files this Answer to the Second Amended Complaint for Extrajudicial Killing; Torture; Crimes against Humanity; and Cruel, Inhuman or Degrading Treatment or Punishment ("Second Amended Complaint") of Plaintiffs, Zita Cabello Barrueto, in her capacity as the personal representative of the Estate of Winston Cabello, Elsa Cabello, Karin Cabello Moriarty, Aldo Cabello, and Zita Cabello Barrueto in her individual capacity (collectively "Cabello"), and avers as follows:

1. Defendant denies the allegations contained in paragraph 1 of the Second Amended Complaint.
2. Defendant denies the allegations contained in paragraph 2 of the Second Amended Complaint.
3. Defendant admits the events described in the Complaint occurred after September 11, 1973 and admits that he was an officer in the Chilean Army, but otherwise denies the remaining allegations contained in paragraph 3 of the Second Amended Complaint.

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4. Defendant denies the allegations contained in paragraph 4 of the Second Amended Complaint.

5. Defendant admits the allegations contained in paragraph 5 of the Second Amended Complaint.

6. Defendant denies the allegations contained in paragraph 6 of the Second Amended Complaint.

7. Defendant denies the allegations contained in paragraph 7 of the Second Amended Complaint.

8. Defendant denies the allegations contained in paragraph 8 of the Second Amended Complaint.

9. Defendant admits the allegations contained in paragraph 9 of the Second Amended Complaint.

10. Defendant admits the allegations contained in paragraph 10 of the Second Amended Complaint.

11. Defendant denies the allegations contained in paragraph 11 of the Second Amended Complaint.

12. Defendant denies the allegations contained in paragraph 12 of the Second Amended Complaint.

13. Defendant admits that he became a member of D.I.N.A., but denies the remaining allegations contained in paragraph 13 of the Second Amended Complaint.

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14. Defendant admits resigning from the Chilean Army in January 1987, but denies the remaining allegations contained in paragraph 14 of the Second Amended Complaint.

15. Defendant denies that he was under United States protection in 1987, and states that by January 1988, Defendant was living in Miami-Dade County, Florida under his own name. Defendant denies all other allegations contained in paragraph 15 of the Second Amended Complaint.

16. Defendant admits the allegations contained in paragraph 16 of the Second Amended Complaint.

17. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 17 of the Second Amended Complaint.

18. Defendant is without knowledge of information sufficient to respond to the allegations contained in paragraph 18 of the Second Amended Complaint.

19. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 19 of the Second Amended Complaint.

20. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 20 of the Second Amended Complaint.

21. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 21 of the Second Amended Complaint.

22. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 22 of the Second Amended Complaint.

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23. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 23 of the Second Amended Complaint.

24. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 24 of the Second Amended Complaint.

25. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 25 of the Second Amended Complaint.

26. Defendant denies the allegations contained in paragraph 26 of the Second Amended Complaint, insofar as it relates to him and otherwise is without knowledge or information as to the remaining allegations contained in paragraph 26 of the Second Amended Complaint.

27. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 27 of the Second Amended Complaint.

28. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 28 of the Second Amended Complaint.

29. Defendant denies the allegations contained in paragraph 29 of the Second Amended Complaint.

30. Defendant admits traveling to the cities alleged and otherwise is without knowledge or information as to the remaining allegations contained in paragraph 30 of the Second Amended Complaint.

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31. Defendant admits to stopping in various cities, but otherwise is without knowledge or information as to the remaining allegations contained in paragraph 31 of the Second Amended Complaint.

32. Defendant denies the allegations contained in paragraph 32 of the Second Amended Complaint.

33. Defendant denies the allegations contained in paragraph 33 of the Second Amended Complaint.

34. Defendant denies the allegations contained in paragraph 34 of the Second Amended Complaint.

35. Defendant denies the allegations contained in paragraph 35 of the Second Amended Complaint.

36. Defendant admits the allegations contained in paragraph 36 of the Second Amended Complaint.

37. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 37 of the Second Amended Complaint.

38. Defendant denies the allegations contained in paragraph 38 of the Second Amended Complaint.

39. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 39 of the Second Amended Complaint.

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40. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 40 of the Second Amended Complaint.

41. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 41 of the Second Amended Complaint.

42. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 42 of the Second Amended Complaint.

43. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 43 of the Second Amended Complaint.

44. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 44 of the Second Amended Complaint.

45. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 45 of the Second Amended Complaint.

46. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 46 of the Second Amended Complaint.

47. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 47 of the Second Amended Complaint.

48. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 48 of the Second Amended Complaint.

49. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 49 of the Second Amended Complaint.

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50. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 50 of the Second Amended Complaint.

51. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 51 of the Second Amended Complaint.

52. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 52 of the Second Amended Complaint.

53. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 53 of the Second Amended Complaint.

54. Defendant denies the allegations contained in paragraph 54 of the Second Amended Complaint.

55. Defendant denies the allegations contained in paragraph 55 of the Second Amended Complaint.

56. Defendant denies the allegations contained in paragraph 56 of the Second Amended Complaint.

57. Defendant readopts and realleges his answers contained in paragraphs 1-56 of the Second Amended Complaint.

58. Defendant denies the allegations contained in paragraph 58 of the Second Amended Complaint.

59. Defendant denies the allegations contained in paragraph 59 of the Second Amended Complaint.



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60. Defendant denies the allegations contained in paragraph 60 of the Second Amended Complaint.

61. Defendant denies the allegations contained in paragraph 61 of the Second Amended Complaint.

62. Defendant denies the allegations contained in paragraph 62 of the Second Amended Complaint.

63. Defendant readopts and realleges his answers contained in paragraphs 1-56 of the Second Amended Complaint.

64. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 64 of the Second Amended Complaint.

65. Defendant denies the allegations contained in paragraph 65 of the Second Amended Complaint.

66. Defendant denies the allegations contained in paragraph 66 of the Second Amended Complaint.

67. Defendant denies the allegations contained in paragraph 67 of the Second Amended Complaint.

68. Defendant denies the allegations contained in paragraph 68 of the Second Amended Complaint.

69. Defendant denies the allegations contained in paragraph 69 of the Second Amended Complaint.

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70. Defendant denies the allegations contained in paragraph 70 of the Second Amended Complaint.

71. Defendant readopts and realleges his answers contained in paragraphs 1-56 of the Second Amended Complaint.

72. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 72 of the Second Amended Complaint.

73. Defendant denies the allegations contained in paragraph 73 of the Second Amended Complaint.

74. Defendant denies the allegations contained in paragraph 74 of the Second Amended Complaint.

75. Defendant denies the allegations contained in paragraph 75 of the Second Amended Complaint.

76. Defendant denies the allegations contained in paragraph 76 of the Second Amended Complaint.

77. Defendant denies the allegations contained in paragraph 77 of the Second Amended Complaint.

78. Defendant denies the allegations contained in paragraph 78 of the Second Amended Complaint.

79. Defendant readopts and realleges his answers contained in paragraphs 1-56 of the Second Amended Complaint.

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80. Defendant denies the allegations contained in paragraph 80 of the Second Amended Complaint.

81. Defendant denies the allegations contained in paragraph 81 of the Second Amended Complaint.

82. Defendant denies the allegations contained in paragraph 82 of the Second Amended Complaint.

83. Defendant denies the allegations contained in paragraph 83 of the Second Amended Complaint.

84. Defendant denies the allegations contained in paragraph 84 of the Second Amended Complaint.

85. Defendant denies the allegations contained in paragraph 85 of the Second Amended Complaint.

86. Defendant denies the allegations contained in paragraph 86 of the Second Amended Complaint.

87. Defendant denies the allegations contained in paragraph 87 of the Second Amended Complaint.

88. Defendant denies the allegations contained in paragraph 88 of the Second Amended Complaint.

89. Defendant denies the allegations contained in paragraph 89 of the Second Amended Complaint.

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90. Defendant readopts and realleges his answers contained in paragraphs 1-56 of the Second Amended Complaint.

91. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 91 of the Second Amended Complaint.

92. Defendant denies the allegations contained in paragraph 92 of the Second Amended Complaint.

93. Defendant denies the allegations contained in paragraph 93 of the Second Amended Complaint.

94. Defendant denies the allegations contained in paragraph 94 of the Second Amended Complaint.

95. Defendant denies the allegations contained in paragraph 95 of the Second Amended Complaint.

96. Defendant denies the allegations contained in paragraph 96 of the Second Amended Complaint.

97. Defendant readopts and realleges his answers contained in paragraphs 1-56 of the Second Amended Complaint.

98. Defendant is without knowledge or information sufficient to respond to the allegations contained in paragraph 98 of the Second Amended Complaint.

99. Defendant denies the allegations contained in paragraph 99 of the Second Amended Complaint.

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100. Defendant denies the allegations contained in paragraph 100 of the Second Amended Complaint.

101. Defendant denies the allegations contained in paragraph 101 of the Second Amended Complaint.

102. Defendant denies the allegations contained in paragraph 102 of the Second Amended Complaint.

103. Defendant denies the allegations contained in paragraph 103 of the Second Amended Complaint.

104. Defendant readopts and realleges his answers contained in paragraphs 1-56 of the Second Amended Complaint.

105. Defendant denies the allegations contained in paragraph 105 of the Second Amended Complaint.

106. Defendant denies the allegations contained in paragraph 106 of the Second Amended Complaint.

107. Defendant denies the allegations contained in paragraph 107 of the Second Amended Complaint.

108. Defendant denies the allegations contained in paragraph 108 of the Second Amended Complaint.

109. Defendant denies the allegations contained in paragraph 109 of the Second Amended Complaint.

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110. Defendant denies the allegations contained in paragraph 110 of the Second Amended Complaint.

111. Defendant denies the allegations contained in paragraph 111 of the Second Amended Complaint.

112. Defendant readopts and realleges his answers contained in paragraphs 1-56 of the Second Amended Complaint.

113. Defendant denies the allegations contained in paragraph 113 of the Second Amended Complaint.

114. Defendant denies the allegations contained in paragraph 114 of the Second Amended Complaint.

115. Defendant denies the allegations contained in paragraph 115 of the Second Amended Complaint.

116. Defendant denies the allegations contained in paragraph 116 of the Second Amended Complaint.

117. Defendant denies the allegations contained in paragraph 117 of the Second Amended Complaint.

118. Defendant denies the allegations contained in paragraph 118 of the Second Amended Complaint.

119. Defendant denies the allegations contained in paragraph 119 of the Second Amended Complaint.

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**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

The claims are barred by the statute of limitations. Fernández has lived in Miami-Dade County since 1988 and the Complaint was not filed until 1999.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs do not have standing to bring claims Four, Five and Seven of the Second Amended Complaint.

**THIRD AFFIRMATIVE DEFENSE**

The claims fail to state a cause of action against Fernández.

WHEREBY, having fully answered the Second Amended Complaint, Defendant asks that the Second Amended Complaint be dismissed with prejudice, taxing all costs against Plaintiffs.

Dated: February 24, 2003

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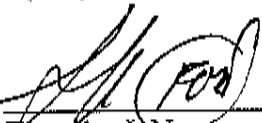
By: 

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and

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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true copy of the foregoing Defendant's Answer and Affirmative Defenses was served by U.S. mail this 24th day of February, 2002, upon the following:

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